

Eagle Mountain City Council Minutes 1997

Dates of City Council Meetings:

- January 16, 1997
- March 27, 1997
- April 3, 1997
- April 17, 1997
- May 8, 1997
- May 15, 1997
- May 22, 1997
- June 5, 1997
- June 12, 1997
- July 10, 1997
- July 17, 1997
- July 22, 1997
- July 23, 1997
- August 7, 1997
- August 14, 1997
- August 21, 1997
- August 28, 1997
- September 11, 1997
- October 9, 1997
- October 30, 1997
- November 7, 1997
- November 13, 1997
- November 20, 1997
- December 9, 1997
- December 16, 1997
- December 22, 1997
- December 30, 1997

Eagle Mountain Town Council Meeting
Minutes for January 16, 1997

In attendance:

Mayor Debi Hooge
Councilman Nick Berg
Councilwoman Diane Bradshaw
Councilman John Jacob
Councilman Cyril Watt
Acting City Manager Dave Conine
Acting City Attorney Jim Stith

The first meeting of the Eagle Mountain Town Council opened at 7:05 p.m. Thursday, January 16, 1997. Following the Pledge of Allegiance, each council member was introduced by Mayor Debi Hooge. Each council member and the acting city manager gave brief descriptions of their backgrounds.

Mayor Debi Hooge gave the Mayor's Report. Her comments included a brief history of the formation of Eagle Mountain. The Mayor emphasized that incorporation amounts to a revolution by petition, allowing residents to control the destiny of their community. She explained that although there will not be agreement on all issues, everyone's comments are appreciated. Ms. Hooge also emphasized that she and Council are responsible to the citizens of Eagle Mountain.

There was a brief discussion regarding the need to appoint a Town Recorder. Mayor Hooge indicated that Connie Ashton, the Lehi City Recorder was willing to work part time as Eagle Mountain Recorder.

Motion made by Nick Berg to accept Connie Ashton as City Recorder.

John Jacob asked to amend the motion to make the initial appointment for three months.

Nick Berg amended the motion to appoint Connie Ashton as City recorder for three months. Motion seconded by John Jacob.

Voting was unanimous in favor of the appointment.

Mayor Hooge brought up the need to also appoint a City Treasurer. She indicated that Wayne Bradshaw was willing to fill the position on an interim basis. The Mayor stresses the importance of keeping financial records as required by the Utah Code. Diane Bradshaw described Wayne Bradshaw's accounting background and confirmed his willingness to serve in this position.

Motion was made by John Jacob to appoint Wayne Bradshaw as temporary City Treasurer. Motion seconded by Nick Berg.

Voting was unanimous in favor of the appointment.

The next item of business was to be establishing a committee for the General Plan. Mayor Hooge suggested the matter be tabled until a planning commission is appointed. John Jacob asked why we need to table the General Plan Committee. Mayor Hooge explained that the town is required to have a planning commission.

Motion was made by Nick Berg to table the matter of establishing a Committee for the General Plan. After a brief discussion the motion was seconded by Diane Bradshaw.

Voting was unanimous in favor of tabling the committee appointments.

Acting City Manager, Dave Conine described some of the planning for Eagle Mountain. He mentioned the use of a performance driven permitting system and the use of design standards in lieu of the traditional zoning practice based on the separation of uses. Conine outlined the commitment of the developers to design and build a complete city infrastructure including municipal electric and gas utilities, water, sewer, and possibly a municipal phone and telecommunications system. He also described the open space and trail system as well as the design emphasis on creating a pedestrian oriented downtown. The workshop to be held January 29th was discussed and the public was invited to attend.

The next item for discussion was the contract between Eagle Mountain and the Utah County Sheriff's Department for law enforcement services within the corporate limits of Eagle Mountain. Attorney, Jim Stith explained that the contract was through an interlocal agreement between Eagle Mountain and the County. The agreement that will have the Sheriff's Department enforce county laws in Eagle Mountain until such time as the town establishes its own police force. The agreement is based on an hourly charge for time officers spend at the scene of a call, travel time excluded.

Motion was made by Diane Bradshaw to approve the interlocal agreement with the County Sheriff. The motion was seconded by John Jacob. Voting was unanimous in favor of the agreement.

Jim Stith recommended that the Council adopt a numbering system for its resolutions.

Diane Bradshaw made a motion to adopt a numbering system for Council resolutions. The numbering system would include the last two digits of the year of the resolution, followed by consecutive numbers for each resolution passed. The resolution number for the City Recorder Resolution would be 97-001; the City Treasurer Resolution would be 97-002; the Sheriff's department Agreement would be resolution 97-003.

The motion was seconded by Nick Berg. Voting was unanimous in favor of adopting the resolution numbering system.

Public Comment

Rod Triplett

Mr. Triplett expressed his continued opposition to the incorporation of Eagle Mountain. He indicated that the county failed to protect his interest when it approved the incorporation. He claimed that numerous state laws have been violated and that the petition for incorporation contained illegal, unqualified signatures. Triplett reported that the state will not certify the incorporation of Eagle Mountain.

Jim Stith indicated that state certification has already been granted.

David Chipman

Mr. Chipman asked what the total population will be. He asked about the tax base and how each development will be taxed. He also questioned how the town will deal with the Greenbelt Law.

John Jacob then asked if the county can claim the Greenbelt rollback taxes within Eagle Mountain. Jim Stith replied that they cannot.

Misty Nielson

Ms. Nielson asked the Mayor if she could divide her interest or resolve her conflict of interest. Debi Hooge replied that she is an independent broker and has received no income from the developer. The Mayor emphasized that you (residents of Eagle Mountain) are my clients and I will withdraw from any vote with any conflict of interest.

Dan Valentine

Mr. Valentine indicated that "us old timers feel like you are telling us what to do."

He asked for examples of performance driven land use standards.

Mr. Valentine expressed concern that early residents paid a great deal of money for water and power services. They do not want to have the added tax burden to support similar services for Eagle Mountain. Valentine asked if this council could impose anything that cannot be altered by a future council.

Jim Stith then discussed city ownership of infrastructure and the obligations related to that ownership.

Other Business

Dave Conine described the Utah Local Government Trust insurance for liability and errors and omissions. There was a brief discussion of the need for such insurance protection.

Eagle Mountain Council Meeting
January 16, 1997
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Motion was made by John Jacob to approve the purchase of the Utah Local Government Trust Insurance Policy. The motion was seconded by Cyril Watt. Voting was unanimous in favor of purchasing insurance from the Utah Local Government Trust.

John Jacob briefly discussed keeping order in meetings by avoiding arguments and interruptions. Jim Stith replied that we must keep order but must also remember that the public has a right to speak.

Meeting adjourned at 8:35 p.m.

Town of Eagle Mountain
March 27, 1997 Council Minutes

Council Members Present:

Mayor Debi Hooge
Nick Berg
Diane Bradshaw
John Jacob
Cyril Watt

Others:

Dave Conine, Acting Town Manager
Randall Skeen, Attorney
Ira Hodges, Landscape Architect
Mike Wren, MCM Engineering
James

The meeting opened at 8:15 p.m.

Board of Adjustment

Board of adjustment appointments were discussed. Debi Hooge, Randall Skeen, and Dave Conine briefly described the role of the Board of Adjustment. Five individuals have agreed to accept appointments to the Board of Adjustment. A resolution appointing David Liferth, Dan Valentine, Jeff Blanc, Mark Lindsey, and Danny Hooge will be drafted.

Impact Fees

There was a general discussion of park impact fees. Fees and land dedications in lieu of fees were debated. Mike Wren pointed out that Eagle Mountain will have large amounts of open space and, initially, very little tax base. He suggested that developers place improvements in park areas as part of their development cost. Mayor Hooge expressed concern regarding park and open space maintenance. Mike Wren stated that there will certainly be a cash gap for maintenance. He said that maintenance should be done through an improvement district rather than an home owner's association. He also pointed out that the State has established a July 1, deadline for cities and towns to establish impact fees and the justification for the fees.

Rob Bateman suggested the Council establish a (park) fee per lot with an council option to accept land dedications. He also suggested that the master plan show park locations as part of the land use map.

Randall Skeen, Town Attorney, pointed out that the town cannot charge any fees without the proper ordinance.

Debi Hooge made a motion to form a committee consisting of the Engineers (MCM), Town Treasurer, and Town Manager to work on impact fees and report to the Council by June First. Nick Berg seconded the motion and the vote was unanimous in favor of the motion.

Special Improvement District

Randall Skeen indicated he has spoken with bond council and a couple of questions remain on the proposed S.I.D. He suggested a week for further study of the declaration of Intent. Debi Hooge outlined the purpose of the bond is to construct a road and that the developer (Eagle Mountain L.C.) will pay for it out of lot sales. The obligation will only affect Eagle Mountain L.C.

Jim Stith, attorney for Eagle Mountain L.C., reiterated that the bond will not obligate any property owners, that Eagle Mountain L.C. will pay all the assessments of all the properties identified as beneficiaries of the road construction. He stated that the master developer will collateralize the bond anticipation funding since the town does not yet have a tax base. Jim Stith stated that the proposed road improvements were critical to the long term economic growth of Eagle Mountain and are necessary to assure the population density needed to establish needed tax base.

John Jacob moved to postpone a vote on the special improvement declaration of intent until the next meeting. Diane Bradshaw seconded the motion and the vote was unanimous in favor of the motion.

UAMPS Contract

Mayor Hooge provided some background information on UAMPS and the benefit for a municipal power company to buy electrical power from this co-operative of municipalities.

Randall Skeen indicated that he thought the contract agreement was the standard agreement between UAMPS and other municipalities. He said he had questions on minor details of indemnification, but the agreement appeared to be acceptable.

Cyril Watt made a motion to adopt the energy agreement with UAMPS subject to the Attorney checking with Gary Tassainer of Tasco Engineering on details of UAMPS' standard agreement with municipalities. John Jacob seconded the motion and the vote for approval was unanimous.

Speed Limits

Mike Wren cited a state survey of speed limits suggesting that the 25 mph limit in residential areas such as Cedar Pass Ranch is appropriate. He discussed the placement of stop signs indicating that each three way intersection will have a stop sign for the incoming street and each four way intersection will have four signs.

A general discussion of the construction of a speed limit ordinance followed.

Diane Bradshaw made a motion to adopt residential speed limits, not to exceed state recommendations and engineers' design standards. Nick Berg seconded the motion and the vote was unanimous approving the motion to adopt a residential speed limit ordinance.

Other Business

Nick Berg mentioned repairs needed on a road in Cedar Pass Ranch before bonds can be released. Jim Stith added that some bonds are expiring and the engineers are concerned about needed road work.

Debi Hooge responded to an inquiry about open burning and agreed to get the town of Lehi standard for review.

Diane made a motion to adjourn. The motion was seconded by Cyril Watt, and the vote was unanimous for adjourning the meeting.

Town of Eagle Mountain
Minutes of the Council Meeting of April 3, 1997

Council Members present:

Mayor Debi Hooge
Nick Berg
Diane Bradshaw
Cyril Watt

Excused:

John Jacob

Others:

Dave Conine, Acting Town Manager
Ira Hodges, Landscape Architect
Mike Wren, MCM Engineering
Randall Skeen, Attorney
James MCM Engineering
Mike Wren, MCM Engineering

Agenda Deadlines

Mayor Hooge proposed establishing a deadline of the Friday prior to a Council meeting in order to provide adequate time to prepare information packages for Council members. The deadline would be established as 5:00 p.m. on the Friday preceding a scheduled Council meeting. A resolution on this matter will be on the April 10 Agenda.

Water Requirements for Preliminary Plat Approval

Nick Berg reported that the Planning Commission workshop with the Utah League of Cities raised the concern that without a development code Eagle Mountain could not deny approval of development proposals and should therefore consider a moratorium. Since the Development Code is nearing adoption and because a moratorium sends a negative signal Nick Berg suggested a requirement that preliminary plats can only be approved if the proposed project can show the ability to connect with the municipal water system. He pointed out that the ordinance would probably never have to be utilized since we will, presumably, have adopted the Interim development Code. However, he said this would be a safety net in the event the Interim Code is delayed.

Nick Berg proposed a motion that eagle Mountain adopt an ordinance requiring any subdivision approval be subject to the requirement that a municipal water connection be available and that development proposals will be subject to the new development code at final approval.

Debi Hooge seconded the motion.

Attorney, Skeen indicated that the ordinance would be subject to a 14 day notice for a public hearing prior to adoption.

Special Improvement District

Cyril Watt made a motion to table the discussion of the declaration of intent for the special improvement district until the April 10 meeting. Diane Bradshaw seconded the motion and voting was unanimous in favor of the motion to table.

Touchstone Development Preliminary Plat

MCM Engineering presented drawings of the plat previously given preliminary approval by the planning commission. The Council was generally familiar with the proposal and discussed the requirement that final approval be subject to the requirements of the Interim Development Code.

Nick Berg made a motion to refer the Touchstone Plat back to the Planning Commission for final approval. Cyril Watt seconded the motion and voting was unanimous in favor of the motion.

Plans & Fees

Nick Berg mentioned that the engineers and the town manager are in the process of gathering material to make recommendations for subdivision requirements and fee structures.

Meeting Schedule

There was a general discussion of the meetings needed over the next week to move the Interim Development Code through the approval process. It was agreed that there would be a Planning Commission work session on Thursday April 10. After a discussion of the additional meeting times and time to draft recommended changes a Friday work session and a Saturday special council meeting were proposed.

Diane Bradshaw made a motion to appoint a committee consisting of Nick Berg, David Chipman, Dave Conine, Debi Hooge, Randall Skeen and Janet Valentine to review a final draft of the Interim Development Code and make a recommendation for Council action. The motion was seconded by Cyril Watt and the vote was unanimous in favor of the motion.

Diane Bradshaw made a motion that the committee meet Friday morning at 9:00 a.m., April 11 at Nick Berg's home in Eagle Mountain to discuss the final draft. Cyril Watt seconded the motion and voting was unanimous in favor of the motion.

Cyril Watt made a motion to hold a special meeting of the Eagle Mountain Council on Saturday April 12 to consider adoption of the Interim Development code. Nick Berg seconded the motion and the vote was unanimous favoring the motion.

Public Comment

Greg Jeppson asked if copies of the Draft Interim Development code were available. Debi Hooge responded that anyone could pick up a copy at her office in Lehi and use it to make copies at the copy shop next door.

Other Business

Nick Berg mentioned the need to control cost by clearing council member contact with the attorney through the Mayor. A resolution will be on the agenda for the next council meeting.

Diane Bradshaw made a motion to adjourn the meeting. The motion was seconded by Cyril Watt and the vote to adjourn was unanimous.

The Town of Eagle Mountain
Minutes of the Town Council Meeting
April 17, 1997

City Council Members present:

Mayor Debbie Hooge
Nick Berg
John Jacob

Others:

Dave Conine, Acting Town Manager
Ira Hodges, Landscape Architect
Randall Skeen, Attorney
Keith Dover, MCM Engineering

The meeting was called to order by Mayor Debbie Hooge at 8:45 p.m. at which time the pledge was dispensed with.

The minutes were presented and for the previous three meetings at which time Nick Berg made a motion to approve. John Jacob seconded the motion and all were in favor.

Interim Development Code

Mayor Hooge suggested that the Interim Development Code be tabled and presented again at next weeks meeting. John Jacob moved that the Code be tabled, Nick Berg seconded the motion and all were in favor.

Fire Contract

Nick Conine addressed the council with the information he had. There was discussion regarding Lehi Fire Department and the proposal to once again approach the Town of Lehi about extending fire protection to Cedar Fort. Mayor Hooge suggested that Eagle Mountain might commit its fire truck to Lehi for their use and in exchange, they will fight fires for the Town. In the meantime, Eagle Mountain will recruit and train volunteer firefighters and EMT's who will be available during the day.

Impact Fees

Mayor Hooge entertained a motion to table the issue of Impact Fees for 2 weeks. John Jacob moved and Nick seconded the motion. All were in favor.

Discharging of Firearms in the Town Limits

There was discussion regarding an ordinance, feasibility of city designating an area where the citizens could legally shoot, and the liability of the town. It was unanimous that the Town did need to adopt an ordinance. Mayor Hooge suggested that the town obtain a sample ordinance from other cities and asked Dave Conine to research the issue. A

proposed Ordinance is to be drafted by Dave Conine and brought to the City Council Meeting next week.

The issue of 4-Wheelers was brought up and it was recommended that we adopt an ordinance for this also. Randy Skeen recommended a public hearing on both issues, firearms and 4-Wheelers.

1997 Budget

The following checks were issued by Town Treasurer, Wayne Bradshaw and brought before the Town Council for approval:

MCM Engineering	\$1,670.00
Utah Local Governments	\$2,657.00
Skeen & Rasmussen, LLC	\$2,892.75
Lehi City Corporation	\$ 100.00
Newtah News Group	\$ 44.40

Total: \$ 7,364.15

Mayor Hooge made a motion to approve, John Jacob moved and Nick Berg seconded the motion. All were in favor.

Sheriff's Contract

Dave Conine reported on the status of the Sheriff's Contract. The contract was signed but has been misplaced. Dave is to call Jerry Grover to have the contract put on their agenda.

Public Comment

Gary Clifton, 10883 N. 5320 N., Highland, UT made a recommendation to the council that they use a tri-pod to display maps. He also suggested a 4-wheel ordinance specifying the age of riders, the use of helmets, and that the city require license' and tags.

Other Business

John Jacob asked about the Rod Triplett lawsuit against the Town of Eagle Mountain. Randy Skeen reported that the Judge said it was a "fascinating issue". He will take under advisement Mayor Hooge's motion to dismiss the lawsuit. Randy also stated that this was only a preliminary motion and the judge cannot strike down the town.

Mayor Hooge asked that it be put on the agenda that there will be a closed hearing regarding the lawsuit.

Mayor Hooge entertained a motion to Adjourn. Nick Berg moved and John Jacob seconded the motion. All were in favor. The meeting adjourned at 9:30 p.m.

May 8, 1997

Minutes of the Town of Eagle Mountain Town Council meeting held Thursday, May 8, 1997 at the American Legion Hall located at 55 North Center Street, Lehi, Utah. The meeting was called to order at 7:20 p.m. by Mayor Debbie Hooge.

Town Council members present: Mayor Debbie Hooge, Nick Berg, John Jacob, Cyril Watt. Diane Bradshaw was excused.

Town Manager: Dave Conine

Town Attorney: Shawn Robinson for Randy Skeen

Recorder: Dana Neth

Others: Ira Hodges, Mike Wren, Mel Mcquarrie, Keith Dover

The Pledge of Allegiance was lead by Dave Conine.

MCM - Mike Wren: Mayor Hooge asked if there was a contract for MCM. Mike Wren responded that there was a proposal outlined in a letter dated April 3, 1997. MCM intends to offer their services to the Town to oversee the building of roads, infrastructure, electrical, gas, sewer, water, etc.. They offer a staff of engineers, drafters, as built, back-up, and inspector. They are also in the process of hiring another civil engineer to help with the load. They can offer their services at less cost to the town because they are already there.

John Jacob questioned whether or not this was a conflict of interest having MCM as the Town Engineers and also overseeing construction. Mike stated that he did not feel it was a conflict, in fact, it would be an asset in the fact that it would make everything run more efficiently due to less communication problems. He and Mel Mcquarrie both stressed the fact that because MCM was already retained by the Town, they already knew the project, and because they were already working in the area, it would save man-hours and cost the Town less to get the job done. Mayor Hooge then asked if the Town could expect the cost to be less than the amount stated in the letter, or was that a set price? Mel Mcquarrie said that they could promise the Council that the amount would not go over.

MOTION: John Jacob moved that the Town of Eagle Mountain accept a Resolution that MCM Engineering be retained to oversee the Construction Management for the Town of Eagle Mountain, in the event that the Town is issued Bond Anticipation Notes. Nick Berg seconded. Ayes: 4, Nays: 0.

MOTION: John Jacob moved that Item Number 4 on the Agenda which was a Resolution to approve the bid for Electrical Infrastructure and Execution of Contract between Tasco Engineering and the Town of Eagle Mountain be removed to next weeks agenda. Nick Berg seconded the motion. Ayes: 4, Nays: 0.

MOTION: Nick Berg moved that Item Number 5 be moved to Item Number 8, Other Business, so that the Resolution to Approve a Power Contract between Pacificorp and the Town of Eagle Mountain could be addressed by Gary Tassainer. Cyril Watt seconded. Ayes: 4, Nays: 0.

MOTION: Mayor Hooge entertained a motion that a Resolution be accepted to appoint Dana Neth as the Recorder and Clerk for the Town of Eagle Mountain on an hourly basis at the rate of \$15.00 per hour. Cyril Watt moved that the Resolution be accepted. John Jacob seconded. Ayes: 4, Nays: 0

Public Comment:

Dan Valentine of 6186 N. Lake Mountain Rd. asked why does the S.I.D. encompass the whole Town when the verbage indicate certain boundaries within the town. Shawn Robinson responded that he did not know the answer, but he would consult with Randy Skeen. Much discussion followed about the S.I.D. and how it affects the town and rights of the property owners and citizens in regard to Bonding, etc. Shawn Robinson will research an answer to the question.

Dave Conine - City Manager: Handed out the adopted version of the Interim Development Code to the Town Council and Planning Commission members who were in attendance. He explained that they were lacking

land use maps due to the S.I.D.'s issue, the cross references were generally correct, it is also lacking the Development review checklist. Copies for the general public may be purchased for \$25.00.

Keith Townsend of 9250 W. 8170 N., Lehi would like a map of the town to be provided to make it easier for the general public in attendance at the Council meetings to follow the discussions. Nick Berg said the Town will have 8-1/2 x 11" copies ready by next week. Mel Mcquarrie stated that MCM could do the copies for the town easily.

Weapons Ordinance: Dave Conine presented the Council with a sample ordinance from the "League of Cities". He asked that they review the Ordinance. Mayor Hooqe referred to 1376 which is a State Code and asked if it could be altered. Dave Conine did not know. Shawn Robinson said that under the present statute he thought it could be. He will research further. Mayor Hooqe asked that the council review the ordinance, she would like to see it become an ordinance.

Mayor Hooqe directed a question to MCM regarding addresses in the Town. She stressed the need for addresses that can be found in cases of emergency and for mail delivery. Mel Mcquarrie responded that MCM could set up addresses so they could be found on plat maps but a computer program would be in the future. Mayor Hooqe stated that it was not something that could wait, that the Fire Dept., Sheriff, and Post Office need it now. Mike Wren asked if the Town wanted to stay with the County address system or create a new Eagle Mountain system? He suggested that they meet with the dispatcher, the Post Office, Sheriff and Fire Dept. to find out their needs. He and Mayor Hooqe will set up a meeting. It was agreed that MCM would work on an address system for the Town of Eagle Mountain. A resolution will be brought before the Council at next weeks meeting.

Cyril Watts - Fire Permits: Cyril asked if once a permit was issued and signed, should the citizen keep the permit in their possession or does the permit need to be turned in to the town. It was agreed that the citizen shall keep the permit in their own possession. It was discussed whether or not the town should allow burning after 6:00 p.m. No agreement was reached in this regard. It was also discussed that the town needed to work on Annual Burn Permits. Diane Bradshaw will be asked to do further research on this.

Gary Tassainer - Pacifcorp Contract: Gary addressed the Council and presented them with a standard agreement from Pacifcorp which he feels the Town should accept with changes as accepted by the Council. He recommended that the Town sign a contract for one year. John Jacob voiced concern that after one year Pacifcorp may raise the rates on the Town. Gary responded that power rates look to be stable to the year 2000 and even if Pacifcorp were to try to raise the rates, UAMPS could be an alternative. After discussion surrounding UAMPS vs. Pacifcorp and the question of whether or not the Town already had signed a contract with UAMPS, Gary suggested that the contract with Pacifcorp be approved subject to legal and technical review.

MOTION: Nick Berg moved that Resolution 97-17 which is to approve a Power Contract between Pacifcorp and the Town of Eagle Mountain be accepted, subject to technical and legal review, and final approval by the Town Council. John Jacob seconded. Ayes: 4, Nays: 0.

Sheriff's Contract: Mayor Hooqe updated the Council on the status of the Sheriff's Contract. She had obtained a copy of the contract through the County Commissioners office. It had been executed and returned to the county, so the Town now has police protection.

Cyril Watt moved that the meeting be adjourned. John Jacob seconded. Ayes: 4, Nays: 0. The meeting was adjourned at 8:30 p.m.

May 15, 1997

Minutes of the Town of Eagle Mountain Town Council meeting held Thursday, May 15, 1997 at the American Legion Hall located at 55 North Center Street, Lehi, Utah. The meeting was called to order at 7:05 by Mayor Hooge.

Cyril Watt led the Council in the Pledge of Allegiance.

John Jacob moved that the minutes of The Eagle Mountain Town Council for May 8, 1997 be approved. Nick Berg seconded. Ayes: 5, Nays: 0.

Carl Allred presented the Council with the final plat map for the Cedar Meadows Subdivision. James Dahl of MCM said that he had reviewed the plans briefly and that the following items needed to be addressed:

- 1) The water system (well) should meet state standards.
- 2) Must obtain permit from UDOT.
- 3) Soil Tests should be completed.

Carl Allred stated that he is willing to do all of the above and work with Mike Wren to meet all criteria required by MCM. He has already talked to UDOT.

Mayor Hooge would like to see all property on the roadway deeded to the Town for a public easement in order to create a dedicated town road. The question was raised as to who would be responsible for the improvement of said road. Mike Wren recommended that until the other side is developed, there is no need for improvements. There was discussion which followed regarding road widths and requirements.

John Jacob asked if Carl had planned for a fire protection water storage tank. Carl assured him that the Protection Zone had been applied for through the State which would take 90 days if everything is in order. This approval is subject to water system/tank approval. He assured the Council that the storage tank would meet state standards and would not be built without a water system in place.

After considerable discussion, it was agreed that subject to mylar conditions being met, water system approval, UDOT clearance, soil testing, and submittal of an application, the subdivision could be approved. MCM would like a chance to review the plans more thoroughly and Dave Conine would like to run a checklist just to see if the development met criteria. John Jacob also suggested that Carl have a secondary plan available in the case that the water system is not approved.

MOTION: Diane Bradshaw moved that the Council table the final approval on Cedar Meadows until a future date. Cyril Watt seconded. Ayes: 5, Nays 0.

Resolution 97-17 - MCM Engineering to Draft Address System for the Town of Eagle Mountain: Mike Wren addressed the council and showed the preliminary review that MCM had made of the Town. He pointed out that the streets were not proportionately placed and therefore would need to be revised. Street names will remain the same and numbers will change. Developers will have an obligation to name streets subject to Town approval; the Town will assign addresses. Major streets will be named by the Town. MCM will prepare a grid map on the G.I.S. and will present at next weeks meeting. Nick Berg questioned whether Cedar Pass Ranch addresses would be affected. The answer was yes. There was other discussion as to whether or not the addresses should be assigned at the residence doorstep or driveway and how the sequence would change as per scenario.

John Jacob asked what the cost would be to the town for the service being provided by MCM? Will it be a lump sum or per hour? Nick Berg suggested that a proposal letter be submitted by MCM. Mike Wren stated that it would be one to two days of work with a one time fee.

MOTION: John Jacob moved to approve Resolution 97-17 which is to hire MCM Engineering to draft an address system for the Town of Eagle Mountain. Diane Berg seconded. Ayes: 5, Nays: 0.

Tasco Construction - Bid Acceptance/Town of Eagle Mountain Electrical Infrastructure: Bob Lynds of Eagle Mountain Properties, L.L.C. explained the bid process to the Council and recommended that they accept the bid submitted by Tasco Construction., which was \$485,274.69, as compared to Cache Valley Electric who bid the job at \$629,925.00 and Wasatch Electric who returned a bid at \$497,000.00. He reminded the Council that Eagle Mountain Properties will guarantee the contract until the Bonds are approved, at which time the Town would become responsible. John Jacob asked for clarification of the bid and Gary Tassainer responded to the question.

MOTION: Cyril Watt moved that the Town Council accept the bid from Tasco Engineering, Inc. for the Electrical Infrastructure for the Town of Eagle Mountain. Nick Berg seconded. Ayes: 5, Nays: 0.

Gary Tassainer took a minute to address the Council regarding the Pacificorp Contract. He reminded the Council that the Resolution to accept the Pacificorp Contract was accepted subject to review. It was confirmed that the Town did not have a contract with UAMPS. He pointed out that the Town needs the connection now and Pacificorp is their only source. He also stated that UAMPS will be willing to look at a contract in the future if it were necessary.

MOTION: John Jacob moved that the contract with Pacificorp be approved. Cyril Watt seconded. Ayes: 5, Nays: 0.

Resolution to Hire Bob Phelps on a Consulting Basis to assist the Town Clerk and Treasurer in setting up a bookkeeping system for the Town of Eagle Mountain that will meet State Regulations.

MOTION: Nick Berg moved that the Town Council should adopt Resolution 97-19 to hire Robert Phelps, a certified Public Accountant, to assist in establishing a bookkeeping system for the Town of Eagle Mountain that will be in keeping with State Regulations, for \$50/hr., not to exceed 10 hours. John Jacob seconded. Ayes: 5, Nays: 0.

Resolution to Approve Special Improvement District for the Town of Eagle Mountain: Randy Skeen addressed the Council regarding the SID's and reviewed the Resolution to Approve. He indicated that the following additions or changes be made:

pg. 2 Property Owners None
Total number of acres protesting 0
Benefited 27,000+ ACRES

pg. 3 Council member Elect Cyril Watt introduced . . .
Resolution No. 97-20
Section 4. \$3,600,00

pgs. 5 & 6 to be executed by Mayor Hooge and Dana Neth

pgs. 8 & 9 Dave Conine to be changed to Dana Neth

There was quite a bit of discussion regarding the bid process, bond anticipation notes and the Town's responsibility after accepting bids from contractors. Bob Lynds explained that Eagle Mountain Properties, L.L.C. provides the security for the bonds, but as soon as the Bond Notes are in place the Town accepts the liability.

Cyril Watt moved that the Resolution to approve that the SID for the Town of Eagle Mountain be accepted and adopted. John Jacob seconded. Ayes: 5, Nays: 0.

Cedar Grove Report: John Jacob showed the Council the plans for the Cedar Grove Development such as it has been recorded and indicated that they propose to plat the 5 acre lots that have already sold, but the remainder of the lots as presented in the preliminary will change. This will be resubmitted at the end of June. Mayor Hooge stated that she would like to see the roads deeded to the Town. It was stated that in order to convert to the dedicated plat, each property owner on the plat must sign and agree to the dedication.

There followed discussion regarding plat reviews at which Mike Wren of MCM suggested that the city hire secondary engineers to contract with developers to review plats and thereby reduce the load on MCM. Mayor Hooge asked Council member Nick Berg to review the bids which had been submitted to the town. Wilding Engineering offered to review the Plat submitted by Touchstone Properties.

MOTION: John Jacob moved to accept Wilding Engineer's offer to review the Plat submitted by Touchstone Properties. Cyril Watt seconded. Ayes: 5, Nays: 0.

Public Comment:

Janet Valentine of 6186 N. Lake Mt., Rd., Eagle Mountain asked whether or not they could expect to have mailboxes on the road anytime in the near future. Mayor Hooge responded that the Town has no jurisdiction regarding the adding of postal routes. John Jacob volunteered to contact the Post Office in Lehi and pursue the matter.

Council member Nick Berg commented on the new buildings that are being built within the Town boundaries without permits and would like to have an inventory done of the area. He would also like to find out how many businesses are being run within the town limits without a license. He proposed that the Town hire the building inspector to take inventory of the area.

MOTION: Nick Berg moved that the Town have Kent Partridge take an inventory of buildings and businesses located in the Town of Eagle Mountain without building permits or business licenses. John Jacob seconded. Ayes: 5, Nays: 0.

Nick Berg brought up the issue of Glen and Maryanne Smith, property owners in the Town who felt slighted when they felt that their property was inappropriately discussed in a previous town council meeting. John Jacob admitted that he had made the statement to a member of the public that the property may have been divided incorrectly and he should be aware of that. Mayor Hooge had countered that the Town did not have the actual facts, but if the gentleman really wanted to know, he could obtain the information from the County offices for \$5. John Jacob agreed to pursue this matter by contacting the Smith's with an apology as necessary.

John Jacob asked how many houses in Cedar Pass Ranch are under construction with a Utah County Building Permit? His question was asked in regards to Lot #3 at CPR where the home is in the process of being built with a Building Permit issued by the County. Now that the homeowner has decided that he wants to finish the basement at the same time, which was not approved at the time the permit was issued, the County has told him to retain a second permit through the Town. The question was, how should this be handled. It was agreed that John would do more research on the subject and it would be discussed more thoroughly later.

John Jacob moved that the Council adjourn to Executive Session. Diane Bradshaw seconded. Ayes: 5, Nays: 0. The meeting adjourned at 9:00 p.m.

May 22, 1997

Minutes of the Town of Eagle Mountain Town Council meeting held Thursday, May 22, 1997 at the American Legion Hall located at 55 North Center Street, Lehi, Utah. The meeting was called to order at 7:00 p.m. by Mayor Debbie Hooge.

Town Council members present: Mayor Debbie Hooge, Nick Berg, Cyril Watt. Absent: Diane Bradshaw, John Jacob.

Town Manager: Dave Conine

Recorder: Dana Neth

Others: Randy Skeen, Mike Wren, James Dahl, Ira Hodges

The Pledge of Allegiance was led by Dave Conine.

Nick Berg moved that the minutes of the Town of Eagle Mountain Town Council meeting dated May 15, 1997 be approved. Cyril Watt seconded. Ayes: 3, Nays: 0.

Consent Items: Mayor Hooge presented consent items to the Council which is to pay the bills that the Town has accrued during the last month.

Carl Allred/Cedar Meadows Update: Carl proposed a small change to the Cedar Meadows Subdivision which causes a change in the location of accesses. He showed the state preferred access, emergency access and discussed the option he had of creating a cul-de-sac or stubbing an access for future expansion. He told the Council that he had a completed application, he had talked to the state, his soil study was underway. James Dahl of MCM Engineering, Inc. suggested that the Council approve the plans for the subdivision subject to the listed items included in letter he submitted to the Council dated May 21, 1997.

MOTION: Mayor Hooge entertained a motion to approve Cedar Meadows Subdivision subject to the completion of all items listed in the letter from James Dahl of MCM Engineering, Inc. and submittal of application fee. Cyril Watt moved the same, Nick Berg seconded. Ayes: 3, Nays: 0.

Cedar Pass Ranch - Plat N: 40 acre parcel of land, not subdivided. There was discussion of vacating the old plat and the process to do so. Scott Kirkland thought that he would need to vacate the property, publishing a notice in the paper, notifying the property owners, and holding a public hearing. Mike Wren of MCM said that he thought the law had changed and it is not necessary to have a public hearing if the property owners agree to and sign a consent. It was stated that the Council may approve the plat, but it cannot be recorded until they hold a public hearing, if necessary. Scott Kirkland stated that he would like to obtain conditional approval based on the Engineer's inspection and fees paid

There was discussion in regards to having a slope analysis completed, and emphasis that the buyers of the properties would need to have an understanding that they could only build on the lot as dictated by an analysis. Mayor Hooge suggested that the building inspector needs to be aware of the situation so that when he reviews the site plan it is in compliance with the slope analysis. Mike Wren of MCM stated that they will review grading and slopes and that the inspector should also look at the mylar. Nick Berg said that a slope analysis will be required. Dave Conine stated an area of concern being the cul-de-sac at which the grading was over 10% up to the end. He said it should level at the top.

Mike Wren stated that he did not feel there was any reason so far to not recommend approval. Dave Conine concurred, but also expressed that the plan may not meet all of the absolutes. Scott Kirkland proposed that the Council give conditional approval subject to full engineering approval, final mylar requirements being met, and publication of notice in the paper.

MOTION: Nick Berg moved that Cedar Pass Ranch Plat N be tabled until June 5, 1997 and that Dana Neth be authorized to have a notice published in the paper to advertise the amendment of the plats and hearing if necessary. Cyril Watt seconded. Ayes: 3, Nays: 0

The Landing at Eagle Mountain - Touchstone Properties: The Council was addressed by David Wilding of Wilding Engineering in regards to Phase I and Phase II, final plat and construction drawing review. He presented a letter of recommendation with approval subject to items noted in the letter. In regards to item #3: ". . . . We suggest a design that takes water off of the driving surface of the alley-ways", Nick Berg asked which design would be more susceptible to wear and tear, gutter in the middle or the sides of the road? David explained how each design would wear and stated that it is Wilding Engineering's recommendation that the gutters be placed on the side. Mayor Hooge stated that if it would be the city's responsibility to maintain the alley-way, it should be the design that would be most durable. James Dahl of MCM stated that he intends to change the plan and place curb and gutter on each side of the alley-ways as suggested by Wilding Engineering.

Mayor Hooge inquired about the landscaping and whether or not it was part of the final. Janet Valentine of the Planning Commission responded and said that it should be addressed on the final checklist. Nick Berg stated that a landscaping plan should be submitted with the final mylars.

MOTION: Nick Berg moved to approve the Landing at Eagle Mountain Phase I and II subject to items addressed in the letter dated May 22, 1997 from Wilding Engineering. Additionally, at the time of signing final mylars, the conditions listed on page 2 of the May 15 Staff Report shall be fully addressed, and the roads dedicated to the town. Also the landscaping plan shall have been satisfactorily reviewed by the Planning Commission. Cyril Watt seconded. Ayes: 3, Nays: 0.

Gary Clifton of Highland asked questions in regards to the school grounds and athletic fields. Mayor Hooge responded that the elementary school and junior high would be built in the same vicinity and the high school would be built in a different area as per district policy. The athletic fields would be separate from school grounds. There was discussion in regards to Gary working on the planning commission for the Town and Gary stated that he would be willing to.

MOTION: Cyril Watt moved that the Council table Item 8 on the Agenda which was a Resolution to Employ a Second Engineer, until June 5, 1997, due to lack of information available at this time. Nick Berg seconded. Ayes: 3, Nays: 0.

MOTION: Mayor Hooge entertained a motion to table Item 9 on the Agenda, which is the Ordinance for Utility Rate Structure, until June 5, 1997. Cyril Watt moved that the motion be passed, Nick Berg seconded. Ayes: 3, Nays: 0.

Roll Back Tax Question: There was some question as to what this item was and determined that the person who had asked the question was not in attendance at this weeks meeting.

Due to John Jacob's absence, Item 11 on the Agenda was moved to June 5, 1997.

No Public Comment

Other Business: Resolution 97-21 which is to authorize construction in the existing and proposed town road system to trench for the laying of telecommunication cables was discussed. Randy Skeen stated that the Town can have the Utility Easement.

MOTION: Nick Berg moved that the Council adopt Resolution 91-21, to authorize construction in the existing and proposed town road system; to trench for the laying of telecommunication cables. Cyril Watt seconded. Ayes: 3, Nays: 0.

Nick Berg asked that the Town Council help in appointing new planning commission members. The Planning Commission would like to remove two (2) members and add four (4) new members to the Commission. The Planning Commission will submit a list for approval at the June 5, 1997 Council meeting. Discussion followed with emphasis made that the Commission needs to appoint "active" members due to the amount of work that will need to be accomplished in the next six months. It was decided that the Council will appoint

four (4) new members with the agreement that two (2) of the members would be temporary. It was also stated that Planning Commission members do not have to be residents of the Town.

Cyril Watt questioned why Agenda Item Number 8 was tabled. Due diligence was the response. In order for the Town to properly contract with a secondary engineering firm, it is necessary that all submitted proposals be reviewed and then presented to the Council. On June 5, 1997, Nick Berg will make his recommendations to the Council.

Cyril Watt moved that the meeting be adjourned until June 5, 1997. Nick Berg seconded. Ayes: 3, Nays: 0. The meeting adjourned at 8:40 p.m.

June 5, 1997

Minutes of the Town of Eagle Mountain Town Council meeting held Thursday, June 5, 1997 at the American Legion Hall located at 55 North Center Street, Lehi, Utah. The meeting was called to order by Mayor Debbie Hooge at 7:15 p.m.

Members of the Town Council present: Mayor Hooge, Nick Berg, Diane Bradshaw, John Jacob, Cyril Watt.
Recorder: Dana Neth
Others: Randy Skeen, Mike Wren, James Dahl, Keith Dover

The Pledge of Allegiance was led by Randy Skeen.

Nick Berg excused Town Manager, Dave Conine due to emergency surgery and said that he may not be to the next two meetings.

The minutes from the Town Council meeting held on Thursday, May 22, 1997 were read and Cyril Watt moved that the minutes be approved as written. Nick Berg seconded. Ayes: 4, Nays: 0.

John Jacob Report on Town Inventory of Non-Permitted Usage: John reported that he and Kent Partridge had spent three hours earlier in the day checking out possible un-permitted activities in the Town. He and Kent had talked to a Mark Harding who was building a home without a permit. He stated that Mr. Harding had said that he had been through a lot of hassles with the county and this is why he had not obtained a permit. He also showed photographs he had taken of the home in different stages of construction. Kent inspected as much of the home as he could and from his judgment, everything had been properly done. They did advise Mr. Harding that he should cease and desist to build until an application had been made to the Town, fees paid, and a proper plan inspection had been completed. Mr. Harding agreed to comply. John felt that if they were to apply now, that they will be eligible and all inspections would pass. There was further discussion of several homes being illegally erected at a pig farm in the valley. John stated that two of the homes were approved by the county, but he was not sure about the other buildings. It was suggested that he call the county and find out.

There was discussion regarding business permits and types of businesses where a license would be required. It was determined that agricultural businesses were not required to be licensed. The question was raised as to whether or not a business providing sawdust for farmer's would be considered agricultural. Randy Skeen will review the question.

MOTION: Mayor Hooge entertained a motion to table the Cedar Pass L.C. Water Line Extension Agreement and have it put on next weeks agenda. Cyril Watt moved that the motion be passed. John Jacob seconded. Ayes: 4, Nays: 0.

Nick Berg - Recommendation for Engineer: Nick presented the council with the results of the research he conducted from the proposals that had been submitted to the Town by three engineering firms: JUB, Wilding, and Lochner. He handed out a memo which was a review and recommendation for the Council and also included a comparison between the three companies and MCM Engineering. He stated that all three firms were professionally qualified; one was a national firm and two were local. He reviewed their qualifications and fee structures which he had discussed with MCM Engineering. His recommendation is to go with Wilding Engineering with a contract agreement of six (6) month periods, cancelable with 30 days notice prior to the end of each 6 month period, subject to negotiations, with a complete understanding that their fees should not exceed those of MCM. Wilding Engineering will be a liaison with the town engineers to work out problems and solutions. He also recommended that he be assigned to be the liaison with the Town Engineer's and went over the specific assignments that other Council members had been, or could be given.

John Jacob questioned the issue of a mileage fee and asked if MCM billed for mileage? Mike Wren stated that they did not. It was stated that this was negotiable. John also stated that he would like to see the contract

agreement end on January 1st rather than November 30th. Mayor Hooge asked David Wilding if they would be willing to step down on their fees. David said that his fees were negotiable and he is willing to work with the Town.

MOTION: Nick Berg moved that the Town of Eagle Mountain contract with Wilding Engineer to assist MCM in inspections and plat reviews, for six months with a 30 day notice, subject to negotiations. Cyril Watt seconded. Ayes: 4, Nays: 0.

Nick Berg asked Mike Wren to clarify the work that would be required of Wilding Engineering. Mike responded that MCM would be stepping out from specific projects and recommend that Wilding Engineering would oversee inspections and plat reviews of subdivisions located in the north end of the Town. Wilding will do plan reviews for all projects that are designed by MCM. Wilding Engineering then requested that MCM do plan reviews for all projects they are involved in, such as Cedar Meadows.

Billing schedules were discussed and Mayor Hooge requested that MCM submit a statement to the Town for the work they have done so far. It was agreed that the Town would be billed at the end of each month.

Diane Bradshaw joined the meeting in progress.

Agenda Item Number 7 - Utilities Ordinances and Related Resolutions was tabled due to the absence of Town Manager, Dave Conine. There was discussion regarding the Bond Anticipation Notes and the Utility Rate Structure. John Jacob stated that he had a discussion with John Haws from UAMPS who is questioning why UP&L is getting the Town's business and not UAMPS. He said that they are very interested in serving the Town.

Nick Berg said that he had obtained ordinances from Payson City for the utility rate structure and stressed that the Town of Eagle Mountain needs to pass similar resolutions and ordinances before the Bond Anticipation Notes are in place. John Jacob asked what will happen when the bonds are approved and the city becomes responsible for the payment of the contractors, and what happens to the contracts that are already in place? Nick Berg responded that it should not be an issue because by the time the bonds are approved, most of the jobs will already have been completed.

MOTION: Nick Berg moved that Agenda Item Number 7, Utilities Ordinances and Related Resolutions, be tabled until the next regular meeting of the Town Council. John Jacob seconded. Ayes: 5, Nays: 0.

Planning Commission Membership Review. The following names were submitted for consideration to serve on the Planning Commission: Scott Kirkland, Stan Smith, Mark Zitting, Jodi Hooley, Gary Clifton, Hyrum Thompson and Kathy Hill. Mayor Hooge made a personal recommendation of Mark Zitting, Hyrum Thompson and Scott Kirkland. It was also stated that it is the job of the Mayor to appoint with the Council's approval. Discussion followed and it was agreed that the members appointed tonight would serve a temporary six (6) month term to end on January 1, 1998. It was also decided that two people would be appointed as permanent members and one as an alternate.

MOTION: Cyril Watt moved that the Town Council approve the Mayor's recommendation for the following to serve as temporary members of the Planning Commission for a term of six months: Scott Kirland and Mark Zitting as permanant members and Hyrum Thompson as an alternate. John Jacob seconded. Ayes: 5, Nays: 0.

Public Comment

Mayor Hooge acknowledged and introduced to the Council Mike Busch of Tasco Engineering, Inc.

Carl Allred, 1270 W. 5050 S., Taylorsville, stated that he thinks that the Town should name streets rather than the developer's so that the names are not duplicated. Mike Wren of MCM responded that it is the responsibility of the Town Engineer to check the street names so that there will be no chance of duplication.

Mayor Hooge

stated that as a recommendation, the street names should be put on the preliminary plats that are presented to the Planning Commission.

Other Business: Item a. Approval of Communications Site Tower: Nick Berg stated to the Council that the Planning Commission in their earlier meeting had approved a site for a Communications Tower to be built by Air Touch Cellular. He said that he went with the engineers to survey for the site and they felt it was a great site that will be able to serve the whole valley. Mayor Hooge raised the question of landscaping and asked what the intention of Air Touch was in regards to beautifying the site of the tower. David Wilding offered the idea that the communications industry is now able to design the towers to look like trees and discussion followed. There was also the question raised as to whether or not it was feasible to landscape due to the water situation in the town at this time.

MOTION: Nick Berg moved that the Air Touch Cellular Tower site be approved with the understanding that when a water supply became available, it would be the responsibility of Air Touch to landscape the site. Diane Bradshaw seconded. Ayes: 5, Nays: 0.

Other Business: Mayor Hooge spoke to Mike Busch of Tasco Engineering and said that she would like to see Gary Tassainer do a feasibility study. She feels that it would be a great benefit to put in the infrastructure for the gas lines as the other is being constructed so that as soon as the hook-up to Kern River is in place, customers can connect. There was discussion regarding the inconvenience and high cost of using propane vs. natural gas. Mike Busch stated that there will be two taps that will connect the Kern River line to the town lines.

Other Business: Mayor Hooge spoke to the Council regarding the hours of the Town Recorder/Clerk. It is her recommendation that since the hours are now exceeding 20 hours per week, it may be to the towns advantage to hire Dana through Employee Leasing Management (ELM) so that they can handle taxes, unemployment, workman's comp., etc., since the town is not set up to handle these items at this time. There was some discussion that followed regarding future employees, taxes, wages, etc. and it was agreed that Dana will submit a presentation which will explain the ELM program to the Town Council and their cost to the Town, at next week's meeting.

John Jacob presented the Council with a U.S. Soil Conservation Maps for the area that he had acquired and asked if they would be of use to anyone involved with the planning of the Town. Nick Berg stated that he thought that Ira Hodges already had a copy, so John said he would give a copy to the Planning Commission for their use.

MOTION to Adjourn: nick Berg moved that the meeting be adjourned. John Jacob seconded. Ayes: 5, Nays: 0.

June 12, 1997

Minutes of the Town of Eagle Mountain Town Council meeting held Thursday, June 12, 1997 at the American Legion Hall located at 55 North Center Street, Lehi, Utah. The meeting was called to order at 7:15 p.m. by Mayor Debbie Hooge.

Town Council Members present: Mayor Debbie Hooge; Nick Berg, Diane Bradshaw, John Jacob and Cyril Watt.

Recorder: Dana Neth

Others: Randall Skeen, Mike Wren, Mel Mcquarrie, James Dahl, Keith Dover, Bob Lynds, Gary Tassainer.

The Pledge of Allegiance was led by John Jacob.

The minutes were read and Cyril Watt moved that the minutes be accepted as recorded. Diane Bradshaw seconded. Ayes: 5, Nays: 0.

Item 4. Cedar Pass Water L.C. - Waterline Extension Agreement

MOTION: John Jacob moved that the Cedar Pass Ranch Waterline Extension agreement be tabled for two weeks. Diane Bradshaw seconded. Ayes: 5, Nays: 0.

Item 5. Gary Tassainer/Tasco Engineering - Review of Natural Gas Feasibility

MOTION: John Jacob moved that the review of the Natural Gas Feasibility be moved to after Item 9 on the agenda. Cyril Watt seconded. Ayes: 5, Nays: 0.

Item 6. Mayor Hooge - Budget Proposal. Mayor Hooge presented an outlined budget to the Council explaining that it was just a proposal that they should review and would be made available to the public for review. She discussed the items as outlined in a cover letter which she included to the Council. She explained the figures that she proposed and how she had calculated the figures to include them in the budget.

John Jacob stated that the Developer has said many times that he will build a city building for meetings and such and was under the impression that the building would be gifted. He questioned why it now appears to be the responsibility of the Town to finance a building and asked whether or not he had had the wrong impression. Bob Lynds responded by stating that there had been talk of land being given to the town, but they had not committed to a building. John said that he would like a definite answer to this question and asked whether the land would be given to the town. He does not feel the Town should go on assumptions. Mayor Hooge suggested that they continue with the budget.

Mayor Hooge stated that the budget was to be reviewed, published, refined and then go on from there. It may still be amended. There was discussion regarding net income and how it applied to losses and Mayor Hooge asked Gary Tassainer of Tasco Engineering to explain this to the Council. Diane Bradshaw asked whether or not there was a schedule to go by for the budget and Mayor Hooge informed her that there was.

Item 7 - Utility Ordinance: Randy Skeen addressed the Council regarding the necessity of passing utility ordinances for the Town. He stated that there is the issue of developer's coming in and feeling that since ordinances are not all in place, they can do whatever they want in the town. With two subdivisions up for approval he is concerned that it would be in the best interest of the Town to have the developments be under the same uniform ordinances. The Council should address the requirements of the town regarding utilities. What are the requirements regarding wells? Are we going to be providing natural gas or should everyone put in propane tanks? These things should be clarified so that there is no question as to what the

town requires and will allow. His advice at this point is that the Town should not approve any subdivisions until the ordinances are in place.

Gary Tassainer then expanded upon the issue by stating that if for example, Cedar Meadows puts in UP&L system and 3-10 years later decides that they want to change over to city power, they may be faced with condemnation and will have to pay for the infrastructure base which in essence they have already paid for. He stressed that the Town would like to have more customers and they should building under an ordinance that requires them to hook up to city power. Randy Skeen stated that he would like to see ordinances that reflect the town's requirements such as: can potential customers hook up to any power or are they required to hook up to city power?

Gary Tassainer said that anyone has the ability to tap into UP&L to bring power in to the city and the Town needs to, by ordinance, say that no one can serve except the city. Diane Bradshaw asked for clarification - does this mean that there will be no choice? Randy responded yes, that is why the Town needs an ordinance. Nick Berg added that if there is mandate hook up to city power it will be beneficial to the city.

Gary Tassainer then addressed the Council on the Feasibility of a gas system expansion to Cedar Pass Ranch. He presented the Council with a letter and attached table regarding the feasibility of expanding the natural gas distribution system, along with an estimation of the cost of extending the gas main and the installation of the distribution trunk system. Gary's suggestion is that property owners take the gas line from their property to the street. He suggested that the idea of building the infrastructure into the roadway looks positive.

John Jacob asked why they do not hook up to Kern River now? Bob Lynds, Eagle Mountain, LC responded that it would be cheaper (1/2 of the expense) for the city and the developer to use bottles gas (tanks) for the first couple of years until the demand for the service were greater. He stated that it is not possible to measure gas use at this time. Gary added that after three months negotiation with Kern River this was the best alternative for the Town to take at this time. Randy also stressed that if it is not mandated to hook up to city power, Kern River may not be willing to contract with the Town.

Scott Kirkland asked, "Can a city mandate?" Gary Tassainer responded that de-regulation only affects cable TV and telephone services and that gas and electricity remain unaffected. Nick Berg stated that the solution to the issue was ordinance writing, mandating usage or giving the option to the customer.

There was further discussion regarding gas vs. propane, and city vs. developer expenses in regards to electricity. John Jacob asked how close can you put a gas and water line. Gary Tassainer responded that they could be put in the same trench but that Braegger is uncomfortable with it, so they would do it separately. He said that power, cable and phone lines, could all be run in the same trench. There followed discussion about the cost of having to run a trench twice and the savings if it were done only once.

Mayor Hooge stated that it seems feasible to do the infrastructure now. She asked that the Engineers work on the utility ordinances, Randy Skeen will review and then the city will review. Gary Tassainer asked that the Council please do not approve any more subdivisions until the ordinances are in place. Mayor Hooge stressed the need to push the ordinances through before the Bonds can be okayed. Nick Berg suggested that the Council move on and continue the discussion at the next meeting after review can be made of financing of the project.

MOTION: Nick Berg moved that the Utility Ordinance Discussion be reheard at the next regular meeting of the Town Council, at which Mayor Hooge suggested that Scott Kirkland, Gary Tassainer, Cyril Watt, Bob Lynds and herself meet to discuss the options. Cyril Watt seconded. Ayes: 5, Nays: 0.

Sales Tax Ordinance 97-001. Mayor Hooge explained that the sales tax ordinance is required of the Town by the state and that they had obtained a model ordinance that they would like to adopt without changes.

MOTION: Nick Berg moved that the Town of Eagle Mountain adopt Ordinance No. 97-001 which was an ordinance imposing a one percent municipal sales and use tax, providing for the performance by the state tax commission of all functions incident to the administration, operation and collection of a sales and use tax hereby imposed, providing penalties for the violation thereof. Cyril Watt seconded. Ayes: 5, Nays: 0.

Public Comment: None

Other Business: Nick Berg informed the Council that the Planning Commission had come to the conclusion that they could elect their own Chairperson and that they intended to do so at the next Planning Commission meeting.

Nick Berg brought to the Council's attention that the Cedar Valley airport who have a conditional use permit through the County is in violation of the permit. They now have more than one building and it is suspected that they may be committing other infractions against their permit. He asked that John Jacob and building inspector, Kent Partridge visit the airport and gather information to submit to Randy Skeen for review.

John Jacob updated the Council on the Scott McLachlan property and stated that all buildings located on the property are approved and legal.

Mayor Hooge asked Town Clerk, Dana Neth to read to the Council items from the accounts payable list for the Town. The following items will be paid June 13, 1997:

Randall L. Skeen	\$3,500.00
R. Phelps and Associates	\$ 180.00
Century Title	\$ 44.00
MCM Engineering, Inc.	\$2940.00
Utah Local Governments Trust	\$ 499.00

Cyril Watt moved that the meeting adjourn to closed session at 9:00 p.m. Nick Berg seconded. Ayes: 5, Nays: 0.

APPROVED 7/22/97

July 10, 1997

**Town of Eagle Mountain
Minutes of the Town Council Meeting**

The meeting was called to order at 7:35 p.m. by Mayor Debbie Hooge. The Pledge of Allegiance was led by Council member John Jacob.

The following Council members were present and constituted a quorum:

Mayor Debbie Hooge

Council Members: Diane Bradshaw, John Jacob, Nick Berg. Cyril Watt was excused.

Recorder: Dana Neth/Janet Valentine

Others: Dave Conine/Town Manager, Randy Skeen/Town Attorney.

Item 3 - Resolution to Appoint Janet Valentine as Town Recorder:
All members present read resolution.

MOTION: John Jacob moved to appoint Janet Valentine as the town recorder. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1 - Mayor Hooge.

Item 6 - Cedar Pass North Plat A - Final: It was suggested to change Cedar Pass North Plat A to Item Number 5.

MOTION: John Jacob moved that Cedar Pass North Plat A - Final be changed to Item Number 5 on the agenda. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1 - Mayor Hooge.

Scott Kirkland/Cedar Pass Ranch asked if the council would table Item Number 6 - Cedar Pass North Plat A to next week. There was some discussion which followed.

MOTION: John Jacob moved to table Item 6 - Cedar Pass North Plat A - Final to the 17th of July. Nick Berg seconded. Ayes: 3, Nays: 0, Abstained: 1 - Mayor Hooge.

Item 4 - Larry Patterson /Cedar Valley Airport: John Jacob has been in contact with Larry Patterson. He said Larry Patterson has some very interesting items to present. He Introduced him to the Council.

Larry Patterson presented a handout-out entitled, "Cedar Valley Airport", which consisted of a list of Facts in regards to the Airport. He read through the list.

John Jacob stated of the importance of the Cedar Valley Airport to our town. The taxes received from aviation fuel would be a benefit. However, he did not know if the taxes would go to the Town of Eagle Mountain.

John Jacob asked if the Airport had a permit to operate the building/house. Larry Patterson replied yes. John Jacob expressed his concerns about people living at the Airport without a occupancy permit. Larry Patterson said in 1991 the building was considered a legal residency and approved for sewage.

Larry Patterson said it started with Limited Liability Air Services Co. and as far as he knows the business permits were obtained. The county came out at the time of Smiths/Buttars application for a permit to operate a private airstrip. The county went with a fine tooth comb and picked everything apart at the Cedar Valley Airport. He said to his knowledge all the permits were granted and the county gave their blessings again.

John Jacob said he went through the application which was made to the county to allow a one family residence and found that the airport tried to comply.

Mayor Debbie Hooge said she was not concerned with the one family dwelling. The fundamental problem is the RV's which are parked at the airport and their waste facilities. The Mayor said there needs to be some type of permit to operate a campground.

Larry Patterson responded that he is willing to work with the town. He stated that the bathroom facilities in the RV's are not being used. The owners use the facilities provided by the Airport. They think of it as camping.

Mayor Debbie Hooge felt the Airport needed approval for the parked RV's to be allowed as a permitted use and would need to meet the Utah Building Code. She has discomfort in it being a campground.

John Jacob stated seeing how none of the campers bathroom facilities are being used they probably think of it as going camping for the weekend. There is camping going on every where else in Cedar Valley.

John Jacob asked if the Airport uses a septic tank. Larry Patterson said the house has a holding tank which is gets pumped regularly. It is not used during the winter because it gets too cold so they turn the water off and a outhouse is used.

Brent Davis/Cedar Valley Airport said the outhouse facility goes into the same holding tank.

John Jacob said an inspection is needed and an occupancy permit to allow the RV's. He said the town is willing to work with the airport on this.

Larry Patterson asked for suggestions of what they can do to conform to the town. He said it seems the mayor is the only one arguing on this issue.

Mayor Debbie Hooge said you've got me pegged, I'm concerned with the health issue. The Health Dept. needs to clear what uses are allowed. She asked how many RV's are occupied and how often are they there.

Brent Davis/Cedar Valley Airport said most of the RV's are vacant during the week and only used on weekends. Currently only six are being used on weekends.

Mayor Debbie Hooge said this is a health and safety issue and there should be temporary housing requirements.

John Jacob said there are two items. First item is that they apply for a business license. He felt the house would be grandfathered, it needs to be approved & will be approved. Expressed his concern with the parked campers, and possibility of it becoming a camping facility. Brent Davis/Cedar Valley Airport said it is not a camping facility.

John Jacob said the second item is safety regarding the short distance between the Cedar Valley Airport and the Smiths Airstrip.

Larry Patterson presented studies done by Wasatch Front Regulation Council on airport activity. In 1988-89 Cedar Valley Airport was noted as the 7th busiest airport in the Wasatch Front area.

Nick Berg asked how many landings take place currently at the airport. Larry Patterson said its around 13,000 to 14,000 range. He said in 1989-90 the military wanted to purchase the airport so he in turn sold a lot of the planes. The military didn't purchase the airport and he has not built back up.

Mayor Debbie Hooge said we don't want to torture you any further. You know what we want you to do.

John Jacob discussed the issue of the Cedar Valley Airport business license. Larry Patterson contacted the county to renew his business license. They told him you are now in Eagle Mountain contact them.

Nick Berg asked how many businesses are run out of this location. Brent Davis said basically two businesses. One is Skydive U the other is the Cedar Valley Airport.

Mayor Debbie Hooge expressed her concern about the Skydive U sign. She said we want to create nice signage throughout the Town of Eagle Mountain. Brent Davis replied they would change it to whatever the town would like.

Randy Skeen/Town Attorney said in regards to the airport's business license. There are two separate businesses and there needs to be two business licenses.

Larry Patterson gave an explanation of their set up. He said there is no fee for airplanes taking off and landing. Jack runs the skydiving portion of the airport. They have had the operations under one license.

Mayor Debbie Hooge said there is a reason for business licenses and it is important to do it. Brent Davis/Cedar Valley Airport said no problem we will do it.

Larry Patterson said he is willing to comply and will come in and fill out an application and pay the fees. A discussion on aviation fuel tax followed.

John Jacob suggested to go over the lawsuit. Mayor Debbie Hooge objected, it needs to be gone over with the attorney.

Larry Patterson said there was a safety - liability concern with the Smith's airstrip. Judge Harding ruled in favor of the Cedar Valley Airport.

John Jacob and Larry Patterson explained accident which occurred in 1977 on the mountain by Smith's airstrip. The accident killed the instructor and there was no blame placed,

John Jacob asked Larry Patterson if he had made an offer to the Smiths that they could land at the Cedar Valley Airport for no cost. Larry Patterson said he has never met the Smiths. Brent Davis said he met the Smiths when they stopped by with their Realtor looking for property. He welcomed them to land on the runway at no charge.

Brent Davis said Cedar Valley Airport is a private airport and when people ask to use it they have them sign a waiver first.

Mayor Debbie Hooge said I believe that is all.

Item 5 - Maintenance and Operation Contracts: Gary Tassainer passed out a General Information sheet to each member of the council. He spoke of the original spread sheets/estimates on what build-out would be in a typical year which would drive up connection fees. Gary met with Dave and discussed the extension fees. The total cost would be 10 million, 7 1/2 million would go into a BAN (Bond Anticipation Notes), 2 1/2 million would go into a SID (Special Improvement District). This gets the ball rolling for the infrastructure. The town would need to produce enough revenue to secure it.

Gary Tassainer said the projection of revenue could be in excess of 3 million if the town builds out. This could pull the connection fees for electricity and gas down.

Gary Tassainer illustrated on a white board so everyone could have a better understanding. He listed 3 sources for revenue.
Monthly Revenue Source

- #1 - Commodities, ie., gas, electric etc.
- #2 - One time connection fee, ie., ability to connect to town utilities.
- #3 - Interest on money, ie., misc. fees - inspection fees, building permits, etc.

John Jacob expressed his concerns that the developers could be paying extra above and beyond the connection fees through possible hidden costs. Dave Conine said extension fees cost money. This is an orderly way of building.

Gary Tassainer explained that there is a limitation of 50 houses, 3 miles of water and sewer lines. The revenue bond vehicle provides revenue and security. John Jacob said that what we have here is a lot better than what we received last week.

Scott Kirkland had concerns on connection fees as prescribed. Is there a breakout? - Builder / Buyer. His public opinion is that it is unfair to charge developers too much. The cost to the buyers is lowered and they don't have to do an extension. The developers who have property around the infrastructure have a huge advantage.

Gary Tassainer responded to Scott's concern that it is not relevant to this bond issue, and Scott needs to raise his concern with the town council.

Mayor Debbie Hooge said the benefit of our town owning the utilities is we can continue lowering the fees as warranted.

Gary Tassainer said that at the "Municipal Energy Seminar" in Washington DC, cities and towns were encouraged to own their Power, Telecommunications, and Natural Gas Utility Companies.

Mayor Debbie Hooge said our town is extremely fortunate to have a developer such as John Walden to see that this town is independently wealthy, by providing our town the opportunity to own its own utilities.

Diane Bradshaw asked for the definition of customers ie., small customer vs. all others. Dave Conine replied the total number of kilo watts used would determine the customer classification.

Diane Bradshaw asked who are the small customers. Dave Conine replied small businesses.

Mayor Debbie Hooge entertain a motion to approve the resolution for utility rates.

Randy Skeen/town attorney reviewed the resolution and pointed out what the motion included, and that it should be subject to typographical errors.

MOTION: Nick Berg moved that the resolution to adopt the Utility Ordinances be approved subject to typographical errors. John Jacob seconded. Diane Bradshaw wished to open a discussion before voting.

Diane Bradshaw referred to "A Resolution Adopting Connection Fees and Rates for Wastewater Treatment Service" pg 2. The ordinance stated - The Water Right Management Fee shall be \$250 per acre foot ... She wanted an explanation of what \$250 per acre ft means.

John Jacob explains that the water right must be of value. The city must prove that the water is assessable and useable.

Mayor Debbie Hooge said water rights expire, so their legitimacy must be checked out/investigated.

Diane Bradshaw said then it would be considered like a processing fee.

John Jacob and Dave Conine discussed the source development fee of \$750 per acre foot which is to pay people to develop wells within the city.

John Jacob said anything we do as a town to encourage people to develop water is to the benefit of the town.

There was some discussion about the resolution to establish fees for Cable TV Service.

Wayne Bradshaw asked what the fees will be for homeowners which have existing wells and decide to hook up to the town water system.

Scott Kirkland said the fees would be included in the water agreements yet to be approved. A discussion regarding wells and fees for connections to the town water system followed.

Mayor Debbie Hooge called for a vote of the resolution to adopt the Utility Ordinances. Ayes: 3, Nays: 0, Abstained: 1 - Mayor Hooge.

Item 8 - Public Comment: Mike Wren, 975 E. 450 No. Heber, Utah, spoke about the Lighting Ordinance. Mayor Debbie Hooge said we want quality lighting throughout our town so we can see the stars.

Dave Conine said Tucson, Az. have a Lighting Ordinance which has been very effective.

Item 9 - Other Business: Mayor Debbie Hooge brought up the issue of Lake Mountain Rd. needing road base due to the trench for the phone lines.

Gary Tassainer said there was a rush on hooking up phone lines to the blue roof house. The road was patched and he did not realize it was in such bad shape. The worst place is the along the BLM land. More discussion followed.

Mayor Debbie Hooge suggested since Janet Valentine is now our town recorder and a member of the Planning Commission, the town will need to purchase a recording system to record the minutes. She introduced Dan Valentine, 6186 No. Lake Mountain Rd., Eagle Mountain, who checked into the cost.

Dan Valentine explained a four microphone recorder system that could be purchased from Radio Shack for about \$350. An upgrade to that system would be to provide the means to expand to six microphones in the future for an additional \$100. An additional upgrade would be to purchase a true dictational style recorder for an additional \$150. Discussion among council members followed and Dan Valentine was instructed to purchase the upgraded system and bring receipts in for reimbursement.

Mayor Debbie Hooge began discussion regarding the time table on the Bond Anticipation Notes. Dana Neth gave each council member a copy of the handout.

John Jacob addressed his concerns about the need for school bus routes in Eagle Mountain. He said bus routes are being decided now and we need to contact Alpine School District. Diane Bradshaw volunteered to be Eagle Mountain Town Council's official representative in regards to this issue.

MOTION: Nick Berg moved to approve Diane Bradshaw the official representative of Eagle Mountain Town Council to the Alpine School District. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1 - Mayor Debbie Hooge.

Item 5 - Maintenance and Operation Contracts: A Discussion involving the Agreement Between MCM Engineering, Inc., and Town of Eagle Mountain, and the Agreement Between Tasco Engineering, Inc., and Town of Eagle Mountain took place.

John Jacob asked if during the course of the contract Eagle Mountain found another firm who could do it for less, could the contract be canceled? Randy Skeen/Town Attorney said no, not the way it is written. You can only terminate for cause.

Gary Tassainer/Tasco Engineering, Inc., said we would not object if it was written so you could.

Mike Wren/MCM Engineering, Inc., was agreeable to changing the contract to allow cancellation at any time without cause.

John Jacob is meeting with Draper Irrigation tomorrow to compare price.

Nick Berg moved to adjourn the Town Council Meeting. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1 - Mayor Hooge.

The meeting adjourned at 9:40 p.m.

APPROVED 7/22/97

Minutes
The Town of Eagle Mountain
Minutes of the Town Council Meeting

Date: July 17, 1997

Called to Order: 8:00 p.m.
Adjourned: 11:35 p.m.

Minutes of the Eagle Mountain Town Council held July 17, 1997 at Lehi American Legion Hall, 55 North Center St., Lehi, Utah. The meeting was called to order at 8 p.m. by Mayor Debbie Hooge. The following Council members were present and constituted a quorum:

Mayor: Debbie Hooge
Council: Diane Bradshaw, John Jacob, Cyril Watt, and Nick Berg.

Town Staff Members present:

Manager: Dave Conine
Attorney: Randy Skeen
Recorder: Janet Valentine
Engineers: Mike Wren/MCM Engineering, Inc., Dave Wilding/Wilding Engineering.

Others: James Dahl, Mike Bevans, Howard Ault, Keith Johnson, James Stith, Scott Kirkland, Dan Valentine, Rob Bateman, Diane Jacob, Mark Zitting, Steve Sowby

MOTION: *John Jacob moved to forego the Pledge of Allegiance. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.*

Item 3 - Overland Trails Estates/James Dahl-Class II Permit: For the record Mayor Hooge left the room during this portion of the meeting due to a conflict of interest. John Jacob chaired this portion of the meeting. The proposed Overland Trails Estates was previously known as the Eagle Mountain Properties, LC Equestrian Development. Only two members of the Council had received their information packet on this development. John Jacob requested the information packet be made available to the council in advance of the meeting, so they can review it.

James Dahl represented the developer and gave a presentation on traffic trip generation, soil conditions, water and sewer systems, equestrian trails and facilities within the development. There are three existing agricultural pivots in use and there was some concern that they wouldn't remain in use in the future. There was some confusion on what the differences are between a Master Plan Development vs. a Class II Permit. A discussion followed in regards to the Interim Development Code. Dave Conine recommended to make the development code less confusing by creating a flow chart and definition of terms, so it is clear to everyone's understanding.

Diane Bradshaw requested that the Planning Commission Minutes containing their recommendation of each development be attached to the packet of information so the Council can review them. John Jacob recommended that more information is needed i.e., overlay map of the trail system, the absolute and relative performance checklist and that the information be available on Monday, July 21, 1997.

MOTION: *Diane Bradshaw moved to table item 3 - Overland Trails Estates to the next Town Council meeting on Tuesday, July 22, 1997 at 7 p.m. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 2 (Mayor Hooge, John Jacob. Motion passed.*

Mayor Hooge returned. She requested that when the Council has an issue for voting, the issue at hand is presented, the question is called for, discussion is opened to Council, each Council Member can have a 5 minute statement, discussion is closed and issue voted.

Item 4 - Maintenance and Operation Contracts - MCM Engineering, Inc. and Tasco Engineering, Inc.: John Jacob introduced Mike Bevans with Water Pro Inc. John Jacob contacted Water Pro to get another bid on the town's water and sewer maintenance service. Mike Bevanst the General Manager and CEO of Water Pro said that the Parent Corporation has been divided up into three different companies. They are the following: the Irrigation Company which provides irrigation water, the Draper Water Service which provides culinary water to 80% of the city of Draper, and Water Pro which provides all of the management, personel, and service to the other two entities. He passed out a Service Proposal to each member of the Council which contained; contract terms, general services, water treatment, water distribution, wastewater collection, wastewater treatment, information the Town would need to provide, and recommended acquisitions for the Town. Water Pro would be willing to do both management services for the wastewater and culinary water systems. However he felt the town would be well served to have MCM Engineering run the wastewater plant because of their prior experience with the engineering concepts plan. The base cost according to the proposal would be \$1000.00 a month. This price does not include testing, emergency response, and problems that could occur.

Tasco Engineering Inc., Contract:

MOTION: *Nick Berg moved to approve the Tasco Engineering Contract for maintence and operational services of the Electrical, Natural Gas, Telecommunications and Cable TV Systems. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.*

MCM Engineering Inc., Contract: Mike Wren/MCM Engineering presented the services they would provide and the costs for culinary and wastewater systems. The wastewater agreement includes a full time employee, part time employee, truck with the city logo, and all operations of the wastewater plant. Costs between MCM Engineering and Water Pro were comparable. John Jacob said he liked the expertise of Water Pro with what they do, where MCM is an engineering firm expanding to take care of the sewer and water and expecting to come back and possibly give this to the city. He suggested MCM accept the sewer contract and have Water Pro accept the culinary water contract. Mayor Hooge said she would meet with both Water Pro and MCM Engineering and come up with a contract.

MOTION: *John Jacob moved to table the Agreement Between MCM Engineering, Inc. and Town of Eagle Mountain to Tuesday, July 22, 1997 at 7 p.m. Cyril Watt seconded. Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge) Motion passed.*

Item 5 - Master Development Agreement with Eagle Mountain, L.C.: Attorney James Stith represented Eagle Mountain, L.C. His presentation related to the concept of the Master Development Agreement. In drafting this agreement Mr. Stith said he attempted to incorporate input from different attorneys including Randy Skeen, Mayor Hooge, Council Member Nick Berg, and John Walden, to help provide flexibility and documentation. Each member of the Council was given a copy of the Development Agreement. Mr. Stith said this Master Development Agreement attempts to take the largest block of real property in the town and enable the developer to provide the guarantees. He said this is a unique situation because we are also providing a

guarantee for the infrastructure, utilities, and the special improvement district roads. A town that will want to improve or add to its utility infrastructure will use bonds. Since this is a new town and doesn't have the revenue to support the repayment of the interest, or to repay the principal of the bond. The town will need to get Revenue Anticipation Bonds. Two sources were contacted one was Zions Bank and the other source was a group out of the Northwest.

This document attempts to acknowledge that in order to launch the Town, Eagle Mountain, L.C., has to encumber the developer's personal assets. In other words the financial statements of the three individuals that are the members of this company have to tie up their stocks, securities, and everything else to personally guarantee this obligation. It has been anticipated given the projected growth that Eagle Mountain will issue its own bonds between three and four years depending on how many people move out here. The money received from selling the bonds, will go to the notes. When the notes are payed off Eagle Mountain, L.C.'s guarantees are in effect released. Advantages to the town and the developer at this point would be a low interest rate.

This Development Agreement attempts first to define the project (8000 acres owned by Eagle Mountain, L.C.). It also, ties the specific design conditions of the Eagle Mountain, L.C.'s project (8000 acres) to what the town is proposing as its master development (the intended uses for property within the Town of Eagle Mountain). In reference to pg. 5 paragraph 1.10 of the Development Agreement Mr. Stith explained the cost of \$1250. per acre for each acre of property that shall be developed which is contiguous to or benefits from the roads constructed pursuant to the Special Improvement District roads guaranteed by Eagle Mountain, L.C. Mayor Hooge's understanding was that the Special Improvement District required the money (\$1,250 per acre) to come from Eagle Mountain, L.C.'s property. John Jacob said this is a problem because if you make a Special Improvement District everyone that is going to be assessed in that Special Improvement District has the right to vote for or against the road being improved. Nick Berg explained that if a property owner keeps their land in farm land forever they never pay, but if they want to develop then they pay. This issue was discussed and agreed that John Walden's land would be the only land assessed.

Mayor Hooge referred to pg. 4, paragraph 2.3. She had spoken with the Town Attorney Randy Skeen and they were in agreement that the development code will have to supercede this agreement. Randy Skeen said apparently David Church (Attorney for the Utah League of Cities and Towns) gave the opinion that you can't have ordinances that are subserveint, if you will, to a contractual agreement. John Jacob said the way this is written, if Eagle Mountain, L.C. disagrees with the Interim Development Code the terms of the Development Agreement wins. Mr. Stith agreed that is correct. Mr. Stith expressed his concern on the development code changing. John Jacob responded that the if the development code changes Eagle Mountain, L.C. is not subject to the change. This document already sets it up that up. Mr. Stith continued he read through and explained the Development Agreement. It was agreed to identify the issues and negotiate them. It was agreed there will be exhibits added and language changed by the next Council meeting which will be held on Tuesday, July 22, 1997 at 7 p. m.

Item 6 - Cedar Valley Water Co. Agreement with Eagle Mountain, L.C.: Council Member John Jacob left the room because of a conflict of interest. James Stith represented Eagle Mountain, L.C. He briefly explained this agreement to the Council. A discussion followed and concerns were expressed by Mayor Hooge and the Town Attorney Randy Skeen. They referred to pg. 7, paragraph 7.1. Mayor Hooge and Randy Skeen had the understanding that the percentage of net revenue paid to the town will lead to an ownership interest, rather than just a claim against the revenue stream. Mr. Stith said it was explained to him in this way that the town would participate in the revenue and eventually acquire 50%. He said he would speak with John Walden on this issue.

Nick Berg brought up his concern, top of pg. 9, where it states; "Town shall have seven (7) business days to determine whether it shall elect to exercise its Right of First Refusal to meet all of the terms and conditions of the Offer and purchase Agent's rights hereunder." Mr. Berg said seven business days was not enough time. Mayor Hooge suggested to change it to thirty (30) days and Mr. Stith agreed to change it.

MOTION: *Diane Bradshaw moved to table Item 6 - Cedar Valley Water Co. Agreement with Eagle Mountain, L.C. to next Tuesday, July 22, 1997. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 2 (Mayor Hooge, and John Jacob). Motion passed.*

Item 7 - Cedar Pass Water, L.C. Water System Extension Agreement: Council Member John Jacob left the room because of a conflict of interest. Scott Kirkland represented Cedar Pass Water L.C. In reference to the Water System Extension Agreement, Cedar Pass Water, L.C. proposes the Town of Eagle Mountain, Utah, enter into an agreement with them. Wherein they would design and construct at their own expense a water transmission line connecting to the Town's current water system. This line would run southward approximately 5 miles at which point a 1,000,000 gallon water storage facility would be constructed, then proceed southward with additional transmission lines and distribution lines into the Cedar Pass Ranch subdivision. Scott Kirkland said they are seeking a conditional approval of this agreement. The second approval they would be seeking would be to take the issues in this agreement and place them into a boiler plate extension agreement if one can be found. Steve Sowby the Cedar Pass Water Engineer read through and explained the agreement. Discussion followed.

MOTION: *Nick Berg moved to pass the Cedar Pass Water L.C. Water System Extension Agreement subject to the term being not to exceed 10 years, the interest rate to be negotiated with the Town Attorney and Mayor, the engineering fees and contingency fees be reviewed by the Town Engineers and agreed to by the Town Attorney and the Mayor and that the Mayor and Town Attorney approve the final form of the agreement. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 2 (Mayor Hooge and John Jacob). Motion passed.*

Item 8 - Cedar Pass North Plat A - Final: Each member of the Council received a packet of information of this subdivision. David Wilding/Wilding Engineering, recommended to the Council to approve this subdivision.

MOTION: *Nick Berg moved to approve Cedar Pass North Plat A subject to the to the terms and conditions of the town engineers checklist prior to the mylar being signed and subject to the finalization of the water agreement. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 2 (Mayor Hooge and John Jacob). Motion passed.*

Item 9 - Temporary Town Office: John Jacob returned. Mayor Hooge said the Town is in need of a temporary office. Up to this point Mayor Hooge allowed her business office to be used as the Town office. She requested that the Town Council try to find a location for the office. A couple of options were mentioned but nothing was decided. The Mayor would like the town office moved out of her office by September 1, 1997.

Item 10 - Public Comment: Rob Bateman of Cedar Pass Ranch, Mountain Eagle, Utah suggested that Public Comment be moved close to the beginning of the Agenda. Mayor Hooge requested this change be made to future Agendas. Mike Bevans, 12421 South 800 East, Draper, Utah. Mr. Bevans said that Draper City adopted a policy that Council meetings not go beyond 10:00 p.m., and the reason is the Council felt that the decisions made beyond that time were not worth shooting. Mayor Hooge said the

Council Meeting started late because they gave the Planning Commission an extra hour.

Item 11 - Other Business:

A: Abandonment of Tanks at Cedar Pass Ranch: John Jacob said the reason the tanks were put in Cedar Pass Ranch were for fire protection. We are now forcing the developer to put in fire hydrants which is twice as much per lot as the tanks cost. No decision was made.

B: Restricting Wells in Cedar Pass Ranch vs Culinary Water: There was a discussion with the Randy Skeen the Town Attorney in regards to the Town making it illegal for any more property and home owners with an existing well permit to drill a well. It was decided that the way to deal with this issue would be to ammend the development code.

MOTION: *Diane Bradshaw moved to adjourn the Town Council meeting until next Tuesday, July 22, 1997 at 7 p.m. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.*

Meeting Adjourned at 11:35 p.m.

Statement to be read into the minutes of the Town Council Meeting;

One of the most critical issues which any municipality must grapple with in Utah today is the issue of water. We are, after all, a desert community. Water is one of our most limited resources. And, there is a war raging in Utah over the procurement of our finite resource of water. Over the years, the water in Cedar Valley has gone essentially undeveloped. There is no canal systems, no reservoirs, no rivers. We are currently limited to our well resources. If our Town of Eagle Mountain is to grow and develop the way we have envisioned, we must get water and develop it for the Town. To this end, the Cedar Valley Water Co., owned and managed by John Walden has approached us with an Agreement where they will "guarantee to provide the Town with adequate water rights for its' culinary and industrial ...such guaranty shall include, but is not limited to, water of sufficient volume and quality..." I see this agreement as a wonderful opportunity to use the financial strength of the Cedar Valley Water Co., to protect our community and fight the water "war" on our behalf. The Town does not have the financially capacity to wage this fight by itself. I would like to express my gratitude to Mr. Walden for his continuing commitment and care in seeing to the healthy and well-being of this community

Minutes
Town of Eagle Mountain
Minutes of the Town Council Meeting

Date: July 22, 1997 **Called to Order:** 7:10 p.m.
Adjourned: 9:30 p.m.

The meeting was called to order at 7:10 p.m. by Mayor Debbie Hooge. The Pledge of Allegiance was led by Council Member Diane Bradshaw. The following Council Members were present and constituted a quorum:

Mayor: Debbie Hooge
Council: Nick Berg, Diane Bradshaw, John Jacob and Cyril Watt.

Staff Members:

Manager: Dave Conine
Engineers: Mike Wren/MCM Engineering, Reid Dickson/Wilding Engineering.
Recorder: Janet Valentine

Others: Keith Dover, Bob Lynds, Mel McQuarrie

Item 3 - Approval of Minutes: Minutes for the July 10, 1997 and July 17, 1997 Town Council Meetings were read.

MOTION: Diane Bradshaw moved to approve the minutes of the Town Council Meeting held on July 10, 1997. Cyril Watt seconded. Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.

MOTION: Nick Berg moved to approve the minutes of the Town Council Meeting held on July 17, 1997. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.

Item 4 - Public Comment: Mayor Hooge said if anyone wants to speak on a item on the agenda to do it now and to state their name and address before speaking. She asked the Council if they wish to speak to do so after a question is referred to them. There was no public comment.

Item 5 - Maintenance and Operation Contract with MCM Engineering, Inc.: Mayor Hooge said she would like to approve the contract with MCM for the sewer treatment portion and have all the wording referring to the water distribution system portion taken out. Mel McQuarrie agreed to do this.

Minutes of the Town Council Meeting

Date: July 22, 1997

MOTION: John Jacob moved to approve the Maintenance and Operation Contract with MCM Engineering in regards to the sewer treatment operations and management, subject to their offering to remove from the contract all items regarding the water distribution system. Diane Bradshaw seconded. Discussion: Nick Berg asked if the Water Distribution System and Sewer Treatment would be done separately. Mayor Hooge said she spoke with both MCM Engineering and Water Pro at length and felt it would best serve the town to do the contracts separate. Discussion followed. Vote was called for: Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.

MOTION: Cyril Watt moved to table the Water Distribution System Maintenance and Operation Contract with Water Pro to July 31, 1997. Nick Berg seconded. Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge) Motion passed.

Item 6 - Overland Trails Estates/James Dahl - Class II Permit Plan Review: Mayor Debbie Hooge left the room because of a conflict of interest. John Jacob chaired this portion of the meeting. James Dahl representing the developer said what they would like is a Class II Permit-Preliminary Plan Review approval for Phase one of the Overland Trails Equestrian Subdivision. Phase one consists of 90 lots ranging in size from 1/2 acre to three acres. There was a checklist completed and Dave Conine said this proposal is consistent with the development code. It addresses the anticipated traffic count, open space, park requirements and roads. The property is located on flat land consisting of irrigated cropland and dry farms. There will be no curb and gutter, instead there will be swells at the side of the street. This development met all the absolute performance standards, and received a score of 25 positive points on the relative performance standards. John Jacob expressed his concerns on the electricity availability for all the proposed subdivisions. Bob Lynds representing Eagle Mountain Properties, and residing at 2128 Pinnacle Paris Way Unit 203 in Salt Lake City, responded to John Jacob's concern. He said that emergency generators can be brought in and they could serve up to an additional 500 homes in a two to three month period. This would help out if the building accelerated too quickly.

Minutes of the Town Council Meeting

Date: July 22, 1997

MOTION:

Nick Berg moved to have Overland Trails Estates Class II Permit in its preliminary form be approved subject to the Town Manager report of the items that need to be included in final engineering to be presented to the Planning Commission and ultimately back to the Town Council. Diane Bradshaw seconded. Called for Discussion: John Jacob referred to the minutes from the Planning Commission Minutes and what they approved was the Development Master Plan which consists of the entire 1300 acres. Mike Wren said they have exceeded the requirements for the Development Master Plan. Dave Conine said the Development Master Plan simply allows them to vest the general uses and intensities for that area with the Class II portion of that Development Master Plan being the first phase, and so with approval of that Development Master Plan and that little triangle of Class II they can proceed with more detailed planning for the Class II and additional phases that would occur within that Development Master Plan. Nick Berg clarified what this development is seeking. It is an approval on a Application Review for the Development Master Plan and a Class II Permit Plan Review on Phase one of this development. John Jacob said he has a problem with approving densities and uses by just viewing the map which was presented, other than an approval in the Class II area. Nick Berg said his concern will be included in the motion. Nick Berg restated the Motion it is final form. Nick Berg moved to have the Town Council approve the Overland Trails Estates plat which is the Class II Plan Review together with the Development Master Plan for the 1300 acres subject to; that on final plat approval that MCM Engineering or the applicant will bring the actual densities so we can calculate the absolute requirements for the parks and schools. John Jacob said he does not want to approve the Development Master Plan because there is not enough information. Discussion followed. Question Called for: Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooqe). Motion passed.

Minutes of the Town Council Meeting

Date: July 22, 1997

Item 7-Cedar Valley Water Co. Agreement with Town of Eagle Mountain: Mayor Hooge returned and chaired the remainder of the meeting. John Jacob left the room because of a conflict of interest. Let it be noted that Item 7 was worded incorrect on the agenda. It read, "Cedar Valley Water Co. Agreement with Eagle Mountain, L.C., and it should of been "Cedar Valley Water Co. Agreement with the Town of Eagle Mountain." Let it also be noted that the word "Paragraph" was replaced with "Section" in order to be consistent. Each Council Member received a copy of the "Water Agency Representation and Revenue Participation Agreement", and a letter to Mayor Hooge from the Town Attorney, Randy Skeen in regards to this Agreement. Mayor Hooge referred to the Agreement, she asked if anyone has a problem with Section 1-"Grant of Exclusive Agency", Section 2-"Term of Agency, and Section 3-"Exclusive Use of Water within Town". There were no concerns with these 3 sections. Mayor Hooge said Section 4-"Evaluation Fee charged by Agent", concerned the Town Attorney, Randy Skeen. Bob Lynds was present and representing Cedar Valley Water Co. Mayor Hooge read through the Attorney's concerns in Section 4. His first concern was to allow Cedar Valley Water Co. the ability to modify the fee structure from time to time, and since the town has an interest in the fee structure, the fees should be established up front and if the fees need to be changed from time to time, it should be determined "by resolution of the Town Council". Another concern he had was whether or not the evaluation fee should be charged on water rights where the point of diversion to an existing culinary well is within the Town limits. This act could constitute a "taking" and have a definite harmful economic impact upon the well's owner. He suggested that existing agricultural water in wells located within the Town be exempted from paying the evaluation fee if the owners dedicate the water to the Town culinary water system. The owners would be required to pay any improvements needed to qualify it as a culinary well. He expressed a couple more concerns which is included in the letter addressed to Mayor Hooge. Section 5-"Well Site Transfer Fee", Randy Skeen stated the language in this section should be changed to; "that the well and site transfer fee would be paid to the owner of the well whether the owner was the agent, the Town or a private owner." Mayor Hooge said rather than amend this Agreement they could accept it subject to the changes the Council agrees with Randy Skeen on. Section 6-"Agent-Duties and Responsibilities, 6.4-"Water provided exclusively to Town", Mayor Hooge said in regards to this section that this is the heart of this Agreement because the Town is being guaranteed water for 25 years.

Minutes of the Town Council Meeting

Date: July 22, 1997

6.4 paragraph should be amended to read "...for culinary, industrial and any other municipal uses deemed required by the Town Council." 6.5 paragraph should be amended to use the same language as 6.4. Section 7-"Net Revenue Participation Agreement, Randy Skeen stated in his letter to Mayor Hooge that this section refers to the Town's participation with Cedar Valley Water Company. It was Mr. Skeen's understanding that the Town would attain an equity interest in Cedar Valley Water Co. at certain intervals as provided within the Agreement. As an equity owner, the Town could monitor the expenses incurred by Cedar Valley Water Co. (CVWC) and move to protect its interest in CVWC. The way the Agreement is written is to pay the Town a percentage of the Net Revenue. Mr. Skeen said if the Town feels comfortable with this, he would recommend the participation be on a gross basis rather than a net basis. A participation in the gross relieves the Town from auditing expenses as to reasonableness or, alternatively, allowing CVWC to determine the expense. He recommended that an equity ownership interest would be preferable to a gross participation. Mayor Hooge asked Bob Lynds why this was written as a Net Revenue Participation instead of an Equity Ownership Interest. Bob Lynds said that John Walden (CVWC) would probably be agreeable for the Town to be an equity partner, if they would be willing to put up the share of the funds that he puts up. Mayor Hooge said when she first spoke with Mr. Walden on this issue, he agreed to have it set up as an Equity Ownership Interest. Mr. Lynds felt that the better way to treat this is on a net revenue basis but have some hard definitions as to what will constitute legitimate expenses. Nick Berg suggested to come back to this issue due to the interest of time. Mayor Hooge continued to go through the Agreement. Section 8-"Attorneys Fees", Section 9-"Compliance with Law", and Section 10-"Governing Law" were acceptable. Section 11-"Assignability", Randy Skeen suggested to strike the language which states "in its sole discretion" in the sentence which allows the Agent to assign his interest. Section 12-"Right of First Refusal", Mr. Skeen said the intent of this section is to allow the Town to accept an agreement which mirrors the purchase agreement acceptable to CVWC. The additional conditions are unnecessary and should be stricken. Diane Bradshaw agreed and said that the following should be deleted; "Town shall pay Agent a non-refundable earnest money deposit equal to ten percent of the total purchase amount, at which time Town shall have an additional ninety days in which to close the transaction upon the same payment terms as the original offer". Section 13-"Notice", and Section 14-"Default", the Council didn't have any concerns. Mayor Hooge said Section

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14-"Default" is a standard Default Clause. There was some discussion which followed. Section 15-"Remedies", Randy Skeen as stated in his letter said he doesn't believe the Town should provide legislation which grants liens in favor of CVWC against property owners who do not pay the fees. He stated this provision should be stricken. Section 16-"No Waiver", Section 17-"Severability", Section 18-"Incorporation of Recitals", Section 19-"Time of Essence", and Section 20-"Cooperation", the Council didn't have any concerns. Section 21-"Condemnation, Randy Skeen disagreed with the penalty for condemnation in this Section. He said the penalty is unreasonable, and the penalty needs to be reasonable in order to be enforceable by a Court. Therefore, he believes the penalty should be an amount equal to revenues which would be lost by CVWC as a result of condemnation. Bob Lynds said his primary concern is if in the twentieth year John Walden (CVWC) goes out and the Town says they are growing at such and such a rate and need CVWC to buy five million dollars worth of water and then the Town condemns in the twentieth year. The revenues projected at the end of the twentieth year might only be two million dollars through the last five years. John Walden (CVWC) now has a three million dollar investment in water with no purchaser. He also said that it is very important that the Town have a guarantor of the water and with all that it applies. It was decided to add the language that the Town or Agent would agree to a non-binding arbitration of condemnation and by wording it "non-binding arbitration" the Town does not give up its legal rights. Section 22-"Approvals", Section 23-"No Relationship", and Section 24-"Integration and Conflict" the Council had no concerns. The Council referred back to Section 7 -"Net Revenue Participation Agreement", Diane Bradshaw asked if there is any other way of handling this and not bring revenues into it at all. There was no suggestions. Discussion regarding the reasons behind the Town having an Equity Ownership Interest in the Cedar Valley Water Co. took place. Mayor Hooge would be acceptable to have Net Revenue amended to Gross Revenue. Diane Bradshaw suggested to have other alternatives presented if possible. Discussion continued.

MOTION:

Nick Berg moved to approve the "Water Agency Representation and Revenue Participation Agreement", subject to the changes indicated by the Town Attorney, Randy Skeen with the exception of paragraph 7 in his letter which is to be eliminated. In addition, 6.4 would be amended to read ...culinary, industrial and other municipal

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uses deemed required by the Town Council and 6.5 having the same language. Section 7 to read "upon receipt of Evaluation Fee, agent to pay 50% to the Town, payments to be made quarterly." Section 21 to include language as to "non-binding arbitration of the condemnation." Cyril Watt seconded. Question called for. Ayes: 3, Nays: 0, Abstained: 2, (Mayor Hooge and John Jacob). Motion passed.

Item 8 - Temporary Town Office: John Jacob returned. Mayor Hooge said she looked into all the possibilities. The most logical place is its present location. However, the Town will occupy the front office and Mayor Hooge's business will move into the two rear offices. The office is located at 130 West Main, Lehi, Utah. This will remain the Town Office until October, 1997. No motion was needed.

Item 9 - Other Business:

Eagle Mountain Interim Development Code Design Guidelines: Nick Berg said Dave Conine and Keith Dover have been working on these guidelines to protect the integrity of the Town Center look. He said as he is the liaison between the Planning Commission and the Town Council, he is requesting the Town Council to approve the Design Guidelines even though they didn't have efficient time to read them. He indicated they are meant for just the tract homes around the Town Center. The developer could begin construction of these tract homes within the next couple of weeks. Scott Kirkland Chairman of the Planning Commission said there would be a Architectural Review Board Committee consisting of three members to oversee these guidelines. Keith Dover volunteered to be one of the members. The committee would not even see the builder until after the approval process of the Planning Commission and the Town Council. Then the Building Inspector would be informed by the Architectural Review Board of what needs to be done. John Jacob referred to the guidelines and brought up his concerns of not allowing false chimneys. He has a problem of making rules we can't enforce and that are unrealistic. Nick Berg asked Mayor Hooge if she would entertain a motion. Then the discussion could continue after the motion.

MOTION: Nick Berg moved that the Town Council adopt including the Planning Commission's recommendation that the Eagle Mountain Interim Development Code Design Guidelines which consist of the documents

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received from Keith Dover a licensed Architect and Dave Conine the Town Manager. That these documents be integrated into one document and subject to the Town Attorneys review. John Jacob seconded. Called for Discussion: Mayor Hooge said this document will be subject to a lot of amending. John Jacob continued with his concerns and said the roof pitch could be a problem and limits what a person can do. Mr. Jacob also has a problem with not receiving this document until the last minute. Discussion continued. Question Called For: Ayes: 3, Nays: 1, (John Jacob), Abstained: 1, (Mayor Hooge). Motion Passed.

Mayor Hooge requested Janet Valentine to fax the Design Guidelines to the Town Attorney tomorrow so he can review them.

The Council discussed the Town Council meetings scheduled for August. It was decided that there would be a Town Council Meeting on August 7, 14, 21 and 28 at 7 p.m.

Council Member Diane Bradshaw looked into the school busing situation. She was told to call the first week in August and they could give more definitive information on the bus routes. They do go by the students which are registered. Mrs. Bradshaw will get back with the Council when she receives more information.

Scott Kirkland brought up the issue on addresses, ie., street names. Some discussion followed but there wasn't any current information in regards to this issue.

Mayor Hooge asked John Jacob if he had received an update on the Cedar Valley Airport situation. Mr. Jacob said they are thinking about building another home. They still do not know what the Town wants them to do in regards to the RV's parked at the Airport. Nick Berg brought up that there is no electricity at the Airport. John Jacob said they use several generators for electricity.

MOTION: Cyril Watt moved to adjourn the Town Council Meeting at 9:30 p.m. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.

APPROVED 8/7/97

**Minutes
Town of Eagle Mountain
Minutes of the Town Council Meeting**

Date: July 31, 1997 **Called to Order:** 7:15 p.m.
Adjourned: 10:05 p.m.

The meeting was called to order at 7:15 p.m. by Mayor Debbie Hooge. The Pledge of Allegiance was led by Mayor Hooge. The following Council Members were present and constituted a quorum:

Mayor: Debbie Hooge
Council: Diane Bradshaw, John Jacob, and Cyril Watt. Nick Berg was excused.

Staff Members:
Manager: Dave Conine
Engineers: Mike Wren/MCM Engineering and Dave Wilding/Wilding Engineering.
Recorder: Janet Valentine

Others: Glade Berry, Maureen Berry, Blaine Carlton, James Dahl, Laura Lewis, Bob Lynds, and Jessie Smith, Dan Valentine and Mark Zitting.

Let it be noted that where ever the word "city" was said, it was replace with "town".

Item 3 - Approval of Minutes: Minutes of the July 22, 1997 Town Council Meeting were read and corrections made.

MOTION: Diane Bradshaw moved to approve the minutes of July 22, 1997 contingent on the changes. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.

MOTION: Cyril Watt moved to move Item 9 - Public Comment to Item 4 on the agenda. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.

Item 9 - Public Comment: Mark Zitting, 2327 Mindi Meadows Circle, Riverton, Utah. Mr. Zitting expressed his concern about public comment being on the first part of the agenda. Mr. Zitting asked how the public or any other participates could address items that are on the agenda after public comment has been closed. Mayor Hooge said the public can go into the Town office early and pick up an agenda, identify any of the items they would like to comment on, and obtain any applicable information from the Town Clerk on those agenda items. John Jacob said when public comment is at the end of the agenda and the meeting is running late, most of the citizens have left before public comment has been addressed. That is why it was suggested to place public comment at the beginning of the agenda.

Dan Valentine, 6186 No. Lake Mountain Rd., Eagle Mountain, Utah. Mr. Valentine expressed his concern about the Cedar Valley Water Co. Agreement with the Town of Eagle Mountain. This item will be addressed under Other Business. Mr. Valentine indicated he had spoken with Randy Skeen the Town Attorney in regards to this agreement. He addressed the following concerns; (1) page 12, paragraph 26, the first sentence where it states; "...construction thereof, and the water rights...", the word "and" needs to be replaced with "or". (2) he had a comment on paragraph 26; if anyone can change the point of diversion on their water right just by making a simple application to the state, we could have people moving water rights all over the place just outside the boundaries of the Town. (3) page 12, paragraph 26, where it states; "This exemption shall only apply to such wells or water rights serving one single family residence..." Mr. Valentine said there are a number of wells in the valley that are serving more than one residence. Fitzgerald's well serves three houses and the well I'm on serves two. (4) page 2, last paragraph, where it states; "...made part by this reference, shall be owned and distributed by the Town's municipal water system." He suggested to insert between "reference" and "shall" the following: "...reference, or as exempted in paragraph 26 of this agreement, shall..." (5) page 12, paragraph 26 where it states; "...(2) purchase from the Town additional water rights." Mr. Valentine said "from the Town" needs to be omitted.

Glade Berry, 690 East 200 South, Lehi, Utah. Mr. Berry asked the Council if the town is going to own the water system which is in the process of being installed, also will it be John Walden's own private water system. Mayor Hooge said the Town will own the water system. John Jacob said that if this water agreement is signed, Mr. Walden will not own the Town's water system, but if it isn't signed, then he can use it as his own private water system. Mr. Berry continued, he said he owns a well in the Town limits and wondered

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if he could use his well to develop water, or if all the culinary water in the Town has to go through the Town's water system. John Jacob said that the purpose of this water agreement is to guarantee the Town that it will have water for the next 25 years. He said if you own a well you can use it for irrigation or anything else that you want. However if you transferred it into culinary water there would be a \$250. evaluation fee so it could be used by the town, and a fee of \$750. for the use of where the water comes out. Mayor Hooge said this charge is less than if you upgraded your well to a culinary grade. Mr. Berry agreed.

Bob Lynds, 2128 Pinnacle Paris Way # 203, Salt Lake City, Utah. Mr. Lynds clarified that if an individual has an existing well it can be used for his own personal culinary water.

Item 4 - Seattle-Northwest Securities Corporation/Jessie Smith: Mayor Hooge explain that the Town is in the process of obtaining bonding to purchase the water system, the sewer system, the electrical system, the gas system and the telecommunication system. We will be the only Town/City in Utah to own all their own utilities. Jessie Smith from Seattle Northwest Securities, 1500 South West Broadway in Portland, Oregon, Laura Lewis of Lewis Young Incorporated, 60 East So. Temple in Salt Lake City, Utah and Blaine Carlton from the law office of Ballard Spahr Andrews & Ingersoll, 201 South Main Street, Suite 1200, Salt Lake City, Utah introduced themselves and gave a presentation to the Council. The Council each received a presentation agenda from Jessie Smith. Mr. Smith said that the reason the Town should consider issuing Bond Anticipation Notes (BANS) on a project like this is because it is a readily available source of financing for municipalities, and this type of project qualifies for tax exempt financing. The Bond Anticipation Notes works in the following way; the Town needs to borrow money to build a facility in anticipation of revenue that the Town will generate from people who will buy land, build houses and pay their utility bills. Bond Anticipation Notes are issued much like taking out a construction loan when you build a house. The idea is that in the future these notes will get rolled over into permanent financing. This is not a one year sort of solution. When there are enough users of the facilities that will allow the facility to pay for itself, at that point the Town needs to change gears and issue long term debt. The kind of long term debt Mr. Smith referred to was a revenue bond, where revenues associated with the utilities would pay the debt service. Mr. Smith said they anticipate issuing these bonds for marketing response on September 4, 1997, and then closing the transaction on September 19, 1997. Seattle-Northwest Securities (the underwriters) job is to make sure the money is there. Ballard Spahr Andrews & Ingersoll (bond counsel), and Lewis Young, Inc., (financial advisor) makes sure that it is a good transaction. The flow of funds will be as follows; Seattle-Northwest Securities sell the notes, the money will come to the Town, and will be maintained by a trustee. The trustee will help the Town disperse those funds for construction as it's completed. The funds then go back to the purchasers of the notes to pay off the debt.

Laura Lewis spoke in regards to the Town hiring Lewis Young, Inc. as the Town's Financial Advisor. Ms. Lewis said her firm has worked with both large and small municipalities. The Council each received a packet of information which Ms. Lewis referred to during her presentation. Their job as Eagle Mountain's Financial Advisor would be to read over all the documents from Ballard, Spahr, Andrews & Ingersoll (the bond counsel) and provide comment to them, as well as a representative of the Town. When Seattle-Northwest Securities market the bonds they would make sure there is independent verification that the bonds are at true market rates and that they are doing the best job selling the bonds.

Blaine Carlton from Ballard Spahr Andrews & Ingersoll said they have one of the best 103 tax departments in the country and do a lot of municipal bond work. Locally they have represented approximately two thirds of the municipalities in the State of Utah. Currently they are financing some of the highway construction in Utah. They finance a lot of utility bonds in Utah. This type of financing is unusual in that you don't ever have a municipality that is being created from the ground up. This is a challenge because what is being asked is to finance utilities with revenue bonds when there is no revenue. This is a problem not only from Jessie Smith and Laura Lewis's perspectives but also a problem from a state law perspective. The Utah State Law says that municipalities can only accrue debt by complying with certain provisions under state law. Mr. Carlton said that one of the responsibilities of Bond Counsel is to make certain that the Town is in compliance with the Utah State Law when it comes to issuing this kind of debt. Bond Counsel will also make sure that the Town complies with the Federal Law. They have prepared documents in draft form which proves the issuance of bonds in the notes, in addition to these documents there will be approximately 30 more that they will need to prepare for the Town.

John Jacob asked Blaine Carlton what their legal fees would be. Mr. Carlton said with this transaction he doesn't know but in a couple of weeks he'll have an idea of what it will take to complete this transaction and he will come up with an amount. Mr. Jacob had a concern regarding the town paying two fees, one to the Bond Counsel and one to the Underwriter Counsel. Mr. Carlton said there is some interplay with the two firms, however the underwriter's roll is an entirely different roll from their roll. Mr. Jacob asked Laura

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Lewis what their expense would be and if they would cover more than just the bond issue. Ms. Lewis said they didn't put together a financial statement because they didn't know all the types of services the Town would like them to provide. Ms. Lewis said a rough estimate would be one half a point to three quarters a point. Discussion followed between the Council, Blaine Carlton, Laura Lewis and Jessie Smith.

Item 5 - Resolution to hire Jessie Smith as the underwriter: Resolution 97-30 was approved which included hiring Seattle North-West Securities as the underwriter. The Motion was entertained later in the meeting.

MOTION: Diane Bradshaw moved to move Item 8 - Resolution to hire Laura Lewis as a Financial Advisor to the next item on the agenda. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

Item 8 - Resolution to hire Laura Lewis as a Financial Advisor:

MOTION: Cyril Watt moved to approve Resolution 97-29 to hire Laura Lewis Young, Inc. as the Town of Eagle Mountain's Financial Advisor. John Jacob seconded. Discussion: John Jacob requested to amend the motion to include; subject to their fee schedule and a list of the services they would provide to the Town. Cyril Watt moved to approve John Jacob's amendment. Question Called For; Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

Blaine Carlton said his firm had prepared a Resolution to be Adopted Authorizing Issuance of not more than five million dollars of Bond Anticipation Notes & Setting Other parameters for the Issuance of Said Notes. This was not put on the agenda so there was no vote taken but there was some discussion referring to the Resolution. It was decided to table this item to the Town Council Meeting on August 7, 1997.

MOTION: John Jacob moved to approve Resolution 97-30 Authorizing The Town of Eagle Mountain To Enter Into Contracts for Professional Services; and Related Matters With Ballard Spahr Andrews & Ingersoll, Seattle North-West Securities, and Lewis Young, Inc. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

MOTION: John Jacob moved to table the Resolution Authorizing Issuance of not more than Five Million Dollars of Bond Anticipation Notes & Setting Other Parameters for the Issuance of Said Notes. Diane Bradshaw Seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

Item 6 - Appoint an Assistant to the Town Treasurer: Mayor Hooge asked Janet Valentine if a Resolution had been prepared to hire Ryan Judee as an assistant to the Town Treasurer. Janet Valentine misunderstood the intentions of the Mayor and did not have the Resolution prepared. Mayor Hooge said the Town Treasurer Wayne Bradshaw has a lot of responsibilities. He works for the Town in the evening because he has a day job. There needs to be someone to work during the day to make phone calls to state officials and help get the books in order. Mayor Hooge found an intern at B.Y.U., Ryan Judee who is currently working on his masters degree in Public Administration. It was proposed to pay him \$10.00 per hour. The Town Attorney Randy Skeen said it is not necessary to have a resolution to hire Mr. Judee, it is part of the mayoral duties to hire people with the approval of the Town Council.

MOTION: John Jacob moved to give permission to the Mayor to hire an Assistant to the Town Treasurer. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

Item 7 - Resolution to hire Jeanette Quinn as the Town Clerk: Mayor Hooge said seeing how the Town Clerk isn't here tonight, she would like to entertain a motion to table this item to next week.

MOTION: Diane Bradshaw moved to table Item 7 - Resolution to hire Jeanette Quinn as the Town Clerk to the Town Council Meeting on August 7, 1997. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

Item 10 - Cedar Pass North Plat B - Class II Permit Final: John Jacob disclosed he sells water to Cedar Pass North but wishes to be apart of the discussion. Scott Kirkland presented the information to the Council. Each member received a packet of information. Mr. Kirkland said that there are six lots (lots 73

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to 78) which are unapproved for home construction until such time as the Town Engineer and the State Health Engineer accept a suitable water system design for said lots. According to the Water Engineers, a paper designed water system doesn't reflect the picture accurately. They would like to build the system and get the water in there, then have it retested by the Town and the State because they are convinced the water will be there. If that is not the case, Mr. Kirkland said they will install in-line boosters to increase the water pressure. There was discussion between the Council and the Town Engineers. Mayor Hooge addressed her concern about the availability of electrical hook-ups in the Town. Currently there are only 300 hook-ups. John Jacob said the developer is willing to bring in generators which will provide more electrical hook-ups for the Town.

MOTION: John Jacob moved to approve Cedar Pass North Plat B - Class II Final subject to removing lots 73 through 78 from the plat and these lots will be proposed at a later date due to the lack of water pressure. A will serve letter is to be given to the Town indicating there is sufficient water, and the water is to be deeded to the Town. A will serve letter will also be required from Gary Tassainer indicating there is a sufficient amount of electrical hook-ups for this subdivision. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

Item 11 - Patterson Homes/James Dahl - Class II Permit Plan Review: James Dahl requested to have this tabled to the Town Council Meeting on August 7, 1997. Mike Wren said this item was misquoted on the agenda. It should read as a "Class II Final."

Item 12 - Overland Trails Estate/James Dahl - Class II Permit Final: James Dahl requested to have this item tabled to the Town Council Meeting on August 7, 1997.

MOTION: Diane Bradshaw moved to table Items 11 and 12 until the next Town Council Meeting on August 7, 1997. No second. Vote Called For; Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

Item 13 - Town Clerk and Recorder Attending Training Classes: Mayor Hooge referred to Janet Valentine the Town Recorder. The Town received some information on training classes offered through Utah Municipal Clerks Association which will be August 18 through August 22, 1997. Mayor Hooge said she would like the Council's approval for the Town to pay for this training. Diane Bradshaw requested that a synopsis of items of interest for the Council be presented after they have completed the training classes. Janet Valentine agreed to present the information she obtained from these classes to the Town Council.

MOTION: John Jacob moved to approve the Town Clerk and Recorder the right to attend the training classes and they are to be paid for by the Town. This will include transportation, meals and lodging at \$80.00 per diem per day. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

Item 14 - Other Business: Water Agreement between Cedar Valley Water Co. and Eagle Mountain: John Jacob left the room due to a conflict of interest. Mayor Hooge asked the Council to approve this agreement subject to the changes which have been made. Randy Skeen the Town Attorney suggested to have Cedar Valley Water Company prepare a new agreement incorporating the changes and get the Council's signatures again, but once this agreement is executed and adopted it is in effect. Diane Bradshaw asked if the public has had the chance to read the agreement. Randy Skeen said copies have been made available. Glade Berry a concerned land owner said he briefly glanced through this agreement and it is his understanding John Walden is the Agent and by providing this 25 year agreement he will completely control all the water which goes through the Town. Mayor Hooge said Mr. Walden is guaranteeing the Town's water needs and is not the sole source of water or the sole provider to the Town. Mr. Berry expressed his concern about the water table dropping and has noticed a difference in the use of his own well. Mayor Hooge said John Walden is also required to drill for the Town at his own expense future wells which obviously can't be drilled in the same aquifer. Mr. Berry wanted to know that if he has additional water rights, can he transfer them to his well. Mayor Hooge said if your using the water for agriculture you can. Maureen Berry asked if the \$1,000. fee (\$250. & \$750.) would be the cost to hook-up to the culinary water system. Scott Kirkland said it isn't a hook-up charge it's for an acre foot of water. Discussion continued and Diane Bradshaw said she agrees that these changes are a benefit for the Town but the public has the right, and needs to be aware of the contents of this agreement.

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MOTION: Cyril Watt moved to approve the Mayor to sign this contract as initialed and black lined and subject to Randy Skeen's stipulation that Cedar Valley Water Company retype it and give the Town a clean copy, and that upon execution by Cedar Valley Water Company and the Town of Eagle Mountain this becomes a valid agreement. Diane Bradshaw seconded. Discussion Called For: Diane Bradshaw asked that once the changes are done, this agreement will go back to Cedar Valley Water Co. and assuming they approve all the changes we black lined, then it will be a valid agreement. Mayor responded that it would. More discussion followed. Question Called For: Ayes: 3, Nays: 0, Abstained: 1, (John Jacob). Motion passed.

Dan Valentine asked the Council if someone was going to make sure all the changes were incorporated into the clean copy. Mayor Hooge said Randy Skeen the Town Attorney will read through it and make sure all the changes were made.

John Jacob said he spoke with a company interested in helping with the Town's inspections. Mr. Jacob scheduled an appointment for him and Kent Partridge the building inspector to meet with this company and find out if their services are needed. Mr. Jacob indicating the Town is receiving a very good deal from Kent Partridge because he is splitting the plan check fee 50/50 with the Town. The company which he spoke with said they would give the Town only 25%.

Randy Skeen proposed to the Town Council to raise his rate from \$75. per hour to \$125. per hour due to the additional time and expenditures he has accrued and commence this increase on August 1, 1997. Randy Skeen's usual hourly rate varies between \$150. and \$175. per hour.

MOTION: John Jacob moved that Randy Skeen's wages be changed from \$75. an hour due to extra costs that he has had and expenses for the excellent work he has done to \$125. an hour starting August 1, 1997. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

MOTION: Diane Bradshaw moved to adjourn the Town Council Meeting at 10:05 p.m. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

APPROVED 8/14/97

Minutes
Town of Eagle Mountain
Minutes of the Town Council Meeting

Minutes of the Town Council Meeting	Called to Order:	<u>8:15 p.m.</u>
Date: August 7, 1997	Adjourned:	<u>9:20 p.m.</u>

The meeting was called to order by Mayor Hooge at 8:15 p.m. and the Pledge of Allegiance was said. The following Council Members were present and constituted a quorum:

Mayor: Debbie Hooge
Council: Nick Berg, Diane Bradshaw, John Jacob and Cyril Watt.

Town Staff:
Attorney: Randy Skeen
Engineers: James Dahl/MCM Engineering and Dave Wilding/Wilding Engineering.
Manager: Dave Conine
Recorder: Janet Valentine

Others: Wayne Ballard, Dave Lifferth Bob Lynds, and Jeanette Quinn.

Item 3 - Public Comment: David Lifferth of 924 South 8700 West, Payson, said he tried to bring up the Eagle Mountain Web Site on the Internet and discovered it is non-functional. Mayor Hooge said that she will let the developer (John Walden) know about the problem.

The Water Management Agreement between Cedar Valley Water Company and the Town of Eagle Mountain was redone and the changes were made which were discussed at the Town Council Meeting on July 31, 1997. The Council signed the agreement.

Approval of Minutes: The minutes of the Town Council Meeting on July 31, 1997 were read and approved as written.

MOTION: *Cyril Watt moved to approve the minutes of the July 31, 1997 Town Council Meeting as written. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Item 4 - Water Maintenance and Operation Agreement with Water Pro - Mike Bevans. Wayne Ballard, 959 East 13200 South, Draper, Utah was present and represented Water Pro. The Council each received and read a copy of the agreement. Mayor Hooge entertained a Motion to approve the Water Maintenance and Operation Agreement with Water Pro.

MOTION: *John Jacob moved to approve the Water Maintenance and Operation Agreement with Water Pro subject to the Town Attorney Randy Skeen's review and suggestions. Diane Bradshaw seconded. Discussion Called For: John Jacob mentioned that this agreement is renewal every year on the first of September. Question Called For: Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Item 5 - Resolution Authorizing Issuance of not more than Five Million Dollars of Bond Anticipation Notes and Setting Other Parameters for the Issuance of Said Notes - Blaine Carlton: Mayor Hooge said that the Attorney for the Town's Bond Counsel Blaine Carlton made the changes indicated at the last Town Council

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Date: August 7, 1997

Meeting which was held on July 31, 1997. Each Member of the Council read the document and Mayor Hooge entertained a Motion.

MOTION: *John Jacob moved to accept Resolution 97-31 Authorizing Issuance of (1) not more than \$5,000,000 Aggregate Principal Amount Of Water And Sewer Revenue Bond Anticipation Notes, Series 1997, (2) Not More Than \$1,400,000. Aggregate Principal Amount of Telecommunications Revenue Bond Anticipation Notes, Series 1997, and (3) Not More Than \$1,500,000 Gas And Electric Revenue Bond Anticipation Notes, Series 1997, Of Eagle Mountain, Utah County, Utah. Cyril Watt seconded. Discussion Called For: John Jacob asked what is the point of having parameters set in this Resolution. Mayor Hooge said it is a requirement and by setting parameters, the Town is limiting Bond Council on what they can or cannot do when they sell the bonds. Discussion continued between the Council and the Town Attorney Randy Skeen. Question Called For: Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion Passed.*

Item 6 - Overland Trails Estates - Class II Final and Item 7 - Patterson Development - Class II Final - James Dahl: Mayor Hooge left the room because of a conflict of interest. Diane Bradshaw chaired this portion of the meeting. James Dahl representing the developer told the Council that Item 7 Patterson Development Class II Final was tabled by the Planning Commission until next week because the Town Engineer hasn't reviewed it. James Dahl continued, the Planning Commission approved Overland Trails Estates Class II Final with the following conditions; (1) revising the boundary to include the streets and open space and have them deeded to the Town, (2) to comply with the list of issues which were addressed by the Town Engineer, and (3) the Development Code's requirement of sidewalks on lots less than one acre. Some of the lots are one half of an acre and sidewalks are not included in this subdivision. Dave Conine said that sidewalks would not be compatible with this type of subdivision. There was discussion between the Council, Town Attorney, Town Manager, and James Dahl. John Jacob said he has a problem with a development being presented before the Council the same evening the Planning Commission reviewed it. This poses a problem to the Council by not having the recommendations of the Planning Commission prior to the Town Council Meeting. He wants to have the Planning Commission's recommendations made available prior to the Town Council Meeting which will give some time to review them. It was decided to table Item 6 - Overland Trails Estates and Item 7- Patterson Development to the next Town Council Meeting which will be held on August 14, 1997.

MOTION: *Nick Berg moved to table Item 6 - Overland Trails Estates and Item 7 - Patterson Development to the next Town Council Meeting on August 14, 1997. Cyril Watt seconded. Discussion Called For: James Dahl said they would need a variance on the sidewalk issue. Randy Skeen said the sidewalk issue would probably conform because there is no definition of what a sidewalk is in the Development Code. It was discussed and Mr. Skeen said that a variance on the sidewalks will be necessary if the Council can't agree that this issue complies with the Development Code. Question Called For: Ayes: 3, Nays: 0, Abstained: 2, (Diane Bradshaw and Mayor Hooge). Motion Passed.*

Item 8 - Other Business: Mayor Hooge returned and chaired the rest of the meeting. Mayor Hooge introduced Jeanette Quinn to the Council. Mayor Hooge said the Council will not appoint Jeanette Quinn this evening as the Town Clerk because the resolution needs to be changed, Ms. Quinn agreed and that the wording needs to be changed in the resolution. Mayor Hooge told the Council that they could ask any questions to Jeanette Quinn that are applicable in hiring her as the Town Clerk. Jeanette Quinn said she

Minutes of the Town Council Meeting

Date: August 7, 1997

was born in Provo while her parents were attending BYU. Ms Quinn was raised in the Chicago area as well as in Utah. John Jacob asked her what experience she brings to this job. Ms. Quinn said her parents are both evaluators, so she did a lot of internships at different companies, this gave her hands on experience with evaluation technics. She was trained in a lot of different company's management training programs as sort of a guinea pig. An example would be; if Motorola trained Ms. Quinn to operate their quality control program, they could train any manager they brought into the company. Ms. Quinn attended BYU for three years then discovered she enjoyed working more than attending school. She worked at a company called Future Films for Families in Salt Lake City as Director of Operations, and managed seventy employees and three different departments. She was asked if she was a good typist and knew short hand. , Ms. Quinn said she is faster at 10 key than she is at typing and does not know shorthand. Jeanette Quinn also said she is familiar with a lot of computer programs using different software. Mayor Hooge thanked Jeanette Quinn for coming.

John Jacob said he investigated a family living in a trailer in Cedar Pass Ranch. There have been complaints about their dogs running free, and some chickens have been killed, but there was a mink in the area and it could of killed the chickens. It was suggested that the Town needs to get some sort of Dog Ordinance. Diane Bradshaw said that Utah County Animal Control Officers came to Cedar Pass Ranch today and spoke with owners who let their dogs run free. These officers will be coming out to Cedar Pass Ranch every so often to talk to dog owners. The officers would like to include a flyer in the next Eagle Mountain Newsletter which will let the residents know they will be enforcing the Utah County Leash Law Ordinance.

John Jacob was asked if the situation at the Cedar Valley Airport had changed in regards to the parked RV's. Mr. Jacob said they came in and applied for an RV Park and were told there was no means available to apply for an RN Park. They decided that they will present plans for a subdivision and come before the Planning Commission for approval. Nick Berg said he had heard the airport was never approved by Utah County for fuel sales. John Jacob said he would look into the fuel sales issue.

John Jacob had been in contact with Keith Partridge the Town Building Inspector. Mr. Partridge indicated he has been receiving complaints that the building permit fees and inspection fees for out buildings and barns are too high. Mr. Partridge had been going by the United States Code for detached garages. After receiving the complaints, he went to Utah County and got a copy of what they charge for out buildings and barns . It discovered the County's fees were considerably lower. He suggested to John Jacob that the Town lower these fees and refund the difference to the property owners.

MOTION: *John Jacob moved to change the fees for the barns and out buildings according to the suggestion from our Town Inspector, and that we reimburse the people who have paid the higher fees, also that the Mayor has the right to look over and approve the fees. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Item 9 - Adjournment: The meeting was adjourned at 9:20 p.m.

MOTION: *John Jacob moved to adjourn the meeting at 9:20 p.m. Cyril Watt seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

**Town of Eagle Mountain
Minutes of the Town Council Meeting**

Minutes of the Town Council Meeting
Date: August 14, 1997

Called to Order: 7:00 p.m.
Adjourned:

The meeting was called to order at 7:00 p.m. The Pledge of Allegiance was led by Mayor Hooge. The following Council Member were present and constituted a quorum:

Mayor: Debbie Hooge
Council: Nick Berg, Diane Bradshaw, John Jacob, and Cyril Watt.

Town Staff:

Attorney: Randy Skeen
Engineer: Dave Wilding/Wilding Engineering and Mike Wren/MCM Engineering
Manager: Dave Conine
Recorder: Janet Valentine was present for a portion of the meeting

Others: Mr. & Mrs. Howard Ault, Bob Lynds and Scott Robertson.

Let it be noted where ever "city" was said, it was replaced with "town"

Item 2 - Approval of Minutes:

MOTION: *Cyril Watt moved to approve the minutes of August 7, 1997, Town Council Meeting. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.*

Item 3 - Public Comment: None

Item 4 - Overland Trails Estates (resolving sidewalk issue): Mayor Hooge left the room because of a conflict of interest. Cyril Watt chaired this portion of the meeting. James Dahl represented the developer. Randy Skeen, the town attorney addressed the sidewalk issue. He wrote a letter, which each member of the council received, regarding the sidewalk issue. Mr. Skeen said that the term "sidewalk" is not defined in the development code. Therefore, he feels that this development has met the intent of the development code, and recommended that the council approve this in respects to the sidewalk issue. Randy Skeen suggested that a definition for sidewalks, driveways and trails need to be included in the final version of the development code.

Dave Wilding of Wilding Engineering, Inc., wrote a letter addressing issues that need to be resolved before recording of the Overland Trails Estates. Each member of the council received a copy of this letter. Bob Lynds, 2128 Pinnacle Paris Way #203, S.L.C., representing Eagle Mountain Properties, L.C., said that in regards to parks, the developer plans to include them in the final plat. The landscaping plan will also be included prior to recording. There was discussion between the council, James Dahl, Bob Lynds and Dave Wilding. John Jacob requested that the 75 ft. vertical curves be changed to 100 ft., except at the intersections.

Part of the discussion was about the maintenance of trails and who is responsible for their upkeep. Dave Conine suggested that when a plat is recorded, all or a portion of the CCR's for that subdivision be included as a zoning overlay. This way it gives the town the ability to enforce maintenance standards within that subdivision. A mechanism to enforce this needs to put into be place. Randy Skeen suggested to have an enabling ordinance in the development code, that would allow the town to review the CCR's of the various Home Owners Associations. The town could then adopt as an

Minutes of the Town Council Meeting

Date: August 14, 1997

ordinance, the issues they need to enforce. This gives the town the ability to use its police power to enforce the issues and make sure they are adhered to.

MOTION: *Diane Bradshaw moved to approve the Overland Trails Estates continuing on with the engineering review by Wilding, [Diane Bradshaw made reference to the items listed in the letter from Wilding Engineering] number 4 - the park being owned by the town, number 12 - the pedestrian and equestrian trails are to be privately owned subject to the enabling ordinance, number 21 - that 75 ft. vertical curves are only allowed at intersections. John Jacob seconded. Discussion Called For: John Jacob brought up the issue of the open space, who will own it and be responsible to pay the taxes. Mr. Jacob also expressed his concern about the pivots remaining in open space. Diane Bradshaw amended the motion to include, that prior to recording they get an answer from the town attorney and town manager regarding the trust on the open space and how it is to be recorded. The town attorney will draft a letter addressing the issue that the pivots remain in open space. John Jacob seconded the amendment. Vote Called For: Ayes: 3, Nays: 0, Abstained: 2, (Mayor Hooge and Cyril Watt). Motion passed.*

Item 5 - Patterson Development - Class II Final: James Dahl: James Dahl represented the developer. Mr. Dahl said the Planning Commission approved it earlier this evening to be subject to a list of issues that are to be resolved before recording. John Jacob said that the recommendations from the Planning Commission should be made available prior to the Town Council Meeting. James Dahl said from this point on, they will not put the same Item on the agenda for the Planning Commission and Town Council. They will be spaced one week a part, so the Council can review the Planning Commission's recommendations. Nick Berg said the issues the Planning Commission discussed earlier include, that the applicants supply the complete landscaping plan, i.e., tree schedule, and an athletic field and park be completed on the first phase and all the conditions from Wilding Engineering's letter dated August 11, 1997 be met. There was discussion between the council, Dave Conine, Dave Wilding, Mike Wren and James Dahl.

MOTION: *Nick Berg moved to approve Eagle Mountain Properties Patterson Concept Class II Final subject to the landscaping plan, the athletic field and park pro rata of the 2.5 acres exist on the southeast corner are to be included, and all the conditions in the letter from Wilding Engineering be met, specifically, number 20 - the final plans will show a four foot sidewalk, number 22 - the vertical curve will be 50 foot where shown on the plans. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 2, (Mayor Hooge, and Cyril Watt). Motion passed.*

Item 6 - Resolution to Adopt Building Fees: Mayor Hooge returned and chaired the rest of the meeting. The fee schedule was analyzed by the town engineers and manager and met their approval. The Council received a copy of the Building Fee Schedule. The fees will change when the need changes, i.e., a need for a cemetery, schools, etc. Discussion followed. Mayor Hooge said the impact fees can be collected, but not spent at this time until the town goes through the impact fee study.

MOTION: *Nick Berg moved to approve the building fee schedule dated 8-6-97, that has the grand total of \$4,050. on the bottom with the trench materials and connections all paid by the developer. Diane Bradshaw seconded. Discussion Called For: the motion was amended to include eliminate the notations on water rights, under park funds, roads and drainage it would be \$25 under developer and \$100 under builder, under open space it would be \$25 under developer and builder, under cemetery it would be \$25 under builder and under schools it would be \$25 under developer and builder, the grand total being \$4325. Diane Bradshaw seconded the amendment. Vote Called For: Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Minutes of the Town Council Meeting

Date: August 14, 1997

Item 7 - Municipal Clerks Association Membership Dues:

MOTION: *John Jacob moved to approve the Town Council allowing the clerks to join the Municipal Clerks Association and pay the membership dues. Cyril Watt seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Item 8 - Other Business: Mayor Hooge explained that John Jacob had requested from Laura Lewis/Lewis Young, Inc., a breakdown of their fees. Scott Robertson introduced himself to the council. He was representing Lewis Young, Inc. Mr. Robertson went through the services and related fees. The services and fees he relayed are as follows: financial advisor - 1/2% to 3/4% of the par value of the securities, placement agent (i.e., hiring underwriter) - 1% to 2%, however, they can't act as both financial advisor and placement agent for the same transaction, any transaction - a minimum of \$10,000., source of payment would be the bond proceeds of any transaction. If a transaction fails they charge out of pocket expenses plus 25% of the fee that would have been charged and it would be due whenever the town could afford to pay them. The impact fee analysis would be from \$5,000 to \$15,000 per analysis, to be paid when the study is done, but they will work with the town on payment, if needed. Reinvestment of bond proceeds - they would look to the provider of the investment for compensation.

Providing the town with state loans - 1% to 2%, and any out of pocket expenses that accrued will be subject to the Town Council's approval. If there comes up a project, i.e., creating a school district that the town wants up them to do they will charge on an hourly basis.

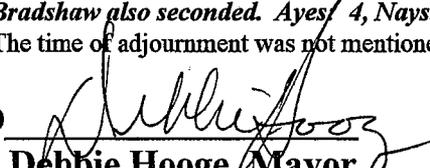
Quarterly Accounting: Mayor Hooge said they are to do a quarterly accounting which she was not aware of. Jeanette Quinn put together a summary of where the town is financially. The town has \$4400. which can go towards staff. The original budget was based on the projection of approximately 20 or more permits being pulled at this time by the production builders in the downtown area. The town is behind, the mayor said they need to look out whether or not they can afford a full time clerk. The town is cash poor but we are not in debt. Laura Lewis suggested that the town could have a line of credit against future taxes. Mayor Hooge said this is an option but would like to avoid it if possible. Scott Robertson of Lewis Young, Inc., said there sources of grant money available. There is grant money available from the state for the sewer, and no interest loans for the water.

John Jacob said that Denver Johnson Young, Inc., (D.J.Y. Inc.) contacted the town and would like to do the building inspections and fees. John Jacob met with them twice, once alone and once with Kent Partridge. The idea is that if Kent Partridge gets too busy they can step in and take over. John Jacob suggested that D.J.Y., Inc., sign a contract with Kent Partridge instead of the town. Their fees are 75% of fees collected, and plan reviews are 75% of fees collected. Mr. Jacob told them they would need to lower their fees to work with us. Mr. Jacob said that Kent Partridge indicated to him that if Eagle Mountain requires him to work more than two days he would quit the other cities/towns he is currently working for.

Item 9 - Adjournment:

MOTION: *Diane Bradshaw moved to adjourn the Town Council Meeting until the 21st of August. Diane Bradshaw also seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*
The time of adjournment was not mentioned on the tape.

APPROVED


Debbie Hooge, Mayor



EAGLE MOUNTAIN
TOWN COUNCIL MEETING
MINUTES

DATE: August 21, 1997 **CALLED TO ORDER:** 7:00 p.m.
ADJOURNED: _____ p.m.

The meeting was called to order at 7:00 p.m. by Mayor Hooge. The Council led the Pledge of Allegiance. The following Council Members were present and represented a quorum.

Mayor: Debbie Hooge
Council: Nick Berg, Diane Bradshaw, John Jacob and Cyril Watt

Town Staff:

Attorney: Randy Skeen
Manager: Dave Conine
Engineer: Mike Wren/MCM Engineering
Recorder: Janet Valentine (excused)
Treasurer: Wayne Bradshaw (not present)

Others: Rob Bateman, Glade Berry, Scott Kirkland, Clyde Naylor and Dan Valentine

Let it be noted that where ever "city" was said it was replaced with "town".

Item 3 - Public Comment: Scott Kirkland, Orem, Utah, (Chairman of the Planning Commission) gave each Council Member a letter which he wrote in respects to Open Spaces/Parks/Pave Trails and Horse Trails. Mr. Kirkland addressed the issue of the treatment and maintenance of open spaces. He recommended that each subdivision create it's own Home Owner's Association to maintain these areas. This would help out the Town in the beginning by decreasing their costs that would of been associated with maintaining open space parks and trails. There would be a time limit attached which would allow the residents to dissolve the Home Owner's Association at a later date. Another issue he brought up was that developers should be required to install at their expense on-site trails. The impact fee for open space trails could go towards off-site trails and these could be connected to other subdivisions. The impact fee could also go towards the maintenance for those trails if or when the need arises. Mayor Hooge asked if Mr. Kirkland knew how much the cost would be. Scott Kirkland said that he spoke with Mike Wren and that they would be approximately \$5.00 to \$6.00 a running foot for 6 foot wide asphalt trail and \$3.00 to \$4.00 a running foot for a gravel trail. The cost for a one acre lot with 200 feet of frontage would be \$1,200., and this amount could be added on to the price of the lot. Mayor Hooge expressed her thanks for his presentation.

Mayor Hooge requested that the Planning Commission discuss this issue at their next week's meeting. In two weeks they need to select a representative to address the Council with respects to this issue. Scott Kirkland agreed. Mr. Kirkland said that the Planning Commission recommended that a \$10.00 fee be added to the plan check fee, this would go to pay for a consultant who would do the inspections and work with the developers on parks and landscaping.

Item 4 - Master Development Plan - Eagle Mountain Properties, L.C.: James Dahl represented the developer and presented the concept of the Master Development Plan. Mr. Dahl referred to maps throughout his presentation. This master development plan is for the 8, 000 acres owned by Eagle Mountain Properties, L.C. Some of the land uses that were proposed includes a golf course, the commercial core "down town" area, an airport with a air park residential and commercial zone around the airport, business parks, mixed uses and densities, etc.

TOWN COUNCIL MEETING MINUTES

DATE: August 21, 1997

Cyril Watt asked how long was the runway. Mr. Dahl said it will be 10,000 feet long which is a little less than two miles and takes up almost two full sections of land. John Jacob expressed his concern about the airport and the bird activity in that area. Dave Conine said this is a concern and is being looked into. Mayor Hooge expressed her concerns about the noise level. Mr. Conine said there won't be any commercial jets only an occasional corporate jet. The noise level shouldn't be an issue because of the type of airport it will be.

There was discussion between the Council, Dave Conine, Mike Wren and James Dahl in regards to the proposed roads and they referred to the maps which were displayed. Nick Berg said that Ira Hodges is planning to plot each home along Lake Mountain Road so the homes won't be in direct line with the roads. John Jacob brought up the issue of the electrical line and gas line easements adjacent to Lake Mountain Road. Discussion ensued. No action was taken.

Glade Berry a property owner in Eagle Mountain, asked if he has a say as to what his property will be. James Dahl said that next week there will be a public hearing at the Planning Commission Meeting on this Master Development Plan and he will be bringing with him land use maps for the entire area so at that meeting Mr. Berry can see the land use around his property..

Item 5 - Amendments to Development Code: (tabled to the August 28, 1997 Town Council Meeting)

MOTION: *Diane Bradshaw moved to table item 5 - Amendments to the Development Code to the Town Council Meeting on August 28, 1997. Cyril Watt seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Item 6 - Road Contract with County: Mayor Hooge said that the Town will be given approximately \$4,000 in road funds this year because we are still considered to be in the county service district. The majority of the funds we receive will be given to the county. Mayor Hooge introduced Clyde Naylor from Utah County Public Works Department. The county will continue to maintain our roads, and the \$4,000 will pay for the maintenance. Mr. Naylor said that the Town should receive closer to \$7,000 for road maintenance. He referred to a map which showed the existing county roads, and said that all the new paved roads in Eagle Mountain need to be identified by the 31st of August.

The money which we will receive from the State comes from the gas tax and it goes for grading and improving our dirt roads, and snow removal every year. Snow removal from roads that access farm land will not be considered critical but the roads which access homes will be a priority, according to Mr. Naylor. The advantage for the county doing this is they can have a full time staff. Randy Skeen looked at the contract and said it looked fine to him, but he expressed his concern on the time limit of five years, Mr. Naylor said the time limit is up to the Town. Clyde Naylor suggested that there needs to be an annual meeting with the county and town to review the current needs of the Town.

The funds for counties, and towns are quite complicated according to Mr. Naylor. The amount of funds depends on the type of road; a dirt road ungraded gets a one mile credit, a gravel road gets a two mile credit, and an asphalt road including chip'n seal on the road gets a five mile credit. Currently the gas tax amounts received are \$660. per dirt mile, or five times that per paved mile. The town would also receive the amount of \$26.34 per resident. It was Mr Naylor's opinion that by next summer the Town should receive for roads approximately \$30,000. to \$35,000. Early on we should keep up on road maintenance and put as much money as the Town can afford into chip'n seal. Discussion ensued. Randy Skeen the Town Attorney recommended not to sign the contract this evening until the items 4 & 5 in the contract are filled in. Mike Wren thinks this is a good contract but we need to make sure it is retroactive back to the Town's incorporation date.

Mayor Hooge said she had heard that the sod trucks double up on their loads at night and that it needs to be investigated.

MOTION: *Cyril Watt moved that we adopt the Road Contract subject to item number 4 on the accounts and credit balance and item 5 the total balance being completed and that it be retroactive to the incorporation of the Town. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

TOWN COUNCIL MEETING MINUTES

DATE: August 21, 1997

Item 7 - Other Business: Mayor Hooge addressed the Council in regards to property taxes. Wayne Bradshaw and Ryan Judy met with the people at Utah County and the State Tax Commission. In meeting with these folks it was brought to their attention that the Town will not receive the taxes for this year, they will go to the county. The commitment that was made on the incorporation process was that we would not raise taxes. Under state law we are still in the county's district so taxes that are being assessed for home owners are being paid to the county for service districts of fire, police, roads, and another area which Mayor Hooge couldn't recall. All our taxes for roads, etc. go to the county and because we don't get them we loose the ability to tax. If we don't implement the municipal tax by tomorrow morning we loose the right to tax, unless we go back to the public under the public hearing process and make this a balloted issue. If we implement it now, it's not an issue. In the next three years 1500 new property owners can come in under this no raising taxes philosophy and this would cause the Town to go bankrupt. John Jacob said that it's his understanding that Jim Stith, John Walden, and Bob Lynds made this promise to the county.

Mayor Hooge said we need to issue a statement from this body tonight of which way we want to go. Discussion ensued. Dave Conine said the county will continue for a period of time to collect the taxes for our service districts even though they don't provide that service anymore. If we then add a municipal portion to the property tax there is a double taxation issue. There needs to be that commitment to the existing population and you can't have discriminatory tax rates. We need to create a special service district with it's boundaries to exclude the residents living here prior to incorporation. The people who live in the special service district will be taxed for the services they will be receiving. John Jacob said that the public need to be aware of this tax assessment. Discussion continued.

Dan Valentine, 6186 North Lake Mountain Road, Eagle Mountain asked the council if the tax they are talking about will only be assessed to home owners or will it also be assessed to the agricultural land and land owners. Dave Conine said it would be to everyone. Randy Skeen the town attorney said that the town could elect the municipal tax and the over amount could be rebated to all the people who were property owners prior to the incorporation of the town. Mr. Skeen also suggested that the tax could be credited on next year's taxes. Discussion ensued.

John Jacob said it is his understanding it's essential to implement this tax tomorrow morning, and that by the end of 1997 the county will cease their share of this taxation, so the tax we will implement tomorrow morning will take it's place. It should be possible to rebate or credit this tax to anyone who existed in the town up to 1998, and this would alleviate the double taxation. Dave Conine said in addition to that, if the municipal share is posted on the tax they can take it off before the tax is collected. Mayor Hooge said the taxes are collected in November and we could contact the county between now and November and say we have changed our minds and would like the taxes removed. Discussion continued.

MOTION: *John Jacob moved that the Mayor be given permission by the Council to accept the .0017 tax that each municipality has the right to charge with the stipulation that the land owners are not double taxed for 1997, and that if it's possible before this tax is paid request the county not to charge the tax this year, or that the land owner will receive a rebate or credit towards future taxes on a pro rata basis of how long they owned the property for 1997. In 1998 this tax will replace the tax that the county is currently charging so there will be no double taxation and so the town can provide the services that are mandated by law such as fire protection and so forth Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Randy Skeen had a few issues he wanted to address. He asked Mayor Hooge if the town's treasurer and recorder are the same person. Mayor Hooge said no, Mr. Skeen said good because they can't be by law. The second issue was that the Council should approve out of pocket expenses which the Mayor has been fronting on behalf of the town and if any of the Council have fronted money, they should also be reimbursed. The third issue was to authorize Randy Skeen to research of what elected officials and town employees can or can't do in regards to ethics. Mr. Skeen will prepare a ethic's guideline for the town to go by. He was concerned if everyone on the Town Council filled out proper disclosure statements, it would be well served to educate everyone on what needs to be included in these disclosures. This is a two step process, a written disclosure form should be filled out and also the disclosure should be orally disclosed prior to the conflict of interest issue at the Town Council Meetings.

TOWN COUNCIL MEETING MINUTES

DATE: August 21, 1997

MOTION: *The Council consented to give Mayor Hooge the permission to have Randy Skeen the Town Attorney research the ethics issue and come up with an ethic guideline for the town. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Discussion ensued. Randy Skeen said that when stating the conflict of interest at the meeting, it is his understanding that it doesn't need to be stated every time the issue is discussed. Mr. Skeen continued and referred to the reasons for a conflict of interest which include a conflict familial, a conflict receiving some sort of remuneration in excess of \$50.00, and a general catch all would be a conflict that could effect your voting decision. Randy Skeen said he would try and have the information regarding ethic issues to the Council by next week.

Diane Bradshaw was assigned to look in to school busing in behalf of the Town. Mrs. Bradshaw said that their will be a bus which will go by the homes in Cedar Pass Ranch. The children on the north side of Hwy. 73 will be picked up on that side so the children won't have to cross the Hi-way. The bus will arrive between 7:15 and 7:20 a.m.

There will be two bus stops for the Jr. High School and High School children. The bus will drive through the subdivision and stop by John Jacob's home and at the corner where Mayor Hooge lives. The bus stops for the elementary children will be by Rob Bateman's home, the corner by Mayor Hooge's home, by Diane Bradshaw's home and by John Jacob's. If a parent is present at the bus stops and the bus drives by then the parent can take the kids to school, then let Diane Bradshaw know that the bus driver didn't stop. Diane Bradshaw would contact the Alpine School District and notify them the bus never stopped. If there is enough children the district will work with us. The buses will only drive on a black top road so they won't get stuck. Diane Bradshaw said to spread the word out to the families to have their children ready at one of the bus stops on the first day of school.

John Jacob asked if we had a fire arms ordinance, Mayor Hooge said it was never enacted. Mr. Jacob said that the Town needs to enact a fire arms ordinance and also we need to find out what the response time is for the Utah County Sheriff to arrive at Eagle Mountain. Mr. Jacob said there was a resident who called the Utah County Sheriff in regards to people in a truck driving around and shooting doves. This resident (the Hooleys) followed them around for approximately three hours while they were shooting and the Utah County Sheriff never showed up. Mayor Hooge said she would like any resident who has called the police and the police never responded, to write this incident up and give it to her, then she has documentation to take to the Utah County Sheriff. John Jacob said he would have the Hooleys write this incident up.

Cyril Watt asked what the area is for air protection space because the helicopters from Camp Williams are flying so low. Rob Bateman, 14377 West Valley Drive, Eagle Mountain, said that there is a corridor between Fort Williams and Cedar Valley Airport that has been approved for use by the Utah National Guard to fly at a lower altitude. Rob Bateman said he would refer the FAA representative who is responsible for that area to contact Dave Conine the Town Manager. It was agreed that this corridor needs to be changed.

MOTION: *Cyril Watt moved to adjourn the meeting. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

The time of adjournment wasn't mentioned on the tape.


Janet B. Valentine, Town Clerk/Recorder

APPROVED:


Mayor Debbie Hooge

Typos

TOWN COUNCIL MEETING MINUTES

DATE: August 21, 1997

CALLED TO ORDER: 7:00 p.m.

ADJOURNED: 7:00 p.m.

[Handwritten signature and initials]

The meeting was called to order at 7:00 p.m. by Mayor Hooge. The Council led the Pledge of Allegiance. The following Council Members were present and represented a quorum.

Mayor: Debbie Hooge
Council: Nick Berg, Diane Bradshaw, John Jacob and Cyril Watt

Town Staff:

Attorney: Randy Skeen
Manager: Dave Conine
Engineer: Mike Wren/MCM Engineering
Recorder: Janet Valentine (excused)
Treasurer: Wayne Bradshaw (not present)

Others: Rob Bateman, Glade Berry, Scott Kirkland, Clyde Naylor and Dan Valentine

Let it be noted that where ever "city" was said it was replaced with "town".

Item 3 - Public Comment: Scott Kirkland, Orem, Utah, (Chairman of the Planning Commission) gave each Council Member a letter which he wrote in respects to Open Spaces/Parks/Pave Trails and Horse Trails. Mr. Kirkland addressed the issue of the treatment and maintenance of open spaces. He recommended that each subdivision create it's own Home Owner's Association to maintain these areas. This would help out the Town in the beginning by decreasing their costs that would of been associated with maintaining open space parks and trails. There would be a time limit attached which would allow the residents to dissolve the Home Owner's Association at a later date. Another issue he brought up was that developers should be required to install at their expense on-site trails. The impact fee for open space trails could go towards off-site trails and these could be connected to other subdivisions. The impact fee could also go towards the maintenance for those trails if or when the need arises. Mayor Hooge asked if Mr. Kirkland knew how much the cost would be. Scott Kirkland said that he spoke with Mike Wren and that they would be approximately \$5.00 to \$6.00 a running foot for 6 foot wide asphalt trail and \$3.00 to \$4.00 a running foot for a gravel trail. The cost for a one acre lot with 200 feet of frontage would be \$1,200., and this amount could be added on to the price of the lot. Mayor Hooge expressed her thanks for his presentation.

[Handwritten initials]

Mayor Hooge requested that the Planning Commission discuss this issue at their next week's meeting. In two weeks they need to select a representative to address the Council with respects to this issue. Scott Kirkland agreed. Mr. Kirkland said that the Planning Commission recommended that a \$10.00 fee be added to the plan check fee, this would go to pay for a consultant who would do the inspections and work with the developers on parks and landscaping.

Item 4 - Master Development Plan - Eagle Mountain Properties, L.C.: James Dahl represented the developer and presented the concept of the Master Development Plan. Mr. Dahl referred to maps throughout his presentation. This master development plan is for the 8, 000 acres owned by Eagle Mountain Properties, L.C. Some of the land uses that were proposed includes a golf course, the commercial core "down town" area, an airport with a air park residential and commercial zone around the airport , business parks, mixed uses and densities, etc.

Cyril Watt asked how long was the runway. Mr. Dahl said it will be 10,000 feet long which is a little less than two miles and takes up almost two full sections of land. John Jacob expressed his concern about the airport and the bird activity in that area. Dave Conine said this is a concern and is being looked into. Mayor Hooge expressed her concerns about the noise level. Mr. Conine said there won't be any commercial jets only an occasional corporate jet. The noise level shouldn't be an issue because of the type of airport it will be.

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There was discussion between the Council, Dave Conine, Mike Wren and James Dahl in regards to the proposed roads and they referred to the maps which were displayed. Nick Berg said that Ira Hodges is planning to plot each home along Lake Mountain Road so the homes won't be in direct line with the roads. John Jacob brought up the issue of the electrical line and gas line easements adjacent to Lake Mountain Road. Discussion ensued. No action was taken.

Glade Berry a property owner in Eagle Mountain, asked if he has a say as to what his property will be. James Dahl said that next week there will be a public hearing at the Planning Commission Meeting on this Master Development Plan and he will be bringing with him land use maps for the entire area so at that meeting Mr. Berry can see the land use around his property..

Item 5 - Amendments to Development Code: (tabled to the August 28, 1997 Town Council Meeting)

MOTION: *Diane Bradshaw moved to table item 5 - Amendments to the Development Code to the Town Council Meeting on August 28, 1997. Cyril Watt seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Item 6 - Road Contract with County: Mayor Hooge said that the Town will be given approximately \$4,000 in road funds this year because we are still considered to be in the county service district. The majority of the funds we receive will be given to the county. Mayor Hooge introduced Clyde Naylor from Utah County Public Works Department. The county will continue to maintain our roads, and the \$4,000 will pay for the maintenance. Mr. Naylor said that the Town should receive closer to \$7,000 for road maintenance. He referred to a map which showed the existing county roads, and said that all the new paved roads in Eagle Mountain need to be identified by the 31st of August.

The money which we will receive from the State comes from the gas tax and it goes for ~~grating~~ ^{GRADING} and improving our dirt roads, and snow removal every year. Snow removal from roads that access farm land will not be considered critical but the roads which access homes will be a priority, according to Mr. Naylor. The advantage for the county doing this is they can have a full time staff. Randy Skeen looked at the contract and said it looked fine to him, but he expressed his concern on the time limit of five years, Mr. Naylor said the time limit is up to the Town. Clyde Naylor suggested that there needs to be an annual meeting with the county and town to review the current needs of the Town.

The funds for counties and towns are quite complicated according to Mr. Naylor. The amount of funds depends on the type of road; a dirt road ungraded gets a one mile credit, a gravel road gets a two mile credit, and an asphalt road including chip n seal on the road gets a five mile credit. Currently the gas tax amounts received are \$660. per dirt mile, or five times that per paved mile. The town would also receive the amount of \$26.34 per resident. It was Mr Naylor's opinion that by next summer the Town should receive for roads approximately \$30,000 to \$35,000. Early on we should keep up on road maintenance and put as much money as the Town can afford into chip n seal. Discussion ensued. Randy Skeen the Town Attorney recommended not to sign the contract this evening until the items 4 & 5 in the contract are filled in. Mike Wren thinks this is a good contract but we need to make sure it is retroactive back to the Town's incorporation date.

Mayor Hooge said she had heard that the sod trucks double up on their loads at night and that it needs to be investigated.

MOTION: *Cyril Watt moved that we adopt the Road Contract subject to item number 4 on the accounts and credit balance and item 5 the total balance being completed and that it be retroactive to the incorporation of the Town. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Item 7 - Other Business: Mayor Hooge addressed the Council in regards to property taxes. Wayne Bradshaw and Ryan Judy met with the people at Utah County and the State Tax Commission. In meeting with these folks it was brought to their attention that the Town will not receive the taxes for this year, they will go to the county. The commitment that was made on the incorporation process was that we would not raise taxes. Under state law we are still in the county's district so taxes that are being assessed for home owners are being paid to the county for service districts of fire, police, roads, and another area which Mayor Hooge couldn't recall. All our taxes for roads, etc. go to the county and because we don't get them we

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lose the ability to tax. If we don't implement the municipal tax by tomorrow morning we lose the right to tax, unless we go back to the public under the public hearing process and make this a balloted issue. If we implement it now, it's not an issue. In the next three years 1500 new property owners can come in under this no raising taxes philosophy and this would cause the Town to go bankrupt. John Jacob said that it's his understanding that Jim Stith, John Walden, and Bob Lynds made this promise to the county.

Mayor Hooge said we need to issue a statement from this body tonight of which way we want to go. Discussion ensued. Dave Conine said the county will continue for a period of time to collect the taxes for our service districts even though they don't provide that service anymore. If we then add a municipal portion to the property tax there is a double taxation issue. There needs to be that commitment to the existing population and you can't have discriminatory tax rates. We need to create a special service district with it's boundaries to exclude the residents living here prior to incorporation. The people who live in the special service district will be taxed for the services they will be receiving. John Jacob said that the public need to be aware of this tax assessment. Discussion continued.

Dan Valentine, 6186 North Lake Mountain Road, Eagle Mountain asked the council if the tax they are talking about will only be assessed to home owners or will it also be assessed to the agricultural land and land owners. Dave Conine said it would be to everyone. Randy Skeen the town attorney said that the town could elect the municipal tax and the over amount could be rebated to all the people who were property owners prior to the incorporation of the town. Mr. Skeen also suggested that the tax could be credited on next year's taxes. Discussion ensued.

John Jacob said it is his understanding it's essential to implement this tax tomorrow morning, and that by the end of 1997 the county will cease their share of this taxation, so the tax we will implement tomorrow morning will take it's place. It should be possible to rebate or credit this tax to anyone who existed in the town up to 1998, and this would alleviate the double taxation. Dave Conine said in addition to that, if the municipal share is posted on the tax they can take it off before the tax is collected. Mayor Hooge said the taxes are collected in November and we could contact the county between now and November and say we have changed our minds and would like the taxes removed. Discussion continued.

MOTION: *John Jacob moved that the Mayor be given permission by the Council to accept the .0017 tax that each municipality has the right to charge with the stipulation that the land owners are not double taxed for 1997, and that if it's possible before this tax is paid request the county not to charge the tax this year, or that the land owner will receive a rebate or credit towards future taxes on a pro rata basis of how long they owned the property for 1997. In 1998 this tax will replace the tax that the county is currently charging so there will be no double taxation and so the town can provide the services that are mandated by law such as fire protection and so forth. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Randy Skeen had a few issues he wanted to address. He asked Mayor Hooge if the town's treasurer and recorder are the same person. Mayor Hooge said no, Mr. Skeen said good because they can't be by law. The second issue was that the Council should approve out of pocket expenses which the Mayor has been fronting on behalf of the town and if any of the Council have fronted money, they should also be reimbursed. The third issue was to authorize Randy Skeen to research of what elected officials and town employees can or can't do in regards to ethics. Mr. Skeen will prepare a ethic's guideline for the town to go by. He was concerned if everyone on the Town Council filled out proper disclosure statements, it would be well served to educate everyone on what needs to be included in these disclosures. This is a two step process, a written disclosure form should be filled out and also the disclosure should be orally disclosed prior to the conflict of interest issue at the Town Council Meetings.

MOTION: *The Council consented to give Mayor Hooge the permission to have Randy Skeen the Town Attorney research the ethics issue and come up with an ethic guideline for the town. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Discussion ensued. Randy Skeen said that when stating the conflict of interest at the meeting, it is his understanding that it doesn't need to be stated every time the issue is discussed. Mr. Skeen continued and referred to the reasons for a conflict of

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abstract

interest which include a conflict familial, a conflict receiving some sort of remuneration in excess of \$50.00, and a general catch all would be a conflict that could effect your voting decision. Randy Skeen said he would try and have the information regarding ethic issues to the Council by next week.

Diane Bradshaw was assigned to look in to school busing in behalf of the Town. Mrs. Bradshaw said that ^{there} their will be a bus which will go by the homes in Cedar Pass Ranch. The children on the north side of Hwy. 73 will be picked up on that side so the children won't have to cross the Hi-way. The bus will arrive between 7:15 and 7:20 a.m.

There will be two bus stops for the Jr. High School and High School children. ^{then or around} The bus will drive through the subdivision and stop by John Jacob's home and at the corner where Mayor Hooge lives. The bus stops for the elementary children will be by Rob Bateman's home, the corner by Mayor Hooge's home, by Diane Bradshaw's home and by John Jacob's. If a parent is present at the bus stops and the bus drives by then the parent can take the kids to school, then let Diane Bradshaw know that the bus driver didn't stop. Diane Bradshaw would contact the Alpine School District and notify them the bus never stopped. If there is enough children the district will work with us. The buses will only drive on a black top road so they won't get stuck. Diane Bradshaw said to spread the word out to the families to have their children ready at one of the bus stops on the first day of school.

John Jacob asked if we had a fire arms ordinance, Mayor Hooge said it was never enacted. Mr. Jacob said that the Town needs to enact a fire arms ordinance and also we need to find out what the response time is for the Utah County Sheriff to arrive at Eagle Mountain. Mr. Jacob said there was a resident who called the Utah County Sheriff in regards to people in a truck driving around and shooting doves. This resident (the Hooleys) followed them around for approximately three hours while they were shooting and the Utah County Sheriff never showed up. Mayor Hooge said she would like any resident who has called the police and the police never responded, to write this incident up and give it to her, then she has documentation to take to the Utah County Sheriff. John Jacob said he would have the Hooleys write this incident up.

Cyril Watt asked what the area is for air protection space because the helicopters from Camp Williams are flying so low. Rob Bateman, 14377 West Valley Drive, Eagle Mountain, said that there is a corridor between Fort Williams and Cedar Valley Airport that has been approved for use by the Utah National Guard to fly at a lower altitude. Rob Bateman said he would refer the FAA representative who is responsible for that area to contact Dave Conine the Town Manager. It was agreed that this corridor needs to be changed.

MOTION: *Cyril Watt moved to adjourn the meeting. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*



The time of adjournment wasn't mentioned on the tape.

Janet B. Valentine, Town Clerk/Recorder

APPROVED: _____
Mayor Debbie Hooge



**TOWN COUNCIL
MINUTES**

DATE: <u>August 28, 1997</u>	CALLED TO ORDER: <u>7:25 p.m.</u>
	ADJOURNED: <u>10:45 p.m.</u>

The meeting was called to order at 7:25 p.m. by Mayor Hooge. Council Member Cyril Watt led the Pledge of Allegiance. The following Council Members were present and represented a quorum.

Mayor: Debbie Hooge
Council: Nick Berg, Diane Bradshaw, John Jacob and Cyril Watt.

Town Staff:

Attorney: Randy Skeen, Esq., and Gerald Kinghorn, Esq.
Manager: Dave Conine
Engineer: James Dahl and Mike Wren of MCM Engineering
Recorder: Janet Valentine

Others: Bob Lynds, Gary Tassianer, Dan Valentine and John Walden.

Let it be noted that where ever the word "city" was said it was replaced with "town".

Item 3 - Approval of Minutes: (tabled to next Town Council Meeting)

MOTION: *Diane Bradshaw moved to approve the minutes next week. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Item 4 - Public Comment:

MOTION: *Cyril Watt moved to move Item 4 Public Comment under Item 5 on the agenda. Nick Berg seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Item 5 - Closed Session with Special Bond Counsel, Jerry Kinghorn: (a closed session was not called for at this time).

John Jacob disclosed that he is a Town Council Member and currently works for Cedar Valley Water Company and receives one and one eighth of the funds from that Company.

IS THIS AMT CORRECT?

Jerry Kinghorn introduced himself and explained that he was asked by Blaine Carlton of Ballard Spahr Andrews and Ingersoll to assist them as special council to the Town, with respect to some specific infrastructure issues. The purpose for Mr. Kinghorn's work with the Town is to evaluate the resources that are owned and will be operated by the Town, to assure bond council and the underwriter that the Town can operate the utilities and facilities that are necessary to generate the revenues to pay off the bond anticipation notes. The first phase of financing is for four or five years, and the primary concern is that the resources and facilities required by the Town will pay off the bond anticipation notes in the first five years.

The revenues from these notes will pay for all the utility infrastructures. Mr. Kinghorn wants to verify that the time the bond anticipation notes close, the Town will have title to all the facilities and resources it needs to operate the systems needed to pay off the notes. There were a couple of documents Mr. Kinghorn had a concern with

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respect to the potential of litigation risks. "Water Agency and Equity Participation Agreement" was one of these documents. John Jacob requested to have Jerry Kinghorn talk about the other utilities before he addresses these documents.

Jerry Kinghorn referred to the following issues that were not considered litigation risks:

1. Water Rights: The town needs to assure that prior to the time that the bonds close, the town has title to water rights sufficient to furnish water to all of the connections that will generate the revenues to pay off the first phase of notes. Discussion ensued.
2. Electrical Power: There is currently only 250 connections available from Utah Power, and the need is for approximately 1200. It was Mr. Kinghorn's understanding that there are arrangements being made to vest the Town with the legally enforceable right to acquire the power that's necessary to service 251 to 1200 connections. Discussion ensued.
3. Ownership of the Storage Facilities for Natural Gas: The Town cannot hook-up to the existing gas pipe line because it is too large and the Town is too small. The Town should own pressure tanks in order to be able to supply natural gas. Mr. Kinghorn explained to the Council that the Town will need legally enforceable contracts in place or a title to the facilities to obtain the bond anticipation notes.
4. Cable TV Service (Telecommunications): Mr. Kinghorn hesitates to raise this issue, because he doesn't have the documentation. Nick Berg told him to contact Gary Tassianer of Tacso Engineering, because he can fill him in on all the utility issues. Discussion ensued.

Mr. Kinghorn expressed his concerns that if the Town can't repay the bonds and he missed something, and someone brings a law suit he will be liable. The Town needs to pledge the utility systems and the revenues from those systems and if the Town defaults on the bonds, the buyer of the bonds will come in and take away these systems and run them.

John Walden (the developer) introduced himself and addressed the Council. Mr. Walden said that the bonds were suppose to have been issued back in April and the proceeds from them was to be put in trust and then paid out as the Town built these infrastructure items. Only the land (Eagle Mountain Properties, L.C.) was to be put up as collateral. But because of the law-suite (i.e. Triplett?) the bonds were not issued, and he has had to put up the cash to begin building these items. The delay in issuing the bonds was not because the town didn't have ownership of the tanks or the land or any of that. They (the Town) had contracts to buy that. Mr Walden expressed his belief that "all of the pieces of the puzzle have been put together" but that Mr Kinghorn just hasn't seen everything yet because he is still on the learning curve. Mr Walden then wanted to correct one other thing, that the "bonds coming back and taking the utilities away", is not right since what he is doing is putting up \$10 million in cash as a "cash bond", that's what they're going to go after first, not the utilities. Our (Walden's group) personal guarantees, money, and properties is what is guaranteeing the bonds, and that an agreement (that will be part of the bonds) will stipulate that if the Town does default, it will own nothing except the sewer plant, since the sewer plant can not be privately owned. Mr. Walden then finished up by stating that he agrees with most everything that Mr. Kinghorn has said except for the mis-statements he made as a result of not having "all of the pieces of the puzzle yet" and that Gary Tassianer can fill in those pieces for him.

Discussion between Jerry Kinghorn and John Walden ensued. Mr. Kinghorn said that he understands there is a special assessment district and the proceeds from that is to pay for some of the infrastructure. Mr. Walden replied

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and said that the special assessment district is to pay for just the roads. The roads are two weeks from being funded according to Mr. Walden, and not all the roads will be completed at that time.

5. Contracts to Purchase the Utilities: Mr. Kinghorn received the Purchase Agreement and said that it needs specificity and needs to specify what is being purchased in exchange for the dollars. This will be the agreement that is executed by the trustee when the funds come from the notes. Mr. Kinghorn said he will amend this agreement and put some specificity that will include exactly what the Town is getting. Mr. Walden said this agreement is the first rendition and he will look forward to Mr. Kinghorn's expertise. Mr. Kinghorn said that the legal authority, the legal commitments, the ownership of the facilities need to be in a position so the funds can be placed in escrow. What is being counted on is that when that escrow closes and the funds are dispersed, the town will begin to produce revenues from those facilities. It was Mr. Kinghorn's understanding that these notes will capitalize some initial interest because the Town won't have any revenue to pay them. The interest on the initial period of those notes will be capitalized and paid by the trustee. Mayor Hooge entertained a motion to go to a closed session.

MOTION: *John Jacob moved to close the open session to a closed session for the legality of the issue. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

The Mayor and Town Council called for the meeting to go to a closed executive session at 8:20 p.m. on August 28, 1997 at the Lehi American Legion Hall in Lehi, Utah. Those present during the closed session were Mayor Hooge, Council Members; Nick Berg, Diane Bradshaw, John Jacob and Cyril Watt, Attorneys; Randy Skeen, and Gerald Kinghorn, and Town Recorder; Janet Valentine. The closed executive session ended at 8:50 p.m. The Mayor reopened the meeting at 8:50 p.m.

Item 6 - Resolution to not issue any "will serve" letters until the BANS are in place: The Town does not own the utilities and therefor cannot provide utilities to the public at this time. Mayor Hooge said that the Town should own their own utilities by September 18th and because the Town currently doesn't own them, one solution might be in the interim, since currently Mr. Walden owns the utilities that he would issue the "will serve" letters in the Town's name and then we would assume that liability to be assigned to us upon our purchase of the utilities. Discussion ensued between the Council, Jerry Kinghorn, Gary Tassianer and John Walden. Jerry Kinghorn told John Walden that he needs to evaluate and decide if he is willing to issue "will serve" letters. Mr. Walden said he doesn't mind servicing the area that the services are in, but can't promise or guarantee Cedar Pass Water L.C. will be provided water. However he can guarantee that they can hook up and there will be water there. Mr. Walden would like the Town's attorneys to come up with "will serve" letters. Nick Berg suggested to give the Town's attorneys a week to come up with the "will serve" letters and if they don't then the Council will adopt the resolution.

MOTION: *Nick Berg moved to table the Resolution to not issue any "will serve" letters until next Thursday's meeting and in the interim of 7 days we will not be recording plats or issuing building permits. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Jerry Kinghorn referring to the motion said that this can't happen because John Walden being a individual does not have the authority to operate as a public utility and can't sell services to the public without a "certificate of convenience and necessity". Cities and Towns are exempt from this because they are municipalities. Gary Tassianer said John Walden cannot get into the utility business, so he will have to provide what ever means to allow the Town to provide the utilities. Discussion ensued. Nick Berg said the Town doesn't own it's utilities so it

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doesn't have the legal right to give "will serve" letters. No action was taken.

Item 7 - Resolution to appoint Eric M. Taylor as Eagle Mountain's volunteer Fire Chief: Mayor Hooge told the Council Eric Taylor could not be attendance this evening because he is currently fighting a fire. Mr. Taylor is a certified EMT and certified at the national level as a Firefighter I and II and has had 14 years experience. He is also certified as a fire fighter trainer and currently trains in the local fire departments in the area. Mr. Taylor owns a lot at Cedar Pass Ranch and intends to build within the next year and a half. He is currently a member of the Orem Fire Department and works part time for Utah County Fire Department. He would like to be Eagle Mountain's Fire Chief, and has met with the county and arranged with them that when our fire station is complete, the county will provide full time, fully trained fire fighters and equipment for our station. Eric Taylor will also train any residents interested in becoming volunteer fire fighters for Eagle Mountain. When the time comes that Eagle Mountain can afford to pay for a full time Fire Chief, he would like to be considered for the position.

MOTION: *Cyril Watt moved to approve Resolution 97-34 appoint Eric M. Taylor as Eagle Mountain's volunteer Fire Chief. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Mayor Hooge said she would try to have Eric Taylor available to meet and interview with the Council.

Item 8 - Review of the Town of Eagle Mountain proposed Water Utility:

MOTION: *Cyril Watt moved to table Item 8 - Review of the Town of Eagle Mountain proposed Water Utility indefinitely. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Item 9 - Janet Valentine's presentation on the UMCA Training through W.S.U.: Janet Valentine presented a brief explanation of the training classes she attended. The training sessions were held for five days, 8 hours a day, from August 11th to the 15th. The training classes are a means by which municipal clerks and recorders can work towards becoming Municipal Certified Clerks. It takes three years of attending these yearly week long training sessions, along with other criteria to become a Certified Municipal Clerk. Discussion ensued. Mayor Hooge thanked Janet Valentine for her presentation.

Item 10 - Other Business: Mayor Hooge said she had to let Jeanette Quinn go, so the Town is in need of a Clerk. Janet Valentine expressed interest in this position, and Mayor Hooge wants to pay her on a salary basis. This needs to be done by resolution, but wasn't put on tonight's agenda. She will start functioning in that position immediately, and the Council will need to adopt the resolution at next week's meeting. Janet Valentine said she would not be able to be on the Planning Commission and work full time as the Clerk. Mayor Hooge asked the Council to think of a replacement for her position.

Re-seeding Program: Mayor Hooge said that the Town needs to implement a basic re-seeding program for the disturbed land that has been created by all of the construction. There is a spray solution available which consists of mulch and other ingredients. This re-seeding spray is applied in the fall. Mayor Hooge requested that this issue needs to be put on next week's agenda for both the Planning Commission and Town Council, and that Ira Hodges will give the presentation.

Development Master Plan: Nick Berg said the Planning Commission was presented this evening on the Development Master Plan for the 8,000 acres owned by Eagle Mountain Properties. It was approved subject to a couple of conditions when it goes to the Town Council. Mr. Berg asked the Mayor if it was ok to put it on the

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Town Council's agenda for next week. The motion made by the Planning Commission required that the Development Agreement between the Town and Eagle Mountain Properties together with the Development Master Plan happen simultaneously. John Jacob said he would need this information by Tuesday to be prepared by Thursday to vote on it. Mayor Hooge said if the Council has any questions on this Development Master Plan that they could call Ira Hodges, MCM Engineering, Nick Berg and/or Mayor Hooge, and also the maps will be available at the Town's office for them to review.

Mayor Hooge said that the Development Agreement will be reviewed by all attorneys and that the Council will have time to review it and then vote on it. The Development Agreement will be accepted or rejected but it will not be amended.

Janet Valentine addressed the Council and told them if there are any subdivision requests to be placed on next week agendas, the agenda sign up sheet will be posted at the Town's office, but the deadline to be placed on the agenda will be Friday at noon. In the case of next week's agenda the item would need to be submitted tomorrow by noon. This would not include discussion items or conceptual reviews. John Jacob said that the Town Engineers have requested that these types of items should go through them to be placed on the agenda. Then items won't be placed on the agenda that are incomplete.

Mayor Hooge entertained a motion to adjourn the Town Council Meeting. No motion was made because Dave Conine addressed the Council.

Master Development Agreement: (wasn't on the agenda)

Dave Conine the Town Manager brought up the issue of the Development Master Plan and said that there have been presentations to both the Planning Commission and Town Council in regards to this Plan and it was to be put on the Council's agenda for this evening. Mr. Conine continued, John Walden came to Utah for the purpose of being able to be responsive to this, and the land uses are consistent with what is depicted in the Development Code. Mr. Conine suggested that the Council go through this, approve it subject to the Development Agreement. Dave Conine said it was noticed in the newspaper that it would be presented this evening. He suggested that maybe the Council would have more of a comfort level in calling this an emergency session. Mr. Conine thinks it would be considered "Old Business" on the agenda, therefore fits into the context of this meeting.

Mayor Hooge responded and said that Nick Berg just got through saying this was passed onto the Council subject to approval of the Development Agreement. Nick Berg agreed. Mayor Hooge said they could discuss and review it. Nick Berg said we could approve the map tonight. John Walden responded and said he doesn't need to be present for the Development Agreement (which is scheduled for next week's meeting) because there will be no need for any discussion, due to the numerous meetings Mr. Walden and Mayor Hooge have attended along with their attorneys. Mr. Walden would like this (the Development Master Plan) taken care of because the Town has already had the public forum and the public input. Mr. Walden continued and said it would be much easier for him if this issue is addressed tonight, because he needs to go back to Florida and will not be able to attend next week's meeting.

Dave Conine presented to the Town Council the different land uses by referring to the maps. Mr. Conine continued and said that the Town's Development Code describes these land uses for the entire Town. Eagle Mountain L.C. plans to implement those land uses by what they have presented and been approved on the Equestrian Center, Touchstone Development, and Patterson Development. What Eagle Mountain L.C. did was tie into what is already part of the Town's direction in development and planning. They are looking for a

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commitment from the Town that says, Eagle Mountain L.C. you are empowered to develop the town's master plan and in exchange for implementing our plan, we assure you the right to do that. According to Mr. Conine it is essentially that simple. Discussion ensued.

John Jacob asked where the sewer will go when it needs to be expanded, because currently it will only service 500 homes. Dave Conine said that the engineers have looked into this issue, and there have been discussion on changing the type of system used, so that we capture the gray water and use it in an irrigation system. When the Town gets to a population threshold that would be efficient, that is probably what will happen and the sewer wouldn't need to be moved.

250
500
SHOULD
BE 250

Mayor Hooge said that the Development Agreement will tie to the map and force the developer to stay with our plan. Discussion ensued. John Jacob asked if there was comment from the public at the Planning Commission Meeting and if so what was it. Dan Valentine, 6186 North Lake Mountain Road, Eagle Mountain, Utah. Mr. Valentine said he was present and spoke at the Planning Commission Meeting and would like the opportunity to make a quick comment. He said (referring to John Walden), John what I was trying to say to you earlier and what now I have a problem with now is that if you're vesting for densities and uses that's one thing, I'm not against that, it looks great. But it is my understanding that at the date this is approved for a Class III Permit (Class III Permit is now referred to as a Development Master Plan) you will also be vested with the right to approach the Town Council at any date from now until that Development Agreement expires to get your Class II Permits and your Class I Permits for each of these smaller developments according to the Development Code as it exists today.

John Jacob responded and said that is correct and it's ok to do, because if the county approved a 150 lot subdivision but later decide that they don't want it, so they change the development codes so people can't do it. Dan Valentine responded and said what he thought the Planning Commission was trying to say is, ok were not going to change down the road what we have vested here in uses and densities, but if we do happen to change a little bit on what we do on our Class II and our Class I's, we want you to follow that. Dave Conine said that isn't what the Planning Commission ended up with. They stipulated that it would be subject to the technical inconsistencies that are in the Development Code and that they need to be corrected. Mr. Conine said that when Eagle Mountain L.C. comes in for a Class II Permit, they have to go through the process for a Class II, and it would be the Class II that is depicted in the code right now. Mr. Conine continued, and supposed that if the Town got to the point that it found it would be to everybody's advantage to go with a newer version of the Class II, and was acceptable to both parties, the Town would probably be able to have that option.

Dan Valentine questioned why John Walden would be worried if there was changes made to the Class I and Class II Permits. John Walden said he is not worried about anything, this has nothing to do with my worry. Mr. Walden what he is trying to do is to get the BANS and in order to get the BANS, and that the Town wants his ten million dollar guarantee for the Town utilities, he wants to know that he can do exactly what he had pledged to do for the last three years. Mr. Walden said this a time line issue for him, because without the *Development Code (*I believe he was referring to the Development Agreement) and Development Master Plan we are not going to issue BANS, without issuing BANS the Town will not issue any permits, without any permits there will be no Town. He continued and said he is on a time line that has to be met, or this thing is going to explode. This has been discussed, and Mr. Walden has done everything that has been asked of him, and all he is asking for if it's liable to do this, is approval of the Development Master Plan and for the Town to understand that this plan doesn't have any meat in it until the *Development Code is completed. Mr. Walden's concern is that if the Council says no to the *Development Code because they haven't seen it but they will, then this thing just goes poof!

Dan Valentine responded and said maybe the problem he has with this is an issue of semantics. Mr. Valentine

Minutes of the Town Council Meeting

Date: August 28, 1997

expressed he would like Dave Conine and everyone else, instead of stating that what the developer is getting with this plan is a vested right that will go on for the whole extension of the Development Agreement for ten years or whatever that is for uses and densities, will state that it is not all he's getting. He's also getting a lock-in on the Class II's and Class I's as they exist at this point. Discussion ensued. Dan Valentine said he will back off as long as everyone here feels ok with this, and for those of you who have a building back ground agree that this is normal. Dave Conine said this is not normal because no one has guaranteed ten millions dollars for infrastructure before.

Diane Bradshaw asked if she could ask a question of John Walden and Mrs. Bradshaw made clear that she has not read the new development agreement. "What's the benefit to the Town, I mean I see the benefit to you as the developer but what are we getting out of this development agreement as a Town. Can you just kind of be a business man and sell me on it." John Walden said "The development agreement is in essence only this, this all were trying to do is to keep the rules the same. What I am totally terrified of is the petition that's going around Lehi that says you know we don't want any growth and they got how many in your town and how many signatures they get says they can only issue 146 permits. Our BANS and the money that I'm committing for this to give to the Town. I want to give it to the Town so the Town can have revenue and make 4 or 5 million dollars and reduce the burden of all the citizens."

Mr. Walden expressed his concerns regarding the elections in November, and that if everyone who is elected has the opinion, i.e., someone lives in Cedar Pass Ranch and decides that they don't want anything in the Town because they like the view, and this has happened before in Town's. If this happened it would destroy the Town's ability to take these BANS out because without growth the Town wouldn't have the revenue, it would have a domino effect. Mr. Walden expressed that he and the Town both have the same vision which is a pro-growth attitude, we are trying to provide affordable housing for the kids in Utah and the senior citizens on social security. Mr. Walden said that he needs the assurance that if he puts up all this money, and all this infrastructure that he has the ability to do what himself and the Town want to do. Discussion ensued. Dan Valentine said he withdraws all his objections based upon trusting the Town Council and the Town Staff knowing what they are doing. Diane Bradshaw expressed appreciation for Dan Valentine's concerns.

John Walden expressed his thanks to the Town Council and Planning Commission for all the time they have spent on this. He said we have accomplished in three years what most people would of taken ten years to accomplish. Mayor Hooge said "I think what he's (Mr. Walden) saying is that in the next two weeks he's (Mr. Walden) going to be expected to sign these obligations and make these commitments, there going to happen, there going to be very real, and what he's asking for is to give him the comfort level that we can perceive and start signing the Cyril Watt responded "I say we do it."

MOTION:

Cyril Watt moved to accept this plan. ^{10,000} Nick Berg seconded. Discussion Called For: John Jacob referred to the airport with it's 12,000 foot runway and what effect it would have on the adjacent property owners. Dave Conine responded and said that the value of their property will be greatly enhanced among other comments. John Jacob asked of John Walden if he would contact property owners adjacent to his land. Mr. Walden said he wouldn't do that because he can't develop someone else's land. Gary Tassianer said this development agreement and master plan is for John Walden's property. If someone is effected by that they should be here because it was noticed. John Jacob expressed his concern that it wasn't on the Town Council's agenda which was posted. He also said that he doesn't have any problem voting on this but wants to know how this will effect other people's property. Nick Berg said all the people were contacted by certified mail. Mayor Hooge said Mr. Butterfield and Mr. Bowles, (who are property owners in Eagle Mountain) were present tonight (at the Planning Commission Meeting) and Mr. Bowles came up to the Mayor and said "I love what your

7 IS THIS CORRECT?

Minutes of the Town Council Meeting

Date: August 28, 1997

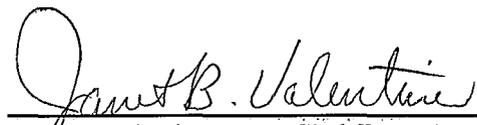
doing, everything is wonderful" John Jacob said that actually is a good comment and that's one concern he had.

Another concern of Mr. Jacob's was how will the sewer system and the sinks effect an airport because of the birds. Dave Conine said he had spoken with an airport consultant and this same issue came up. Mr. Conine said he has observed the bird activity in that area and there isn't a lot of it right now, but admitted this issue does need to be planned for, and needs to be dealt with.

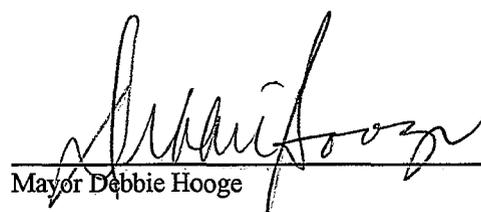
Mayor Hooge said the farmers have expressed that the runway should be about three or four miles further south, because the noise will bother their horses. Dave Conine said the contemplated use is not for air carriers, the contemplated use is for general aviation which consists of private and corporate air craft. John Jacob asked why is there going to be a 10,000 foot runway then. Dave Conine replied initially it's going to be more like 7500 feet and that is still in the planning stage. A G5 or G4 corporate jet would probably require a 8,000 to 9,000 foot runway. It was also mentioned that there is currently a study being done on the windage. John Walden said that they have received interest from Motorola and a lot of interest from other businesses in having an airport accessible. John Walden said he would give land away if it brings jobs into the valley. Mayor Hooge said Mr. Walden has made a commitment to a furniture business that employs 125 people, and all the principals of that company are in the process of relocating their families to our valley. John Jacob referred to the roads, Mayor Hooge said that we want to have a parallel road along the side of the Fairfield Road to alleviate traffic so the pony express trail (Fairfield Road) could be preserved. Discussion ensued. John Walden said that the roads could be changed at any time and that isn't the issue here. All he is asking for is the uses and densities. Discussion continued. **Vote Called For: Ayes: 3, Nays: 1, (Diane Bradshaw), Abstained: 1, (Mayor Hooge). Motion carries three to one.**

MOTION: Cyril Watt moved to adjourn the Town Council Meeting at 10:45 p.m. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.




Janet B. Valentine, Town Clerk/Recorder

APPROVAL:


Mayor Debbie Hooge



MINUTES OF THE TOWN COUNCIL MEETING

DATE: SEPTEMBER 11, 1997

CALLED TO ORDER: 7:10 P.M.

ADJOURNED: 10:40 P.M.

The meeting was called to order at 7:10 p.m. by Mayor Hooge. The pledge of allegiance was led by the council. The following Council Members were present and represented a quorum: Nick Berg, Diane Bradshaw, John Jacob and Cyril Watt.

Town Staff:

Attorneys: Gerald Kinghorn and Randy Skeen
Manager: Dave Conine
Engineer: Mike Wren/MCM Engineering, Inc.
Clerk/Recorder: Janet Valentine

Others: James Dahl, Scott Kirkland, and Alan Thompson

Item 3 - Approval of minutes:

MOTION: *Diane Bradshaw moved to approve the Town Council Minutes of August 14, 1997 as written. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Item 4 - Public Comment: Scott Kirkland, 65 North 920 East, Orem, Utah. Scott Kirkland referred to the Development Master Plan that was presented to the Planning Commission a few weeks ago. The land use designations that was presented are not included in the development code. Mr. Kirkland suggest that the land use designations become adopted by the Council before any more subdivisions are presented. Nick Berg said the town attorney, Gerald Kinghorn suggested to adopt the expanded land use designations so that it would be clear in the development agreement, that prior to passing the development agreement we should have these land use designations more clearly stated. More discussion followed.

Item 5 - Overland Trails Estates - Split Plat Approval: Mayor Hooge left the room because of a conflict of interest. Nick Berg chaired this portion of the meeting. James Dahl represented the developer. This development was approved for a class II permit and requested approval to split the plat in order to develop in phases. Discussion followed.

MOTION: *Diane Bradshaw moved to approve Overland Trails Estates splitting into two different phases. Cyril Watt seconded. Discussion Called For: John Jacob had concerns about a dirt road that would not be paved until next year. Discussion continued. Vote Called For: Ayes: 3, Nays: 0, Abstained: 2, (Nick Berg and Mayor Hooge). Motion passed.*

Item 6 - Consent Items: Mayor Hooge returned and chaired the rest of the meeting. Alan Thompson arrived and was introduced to the Council. He is running for a 2 year seat on the council this November.

A. Resolution regarding Certificates of Occupancy: Gerald Kinghorn addressed this issue. The town at this point doesn't have the ability to deliver services, water, sewer, power, or anything else to platted lots because the utility infrastructure is not finished. At last weeks Town Council Meeting this issue was addressed. Mr. Kinghorn said there is a couple of approaches to this in the works, one of which will be discussed later in the meeting under item 6, F. Utility

Purchase Agreement. The immediate problem is that people are approaching the town to obtain building permits, and the town doesn't have the ability to connect them to any utility infrastructure systems. One possible solution would be to issue building permits, and at that time require the applicants to sign an acknowledgment that they would not be issued a occupancy permit if the municipal utility services are not available. Another option would be to not issue any building permits. Discussion followed. Scott Kirkland said he had met with Utah Power and they are willing to meet the interim need, the immediate need, and within 90 days they will have the electrical issue resolved for Cedar Pass North, and Cedar Meadows (the north end of Eagle Mountain). Gerald Kinghorn or Randy Skeen will draft this acknowledgment.

MOTION: *John Jacob moved to instruct the building official tonight to hold your building permits until the disclosure and acknowledgment that will be prepared by legal council is executed by the applicant and permit. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

B. Resolution to Hire Janet Valentine as the Town Clerk: Resolution # 97-35

MOTION: *Cyril Watt moved to hire Janet Valentine as the Town Clerk/Recorder for the Town of Eagle Mountain. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

C. Amendment to Combine the Water Ordinance and Sewer Ordinance: (tabled)

MOTION: *John Jacob moved to table item 6., C. until the Town Council Meeting on September 18, 1997. Nick Berg seconded. Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.*

D. Development Agreement with Eagle Mountain L.C.: Gerald Kinghorn gave each member of the Council a draft copy of this document. Mr. Kinghorn told the Council that this draft contains exactly the same language as tendered to by Monte Vista Ranch, L. C., except that all the financial references that are contained in other documents have been removed. He didn't recommend to approve this agreement tonight, but to review it. This agreement is in draft form and still needs some works. Gerald Kinghorn said that in the Development Code there's a section that allows the developer to come to you and make a proposal for a Master Development Plan and enter into a development agreement of this kind which would essentially invest the developer with the right to Class I and Class II Permits. The developer would also have the right to more specific approvals if it was in the Town's best interest. The purpose for an agreement like this is to create some certainty for the Town and for the developer with respect to how public infrastructure is going to be developed and extended, and how land is going to be used over a period of time.

Gerald Kinghorn expressed his concerns which include that the exhibits referred to in this agreement have not been created yet. The definitions that are used in here and are proposed for use in the exhibits are not contained in the development code. Mr. Kinghorn thinks it would be in everyone's best interest to have this agreement and the exhibits be more specific, so that you knew exactly what the Town is agreeing to and so the developer will know exactly what the developer's getting. The parcels should be designated with more specific descriptions. Nick Berg expressed his concerns that this would be very costly to add the legal descriptions to the parcels. Discussion continued between the Town Council, the Town Engineer, and Gerald Kinghorn.

Another issue Mr. Kinghorn presented was that if the developer is given certain vested rights under the Development Code, that the language of Class I and Class II Permits need to be included to designate the type of entitlement the developer has been given. There should also be reference made that the Development Code as amended authorizes this agreement. Discussion

continued. Gerald Kinghorn recommended to the Council to describe the land use designations to have general parcel designation. This could go along with the color coding which currently describe the land use designations. Mike Wren/MCM Engineering said they will try and come up with something.

E. Development Code Amendments: (tabled)

1. Technical Adjustments: Dave Conine presented to the Council the proposed technical adjustments in the Development Code. Gerald Kinghorn said that these changes could be approved but will need to be enacted in an ordinance. When the interim development code was approved, it wasn't adopted as an ordinance. The Mayor said that this issue needs to be revisited. Gerald Kinghorn recommended to the Council that he would look at the state statute because there is a question of whether this is in the nature of a zoning change or not.

MOTION: *Cyril Watt moved to table item 6., E. until next week. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

F. Utility Purchase Agreement: Gerald Kinghorn gave a draft copy of the "Contract for Transfer of Municipal Systems and Roads" to each member of the Council. Mr. Kinghorn said that on the agenda this was listed as a utility purchase agreement and that it has been characterized as a Contract for Transfer of Municipal Systems and Roads. The hopes of this contract is to provide a mechanism for the Town to obtain all the utility infrastructure that needs to control and operate the systems that generates the revenue to pay the notes that sets up for the bonding. Monte Vista Ranch, L.C. (Developer) reviewed this document, and Gerald Kinghorn received their comments back. Some of the comments from the developer was incorporated into this agreement. Some of the comments were not received until today at 3:00 p.m., so there was insufficient time to include them in this agreement. Most of the comments were not major issues that required a lot of policy dispute except for one..

The issue which he referred to was what happens if the notes don't close and the Town doesn't have the money to pay for these systems. We are in agreement however that we will go ahead with the purchase, that we will go ahead with the transfer, it becomes a question of how you pay for it. Mr. Kinghorn thinks that the Town and developer are in agreement that what we should do is simply pay for these improvements using the same process we would use to pay off the notes. That is, use the general indenture trust and the supplemental indentures that have been created for all the utility systems. This would give Monte Vista Ranch and Eagle Mountain Properties a security interest in the revenues from those systems. The bank trustee would be used as the collection agent, and we would basically use all the same bonding procedures except do that directly to pay Monte Vista Ranch and Eagle Mountain Properties for what they have invested in the core infrastructure system, i.e., the well, waste water treatment plant, etc.

This agreement provides specific safe guards for the Town, disclosures, it provides for the transfer of the construction contracts to the town, the assumption of the Town's warranties for the contracts on all the equipment purchased, so you can enforce those warranties. This agreement needs to be signed before the Town signs on any more plats.

Discussion between the Council and Attorney took place and comments were made. The Council has a week to review the contract and be prepared to vote on this issue at next weeks Town Council Meeting.

The conversation turned to the issue about Touchstone development and their desire to begin building the model homes. Discussion followed. Touchstone was told by the building inspector

that they could excavate and set forms, and that he would take about a week to do a plan check on the model homes. Mike Wren said there is construction going on in the Town where no permit has been pulled.

Discussion on the water rights and how many need to be turned over to the town before a plat is signed took place.

The conversation went back to the contract and Mayor Hooge said it is her understanding that once this agreement is signed we have control of the utility systems, we then can say to the developers, record all the subdivisions you want and pull all the permits you need. Gerald Kinghorn said this is the case if the utility systems are working.

John Jacob said the following five items need to be taken care of before any building permits are issued for the lots in the subdivisions: 1. Description of plans and specifications, 2. Legal description of Sweet Water Road, 3. Budget schedule (Scott Robertson of Lewis Young Inc. has this), 4. Construction timing Schedule and 5. List of required consents (Scott Robertson will take care of this item). Mike Wren will be responsible to take care of the other three items. They will try and get these together by next Town Council Meeting. Gerald Kinghorn said the plats could be recorded as long as we have the water rights, but the town doesn't want to take that risk.

G. Additional Information on the Bond Anticipation Notes: Gerald Kinghorn put together a "Water Security Agreement, Collateral Assignment of Water Rights, and Escrow Agreement". This security agreement would allow the use of the water rights as additional collateral for the developer's guarantee, but also provide a mechanism for those water rights to be transferred to the Town when people pay Cedar Valley Water Company for their water. It provides for collateral assignment of those water rights at a U.S. Bank as escrow agent for the Town and for Cedar Valley Water Company. It pledges those water rights as collateral for the developer's guarantee, the same way their pledging their land. It provides a release mechanism so as people come in and pay Cedar Valley Water Company for their water, U.S. Bank will transfer those water rights to the Town. It also assures that those water rights that are owned by Cedar Valley Water Company will be available to the lands that are owned by Monte Vista. John Jacob said to limit it to 3,000 acre feet and exclude approximately 200 + acre ft on water right 54-645. Gerald Kinghorn wanted the Council to review the contract and hopefully come back next week to approve it.

Scott Robertson of Lewis Young Robertson and Burningham, the Town's Financial Advisor presented a list of costs which were provided by Bob Lynds of Eagle Mountain Properties that are to be paid by the Bond Anticipation Notes. Mr. Robertson went through the list and explained what they were for. There was discussion that followed but no decisions were made.

The Bond Anticipation Notes will also go to pay the Preliminary Costs of Issuance. Each Council Member received a list of these costs. There was discussion that followed. Mr. Robertson did not want the Council's approval, he requested that they review this information. Mayor Hooge requested of the Council to review this information and get back to her with their comments on Monday and she will meet with Scott Robertson and go over everything.

Item 7 - Discussion Items:

A. Appointment of Justice of the Peace: This was not addressed because it is a mute issue. There is currently a moratorium on approving any Justice Courts until July 1, 1998.

B. "Police Power" for un-permitted construction and living in temporary trailers without an occupancy permit: Scott Kirkland told the Council that the Planning Commission addressed this issue

tonight and it will be brought before them at next weeks meeting. Mr. Kirkland briefly explained the recommendation made by the Planning Commission. John Jacob asked the attorneys what is done in other city's regarding this issue. Gerald Kinghorn said there are zoning prohibitions against people occupying trailers or occupying buildings without certificates of occupancy and takes civil action against them if they do. Discussion followed. Mr. Jacob also asked if there are any other reasons to not allow this from happening. Mr. Kinghorn said there are the health issues, i.e., sewer, water, etc.

C. Uniform Building Code & Utah Titles of Codes: Mayor Hooge told the Council the Town needs to purchase the Uniform Building Code, Uniform Mechanical Code, etc. The Town can receive all these references for \$85.00 if we apply for membership with the International Conference of Building Officials. The Town is also in need of the Utah Titles of Code Books and these are available un-annotated for the cost of \$140.45 through Michie, a company located in Charlottesville, Virginia.

Item 8 - Other Business: Nick Berg presented to the council the draft copy of the General Plan that himself, Dave Conine and Ira Hodges have been working on. He went through the contents with the Council and gave them the time line they came up with to adopt this by October 24, 1997.

Item 9 - Adjournment:

Bradshaw
MOTION: *Diane Jacob moved to adjourn the Town Council Meeting at 10:40 p.m. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*



Janet B. Valentine
Janet B. Valentine, Town Clerk

William Hooge

TOWN COUNCIL MEETING MINUTES

DATE: October 9, 1997

C. Consent Hearing:

1. Final Approval of Master Development Plan for Cedar Meadows and Harvest Haven/Carl Allred: Nick Berg explained to Mayor Hooge and Diane Bradshaw that Ira Hodges and Dave Wilding presenting this to the Planning Commission this evening with respects to the different land uses and connectivity to the surrounding areas. The Planning Commission recommended for this to be passed on to the Council for their approval.

Ira Hodges was asked by Carl Allred to re-design the master development plan for the Cedar Meadows and the Harvest Haven area (Harvest Haven is now considered to be a part of Cedar Meadows). Mr. Hodges explained to the Council the site analysis map that showed the topographical and geological features of the proposed land. The lot size is a one acre minimum and included in the proposed land were park areas, a church area, and access to a trail system. He relocated the Industrial land use area and Commercial land use area from the west end of the property to the south end of the property. Carl Allred said that the trailer park was eliminated and there was more open space included.

Ira Hodges continued and explained that there will be a frontage road created for the existing homes and the two existing entrances would be eliminated. One main entrance would be added and will be located across from the Cedar Pass Ranch main entrance. Mayor Hooge said there would be a development agreement between the Town and the Cedar Meadows Development. Discussion ensued. Carl Allred said that they have spent a lot of money in re-designing this development to meet the Planning Commission's recommendations and would like to have any additional fees waived.

MOTION: *Diane Bradshaw moved to approve the Cedar Meadows Master Development Plan subject to the Town reviewing and giving credit for the fees which have already been paid, the looking in to the possibility of condemning the lane and straightening out the road, the lane designation for a frontage road, tree replacement, the road which goes north and south be paved in phases (money would be put in an escrow account to assure the road would be paved), the private and public parcels are to be labeled as such, and the development agreement which will address all these issues. Nick Berg seconded. Ayes: 3, Nays: 0. Motion passed.*

Mayor Hooge thanked Carl Allred and explained that he has gone beyond what was asked of him and that he did this in the Town's best interest. The Council also expressed their thanks.

Glade Berry a property owner in Eagle Mountain referred to a letter which was sent to the Mayor in his behalf with respects to the land he owns and if it would be zoned strictly commercial. Mayor Hooge explained the way performance standard zoning works and that it could be residential if it meets the performance standards. Mr. Berry said he understood and would sometime in the future like to build a home on his property.

Items C. 1, 2, and 3. - The Sale of the Bonds: Jesse Smith said that the bonds have been sold. Investors received the documents (official statement to market the bond) last week. This bond is different in that it is not a triple A rated general obligation bond and there are some risks associated to it, so it is not marketed to the average investors. This limited the marketing of the bonds to institutional investors. Mr. Smith said he received the approval yesterday from Mayor Hooge and Scott Robertson (Town's financial advisor) to market the bonds at 5 3/8%. The bonds were sold to two banks located on the east coast. At this point there needs to be an agreement between the Town (Issuer) and Seattle Northwest (Underwriter) where the town sells the bond anticipation notes to Seattle Northwest. There will be approximately 40 final documents which will need to be completed and signed before October 21, 1997.

The Note Purchase Agreement for each utility was previously reviewed by Randy Skeen, Esq., Jerry Kinghorn, Esq., Blaine Carlton (bond council), Scott Robertson, James Stith, Esq., Seattle Northwest's attorney who is also the author, and Mayor Hooge. Jesse Smith went through the Note Purchase Agreement and explained; item #1 Purchase and Sale- Seattle Northwest agrees to purchase the bonds for 2.5% and the town would receive 97.5% at closing. These funds would then be turned over to the trustee.

TOWN COUNCIL MEETING MINUTES

DATE: **October 9, 1997**

Items C. 1, 2, and 3. - The Sale of the Bonds cont: Mr. Smith continued, the second paragraph on page 2; Item #2 Notes- defines what Seattle Northwest are purchasing, i.e., water and sewer revenue notes, telecommunication notes, and gas and electric revenue notes and the contents of each of the financing.

Paragraph three; Official Statement - is saying to the Town that Seattle Northwest received approval to use the official statement to market the bonds.

Paragraph four; This includes agreements that the Town makes as part of this transaction, and says that the Town is duly organized, the Town will take the necessary action to consummate this deal, the Town will maintain the tax exemption, that there's no law suit effecting the transaction, that the Town believes the official statement to be accurate, that the Town has the authority to act, that the Town will not issue any other bonds between now and closing, the Town is not in breech of any laws, the Town has cooperated on with "Blue Sky" (an area of law that requires the marketing of bonds outside the State of Utah will be done according to the laws of that state), one of the investors is located in New Jersey and the other investor is located in Massachusetts so Seattle Northwest will blue sky in those two states. Mr. Smith continued, all authorizations have been obtained, certifications are signed and valid, the Town has not defaulted on anything, that rates and charges have been set appropriately, and that the Town is currently not in subject to state code 15 C 2 12 which has to do with a continuing disclosure of the notes.

Paragraph five; it's the Town's option to sell the notes to Seattle Northwest.

Closing is scheduled for October 21, 1997 at 9:00 a.m. at the offices of Ballard Spahr.

Paragraph eight; Termination - the underwriter can terminate this agreement between now and October 21st due to some unforeseen action by congress, an out break of war, etc.

Paragraph nine; Expenses - self explanatory

Paragraph ten; Representations of the underwriter - this says that Seattle Northwest has the authority to do what we say we are going to do. Mr. Smith continued through the document and that the document will be effective upon signing.

Scott Robertson, the Town's financial advisor commended Jesse Smith and Seattle Northwest for marketing these bonds. This would not be considered an easy transaction in selling bonds for a brand new town and Mr. Smith did a great job. Jesse smith got an excellent rate and sold the bonds at 5 3/8%.

Item C. 2-Consideration of a resolution authorizing the issuance and sale of the Town's Telecommunication Revenue Bond Anticipation Notes, Series 1997 in a total principal amount of not to exceed \$2,400,000; authorizing the execution by the Town officials all documents required in connection therewith; and related matters:

Item C. 3-Consideration of a resolution authorizing the issuance and sale of the Town's Gas and Electric Revenue Bond Anticipation Notes, Series 1997 in a total principal amount of not to exceed \$1,500,000; authorizing the execution by the Town officials all documents required in connection therewith; and related matters:

Item C. 4-Consideration of a resolution authorizing the issuance and sale of the Town's Water and Sewer Revenue Bond Anticipation Notes, Series 1997 in a total principal amount of not to exceed \$5,000,000; authorizing the execution by the Town officials all document required in connection therewith; and related matters:

Blaine Carlton explained to the Council that these three resolutions authorize the issuance and sale of these notes on the terms that Mr. Smith just described. It also authorizes the Town to enter in to the various documents required in order to issue the notes. There will be 40 documents for each transaction, so that equates to 120 documents. There are two copies of each of the documents which will be approved tonight, and these should be kept on file at the Town office for public review. Mr. Carlton briefly explained the documents; the general indenture which is the master document that authorizes the issuance of the bonds, the first supplemental indenture authorizes the actual notes.

TOWN COUNCIL MEETING MINUTES

DATE: **October 9, 1997**

Item C. 2,3 & 4-Consideration of Bond Resolutions cont: Mr. Carlton continued, an Escrow Deposit Agreement is another important document and it is noted in each of the bond issues that the municipality is pledging it's revenues generated from the utilities for repayment of these notes. This agreement says the developers of the property are agreeable to put up one half of the net proceeds of the sales of the property in to this escrow to secure the repayment of the notes.

He continued, there is also a Guarantee Agreement which will be signed by the three principal owners of the development company. This agreement is a personal guarantee where all of the three guarantors are basically pledging all of their personal financial for the repayment obligation in the event of a short fall of the net revenues and a short fall of the escrow deposit agreement. The trustee can then go to the guarantors for the amount of money needed. Reimbursement Agreement will be between the Town, the developers and the guarantors that says if the developers or guarantors have to front the money due to a short fall that at a future date (after the notes are paid off) the Town agrees to reimburse the developers or guarantors any money they had to front limited to a ten year period and would come from the net revenues generated from the utility systems. If there are no net revenues generated there will be no reimbursement required by the Town.

MOTION: *Diane Bradshaw moved to approve the resolution authorizing the issuance and sale of the Town's Telecommunication Revenue Bond Anticipation Notes, Series 1997 in a total principal amount of not to exceed \$2,400,000; authorizing the execution by the Town officials all documents required in connection therewith; and related matters. Nick Berg seconded. Ayes: 3, Nays: 0. Unanimous vote. Motion passed.*

MOTION: *Diane Bradshaw moved to approve the resolution authorizing the issuance and sale of the Town's Gas and Electric Revenue Anticipation Notes, Series 1997 in a total principal amount of not to exceed \$1,500,000; authorizing the execution by the Town officials all documents required in connection therewith; and related matters. Nick Berg seconded. Ayes: 3, Nays: 0. Unanimous vote. Motion passed.*

MOTION: *Diane Bradshaw moved to approve the resolution authorizing the issuance and sale of the Town's Water and Sewer Revenue Anticipation Notes, Series 1997, in a total principal amount of not to exceed \$5,000,000; authorizing the execution by the Town officials all document required in connection therewith; and related matter. Nick Berg seconded. Ayes: 3, Nays: 0. Unanimous vote. Motion passed.*

Blaine Carlton said that when we received the agenda items the exact principal amount was not available, he advised that the Council re-adopt the resolutions with the correct amounts.

MOTION: *Diane Bradshaw moved to re-adopt the resolution authorizing the issuance and sale of the Town's Telecommunication Revenue Bond Anticipation Notes, Series 1997 in a total principal amount of not to exceed \$1,215,000; authorizing the execution by the Town officials all documents required in connection therewith; and related matters. Nick Berg seconded. Ayes: 3, Nays: 0. Unanimous vote. Motion passed.*

MOTION: *Diane Bradshaw moved to re-adopt the resolution authorizing the issuance and sale of the Town's Gas and Electric Revenue Anticipation Notes, Series 1997 in a total principal amount of not to exceed \$1,350,000; authorizing the execution by the Town officials all documents required in connection therewith; and related matters. Nick Berg seconded. Ayes: 3, Nays: 0. Unanimous vote. Motion passed.*

MOTION: *Diane Bradshaw moved to re-adopt the resolution authorizing the issuance and sale of the Town's Water and Sewer Revenue Anticipation Notes, Series 1997 in a total principal amount of not to exceed \$4,910,000; authorizing the execution by the Town officials all documents required in*

TOWN COUNCIL MEETING MINUTES

DATE: **October 9, 1997**

connection therewith; and related matters. Nick Berg seconded. Ayes: 3, Nays: 0. Unanimous vote. Motion passed.

Item C. 5 - Proposal from Tasco Engineering for Subdivision Layout for Natural Gas, Electrical and Communications: Mayor Hooge suggested this item be tabled because Gary Tassianer of Tasco Engineering was not present.

MOTION: *Nick Berg moved to table item 5. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Unanimous vote. Motion passes.*

Item C. 6 - Proposal for placement of Four Temporary Trailers within the Town/Sherrie Smith: Mayor Hooge said Sherrie Smith with South Valley Leasing had to leave and explained the plans for four trailers to be located in the Town Center, one being for the Town Office. She also expressed her concern that no services are located where the trailers will be. However, Mike Wren informed us today that approximately \$200,000 is needed to bring the services to fire station. Nick Berg stated that the services would be provided to the fire station, it will be taken care of.

Mayor Hooge explained that the other three trailers would be for private commercial use, one would be a small grocery store, one would be an office building and one would be for Eagle Mountain Real Estate which will showcase all the projects going on in the Town. She added that these trailers are on a conditional use permit for a period of 12 months and this will give the Town some revenue. She felt that the Town Office trailer should not be exempt from the conditional use permit. Glade Berry a property owner asked where these trailers would be located. Mayor Hooge said at the round-about on Eagle Mountain Blvd. The trailers will be custom built and Dave Conine will be responsible for the colors.

MOTION: *Nick Berg moved to approve the four temporary trailers subject to conditional use permits for 12 months and to the site plan. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Unanimous vote. Motion passed.*

Item C. 7 - Proposal on Caselle Software Package (Government Programs): Wayne Bradshaw stated that he was assigned by the Mayor to look into a software package and is proposing that some of the bond funds be earmarked to allow the Town to purchase a computer system and software to enable the Town staff to do bookkeeping. Currently, we are using a small business package called Quick Books Pro that is owned by the DMH Real Estate Group and our computer is on loan from Robert Lynds.

He continued, the software is especially designed for government use by Caselle Inc., located in Spanish Fork, Utah and they are used by 85% of the municipalities in Utah. It is a modular system, and the Town would require only the following modules; the general ledger for all accounting, budgeting and bank reconciliation, utility billing, payroll, accounts payable, and cash receipting. Those basic modules allow us to do what is needed. Mr. Bradshaw recommended that the Town purchase Pentium 233's with the 6.4 mega-bite hard drive with zip drives and modems in them to run the software. He added that he has also proposed the purchase two printers, a laser printer for general use and a dot matrix printer for all the utility billing.

Mayor Hooge said the Town would need three computers, one for the executive assistant and clerk, one for the town manager, and one for the treasurer. She added that the \$175,000 needed to purchase the software, computers, Town trailer, office supplies and Sue Fraley's salary will come out of the bond funds. Ms. Fraley stated that in her experience with Caselle has been excellent and they provide very good support for their product. Mr. Bradshaw added that Ms. Fraley will train the staff on all the modules, and that he and Ms. Fraley will attend training on the general ledger.

MOTION: *Diane Bradshaw moved to approve the Caselle software and purchase of the pc's as presented and approve Wayne Bradshaw to purchase the hardware and software. Seconded Nick Berg.*

TOWN COUNCIL MEETING MINUTES

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Item C. 7 - Proposal on Caselle Software Package cont: Before the vote, Councilmember Berg asked if there were any other companies researched for purchase for this type of software. Wayne Bradshaw explained that no other options were researched because most of the municipalities use this software and it was recommended by them. He added that there is a lot to be said about being a local company and getting local support. Mr. Berg expressed his concern of going with a DOS operating system, he said there has to be a software program out there that runs efficiently on Windows. Ms. Fraley said that Caselle can run on Windows, but users prefer the DOS system, it seems to be better suited to run the software. Discussion ensued.

Mayor Hooge called for the vote. Ayes: 3, Nays: 0. Unanimous vote. Motion passed.

Item C. 8 - Proposal on Supplies and Equipment for the Town Office/Janet Valentine and Sue Fraley:

Sue Fraley presented to the Council a list of the large items and misc. supplies which would be needed to set up the Town office. Sue Fraley and Janet Valentine said they would go to the State Surplus and see what is available through them. Ms. Fraley said that when she worked for Springdale, Utah as the Town Clerk they purchased some office equipment at a very low cost. Randy Skeen the Town Attorney said this isn't a budget issue and gave

MOTION: *Diane Bradshaw moved to approve the purchase of Office Supplies and Equipment subject to Mayor Hooge or Dave Conine's final approval. Nick Berg seconded. Ayes: 3, Nays: 0. Unanimous vote. Motion passed.*

Item C. 9 - Release of Hyrum Thompson and Rodger Hurst from the Planning Commission/Mayor Debbie Hooge:

Mayor Hooge told the Council that the Planning Commission is down sizing back to seven members therefor, Hyrum Thompson and Rodger Hurst have been released as Commissioners. Mayor Hooge expressed her appreciation for their willingness to serve on the Planning Commission. No action needed.

Item C. 10 - Appointment of Election and Counting Judges and Alternates/Janet Valentine: Janet Valentine said she has only been able to find two residents to serve as election judges. Maureen Anderton will serve as the head election judge and Leland Fitzgerald will serve as an election judge. Sue Fraley said it would be helpful to also appoint counting judges because it is a long day for the election judges and by 8:00 p.m. they are tired and not in the state of mind to count the votes. Mayor Hooge agreed. Janet Valentine said that she has arranged with Donna at the County Election's office to do a training class on October 21, 1997 at 1:30 p.m. for the election judges, counting judges, Sue Fraley and herself. At next weeks meeting Janet Valentine will have a complete list of names of election/counting judges then it can be addressed next week.

Mrs. Valentine brought up the issue of the Town's addressing change and that she will have available change of address packets at the Cedar Pass Ranch trailer on November 4, 1997 for the residents, along with their new assigned addresses. The Lehi Postmaster has the new address maps for Eagle Mountain so the address change is now official. No action needed.

Item C. 11 - Appointment of Sue Fraley as Deputy Town Clerk/Mayor Hooge: Mayor Hooge said that Sue Fraley has been hired as an executive assistant to herself and Dave Conine. The reason for her to be appointed as the Deputy Town Clerk is if Janet Valentine is unavailable due to sickness or vacation leave, Ms. Fraley would be able to attest to and record any necessary documents or plats.

MOTION: *Nick Berg moved to appoint Sue Fraley as the Deputy Town Clerk. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Unanimous vote. Motion passed.*

Item D. New Business: Mayor Hooge addressed two issues. The Mayor would like to have a party in December for the Town Council and their significant others and the Planning Commission and their significant others to show appreciation for the many hours they have served on behalf of the Town. Mayor Hooge requested that thank you plaques be made for

TOWN COUNCIL MEETING MINUTES

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each Council Member and Planning Commission Member. The Mayor requested for Sue Fraley and Janet Valentine to be put in charge of arranging the party.

Item D. New Business cont: Mayor Hooge stated that she would like to see the Council receive a per diem of \$25.00 a day and compensation for attending meetings. The Council has spent many hours on behalf of the Town including a lot of travel and there should be sort of compensation

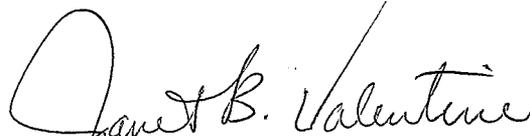
Mayor Hooge said that David Conine's job has been as a consultant, acting as the Town Manager. Mr. Conine needs to be appointed as the Town Manager. The Mayor requested a resolution to hire Dave Conine as the Town Manager be on next week's agenda. She also requested a resolution to retain Ira Hodges as a consultant to the Town, as needed, on next week's agenda.

Mr. Conine gave each member of the Council a draft of the General Plan which he has been working on for the last month. He asked the Council to review it and make comments on any of their concerns.

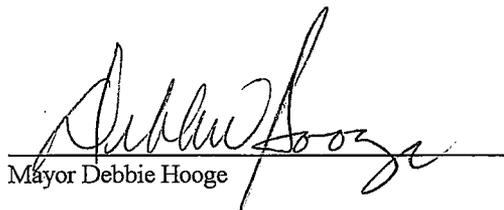
Diane Bradshaw stated that there is a was put in charge of looking in to location of Parks in Eagle Mountain. There will be a park plan available at the Town office for the Council to review. This issue will be addressed at next week's Town Council Meeting.

Mayor Debbie Hooge mentioned she would like as few as meetings possible in November.

MOTION: *Diane Bradshaw moved to adjourn the Town Council Meeting at 9:15 p.m. Nick Berg seconded. Ayes: 3, Nays: 0. Unanimous vote. Motion passed.*


Janet B. Valentine, Town Clerk/Recorder



APPROVED: 
Mayor Debbie Hooge



TOWN COUNCIL MEETING

Minutes of the Town Council Meeting

Called to Order:

7:05 p.m.

Date: October 30, 1997

Adjourned:

10:35 p.m.

The meeting was called to order at 7:05 p.m. The Pledge of Allegiance was led by Janet Valentine. The following Council Members were present and constituted a quorum:

Mayor: Debbie Hooge

Council: Nick Berg, John Jacob and Cyril Watt. Diane Bradshaw was excused.

Town Staff:

Attorney: Gerald Kinghorn, Esq.

Manager: Dave Conine

Engineer: MCM Engineering

Clerk: Janet Valentine

Others: Glade Berry, Larry Patterson and Dan Valentine

A. OPENING:

3. Approval of Agenda:

MOTION: *Cyril Watt moved to approve the Agenda as written. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.*

B. GENERAL DISCUSSION/QUESTIONS/ANNOUNCEMENTS: None

C. PUBLIC HEARING:

a. Review of General Plan Map(s) and General Plan:

Glade Berry a property owner in Eagle Mountain expressed that he would like his property removed from the commercial district into the residential district. Steve Berry his son also expressed the concerns of his father. Discussion ensued and Mr. Berry was told that his land would be changed from Commercial to Residential.

Mayor Hooge commended Dave Conine for the work which he has done on the General Plan Document. She mentioned that a Mr. Vanwagoner from Lehi had authored the history of Lehi and that Mr. Conine should contact him and find out any historical information he might have on Cedar Valley. Dave Conine agreed to contact Mr. Vanwagoner.

Council member Nick Berg said that the General Plan document needs an index. Dave Conine said that an index will be included that would update the information automatically.

Dave Conine went through and explained changes to the latest draft of the General Plan which he gave each Council member a copy of. Mr. Conine said there have been changes/additions to "Land Use Designations" on page 27, and on page 32 "Special Airport Protection Overlay" it was added that ...no object shall be constructed within 10,000 feet of the runway that penetrates a plane that is 150 feet above the runway elevation. This section is in reference to the proposed Airpark in Eagle Mountain and doesn't include the Cedar Valley Airport or Glenn & Marianne Smith's private airstrip. Nick Berg said that all the airstrips/airports in Cedar Valley need to be included not just the proposed Airpark.

The "Design Element" section Gerry Kinghorn said should be guidelines not a requirement. The only place a design standard can be required and legally enforced is in a historical area. Included in this section is that subdivisions are to be encouraged to establish conditions, covenants, and

Minute of the Town Council Meeting

Date: October 30, 1997

restrictions (C.C. & Rs) that establish design and property maintenance standards. Mr. Kinghorn said that C.C. & Rs are enforceable through Home Owner's Associations and that it is not illegal to require a subdivision with C.C.& Rs to abide by architectural guidelines that are compatible with the Town's.

Dan Valentine, 6786 N. Lake Mountain Road, Eagle Mountain asked if the Town could enforce C.C.& Rs. Mr. Kinghorn said there is no mechanism in place that allows a Town to be involved with enforcing C.C. & Rs.

Discussion went back to the airport issue and Larry Patterson who owns the Cedar Valley Airport said that there is a 10,000 foot end clearance and the 150 ft requirement above the runway elevation pertains to all directions. Nick Berg said there is also the categories of the impact of noise to schools and churches.

The "Arts Element" of the general plan which includes the idea of art activities in a community inject vitality to that community. The decaying downtown fringe of many cities have evolved into trendy neighborhoods because artists have established studio space, living quarters and galleries. Mr. Conine suggested that 1% of the commercial and government building permit costs could go towards supporting the art element of the community and could be adopted as an ordinance.

The "Open Space Element" is achieved through the performance standards contained within the development code which place an emphasis on the importance of open space in project design and development. The "Land Use Element" recommends a 40% minimum as the amount of land dedicated to public use open space. Dave Conine said this brings up two types of discussion; 1. Quantity (how much?) and 2. Quality (maintaining the open space). No action taken.

b. Review of Development Code:

Gerry Kinghorn suggested that everyone make their comments regarding the development code then he would put them together in a draft form. He would review the draft and go over it with the Planning Commission at their next work session. Mr. Kinghorn said that he could meet with the Planning Commission on Tuesday, November 18, 1997 at 7:00 p.m. A red-lined version would then be sent to Dave Conine and by the first Town Council Meeting in December the final version of the development code could be adopted.

c. Action from Public Hearing: No action taken.

D. CONSENT HEARINGS:

1. **Revision to Cedar Pass North Plat B/Scott Kirkland:**

Mayor Hooge said that MCM Engineering have not reviewed the revision of Cedar Pass North Plat B. It was reviewed by Wilding Engineering but it needs to be put on the agenda by MCM so they can verify it is complete. The Mayor reiterated that MCM Engineering are the Town's engineering firm and they approve or disapprove if a item is ready to be put on the agenda.

MOTION: *Cyril Watt moved to table item D.1. Revision to Cedar Pass North Plat B until the Town Council Meeting on November 13th. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.*

2. **Discussion of Frontage Road at Harvest Haven:**

Discussion ensued and Jerry Kinghorn said that the frontage road in Harvest Haven could not be condemned unless it was due to a safety issue. Carl Allred was requested by the Council to have a plat map made available with the proposed layout. No action was taken.

3. **Water to Town for Cedar Pass Ranch/John Jacob:**

John Jacob requested this item be removed from the agenda.

4. **Purchasing Ordinance:**

Minute of the Town Council Meeting

Date: October 30, 1997

A copy of an Ordinance establishing purchasing procedures for the Town of Eagle Mountain was given to each Council Member for them to review. Discussion ensued. Gerry Kinghorn proposed to the Council that they review this document and make their comments to Mayor Hooge who in turn will pass their comments on to him. No action was taken.

5. Correspondence with Eagle Mountain Properties and 6. Correspondence on Transfer Agreement:

The Council received a copy of 3 letters; 1- letter dated 10\17\97 to John Walden from Gerald Kinghorn, 2- letter dated 10\20\97 to Gerald Kinghorn from Bruce Baird (Attorney for Eagle Mountain Properties, L.C. & Monte Vista Ranch, L. C.), and 3- letter dated 10\30\97 to Mayor Hooge and the Town Council from Gerald Kinghorn (refer to the attached letters for more detailed information). In reference to letter 3, Gerry Kinghorn referred the Council to pages 5 - 7 and indicated the information contained in these pages are in reference to bond anticipation note closing issues.

Mr. Kinghorn explained that in the original negotiations, it was understood that the Town would receive under the Transfer Agreement, 100% of the interest of Eagle Mountain Properties and Monte Vista Ranch in the well and the well site. Because of Mr. Walden's concern's (refer to page 2 of letter 3) Eagle Mountain Properties was only willing to donate a 50% interest in the well and well site. This was acceptable because it meets the rules and regulations of the Drinking Water Division of the Utah Department of Environmental Quality.

Another issue Gerry Kinghorn mentioned was that the Town compromised with Mr. Walden and allowed some of the startup funds to be allocated to the payment of Mr. Stith's (John Walden's Attorney) legal fees. Mr. Stith's legal fees of \$176,000 was reduced to \$50,000. Discussion ensued. Mayor Hooge addressed the Council and said there has been both give and take by each party involved. The Town received 25 acre feet of water for the parks in Eagle Mountain.

John Jacob expressed his concerns of not having enough time to review the letters and that he would also like Diane Bradshaw to have the opportunity to review them. Discussion continued. Mayor Hooge called for the vote but said that she would abstain because she was the person who signed the letters.

MOTION: *Cyril Watt moved to ratify the dated October 20, 1997 from Bruce Baird , October 17, 1997 and October 30, 1997 from Parsons, Davies, Kinghorn and Peters. Nick Berg seconded. Ayes: 2, Nays: 1, (John Jacob), Abstained: 1, (Mayor Hooge). Motion fails due to lack of a majority.*

Nick Berg said it is his understanding that a majority of a quorum can pass a motion. Gerald Kinghorn believes this is also the case. (This was researched and the motion failed. A majority vote of a quorum can pass a motion in a Town but only if it is a Manager/Mayor form of government.)

At 8:50 p.m. the Mayor requested that the meeting go to a closed executive session for discussion of negotiations of agreements for the purchase of the following assets: Eagle Mountain Boulevard Extension Agreement, Land Values Under Core Systems, Development Agreement, Sweetwater Road costs, and Utility costs. Those present at the closed session were Mayor Hooge, Town Attorney Gerald Kinghorn, Council Members Nick Berg, John Jacob, Cyril Watt and Town Clerk Janet Valentine.

MOTION: *John Jacob moved to go to a closed executive session. Nick Berg seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

MOTION: *Nick Berg moved to close the executive session and open the meeting to the public at 9:45 p.m. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Minute of the Town Council Meeting

Date: October 30, 1997

7. Lake Mountain Road Issues

MOTION: *John Jacob moved to move Item D. 7. Lake Mountain Road Issues to under item D. 10. on the agenda. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

8. Increase in Telephone Rates to comply with the bond Anticipation Note Disclosure:

Discussion ensued on amending Resolution #97-57 adopting telecommunication rate schedules in that the residential basic telephone service rates need to be adjusted to \$20.00 per line per month from the previous \$15.00 per line per month. The commercial basic telephone service also needs to be adjusted to \$30.00 per line per month from the previous \$20.00 per line per month.

RES#97-60

MOTION: *Cyril Watt moved to adopt RESOLUTION NO. 97-60 which is a resolution amending Resolution No. 97-57 and adopting telecommunication rate schedules. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

9. Schedule and Budget on Road S.I.D.:

The Council each received a copy of the following documents: "The Town of Eagle Mountain Distribution List, dated 10-27-97" and "The Town of Eagle Mountain Special Improvement District Bonds, Series 1997, Financing Schedule, dated 10-27-97. Mayor Hooge addressed the Council and explained that these documents are for information only. Gerry Kinghorn said the Financing Schedule is a very important process which needs to be followed precisely for the S.I.D.'s. No action needed.

10. Discussion of Subdivision Approval Checklist:

Gerry Kinghorn said that he is collecting comments from the Town Engineers, Town Staff, etc. and will create a Subdivision Approval Checklist for the Town. No Action taken.

E. NEW BUSINESS:

John Jacob brought up his concern that the written minutes of August 21, 1997 which have been approved were not complete. Mr. Jacob was absent when these minutes were approved. The issue of taxes being raised were discussed at that meeting and Mr. Jacob feels that this issue was not complete in the written copy. Therefore he would like to have access to the tape which those minutes were taped on. This evening Mr. Jacob found out that the minute tapes are being taped over once the written minutes have been approved. He said if the Town is going to go through the process of taping minutes why not keep the tapes.

Mayor Hooge said that it was her decision to tape over the minutes and that they can be taped over once they have been approved. She continued, and said it was never her intentions to keep the tapes, they were just an aid for Janet Valentine, the Town Clerk to review along with her hand written notes when typing up the minutes. John Jacob asked if the Town could keep the tapes for six months to one year, because the August 21st written minutes regarding the tax issue do not represent what went on in that discussion at all. The public perceived a total different opinion than what was actually discussed.

Gerry Kinghorn said that usually the tapes are kept until the minutes are approved. Mr. Kinghorn recommended to the Council that a process could be adopted to keep the tapes for 30 days after they have been approved. It was discussed for the council and Mr. Kinghorn to work together and come up with a recommendation which would address John Jacob's concerns. No action was taken.

D. CONSENT HEARING:

7. Lake Mountain Road Issues:

The Mayor requested to go into a closed executive session to discuss possible litigation with respects to the easement issue along Lake Mountain Road. Those present during the closed

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Date: October 30, 1997

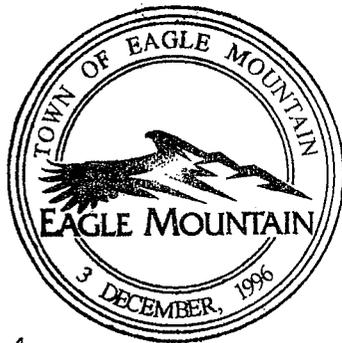
session were Mayor Hooge, Attorney Gerald Kinghorn, Council members Nick Berg, John Jacob, Cyril Watt, Town Clerk Janet Valentine, and Town Engineers Mel McGuarre and Mike Wren of MCM Engineering.

MOTION: *John Jacob moved to go to closed executive session at 10:10 p.m. Nick Berg seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

MOTION: *Nick Berg moved to close the closed executive session and open the meeting to the public at 10:35 p.m. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

E. ADJOURN:

MOTION: *Cyril Watt moved to adjourn the Town Council Meeting at 10:35 p.m. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*



Janet B. Valentine
Janet B. Valentine, Town Clerk

Approved by: *Debbie Hooge*
Mayor Debbie Hooge

Dated: 11-20-97

The foregoing minutes was posted at the Eagle Mountain Town Office, 130 West Main at 3:30 a.m. (p.m.) on November 21, 1997 by

Janet B. Valentine, Town Clerk.

**TOWN OF EAGLE MOUNTAIN
SPECIAL TOWN COUNCIL MEETING**

TOWN COUNCIL MEETING

CALLED TO ORDER: 3:30 P.M.

DATE: NOVEMBER 07, 1997

ADJOURNED: 3:50 P.M.

The meeting was called to order at 3:30 p.m. at the Town offices, 130 West Main, Lehi, Utah. The following Council Members were present and represented a quorum.

Mayor: Debbie Hooge

Council: John Jacob and Cyril Watt. Nick Berg was excused. Diane Bradshaw was absent.

Town Staff:

Exec. Assist: Sue Fraley

Clerk: Janet Valentine

Election Judges: Maureen Anderton (head judge), Karen Bradshaw and Leland Fitzgerald.

A. Opening:

1. Approval of Agenda

MOTION: *Cyril Watt moved to approve the agenda as written. John Jacob seconded. Ayes: 3, Nays: 0. Motion passed unanimously.*

B. General Discussion/Questions/Announcements: None

C. Consent Items:

2. Official Canvass of Elections held on Tuesday, November 4, 1997. Sue Fraley presented the official canvass to the Town council which was as follows: There was 204 ballots received; 106 voted, 1 soiled ballot, 5 absent-voter ballots, 98 ballots not used. There was a total of 111 Registered Voters in the Town of Eagle Mountain.

One out of the five absentee-voter ballots which was absentee-voter ballot #02 was received 11-06-97 and was post marked on 11-03-97. The ballot was in a sealed envelope and Maureen Anderton the head election judge opened the envelope in the presence of the Council.

Sue Fraley showed to Mayor Hooge and the Council the "Tally Sheet" and explained the contents. Mrs. Anderton read aloud the results of the absentee-voter ballot (#02) which were as follows; Mayor- 1 vote for Debbie Hooge, Council Member four year term- 1 vote for John Jacob, 1 vote for Cyril Watt, Council Member two year term- 1 vote for Rob Bateman and 1 vote for Diane Bradshaw. Maureen Anderton added the additional votes to the "Statement of Disposition of Ballots", "Tally List", "Tabulation of Election Returns", and "Total Votes Cast".

Sue Fraley read to the Council and others present the official vote count which were as follows;

Mayor:

Debbie Hooge	received 61 votes
J.L. McDonald (a write-in candidate)	received 42 votes
David Lifferth (a write-in candidate)	received 1 vote

Council Member four year term:

Nick Berg	received 25 votes
John D. Jacob	received 22 votes
Dan Valentine	received 80 votes
Cyril Watt	received 78 votes

TOWN COUNCIL MEETING/OFFICIAL CANVASS

DATE: NOVEMBER 7, 1997

Council Member two year term:

Rob Bateman	received 68 votes
Diane Bradshaw	received 68 votes
Jack Guthrie	received 26 votes
Allen R. Thompson	received 48 votes

MOTION: *John Jacob moved to approve the official vote count for the election held on November 4, 1997. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed unanimously.*

C.2. Budget Report: Sue Fraley presented to the Council the budget report for 11/97.

Summary:

Total income	Actual: 307,521.35	Budgeted: 407,200.00	
Total expense	Actual: 333,861.54	Budgeted: 395,103.00	
Income less expenses	Actual: (26,340.19)	Budgeted: 12,097.00	Under Budget: (38,437.19)

Income Details:

Bond	Actual: 175,000.00	Budgeted: 250,000.00	Under Budget: (118,202.33)
Permit Fees	Actual: 131,797.67	Budgeted: 17,500.00	Under Budget: (17,500.00)
Class C Road	Actual: 623.68	Budgeted: 15,000.00	Under Budget: (14,376.32)
Taxes	Actual: 623.68	Budgeted: 100,000.00	Under Budget: (100,000.00)
Building Authority	Actual: 100.00	Budgeted: 24,700.00	Under Budget: (24,700.00)
Property Tax	Actual: 100.00	Budgeted: 407,200.00	Under Budget: (99,678.65)
Licenses	Actual: 100.00	Budgeted: 407,200.00	Under Budget: (99,678.65)
Total Income:	Actual: 307,521.35	Budgeted: 407,200.00	Under Budget: (99,678.65)

Expense Details:

Administration	Actual: 29,189.87	Budgeted: 60,000.00	Under Budget: (30,810.13)
Professional Services	Actual: 51,037.79	Budgeted: 177,603.00	Under Budget: (126,565.21)
Public Safety	Actual: 1,913.88	Budgeted: 47,500.00	Under Budget: (45,586.12)
Streets	Actual: 1,913.88	Budgeted: 40,000.00	Under Budget: (40,000.00)
Recreation	Actual: 1,913.88	Budgeted: 70,000.00	Under Budget: (70,000.00)
Capital Outlay	Actual: 1,913.88	Budgeted: 70,000.00	Under Budget: (70,000.00)
Total sales of expenses:	Actual: 82,141.54	Budgeted: 395,103.00	Under Budget: (319,961.46)
Percent of total:	Actual: 24.60%	Budgeted: 100.00%	

Bond Proceeds:

Salaries and wages	Actual: 40,000.00		
Engineering	Actual: 25,000.00		
Park Master Plan	Actual: 25,000.00		
Capital Facilities Plan	Actual: 75,000.00	to cover engineering fees	
Office Setup	Actual: 14,000.00	needs to be adjusted to 7,000.00	
Software/Hardware	Actual: 47,720.00	needs to be adjusted to a lower amount	
Attorney Fees	Actual: 50,000.00		
Total admin. expenses	Actual: 251,720.00		Over Budget: 251,720.00
Percent of total:	Actual: 75.40%	Budgeted: 0.00%	

TOWN COUNCIL MEETING/OFFICIAL CANVASS

DATE: NOVEMBER 7, 1997

Mayor Hooge said that the Office Setup needs to be adjusted to \$7,000.00, Software/Hardware needs to be adjusted because it is a lower amount, Capital Facilities Plan of \$75,000.00 is to cover most of the engineering fees. Sue Fraley will make all the necessary adjustments. Ms. Fraley indicated that the Town is in pretty good shape and that we are gaining monies from permit fees. Mayor Hooge said the Town is ahead in income less expenses but we need to be careful in our expenditures, i.e., get the best deals possible for office equipment and instead of purchasing a copy machine, the Town needs to lease one with a monthly payment. No action was taken.

Discussion ensued with respects to a temporary Town office location until the Eagle Mountain Fire Station is built. The current rented space is \$625.00 per month and Janet Valentine indicated that Gary Tassainer of Tasco Engineering offered to rent a large office space in his building for \$300.00 per month to the Town. Mayor Hooge said she would like to have the temporary Town office located in the Town limits if possible. There was also mention of Mayor Hooge's basement being a possible location. It is a walk-out basement that is completely finished and a phone line would be available. It was determined a decision needs to be made before the end of November and for everyone to think about a possible solution.

D. Adjourn:

MOTION: *Cyril Watt moved to adjourn the meeting at 3:50 p.m. John Jacob seconded. Ayes: 3, Nays: 0. Motion passes unanimously.*



Janet Valentine
Janet Valentine Town Clerk

Approval: *C. Watt*
Cyril Watt Mayor pro-tem

Dated: 11/13/97

The foregoing minutes was posted at the Eagle Mountain Town Office, 130 West Main, Lehi, Utah at 5 a.m. (p.m) on Nov. 12, 1997
by *Janet Valentine*, Town Clerk.

TOWN OF EAGLE MOUNTAIN

130 WEST MAIN, SUITE H, LEHI, UTAH 84043 801/766-1146 FAX: 801/766-1143

MINUTES OF THE TOWN COUNCIL MEETING
NOVEMBER 13, 1997

Called to Order: 7:10 p.m.
Adjourned: 9:10 p.m.

The meeting was called to order at 7:10 p.m. The Pledge of Allegiance was led by Janet Valentine. The following Council members were present and represented a quorum:

Mayor Pro Tem: Cyril Watt (Mayor Debbie Hooge was excused)
Council: Nick Berg, Diane Bradshaw and John Jacob.

Town Staff:

Attorney: Randy Skeen, Esq.
Manager: Dave Conine
Engineer: MCM Engineering
Clerk: Janet Valentine

Others: Blaine Carlton, William Chipman, Bob Lynds, Scott Robertson and Dan Valentine

A. OPENING:

2. Approval of Agenda:

MOTION: *Nick Berg moved to table B. Consent Item #1 until Blaine Carlton of Ballard Spahr arrived and to begin the meeting with B. Consent Item#2. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Pro Tem Cyril Watt). Motion passed.*

MOTION: *John Jacob moved to approve the Agenda. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Pro Tem Cyril Watt). Motion passed.*

3. Approval of Minutes: (November 7, 1997)

MOTION: *Diane Bradshaw moved to approve the minutes of the Special Town Council Meeting held on November 7, 1997 as written. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Pro Tem Cyril Watt). Motion passed.*

B. CONSENT ITEMS:

2. Consideration and vote on ratification of the letter from Bruce Baird regarding the general agreement to renegotiate the Development Agreement and the Water Agency and Equity Participation Agreement:

The Council discussed the 3 letters; 1-letter dated 10/17/97 to John Walden from Gerald Kinghorn, 2-letter dated 10/20/97 to Gerald Kinghorn from Bruce Baird (attorney for Eagle Mountain Properties, L.C. and Monte Vista Ranch, L.C.), and 3-letter dated 10/30/97 to Mayor Hooge and the Town Council from Gerald Kinghorn.

Diane Bradshaw had a question in regards to #2 letter second page under the heading , "Land Values Under Core Systems", first sentence. The sentence reads "Inadvertently omitted from the provisions of this section of your letter agreeing to grant my clients a credit against future impact fees for the land values of *properties donated by my clients* underlying the core infrastructure development of the Town was any reference to the costs of the fire station also constructed by my clients. Mrs. Bradshaw want to know what the properties donated by my clients were referring to. Nick Berg and Mike Wren said they are the water tank, wastewater treatment plant, gas tank and the fire station. She continued and said what this paragraph is stating is that he (John Walden) would be given a credit towards any future impact fees. Nick Berg said yes that he

Minutes of the Town Council Meeting

Date: November 13, 1997

would be given a credit opposed to cash just for the above listed properties which were donated.

John Jacob referring to the letter dated 10/20/97 to Gerald Kinghorn from Bruce Baird, said that on the first page, second paragraph, last sentence, "...the parties mutually agree to use their best efforts to finalize these understandings into more detailed contracts, ordinances and any other necessary documentation within the next *thirty (30) days*. *Thirty (30) days is to be changed to sixty (60) days*". It was Mr. Jacob's opinion that the 60 day time period should begin from the date of the letter of October 20, 1997. It was decided to *change the time period from thirty (30) days to sixty (60) days*.

The other issue which was addressed was the attorney fees for negotiations that have and will be taking place within the next sixty (60) days. At last week's Town Council Meeting John Jacob voted against ratifying these letters for two reasons, first one was because Diane Bradshaw wasn't in attendance and he wanted her to have the opportunity to review and vote on this and the second reason was that John Walden shouldn't have to pay all the attorney fees. Since that time Mr. Jacob spoke with Mr. Walden and it was indicated to him that John Walden does not object to paying the costs of the attorney fees as long as they are reasonable.

Diane Bradshaw questioned the amendment to the Cedar Valley Water Agreement (page 4 of the October 20, 1997 letter) with respects to the Town's 50% interest in the well site which was changed from 100% interest. John Jacob briefly read through this section and explained why the change was made.

MOTION: *Nick Berg moved to ratify the letter dated October 20, 1997 from Bruce Baird, October 17, 1997 and October 30, 1997 from Parsons, Davies, Kinghorn and Peters which were earlier signed by Mayor Debbie Hooge, John Walden and the respective attorneys to include the change of 30 days to 60 days with the effective date of October 30, 1997 and that Mr. Walden pays the attorney fees for the negotiations of the ratification. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Pro Tem Cyril Watt). Motion passed.*

D. Consideration of an Ordinance confirming the assessment rolls and levying an assessment against certain properties in Eagle Mountain, Utah Special Improvement No. 97-1, for the purpose of paying the costs of constructing improvements on certain roads within said municipality; establishing and providing for the funding of a Special Improvement Reserve Fund; and related matters. (Ordinance #005):

Scott Robertson of Lewis Young, the Town's financial advisor handed each Council member a copy of "Summary of Costs" dated 11-13-97, and "Calculation of Assessment" dated 11-13-97. Mr. Robertson referred to the "Summary of Costs" document, under the heading Contract Price, and said that the breakdown items are all actual costs with the exception of the cost of Town of Eagle Mountain- Mitigation of storm drainage repairs for \$10,500.00 which is an agreed upon estimated amount. Approximately half of this cost will go to pay for fencing around the holding ponds.

John Walden had faxed to John Jacob a letter today that was from Eric Jones (representative of John Walden) to Gerald Kinghorn which said Mr. Walden didn't agree with the proposed amount of \$10,500.00 because of three items which need to be resolved. The items in this letter included how much of the \$10,500.00 cost goes for existing roads, retention ponds, grating, and how much for protecting the fences, and also shouldn't these costs be covered by the Town's moral obligation to maintain these roads. Discussion ensued. Bob Lynds of Eagle Mountain

Minutes of the Town Council Meeting

Date: November 13, 1997

Properties, L.C., said he spoke with Mr. Walden today at 4:30 p.m. and it was indicated to him that he didn't have a problem with the \$10,500.00 amount. Eric Jones spoke with Scott Robinson around 4:00 p.m. today and related the same information Mr. Lynds received. Discussion ensued and John Jacob agreed that the items must of been worked out. Discussion ended.

Scott Robinson continued to go through the "Summary of Cost" with the Council. John Jacob asked why is it necessary for the Council to go through all these costs. Mr. Robertson said because the Town Council need to make sure that all the costs of an Special Improvement District are fair and reasonable costs for the property owners. However in this case there is just one property owner being assessed.

Note: The minutes of November 13, 1997 were approved on November 20, 1997 subject to John Jacob requested Scott Robertson's (Lewis Young, Town's Financial Advisor) comments on their fees included (in reference to "Special Improvement District Bonds, Series 1997, Summary of Costs"). Mr. Robertson's comments were accidentally erased because the tape was removed when the Council went to a closed executive session and a new tape was inserted for the closed session. The original tape was put back in after the meeting was opened to the public, but the direction of the tape was incorrect, therefore the remainder of the Council meeting was taped over. In speaking with John Jacob on this issue he recalled asking Scott Robertson what was included in the fees from Lewis Young that were to be paid out of the bonds. Mr. Robertson said that their fee which was listed as \$10,000. on "Special Improvement District Bonds, Series 1997, Summary of Costs" include the impact fee study he will be conducting.

Continuing through the Summary of Costs under the heading of Overhead Costs, John Jacob asked Randy Skeen the Town Attorney what the cost of \$10,000. for him was for. Randy Skeen said it is for work which he has done on the S.I.D.'s in behalf of the Town.

Scott Robertson continued and said that there was a discrepancy in the total costs of \$2,219,266.45 and that it is actually \$2,220,000.00, the difference being an additional amount of \$733.55. Scott Robertson referred to the "Calculation of Assessment" and that the Assessment per Acre is \$755.04 instead of the \$754.79, the Prepaid Assessment is \$24,274.38 instead of \$24,266.45. Bob Lynds, Eagle Mountain Properties, L.C. said that the original assessment per acre was \$1,250. per acre which was incorrect.

Blaine Carlton said that the Assessment Ordinance pages 3 to 10 which is being passed this evening needs to be published in next week's newspaper. Janet Valentine said that she would take care of it. Mr. Carlton went through the Assessment Ordinance with the Council. He explained that on the first page last paragraph that because there is only one property owner involved a Board of Equalization is being waived as provided in this paragraph.

Section 6 is the most important section to the Town. Section 6 (a) states that the assessment shall be payable over a period of ten years from the effective date of this Ordinance and includes interest on the unpaid balance of the assessment at the same rate as the rate or rates of the special assessment bonds anticipated to be issued by the Issuer plus one-half of one percent. The interest paid to the Town is to be used for administrative costs.

Section 6 (b) explains that the property owner can prepay on the assessment and this section provides a mechanism by which the property owner can sell off property if the conditions are met on page 5 (i), (ii) and (iii).

Minutes of the Town Council Meeting**Date: November 13, 1997**

Dan Valentine, 6786 No. Lake Mountain Road, Eagle Mountain, asked if there is a premium to be paid for pre-payment of the bonds, if so, how is the Town reimbursed for that. Bob Lynds, Eagle Mountain Properties, L.C. said that the bonds were sold with no pre-payment premium. Blaine Carlton said that has been provided for in the Assessment Ordinance that if there was a premium it would be passed through to John Walden, and the Town would not be liable.

Blaine Carlton explained that when the property owner's land is developed that assessment notices need to be sent out every year to the home owners within that property. Section 6 (c) bottom of page 5 provides for this and states "In the event all or any portion of the property assessed hereunder is subdivided into smaller parcels as evidenced by a subdivision plat approved by the Issuer and recorded at the County Recorder's office of Utah County, the Issuer may elect at its discretion to allocate the assessment balance on the previously undivided property on a proportionate basis based on square footage. The required annual assessment installment payments for each subdivided parcel shall be allocated proportionately on a square footage basis so the aggregate total of all of the annual assessment installments for each of the subdivided parcels will equal the total annual assessment installment for the previously undivided property."

Mr. Carlton continued and referred to Section 10. Debt Service Reserve Fund complies with the Federal Tax Law. This Reserve Fund would take the number one lien position if a lien is put against the property. Refer to Section 9. Lien of Assessment on page 7.

ORD#005 **MOTION:** *John Jacob moved to adopt ORDINANCE #005 confirming the assessment rolls and levying an assessment against certain properties in Eagle Mountain, Utah special Improvement District No. 97-1 for the purpose of paying the costs of construction improvements on certain roads within said municipality. Diane Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1 (Mayor Pro Tem). Motion passed.*

3. **Nomination of and appointments to the Eagle Mountain Utility Board: Board Members to include the following: Council Member - Nick Berg, Technical Advisor - William Chipman and Citizen at Large - Dan Valentine:**

MOTION: *Diane Bradshaw moved to appoint the Eagle Mountain Utility Board Members: Council Member over the Utility Board - Nick Berg, Technical Advisor - William Chipman, and Citizen at Large - Dan Valentine. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Pro Tem Cyril Watt). Motion passed.*

4. **Approval for the Town of Eagle Mountain to become a member of Blue Stakes; fees are as follows: \$100.00 set up fee, \$300 annual fee:**
Discussion ensued with respects to the pros and cons of joining Blue Stakes. The decision was made for the Town to become a member of Blue Stakes.

MOTION: *Nick Berg moved to approve the Town of Eagle Mountain to become a member of Blue Stakes. It was seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Pro Tem Cyril Watt). Motion passed.*

- C. **Discussion of an Ordinance establishing purchasing procedures for the Town of Eagle Mountain:**
Mayor Hooge had indicated to Janet Valentine that she would like the Council to review this Ordinance in her absence. A brief discussion transpired. No action taken.

D. **GENERAL DISCUSSION/QUESTIONS/ANNOUNCEMENTS:**

John Jacob brought up the issue of the August 21, 1997 Town Council Meeting Minutes and that they were approved in his absence and that he doesn't agree the written minutes fully explain the

Minutes of the Town Council Meeting

Date: November 13, 1997

tax issue which was discussed. He requested the Council to take action to retain the recorded tape of these minutes specifically with respects to the tax issue. Discussion ensued. Randy Skeen suggested that the Council make a motion to retain the minute tapes for two years. Mr. Skeen told John Jacob that because the written minutes of August 21st were approved they are the official document, therefore the Council would need to re-open the issue. Rob Bateman, 2218 East Valley Drive , Eagle Mountain, Utah made a comment that the Council could retain the tapes for a certain period of time. No action was taken but this needs to be re-addressed and resolved.

E. 1. Closed Session for the purpose of discussing potential litigation of Construction Contract for Utility Services/Public Safety Buildings:

MOTION: *Diane Bradshaw moved to close the meeting to a closed executive session at 8:55 p.m. Nick Berg seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Pro Tem Cyril Watt). Motion passed.*

Those present in the closed executive session were Mayor Pro Tem Cyril Watt, Council Members Nick Berg, Diane Bradshaw, John Jacob, Town Attorney Randy Skeen, Town Manager Dave Conine, Town Engineer Mike Wren with MCM Engineering and Town Clerk Janet Valentine.

MOTION: *Nick Berg moved to close the closed executive session and reopen the meeting to the public at 9:00 p.m. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Pro Tem Cyril Watt). Motion passed.*

MOTION: *Nick Berg moved that the Town Council give the Mayor the authority to work with the Special Town Counsel and the Deseret Crest Development; Fire Station, Wastewater Treatment Plant on contracts and building the offices. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Pro Tem Cyril Watt). Motion passed.*

At the end of the meeting Dave Conine the Town Manager handed out to each Council Member an updated indexed version of the General Plan for their review.

F. ADJOURN:

MOTION: *John Jacob moved to adjourn the Town Council Meeting at 9:10 p.m. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Pro Tem Cyril Watt). Motion passed.*

Mayor Debbie Hooge's birthday was today and the Council wished her a Happy Birthday and requested hat it be part of the written minutes.

Janet B. Valentine
Janet B. Valentine, Town Clerk

Approved by: *C. Cyril Watt*
Mayor Pro Tem Cyril Watt

Dated: 12/10/97

The foregoing minutes was posted at the Eagle Mountain Town Office, 130 West Main, Lehi, Utah at 12:40 a.m./p.m. on DECEMBER 12, 1997 by *Janet B. Valentine* Town Clerk.

THE TOWN OF EAGLE MOUNTAIN

130 WEST MAIN, SUITE H, LEHI, UTAH 84043
MINUTES OF THE TOWN COUNCIL MEETING
NOVEMBER 20, 1997

Called to Order: 7:10 P.M.
Adjourned: 9:50 P.M.

The meeting was called to order at 7:10 p.m. by Mayor Hooge. Thirty (30) seconds were observed as a moment of silence. The following Council members were present and constituted a quorum:

Mayor: Debbie Hooge
Council: Nick Berg, Diane Bradshaw, John Jacob and Cyril Watt.

Town Staff:
Manager: Dave Conine
Recorder: Janet Valentine

Others: Diane Jacob, Scott Kirkland, Bob Lynds, Larry Steinback, Gary Tassianer and Dan Valentine.

A. OPENING:

2. Approval of Minutes (October 30 & November 13, 1997)

John Jacob said that in the minutes of October 30, 1997, Consent Hearing item 5, it stated he didn't have enough time to read the letters. Mr. Jacob said that wasn't his intent, he had time to read the letters but not enough time to review them. Janet Valentine said that is what Mr. Jacob said. He continued and said the minutes do not have to be amended if that is what he said, just make mention of it in the minutes of November 20th as to his misstatement.

MOTION: *Cyril Watt moved to approve the minutes of October 30, 1997 as written. Nick Berg seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Discussion ensued in regards to the minutes of November 13th. Diane Bradshaw with respects to Consent Hearing Item 4, the Town joining Blue Stakes and that Nick Berg's motion included some contingency in regards to having the proper equipment. Mrs. Bradshaw continued, if this equipment is required for us to have when we join Blue Stakes, it wouldn't be feasible to do that at this time. John Jacob said what the Council actually consented to was that we would go ahead because as a Town we would eventually purchase these items. He asked if it is a requirement from Blue Stakes to have that equipment. Janet Valentine explained that there was a section on the tape that had been accidentally taped over which included that motion. She added that she contacted Nick Berg & John Jacob for their recollection of that topic, and that is what went in the minutes. Mrs. Valentine also said she tried to contact both Cyril Watt and Diane Bradshaw in regards to this but was unsuccessful.

John Jacob requested that the minutes be amended to include his question to Scott Robertson (Lewis Young) and Mr. Robertson's comments on the fees for Lewis Young. John Jacob recollected that Mr. Robertson's statement was that their fees were to be paid, but they still had work to do on the utilities. Mr. Jacob continued, it is important that we have a record of this in case they come back for whatever reason, we can go to the minutes and say this is what you said.

MOTION: *John Jacob moved to approve the minutes of November 13, 1997 as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

B. GENERAL DISCUSSION/QUESTIONS/ANNOUNCEMENTS:

1. Town Council Meeting/December 30, 1997- Mayor Debbie Hooge asked the Council if they would mind holding a meeting on Tuesday, December 30, 1997 because a request has been made to review a subdivision prior to the end of the year. This would be a short meeting, John Jacob and Diane Bradshaw said they would not be able to attend because they would be out of town. Nick Berg and Cyril Watt had no objections to holding a meeting on that date. Mayor Hooge requested

**MINUTES OF THE TOWN COUNCIL MEETING
NOVEMBER 20, 1997**

to schedule a Town Council Meeting for December 30, 1997 and if necessary it could be canceled.

Mayor's Comments- Mayor Hooge said that the newly formed "Utility Board" has met and will be referred to from this point on as the "Public Works Board". Roads and Drainage issues will be included as one of their responsibilities.

Mayor Hooge said she would like to plan a meeting between the major developers, i.e., Scott Kirkland, etc., and land owners in the Town to discuss Capital Facilities Funding through S.I.D.'s and those kind of things. The State of Utah, John Walden, large land owners i.e., the Smith's etc. would also be a part of this meeting, along with Jerry Kinghorn. Topics of discussion would include how the Town is going to develop it's infrastructure.

Mayor Hooge continued, one of the problems facing the Town right now is that U.S. West Communications wants to protest what the Town's doing in regards to telecommunications. The concern for the Town is if U.S. West begins to compete with us they have the capability cash wise to install underground equipment, which we are not capable of doing at this time. If we work with these developers and create some type of S.I.D. financing we could have the capability to compete with U.S. West in installing the infrastructure. Mayor Debbie Hooge indicated she would be at this meeting representing the Town and would like one of the Council members to attend, if they are interested, or if possible.

Gary Tassianer of Tasco Engineering said that if U.S. West wanted to dig in underground they would have to go out and buy private easements or would have to dig out existing roadways which would be costly. Mayor Hooge responded and said that this would be a problem for U.S. West to do around the Town Center area. Her concern is that they would start at the North end of Town and work their way South.

Discussion ensued in regards to scheduling this meeting. It was decided to have the meeting on Tuesday, December 16th early in the day. Nick Berg proposed that for the rest of the year the Town Council Meetings be held on Tuesdays at the Town Office.

MOTION: *Nick Berg moved that starting December 1st the Town Council Meetings be changed to Tuesdays of that month with meetings being held on December 9th, 16th and 30th. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Mayor Hooge said that another issue which should be noted but isn't a big problem at this time is that our Water Transfer has been protested by four of the largest water entities in Northern Utah and they are serious about the protest. Jerry Kinghorn is already meeting with them and there will be a hearing so the Town will be dealing with this in the near future. John Jacob said that the protest is concerning the water change from agricultural use to municipal use. He continued, as we get bigger we will be receiving more of these protests. It is standard procedure that the Town will have protests such as these, for example one of the protests is from Provo River Water Users and their protest is that the level of Utah Lake will go down.

Manufactured Housing- Mayor Hooge said that we anticipate that there is a good chance that a manufactured housing project will be looking at moving into the Town. We can't forbid Manufactured Housing, but we can limit it by architectural restrictions. She added if we choose to restrict mobile homes parks from the Town this would then prohibit any H.U.D financing of any kind. Mobile Home Parks could be controlled by design guidelines which are currently being created. Mayor Hooge requested input, concerns, etc. in regards to manufactured housing to be given to Dave Conine or Janet Valentine as soon as possible. Dave Conine said that he has already started writing information in regards to this and let him know their concerns as soon as possible. Diane Bradshaw suggested that there be drawings included. Dan Valentine, 6786 No. Lake Mountain Road, Eagle Mountain, asked if the location can be included along with design guidelines.

MINUTES OF THE TOWN COUNCIL MEETING
NOVEMBER 20, 1997

Discussion ensued. It was agreed that the above mention items could be implemented in the development code. In regards to Manufactured Housing, Mayor Hooge said that one of the best ways of dealing with this issue is to have the developers on the larger developments provide master covenants in their development agreements. Mayor Hooge requested that Scott Kirkland, Planning Commission Chair have this issue put on their next agenda. She also requested that the next Town Council meeting address this issue on it's agenda as well.

Jake Garn Airport- Nick Berg said that he, Dave Conine and Mayor Hooge met with Senator Jake Garn this morning to discuss the possibility of naming the proposed airport after him. This decision was made after many discussions on what to name the airport. It turns out that Jake Garn's father's had his flight certificate signed off by Orville Wright. Jake Garn and his father both flew in the military and Jake Garn flew as an astronaut on the space shuttle. Senator Garn gave permission to name the Town's airport, the "Jake Garn Airport" with one request, that he be allowed to be the first pilot to land at the airport, and to have some land set aside to construct a museum which would be named after Jake Garn's father. Senator Garn has saved over the years memorabilia of his fathers which he would donate to the museum. His father was the first licensed pilot in Utah and the first State Director of Aviation. This would give credibility to the Town and the airport. He added there will be an official ground breaking ceremony after the first of the year.

Mayor Hooge said that Senator Garn was up to date on our Town and gave us the thumbs up. He said that he admires far-sided individuals who have the courage to do what Eagle Mountain has done. Nick Berg suggested that when we have special event(s), i.e., the fire station being dedicated, etc., we could invite Senator Garn to deliver a speech which would add a flavor of excitement to the event(s).

Tax Issue: John Jacob said he had met with Gary Herbert Utah County Commissioner and was told that we are in a district which charges taxes. We need to vote our selves out of that district in order to remove the taxes. Gary Herbert said he would find out what our options are and find out if the Town can obtain this tax money.

Roads: The Town currently does not own the roads in Eagle Mountain that existed prior to incorporation, and Utah County never owned these roads. The County considered all the roads to have prescriptive easements because the land owners/public has used them for years. It was agreed that these roads need to be dedicated to the Town.

Scott Kirkland, Cedar Pass L.C. spoke in regards to the utility easement for the water lines being installed along Lake Mountain Road, and that he has only received half of the easements as of this date.

Gun Ordinance: Diane Jacob, 9055 No. Cedar Pass Road, Eagle Mountain requested that the Town create a gun ordinance and put up Town limit signs. Mayor Hooge said she was currently looking into creating a gun ordinance.

Snow Removal: Scott Kirkland, Cedar Pass, L.C. said that three representatives from the County met with him. He was told that the contract that the Town has with the County does not cover snow removal off of gravel roads. Discussion ensued. Mayor Hooge said that Lake Mountain Road has always been plowed by the County and it's a gravel road. John Jacob said that the County contract includes gravel roads. Mr. Jacob also mentioned that included in the fees was so much money for gravel roads, and so much money for paved roads. Scott Kirkland said that the roads in the Cedar Pass developments which are road base and not black topped, would not be plowed according to the County. John Jacob said if that's the case it needs to be fixed in our road

MINUTES OF THE TOWN COUNCIL MEETING
NOVEMBER 20, 1997

contract with the County. Mayor Hooge requested that Janet Valentine call the County and get a clarification of what is covered with respects to snow removal.

Theft/Vandalism at construction sites: Gary Tassianer, Tasco Engineering said that there has been incidents of vandalism in Eagle Mountain. Mr. Tassianer said they have had a couple of incidences of vandalism, one of which was a 150 ft. of cable was cut and a pipe bomb exploded that was put on a track hoe at the south entrance to Cedar Pass Ranch. Mayor Hooge asked the residents present if they have noticed Utah County patrol cars. They responded in the negative. Mayor Hooge asked Dave Conine the Town Manager to set up an appointment with Utah County Sheriff Bateman in regards to Eagle Mountain's police protection. John Jacob suggested to put bugs at the different construction sites to catch vandals.

Speeding in the Town limits: Scott Kirkland said that since the county put in the speed limit signs he has noticed less police activity. Discussion ensued. It was mentioned that speed bumps would help with the speeding problem. No action was taken.

C. CONSENT HEARING:

1. Revision of Cedar Pass North Plat B:

Mayor Hooge asked if there was a development agreement in place with Cedar Pass North, if the Town had received a title report and if the water rights required for that development had been deeded to the Town. Scott Kirkland, Cedar Pass North, said that he would provide the above listed items to the Town. Mr. Kirkland explained to the Council the changes that were made while referring to a map he displayed. The changes included two access roads are to be provided, one of which the location was changed. Another issue that was discussed was that lots 64-71 & 88 are not build able because of insufficient water pressure.

John Jacob stated a conflict of interest and disclosed that he is selling water rights to Cedar Pass North but felt that it would not make a difference in his opinion whether he approved or disapproved the revision. Mayor Hooge disclosed that she received \$150.00 ^{per lot} from this plat. Discussion ensued.

Two miles of paved bike trails would also be included according to Mr. Kirkland. Nick Berg suggested that when the final plat is recorded a notice should be included on the plat that as soon as the water pressure for lots 64-71 & 88 are acceptable and approved by the engineers along with a title report which reflects that, then the lots would be build able.

MOTION: *John Jacob moved to approve the revision of Cedar Pass North Plat B subject to a title report being provided and reviewed by our attorney, water rights deeded to the Town, a development agreement between the Town and Cedar Pass North, and a recording of interest on lots 64 through 71 and 88. Cyril Watt seconded. Nick Berg amended the motion to include that the development agreement would be provided by the Town. John Jacob and Cyril Watt agreed to the amendment Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.*

2. Parks and Recreation Master Plan Contract: Larry Steinbach

The council was given a contract "Standard Form of Agreement Between Owner and Architect" between the Town of Eagle Mountain and Lythgoe & Steinbach Architects and Planners. The project would include complete parks and trails Master Plan for the existing 48 square miles which is the new Town of Eagle Mountain located in Cedar Valley, Utah. 48 square mile was incorrect in the contract and should of stated 42 square miles.

Mayor Hooge changed the subject and said she had spoken with Jerry Kinghorn with respects to how many acre feet of water rights would be required for home owners to deed to the Town. Mr.

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Kinghorn was able to figure out how the town could require only .75 acre feet of water rights per home along with irrigating a quarter acre of land. A ½ acre lot with a home would require .90 acre feet of water rights. Mr. Kinghorn told the Mayor that if we keep the water that drains into the settling ponds, and open them up to flood the airport area as farm ground we would be recharging the aquifer. This would allow us to trap the water during the winter months and then release it for agriculture use which means we are replenishing our aquifer therefore we will get the normal number of acre feet of water like other municipalities get. Discussion ensued.

The subject changed back to the Parks Master Plan Contract. Mayor Hooge was asked if this contract could be paid out of the bonds. She spoke with Jerry Kinghorn and he said that in order for the Parks and Recreation Master Plan Contract to be paid out of the bonds, we need to include in it some sense of how it would be incorporated with the Town's utilities. Mayor Hooge continued, the Town needs to master plan its parks before they are constructed because they along with the trail heads are a very important part of our Town. Mayor Hooge explained, the Town needs to justify the costs for the parks master plan out of the utility company start up costs.

Storm Drainage retention could also be incorporated into the utility costs. Mayor Hooge explained to Larry Steinbach that the Town can not spend any more than \$25,000.00 for the parks master plan. John Jacob requested that they explain what exactly the Town is receiving because he was not present when they gave their presentation to the Council. Discussion ensued. Larry Steinbach said that they would work with MCM Engineering on incorporating the open spaces retention basins, natural corridors and so on in the parks and recreation master plan. This would be considered overlapping responsibilities, but MCM have their responsibility from the utility stand point and we (Lythgoe & Steinbach) have our responsibility from the parks and recreation planning stand point. Inter-linking those two responsibilities would help meet the intent of the bond and also making logical planning for the overall project.

Dave Conine brought up the idea of obtaining funding to help pay for these costs. Mr. Conine also mentioned that you can't receive funding on projects once they have been started. Discussion ensued.

John Jacob asked about the possibility of requiring the existing electrical easement corridor running through the Town as mandatory open space. This corridor could be used as trails for horses and bikes, and he asked if this was, or is being considered in their master plan proposal. Larry Steinbach said that it is included in their contract, and that the open space corridors will be defined whether they are for horse trails, bike trails, common spaces, etc. by ordinance, so each subdivision will be given the guidelines to develop the open space. John Jacob asked if they are also going to provide information on how these parks, trails and open spaces will, or can be maintained. Mayor Hooge clarified that the Town assigned them to design a master trail and park plan and to include what the Town's needs would be in terms of regional parks, neighborhood parks and trail head design work. That is what they would provide, then as a Town we would implement this into the development agreements we require with each subdivision.

John Jacob expressed his concerns that if we agree to this parks master plan contract and pay the \$25,000.00, then in each development agreement we require the developer to provide the necessary parks, trails, etc. The developer then decides he doesn't want to build in our Town because the costs are too much.

Mr. Jacob said that his number one concern is how is the Town going to maintain the open space, i.e., who actually pays for the water and maintains the open space. He continued, how many trees will be put in and who will be responsible to plant them. Larry Steinbach said that the cost listed in their initial proposal was \$31,500.00 not \$25,000.00. This cost also included helping the

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Town write the ordinance that would apply to subdivision approval process and what would be required.

Larry Steinbach mentioned about open space which wouldn't require watering, mowing of lawns, planting of trees, etc. and would be kept in natural vegetation. John Jacob said he would prefer the open space be kept in natural vegetation because the maintenance costs wouldn't be there.

John Jacob went back to the subject of the total cost of the contract. Mr. Steinbach said the total was \$31,500.00 which included \$6,300.00 as a retainer. Mayor Hooge said that from the beginning the Town has been committed to open space, parks, trails, and if we don't plan for them we could end up with future problems. Nick Berg said that Ira Hodges expressed to him that the small parks included in subdivisions that have been approved have been designed correctly. He continued, it is critical that the parks are designed correctly and that the open space corridors are preserved.

Dave Conine will look into possible funding for parks and recreation from the state through the Department of Natural Resources. Discussion continued. Bob Lynds, Sandy, Utah said there is a sense of urgency for the Council to vote on this contract subject to the Council's concerns and that this is a good thing for the Town to pursue at this time. Mayor Hooge said that the Council could approve it tonight but not sign the contract. Mr. Conine suggested to make the motion subject to receiving information from the appropriate agencies on funding.

John Jacob expressed concerns that it would take a long time for the Town to receive this funding. Dave Conine said that the funding for the proposed airport had a very fast turn around. Mr. Conine said he could get some answers by December 9th if not tomorrow on the possibility of funding. Dave Conine's only concern with respects to receiving funding is that if the Town has a contract in place that obligates certain monies for parks, the Town would not be able to count as a match for government funding. It was agreed to not sign the contract until after they hear back from the corporate agencies regarding the availability of funding.

MOTION: *Nick Berg moved to accept the contract with Lythgoe & Steinbach Architects and Planners for a Complete Parks and Trails Master Plan for the Town of Eagle Mountain as per Standard Form of Agreement Between Owner and Architect subject to the availability of bond money being able to be integrated into the funding of said \$31,500.00 subject to no interference of available grant funding that the Town Manager Dave Conine will find out no later than December 9, 1997, subject to the Town Attorney's review and approval of said contract and subject to Ira Hodges signing off on the master park plan, and the contract to include ten (10) sets of Mylar when paid in full with reproduction rights. Cyril Watt seconded. Discussion Called For. Question Called For. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

C. CONSENT HEARING:

3. An Ordinance establishing Purchasing Procedures for the Town of Eagle Mountain:
ORD #006

MOTION: *John Jacob moved to approve Ordinance #006 establishing Purchasing Procedures for the Town of Eagle Mountain. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

C. 4. Tasco Engineering Fees:

Mayor Debbie Hooge said that there has been some controversy regarding Tasco Engineering's fee structure for the design of the utilities, i.e., power, gas and telecommunications. The agreement with the Town and Tasco Engineering was signed last April and was approved by the Council. The long term impact was not considered at that time. The developers that have paid these fees expressed to the Town that they feel they are excessive.

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Gary Tassianer of Tasco Engineering said that when the decision was made back in March, April or May of 1997 that Eagle Mountain would become the Utility Master of water, waste water, power, gas, telecommunications and there was even some thought to cable television. Mr. Tassianer said that they spoke with bonding people, and the first questions that were asked is who is going to operate, who is going to make sure that the standards are kept, and who is going to make sure these systems are put together properly. There was no Town personnel at that time, Dave Conine was on contract with John Walden. The bonding people wanted to have some one who would be responsible for these systems and in addition to that we (Tasco Engineering) master planned the entire feasibility study for this project and stamped it as the licensed engineer. The question arose of who was going to take care of this, Tasco Engineering agreed to do this. They then came up with a fee schedule of projected costs.

Gary Tassianer mentioned that there was never any controversy with respects to MCM Engineering's charges for water, waste water, curb, gutter, and sidewalks, etc. Those services are engineering services and they have to be done, and the service Tasco provides is no different. The controversy comes because Utah Power and Light doesn't charge a fee to lay out your plat. Mr. Tassianer said that this is not the case because Utah Power and Light doesn't work for free, everything gets charged, he doesn't know how it gets charged but it does.

Gary Tassianer continued, when all this began Utah Power and Light was going to charge the Town over 5 million dollars of front money to be part of this operation, Natural Gas was 1.2 million dollars, telecommunications; US West never returned any calls. All the controversy centers on Tasco Engineering because they compete with US West, Mountain Fuel and Utah Power and Light. These companies are very large, they have cash flow in excess of millions of dollars a day and they can afford to tell you they don't charge you. Nothing is free. Tasco Engineering Fees were based on worst case scenario and the three utility designs on a three to four lot subdivision would be \$400. per lot which totals around \$1200. He carries in overhead the cost of at least \$1,000.00 so he can't do anything for less than that. Tasco Engineering has laid out plats for Overland Trails, Patterson Developments, etc. Mr. Tassianer said he is not being dishonest or unfair in these charges and takes great offense to the controversy and comments made with respects to the fees. Tasco is also providing the Town training for engineering work, construction work so eventually someone else can take over.

Gary Tassianer continued, he is not willing to give up his contract , not willing to negotiate anything different than what he told people, and he stands firm with the fact that he is doing everything he can to be legal and honest. He opened it to the public and Council for questions. John Jacob disclosed that he has lots he plans to develop and would have to pay these fees and recommended to the Council if any of them have a conflict they should disclose it. Mayor Hooge said that Gary Tassianer asked to speak to the Council on this issue so he could express his concerns. This will not be voted on, it is for discussion only and therefore there wouldn't be any need for disclosures. Discussion ensued between Gary Tassianer and the Council.

Gary Tassianer said that the costs Utah Power and Light charges are all built in. Mr. Tassianer said that he can beat Utah Power and Light in cost and time. Discussion ensued. John Jacob clarified that on small lot subdivisions Tasco Engineering designs costs are \$400 maximum cost per lot. Mr. Tassianer agreed.

Scott Kirkland suggested that the Town allow the inspection fees to be included in the cash bond because there is a lot of up front money required in our Town for developers. Gary Tassianer said that these are minimum fees and this gets the utility service from the system into the houses. Nick Berg referred to Scott Kirkland's suggestion of including the inspection fees in the cash bond and asked if that was acceptable. Discussion ensued. The bond would be a cash bond or letter of credit.

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Mayor Hooge asked if we do this who would be responsible for the money. Gary Tassianer said he would. Discussion continued.

Dan Valentine, 6786 North Lake Mountain Road, Eagle Mountain, suggested that the costs need to be distributed among all the subdivisions. Gary Tassianer said this is the plan but there is no one available to take on this responsibility right now. Discussion ensued.

Mayor Hooge thanked Gary Tassianer for all he has done and that he deserves a lot of credit that the Town was able to acquire it's own utilities. No voting took place, this was discussion only.

C. CONSENT HEARING:

5. Town Fee Schedule:

The Council each received a copy of "Town of Eagle Mountain Sub-developer & builder fee schedule for residential" and a copy of the letter to Mayor Hooge from Jerry Kinghorn, dated November 17, 1997, re: Water Agency and Equity Participation Agreement fro the Town of Eagle Mountain, dated July 30, 1997".

Mayor Debbie Hooge said that Nick Berg has been working on the Town's fee schedule. Not included in this fee schedule are the water rights which are a part of the land purchase and is required to be dedicated to the Town. The Town has a mandate to make sure that Cedar Valley Water Companies fees are not collected by the Town and this as well is not included in this fee schedule.

Nick Berg went through the fee schedule with the Council and said that we are trying to develop answers to questions and information sheets to pass out on who does what and any fees, i.e., conditional use fees, review fees, etc. Mr. Berg said this fee schedule is for their review and should be in the final form by December 9, 1997.

MOTION: *John Jacob moved to table item C. 5. Town Fee Schedule until the Town Council Meeting on December 9, 1997. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

D. ADJOURNMENT:

MOTION: *John Jacob moved to adjourn the Town Council Meeting at 9:50 P.M. Cyril Watt seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion Passed.*

Approval:  Date: 12-9-97
Mayor Debbie Hooge

The foregoing minutes were posted at the Eagle Mountain Town Office, 130 West Main, Lehi, Utah at 3
DECEMBER 9, 1997 by Janet Valentine Town Clerk.



TOWN OF EAGLE MOUNTAIN

MINUTES OF THE TOWN COUNCIL MEETING

DATE: TUESDAY, DECEMBER 9, 1997

CALLED TO ORDER: 7:10 P.M.

ADJOURNED: 10:05 P.M.

The meeting was called to order at 7:10 p.m. by Mayor Hooge. The following Council Members were present and represented a quorum:

Mayor: Debbie Hooge
Council: Nick Berg and John Jacob. Diane Bradshaw arrived late. Cyril Watt was excused.

Town Staff:
Attorney: Randy Skeen
Manager: Dave Conine
Clerk/Recorder: Janet Valentine

Others: Rob Bateman, Scott Robertson and Dan Valentine

A. OPENING:

1. Approval of Agenda

MOTION: *Nick Berg moved to amend the agenda and move consent item 1 "Annexation proposal-Bernell Coons" until they arrive. John Jacob seconded. Motion passed unanimously.*

2. Approval of Minutes

MOTION: *John Jacob moved to approve the minutes of November 20, 1997 as written. Nick Berg seconded. Mayor Hooge amended the motion to include a correction under consent hearing item 1 on page 4, end of the 2nd paragraph, that the amount of money she receives from Cedar Pass Ranch is approximately \$150 per lot and not \$150 per plat as written. Mayor Hooge said that the money she receives from Cedar Pass Ranch is a lot less than the disclosure requirement of 5% and therefore it does not have to be disclosed. Mayor Hooge didn't want the information stricken but requested that it be corrected in the minutes. John Jacob agreed to the amendment. Motion passed unanimously.*

B. GENERAL DISCUSSION/QUESTIONS/COMMENTS:

Dan Valentine, 6786 No. Lake Mountain Road., Eagle Mountain, said that his neighbor Rod Triplett has been calling him in regards to the lights at the sewer treatment plant. The lighting is not meeting the requirement in the interim development code. Nick Berg said the Council will address this issue towards the end of the meeting and that he would bring it to Mike Wren's attention.

Mr. Triplett also asked Dan Valentine if the signs located along Hwy. 73 advertising "The Landing" subdivision were permitted. Mayor Hooge said that a permit is not required for a project sign. Discussion ensued. Temporary signs, i.e., elections, sales, etc. are not run through a normal permitting process according to Dave Conine. If it is necessary to remove the signs the party who put them up would be required to remove them, if they don't the Town would pay to have them removed. The cost for removal would then be passed on to that party. Discussion continued. Mayor Hooge said this is a legitimate concern and needs to be looked into.

Mr. Valentine continued, was there a conditional use permit granted for the trailer located on the west side of Eagle Mountain Blvd. just south of the eagle statue. Dave Conine responded, the Town is looking into having the trailer removed. Discussion ensued about un-permitted construction taking place in the Town. No action was taken.

Discussion item: John Jacob brought up the issue of the residents being double taxed on their property this year. He spoke with Gary Herbert, County Commissioner on this issue who in turn spoke with the other County Commissioners. It was relayed to Mr. Jacob that it might be possible to refund some of this tax money. John Jacob continued, in order to remove the County tax the Town would need to vote themselves out of this tax district or become partners with the County for them to provide those services. Discussion ensued. Mr. Jacob

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said Commissioner Herbert would like to meet with the Mayor and a Council member to discuss this tax issue. Mayor Hooge said she would set up the meeting.

Dan Valentine went back to the subject of Rod Triplett's concerns and said that his main concern is the condition of Lake Mountain Road. Mr. Valentine said that Mr. Triplett has a legitimate complaint and was told by Bob Lynds and Rod of WW Clyde that the road would be back to it's original condition before the snow flies. John Jacob said part of the problem is that the developer installing the water line along Lake Mountain Road never put back the gravel they just applied dirt. Mayor Hooge requested that Dave Conine contact Clyde Naylor at the County and have it taken care of.

Discussion item: Mayor Hooge said that the area between the road and property lines located in Cedar Pass Ranch are owned by the Town. If the property owners disturb that area they need to restore it at their cost. Discussion ensued. Nick Berg said there is a bigger problem that needs to be addressed and he referred to the minutes of November 20th, page 3, where it was mentioned that the Town does not own the roads in fact the County never owned the roads. Discussion ensued. Randy Skeen said the Town does have the responsibility to maintain them even if they don't own them.

Presentation: Janet Valentine presented to Mayor Hooge a plaque from her colleagues and staff for the dedication, time, countless hours and money out of her own pocket which she has rendered in behalf of the Town. Mayor Hooge thanked everyone for the plaque.

C. CONSENT HEARING:

1. Annexation proposal - Bernell Coons: Was decided this would be addressed when Bernell Coons arrives.

2. Eagle Mountain Building Fee Schedule:

Nick Berg referred to the latest draft which was prepared by Tasco Engineering and that some of the fees have been changed. Discussion ensued. Mayor Hooge said she would like for the Building Fee Schedule which is being presented to the Council this evening to be passed subject to Randy Skeen's review and approval. There was question concerning if the Building Fee Schedule was passed, when would it become effective. Randy Skeen said that it would become effective upon Council's approval.

John Jacob questioned the application fee and if it would be refundable. Nick Berg responded, it would be credited towards the review fees. Mr. Jacob was concerned for small subdivisions and that the review fees wouldn't total that amount. Discussion continued. Mayor Hooge requested that Janet Valentine write a memo from her to Sue Fraley who is assigned the issuance of building permits and Kent Partridge, the Town's building inspector, that on duplicate house plans the developer should not be charged the full building permit fee but only the 10% required by the Utah Building Code.

Mayor Hooge said that the Town needs to move forward on this issue and requested that the Building Fee Schedule needs to be discussed at the next Town staff meeting on Thursday, December 11, 1997. Scott Robertson, with Lewis Young, the Town's financial advisor said that he would be happy to help sort out this new proposed fee schedule and how it compares to the current fee schedule. Discussion continued. No action was taken.

Mayor Hooge requested to discuss consent hearing item 6 next. The Council didn't object.

6. Consideration of a resolution establishing the process of Water Right Dedication and Water Connections for property owners within the Town limits:

The Council each received a copy of a letter to Mayor Hooge from Jerry Kinghorn with respects to recommendations concerning water right dedication and water connections in the Town. The Town now owns it's water system and the residents at Cedar Pass Ranch can hook into the system. Mayor Hooge said that at the time the lots in Cedar Pass Ranch subdivision were sold, the buyers were given a water right and well permit to drill a well because there was no municipal water system at that time. The way the interim development code reads is that those residents/property owners have the option of drilling a well because their lots are 2.5 acres and larger. A resolution was created that included the key points of this letter to address this concern. A copy of the resolution was given to each Council member. Discussion ensued.

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John Jacob informed the Council that there are no water rights that have been approved for culinary use within the Town. Discussion continued. Dan Valentine, a resident of Eagle Mountain said it was his understanding that the Town's well couldn't pump the water to individuals homes until the water rights were changed for culinary use. John Jacob said that the Town has the right to pump the water and the water system was approved by the state.

Nick Berg read from the letter on page 2 where it stated, "The Town will have the burden of pursuing that administrative change process to completion and will take the risk that the State Engineer's Office will permit the change and allow the water to be diverted from the Town well and used in the central water system of the Town to supply the lots proposed by the developer. Mr. Berg disagreed with this and said that it should not just be the Town's responsibility. Discussion continued. Mayor Hooge said this is a housekeeping issue and is for their information.

The proposed resolution requires that where the water system is available residents/property owners hook into the system. John Jacob said that property owners who plan to build on 2.5 acres or larger should have the right to drill a well and it is allowed by the Town's Interim Development Code. Mayor Hooge said that the water ordinance supercedes this code and requires that if the Town's water system passes by their property they are required to hook into the system. John Jacob does not agree with this and wants to change it. Mayor Hooge said the water ordinance goes along with the bonds and if it is changed we are in violation of the bonds. Discussion continued. Mayor Hooge requested to table item 6 so that all the information/concerns in regards to this issue are given to Jerry Kinghorn for his review. No motion was made at this time.

Mayor Hooge excused herself from the meeting due to a family function. Nick Berg was appointed to act as Mayor Pro-tem and chair the meeting in the Mayor's absence.

2. Eagle Mountain Building Fee Schedule:

MOTION: *John Jacob moved to table consent hearing item 2- Eagle Mountain Building Fee Schedule until the next Council meeting on December 16th so it could be reviewed and that Scott Robertson could also review it . Diane Bradshaw seconded. Motion passed unanimously.*

3. Park Funding - Dave Conine :

Dave Conine said that he spoke with Mountain Lands and the State Division of Parks and Recreation. Mountain Lands have a funding program for trail systems but they are at the back side of their funding cycle. The State Division of Parks and Recreation is a conduit to pass through funding. This type of funding is currently embargoed by congress because there is a debate going on with respects to how much should be distributed to the State and how much should be used to help get the National Park Service back up to a certain standard. These funds have been distributed for the year so this would be something for the Town to look at in the future.

Mr. Conine continued, he discussed the possibility of the Eagle Mountain trail system leading to the Jordan River Parkway and the State showed some interest. The state also has funding available for ATV Trails but there haven't been a lot of takers on this. Mr. Conine feels it would be a mistake to go with this type of funding because of the noise factor.

Another funding program Mr. Conine spoke on was The Land and Water Conservation Fund. This fund is currently in limbo and has been in decline in recent years. It was Mr. Conine's conclusion that no park funding would be available for the Town at this time.

Nick Berg asked how much money is available for municipalities. Rob Bateman, 2218 E. Valley Dr., Eagle Mountain responded, Alpine City received \$18,000. for their trails system. Nick Berg continued, and asked Dave Conine to come back before the Council in thirty (30) days and present some concrete information on the amount of funding that could be put into our budget for park funding, ie., development, design etc. so the Town can keep on top of this issue.

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Nick Berg suggested that the Town could lobby for the State land that is within the Town limits to be proposed for a park. It was agreed that this was a good idea. It was recommended to include park funding as a regular agenda item and to have Dave Conine update the Council quarterly or even monthly regarding this issue.

Diane Bradshaw referred to the motion which was passed regarding the contract for developing a master plan for the Town's parks and trails. Discussion ensued. Scott Robertson said that parks are a part of the impact fee analysis his firm is conducting. When the data is completed an impact fee amount for parks will be recommended to the Town Council. John Jacob said that the developers and residents all need to pay some money that will go towards parks because they are a benefit to everyone. Discussion continued.

Nick Berg said for Dave Conine to present any information with respects to Park Funding at the Town Council Meeting on Tuesday, January 13, 1997. John Jacob suggested that there could be an Eagle Scout project to help the Town receive funding. Discussion continued. Nick Berg said he felt that the Town should not be using revenue at this time for building parks but that maintaining them should. Mr. Berg continued, the developers should be required to build the parks. John Jacob disagreed and suggested that residents, property owners and developers should help pay to construct the parks.

Mayor Debbie Hooge returned and chaired the remainder of the meeting. Scott Robertson explained to John Jacob why parks and open space was removed from the original draft of the building fee schedule. Mr. Robertson said there are two different things going on, the first being that in connection with the bonds there was a review done of all of the fees, so that when Janet Valentine and Sue Fraley collect fees, they will know what to do with them. Part of the fees will go to the trustee to pay the bonds and part of them will go to the Town. Mr. Robertson continued, aside from that, we are currently conducting a Impact Fee Analysis which includes all of the impacts such as; storm drainage, etc., one of which is parks. After the study is completed Mr. Robertson will present to the council an amount for park impact fees, at which time the Town can then collect those fees.

Nick Berg brought up the subject of land trusts and that they are the key to making open space enforceable, legal and not expensive. He continued, this is a major issue that needs to be addressed by the new Town Council. Discussion continued. No action was taken.

4. Manufactured Homes/Mobile Home Parks - Dave Conine:

Dave Conine did some research on manufactured housing and will bring examples the next time he addresses the Council on this issue. Mr. Conine continued, there are manufactured homes which are well built and include two stories and couldn't be distinguished from frame built homes. The other end of the spectrum are manufactured homes which look like a shoe box with vertical plywood sides and this type should be avoided. The process of building, ie., built on site or away from the site, is not the concern according to Mr. Conine, it is the quality and design. Scott Robertson gave as an example manufactured homes located in Westminster, a suburb of Denver that include two stories and do not look like manufactured homes. Discussion ensued.

Mobile Home Parks: Dave Conine put something together on mobile homes but only had one copy of this draft. Nick Berg said that there needs to be an outline with key points listed that could be presented to the Council. Mayor Hooge recommended that it goes before the Planning Commission first before it comes to the Town Council. Dave Conine said that this will be addressed at the next Planning Commission Meeting. Discussion ensued.

The discussion went back to manufactured housing with respects to their design. Mayor Hooge said that subdivisions can have CCR's which could enforce design guidelines. John Jacob said the Town could allow manufactured housing in only certain districts. Mayor Hooge requested that this subject goes before the Planning Commission and that it doesn't come before the Council until it is in an acceptable form that could be approved. Discussion continued.

There was discussion in regards to HUD funding. Dan Valentine said why not just give up the HUD funding and not allow mobile home parks in the Town. Dave Conine said HUD funding is more than house funding it is also funds for community centers, etc. John Jacob suggested to limit it to a certain location within the Town instead of not allowing it at all. Rob Bateman suggested the Town adopt an ordinance that would enforce open

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space requirements, etc. for mobile home parks. Dave Conine said that the Town meets the State requirement of provided lowcost housing, one example is "The Landing" being built by the Touchstone Development. Discussion continued.

Mayor Hooge told Dave Conine that the Council needs to see a solid hard pre-ordinance for mobile homes recommended by the Planning Commission with the required 30 day notice period and have the Town attorney review it. Dave Conine agreed. No action was taken.

5. Consideration of a resolution and authorizing the issuance and providing for the sale of \$2,195,000.00 Town of Eagle Mountain, Utah Special Assessment Bonds, Series 1997 (Eagle Mountain, Utah Special Improvement District No. 97-1), fixing the maximum interest rates to be borne by said Bonds, prescribing the form of bond and interest rates, maturity and denomination of said Bonds; creating a Debt Service Reserve Fund as provided by statute; and related matters. Scott Robertson/ Lewis Young Burningham and Robertson explained to the Council that this is a Bond being sold by the Town to fund the Special Improvement District (SID). He continued, the document before the Council has been drafted to allow for the Mayor to sign.

The Town adopted back in July an SID Assessment Ordinance which spelled out all of the costs, the way the assessments would be levied and how long it will take for them to be paid back. The ordinance also set the boundaries of the SID, in terms of acres set the amount of the assessment and the amount of assessment per acre. This resolution before the Council sets the terms and conditions of the bonds themselves, which will be sold to fund all of the improvements. The land/property owners will have to pay back these costs, but in this case there is only one property owner, John Walden.

Scott Robertson explained that the Debt Service Reserve Fund referred to in this resolution is a fund which comes out of the bond proceeds. The reason for this is if the property owner(s) do not pay the assessment when due, monies will be drawn from the Debt Service Reserve Fund to pay those assessments until the payments are made. The Town then has the right to foreclose and dispose of that property, to meet those obligations if there not met on a timely basis. Discussion ensued.

Scott Robertson said that there is one difficulty which needs to be resolved between now and the closing of the bonds. The developer was to deed a 125 foot right-of-way to the Town for Eagle Mountain Blvd. The legal description of the Special Improvement District only includes a 93 foot right-of-way, so there is a 32 foot additional right-a-way that needs to be deeded. Mr. Robertson continued, this needs to be addressed in a way so as to not have to redo the assessment ordinance.

Nick Berg said because the Town has not yet created an extension agreement with John Walden for sewer lines, water lines, roads, etc. that would allow the developer to get paid back for this infrastructure, he only dedicated the 93 foot right-of-way. Mayor Hooge said the Town did have an extension agreement drafted but Mr. Walden would not accept it. Mayor Hooge explained that this goes back to the original land owners who deeded a 125 foot right-of-way to John Walden for the road. Mr. Walden would then deed the 125 foot right-of-way to the Town. Mr. Walden only deeded a 93 foot right-of-way because he wanted to assure that the Town would enter into an extension agreement. Mayor Hooge's understanding was that John Walden would deed the entire riright-of-way because the Town had committed to entering into an extension agreement with him. Mr. Walden is saying that he won't deed the additional right-of-way until the extension agreement is completed. The Mayor said that the Town won't release the bond money until the additional right-of-way for Eagle Mountain Blvd. is deeded to the Town. Discussion continued.

John Jacob spoke with respects to the .002 tax included in the resolution and that when the Special Improvement District was first set up the only property that would be assessed was Mr. Walden's, therefore the residents of Eagle Mountain did not have the need to vote on the SID. John Jacob said that it's his understanding that the Town doesn't have to levy this tax and Mr. Jacob does not want it levied. Mayor Hooge said that this is a way to protect the bond. Randy Skeen said that this is a standard procedure required by the underwriter. Scott Robertson said that Blaine Carlton went over this .002 tax when the assessment ordinance was presented and adopted in July, and this should be included in the minutes of that meeting.

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Scott Robertson said that if the Town wants the 125 foot right-of-way before the bonds close they need to figure out how to go about that. The two ways Mr. Robertson suggested were one- try to negotiate a way to do this as the assessment ordinance is written or two- re-do the assessment ordinance. Nick Berg suggested to pass the resolution subject to Jerry Kinghorn and Mayor Hooge feeling satisfied that the 125 foot right-of-way will be resolved to the Town's benefit.

MOTION: *Nick Berg moved to approve Resolution #97-36 subject to the Town selling the bonds or putting off the sale of the bonds for a couple of days to resolve this issue to the Town's satisfaction subject to Jerry Kinghorn and Mayor Hooge given the right to negotiate and that they are satisfied the Town will end up with the 125 foot right-of-way. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

6. Consideration of a resolution establishing the process of Water Right Dedication and Water Connections for property owners within the Town Limits:

MOTION: *Diane Bradshaw moved to table consent hearing item 6 to the Town council meeting on December 16, 1997. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Nick Berg brought up Dan Valentine's concern about the lighting at the sewer plant. Mayor Hooge requested that Janet Valentine put this issue on the next Town staff's meeting agenda, Thursday, December 11, 1997.

C. CONSENT HEARING:

1. Annexation proposal - Bernell Coons:

MOTION: *Diane Bradshaw moved to table consent hearing item 1 indefinitely. John Jacob seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

D. ADJOURNMENT:

MOTION: *John Jacob moved to adjourn the meeting at 10:05 p.m. Diane Bradshaw seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Approval: _____

Debbie Hooge
Mayor Debbie Hooge

Date: 12-30-97

The foregoing minutes was posted at the eagle Mountain Town Office, 130 West Main, Lehi, Utah at 1:15 am

on DEC. 31, 1997, 1997 by Janet Valentine, Town Clerk.

TOWN OF EAGLE MOUNTAIN

MINUTES OF THE TOWN COUNCIL MEETING

DATE: DECEMBER 16, 1997

CALLED TO ORDER: 7:05 P.M.

ADJOURNED: 10:50 P.M.

A. OPENING:

The meeting was called to order at 7:05 p.m. by Mayor Hooge. The pledge of allegiance was led by Diane Bradshaw. The following Council Members were present and represented a quorum:

Mayor: Debbie Hooge

Council: Nick Berg, Diane Bradshaw, John Jacob and Cyril Watt

Town Staff:

Attorney: Randy Skeen

Manager: Dave Conine

Clerk/Recorder: Janet Valentine

Others: Chriss Berg, Dale Berg, Steve Cattani, Bernell Coons, James Dahl, Scott Kirkland, Mike Nuszer, Phil Nolan, Scott Robinson

2. Approval of Agenda:

No motion was made to approve the agenda.

B. GENERAL DISCUSSION/QUESTIONS/COMMENTS:

Diane Bradshaw brought up the issue of pig slop being dumped along Eagle Mountain Blvd. Mrs. Bradshaw said she had talked with the pig farmer, J. L. McDonald regarding this issue. Mr. McDonald said he would take care of it and if there are any future problems to make him aware of them.

The Council discussed the possibility of a Special Meeting being called on Monday, December 22, 1997 to consider an amended version of the Development Agreement with Eagle Mountain Properties, L.C. which is consent item 3 on this agenda. There were no objections to holding the Special Meeting, if needed.

C. PUBLIC HEARING:

1. **Open Public Hearing:** Mayor Hooge explained the procedure of holding a public hearing that included the following; first-the presenters will be allowed to make their presentation, second- the public will be allowed to comment, and then the public hearing will be closed and we will proceed to the consent items on the agenda. Mayor Hooge continued, the Council will have the opportunity to make their comments on Cedar Pass South Master Development Plan when we get to consent item 8.

2. **Cedar Pass South Development Master Plan - Scott Kirkland:**

Mayor Hooge requested that the recommendations from the Planning Commission be available in writing in the Council's packets. The information was not available, so Council-member Nick Berg the liaison to the Planning Commission explained they recommended to pass this development on to the Council at a three to one vote. Council-member Rob Bateman had to leave the Planning Commission Meeting early so he was unable to vote and requested he would like to do a site review before this development is recommended to the Council. The time was then turned over to the presenters.

Scott Kirkland, Cedar Pass South explained that the public hearing was noticed for the Planning Commission and Town Council concurrently and he was informed by the Town Attorney that this could present a legal problem. Mr. Kirkland continued, in light of this we would like to present it this evening to the two out-going Council-members and present it again in January at a public hearing to the two new council members. It was agreed that a public hearing on the Cedar Pass South Development Master Plan would be presented before the new Council at their first meeting on January 13, 1998.

Mark Nuszer, the land planner on this project, 129 Cherokee Street, Denver, Co. addressed the Council. Mr. Nuszer explained the topography of the proposed area. There are six hilltops with flat ground in between. The concept of this development is to have a feel of town and country which has been best achieved in the west in such communities as Sun Valley, Laguna, etc.. These communities have significant hillsides and land features and in the flat lands are

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where these towns have been started. This development is trying to achieve this same concept. The neighborhoods would be in the flat areas along with what we call the village center. As we approach the much steeper slopes we want to thin out the density to 1 to 2 acre lots. Some of which will be village view lots that look down on the village center. The hill tops will be for community parks and there will be 14 acres for a regional park. Mr. Nuszer continued, in the Town's ordinance it refers to connectivity between neighborhoods, making sure the drainage-ways aren't blown out with storm run off, and keeping the characteristics of the native look, we feel this development follows that intent.

Mr. Nuszer explained the different density cores of the development. Some areas would be 7 dwellings to the acre, and a school park area with lesser densities around it with the view of the mountains. This concept is repeated over and over again throughout the development. The roadways that are in the flat land would be a grid type pattern that allows the type of densities called for in the Town's land use ordinance. The concept of this ordinance is to achieve the old town look which Mr. Nuszer says this development has done. The density blends less to more from the outer boundaries of the development to the village center which would have the highest density.

There will be approximately 112 acres of parks and schools sites that will be distributed within the neighborhoods. The school sites will typically be 10 acres plus or minus to allow for ball fields, etc. Trails on each side of the Lehi/Fairfield Road will be provided, the north side of this road will be for the historical Pony Express Overland Trail. There will be hiking and bike trails which will interconnect. Mr. Nuszer concluded, we have tried to preserve the significant features of this site and to make them part of the public realm.

Dale Berg, Sowby & Berg, the water engineer for this development spoke on the extension of the infrastructure for sewer, electrical and gas. The Council each received a booklet explaining the Special Improvement Districts for this development's proposed infrastructure. Mr. Berg explained, SID #98-1 would be for sewer, water and gas lines to be extended along the Fairfield Road to Eagle Mountain Blvd.'s east boundary. SID #98-2 would be for the drilling of a well that would serve as another source of water for the Town: The developers would be willing to bond for this well if needed. A test well would be drilled first before going to the expense of drilling the well. SID #98-3 would be for the expansion of the gas, sewer, and water lines to the south for future use. It would be several years down the road before this SID would become effective. Discussion ensued. Nick Berg asked if well number one (the Town's current water source) ever went down, would this proposed well serve as a back up. Dale Berg responded, yes it could serve as a back up water source for emergency purposes. Discussion continued.

Scott Kirkland spoke in regards to providing an access road for the development. Mr. Kirkland mentioned a couple of possibilities. The Lehi/Fairfield road where it heads due east could be chip and sealed to the east boundary line of Eagle Mountain. The County could then chip and seal from their west boundary line along the Lehi/Fairfield Road to the nearest pavement. Another option that is being looked at, is purchasing some land and constructing a road east of Cedar Pass Ranch that would enter from Hwy 73 and head a south westerly direction to connect into the Lehi/Fairfield Road. This would alleviate the traffic flow problem currently through the Cedar Pass Ranch subdivision.

Mayor Hooge opened the public hearing to public comment.

Chriss Berg, Eagle Mountain, Utah asked how many units will this development consist of. Mike Nuszer responded, there will be approximately 5,094 units total including Cedar Pass Ranch at a density of 2.2 units per acre. Cedar Pass South would consist of 4,950 units. Diane Bradshaw asked how many units per acre that would be if Cedar Pass Ranch was excluded. Mr. Nuszer said it would be approximately 3.3 units per acre without counting Cedar Pass Ranch. Chriss Berg raised her concern about a road connecting into the Town center. Scott Kirkland addressed the Council and spoke about the possibility of building a collector road off of Hwy 73 going South towards Fairfield Road.

Steve Cattani, Fort Hill Road in Cedar Pass Ranch said the reason him and his family moved from Sandy to Cedar Pass Ranch was to get away from the high density of the city. Mr. Cattani said he doesn't want our Town to become another Sandy/Draper type of area. Mr. Cattani asked how many homes are they proposing that would be adjacent to his property. Mike Nuszer responded, 4 homes to the acre which would be approximately 148 homes on 37.1 acres. Steve Cattani said that the area surrounding his home is now fields and the deer will come down to feed. He wants it

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to stay that way and does not want that area populated with homes. Mr. Cattani concluded, I don't want small lots in back of my property.

Scott Robinson, Crest Road in Cedar Pass Ranch, said that he is a builder and doesn't have extremely negative thoughts towards large developments. They can be done properly, but in his experience the developers present their grandiose plan to the lay people and get them to accept it. When the first development comes in it usually is the small housing projects, and you never see the grandiose plan that was presented. Mr. Robinson continued, I think this is terrific from a personal standpoint but the Council needs to be careful in the manner in which they approve which section gets done at which time. It will cost the town a lot of money to maintain the parks on the hills and it is a factor that needs to be addressed. Scott Robinson said he doesn't mind the densities so much, it will make the homes in Cedar Pass Ranch more valuable. Mr. Robinson asked if there would be another public hearing on this development. Scott Kirkland responded, this is the public hearing and we mailed out notices to residents but because it ran concurrently with the Planning Commission we will be holding another public hearing.

Mayor Hooge addressed the issue of noticing and expressed her concerns of trying to get the information out to the public. Mayor Hooge finances a newsletter which is mailed to the residents and property owners in Eagle Mountain that informs the public of what is happening in the Town. She explained that her business at times gets very busy and her staff doesn't get the newsletter out in time. The Eagle Mountain public notices are published in the Lehi Free Press which comes out only once a week on Wednesdays. Mayor Hooge continued, the Town has tried to make the public aware through the Newsletter and Lehi Free Press. When a Public Hearing is noticed the residents and property owners within 1000 feet of a proposed development are sent a letter. There are also two bulletin boards which will be used for posting, one in Harvest Haven, north of Hwy 73, and the other will be located at the Cedar Pass Ranch Trailer. Scott Robinson said that his concern isn't so much the noticing issue, but that the public having input and understanding the impact down the road on their taxes, traffic flow, etc. Discussion ensued between the public and Council regarding noticing.

Mayor Hooge thanked the public for attending and their comments. Chriss Berg asked if she could ask another question. It was regarding a road located along the ridge line of one of the hilltops. Scott Kirkland responded, Ira Hodges is working with the developers to resolve this issue.

3. **Close Public Hearing:**

Mayor Debbie Hooge closed the public hearing at 7:55 p.m.

D. CONSENT HEARING:

1. **Adoption of the Eagle Mountain General Plan:**

Mayor Hooge said there had been a couple of public hearings held on the General Plan to receive input from the public and this evening would like for the Council to adopt it.

MOTION:

Nick Berg moved that the Town of Eagle Mountain adopt the General Plan Maps numbered 1 - 10 as presented through MCM Engineering and the narrative of the General Plan which complies with the State law prepared by Dave Conine as the General Plan in fact. John Jacob seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

2. **Annexation proposal - Bernell and Ann Coons:**

Bernell Coons, Bountiful, Utah addressed the Council and explained that he owns 80 acres which is located at the south end of the northwest corner of section 18 and is in the process of annexing into the Town. Mr. Coons continued, I spoke before the Planning Commission and they were favorable to the annexation. Mr. Earl Hindley recently passed away and his daughters now own the north half in this section. Mr. Coons said that it is his understanding that the Hindleys are also in the process of seeking annexation into the Town. Mayor Hooge asked of their intentions once they have annexed in. Mr. Coons responded, we haven't decided if we want to sell or develop, but it would be one or the other. We are leaning towards developing it. Mr. & Mrs. Coons requested the Council's approval to proceed..

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Mayor Hooge requested Janet Valentine to contact David Church, Attorney for the Utah League of Cities and Towns and find out if a licensed surveyor is required to perform the survey of the proposed property and if it is a state law. Janet Valentine agreed and said she would inform Mr. & Mrs. Coons.

Nick Berg asked if there is any water with the property. Mr. Coons said they don't, it is dry farmed. Mayor Hooge said that their needs to be sufficient water rights deeded to the Town at the time of developing their property. There are two issues from the Town's perspective when an annexation occurs, first the Town is currently 42 square miles and considered to be mostly dry farm land. The Town has a tax base of \$23,000. per year and services need to be provided for each new acre annexed into the Town. Mayor Hooge request Attorney Randy Skeen to create an Annexation Policy for the Town that includes the Town being squared off when an annexation is requested. It was mentioned if the Hindley's property north of Mr. Coons could be included to square it off.

Mayor Hooge asked if an Annexation Declaration is still part of the process, Randy Skeen said he would check into it. Mayor Hooge requested Randy Skeen to prepare a Annexation Declaration. Dave Conine said there is an annexation clause in the General Plan, and that he would look into creating an Annexation Policy. Mayor Hooge explained to Mr. Coons that the Town is in favor of the annexation, however we would like the petition to include sections 18 & 13 in the annexation.

3. **Eagle Mountain Properties Master Development Agreement:**

It was agreed by the Council to hold a Special Town Council Meeting on Monday, December 22, 1997 to address this item.

4. **Eagle Park Development, Phase I and II/Class II Permit Final - James Dahl:**

Nick Berg said the Planning Commission's recommendation was subject to lot #73 or #76 be used as an alternate second access until Phase II was built. James Dahl representing the developer said they are seeking final approval from the Council. Mr. Dahl said the Sweetwater Road would be improved 300 ft north of the existing intersection and there would be a round-about entrance into the subdivision at the southeast corner. Mr. Dahl continued, and proposed a different road access than what the Planning Commission had recommended. The developer would like to put in the second access north of the subdivision.

Mayor Hooge brought up the open space requirement. Mr. Dahl said this will be treated like the Touchstone development and would be recorded as public use open space and will be dedicated to the Town. Mayor Hooge asked if there was a landscape plan for the open space. James Dahl responded, there is a landscape plan being worked on and it will include the planting of trees, creating berms, and trails around the subdivision. This would all be subject to the development agreement. Part of the conditional approval last week from the Planning Commission is a guarantee that a portion of the public park will be development which is outside of phase I. John Jacob asked what the percentage of open space is. James Dahl said in Eagle Park Phase I there is total of 36.76 acres that include 8.37 acres of public use open space. Mayor Hooge asked if there were any CC & R's for this development. Nick Berg responded, they are in the works and it will take a couple of months before they are completed. A bullet list of the CC & R's will be included in the development agreement.

John Jacob expressed his concerns of when the Town is to receive the park in this development. Mayor Hooge responded, in the Master Development Agreement with John Walden the parks and trails are included. Mayor Hooge continued, the Town has mandated that up to the final phase of Mr. Walden's property being developed at least 80% open space will be dedicated to the Town. When the Class II Final's are all approved for his property the entire quota of open space will be included.

James Dahl said there will be at least one acre in this park set aside for a detention pond. Nick Berg said detention ponds are part of parks in many municipalities. James Dahl continued, that in Phase II Sweetwater Road will be extended. There will be a road on the east side of the subdivision that will be paved, and half of a road on the north side of the subdivision that will be paved. Discussion ensued. Mayor Hooge asked James Dahl if the developer is seeking approval of both plats A & B. Mr. Dahl said yes. Mayor Hooge continued, when we approve plats A & B and the Town records the plats, the roads and easements to the northwest corner will be dedicated. Discussion continued.

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MOTION:

John Jacob moved to accept Eagle Park Development Phase I and II Class II Permit Final subject to a development code agreement that Jerry Kinghorn and Mayor Hooge are working and negotiating with them on and the dedication of the road around the north side of the development as well as black top all the way to the edge of the property and that would be subject to the development agreement and extension agreement, also subject to the CC & R's, Parks and a Landscaping plan are included. Cyril Watt seconded. Ayes: 4, Nays: 0, Abstained: 1 (Mayor Hooge). Motion passed.

5. Consideration of a resolution re-authorizing the issuance and providing for the sale of \$2,195,000.00 Town of Eagle Mountain, Utah Special Assessment Bonds, Series 1997 (Eagle Mountain, Utah Special Improvement District No. 97-1), fixing the maximum interest rates to be borne by said bonds, prescribing the form of bond and interest rates; maturity and denomination of said bonds; creating a Debt Service Reserve Fund as provided by statute; and related matters:

Laura Lewis, Lewis Young Robertson and Burningham explained the need to re-authorizing resolution #97-6. Ms Lewis said that the underwriter found a purchaser for the bonds, and that they wanted a little more structure than proposed. The underwriter decided it was in the best interest of the Town to accommodate the purchaser. Therefore it was necessary to rescind the resolution which was passed at the last Town Council Meeting.

MOTION:

Diane Bradshaw moved to approve Resolution 97-36 authorizing the issuance and providing for the sale of \$2,195,000.00 Town of Eagle Mountain, Utah Special Assessment Bonds, Series

RES#97-36

1997 (Eagle Mountain, Utah Special Improvement District No. 97-1), fixing the maximum interest rates to be borne by said bonds, prescribing the form of bond and interest rates, maturity and denomination of said bonds; creating a Debt Service Reserve Fund as provided by statute; and related matters as presented. Nick Berg seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.

6. Consideration of a resolution establishing the process of Water Right Dedication and Water Connections for property owners within the Town limits:

MOTION:

Diane Bradshaw moved to approve resolution #97-37 establishing the process of Water Right Dedication and Water Connections for property owners within the Town limits. Cyril Watt seconded. Nick Berg amended the resolution to insert the word "not" on the first page, last sentence, "The Town will "not" have the burden...", and on the second page, the end of the first sentence insert the following "...and said will be responsible for municipal water approval." subject to Jerry Kinghorn's approval. Diane Bradshaw seconded to the amendment. Vote Called For: Ayes: 3, Nays: 1, (John Jacob), Abstained: 1, (Mayor Hooge). Motion passed.

RES#97-37

Discussion called for before the vote and John Jacob expressed his concerns and didn't agree with the resolution. Mr. Jacob read Resolution #97-37 to the Council. Discussion ensued. It is Mr. Jacobs intentions to hook into the Town's water system for use in his home and irrigate his property with his well water. John Jacob asked Mayor Hooge to check with Jerry Kinghorn in regards to residents who have drilled a well and want to hook up to the Town's water system for use in their homes, if .45 acre feet of water is what would be required to dedicate to the Town. John Jacob explained to the Council that it could take a long time for a irrigation water right to be changed over to a municipal culinary water right and developers should be made aware of this. Under Section 2, second paragraph of Res#97-37 it states, "The Developer(s) of any subdivision(s) with preliminary approval or scheduled for immediate preliminary approval as of November 1, 1997, will be allowed to deed the required water right to the Town without having first processed that water right through the State Engineers administrative process for approval for municipal purposes." John Jacob requested that the November 1, 1997 date be changed to May 1, 1998. Discussion continued. The Motion was Amended and the Vote was Called For (refer to above motion).

7. Eagle Mountain Building Fee Schedule:

The Council went through the building fee schedule as presented, the third column is for council's information only (the third column, "System Operations Revenues are a guess of what revenues will be collected for utilities by the home owners over the next year) and should be omitted for copies that are provided to the developers. The fees that are collected go to pay back the BANS, the trustee (US Bank) then gives back to the Town monies for operation and

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maintenance expenses. The Town makes requisitions for any monies that are received back. The Sewer Treatment Impact Fee can not be collected until the Impact Feasability Study is completed.

MOTION: *Diane Bradshaw moved to adopt the Town of Eagle Mountain Sub-developer & Builder Fee Schedule as listed with a note that we cannot collect the Sewer Treatment Impact Fee until the results of the impact feasibility study are completed and reported to the Town. Nick Berg seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

8. Motion on Cedar Pass South Development Master Plan

Scott Kirkland asked if he could address the Council before they make their comments. Mayor Hooge allowed him to proceed. Mr. Kirkland told the Council that all proposed improvements will be included in the development agreement. Some of the improvements are the following; the proposed collector road would be 206 feet for reasons of preserving the Pony Express Trail Corridor to allow the Town to have the re-enactment of the Overland Trail Stagecoach Route. A Monument Park would also be included in proximity to the Pony Express Station, commonly known as the dugout. Along side the collector road an approximate 15 foot wide gravel Overland Trail Stagecoach type route. Another improvement they will commit to is 10 ft. wide paved bike paths along both sides of the major collector road. Mayor Hooge brought up the issue of safety and what the proposed road speed would be on this collector road. Mr. Kirkland responded, approximately 40 miles per hour. Discussion ensued.

Cyril Watt asked why bike trails on both sides of this road. Scott Kirkland answered, so the trails won't cross the major collector road. The developer also proposed along the power line easement they will install a horse trail and bike trail. On the inner neighborhood collector roads there would be bike trails on one side. There is certain infrastructure which needs to be built prior to phase I of this development being built. Mayor Hooge brought up the issue of compatibility around the adjacent properties. Scott Kirkland said if there was a compatibility conflict there would be no problem in moving densities.

Mayor Hooge brought up the subject of the development provisions for water. John Jacob responded, I have a contract with Cedar Pass Ranch, L.C. to provide them with 5000 acre feet of water over the next five years. Mr. Jacob continued, this week there is an offer being made on an irrigation company to purchase 11,500 acre feet or more that comes from Utah Lake. Scott Kirkland said that the Mayor's point is well taken and is sure this will be addressed. Grant Marsh, Cedar Pass Ranch, L.C. said there is a lot to do and we can't pursue an issue until we are made aware we need to.

Mayor Hooge asked where the storm drainage is being routed. Scott Kirkland answered, the drainage will be routed to the east towards the tickville wash, there will also be onsite retention/detention ponds. Mayor Hooge said this needs to be included in their master plan. Mayor Hooge brought up the issue of traffic generation and that it heads northeast and there are no provisions for traffic to flow into the Town Center. Ira Hodges responded, the traffic would use the Lake Mountain Road. Scott Kirkland said that their assumption was that the property owners in these subdivisions would travel towards the Salt Lake City area for their jobs instead of the Town Center in Eagle Mountain. This profile could change down the road when jobs are made available in Eagle Mountain. John Jacob said they could look into a Special Improvement District for creating another road that would connect into the Town Center.

Mayor Hooge brought up the issue of fire protection and expressed her concerns of only one fire station in the Town. The fire station is currently under construction and located in the Town Center off of Eagle Mountain Blvd. Grant Marsh asked if this could be addressed in the Development Agreement. Mayor Hooge said the Development Agreement will address a lot of these issues. There is a preliminary Development Agreement Form being drafted and Mayor Hooge told the developer she would meet with them to go over this agreement before the next meeting. This form should be approved at the Town Council Meeting that will be held on Tuesday, December 22, 1997. Mayor Hooge said she would also like to see that the density around Cedar Pass Ranch be 2 ½ to 3 units per acre. Mayor Hooge continued, we owe it to the existing home owners at Cedar Pass Ranch that there be larger lots surrounding them. Scott Kirkland responded, I don't think we disagree. Scott Kirkland said in regards to the proposed SID's that they might not go that route and do the infrastructure on a cash basis. Mayor Hooge requested that they receive the

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personal permission from everyone whose property would be a part of this and submit it to the Town in writing.

Diane Bradshaw brought up the noticing issue and if notices had been mailed to the effected land owners, a notice had been published and posted. Mrs. Bradshaw said that we owe to the residents of what is going on in the Town and to be heard. Scott Robinson, Cedar Pass Ranch said subdivisions come in and out without the public being involved. Diane Bradshaw said that we need to be courteous to the residents and their needs.

Mayor Hooge asked about the price of the lots. Scott Kirkland said there will be town homes, condos, smaller lots, and estate lots so it is variable. The whole goal is to offer varying products to have flexibility and that is a hard question to answer.

Nick Berg mentioned that it took over one year to design the John Walden property and found it amazing that the Cedar Pass South Development got this far so quickly. Grant Marsh responded, part of the reason is we have the development code that came about through your design efforts and so we get the short cut advantage because of your work on it. Nick Berg requested that the developers look at a bigger picture so the Council can see how the proposed accesses towards hidden valley direction loop back towards Lake Mountain Road. Mr. Berg continued, this project is within a mile of two airports and there needs to be a map that shows those, because we could have a taking situation where you build structures that could put the airports out of business. This could be mitigated simply by design if its approved with that in mind it will not take away from this project. Nick Berg said that a proximity map is needed to show the bigger picture.

Diane Bradshaw said that the overall general plan of the development she liked, her biggest concern was packing so much density into a very small area. Mrs. Bradshaw said she would like to see one to two acre lots along the outside boundaries and higher densities towards the village area. Mrs. Bradshaw expressed her concerns about SID's funding the proposed infrastructure, and the proposed collector road. Scott Kirkland addressed Mrs. Bradshaw's concern on the proposed collector road and said in phase I the first plat there will be another access provided.

Cyril Watt expressed that he liked the development. John Jacob asked what the difference was between the park called "Lake View Community Open Space Park" and "Regional Park". Scott Kirkland said it will be kept in natural vegetation, and the Town would own them if they want them. Mr. Jacob expressed his concerns about the Fairfield Road becoming the collector road. The Fairfield Road is 66' wide and Mr. Jacob wants it to stay that width. Mr. Jacob spoke with respects to their idea of drilling a new well, and that they will need to contact Cedar Valley Water Company which he helps manage and coordinate it with them. The Town has a contract that indicates all developers will work with the Cedar Valley Water Company. John Jacob referred to Steve Cattani's comment on moving here from Sandy and not wanting development around him. Mr. Jacob continued, I don't see how we have the right as an individual to turn around and say that you can't build this in my back yard. The Cedar Pass Ranch property owners could of bought property in the middle of the subdivision instead of the outer boundary and therefore does not have the right to say what is developed around you. All the property owner controls is the land he owns. John Jacob concluded that he has felt honored to be on the Town Council and will commit to continue in serving the Town.

Ira Hodges, land planner spoke to the Council and explained that Cedar Valley was destined for development by what has been happening in the valley throughout it's history. The Town Council should always be interested in everything that happens within Cedar Valley. Mr. Hodges reminded the Council that the Town has a drainage plan, the natural drainage ways are to be preserved and there are two drainage belts that eventually goes into the sinks (the lowest area in the valley). The Town Council needs to be concerned that the open space connects and is continuous. Ira Hodges concluded and said that this development has shown connectivity, preservation of hill side cuts, preservation of the ridge tops, connectivity of open space, extending historic preservation, and the transition from one use to another. They have shown they are willing to work out the problems addressed. This development is on the right track and going in the right direction. Mr. Hodges recommended that the Council go out and look at the land that is proposed in this development. Mayor Hooge addressed the Council and said that included in their packet were a list of the Engineering Reports from MCM Engineering, Tasco Engineering and also Dave Conine's report on this development. The Mayor recommended to review these reports.

MINUTES OF THE TOWN COUNCIL MEETING

DATE: DECEMBER 16, 1997

MOTION: *Cyril Watt moved to table consent item 8 Motion on Cedar Pass South until the Town Council Meeting on January 13, 1998. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

9. **Mobile Home Parks and Manufactured Housing - Dave Conine:**
Mayor Hooge asked Dave Conine if he would mind postponing this item due to the late hour. Mr. Conine agreed and said he would put the information he has on the subject in everyone's basket for their review. No action was taken.

E. ADJOURNMENT:

MOTION: *Diane Bradshaw moved to adjourn the Town Council Meeting at 10:50 p.m. Cyril Watt seconded. Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

APPROVED


Mayor Debbie Hooge

DATE: 12-2-97

The foregoing minutes was posted at the Eagle Mountain Town Office, 130 West Main, Lehi, Utah at 11:30 a.m. p.m.

on FEB 2, 1998 by Janet B. Valentine, Town Clerk.



SPECIAL TOWN COUNCIL MEETING

MINUTES OF THE SPECIAL TOWN COUNCIL MTG. CALLED TO ORDER: 5:15 P.M.

DATE: DECEMBER 22, 1997

ADJOURNED: 6:30 P.M.

A. OPENING:

The meeting was called to order at 5:15 p.m. by Mayor Hooge. The pledge of allegiance was led by John Jacob. The following Council Members were present and represented a quorum:

Mayor: Debbie Hooge

Council: Nick Berg, John Jacob and Cyril Watt. Diane Bradshaw as absent.

Town Staff:

Attorney: Gerald Kinghorn

Manager: Dave Conine

Clerk/Recorder: Janet Valentine

Others: Blaine Carlton/Ballard Spahr, Rob Bateman, Russ Daley/Newtah News, Ken Iltz, Esq., Jesse Smith, Dan Valentine and John Walden

2. Approval of Agenda

MOTION: *Nick Berg moved to amend the Council Meeting agenda under the Consent items to move item 5- Appointment of Reed Fisher to the Eagle Mountain Public Work's Board at the top of the order and everything else as is. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

B. GENERAL DISCUSSION/QUESTIONS/COMMENTS:

C. CONSENT HEARING:

5. Appointment of Reed fisher to the Eagle Mountain Public Work's Board:

A copy of Reed Fisher's resume was handed out to the Council. Reed Fisher, civil engineer addressed the Council, he explained that his speciality is in civil sanitary engineering. He spent 20 years of his career designing wastewater facilities, water wells, utility systems, etc. Mr. Fisher manages the Central Valley Water Reclamation Facility located at 33rd South and 9th West for the past 5 ½ years. Mayor Hooge said that the Town's Public Works Board needs board members with expertise in each area. Bill Chipman's, a board member expertise is in telecommunications and Reed Fisher's expertise would be in water and sanitation. Also needed to serve on this board is people with expertise in electrical and natural gas. Mayor Hooge expressed that she would like to see the members serving on this board to be paid some sort of per diem.

John Jacob asked what Mr. Fisher's responsibilities would be. Mayor Hooge responded, the Public Works Board will be running the utilities, including working on the Capital Facilities Master Plan, budgeting for the year, planning for future growth, maintenance problems, etc.

MOTION: *John Jacob moved to appoint Reed Fisher as an advisor to the Eagle Mountain Public Work's Board. Nick Berg seconded. Ayes: 4. Motion passed unanimously.*

John Jacob said that the Town's water system recently tested positive for bacteria. The water which comes out of the well was fine, it is contaminated once it flows into the system. Reed Fisher said that usually if you flush the system out with 5 - 10 parts chlorine and let it sit for a few hours in the system, then flush it all back out, it

should take care of the problem. If it reoccurs, he suggested that it could be growth in the storage tank. Chlorination is probably going to be a must for this system, according to Mr. Fisher. Discussion ensued.

1. Consideration of a Resolution rescinding Resolution #97-36, and authorizing the issuance and providing for the sale of \$2,195,000.00 Town of Eagle Mountain, Utah Special Assessment bonds, Series 1997 (Eagle Mountain, Utah Special Improvement District No. 97-1), fixing the maximum interest rates to be borne by said bonds, prescribing the form of bond interest rates, maturity and denomination of said bonds; creating a Debt Service Reserve Fund as provided by statute, and related matters:

MOTION: *Cyril Watt moved to approve Resolution #97-38 a resolution rescinding Resolution #97-38, and RES#97-38 Providing for the sale of \$2,195,000.00 Town of Eagle Mountain, Utah Special Assessment Bonds, Series 1997 (Eagle Mountain, Utah Special Improvement District No. 97-1), fixing the maximum interest rates to be borne by said bonds, prescribing the form of bond interest rates, maturity and denomination of said bonds; creating a Debt Service Reserve Fund as provided by statute, and related matters. Nick Berg seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Blaine Carlton of Ballard Spahr said that this resolution is before the Council again because last week only half of the requirement to comply with the open meeting law was adhered to and to make sure there wasn't any question we needed to re-adopt it.

2. Consideration to amend the Development Agreement with Eagle Mountain Properties, L.C. and Monte Vista Ranch:

MOTION: *Nick Berg moved to amend the Development Agreement with Eagle Mountain Properties, L.C. as drafted. Cyril watt seconded. Discussion Called For: Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Discussion: John Jacob expressed his concerns of making a motion without discussing the issue first. Town Attorney Jerry Kinghorn addressed the Council, he said the changes that were made includes adding a process for modification of the site plan, making clear the rights of the Town with respect to it's development code, it's general plan, it's parks and infrastructure plan, to make sure that as this think goes forward, that the development of the property and the master site plan are consistent with all of those plans. Other additions include specific provisions about arbitrational conflicts, and deletion of a major section which required us to work to take the developer out, as far as his financial obligations. Also included is that it explicitly states the number of residential units that was approved earlier by the Council which includes the 22,000 units that were on the master site plan. In Attorney Kinghorn's opinion this is a much better agreement than the old agreement with Eagle Mountain Properties.

A process for dealing with islands was added which is in this master site plan and for reconciling the use of those properties. This agreement has been refined to the point that there are adequate protections for the Town, and adequate protections for the developer, and adequate provisions for dealing with the situations we can't foresee. Jerry Kinghorn continued, the modification application which the Council did not have an opportunity to review until this evening is a four page application which includes a lot of detail for any party who wants to modify a master site plan and will be an attachment to the development agreement. I recommend this amended version of the development agreement to the Council because I have become familiar enough with the old agreement, the process you went through, and that I'm professional comfortable with defending this agreement and protecting the Town's rights, and that it is a fair agreement for the developer. Mr. Kinghorn said that one of the conditions of approving this is that the developer reimburse for the legal fees which were associated with the Town doing this. A running total was kept and it total to a little over \$5,000 which John Walden has tendered a check in that amount. Discussion ensued.

John Walden, Eagle Mountain Properties, L.C. , said that he thinks this is a better agreement and much clearer and doesn't change anything. He continued, I'm putting deed restrictions on how many units can be put in

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING

DATE: DECEMBER 22, 1997

when he sells any property because he doesn't want a developer purchasing his land and moving around the densities. Discussion continued. Vote Called For; (refer to above motion for the vote).

3. Consideration to create an Airport Authority Board:

Each Council-member received a memo from Nick Berg regarding "Airport Operations in Town Municipal Limits". Nick Berg proposed to the Council the need for an airport within the Town and some of the concerns for a municipality, least of which is safety. Additional concerns include "land takings", noise, residential compatibility, taxes, economic factors, and many others.

Mr. Berg said the board needs to be formed immediately after the first of the year. Towns with airports usually have an Airport Authority Board - a commission or board who creates and monitors policy regarding the proposed airport. Mr. Berg proposed that a chair person be appointed and included in his memo that he be considered to be the first Chair-person of the Airport Authority Commission. He also expressed the need for aviation minded people to serve on the board. He continued, I don't expect this to be acted on this evening but it is intended as a discussion item only. Discussion ensued.

Mayor Hooge said she would like to give Nick Berg the go ahead to proceed in creating an Airport Authority Board. John Jacob said that Nick Berg could serve on this committee but he does not want him to be the Chair-person because of his conflict of interest in being associated with John Walden. Mr. Jacob continued, I would like someone put in charge that is not associated with John Walden and that has an interest in this. Mayor Hooge responded, a committee would be formed and the members would vote on who they wanted as their Chair-person. Rob Bateman, Cedar Pass Ranch, suggested that Nick Berg should be a member of this committee because of his experience. Mr. Bateman, an incoming Council-member said if he is going to be put over public safety he would like to serve on this committee as well.

Jerry Kinghorn said that this would be an advisory board and should have people on it that have economic interests in the development of the airport, a member of the Town Council as an liaison, and try to find people who have expertise and interest in it to get a good professional product. Attorney Kinghorn recommended that the board have no more than five members. Mayor Hooge requested that Nick Berg and Rob Bateman create a list of people to serve on this board, and that an Ordinance be drafted to create the board. Discussion continued. The airport uses would include general aviation and corporate business use that are based here, there would not be any commercial carriers, no U.P.S. according to Nick Berg. No action was taken.

4. Consideration of a Resolution to amend the Eagle Mountain Building Fee Schedule:

Jerry Kinghorn said that the Sewer Treatment Impact Fee which is on the adopted Building Fee Schedule should not be there until the Impact Fee Feasibility Study has been completed. Attorney Kinghorn said that he is concerned about charging fees without going through the legal steps in putting them in place. He continued, the thing that really causes me problems is these characterizations of connection impact fees because we have to be careful that we meet the requirements of state law when we enact those. Nick Berg said that the Building Permit Fee was not included on this draft.

Nick Berg said that Touchstone Development feel they received the shaft on paying the building fees and would like to come in and do an accounting after the final draft of the building fees are approved and be on par with Patterson Development as far as the fees go. Jerry Kinghorn recommended that the Town Treasurer tell us what was received and allocated by this developer so the Town can be consistent. Mayor Hooge said that Sue Fraley is working on creating an accounting procedure that creates a record of the fees that are received and where those fees are allocated.

John Jacob requested that the meeting on December 30th doesn't happen because the building fee schedule would not be ready. Mr. Jacob asked Jerry Kinghorn why nothing has been done about the impact fees because we have known about them for a long time. Jerry Kinghorn responded, we have and the people who have been

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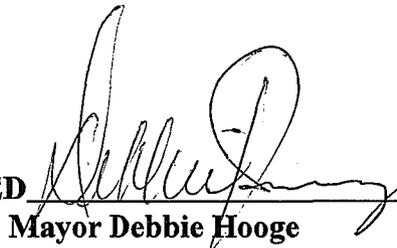
conducting that study (Lewis Young Robertson & Burningham) and they are to give us a time frame and a budget. We met with them three weeks ago and as yet have not heard back. As far as adopting a Building Fee Schedule that does not include impact fees, it could be adopted by the January 13, 1998 Town Council Meeting, but adopting the impact fees requires a lengthy procedure.

MOTION: *John Jacob moved to table item 4 - Consideration of a Resolution to amend the Eagle Mountain Building Fee Schedule until January 13, 1998 and everything connected to it just not the impact fees. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

D. ADJOURNMENT:

MOTION: *John Jacob moved to adjourn the Town Council Meeting at 6:30 p.m. Nick Berg seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

APPROVED



Mayor Debbie Hooge

DATE:

1-2-98

The foregoing minutes was posted at the Eagle Mountain Town Office, 130 West Main, Lehi, Utah, the Bulletin Board at the Cedar Pass Ranch Trailer and the Bulletin Board at the Cedar Meadows Subdivision, at 11:30 a.m. (p.m.) on FEB. 2, 1998 by Janet B. Valentine, Town Clerk.