

Eagle Mountain, Utah

August 19, 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 August 19, 2008, at the hour of 7:00 p.m., with the following members of the Council being present:

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

Also present:

Fionnuala Kofoed	City Recorder
Gerald Kinghorn	City Attorney

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 August 19, 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 IRELAND and seconded by Councilmember OCHSENHIRT adopted by the following vote:

AYE: 5

NAY: 0

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

**ORIGINAL DOCUMENT**  
Eagle Mountain City Recorder's Office

RESOLUTION NO. 27-2008

A RESOLUTION (A) TO FINANCE THE COSTS OF EXTENDING CERTAIN NATURAL GAS LINES, INSTALLING CONNECTION LATERALS AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER AND WORKMANLIKE MANNER; (B) TO DEFRAY THE COST AND EXPENSES OF IMPROVEMENTS BY ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTIES BENEFITED BY SUCH IMPROVEMENTS; AND (C) TO PROVIDE NOTICE OF INTENTION TO DESIGNATE A PROPOSED ASSESSMENT AREA; TO AUTHORIZE SUCH IMPROVEMENTS; AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST SUCH IMPROVEMENTS OR THE DESIGNATION OF THE PROPOSED ASSESSMENT AREA; AND RELATED MATTERS.

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

Section 1. The Council hereby determines that it will be in the best interest of the City to finance the costs of certain improvements consisting of the extension of natural gas lines, and the installation of connection laterals as well as other miscellaneous work necessary to complete the improvements (collectively, the "Improvements") and to complete the whole in a proper and workmanlike manner according to plans on file in the Office of the City Recorder in Eagle Mountain City, Utah. To finance the Improvements, the Council hereby determines that, pursuant to the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended, (the "Act"), it will be in the best interest of the City to designate an assessment area as provided herein.

Section 2. The proposed assessment area shall be known as the "North Ranch Special Assessment Area 2008-2" (the "Area"). A description of the proposed Area is more particularly described in the Notice of Intention to Designate Proposed Assessment Area set forth in Section 4 herein.

Section 3. The cost and expenses of the proposed Improvements shall be paid by an assessment to be levied against the property to be improved or which may be directly or indirectly benefited by any of such Improvements, such assessment to be paid in installments over a fifteen (15) year period from effective date of the assessment ordinance levying the assessment, with interest on the unpaid balance until due and paid.

Section 4. Written protests against the proposed Improvements or against the designation of the Area must be presented and filed in the Office of City Recorder on or before September 16, 2008, at the hour of 5:00 p.m. Thereafter at 7:00 p.m. on September 16, 2008, at the Eagle Mountain City offices located at 1650 East Stagecoach Run, Eagle Mountain City, Utah, any such protests shall be heard and considered by the Council. The City Recorder is hereby directed to give notice of intention to designate the Area, to make the proposed Improvements, and of the time within which protests against

the proposed Improvements or the designation of the Area may be filed and the date when such protests will be heard and considered by publishing a Notice of Intention to Designate Proposed Assessment Area in the Provo Daily Herald, a newspaper of general circulation in the City, said notice to be published four (4) times, once during each week for four consecutive weeks, the last publication to be not less than five (5) but not more than twenty (20) days prior to the time fixed in the notice as the last day for the filing of protests. In addition, the City Recorder shall mail a copy of such notice by United States Mail, postage prepaid, to each owner of land to be assessed within the proposed Area at the last known address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of Utah County, and said notices to be so mailed not later than ten (10) days after the first publication of the Notice of Intention to Designate Proposed Assessment Area. Said Notice shall be in substantially the following form:

## NOTICE OF INTENTION TO DESIGNATE PROPOSED ASSESSMENT AREA

PUBLIC NOTICE IS HEREBY GIVEN that on September 16, 2008, the City Council (the "Council") of Eagle Mountain City, Utah (the "City"), will hold a public hearing to consider the designation of an assessment area to be known as the North Ranch Special Assessment Area 2008-2 (the "North Ranch Assessment Area"). It is the proposal of the Council to finance the cost of certain improvements consisting of the extension of natural gas lines, the installation of connection laterals and all other work necessary to complete such improvements in a proper and workmanlike manner described herein (the "Improvements") and to levy assessments as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended, (the "Act") on the property benefited by such Improvements lying within the North Ranch Assessment Area.

### DESCRIPTION OF NORTH RANCH ASSESSMENT AREA

The proposed North Ranch Assessment Area shall include the following properties:

All ninety-three (93) lots within the North Ranch Plat B and Cedar Pass North Plat A subdivisions, as recorded in the Utah County Recorder's office.

### PROPOSED IMPROVEMENTS

The proposed Improvements to be constructed for the benefit of the properties within the North Ranch Assessment Area and their anticipated location are described as follows:

Construction of (a) an extension of the City's natural gas main line to the North Ranch Plat B and Cedar Pass North Plat A Subdivisions; (b) lateral natural gas lines at each property owner's request from the main line to each section of the North Ranch Plat B and Cedar Pass North Plat A Subdivisions and to each individual home; and (c) other pertinent work in order to complete the project in proper and workmanlike manner. Said Improvements shall be installed along the following streets and on each adjoining property owner's property (at the property owner's request) within the North Ranch Assessment Area:

1. Lake View Lane
2. Oquirrh View Drive
3. Timpview Drive
4. Deerfield Circle
5. Park View Lane
6. Canyon Wash Drive
7. Valley View Drive
8. Hidden Hills Road
9. Country Drive

## ESTIMATED COST OF IMPROVEMENTS

The total cost of Improvements to be constructed for the benefit of properties within the North Ranch Assessment Area, including overhead costs and the costs of funding a reserve fund, is estimated to be approximately \$450,000 which is anticipated to be paid by an assessment to be levied against the property within the North Ranch Assessment Area to be directly or indirectly benefited by such Improvements, which benefits need not actually increase the fair market value of the property to be assessed. Estimated costs of Improvements include estimated overhead costs which the City projects to incur in the creation and administration of the North Ranch Assessment Area. The property owners' portion of the total estimated cost of the Improvements may be financed during the construction period by the use of interim warrants or bond anticipation notes. The interest on said warrants or notes, if issued, will be assessed to the property owners. In lieu of utilizing a guaranty fund, the City anticipates creating a special reserve fund to secure payment of the special assessment bonds (the "Bonds") anticipated to be issued by the City to finance the proposed Improvements. The reserve fund will be initially funded with proceeds of the Bonds in an amount equal to approximately ten percent (10%) of the total principal amount of Bonds to be issued. The City Council anticipates applying any moneys remaining in the reserve fund to the final payment on the Bonds which, in turn, would offset the final assessment payment to be made by the owners of property benefited by such Improvements, all of which will be further described in the assessment ordinance to be adopted by the City Council. The estimated cost of Improvements to be assessed against the benefited properties within the North Ranch Assessment Area and the method of assessment are as follows:

<u>Improvements</u>	<u>Estimated Assessment</u>	<u>Method of Assessment</u>
Natural gas main	\$3,900	Per recorded lot
Connection laterals*	\$1,000	Per recorded lot

\* Connection laterals will be installed only at the property owner's request.

The City Engineer has prepared a "Certificate of Project Engineer" which, among other things, identifies the costs of the proposed Improvements. Said Certificate is on file in the office of the City Recorder who will make such information available to all interested parties.

## LEVY OF ASSESSMENTS

### Assessments

The Council proposes to levy assessments as provided in the Act on all lots of real property within the North Ranch Assessment Area benefiting from the proposed Improvements within the North Ranch Assessment Area as described herein. The purpose of the assessment and levy is to pay those costs of the proposed Improvements which the City will not assume and pay. Assessments shall be levied by recorded lot as set forth above.

The Assessments may be paid by property owners in fifteen (15) annual principal installments with interest on the unpaid balance at a rate or rates fixed by the Council, or the whole or any part of the assessment may be paid without interest within twenty-five (25) days after the ordinance levying the assessments becomes effective. The assessments shall be levied according to the benefits to be derived by each property within the North Ranch Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with the Act.

A map of the North Ranch Assessment Area and specifications of the proposed Improvements and other related information are on file in the office of the City Recorder who will make such information available to all interested persons.

#### TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be included within the North Ranch Assessment Area described in this Notice of Intention to Designate Proposed Assessment Area shall have the right to file in writing a protest against the designation of the North Ranch Assessment Area or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owned of record by the person or persons making the protest. Protests shall be filed with the City Recorder of the Eagle Mountain City, Utah, on or before 5:00 p.m. on September 16, 2008. Thereafter at 7:00 p.m. on September 16, 2008, the Council will meet in public meeting at the City offices at 1650 East Stagecoach Run, Eagle Mountain City, Utah, to consider all protests so filed and hear all objections relating to the proposed North Ranch Assessment Area and the proposed Improvements. After such consideration and determination, the Council shall adopt a resolution either abandoning the North Ranch Assessment Area or designating the North Ranch Assessment Area either as described in this Notice of Intention to Designate Proposed Assessment Area or with deletions and changes made as authorized by the Act; but the Council shall abandon the designation of the North Ranch Assessment Area if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention to Designate Proposed Assessment Area for the filing of protests after eliminating from such filed protests: (i) protests relating to property or relating to a type of improvement which has been deleted from the North Ranch Assessment Area, and (ii) protests which have been withdrawn in writing prior to the conclusion of the hearing. The necessary number of protests shall mean the following: Protests representing one-half of the total number of lots to be assessed where an assessment is proposed to be made according to number of lots.

ADOPTED BY THE CITY COUNCIL OF EAGLE MOUNTAIN CITY, UTAH.

By: /s/Fionnuala Kofoed  
City Recorder

Published in Provo Daily Herald, August 23, August 25, September 1 and  
September 8, 2008.

Section 5. The City Engineer has prepared a "Certificate of Project Engineer" which, among other things, identifies the costs of the proposed Improvements attached hereto as Exhibit B. The findings and determinations set forth in this resolution are based, in part, upon said Certificate of Project Engineer.

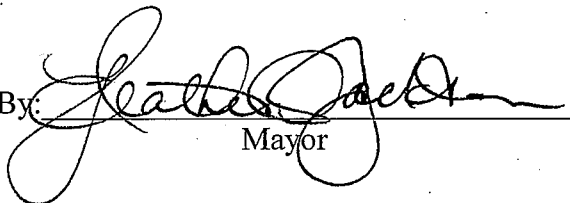
Section 6. The Council reasonably expects, and hereby confirms its prior expressions of intent, to reimburse the City from proceeds of the Bonds for capital expenditures paid by the City (whether or not such expenditures are paid from proceeds of interim warrants) with respect to the Improvements.

Section 7. This declaration is intended to be a declaration of official intent under Treasury Regulation § 1.103-18(1).

Section 8. The maximum principal amount of debt expected to be issued for reimbursement purposes is \$450,000.

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

(SEAL)

By:   
Mayor

ATTEST:

By:   
City Recorder





STATE OF UTAH )  
 : ss.  
CITY OF UTAH )

I, Fionnuala Kofoed, the duly chosen, qualified, and acting City 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 August 19, 2008, at the hour of 7:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the proposal of the City Council to designate Eagle Mountain City, Utah "North Ranch Special Assessment Area 2008-2" (the "Area") and make certain Improvements therein described as the same appears of record in my office; 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 my office on August 19, 2008, 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 August 19, 2008.

(SEAL)

By: *Fionnuala Kofoed*  
City Recorder

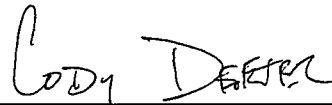


STATE OF UTAH )  
 : ss.  
CITY OF UTAH )

AFFIDAVIT OF MAILING  
NOTICE OF INTENTION

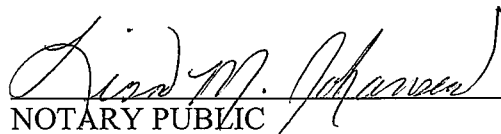
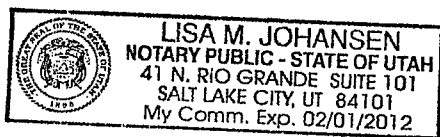
I, Cody Deeter, acting on behalf of Eagle Mountain City, Utah, in the capacity of Eagle Mountain City's financial advisor do hereby certify that the on August 25, 2008 (a date not later than ten (10) days after the first publication of the Notice of Intention to Designate Proposed Assessment Area), I mailed a true copy of the Notice of Intention to Designate Proposed Assessment Area to designate Eagle Mountain City, Utah Area by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Area at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of Eagle Mountain City. In addition, I mailed a copy of such notice, postage prepaid, addressed to "Owner" at the street number of each piece of improved property affected by the assessment.

DATED this 23rd day of September, 2008.



Name: CODY DEETER

SUBSCRIBED AND SWORN TO before me this 23rd day of September, 2008, by Lisa Johansen, who is personally known to me or whose identity has been satisfactorily established.


  
NOTARY PUBLIC

STATE OF UTAH )  
 : ss.  
CITY OF UTAH )

AFFIDAVIT OF MAILING  
NOTICE OF INTENTION

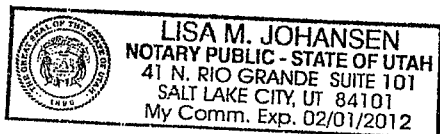
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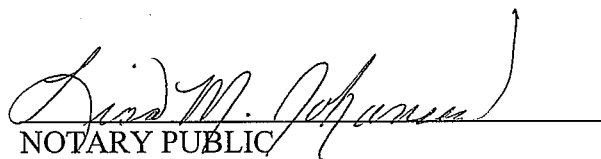
DATED this 23rd day of September, 2008.



Name: CODY DEETER

SUBSCRIBED AND SWORN TO before me this 23rd day of September, 2008, by Lisa Johansen, who is personally known to me or whose identity has been satisfactorily established.



  
NOTARY PUBLIC

(affidavit of proof of publication of the Notice of Intention to Designate Proposed  
Assessment Area)

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Fionnuala Kofoed, the undersigned City 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 52-4-202, 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 August 19, 2008, public meeting held by the City as follows:

(a) By causing a Notice in the form attached hereto as Schedule A, to be posted at the City's principal offices on AUGUST 18, 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 A, to be delivered to Provo Daily Herald on AUGUST 18, 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 City Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City Council of the Issuer to be held during the year, by causing said Notice to be posted on JANUARY 1, 2008, 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 geographic jurisdiction of the Issuer on JUNE 27, 2008.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this September 2, 2008.

(SEAL)

By: \_\_\_\_\_

*Fionnuala B. Kofoed*  
City Recorder



SCHEDULE 1

NOTICE OF MEETING

AMENDED AGENDA  
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 19, 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**

1. DISCUSSION
  - A. BP/Wasatch Energy Discussion on Municipal Bonds – Brent Turner
  - B. 2008 City Parks Project
2. INTRODUCTIONS – Sheriff’s Office introduction of new Deputies.
3. AGENDA REVIEW - The City Council will review items on the Consent Agenda and Policy Session Agenda.
4. CITY ADMINISTRATOR INFORMATION ITEMS - 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*)
5. ADJOURN TO A CLOSED EXECUTIVE SESSION

The City Council will adjourn into a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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

6. CALL TO ORDER
7. PLEDGE OF ALLEGIANCE
8. INFORMATION ITEMS/UPCOMING EVENTS
9. PUBLIC COMMENTS - Time has been set aside for the public to express their ideas, concerns and comments. (*Please limit your comments to three minutes each.*)
10. CITY COUNCIL/MAYOR’S ITEMS - Time has been set aside for the City Council and Mayor to make comments. (*Comments are limited to three minutes each.*)

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.**  
If you need a special accommodation 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.

11. APPOINTMENT

- A. Regan Bolli – Economic Development Board

**CONSENT AGENDA**

12. MINUTES

- A. August 5, 2008 – Regular City Council Meeting
- B. August 7, 2008 – Special City Council Meeting

13. FINAL PLAT APPROVAL

- A. Antelope Meadows Lot 1 Final Plat
- B. Majors Subdivision Final Plat

14. DEVELOPMENT AGREEMENT

- A. Antelope Meadows Lot 1 Development Agreement

15. FINAL BOND RELEASE

- A. Lone Tree E Final Bond Release

16. AGREEMENT

- A. Approval of Professional Service Agreement for Survey and Design of Porter's Crossing Extension

17. CHANGE OF SCOPE AND FEES FOR PROFESSIONAL SERVICES AGREEMENT – S.S.A. W.W.T.P.

- A. Stantec

18. FINAL PAYMENTS

- A. 2008 Ranches Parkway Slurry Seal
- B. 2008 SilverLake Street Trees

19. REDUCED BOND

- A. Sweetwater Phase 1 Rotomill and Overlay

**SCHEDULED ITEMS**

20. PUBLIC HEARING – Consideration of a Master Development Plan Approving the Land Use for Scenic Mountain – Public Hearing.

BACKGROUND: *(Presented by Planning Staff)* The Scenic Mountain Master Development Plan includes approximately 39 acres of land located just outside of the northeast corner of the City. The proposal includes a mixture of residential uses and densities, with a total of 389 residential units and a gross density of approximately 9.9 units/acre. The property is currently within the Saratoga Springs city boundaries, but a boundary adjustment is being undertaken to transfer this property into Eagle Mountain City. This is a public hearing and a discussion item only, as an ordinance cannot be approved until the property is within Eagle Mountain City's boundaries. A decision and motion can be made at that time, but a master development agreement will also be required before an ordinance can be adopted formalizing the zoning / master development plan.



21. PUBLIC HEARING – Consideration of a Master Development Plan for Oquirrh Mountain and Deleting this Area from The Ranches Master Development Plan – Discussion Item Only.

BACKGROUND: *(Presented by Planning Staff)* The Oquirrh Mountain Master Development Plan includes approximately 102.4 acres of land and is located southwest of the Lone Tree Subdivision along Pony Express Parkway. The proposal includes a mixture of residential uses and densities, with a total of 417 residential units. This area is currently within The Ranches Master Plan. With the approval of this new master plan, the land area would be deleted from the Ranches Master Plan and stand alone as the Oquirrh Mountain Master Plan. This is a public hearing and a discussion item only. A decision and motion can be made for this project at a future meeting, but a master development agreement will also be required before an ordinance can be adopted formalizing the zoning / master development plan.

22. MOTION – Consideration and Approval of an Application for a Land and Water Conservation Grant for the Project Known as The Pony Express Park Improvements.

BACKGROUND: *(Presented by Eli Jones)* The Land and Water Conversation Fund offers funds to various facilities and programs. Funds will be sought for improvements to Pony Express Park; notably, the access road, parking lot, and planned playground, pavilion and park area south west of the Skate Park. Based on cost projections and funds already available for the project, the City hopes to receive a matching grant between \$50,000 to \$150,000 for the improvements. The Grant requires a 50% match.

23. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah: a Petition to the Utah Transit Authority, a Transportation District of the State of Utah.

BACKGROUND: *(Presented by Eli Jones)* The proposed Resolution is for annexation into the UTA transportation district, raising the sales tax n Eagle Mountain City from 6.2% to 6.45%. In order for the annexation to go through, the City must hold an election to approve the sales tax for public transit, which will be preceded by a public hearing. The City is currently involved in discussions with UTA and is optimistic about the possibilities of an Express Bus route, with a park and ride located along SR-73, perhaps as soon as November 2008.

24. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah Authorizing and Ratifying Payment of All or Part of Employee Required Contributions within the Contributory Retirement Plan with Utah Retirement Systems.

BACKGROUND: *(Presented by Fionnuala Kofoed)* Eagle Mountain City participates with the Utah Retirement Systems and contributes all of the employee required contributions within the contributory retirement plan. This has been the practice since the City first joined the Utah Retirement Systems. To be in compliance with IRS regulations, the City needs to formally adopt the proposed resolution authorizing the payment of all or part of employee required contributions within the plan.

25. AGREEMENT – Consideration and Approval of a Memorandum of Understanding with Utah Geological Survey.

BACKGROUND: *(Presented by Chris Trusty)* Eagle Mountain City has had a Memorandum of Understanding with the Utah Geological Survey to provide monitoring services on two monitoring wells, constructed by Eagle Mountain City, for the last few years and for several other private wells in the area. The ongoing monitoring is intended to provide additional hydrogeologic data that can be used in determining the ultimate capacity and recharge capabilities of the underground aquifers that Eagle Mountain draws its water sources from.

26. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah Stating the Intent of Eagle Mountain City to Adjust its Common Boundaries with the City of Saratoga Springs, Authorizing a Public Hearing Thereon and Providing for Notice of Said Hearing.

BACKGROUND – *(Presented by Fionnuala Kofoed)* Capital Security Mortgage and Tracy K. Gibbs own approximately 35 acres in Saratoga Springs near The Ranches Golf Course driving range. A formal request has been made to both Eagle Mountain City and the City of Saratoga Springs to adjust the boundary and locate the property in Eagle Mountain City. Utah Code Ann. § 10-2-419 establishes a procedure for adjustment of the common boundaries between adjacent municipalities. The first step in the process is for each municipality to adopt a “resolution of intent” which will begin the 60-day noticing/protest period before the boundary adjustment can take place. Saratoga Springs adopted this resolution on August 12, 2008. This boundary adjustment was presented to the City Council at an earlier date but because of errors in the legal description the application needs to be reprocessed and re-noticed.

27. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain, Utah Authorizing the Issuance and Sale of not more than \$3,000,000 Aggregate Principal Amount of Excise Tax Road Bonds, Series 2008 of Eagle Mountain City, Utah, for the Purpose of Financing the Renovation and/or Construction of Class C Roads and Related Improvements; Calling a Public Hearing and Establishing a Time, Place and Location for Said Public Hearing; Providing for Publication of a Notice of Public Hearing and Bonds to be Issued; Providing for a Pledge of Excise Tax Revenues for Repayment of the Bonds; 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 Running of a Contest Period; and Related Matters.

BACKGROUND: *(Presented by John Hendrickson)* In order to provide funding for approximately \$2.3 million in necessary road construction improvements, the City is preparing to issue excise tax revenues bonds. These bonds will be secured by Class B&C road funds generated by gasoline sales and distributed by the state to local governments on a quarterly basis. In order to facilitate this bond issuance, the City must adopt a Parameters Resolution setting forth not to exceed parameters relating to the maturity of the bonds, the maximum rate of interest, the maximum par amount of bonds and the maximum discount on the bonds, if any. Furthermore, as a result of changes to the laws coming out of the 2008 Utah State Legislature, the City must also publish this notice for two consecutive weeks and hold a public hearing on the issuance of these bonds at least 14 days after the first publication.

28. AGREEMENT – Consideration and Approval of a Water Supply Agreement between Central Utah Water Conservancy District and Eagle Mountain City for Sale of CWP Municipal and Industrial Water.

BACKGROUND: *(Presented by Jerry Kinghorn)* The proposed contract is the long term water supply Agreement for the City with the Central Utah Water Conservancy District. The Agreement is a universal format for all parties purchasing water from the "Central Water Project" as distinguished from the federally sponsored "Central Utah Water Project". The universal format means that certain provisions in this Agreement do not apply to the City.

29. RESOLUTION – Consideration of a Resolution to Designate the Proposed Assessment Area 2008-2, known as the North Ranch Special Assessment Area, to Finance the Costs of Natural Gas Lines and Related Improvements and to Fix the Time and Place for Protests of Such Designation.
30. CITY COUNCIL/MAYOR’S BUSINESS - This time is set aside for the City Council’s and Mayor’s comments on city business.
31. COMMUNICATION ITEMS
  - A. Upcoming Agenda Items
  - B. Financial Report
32. 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 18<sup>th</sup> day of August, 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 18<sup>th</sup> day of August, 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

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.

EXHIBIT B

COSTS CERTIFICATE OF PROJECT ENGINEER

# COST ESTIMATE\*\*

## North Ranch

ICPE, 3/7/08

[State Road 73]

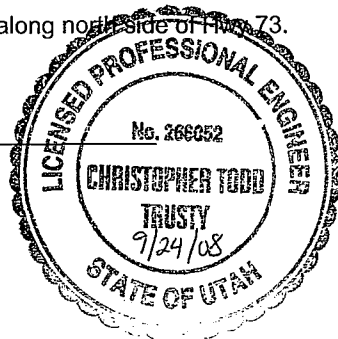
### NATURAL GAS INFRASTRUCTURE EXTENSION

ITEM	QTY	UNIT	UNIT PRICES			EXTENDED PRICES		ITEM COST
			MTL	MH	LABOR*	MTL	LABOR	
<b>GAS PIPE:</b>								
1. 2" - 500' Coils	22,000	ft.	1.36	0.006	0.39	29,920.00	8,580.00	\$38,500.00
2. 4" - 40' Sticks	0	ft.	3.00	0.008	0.52	0.00	0.00	\$0.00
<b>GAS PIPE FITTINGS:</b>								
1. 2" Butt Fusion "T"	21	ea.	12.00	0.40	26.00	252.00	546.00	\$798.00
2. 4" Butt Fusion "T"	2	ea.	31.00	0.50	32.50	62.00	65.00	\$127.00
3. 4" - 2" Butt Fusion Reducer	2	ea.	16.00	0.15	9.75	32.00	19.50	\$51.50
4. 2" Splice	44	ea.	10.00	0.25	16.25	440.00	715.00	\$1,155.00
5. 4" Butt Fusion Splice	0	ea.		0.35	22.75		0.00	\$0.00
<b>MISCELLANEOUS:</b>								
1. Tracer Wire - Yellow Insulation	22,000	ft.	0.17	0.002	0.13	3,740.00	2,860.00	\$6,600.00
2. Trench and Backfill - Normal Digging	18,500	ft.		0.090	5.85		108,225.00	\$108,225.00
3. Trench and Backfill - Rock Digging	3,500	ft.		0.1300	8.45		29,575.00	\$29,575.00
4. Trench Sanding	3,500	ft.	0.25	0.0193	1.25	875.00	4,390.75	\$5,265.75
5. Break and Replace Asphalt (Road Xings)	20	ea.	500.00	15.00	975.00	10,000.00	19,500.00	\$29,500.00
6. Gravel Driveway Crossing	17	ea.	250.00	15.00	975.00	4,250.00	16,575.00	\$20,825.00
7. Asphalt Driveway Crossing	17	ea.	500.00	25.00	1,625.00	8,500.00	27,625.00	\$36,125.00
8. Concrete Driveway Crossing	17	ea.	750.00	30.00	1,950.00	12,750.00	33,150.00	\$45,900.00
9. Pressure Testing	1	lot		250.00	16,250.00		16,250.00	\$16,250.00
10. Contractor Mob, Demob and Bonding	1	lot			16,944.86		16,944.86	\$16,944.86
<b>SUBTOTALS</b>						<b>\$70,821.00</b>	<b>\$285,021.11</b>	<b>\$355,842.11</b>
						CONSTRUCTION CONTINGENCY (15%)		\$53,376.32
						<b>TOTAL CONSTRUCTION COST</b>		<b>\$409,218.43</b>
						EAGLE MOUNTAIN CITY ADMIN		\$12,276.55
						ENGINEERING & CONTRACT ADMIN		\$28,645.29
						<b>TOTAL COST</b>		<b>\$450,140.27</b>

\* Loaded labor rate of \$65.00/hour.

\*\* Assumes existing 4" gas line located along north side of H.W. 73.

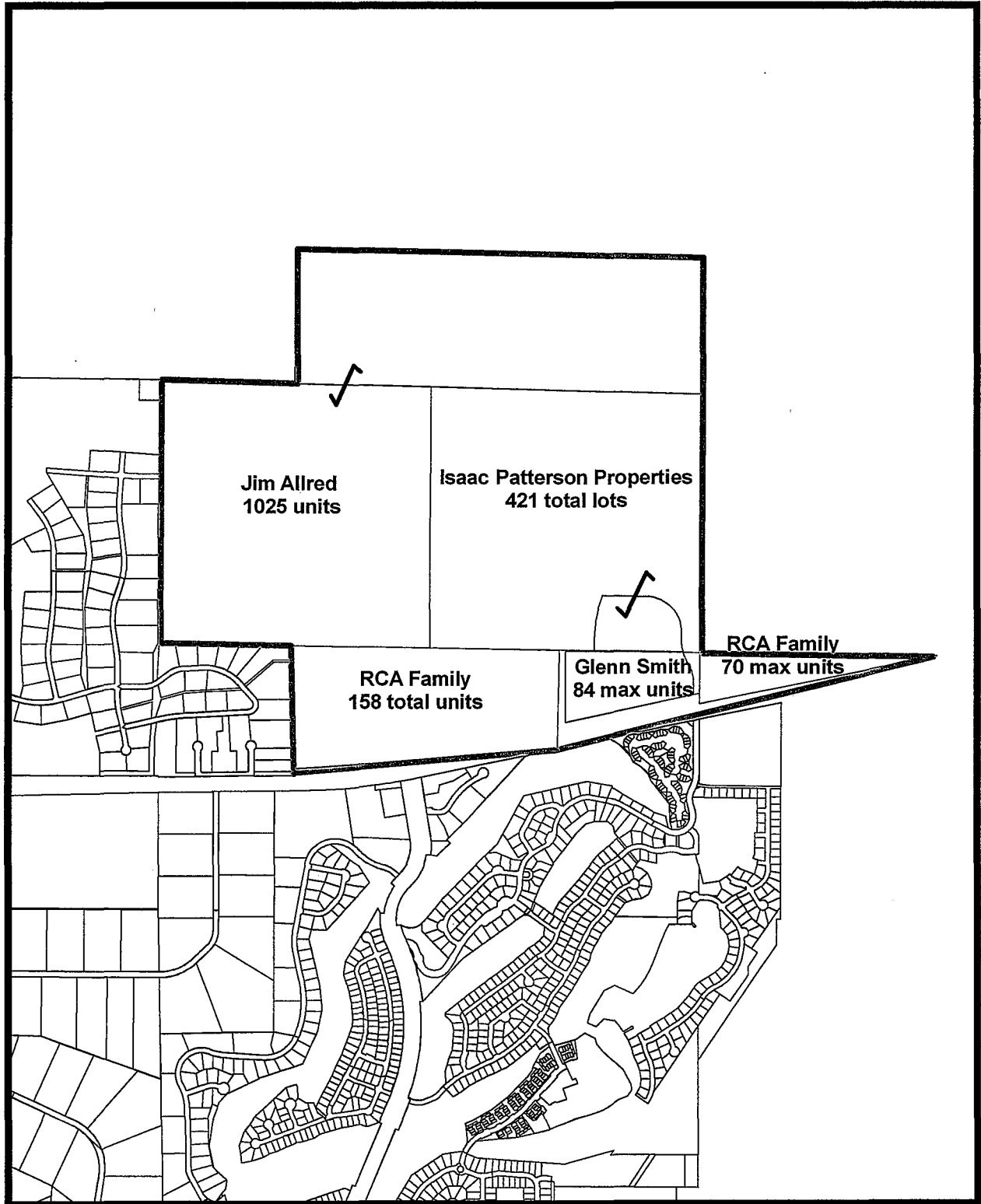
*Christopher T. Trusty*  
 Christopher T. Trusty, P.E.  
 City Engineer







# SAA Properties





EAGLE MOUNTAIN CITY, UTAH COUNTY, UTAH  
SPECIAL ASSESSMENT AREA NO. 2008-2  
MEADOW RANCH NATURAL GAS ASSESSMENT AREA

[Calendar 1: Days 1-5]						[Calendar 2: Days 1-9]				[Calendar 3: Days 1-30]										
1	2	3	4	5		1	2					1	2	3	4	5	6			
6	7	8	9	10	11	12	3	4	6	7	8	9	7	8	9	10	11	12	13	
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27
27	28	29	30	31			24	25	26	27	28	29	30	28	29	30				
							31													

■ : City Council meeting dates

SCHEDULING TIMELINE

STATUS	TASK	RESPONSIBLE PARTY	COMPLETION DATE
<b>Creation of Special Assessment Area</b>			
<input type="checkbox"/>	Publish Notice of Proposed Assessment Designation – four consecutive weeks (11-42-202(3)(a)(i))	CITY/ BALLARD/ LYRB	8 Aug – 29 Aug 08
<input type="checkbox"/>	Send Notice of Proposed Assessment Designation to property owners mailing address (to (A) last known address of property owner and (B) street address of property to be assessed). (11-42-202(3)(b))	LYRB	13 Aug 08
<input type="checkbox"/>	Draft Resolution Designating Special Assessment Area	BALLARD	27 Aug 08
<input type="checkbox"/>	Deadline to Receive protests to Assessment Designation (11-42-203)	CITY	2 Sept 08
<input type="checkbox"/>	Hold public hearing on Assessment Designation (7:00 pm?) (11-42-204)	CITY	2 Sept 08
<input type="checkbox"/>	Adopt Resolution Designating the Assessment Area (11-42-206)	CITY	2 Sept 08
<input type="checkbox"/>	Publish Request for Bids in Local Paper (at least 15 days prior to awarding date) (11-42-301) unless City Plans to construct internally (11-42-301(6))	CITY	8 Sept 08

<input type="checkbox"/>	Record original or certified copy of Designation Resolution with Utah County Recorder (within 15 days of adoption) (11-42-206(4)(a)(i))	CITY/LYRB	8 Sept 08
<input type="checkbox"/>	Record notice of proposed assessment with Utah County Recorder (within 15 days of adoption) (11-42-206(4)(a)(ii))	CITY/LYRB	8 Sept 08
<b>Acquisition of Interim Financing</b>			
<input type="checkbox"/>	Prepare Interim Warrant Term Sheet	LYRB	20 Aug 08
<input type="checkbox"/>	Distribution of Interim Warrant Term Sheet to prospective lenders	LYRB	22 Aug 08
<input type="checkbox"/>	Draft Resolution awarding Construction Bid (if needed)	BALLARD/ CITY	10 Sept 08
<input type="checkbox"/>	Interim Warrant funding proposals due from interested lenders	LYRB	10 Sept 08
<input type="checkbox"/>	Draft Resolution authorizing the issuance of Interim Warrants	BALLARD	11 Sept 08
<input type="checkbox"/>	Briefing of City on analysis of Interim Warrant bid results	LYRB	12 Sept 08
<input type="checkbox"/>	Award Construction Contract	CITY	16 Sept 08
<input type="checkbox"/>	City Council meeting to consider adoption of a Resolution authorizing the issuance of Interim Warrants	CITY	16 Sept 08
<input type="checkbox"/>	Issuance of Interim Warrants to finance construction of SAA improvements / reimburse City	CITY	22 Sept 08
<b>Levying Assessments/Issuance of Bonds</b>			
<input type="checkbox"/>	Preparation of Assessment List	CITY,LYRB	Construction Completion (CC)
<input type="checkbox"/>	Begin preparation of Term Sheet or Preliminary Offering Statement (POS) for permanent financing	LYRB	CC
<input type="checkbox"/>	Draft Resolution Appointing Board of Equalization	BALLARD	CC+20 days
<input type="checkbox"/>	Appoint Board of Equalization	CITY, LYRB	CC+20 days
<input type="checkbox"/>	Set time and place for public hearings regarding proposed assessments (to be held on not less than 3 consecutive days for at	CITY	CC+20 days

	least 1 hour)		
<input type="checkbox"/>	Draft public notice of completion of Assessment List and time and place for Board of Equalization hearings.	BALLARD	CC+20 days
<input type="checkbox"/>	Public notice of completion of Assessment List and of time and place for public hearings.	CITY, LYRB	CC+22 days
<input type="checkbox"/>	- Publish notice one time at least 20 and not more than 35 days prior to public hearings.	CITY, LYRB	
<input type="checkbox"/>	- Mail notice to property owners no more than 10 days after publication of the notice (to last known address of property owner as well as street address of property to be assessed).	CITY, LYRB	
<input type="checkbox"/>	Distribution of Term Sheet to solicit bids for bond purchase. Selection of Bond Trustee	LYRB/CITY	CC+40 days
<input type="checkbox"/>	Board of Equalization will make corrections (if any) to the Assessment List (if increase in any assessment, a new hearing will be scheduled and notice will be mailed to affected property owners at least 15 days prior to date set for hearing.)	CITY	CC+50 days
<input type="checkbox"/>	Board of Equalization will report to City and mail a copy of final report to each property owner who objected at the public hearing.	CITY, LYRB	CC+55 days
<input type="checkbox"/>	Preparation of Assessment Ordinances (one for capital – one for O&M) and Parameters Resolution	BALLARD	CC+55 days
<input type="checkbox"/>	City Adoption of Assessment Ordinances and Parameters Resolution	CITY	CC+55 days
<input type="checkbox"/>	Receipt of bond purchase proposals from interested institutions. Analysis of bid responses	LYRB/CITY	CC+56 days
<input type="checkbox"/>	Publication of Assessment Ordinance one time in newspaper	CITY	CC+60 days
<input type="checkbox"/>	End of 25 day prepayment period		CC+80 days
<input type="checkbox"/>	File Notice of Assessment Interest	CITY/LYRB	CC+81 days
<input type="checkbox"/>	Finalize terms of bond, amount and closing timetable. Review draft bond documents. Evaluate bid results and select Bond purchaser.	CITY/LYRB	CC+81 days

<input type="checkbox"/>	Draft Bond Resolution and Bond Purchase Agreement	BALLARD	CC+85 days
<input type="checkbox"/>	Adopt Bond Resolution and Bond Purchase Agreement	CITY	CC+85 days
<input type="checkbox"/>	Bond Closing	ALL	CC+90 days
<b>SAA Administration</b>			
<input type="checkbox"/>	Send Annual Assessment Notices to Property Owners	LYRB	45 days prior to 1 <sup>st</sup> ann. of effective date
<input type="checkbox"/>	First payment due 15 days after the effective date of Assessment Ordinance for O&M and on 1 <sup>st</sup> anniversary of effective date for Capital Assessment	OWNERS	1 <sup>st</sup> Anniversary Date
<input type="checkbox"/>	Send delinquent notices (if necessary)	LYRB	1 <sup>st</sup> Ann Date + 1 day
<input type="checkbox"/>	Make Bond Payment	CITY	According to Bond Docs
<input type="checkbox"/>	Send annual Fiscal Year reconciliation Report to City	LYRB	October 1

DRAFT