

RESOLUTION NO. 24-98

Eagle Mountain, Utah

November 10, 1998

A regular meeting of the Town Council of Eagle Mountain, Utah County, Utah, was held on Tuesday, November 10, 1998, at the hour of 7:00 p.m. at its regular meeting place in Eagle Mountain Utah, at which meeting there were present the following members who constituted a quorum:

Robert E. Bateman	Mayor
Diane Bradshaw	Councilmember
William Chipman	Councilmember
Dan Valentine	Councilmember
Cyril Watt (arrived late, was not present for vote)	Councilmember

Also present:

John D Newman	Town Administrator
Janet Valentine	Town Clerk

Absent:

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, the following proceedings, among others, were duly had and taken:

The Town Clerk notified the Town Council that the Notice of Intention to establish Eagle Mountain, Utah Special Improvement District No. 98-3 (Sweet Water Road/Storm Drainage Phase I) (the "District"), authorized by the resolution adopted by the Town Council on the 1st day of October, 1998, had been published in the New Utah, a newspaper of general circulation in Eagle Mountain, Utah, said notice having been published four times, once during each week for four consecutive weeks, the last publication being not less than five (5) nor more than twenty (20) days prior to November 9, 1998, and that the affidavit of publishing said Notice of Intention with a copy of the Notice as published was duly filed in her office; also that a copy of such Notice of Intention to create the District has been mailed by United States Mail, postage prepaid, to each owner of land affected by or specially benefited by such improvements as said property is described in said Notice insofar as the names and addresses of said owners could be ascertained from the most recent available county assessment books and

that it also has been mailed by the United States Mail, postage prepaid, to "Owner" at the street number of each piece of improved property to be affected by said assessment, said Notices having been mailed not later than ten (10) days after the first publication of the Notice of Intention; that the Notice of Intention has been on file in her office during all regular office hours from the 1st day of October, 1998, to the 10th day of November, 1998, for the examination of any interested parties; that said Notice directed that all persons desiring to protest and oppose the creation of the District might appear and file in writing said protests and objections.

The Town Clerk then presented a statement stating that written protests against the creation of the District and the making of the proposed improvements therein were received by her in her office by 5:00 p.m. on the 9th day of November, 1998.

The names of the protestants and descriptions of their property are as follows:

<u>Property Owner</u>	<u>Number of Acres</u>
Sweet Water Road Project NONE	

Total number of acres protesting creation
of district or proposed improvements
thereof:

0

Total number of acres affected or
to be benefited:

605.35 acres

StormWater
Drainage Project
Property Owner

Number of Acres

NONE

Total number of acres protesting creation
of district or proposed improvements
thereof:

0

Total number of acres affected or
to be benefited:

2,094.71 acres

The Town Council then considered each and every protest so filed, whether written or oral, and heard each and every person who wished to be heard in protest against the creation of the District and the construction of said improvements therein.

After consideration of such protests and the statements of those persons heard as aforesaid, it was determined that the total acres represented by said protests is less than fifty percent (50%) of the total acres to be assessed within the District and is a percentage insufficient to legally protest creation of the District.

Councilmember Diane Bradshaw introduced the following resolution in writing, which was fully discussed, and moved its adoption:

RESOLUTION NO. 24-98

A RESOLUTION TO CREATE EAGLE MOUNTAIN, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 98-3 (SWEET WATER ROAD/STORM DRAINAGE PROJECT PHASE I) DESCRIBED IN THE NOTICE OF INTENTION CONCERNING THE DISTRICT AND AUTHORIZING THE TOWN OFFICIALS TO PROCEED TO MAKE

IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT; AUTHORIZING THE TOWN ENGINEER TO PREPARE A NOTICE TO CONTRACTORS FOR SEALED BIDS WITH RESPECT TO THE CONSTRUCTION OF THE IMPROVEMENTS; AND RELATED MATTERS.

BE IT RESOLVED by the Mayor and Town Council of Eagle Mountain, Utah County, Utah:

Section 1. The Town Council of Eagle Mountain, Utah County, Utah, hereby determines that it will be in the best interest of the Municipality to construct certain improvements within the Municipality. The specific description of the nature of the improvements is more particularly set out in the Notice of Intention which has been published and mailed as required by law.

Section 2. The Town Council has heretofore considered each and every protest filed and has heard each and every person who wished to be heard in protest against the creation of the District or making of any of the improvements therein or on any other matter pertinent to the District.

Section 3. The improvements proposed and described in the Notice of Intention to create the District are hereby authorized, and the District is hereby created.

Section 4. As required by law, the Town Clerk is hereby authorized and directed to file a copy of the Notice of Intention and resolution creating the District as finally approved, together with a list of properties proposed to be assessed described by tax identification number and legal description, in the Utah County Recorder's office within five days from the date hereof.

Section 5. In addition to the requirements of Section 4 hereof, immediately upon its adoption, this Resolution shall be placed in the records of the Town where it will be continuously available for public inspection on a reasonable basis at the office of the Town Clerk during regular business hours of the Town, from and after the date hereof through and including the last date of issuance of the bonds or such other time as is determined by the Town.

Section 6. The Town Engineer is hereby authorized to prepare a notice to contractors for the receipt of bids for the construction of improvements. Said notice shall specify the time and place for the receipt of sealed bids and shall publish the notice one time in a newspaper having general circulation in the Municipality at least fifteen (15) days before the date specified for the receipt of sealed bids. The Town Council shall in open session at the time specified in the notice, open, examine and publicly declare the bids and may reject any or all bids when deemed for the public good and, at such or a later meeting, shall reject all bids other than the lowest and best bid of a responsible bidder.

If the price bid by the lowest and best responsible bidder exceeds the estimated costs as determined by the Town Engineer, the Town Council may nevertheless award a contract for the price so bid. The Town Council may in any case refuse to award a contract and may obtain new bids after giving a new notice to contractors or may determine to abandon the district or not to make some of the improvements proposed to be made.

Councilmember Daniel Valentine seconded the motion to adopt the foregoing Resolution. The Resolution was thereupon put to a vote and unanimously adopted on the following recorded vote:

Those voting AYE:

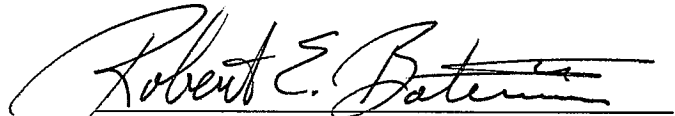
Mayor Robert E. Bateman
Council member Diane Bradshaw
Council member William Chipman
Council member Daniel Valentine

Those voting NAY:

None

Thereupon the motion was approved by the Mayor and made a matter of record by the Town Clerk.

ADOPTED AND APPROVED this 10th day of November, 1998.



Mayor

ATTEST:

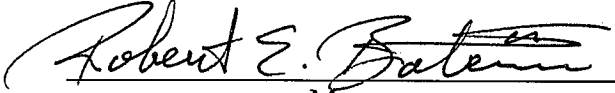


Town Clerk



(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting adjourned.



Mayor

ATTEST:



Town Clerk

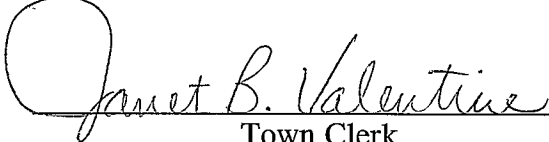


STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Janet Valentine, the duly appointed, qualified Town Clerk of Eagle Mountain, Utah County, Utah, do hereby certify as follows:

That the foregoing pages constitute a full, true and correct copy of the record of proceedings of the Town Council of Eagle Mountain, Utah County, Utah, held on November 10, 1998 insofar as said proceedings relate to the hearing of protests against the establishment of the Eagle Mountain Utah Special Improvement District No. 98-3 (Sweet Water Road/Storm Drainage Phase I) and a resolution establishing said special improvement district as the same appears of record in my office. I personally attended said meeting, and the proceedings were in fact as specified in said minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Municipality this 10th day of November, 1998.


Town Clerk



STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

CERTIFICATE OF FILING

I, Janet Valentine, the duly qualified and acting Town Clerk of Eagle Mountain, Utah County, Utah, do hereby certify that on the 11TH day of November, 1998, pursuant to Section 17A-3-307, Utah Code Annotated 1953, as amended, a copy of the Notice of Intention and resolution creating Eagle Mountain, Utah Special Improvement District No. 98-3 (Sweet Water Road/Storm Drainage Project Phase I) as finally approved, together with a list of properties proposed to be assessed described by tax identification number and legal description, was filed in the Utah County Recorder's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Municipality this 16TH day of November, 1998.



Town Clerk



CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Janet Valentine, the undersigned Town Clerk 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 November 10, 1998, public meeting held by the Town as follows:

(a) By causing a Notice, in the form attached hereto as Exhibit "A", to be posted at the Town's principal offices on November 9th, 1998, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained to 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 Exhibit "A", to be delivered to the New Utah on November 9th, 1998, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 10th day of November, 1998.



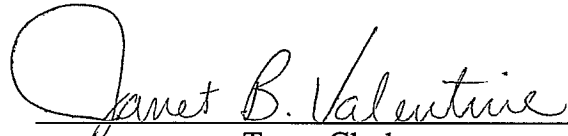

Town Clerk

EXHIBIT "A"

NOTICE OF MEETING

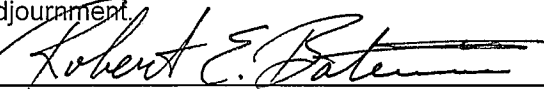
AGENDA
EAGLE MOUNTAIN TOWN COUNCIL MEETING

Tuesday, November 10, 1998
1680 East Heritage Drive
Eagle Mountain, Utah 84043

Town Council Meeting at 7:00 p.m.

1. Roll Call
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes (01/23/98, 08/25/98, 10/27/98)
5. General Discussion/Questions/Announcements
6. Warrant Register/Jeri Wilson
7. Public Comment
8. Public Hearing;
 - A. Consideration to approve an Ordinance enacting Impact Fees for Roads, Culinary Water, Sewer, Electricity, Natural Gas, Telephone and Storm Drainage Facilities.
 - B. Action from item 8, A.
9. Protest Hearing:
 - A. Protest hearing to receive public comment regarding the creation of Special Improvement District No. 98-3 (Sweetwater Road/Storm Drainage Phase I)
 - B. Consideration of a resolution to create Eagle Mountain, Utah Special Improvement District No. 98-3 (Sweetwater Road/Storm Drainage Project Phase I) as described in the Notice of Intention; authorizing the Town officials to proceed to make improvements as set forth in the Notice of Intention; and related matters.
10. Approval of an Ordinance amending the Development Code to include various changes.
11. Discussion of the sewer line that is being installed adjacent to State Road 73 and Meadow Ranch and the right-of-way issue and requirement for Meadow Ranch residents to hook into the sewer system.
12. Approval of an Easement with the Communities of the United Apostolic Brethren (CUAB), area contained-2.435 acres.
13. Approval of an Easement with the Communities of the United Apostolic Brethren (CUAB), area contained-0.453 acres.
14. Approval of an Encroachment Agreement between the Utah Lake Distributing Company and the Town of Eagle Mountain.
15. The Ranches Street Lights
16. Final Plat Approval for the Ranches (The Estates at Red Hawk Ranch- R1 N9)/Korey Walker
17. Approval of the Contract between the Town of Eagle Mountain and World Wireless for the Automatic Meter Reading System.
18. Approval of a Resolution authorizing the Execution of an Interlocal Cooperation Agreement with Utah County for the Provision of Law Enforcement Services.
19. Appointments
20. Discussion of options for Town Office Space/John Newman
21. Bonding and Bond Releases/Korey Walker
 - A. Meadow Ranch Park Bond for \$111,975.00 & Pedestrian Trail Guarantee Bond for \$33,556.00 (previously called Cedar Meadows).
 - B. Meadow Ranch Subdivision Construction Guarantee Bond for \$130,709.00.
 - C. Meadow Ranch Phases 1, 2, & 3 Bond Release for \$294,328.00
22. 1999 Meeting Times for Town Council, Planning Commission and Public Works Board/John Newman
23. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues.
24. Action from the Closed Executive Session.
25. Adjournment.

Approval:



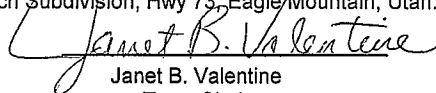
Mayor Robert E. Bateman

Date:

Nov. 10, 1998

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 9th day of November, 1998. These public places being 1) the Town Offices, 1680 E. Heritage Dr., Eagle Mountain, Utah; 2) Cedar Pass Ranch Bulletin Board, 9155 No. Cedar Pass Road, Eagle Mountain; and 3) the Bulletin Board located at Meadow Ranch Subdivision, Hwy 73, Eagle Mountain, Utah.



Janet B. Valentine
Town Clerk