

RESOLUTION R 07-2003

Eagle Mountain, Utah

April 15, 2003

A regular meeting of the City Council of Eagle Mountain City, Utah (the "City"), was held on Tuesday, April 15, 2003, at the hour of 7:00 p.m., at the regular meeting place of said City Council at which meeting there were present and answering roll call the following members who constituted a quorum:

Kelvin E. Bailey	Mayor
Greg D. Kehl	Council Member
Diane K. Jacob	Council Member
Mark B. Madsen	Council Member
Brigham S. Morgan	Council Member
Linda R. Strouse	Council Member

Also present:

Chris Hillman	City Administrator
Jerry Kinghorn	City Attorney
DeAnna Whitney	Deputy Recorder

Absent:

Janet Valentine	City Recorder
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After the meeting had been duly called to order and other matters not pertinent to this resolution had been discussed, the Deputy Recorder presented to the City Council a Certificate of Compliance with Open Meeting Law with respect to this April 15, 2003, meeting, a copy of which is attached hereto as Exhibit "A".

Councilmember Brigham Morgan then introduced the following resolution in writing, which was read in its entirety, and moved its adoption:

RESOLUTION NO. R 07-2003

A RESOLUTION OF THE CITY COUNCIL OF EAGLE MOUNTAIN CITY, UTAH, AMENDING RESOLUTION NO. 15-98 ADOPTED ON AUGUST 11, 1998, WHICH CREATED THE EAGLE MOUNTAIN, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 98-1 (THE "DISTRICT") TO ADD ADDITIONAL PROPERTIES WITHIN THE DISTRICT TO THE LIST OF PROPERTIES TO BE ASSESSED WITH THE DISTRICT AND RELATED MATTERS.

WHEREAS, on June 30, 1998, the City Council adopted a Notice of Intention to create the Eagle Mountain, Utah Special Improvement District No. 98-1 (the "District"), which authorized the construction of certain improvements to be made within the District (the "Improvements") and payment of the costs of the Improvements within the District by levying a special assessment against the property owners benefited by the Improvements. After holding a public hearing on August 11, 1998, the City Council adopted Resolution No. 15-98 (the "Creating Resolution") which created the District. Attached to the Creating Resolution was a list of properties proposed to be assessed within the District described by legal description and tax identification number; and

WHEREAS, the City Council then authorized the construction and installation of said Improvements and on May 10, 1999, adopted Assessment Ordinance No. 99-07 (the "Assessment Ordinance") which levied an assessment on those properties described in the Creating Resolution to pay the cost of constructing and installing said Improvements and related costs; and

WHEREAS, on May 4, 1999, the City Council adopted a bond resolution which authorized the issuance and sale of the City's Special Assessment Bonds, Series 1999 in the total aggregate amount of \$12,105,000 (the "Bonds") for the purpose of financing the costs of constructing and installing the Improvements. The Bonds are secured by a pledge of the assessments levied by the City pursuant to the Assessment Ordinance; and

WHEREAS, by Acknowledgment Waiver and Consent, a copy of which is attached hereto as Exhibit "B", the owner of the property described within said Acknowledgment Waiver and Consent (the "Property") acknowledges that the Property is within the boundaries of the District, was not originally assessed because said property was at the time owned by the State of Utah, is benefited by the Improvements within the District and therefore, should be assessed for its part in the costs of the Improvements; and

WHEREAS, the City Council hereby finds and determines that the Property is within the District, is benefited by the Improvements and should therefore be assessed for the cost of said Improvements in the same manner as the other assessed property within the District:

NOW THEREFORE, BE IT RESOLVED by the City Council (the "City Council") of Eagle Mountain City, Utah (the "City"), as follows:

Section 1. The Creating Resolution is hereby amended by adding the following described property to the list of properties to be assessed within the District:

Township 5 South, Range 1 West, SLB&M (Tax Identification Number: 58:040:0206)

Section 29: Within, more particularly described as follows:

Beginning at a point which is South 1221.03 feet and East 1209.74 feet from the West quarter corner of Section 29, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence North 02 degrees 43'26" East 232.94 feet; thence South 89 degrees 22'34" East 2741.33 feet; thence South 00 degrees 47'19" West 1670.09 feet; thence South 01 degree 06'47" West 668.62 feet; thence West 964.50 feet; thence North 08 degrees 19'32" East 188.28 feet; thence North 21 degrees 20'13" West 307.90 feet; thence North 75 degrees 37'07" West 360.84 feet; thence North 50 degrees 33'36" West 359.75 feet; thence North 87 degrees 55'48" West 372.18 feet; thence North 68 degrees 11'55" West 217.19 feet; thence North 49 degrees 57'01" West 403.93 feet; thence North 27 degrees 19'57" West 448.95 feet; thence North 01 degree 06'45" East 461.65 feet; thence North 43 degrees 04'04" East 136.29 feet; thence North 59 degrees 44'37" West 62.25 feet to the point of the beginning.

Containing 116.4011 acres, more or less

Section 2. The City Council reaffirms the Creating Resolution as modified in Section 1 above.

Council Member Linn Strouse seconded the motion to adopt the foregoing resolution. The motion and resolution were unanimously adopted on the following recorded vote:

Those voting AYE:	Brigham Morgan	Council Member
	Greg Kehl	Council Member
	Diane Jacob	Council Member
	Mark Madsen	Council Member
	Linn Strouse	Council Member

Those voting NAY: None

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.

Kevin E. Bailey
Mayor

ATTEST:

DeAnna H. Whitney
Deputy Recorder



STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, DeAnna Whitney, the duly chosen, qualified and acting Deputy Recorder of Eagle Mountain City, Utah, do hereby certify as follows:

1. That the foregoing typewritten pages constitute a full, true and correct copy of the record of proceedings of the City Council taken at a regular meeting thereof held in said City on April 15, 2003, at the hour of 7:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the City Council to amend the description of certain Improvements and cost of said Improvements within the Special Improvement District No. 98-1, as the same appears of record in the office of the City Recorder; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

2. That due, legal and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said City.

3. That the above resolution was deposited in the office of the City Recorder on April 15, 2003, has been recorded by me, and is a part of the permanent records of Eagle Mountain City, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said City this April 15, 2003.

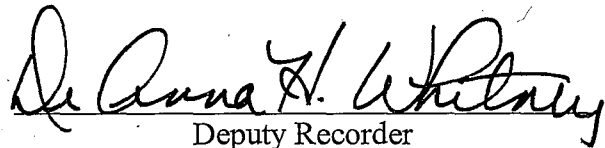

Deputy Recorder



EXHIBIT "A"

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

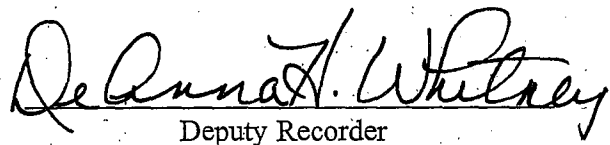
I, DeAnna Whitney, the undersigned Deputy Recorder of Eagle Mountain City, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the April 15, 2003, public meeting held by the City as follows:

(a) By causing a Notice in the form attached hereto as Schedule "1", to be posted at the City's principal offices on April 14, 2003, 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 New Utah News on April 14, 2003, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2003 Annual Meeting Schedule for the City Council (attached hereto as Schedule "2") was given specifying the date, time and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be posted on January 9, 2003, 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 City on January 9, 2003.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this April 15, 2003.


DeAnna Whitney
Deputy Recorder



SCHEDULE "1"

NOTICE OF MEETING

**REVISED AGENDA
EAGLE MOUNTAIN CITY COUNCIL MEETING**

Tuesday, April 15, 2003

City Council Work Session at 4:00 p.m.

Joint Policy Session with Planning Commission at 5:00 p.m.

City Council Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1680 East Heritage Drive, Eagle Mtn, Utah 84043

WORK SESSION - No Action or Minutes Taken – 4:00 to 5:00 p.m.

1. Envision Utah Western Transport Corridor Presentation
2. Consent Agenda
3. Discussion regarding Parks and Fees in Lieu of
4. Presentation regarding Developer Costs for Road Construction and Resurfacing
5. Discussion concerning Economic Development Incentives for Potential Light Industrial Business
6. Items as Outlined on the Policy Session
7. Other Business
8. Adjourn Work Session at 5:00 p.m.

JOINT POLICY SESSION WITH THE PLANNING COMMISSION – 5:00 to 6:30 p.m.

1. Roll Call
2. Discussion with Planning Commission regarding Silver Lake Ranch Development Concept Plan
3. Adjourn Joint Policy Session at 6:30 p.m.

INTERMISSION

Prayer by Invitation of the Mayor

POLICY SESSION – 7:00 p.m.

1. Roll Call
2. Pledge of Allegiance
3. Approval of Minutes (26-Mar 2003 SCC Mtg., 28-Mar 2003 Budget Retreat Mtg., & 1-Apr 2003 CC Mtg.)
4. General Discussion/Questions/Announcements
5. Appointments
6. Public Notices
7. Public Comment
8. Public Statement from Council Member Diane Jacob
9. Citizen Telephone Survey Results
10. Consideration and Approval of an Ordinance Defining Prohibited Hours for Outdoor Sprinkler Irrigation Use in Eagle Mountain City
11. Consideration for Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Amending Resolution No. 15-98 Adopted on August 11, 1998, which Created the Eagle Mountain, Utah Special Improvement District No. 98-1 (The "District") for the Purpose of Adding Additional Properties to be Assessed within the District and Related Matters

12. Consideration for Adoption of a Supplemental Ordinance of the City Council of Eagle Mountain City, Utah, Supplementing Assessment Ordinance No. 99-07 Adopted on May 10, 1999, which Levied an Assessment with Respect to Eagle Mountain City, Utah Special Improvement District No. 98-1 (The 'District') for the Purpose of Adding Additional Properties to be Assessed within the District and Related Matters
13. Final Plat Application Approvals:
 - A. Pioneer Addition Subdivision, Phase I
 - B. Colonial Park Subdivision, Phase I
 - C. Eagles Gate, Plat C
14. Motion to approve Consent Agenda items as follows:
 - A. Check Register
15. Other Business
16. Motion to recess into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security
17. Motion to Close the Closed Executive Session and Reconvene in to Open Session
18. Any Actions from the Closed Executive Session
19. Adjournment

In compliance with the American with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact Janet Valentine (801) 789-5994, giving at least 48 hours advance notice.

THE PUBLIC IS INVITED TO ATTEND ALL CITY COUNCIL MEETINGS

CERTIFICATE OF POSTING

The undersigned, duly appointed recorder or deputy recorder does hereby certify that the above notice and agenda was posted in four public places within Eagle Mountain City Limits on this 11th day of APRIL 2003. These public places being 1) Inside Bulletin Board at the City Offices, 1680 E. Heritage Dr., Eagle Mountain, Utah; 2) Outside Bulletin Board at the City Offices, Eagle Mountain, Utah; 3) Prairie Gate Office Building, 3688 E. Campus Dr., Eagle Mountain, Utah; & 4) Eagle Mountain Library, 1680 E. Heritage Dr., Eagle Mountain, Utah; And on this 11th day of APRIL, 2003 was sent by facsimile or email to New Utah Lehi Free Press and Lake Mountain Interactive Newspapers.

JANET B. VALENTINE, CMC
CITY RECORDER

JBV

SCHEDULE "2"

NOTICE OF ANNUAL MEETING SCHEDULE

Proof of Publication

Jennette Esplin being first duly sworn according to law, disposes and says that she is the Office Manager of *The New Utah*, a weekly newspaper printed and published at American Fork, Utah County, Utah and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper

for consecutive ONE weeks,
the first publication on the 09 day
of JANUARY 2003
And the last on the 09 day
of JANUARY 2003

Eagle Mountain lists 2003 schedule

The City Council of Eagle Mountain at their regularly scheduled meeting on Dec. 17, 2002, adopted the meeting schedule for the year 2003.

Meeting times are:
Work Sessions - 4 to 6:30 p.m.

Policy Sessions - 7 p.m.

Sessions will be held at the Eagle Mountain City Council Chambers, 1680 E. Heritage Drive, Eagle Mountain, Utah.



Eagle Mountain, Utah

The 2003 City Council Meeting schedule is as follows:
January 7 and 21; February 4 and 18; March 4 and 18; April 1 and 15; May 6 and 20; June 3 and 17; July 1 and 15; August 5 and 19; September 2 and 16; October 21; November 18; December 2 and 16.
Janet Valentine,
CMC
City Recorder
Published in New Utah Jan. 9, 2003.

Jennette Esplin

Subscribed and sworn to before me this 06 day of FEBRUARY 2003

Barbara Christiansen

Notary Public

