

Eagle Mountain, Utah  
July 3, 2001

The City Council (the "City Council") of Eagle Mountain City, Utah County, Utah (the "City") met in regular public session at the regular meeting place of the City Council at 1680 East Heritage Drive, Eagle Mountain, Utah, on Tuesday, the 3rd day of July, 2001, at 7:00 p.m., with the following Councilmembers being present:

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

Also present:

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

Absent:

David A. Albrecht	Councilmember
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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 July 3, 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 Bert E. Ankrom and seconded by Greg D. Kehl was adopted by the following vote:

AYE:

Bert E. Ankrom	Councilmember
Greg D. Kehl	Councilmember
Brigham S. Morgan	Councilmember

NAY:

NONE

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

RESOLUTION NO. R 19-2001

A RESOLUTION OF THE CITY COUNCIL OF EAGLE MOUNTAIN CITY, 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 MODIFYING THE INTEREST RATE WITH RESPECT TO THE AGREEMENT; AND RELATED MATTERS

WHEREAS, Eagle Mountain City, Utah (the "City"), 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 certain telecommunications equipment (the "Equipment"), the City entered into that certain Equipment Lease-Purchase Agreement dated as of December 1, 2000, as amended by that certain Amendment to Equipment Lease-Purchase Agreement dated as of March 15, 2001 (the "Agreement"), with First National Bank of Layton (the "Bank"); and

WHEREAS, the Agreement is scheduled to terminate on July 5, 2001; and

WHEREAS, the City and the Bank desire to extend the term of the Agreement until September 1, 2001; and

WHEREAS, the City and the Bank desire to modify the rate of interest with respect to the Agreement; and

WHEREAS, in order to extend the termination date of the Agreement and modify the rate of interest with respect to the Agreement, it is necessary for the City and the Bank to enter into an Amendment to Equipment Lease-Purchase Agreement dated as of July 1, 2001 (the "Amendment") in substantially the form attached hereto as Exhibit "B"; and

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

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

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

NOW, THEREFORE, It is hereby Resolved by the City Council 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.

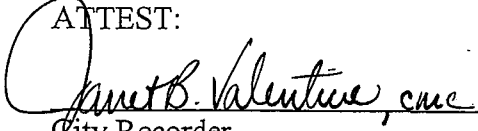
Section 2. The terms of the Amendment are in the best interests of the City and the Amendment is hereby authorized and approved for the purpose of extending the term of the Agreement and modifying the interest rate with respect to the Agreement and the Mayor and the City Recorder or Deputy City Recorder are authorized to execute and deliver the Amendment on behalf of the City 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 3rd day of July, 2001.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Recorder



STATE OF UTAH            )  
                                  : ss.  
COUNTY OF UTAH        )

I, Janet B. Valentine, the duly appointed and qualified City Recorder of Eagle Mountain City, Utah County, Utah (the "City"), do hereby certify according to the records of said City in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the City Council of the City held on July 3, 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 July 3, 2001.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said Eagle Mountain City, Utah County, Utah this 3rd day of July, 2001.

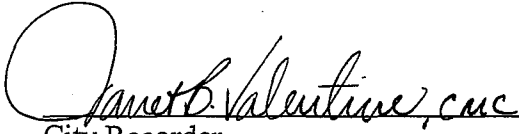
  
\_\_\_\_\_  
City Recorder



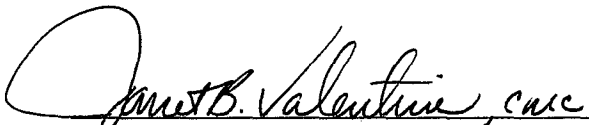
EXHIBIT "A"

CERTIFICATE OF COMPLIANCE WITH  
OPEN MEETING LAW

I, Janet B. Valentine, the undersigned City Recorder of Eagle Mountain City, Utah County, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the July 3, 2001 public meeting held by the City by causing a Notice, in the form attached hereto as Schedule "1", to be posted at the City offices on June 29, 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.

In addition, Notice of the 2001 Annual Meeting Schedule of the City 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 3rd day of July, 2001.

  
\_\_\_\_\_  
City Recorder



SCHEDULE "1"  
NOTICE OF MEETING



**AGENDA**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**  
**Tuesday, July 3, 2001**

**Work Session at 4:00 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 – 4:00 to 6:30 p.m.**

1. Goals/Mayor Paul R. Bond, Jr.
2. At 5:00 pm motion to recess into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security
3. Motion to Reconvene in to Open Session
4. Items as outlined on the Policy Session
5. Other Business

**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 (June 5, 2001 & June 19, 2001)
4. General Discussion/Questions/Announcements
5. Appointments
  - a. County Solid Waste Board
6. Public Notices
7. Public Comment
8. Public Works Directors Action to give a Notice of Award for the project, 'Road Repair and Overlay for Ranches and Pony Express Parkways' effective 28, June 2001"
9. Notice of Award for the project, 'Wood Poles' to J.H. Baxter & Company
10. Consideration and Approval of an Agreement with Utah County for Law Enforcement
11. Consideration and Approval of an Ordinance Regulating Large Public Assemblies, requiring licensing of and providing regulation of outdoor public assemblies of thirty persons or more in Eagle Mountain City
12. Consideration and Approval of an Amendment to the Telecommunication Equipment Lease with First National Bank of Layton
13. Consideration and Approval of an Ordinance Enacting provisions regarding removal of weeds, refuge and structures; junk; disabled vehicles on private property; and construction trash and debris in Eagle Mountain City
14. City connection and building permit fees for commercial buildings; Scot Hazard
15. The Ranches Capital Facilities Funding Amendment for the first phase of NSA Fire Station
16. Ruby Valley, Plat B Amendment – Consideration and Approval of an Ordinance Amending Ruby Valley, Plat B
17. Golden Landscaping
  - a. Golden Landscaping contract approval
  - b. Golden Landscaping bond approval for phase 1
  - c. Golden Landscaping partial payment for phase 1
18. Major Development Approvals
  - A. Cold Springs Final Approval; Hamlet Homes
  - B. Rush Valley, Plats B & C Final Approval; Sundance Homes
  - c. Eagle's Gate, Plat A Final Approval

19. Consideration and Approval of a Resolution authorizing the acquisition by condemnation of an easement across, or fee title to, certain real property located in Utah County, Utah
20. Motion to approve **Consent Agenda items** as follows:
  - a. Warrant Register
  - b. Contract Change Orders
    - i. Installation of Three New Generating Units, Change Order No. 1, Lamb Engineering & Construction Co.
  - c. Partial Payment Requests
    - i. 138 kV Interconnection Substation, Northern Power
    - ii. 138 kV Transmission Line Phase Conductor and Insulators, Western States Electric
    - iii. Generator Unit No. 4 and 480 Switchgear, Simpson Power Products LTD
21. Street Cleaning Requirements Report
22. Other Business
23. Any Actions from the Closed Executive Session
24. 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 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 THREE PUBLIC PLACES WITHIN EAGLE MOUNTAIN TOWN LIMITS ON THIS 29<sup>TH</sup> DAY OF JUNE, 2001. THESE PUBLIC PLACES BEING 1) INSIDE BULLETIN BOARD AT THE TOWN OFFICES, 1680 E. HERITAGE DR., EAGLE MOUNTAIN, UTAH; 2) OUTSIDE BULLETIN BOARD AT THE TOWN OFFICES, EAGLE MOUNTAIN, UTAH 3) BULLETIN BOARD AT THE MORCO EXPRESS GROCERY STORE, TOWN CENTER

**FIONNUALA KOFOED, DEPUTY RECORDER**  
RECORDER/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.

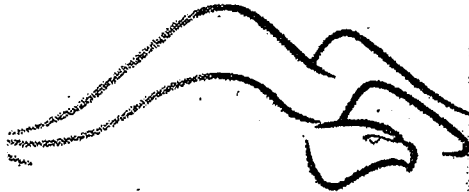
Eagle Mountain Town Council Meetings will be held every first and third Tuesday of each month, with the addition of a meeting being held on the fifth Tuesday in January.

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 group of newspapers of general circulation published once a week in 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 newspapers during the period and times of publication and the same was published in the newspapers proper and not in a supplement.

*Brett R. Bezzant*

Subscribed and sworn before me this 27th day of December, 2000.

*Barbara Christiansen*

Notary Public

My commission expires 4/15/02.

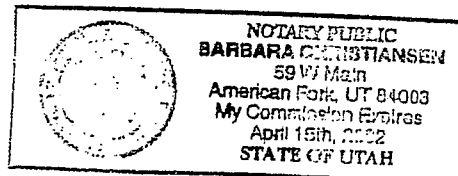


EXHIBIT "B"

AMENDMENT TO  
EQUIPMENT LEASE-PURCHASE AGREEMENT  
[See Attached]

AMENDMENT TO  
EQUIPMENT LEASE-PURCHASE AGREEMENT

This Amendment to Equipment Lease-Purchase Agreement (the "Amendment") dated as of July 1, 2001, by and between First National Bank of Layton, a national bank ("Lessor"), and Eagle Mountain City, 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 December 1, 2000, as amended by that certain Amendment to Equipment Lease-Purchase Agreement dated as of March 15, 2001 (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 September 1, 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 September 1, 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) September 1, 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 (9.00%)</u>	<u>Total Payment</u>
September 1, 2001	\$1,287,150.00	\$18,020.10	\$1,305,170.00

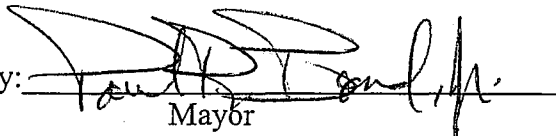
Section 5. Except as amended by this Amendment, the Original Lease is hereby confirmed in all respects.

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

EXECUTED as of this 1st day of July, 2001.

LESSEE:

EAGLE MOUNTAIN CITY, UTAH  
COUNTY, UTAH

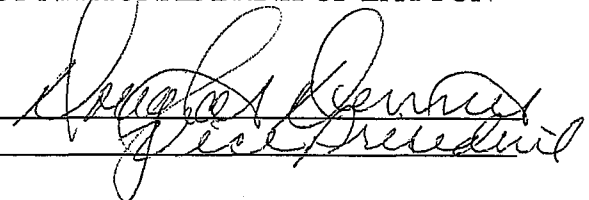
By:   
Mayor

ATTEST:

By:   
City Recorder

LESSOR:

FIRST NATIONAL BANK OF LAYTON

By:   
Its: 