

Eagle Mountain City Council Minutes 1998

Dates of City Council Meetings:

- January 13, 1998
- January 23, 1998
- January 27, 1998
- February 10, 1998
- February 24, 1998
- March 4, 1998
- March 10, 1998
- March 24, 1998
- May 25, 1998
- June 23, 1998
- June 30, 1998
- July 14, 1998
- July 16, 1998
- July 28, 1998
- August 11, 1998
- August 25, 1998
- September 8, 1998
- September 10, 1998
- September 22, 1998
- September 29, 1998
- October 1, 1998
- October 13, 1998
- October 27, 1998
- November 10, 1998
- November 24, 1998
- December 8, 1998
- December 15, 1998



TOWN COUNCIL MINUTES

Tuesday, January 13, 1998 at 7:00 P.M. at 130 W. Main Ste. H, Lehi, Utah

Roll Call: The meeting was called to order at 7:00 P.M. by Mayor Hooge.

The following were present and constituted a quorum: Mayor Debbie Hooge, Diane Bradshaw, Rob Bateman, Dan Valentine and Cyril Watt.

Town Staff:
Town Attorney: Jerry Kinghorn
Town Planner: Dave Conine
Fire Chief: Eric Taylor
Deputy Clerk: Sue Fraley, recording.

Also Present: Mike Wren and James Dahl/ MCM Engineering, Dave Wilding and Reid Dickson/ Wilding Engineering, Gary Tassainer TASCOS Engineering, Nick Berg, Stan Smith, Sharon Haddock, Doug Gwilllyn and Bruce Baird.

Pledge of Allegiance: Cyril Watt

Approval of Agenda:

MOTION Rob Bateman moved to approve the agenda. Diane Bradshaw seconded. The motion carried with four ayes and Mayor Hooge abstaining.

Approval of Minutes 12/16, 12/30: Discussion ensued concerning the minutes of 12/16.

MOTION Rob Bateman moved to table the minutes of 12/16. Diane Bradshaw seconded. The motion carried with four ayes and Mayor Hooge abstaining.

MOTION Diane Bradshaw moved to approved the minutes of 12/30. Cyril Watt seconded. The motion carried with three ayes and Mayor Hooge and Dan Valentine abstaining.

General Discussion/Questions/Announcements: Mayor Hooge welcomed new council members Rob Bateman and Dan Valentine and reminded the Council that they need to sign their disclosure statement.

Sue Fraley stated that the State has just adopted the 1997 Uniform Building Code and the fees in the new code are higher than the 1994 code, which the Town has adopted. She added that the Council should review the new code at a future meeting for possible adoption. No further discussion or action.

PUBLIC HEARING:

A. Master Development Plan for Cedar Pass South: Mayor Hooge stated that the Council received a letter from Scott Kirkland requesting that this item be tabled until January 27th.

MOTION Cyril Watt moved to table the master development plan for Cedar Pass South until the January 27th meeting. Dan Valentine seconded.

A. Master Development Plan for Cedar Pass South Cont: Rob Bateman stated that a lot of people are here tonight to see information on this development and asked if the Council could at least answer some of their questions. Discussion ensued concerning how to proceed and whether another public hearing would be needed, after tonight.

Jerry Kinghorn stated that he has written a letter concerning this project and felt that it was not ready for public hearing, at this time. He added that there would need to be another series of public hearings. Mr. Bateman agreed, adding that he would like to remand it back to the Commission for more review. Discussion continued.

Mr. Bateman explained the map of the project, including the roads, the village core pods, density of the pods which range from 1 home to the acre to 7 homes to the acre, the parks and open space. He added that the pods that about Cedar Pass Ranch are lower density lots. Mr. Kinghorn stated that under the development code a master plan like this would be treated like a zone change and that there are still unanswered questions in the zone change process. He added that the approvals for each pod would then come in as separate Class II permit and with a master development plan there is a requirement for a development agreement that would address infrastructure, amenities and the development schedule. Discussion ensued.

Aaron Evans, 11898 West Fairfield Road, asked if all the properties is shown on the map were in the Town boundaries. Mr. Kinghorn replied, yes. Mr. Evans asked at what point in time would the development have to upgrade the roads for both residential and construction traffic. Mr. Kinghorn responded, those are some of the questions that need to be answered. Mr. Evans added that the construction traffic thus far, has basically destroyed Fairfield Road and it needs some attention from the County road people.

Keith Burnham, 2871 E. Cedar Dr., stated that he felt a project of this size would need an extensive impact study. He added that this Town was supposed to be a Town with large lots and open space, if we fill it with 1/4 acre lots you will be destroying how the Town was envisioned. He expressed his concern about controlling what happens as far as growth in Eagle Mountain.

Nick Berg, 6476 N. Lake Mountain Rd, suggested that the Town have public hearings in a larger meeting hall. Discussion ensued concerning possible locations.

Mr. Kinghorn recommended that at the meeting on the 27th the Council should remand this application back to the Commission. Bruce Baird, attorney for Eagle Mountain Properties, LC/ Monte Vista/ John Walden, stated that he would like to make comments at a future meeting and is not waiving his right to comment at a future public hearing. He added that he has addressed some of his concerns in a letter to Mr. Kinghorn.

Mayor Hooge called for a vote. **The motion carried with four ayes and Mayor Hooge abstaining.**

B. Action on Public Hearing Item: No action needed. See item A.

CONSENT HEARING:

MOTION Rob Bateman moved to move item I to before Item A. Cyril Watt seconded. **The motion carried with four ayes and Mayor Hooge abstaining.**

Mayor Hooge stated that she would like to recommend the following for appointment to the Planning Commission: Maureen Anderton and Stan Smith to fill the vacancies on the Commission, to change Mark Zitting from an alternate member to a full Commission member and appoint Cyril Watt to be the Council liaison. She added that Mrs. Anderton has lived in this valley for 20 years and Mr. Smith's family homesteaded this valley in 1890 and they continue to farm in the valley, the Commission needs farming related input. Discussion ensued.

I. Planning Commission Appointment(s) Cont: Mr. Bateman stated that his personal feeling is that the Commission needs residents of Eagle Mountain on it and also that they have no active development interests or involvement. He added that we have been well served with those currently on the Commission with development interest and they have brought the Town good insight. The Council discussed interviewing Mr. Smith before he is appointed.

MOTION Rob Bateman moved to moved to appoint Mark Zitting to fill the vacant term of Rob Bateman that expires in Jan. 2003, to appoint Maureen Anderton to fill the vacant term of Janet Valentine that expires in Jan. 2002 and that Cyril Watt be appointed to the Council liaison to the Commission, and; to table the appointment of Stan Smith until the Council has had an opportunity to interview Mr. Smith or discuss other candidates. Diane Bradshaw seconded. The motion carried with four ayes and Mayor Hooge abstaining.

A. Preliminary Class II Permit for Eagle Pointe Subdivision: Mayor Hooge stated that she was present at the last Commission meeting when this item was heard and there was a long laundry list. Dave Wilding, Wilding Engineering, stated that they summarized the list of items that were needed and have reviewed the plans. Mayor Hooge stated that applications should come to the Council with all items complete and added that Wayne Patterson has been a client of hers. She then excused herself from the meeting.

James Dahl, MCM Engineering, explained the preliminary plat application for Eagle Pointe plats B, C, D, E & F to the Council, beginning with the changes from the last Commission meeting. He added that one of the main concerns were the roads and we have changed the long straight street between the clusters and have narrowed that with one connective street. We also created more of a neighborhood setting with central park in the center of the four clusters and opened up some of the trails which will lead to the center park.

He continued, when he first presented this plan there were 620 units, now there are 611. We eliminated some of lots near the regional park and near the entrances to open those up, also near the parks on the south pods, for better utilization of the parks. He added that another requirement from the Commission was to stub out a street to the south towards the Howard Ault property, by doing that the traffic circulation improved and will relieve congestion in the future. He stated that the list of conditions given by the Commission included items that are requirements of a final plat, like utility availability and a landscaping plan. He stated that they would like to present a landscaping plan with each final plat submittal for the pods along with the dedication to the Town of the open space and parks.

Mr. Dahl continued by explaining the utilities in the area, specifically the sewer line which runs both to Eagle Mountain Blvd. and Sweetwater Rd. He added that they have renamed Patterson Homes to Eagle Pointe Plat A and added a future plat F that will be built when the road is complete for the church, school and the regional park sites. He added that the Commission also wanted two accesses out of the subdivision and we they cannot construct plat B until Sweetwater Road is improved down to the connecting road and when plat A is finished the Commission required an all weather access road to Sweetwater.

He continued by explaining the trail system that the Commission recommended by included in the development agreement along with the park improvements. He added that another concern was access to the Ault property, Mr. Ault still has his access off of the existing road on the southern boundary of the Patterson property. Mayor Hooge asked if the end of the Patterson property was flush with the road or is there a strip in between them. Mr. Dahl replied that there is a 6 1/2' strip of property between Ault and Patterson owned by, he believes Monte Vista.

Dave Wilding stated that Mr. Dahl has covered the items mentioned at the Commission meeting, however, there are two things in the development code that need clarification from the Council. Is the Council going to require landscaping plans and utility plans at the preliminary plat or final plat stage? He stated that from an engineering standpoint those plans could come at final plat and it would be okay. He continued, another requirement was that the boundaries of the Class II permit be defined on the drawing and asked if the density calculations were only for the property or did it include the entire parcel. He added that they also need direction on ownership of the open space. Diane Bradshaw asked about the final soils report. Mr. Dahl replied that a final soils report will come in with the final plats and added that the density was calculated only on the area of the subdivision.

A. Preliminary Class II Permit for Eagle Pointe Subdivision Cont: Dave Conine stated that the Commission had a lengthy discussion on the open space and what they finally agreed on was that the open space would be dedicated to the Town but that there would be a management plan in the development agreement whereby the developer would maintain the open space for the first five years. Mayor Hooge expressed her concern about requiring a developer to maintain property that they don't own. Mr. Kinghorn stated that you could require that by connecting that exaction to the lots that are sold. Mr. Conine stated that the park improvements should also be timed to the sale of lots.

Mr. Kinghorn asked if there was a schedule for the development of the parks and the open space. Mayor Hooge stated that the open space in plat A, which has already been recorded, is owned and maintained by a homeowners association with an easement across the property. She added that this is a bigger issue, in five years when this open space comes to the Town will we have the means to care for it. The other issue is how are we going to force the developer to maintain the open space. Mr. Kinghorn stated that the Town could get a maintenance bond but thought that a bond of that nature could only be retained for two years. Discussion ensued concerning the open space.

Nick Berg stated that when Patterson was showing the plans of the homes there was a discussion about the management of the open space and he specifically said that he would not have a homeowners association but would be willing to do whatever maintenance the Town wanted, as long as he didn't have to deal with a homeowner's association. Discussion ensued.

Dan Valentine asked if the issues that Wilding Engineering brought up should be handled by the development agreement or are they needed for the preliminary plat approval. Mrs. Bradshaw asked if the subdivision was calculated with the checklist in the development code. Mr. Conine stated that he has reviewed this and his findings are in the memo the Council received. He added that there are areas where the code doesn't do quite what we intended and does not properly address the goals stated in the general plan, for example the front loading garages, but the project does meet the letter of the code. Mrs. Bradshaw asked what is and what is not considered open space? Mr. Conine stated that is another weakness that is being corrected in the code revisions. Mr. Valentine asked if the front facing garages were still in the plans? Mr. Conine stated that he met with Mr. Patterson and they have modified the plans so many of them have side entry garages, only a few lots still have front loading garages because of the width of the lots. Mr. Valentine asked how many of the home plans repeat? Mr. Conine responded that only two or three plans repeat, the rest are similar in floor plan and there are modifications to the exteriors.

Rob Bateman stated that he has two concerns, one being the ownership of the open space and the second being the protection strip between Patterson and Ault. Do we know when the protection strip was created? Mike Wren, MCM Engineering responded, that Mr. Patterson may not even know about the protection strip. Mr. Bateman asked if the strip got created with the purchase of this property and does it constitute a de-facto subdivision. Mayor Hooge responded that she believes it was created when John Walden sold the property to Patterson. Mr. Bateman stated that since 1978 if you create two or more parcels out of one piece, it's a subdivision. Discussion ensued.

Mr. Bateman stated that protection strips create problems for neighboring property owners and he feels that the Town does not want to be in the business of having protection strips. Mr. Kinghorn stated that he thought that the strip may be connected to a larger piece of land and probably did not create a protection strip. He added that would research that issue further but, the Town still needs to address the issue. Mr. Wilding asked what the intent would be for a 6' strip, it certainly has the potential to hold people hostage.

Mr. Bateman asked the Council how they felt about the ownership of the open space. Mayor Hooge stated that she would like to be a part of the discussion on open space and asked that it just be made a condition of final approval. Mr. Kinghorn suggested that the Town have the developers submit a landscaping and maintenance plan for the open space and then the Council can make a determination on the open space. Mr. Conine stated that eventually he would like to see a creation of a land trust to oversee the open space.

A. Preliminary Class II Permit for Eagle Pointe Subdivision Cont:

MOTION Rob Bateman moved to approve the preliminary plat for Eagle Point subdivision subject to the following requirements:

1. Before final plat review that the engineering review issues provided by Wilding Engineering are resolved.
2. The issue of the open space dedication be left open until the Council sees a landscaping plan for the development so the Town can evaluate the maintenance level and control of the maintenance.
3. Before final plat approval the issue of the protection strip be resolved, based on the research done by Mr. Kinghorn.
4. Before final plat approval a statement is received from the utility companies that the Town has the capacity to serve this development.
5. That the issues from the Commission meeting be resolved as well, and;
6. That the Planning Commission insist on seeing a map showing the surrounding properties on all preliminary plat reviews.

Cyril Watt seconded. The motion carried with four ayes and Mayor Hooqe abstaining.

MOTION Rob Bateman moved to move items B& C up before executive session. Diane Bradshaw seconded. The motion carried with four ayes and Mayor Hooqe abstaining.

D. Meeting Date and Time for 1998: Mayor Hooqe stated that she is concerned that if the Council meets two times a month the agendas will be so long and suggested maybe meeting three times a month. Mr. Bateman stated that he schedules his travel between the two weeks and suggested that we try it at two times a month for now. Discussion ensued.

MOTION Diane Bradshaw moved to adopt the meeting schedule for the Town Council as presented for 1998 which will be the second and fourth Tuesday at 7:00 PM, with the exception of December. Dan Valentine seconded. The motion carried with four ayes and Mayor Hooqe abstaining. (See attached schedule)

E. Discussion and Consideration of Ordinance 98-1 Reaffirming Ethical Standards of the Town Council, Planning Commission and other Public Bodies, and Establishing Additional Policy or Procedure for the Conduct of Meetings and Municipal Officials: Rob Bateman explained the regulations for conflict of interests in the State Code and the proposed ordinance, which is more stringent. He added that this basically states how the Town will handle conflicts of interest. Mayor Hooqe stated that there are two forms of conflict of interest, one is a contractual conflict, the second is regular business activity in the Town in which you are a owner. Discussion ensued concerning who is included in the "family" definition.

Jerry Kinghorn stated that he has reviewed the ordinance and only has a format change and a definitional clarification. Discussion ensued concerning the definition of family

MOTION Rob Bateman moved to adopt Ordinance 98-1 as written and authorize Mr. Kinghorn to the make the change to the format and define family as immediate family. Diane Bradshaw seconded. The motion passed unanimously. (See attached)

F. Video Presentation on Airports: Nick Berg began his presentation by explaining the present location of the airports in Town. He then showed those in attendance a 15 minute video presentation from the Tennessee Airport Authority on municipal airports. After the video Mr. Berg expressed his feelings on the importance of an airport for the local economy and that there are manufacturers looking at Eagle Mountain because of the proposed airport site. He added that his focus this year will be development of the airport and establishment of a land trust. Discussion continued concerning the airport advisory board and a land use plan.

F. Video Presentation on Airports Cont: Mr. Berg stated that the existing airports conflict with the homes that will be going in, where as the new airport is located in the industrial portion of Town and could be a great boom to economic development. He added that the safety concerns of all the airports will need to be discussed and addressed by the airport advisory board. No further discussion or action.

G. Discussion and Consideration of a Resolution Establishing an Airport Advisory Board: Dan Valentine asked if he should abstain on this issue because of his conflict with the Smith airport. Mr. Kinghorn stated that he would only have a conflict if the Council was deciding something on the Smith airport tonight, if he voted tonight he would be fine. Discussion ensued concerning the resolution.

Nick Berg stated that he would like to see the airport advisory board be part of the review process for developments in the area. Discussion ensued concerning the review process.

Mayor Hooge stated that the airport is a vehicle for businesses to come into the community and expressed her excitement in the program.

MOTION Rob Bateman moved to adopt Resolution 01-98 establishing an airport advisory board as written and that we appoint as members, Rob Bateman as the Council representative, Carl Allred as the Planning Commission representative and Nick Berg as one of the three at large members, with the other two appointments coming at a later time. Cyril Watt seconded. The motion carried with four ayes and Dan Valentine abstaining. (See attached)

Nick Berg informed the Council that he received a letter of intent today from a developer to build a lumber yard, hardware store, and three office buildings in the Town center. Mayor Hooge stated that the County development office sent her a list of 20 companies looking for property and this is something the Town needs to pursue. No further discussion or action.

H. Status of the Development Code Revision: Rob Bateman updated the Council on the progress of the development code, the Commission has been working hard on it along with himself, Dave Conine and Jerry Kinghorn and there have been substantial revisions. Mr. Kinghorn stated that he and Mr. Conine need to work on the checklist so it fits all zones and we also need absolute standards. He added that the revisions have made the code clearer and more explicit and thus more defensible.

Mr. Bateman stated that he also worked on the code on his last trip and based on the meetings and discussions they've had he added permitted use and conditional uses, a procedure for obtaining a conditional use permit, density bonuses and design criteria and two new zones. Discussion ensued concerning the changes.

Mr. Kinghorn stated that the Council needs to determine a schedule for adoption. Mayor Hooge suggested a final hearing for the Commission in February and a hearing for the Council in March. She encouraged the Council to read the drafts and come to the work meetings so they are up to date on the changes. Mr. Bateman stated that he is concerned about the hole in the current code and what could happen in the next 60 days. He asked if it would be possible to adopt an interim code. Mr. Kinghorn responded that the Town could adopt another emergency interim code or the other option would be a moratorium, but he didn't feel really good about either one.

Mr. Valentine also expressed his concern about the current code, adding that Patterson was willing to come in and fix their plans where they could have come in and shoved the project down our throats. He stated that he is concerned about what could come in before the code gets fixed. Nick Berg expressed his concern about the open space requirements being tightened up. Discussion ensued concerning interim amendments, density concerns and annexations.

Mayor Hooge stated that we need to define the flexibility that we want in the code and thus far we have had flexibility with the developers. She urged the Council not to act hastily on open space and added that the code will be finished in 60 days. Mr. Valentine asked if the Town could just prohibit new applications coming in, Walden of course is vested.

H. Status of the Development Code Revision: Mr. Kinghorn stated that Mr. Walden is vested to a certain degree, overall density and uses are vested. Mr. Bateman stated that the code now does not enforce what the Town really wants, even though Patterson did make concessions it still wasn't what the Town really wanted. Discussion ensued.

Dave Wilding stated that he would be happy to look at the new code from an engineering viewpoint. Discussion ensued concerning a meeting between Dave Wilding, Dave Conine and Rob Bateman to discuss the code.

Mayor Hooge stated that after the meeting, the group needs to get the revisions to Mr. Kinghorn for his review. Mr. Valentine stated that he has some information that someone is bringing in a plan within 28 days and it is not what the Town wants to see. He urged that the code revisions move ahead quickly. No further discussion or action.

K. Council Member Assignments: Mayor Hooge appointed the Council members to the following assignments: Rob Bateman was assigned to work with Public Safety and the Airport Advisory Board; Diane Bradshaw was assigned to work with Parks and Recreation, Schools and Churches; Cyril Watt was assigned to be the Council liaison to the Planning Commission and Dan Valentine was assigned to work with the Utility Board and Public Works. Discussion ensued concerning the utility board and the additional members needed.

Mayor Hooge stated that she and Mr. Kinghorn are working on getting another member. No further discussion or action.

B. Agreement with Thompson- Hysell Inc. for Various Engineering/Survey Assignments and C. Agreement with Thompson- Hysell Inc. for Water/Wastewater Assignments: Mayor Hooge explained these agreements are basically to clean-up some of the issues remaining from the bond. Mr. Kinghorn explained the agreements to the Council and also the water re-use permit for wastewater. Discussion ensued concerning the agreements.

MOTION Rob Bateman moved to authorize the Mayor to sign the two agreements. Cyril Watt seconded. The motion carried with four ayes and Mayor Hooge abstaining.

Mr. Bateman asked that at the next meeting if Wayne Bradshaw could come and give a budget and financial report. No further discussion or action.

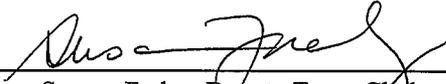
EXECUTIVE SESSION / A. Executive session for the purpose of discussing personnel policy and procedure:

MOTION Rob Bateman moved to adjourn to executive session to discuss personnel. Diane Bradshaw seconded. The motion passed unanimously. Executive session convened at 10:15 PM.

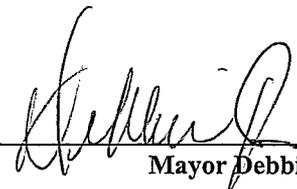
Attending: Mayor Debbie Hooge, Diane Bradshaw, Rob Bateman, Dan Valentine, Cyril Watt, Dave Conine, Jerry Kinghorn and Sue Fraley. Executive session adjourned at 11:15 PM.

B. Action from executive session: No action needed.

Adjourn: **MOTION** Rob Bateman moved to adjourn. Diane Bradshaw seconded. The motion passed unanimously. The meeting adjourned at 11:17 PM.

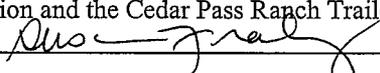


Susann Fraley, Deputy Town Clerk

Approval: 

Mayor Debbie Hooge

Date: 3/24/98

The foregoing minutes were posted at the Eagle Mountain Town Office, 130 W. Main, Lehi, Utah, the bulletin board at Cedar Meadows Subdivision and the Cedar Pass Ranch Trailer at approximately 9:15 AM/PM on Mar. 13, 1998 by  Deputy Town Clerk.

**MINUTES OF SPECIAL TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN
130 West Main, Suite H
Lehi, UT 84043
January 23, 1998**

The special Town Council Meeting was called to order at 8:32 p.m..

Councilmembers present: Mayor Debbie Hooge, Diane Bradshaw, Rob Bateman, Dan Valentine, Cyril Watt

Also present: Jerry Kinghorn, Town Attorney, Janet Valentine, Town Recorder, Wayne Bradshaw, Scott and Kristy Kirkland, John Jacob

1. CONSENT HEARING:

A. Consideration to enact a Temporary Zoning Ordinance within the Town of Eagle Mountain.

Dan Valentine asked if they were meeting legally.

Jerry Kinghorn, Town Attorney, said you can have an emergency meeting but you need to have a reason.

Dan Valentine again asked if the meeting was legal.

Jerry Kinghorn asked the reason for the emergency.

Dan Valentine gave Jerry the ordinance to review.

Jerry Kinghorn said the reasons were good but there needs to be an emergency meeting. He said he would try to go with this if they wanted to. Talked about 52-4-6 UCA. Talked about the problems.

John Jacob raised concerns about the legality of the meeting. He said there hadn't been a problem yet and felt like the Council was creating one. He wanted to know why the Council was meeting.

Dan Valentine stated that 10-3-50Z is how the Council called the meeting.

Not for building permit.
Prohibit only new Class II Master Development Plan applications.
Development Code has so many areas that need to be fixed.
Potential for bad developments coming in.

Dan Valentine said this should be repealed the moment the Development Code is passed by the Town Council. If we wait for the code to go through the process, we are going to see some problems; and since the cat is out of the bag, developers will be coming in with applications immediately. We need to protect the town. A moratorium is the best way to go.

Diane Bradshaw had questions for Jerry – letter verses moratorium.

Jerry Kinghorn said this comes from the idea that we will be legally bound, cited Western Land Equities case, page 8, re: vesting. He said in his opinion they were not vesting and you can put developers on notice that they aren't vested. Applications due in on Monday. No concept meeting has

taken place. He said you can live with or without the moratorium. Chances are equal to a lawsuit. Comfortable with the letter. Equal risk with moratorium or letter.

Rob Bateman asked if under the statute can we just adopt the last as a temporary code.

Jerry Kinghorn responded that yes they could. It was done on September 30, 1997. It can be done again. He said he was interested in other attorney's opinions.

Dan Valentine said he talked to Dave Church. Read letter.

Diane Bradshaw said this was a disservice to developers. With the letter they have a second guess about what's going to happen.

Jerry Kinghorn said he was concerned about bond anticipation with Walden Properties and preventing Class II applications.

Rob Bateman said Provision #3 allows Class II permits in already master planned areas.

John Jacob, 9055 N. Creek Road, had some comments and questions. He wanted to know if the decision on the moratorium would be good or bad. Said the White Ranch is for sale. He talked about Saratoga Springs. He talked about Crossroad developing. He said Walden wants to stop a group in our town with a lawsuit. He said the town's decision is important. He said the signal the town is sending is that they are in trouble. He said Patterson changed everything that the town asked for.

Scott Kirkland, 65 N 920 E, Orem, wholeheartedly agreed that the Development Code has some problems. He said they have labored as a Planing Commission to correct this. He said the time frame of February 3rd is pretty close. He said the current code is ambiguous. He said he was not going to say he was opposed to the moratorium. He said he would speak to the applicants. He said they had spent a lot of money on Cedar Pass South since September. They had been threatened with a lawsuit by another developer. He asked that the Council think about those developers that are doing things the proper way.

Rob Bateman said that last year was Walden's year. It was his code. He said what stayed and went. Rob said that with way the code read now someone could put a toxic waste dump next to a house. This is why he felt like this was an emergency. He said John Jacob and Scott Kirkland will work with the town because they are committed.

Cyril Watt talked about Patterson Construction developing in Alpine.

John Jacob responded that Alpine was unhappy with the way he built the houses. He said Patterson had been in court many times.

Mayor Hooge asked if the notice provision had been signed.

Jerry Kinghorn responded that it had and it changed the language that they will be under the new code period. He said they were simplifying the code greatly.

Diane Bradshaw asked if the town was doing a disservice to developers.

Jerry Kinghorn said much of the process can continue – the infrastructure, soil reports, financing. With either approach they have to wait.

Scott Kirkland asked about Cedar Pass South and the letter.

Jerry Kinghorn said you have had your application in.

Mayor Hooge talked about new applications only. The Council should not make assumptions on density. That hasn't been decided on. She talked about a couple buying a lot because they couldn't afford a house on a large lot. Batting 100 with the developers working with us. The code works with the developers. Development Code has problems. She said she wasn't sure this was an emergency meeting. She said it was not a good idea to do a moratorium. She preferred not to have to clean up with the developer if a moratorium is in place.

Dan Valentine said a letter and moratorium are equal.

Jerry Kinghorn responded that they are not the same.

Dan Valentine said he felt that when Dave Conine says an application is complete that's when vesting occurred. A modified application does not constitute a new application. He said read paragraph four. He said it needs to be fair. He said a letter could be more costly to the developer.

Jerry Kinghorn said the developer knows the risks when he signs the notice.

John Jacob said he had some concerns about the letter. He said without an expiration date on the letter it could go on forever.

Rob Bateman said the one concern he had about the letter was that there were still some differences in the Council's opinion of the code.

MOTION *Diane Bradshaw moved to adjourn to Closed Executive Session for the purpose of discussing potential litigation. Cyril Watt seconded. Ayes: 5, Nays: 0.*

Adjourned to Closed Session at 10:00 p.m.

Adjourned to Open Session at 10:50 p.m.

Dan Valentine said the need to enact something.

Jerry Kinghorn directed Mayor Hooge and Staff to provide revision notice Monday morning.

MOTION *Rob Bateman moved that by resolution of Town Council all applications for Class II and Master Development Applicants are given notice and sign notice before application is accepted or given. Effective Monday morning. Ratify on Tuesday, January 27, 1998. Diane Bradshaw seconded.*

Rob Bateman said he felt comfortable about the decision.

Dan Valentine said the weight was off his shoulders and onto Jerry Kinghorn.

Ayes: 5, Nays: 0. Motion passed.

The special Town Council Meeting of January 23, 1998, adjourned at 11:00 p.m.

Approval:  Date: 1/10/98
Mayor Robert E. Bateman

Note: Mayor Debbie Hooge was the Mayor of Eagle Mountain when this meeting took place. Mayor Robert Bateman was the Mayor at the time the minutes of this meeting were approved.



TOWN COUNCIL MEETING MINUTES

Tuesday, January 27, 1998 at 7:00 P.M. at 130 W. Main Ste. H, Lehi, Utah

Roll Call: The meeting was called to order at 7:00 P.M. by Mayor Hooge. The following were present and constituted a quorum: Mayor Debbie Hooge, Diane Bradshaw, Rob Bateman, Dan Valentine and Cyril Watt.

Town Staff:
Town Attorney: Jerry Kinghorn
Town Planner: Dave Conine
Fire Chief: Eric Taylor
Deputy Clerk: Sue Fraley, recording.

Also Present: Dave Wilding and Reid Dickson/ Wilding Engineering, Nick Berg, Stan Smith, Sharon Haddock, Doug Gwilllyn and Bruce Baird.

Pledge of Allegiance: Cyril Watt

Approval of Agenda:

MOTION Rob Bateman moved to approve the agenda. Cyril Watt seconded. The motion passed unanimously.

Approval of Minutes 12/16, 12/22: Mayor Hooge stated that she had correction to the minutes of 12/16 on page 3, Scott Robertson stated that he didn't have a problem, the minutes says he did. She stated that Randy Skeen was working on an annexation policy and wondered if the Town had received anything yet. Mr. Kinghorn stated that he would follow up on that and briefly explained the changes to the State code concerning annexation.

MOTION Diane Bradshaw moved to approve the minutes of 12/16 as amended. Cyril Watt seconded. The motion carried with 4 ayes and Rob Bateman abstaining.

Mr. Bateman stated that he has a correction to the minutes of 12/22 on page 3 under airport authority paragraph 3 strike the last sentence since John Newman will be unable to serve on the airport authority board.

MOTION Rob Bateman moved to approve the minutes of 12/22 as amended. Cyril Watt seconded. The motion carried unanimously.

General Discussion/Questions/Announcements: Dan Valentine stated that he only has a cell phone at home and since his new assignment on the utilities board and the calls associated therewith costing so much he asked Mayor Hooge if he could be reimbursed for town business calls and she authorized that. He asked if the Council was comfortable with that. The Council expressed their agreement.

Mr. Valentine continued, that before he took office he wanted to poll the voters in Eagle Mountain about what they wanted to see happen to Eagle Mountain. He stated that he would like to come up with just one question to ask, he had to stop at 20 questions. He asked for thoughts from the Council on whether to poll people and what a possible question could be.

Mayor Hooge stated that all the meetings are open and people are invited to attend, if it's a big issue they will come. Can we force an opinion when they are free to give it at meeting. She added that we should get opinions on every issue in Town. Discussion ensued concerning the poll and feelings of residents along Lake Mountain Road.

General Discussion/Questions/Announcements Cont: Mr. Valentine stated that since there are so few registered voters we have a chance now to get a idea of what people want. Rob Bateman stated that the Center of Public Policy at the University of Utah have staff that specialize in surveys and suggested that they be contacted to see what they could do for the Town. Mr. Valentine stated that he would contact them. No further discussion or action.

Department Reports: Mayor Hooge began by explaining the format for monthly Council meetings, with the first of the month being set aside for development issues and the second meeting for Town business. As a part of that meeting, she would like a brief written report from the Council members about their various departments. She felt that the reports would help everyone stay up to speed on what's happening.

A. Park and Recreation: Diane Bradshaw began by updating everyone on the Park Master Plan. She stated that Larry Steinbach, from Lythgoe and Steinbach will be meeting with Ira Hodges tomorrow at 3:00 PM here at the Town office and anyone is welcome to attend. She added that Lythgoe and Steinbach have received all the maps and information needed to begin the plan, which should take approximately 120 days to complete.

B. Public Works: Dan Valentine reported that the Public Works Board had their first meeting, along with Gary Tassainer, Mike Wren, Tom Holstrom and Mike Bevins to get a handle on the town's infrastructure and the history. He added that they need more board members to cover power and natural gas. We also discussed the infrastructure currently in place and it's threshold and what will be needed for the future. He stated that they have scheduled three more meetings and the members would like a per diem of \$50.00 per meeting. Discussion ensued.

Mr. Valentine stated that the main issues that need to be addressed soon are a water chlorinator for the water system and the water situation at Cedar Pass Ranch. He then explained the bacteriological testing that has taken place in Cedar Pass Ranch and the results. Discussion ensued concerning the tests.

He added that there was a meeting yesterday at Cedar Pass Ranch with Steve Sowby, Cedar Pass Engineer, the project contractor, David Gardner and Mike Bevins from Water Pro and myself to review the Cedar Pass system, the testing that has been done and what has been done to clear up the testing. There was no reason for the tests to come back bad, except for contamination of the test itself. They have pulled six new samples to test and we should have those results on Wednesday afternoon. He suggested that we have Sue Fraley handle the calls for the utilities and she can contact the various contractors for normal issues and he can be pulled in when there is a real problem since he's taking a new job.

C. Planning Commission: Cyril Watt stated that he has been unable to attend the Commissions meeting to date and asked Dave Conine to handle the report.

Dave Conine stated that the Commission's main focus has been revision of the development code and we are close to posting the public hearing notices on the development code revisions. The changes include defining conditional uses, overlays for density, having contiguous open space with better use of the land, parks and affordable housing. He stated that we have added more traditional zoning language and revamped the performance standards into a bonus point situation. He added that every parcel will have a base zone and to increase the density an applicant has to meet the performance standards.

He continued, any change to use or increase in density would require a master development plan. We also added a village commercial core zone, more absolutes standards and conditional uses. The code changes keeps the intent of the old code while tightening up the weak spots. He added that the confusion over what is "open space" has been defined.

Mr. Bateman added that the code is very close to being done, Mr. Kinghorn still needs to review the changes made recently and he will have the changes to him tomorrow or Thursday. The Commission still needs to make a few policy calls at their meeting on February 5th. Mr. Kinghorn asked if the Town is still considering the agricultural zone as a general zone for the Town. Mr. Bateman stated that they want a base zone, but the Commission needs to determine what form that will take.

D. Public Safety & Development Code: Mr. Bateman continued with a report on public safety, beginning with the request by Fire Chief Eric Taylor for \$70.00 for training and materials and that he would recommend approving that request. He stated that Eagle Mountain has been contracting with the County for their law enforcement, thus far and he had a meeting with the Lehi Police Chief to discuss option for law enforcement. Discussion ensued.

E. Administration: Mayor Hooge reported that the Town needs a new Town Engineer and Town Treasurer because of the resignations of MCM Engineering and Wayne Bradshaw and that Mr. Kinghorn is getting us a RFP form to get proposals for these positions. She stated that she and Mr. Kinghorn met with County representatives regarding removal of the Town from the County service area. It is a simple petition that needs three sponsors and suggested that three Council members take on that project. Mrs. Bradshaw asked if the County could rebate property owners the taxes they have paid. Mr. Kinghorn stated that if there is an unexpended amount left we will be entitled to portion of that particular tax but, we probably shouldn't count on getting anything.

Mrs. Bradshaw stated that when the Council voted on this, it passed on the premise that this would be rebated to the taxpayers. Mr. Kinghorn stated that promise probably shouldn't have been made. Mayor Hooge stated that our previous attorney told us it was possible. Mr. Kinghorn stated that we will have to wait and see what can be done when the budget comes up in June and the tax rate is set. He added that he hasn't received the figures from the County on what was received from the service district last year. Discussion ensued on getting this issue on the November ballot, possible double taxation and the services that are provided.

Mrs. Bradshaw stated that this will be an issue with a lot of people. Mr. Valentine concurred that this issue will not go away. Mr. Kinghorn suggested that people fill out a claim form and submit it to the County. Mayor Hooge stated that in our newsletter we encouraged people to bring in a copy of their tax statement to the office but we only got three of them. Mrs. Bradshaw added that she believed that other people went directly to the County.

Rob Bateman stated that before we move on to the next item, he has written a letter to the Commission expressing his appreciation in being associated with them and he also added some guidelines and instructions to the Commission. Some of the Council has already signed it and he asked the remaining Council members to sign the letter.

Nick Berg asked if there was public comment item under the agenda, Mr. Valentine responded that it is under the general discussion item. Mayor Hooge stated that needs to be listed on the agenda and told Mr. Berg to proceed. Mr. Berg asked if all board meetings were open to the public. Mr. Kinghorn stated that not all board are included in the open meeting law since they are staff meetings. He added that the Town should probably develop a policy concerning how the various boards will be handled. Discussion ensued.

Mr. Berg stated that he would like to be involved in the meetings from time to time to stay up to speed and help with the crossover period. No further discussion or action.

CONSENT HEARING

A. Action Cedar Pass South Master Development Plan: Mayor Hooge removed herself from the meeting and asked Diane Bradshaw to take the chair.

Jerry Kinghorn stated that on January 13th this item was before the Council and he recommended that the Council take no action on this application. He referred the Council to his letter on this issue which recommends that the Council send this application back to the Commission for further review and specific findings on the issues outlined in the letter and whatever other issues there may be. (See attached letter) He added that this application should meet the requirements of the development code and if possible the new code. Discussion ensued concerning the requirement of a financial report.

A. Action Cedar Pass South Master Development Plan Cont: Mr. Kinghorn stated that any developer bringing in a large project should be able to show that they are capable of carrying it through. Discussion ensued concerning

A. Action Cedar Pass South Master Development Plan Cont: Mr. Kinghorn stated that any developer bringing in a large project should be able to show that they are capable of carrying it through. Discussion ensued concerning the development agreement and how reports on funding will be handled.

Mayor Hooge stated that Scott Kirkland said that he would give the Council a letter for tonight, but since he didn't she assured the Council that Mr. Kirkland does not have a problem with Mr. Kinghorn's letter.

MOTION Rob Bateman moved to remand the Cedar Pass South Master Development Plan back to the Planning Commission to address the concerns outlined in Mr. Kinghorn's letter, also that they review the proposed changes to the section on master development plan approval in the new development code and review the densities for the project. Cyril Watt seconded. The motion carried with four ayes and Mayor Hooge abstaining.

B. Ordinance 98-2 Adopting the General Plan for the Town of Eagle Mountain: Mayor Hooge stated that this ordinance ratifies the adoption of the General Plan.

MOTION Diane Bradshaw moved to adopt Ordinance 98-2 adopting the General Plan for the Town of Eagle Mountain and that the Commission review the general plan in the next several months to refine the general plan and add the other elements. Dan Valentine seconded. The motion passed unanimously with a roll call vote. (See attached ordinance)

C. Ordinance 98-3 Amending Ordinance for Purchasing Procedures: Mayor Hooge explained the changes to the ordinance which are primarily on pages 5 and 6. Mr. Kinghorn explained how RFPs are used and that he has prepared one for the Town. Mr. Bateman raised a concern about fixed terms. Mr. Kinghorn stated that the Town may want to lock a professional into a price for a fixed term and still be able to terminate, if necessary. Mr. Bateman suggest that on page 6 that the last sentences of section E be struck after "consent of the Town Council."

Mayor Hooge raised a concern about the phrase "potentially engaging" since everyone could "potentially" do business with the Town. Mr. Kinghorn responded that it primarily means that someone isn't actively soliciting business in Town and you get disclosure statements periodically. He added that the Town does not want to send the message to our professionals that it's okay to represent people that are doing business with the Town and they shouldn't even entertain the possibility. Discussion continued concerning the no-fixed term and adding contract language in the ordinance.

MOTION Rob Bateman moved to adopt Ordinance 98-3 amending the Town's Purchasing Ordinance as amended on page 6. Diane Bradshaw seconded. The motion passed unanimously. (See attached ordinance)

D. Discussion of Draft Personnel Policies and Procedures Manual: Diane Bradshaw stated that the Town has a draft personnel policy and procedures manual for everyone to review and explained the basic contents of the document. Mayor Hooge encouraged the Council to read it and comment before the next meeting so it can be adopted.

Mrs. Bradshaw stated that it is a detailed document and probably more than we want but, this is a government organization and we probably need it. No action needed

E. Appointment of Stan Smith to the Planning Commission: Mayor Hooge stated that she would like to nominate Stan Smith, who is here this evening, to the vacancy on the Planning Commission. She added that Mr. Smith does plan on living out in Eagle Mountain and his family still farms the valley. He is an attorney and she feels that clear and concise thinking would be a benefit to the Commission. She added that he also brings a lot of resources to issues, like farming, that can help the Town.

MOTION Cyril Watt moved to approve the appointment of Stan Smith to the Planning Commission. There was no second to the motion. Mr. Watt withdrew his motion.

E. Appointment of Stan Smith to the Planning Commission: Rob Bateman stated that he would like to ask Mr. Smith some questions. Are you still involved in the family farming operation? Mr. Smith responded, that he is. Mr. Bateman stated that a number of residents have mentioned to him the extent and amount of developer influence on the Commission. He stated that the Commission is heavily weighted with in favor of development interests and that this has nothing to do with Mr. Smith, personally. He asked Mr. Smith if he was involved in real estate development? Mr. Smith replied, that he is. Mr. Bateman stated that he has does have a concern about another active developer sitting on the Planning Commission, our chairman is a developer, Mrs. Jacob's husband is developing or representing development interests and Mr. Allred also is a developer, that is half of the Commission.

Mayor Hooge stated that she would argue that point, Mr. Allred is not a developer, he's a church leader and it's his responsibility to take care of the church property. He is not a developer by profession. Diane Jacob is also not a developer, her family does own property in Town but, she wouldn't call her a developer. Mr. Bateman asked if she would say that Mr. Jacob is not a developer. Mayor Hooge stated that he's not a developer, the only thing he has brought in to the Town is a lot split. Mr. Bateman brought up Mr. Jacob's interest in Cedar Pass Ranch. Mayor Hooge stated that Mr. Jacob is in charge of water procurement and is a passive 5% partner in Cedar Pass Ranch. Mr. Bateman stated that he has nothing against Mr. Kirkland, Mrs. Jacob or Mr. Allred, they have done a good job on the Commission but, he is concerned about that developer influence on the Commission.

Stan Smith stated that he grew up in the Cedar Valley and does have a genuine interest in what happens out there. The development we are planning is minimal compared to the family farming operation out there. My family and I are concerned about the quality of the development that occurs in Eagle Mountain and it may be difficult to find anyone else as interested in the community as we are. He added that he wants to move out there and doesn't want to see any developments that would effect the quality of the valley. Mr. Bateman stated that he didn't mean to imply that developers are not concerned about what happens in Eagle Mountain, it's just that they have a much different perspective on things. He again stated that this is nothing personal towards Mr. Smith and agreed that the Town does need an agricultural voice on the Commission.

Dan Valentine stated that he knows the Smith family very well and, if Mr. Smith was just an attorney with land in the valley that wouldn't be a concern, it's the development aspect that also gives him concern. Diane Bradshaw asked Mayor Hooge if she has talked to anyone else. Mayor Hooge stated that she has and would prefer people on the Commission who are active and thoughtful. Mr. Bateman stated that there has also been a suggestion about getting someone who will be living in the valley, in the new developments, on the Commission. Mayor Hooge stated that is still a possibility.

Dan Valentine stated that he feels that Mr. Smith would be willing to be there and put the time in. Mrs. Bradshaw stated that she feels that this is a critical appointment and would prefer to talk to various people and see if they are interested. Discussion ensued.

Sue Fraley stated, that in her previous experience, the development code is the Commission's manual and they really have no authority other than following the code. There may be have some bias' but regardless about how a Commissioner feels personally, they can't step outside the development code. Mayor Hooge stated that anyone can be a "developer" if they have enough property. She added that she is watching the Commission very carefully, the attendance is sometimes poor and decisions are not always well thought out. We need people on the Commission who are willing to come and participate. Nick Berg stated that a lot of people will be moving into the valley within a year and that is an untapped resource.

MOTION Diane Bradshaw moved to table this item until the February 10th meeting and that if anyone has any suggestions for the Commission seat to get them to Mayor Hooge. Cyril Watt seconded. The motion carried with four ayes and Mayor Hooge voting no.

F. Cedar Pass Water Line Status Report: Dan Valentine stated that he has already touched on this earlier, unless there are any questions. Jerry Kinghorn stated that the Town does have to formally accept the system and people need to pay their fees to hook-in. Sue Fraley asked if the residents can hook-up after the bacteriological test come back clean or after State approval?

F. Cedar Pass Water Line Status Report Cont: Mr. Valentine stated that once the tests are in Water Pro calls the State and gets a verbal OK, so people can hook-up as soon as the test are good. Mayor Hooge stated that the Cedar Pass water tank is not ready to go on-line, can we accept the system without that being done. Mr. Valentine explained the what was needed to complete the project. Discussion ensued concerning a partial release and how the system will be cleaned when the tank is complete.

Mr. Kinghorn stated that the Town can do a partial acceptance of system, in writing, to get the people in their homes but, the Town needs to get a detailed protocol of how the Cedar Pass water tank cleaning will occur and how it will be handled with the homeowners. Mayor Hooge suggested that Mr. Valentine handle this with Mr. Kinghorn, since she will be out of Town. No further discussion or action.

G. MCM Wastewater Treatment Plant Contract Amendment: Mayor Hooge stated that MCM Engineering has proposed cutting the cost of their wastewater treatment contract in half for the next three months until we get some users on the system. She added that she would like Mr. Kinghorn to write an amendment reflecting that proposal. Discussion ensued.

Mr. Valentine stated that the amount of the monthly charges still seems significant but he didn't know if the expenditures for the truck and training are factored into that charge. Mayor Hooge stated that to get bond approval the Town had to have a trained operator. Mr. Kinghorn stated that there are two contracts with MCM, one for general engineering and one for the operation of the wastewater treatment plant and water system. The term on the contract in question was reduced to five years and \$7,000 per month. He added that he still has a question on who owns the truck after the term of the contract and suggested that he and Mayor renegotiate this contract with MCM and then bring it back to the Council.

Mr. Bateman asked if there a provision in the contract so that the Town is not locked into this contract, if for some reason this arrangement doesn't work out. Mr. Kinghorn stated that this is not a good contract and should be redone.

MOTION Rob Bateman moved to postpone action on this item until after closed session. Dan Valentine seconded. The motion passed unanimously.

H. Resignation of MCM Engineering, Wayne Bradshaw, Randy Skeen: Mayor Hooge stated that MCM Engineering and Randy Skeen have resigned and Wayne Bradshaw is floating until we can find someone to replace him and added that Mr. Kinghorn has the RFP forms to fill out for the various positions open. No action.

I. Training Session for Council Members in 1998 and Per Diem's: Mayor Hooge stated that she would like each Council member to pick one training seminar to attend in 1998, limited to two days, and also that they get a per diem. She added that there are countless trainings for every department and asked the staff to forward training flyers to the Council. Discussion ensued.

MOTION Rob Bateman moved to authorize one training session for the Mayor and each council member this year, for no more than two days, as approved by the Mayor and that the per diem is in accordance with the proposed personnel manual. Diane Bradshaw seconded. The motion passed unanimously.

J. Resolution 2-98 Ratifying Administrative Action on January 23, 1998: Rob Bateman read a suggestion for an addition to the proposed resolution that displaying the notice at the office, also constitutes notice. Mr. Kinghorn stated that the addition would be acceptable.

MOTION Rob Bateman moved to adopt resolution 2-98 as amended. Dan Valentine seconded. The motion passed unanimously. (See attached resolution)

Mr. Valentine asked what applications were out that would need to be given the notice. Mr. Conine responded that Cedar Pass South is already in the process and he has a meeting tomorrow on another development and they will be given the notice. No further discussion or action.

Closed Session for the Purpose of Discussing Personnel and Potential Litigation:

MOTION Diane Bradshaw moved to move into closed session for the purpose of discussing personnel and potential litigation. Cyril Watt seconded. The motion passed unanimously. Closed session convened at 9:05 PM.

Attending: Mayor Debbie Hooge, Diane Bradshaw, Rob Bateman, Dan Valentine, Cyril Watt, Jerry Kinghorn and Sue Fraley. Closed session adjourned at 9:53 PM.

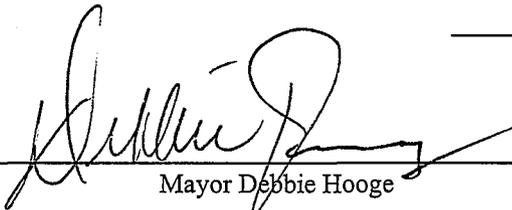
Action from Closed Session:

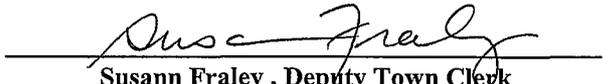
MOTION Rob Bateman moved to accept the reduction of the monthly fee in the wastewater treatment plant and water contract with MCM and authorize Mayor Hooge and Mr. Kinghorn to renegotiate that contract with MCM and report back to the Council. Cyril Watt seconded. The motion passed unanimously.

Mayor Hooge stated that she will be out of Town until February 2nd and appointed Diane Bradshaw to act as Mayor Pro-tem in her absence. No further discussion or action.

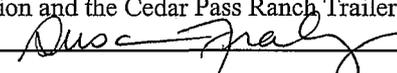
Adjourn:

MOTION Diane Bradshaw moved to adjourn. Rob Bateman seconded. The motion passed unanimously. The meeting adjourned at 9:55 PM.

Approval:  Mayor Debbie Hooge


Susann Fraley, Deputy Town Clerk

Date: 2/10/98

The foregoing minutes were at the Eagle Mountain Town Office, 130 W. Main, Lehi, Utah, the bulletin boards at Cedar Meadows Subdivision and the Cedar Pass Ranch Trailer at approximately 11:40 AM PM on Feb 9, 1998 by  Deputy Town Clerk.

TOWN OF EAGLE MOUNTAIN, UTAH

RESOLUTION 02-98

A RESOLUTION OF THE TOWN OF EAGLE MOUNTAIN AUTHORIZING NOTICE TO DEVELOPMENT APPLICANTS

WHEREAS, the Town of Eagle Mountain is in the process of amending and revising its Development Code, and;

WHEREAS, fair and complete notice should be given to all persons who desire to develop within the Town of the changes in the Development Code and the applicability of those changes to new projects for which development applications are received by the Town, and;

WHEREAS, clear notice that development rights are not vested because of the process of amending the Development Code should be provided to all parties.

NOW THEREFORE, be it resolved by the Town Council of the Town of Eagle Mountain, Utah as follows:

1. The Mayor is authorized and instructed to provide staff with a Notice of the pending revisions of the final Development Code, acceptable to counsel to the Town, which shall be acknowledged in writing when received by each applicant for development approval. The Notice shall indicate that development applications will proceed and be decided under the final Development Code to be enacted by the Town of Eagle Mountain at the completion of the public comment and amendment process.

2. A copy of the notice to be provided is attached to this resolution as Exhibit 1.

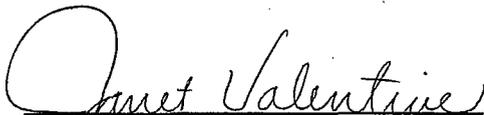
3. The attached notice will be conspicuously displayed at the Town Offices for the purpose of providing public notice. Allegations of failure to receive notice may not be used to circumvent the intent of this resolution.

4. This resolution reaffirms and ratifies the emergency action of the Town Council of the Town of Eagle Mountain on January 23, 1998.

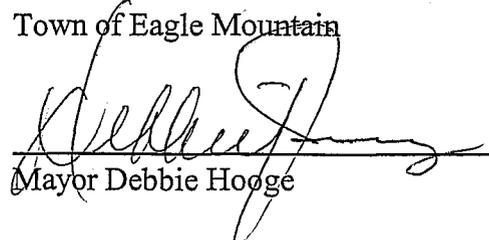
5. This resolution will take effect immediately upon enactment.

Adopted by the Town Council of the Town of Eagle Mountain, this 27th day of January, 1998.

Attest


Janet Valentine, Town Clerk

Town of Eagle Mountain


Mayor Debbie Hooge



TOWN COUNCIL MEETING MINUTES

Tuesday, February 10, 1998 at 7:00 P.M. at 130 W. Main Ste. H, Lehi, Utah

Roll Call: The meeting was called to order at 7:00 PM by Mayor Hooge. The following were present and constituted a quorum:

Mayor Debbie Hooge, Rob Bateman, Dan Valentine and Cyril Watt (arriving late). Diane Bradshaw was excused.

Town Staff:

Town Attorney: Jerry Kinghorn

Town Planner: Dave Conine

Town Treasurer: Wayne Bradshaw

Town Clerk: Janet Valentine

Deputy Town Clerk : Sue Fraley, recording.

Also present: Read Dickson, Wilding Engineering, Tom Holstrom, Thompson-Hysell Engineering, Dale Berg, Sowby and Berg Engineering, Nick Berg, Doug Gwilllyn and Bob Lynds.

Pledge of Allegiance: Dave Conine

Approval of Agenda:

MOTION Rob Bateman moved to approve the agenda. Dan Valentine seconded. The motion passed unanimously.

Approval of Minutes 1/27: Rob Bateman stated that he had a correction on page 3 item D. Mayor Hooge asked about the status of the petition to get out of the County Service area. Ms. Fraley stated that she is waiting for three council members to pick up the petition.

MOTION Rob Bateman moved to approve the minutes of 1/27 as amended. Dan Valentine seconded. The motion passed unanimously.

General Discussion/Questions/Announcements/ Public Comment: Rob Bateman asked if the Mayor had talked to the person moving into Touchstone about serving on the Planning Commission. Mayor Hooge replied, that she had not.

Mr. Bateman stated that the airport advisory board has had their first meeting and after the next meeting the Board will have some recommendation for new board members. He added that the Board's next meeting will be right before the Council meeting and there will be someone here from the FAA to talk about airport safety and he could also make a presentation to the Council that same evening.

Mr. Bateman continued, that he is unclear about the current situation in regards to engineering. Mayor Hooge stated that the Town does not have an engineer and Thompson-Hysell is filling in temporarily through their contract. Mr. Bateman asked about the responses to the RFPs. Janet Valentine stated that four engineering firms have inquired and one person for the treasurer position. Mr. Bateman stated that he noticed that the RFP was in the classified section and suggested that RFPs be put in the legal notice section, that's where most of the others are located.

Mr. Bateman asked what the procedure would be to review the RFPs, are we going to review them in closed session or do we want to appoint a sub-committee to review them and give recommendation to the Council. Mayor Hooge stated that she and Dave Conine would interview first and then bring recommendations to the Council.

General Discussion/Questions/Announcements/ Public Comment Cont: Dan Valentine stated that Dave Wilding, Wilding Engineering, called him to ask about the process for applying because he was unaware of the RFP. He added that Mr. Wilding indicated to him that they have a contract with the Town to be Town Engineer. Mayor Hooge stated that Wilding Engineering has a contract to be the back-up engineer for MCM Engineering's projects. She added that they have also done work in the Town which would automatically eliminate them. Mr. Valentine stated that Mr. Wilding told him that they are willing to terminate with those clients and only work for the Town. Cyril Watt stated that Wilding Engineering also told him the same thing.

Mr. Bateman requested that the Council have an opportunity to review all the proposals. Janet Valentine asked if the Town does not receive any proposals if the Council wants it posted again. Mayor Hooge suggested that we wait and see what happens. Jerry Kinghorn stated that if the Town wants to they can re-advertise the RFP.

Mr. Valentine asked about the recommendations for more members to the Utility Board. Mayor Hooge stated that she should know soon if the electric member has accepted, if not there is another recommendation. She added instead having a member for natural gas, she is leaning towards someone with financial expertise for bonding and financial issues.

Janet Valentine asked if any thought has been given to when the Town Office will move out to Eagle Mountain and expressed her concern about the fire station being too small. Mayor Hooge stated that the Sheriff's office wants space and they can share space with Eric Taylor. Mrs. Valentine asked if the basement had some room for an office. Discussion ensued concerning layout of the fire house and possible alternate locations.

Nick Berg asked to comment on the Town engineer situation. He stated that there is a situation where we have a cross-over period with a lack continuity. He added that he was involved in the interview and selection of the Town Engineer and would hope that until another engineer is selected that Wilding Engineering could be used. He stated that there are a lot of things happening and deadlines to meet and he would be faxing the Council a letter concerning the issues that need to be addressed, one being a commitment we got today from the developer who's going to build the store in the Town center. He added that they are also willing to build space for the Town offices, if the Town would like to lease space. He stated that John Walden is still willing to front the Town money against future fees to provide a temporary trailer at the fire station, if the station becomes too small. Discussion ensued concerning putting a trailer at the fire station property and the completion date for the fire station.

Mayor Hooge stated that Thompson-Hysell is acting as our interim engineer because most of the issues right now are utility related. She added that Wilding Engineering will still take care of the inspections at Cedar Pass North. Mr. Berg stated that a transfer of information has not occurred, be it due to hurt feelings or a personality clash, between MCM and Thompson-Hysell and suggested a meeting between all the parties to transfer information so things can continue smoothly.

Mr. Bateman stated that the way he understands it Wilding Engineering has never inspected MCM's work. Read Dickson, Wilding Engineering, added that's correct. Mayor Hooge stated that MCM hasn't done any construction and Wilding has inspected Cedar Pass North. Mr. Dickson stated that they have plan checked eight subdivisions. Mr. Valentine asked who did the inspections on Touchstone, Patterson and Overland Trails. Mayor Hooge replied, MCM. Mr. Valentine asked if that was okay for them to inspect their own work. Cyril Watt stated that it was his understanding that Wilding was hired to check MCM. Mayor Hooge stated that MCM is not a contractor and they are not building anything in Eagle Mountain. Mr. Valentine asked again if it is okay for the MCM to check their own work.

Mr. Berg responded that MCM has to stamp their work and they are on the hot seat if something goes wrong. He continued, there are two things going on, utility infrastructure and plan checks. Mr. Valentine stated that he needs to understand the expertise that Wilding Engineering has over Thompson-Hysell. Mayor Hooge stated that Wilding has the subdivision approval information and an understanding of the old code, not the new one. Mr. Valentine suggested that Thompson-Hysell do the utility and infrastructure inspections and Wilding do the subdivision reviews until an engineer is selected. Sue Fraley stated that Patterson has brought their final plats for Eagle Point B & C and Mrs. Valentine told her that Thompson-Hysell was the engineer so she gave them the plans.

General Discussion/Questions/Announcements/ Public Comment Cont: Mayor Hooge stated that they are not planning to start construction until March or April, so in the next two weeks there is nothing pending except utility issues and Patterson inspections. Mr. Valentine asked if Town would have an engineer in the next two weeks. Mayor Hooge replied, yes. Mr. Valentine asked if in the next two weeks if there was any preliminary or final plats coming to the Commission and Council. Ms. Fraley replied, that MCM wants to be on the Commission agenda for February 19th for the Patterson development. Mayor Hooge stated that there is nothing critical at this time, let's just get someone for two weeks or we'll hold plan reviews until we have an engineer. Mr. Bateman agreed with letting Wilding Engineering continue at Cedar Pass North, have Thompson-Hysell do the utility inspections and postpone everything else for two weeks. Mayor Hooge stated that Thompson-Hysell should be inspecting for utilities that are going in at the Patterson development. Discussion ensued concerning the sewer inspections at the Patterson project.

MOTION Rob Bateman moved to direct Wilding Engineering to continue with the inspections on Cedar Pass North and that Thompson-Hysell do the inspection on the utilities and the Patterson project improvements and work with the Public Works Board. Dan Valentine seconded.

Nick Berg asked who would be inspecting the improvements at the Town Center. Mr. Kinghorn stated that Eagle Mountain properties is the owner of the project and their person should be inspecting it. Mr. Berg stated that MCM Engineering are the construction managers and he is taking photos of the work that has been done because no one is doing the inspection on behalf of the Town. Discussion ensued concerning how the inspections should be handled.

Mr. Kinghorn stated that this is an unusual situation with the transition of engineering firms and for one reason or another the Town has the catch up thing with Eagle Mountain properties because the utilities were not part of the original project. Discussion ensued concerning the work needed to be done in the Town Center and the inspections needed.

Read Dickson stated that Wilding Engineering has been working in Cedar Pass North and also Cedar Pass Ranch for water testing. He added that they have done plan reviews for seven or eight subdivisions and have come to many meetings and they are very up to date on what the Commission, Council and Town's people want for the Town. He stated that they have been unclear about what their responsibilities have been from the beginning, we knew it was to back-up MCM but we have not inspected any MCM work. He added that they were assigned to review and inspect Fred Clark and Associates designs and have done what the Town asked them to do. We are willing to continue to work, in conjunction with Thompson-Hysell, on plan reviews because of our familiarity with the development code. Mr. Bateman added that Dave Wilding did have a lot of input on engineering points of the development code.

Mayor Hooge called for the vote. **The motion passed unanimously.**

Mr. Bateman asked that the engineering proposals be kept in the Town office for the Council to review. Mr. Valentine asked if anyone else was worried about pipes going into the ground and being covered up without inspecting the grade and fill. Mayor Hooge responded that on-site improvements the project engineer is the inspecting engineer, in Cedar Pass North it's Wilding and for off-site inspections it would be the Town's responsibilities when a contract goes out. She added that when the gas lines went in MCM had someone out there every day to inspect them. Tom Holstrom, from Thompson-Hysell, stated that not atypical for the designing engineering to inspect and that they have reviewed MCM Engineering's inspections for bond releases. No further discussion or action.

Treasurer's Report: Wayne Bradshaw began by stating that the treasurer should be presenting a report to the Council at least quarterly and presented the report on the status of the budget status as of December 31, 1997. (See attached) He began by explaining the bank accounts and the PTIF accounts. Discussion ensued concerning the bond payments, sales tax, class "C" road funds and professional fees.

Mr. Bradshaw stated that the Town is within it's budget. Mr. Bateman asked how the bills are paid. Mr. Bradshaw replied that Mrs. Valentine receives and reviews the invoices, writes the check and passes it on to the Mayor for her signature and approval.

Treasurer's Report Cont: Mayor Hooge stated that the duties of who takes the money and disperses the money is defined in the State Code. Mr. Bradshaw stated that the treasurer's duties are to see that the funds are available to pay invoices, doing the budget and investing the Town's money, which we just leave up to the State Auditor. Mr. Valentine asked how an invoice is verified so that the Town is not being charged for services we haven't received. Mayor Hooge stated that she reviews the invoices for services and then there is a purchase process for all other invoices. She added that for the RBANS Thompson-Hysell signs off the payment request, then she signs and then it is paid through US Bank.

Mr. Valentine asked who handled bond releases. Jerry Kinghorn responded that the Town has not released any bonds yet, the procedure generally would be that the developer submits a request for partial or full release, the town engineer verifies it and the Council takes action. Mr. Bradshaw stated that he does have a problem with the way MCM does their billing, it is unclear and he spent an hour just trying to straighten it out, which he eventually did. He added that other than that the invoices appear to be in order. No further discussion or action.

Revenue Bond Report: Janet Valentine presented the Council with a handout on the bonds. (See attached). She stated that each bond has the same format and is divided into three funds, the construction fund, the note fund and the Capitalized Interest Fund. Discussion ensued concerning the interest.

Mr. Kinghorn stated that US Bank is obligated to invest the money at the highest rate of return. Mrs. Valentine referred the Council to Tables A, B and C of the handout which indicates what has been paid out from the various funds. She explained the escrow fund which is retained for the entire length of the bond as a collateral for repayment of the bonds. Discussion ensued concerning the escrow accounts and the disbursements.

Mrs. Valentine stated that she would be happy to prepare this report monthly for the Council to review. Mr. Kinghorn stated that the Council needs to think of all of this money as encumbered, we are still paying costs on the various bonds. Mayor Hooge explained how the payments requests for bond are processed and added that no work to date has exceeded the initial bond bids. Mr. Kinghorn stated that there still is a question on the request from Santec and explained the problem. Mrs. Valentine asked who in the payment process assigns requisition numbers. Mr. Kinghorn responded that they have been assigning them but now that the Town is handling the payments we should coordinate those numbers. Discussion ensued concerning the bond payment process and review.

Wayne Bradshaw stated that he has always been concerned about balancing the engineer's estimates with the actual costs on the bond releases. Mr. Kinghorn stated that the engineer's report is in error and they have a summary for the bulk of the disbursements that they will copy for the Town. He added, at first his office was keeping the records for the disbursements and those files should be with an internal audit to get ready for the annual audit. Discussion continued.

Mr. Kinghorn stated that the disbursements are different from the money that the Town is entitled to for operation and maintenance and some sort of procedure needs to be established to get those funds. Mrs. Valentine stated that Kim Galbraith told her that O&M funds could be requested by letter and asked if there was a way to find out who was paid before the monthly statement comes out. Mr. Kinghorn suggested contacting Mr. Galbraith and get him to send the checks to the Town and then you can copy them and send them to the vendors. No further discussion or action.

Lewis, Young, Robertson and Burningham SID Contract: Wayne Bradshaw asked whether the Council would be interested in having Lewis and Young manage the SID payments, the first year we would pay \$11,000 for them to handle the releases and make sure the assessments payments are properly handled. Mayor Hooge stated that if the assessments were all done in bulk sales it would be okay for us to handle it but, Mr. Walden has opted to handle at least two subdivisions on a per lot release basis. Mr. Bradshaw stated that he personally does not feel that he can handle this but maybe the new treasurer could handle this. Discussion ensued.

Mr. Kinghorn stated that Mr. Walden's per lot assessment payment was not anticipated in the ordinance and the Town promised the bond buyer that we wouldn't do that kind of payment. Mr. Bradshaw recommended that the Council delay action on this item until a new treasurer is appointed. Mayor Hooge thanked Mr. Bradshaw for his service to the Town.

Lewis, Young, Robertson and Burningham SID Contract Cont: Rob Bateman stated that he would like to see the Council approve improvement bond releases because it gives the Council some control over items that may not be complete or that need repair. Mr. Valentine asked how the release process works. Mayor Hooe explained the bond release process. She added that it would just be another agenda item and suggested that the Council only review the final releases and let the engineer do the partial releases. Mr. Kinghorn stated that if the development code calls out a procedure for releases and the Town needs to follow it. Discussion ensued.

Mr. Bateman suggested that the Council receive a written budget summary monthly and that Council receive a warrant register. Mr. Valentine asked if that would delay payment to anyone. Mr. Bateman stated that we could do an approval bi-monthly. He added that his thinking is that expenditures under \$500.00 could be authorized by the Council member over that department and any expenditures over \$500.00 would go to the Council for approval. Discussion ensued concerning the budget and the purchasing ordinance. Mr. Kinghorn suggested that the Council decide on a procedure and draw up a resolution. No further discussion or action.

CONSENT HEARING:

A. Waiver of Town Telecommunications Requirements for Cedar Pass Ranch: Jerry Kinghorn began by stating that the Town has an ordinance that requires people to hook-up to the Town utilities, if available. The Town also requires developers to fund all of their on-site improvements themselves and off-sites improvements can be negotiated with the Town in development agreements. He added the Town does not have an agreement with Cedar Pass LC for Cedar Pass North for the off-site improvements and telecommunication utilities are not available to Cedar Pass North, unless an extension is made which will cost between \$75,000 and \$100,000 to run telecommunications down SR 73.

He continued, US West is offering Cedar Pass North some kind of package arrangement as a financial incentive to get them to hook to US West which is available in that area. The Town has asked Cedar Pass to advance the cost of running the phone for Cedar Pass North because the Town did not have the mechanism in place to reimburse Cedar Pass for the off-site work and technically the phone service was unavailable to them. At that time, he recommended that the Town waive the requirement to hook up to the utilities but, the Town may want to look into some way to reimburse them for the cost of the off-site line and enter into an agreement. Discussion ensued concerning the phone system in Cedar Pass Ranch.

Mr. Bateman stated that there is a Town telecommunication box on lot 1 in Cedar Pass Ranch. Mr. Kinghorn stated that Cedar Pass LC would have to go run a line on the north side of SR 73 to the entry of Cedar Pass North in order to connect to the Town system. He added that the internal telecommunication system is already finished in Cedar Pass North, the question now is should the Town require them to hook to the Town's system.

Mayor Hooe mentioned that she had been told that US West has offered a \$400 per lot rebate if Cedar Pass North uses US West. Mr. Kinghorn stated that he has asked US West for a copy of that agreement and doesn't think that US West can legally make that kind of offer. Mayor Hooe suggested that if the Town waives the requirement, that the Town get a copy of the documentation from US West verifying that's the deal they are giving. Mr. Kinghorn stated that when he spoke to the Public Service Commission on this subject they told him US West could not do what they are intending and since they are offering both regulated and unregulated services, it makes it very hard to evaluate what they are actually doing. Mr. Kinghorn stated that the Town is going to have serious problems with US West if they have also offered the deal to Patterson Development, however in Patterson's case the telephone service is available and at the edge of their subdivision. Discussion ensued concerning the status of the phone service in the Town Center.

Mr. Bateman asked who services Cedar Meadows. Mr. Kinghorn responded, US West. Mayor Hooe stated that we haven't contracted with Cedar Meadows and whatever we do with Cedar Pass Ranch would set a precedent for Cedar Meadows. Mr. Bateman asked if Cedar Meadows could hook into the Town's phone line in Cedar Pass Ranch and then Cedar Pass North could connect off of Cedar Meadows.

A. Waiver of Town Telecommunications Requirements for Cedar Pass Ranch Cont: Nick Berg stated that the Council approved the RBANS with the understanding that the revenues from the services would be used to pay off the RBANS. He added, Mr. Patterson had to put in 2500' of sewer line because of off-site problems that is no different then having to extend a phone line to a project. He continued, US West has made the same offer to Patterson that they made to Cedar Pass North and this is a bigger issue than people having service. Mayor Hooge stated that the Town bonded for the off-sites improvements for the Eagle Mountain properties and if that is the reasoning we should bond for Cedar Pass Ranch as well.

Bob Lynds, representing Cedar Pass Ranch, stated that it is a \$100,000 hardship and they don't want to buck precedent. He added that the projections for the repayment of the RBANS only included the Eagle Mountain properties and did not include Cedar Pass. He stated that Cedar Pass LC is willing to front the \$100,000 to run the phone lines, if the Town can guarantee reimbursement. Mr. Bateman stated that if this were a road we would set up a reimbursement agreement for Cedar Meadows to help reimburse Cedar Pass for the cost. Can we require Cedar Meadows to hook into the system if there is already a telecommunication line there?.

Mr. Kinghorn stated that this is very complicated and the Federal Telecommunications Act outlaws local government providing barriers to competition so what we are trying to do, is make sensible decisions about when we require hooking into Town utilities and when we don't. It would be nice to discuss with Cedar Meadows the possibility of their joining in this extension. Mayor Hooge stated that the Town will be doing more RBANS this year and we can look at reimbursement for this extension. Mr. Bateman asked if the timing for RBANS would be too late for Cedar Pass North. Mr. Lynds again stated that Cedar Pass is willing to front the money.

Dan Valentine stated that the Utility Board discussed this briefly at their last meeting and asked Mr. Lynds if US West was planning to hook-up to fiber or cooper. Mr. Lynds stated that they would provide cooper lines. Discussion ensued concerning the trunk line connection and conversion from cooper to fiber optic.

Nick Berg stated that he is fearful that the Town could set a precedent with US West for Cedar Pass and Patterson would jump on it and encouraged the Council not to let US West in the door. Mr. Bateman asked how US West could service Patterson? Mr. Kinghorn responded that US West would have to pay the Town to use our facilities and if the Town can qualify as a rural telephone service we can refuse US West service to Patterson. He added that Patterson's situation is different since our lines are there and US West's are not. Mr. Bateman asked if the Town could get access to US West's lines? Mr. Kinghorn stated that the Town is trying to get access to their main trunk and system for phone service. Discussion ensued.

Mr. Valentine stated that the utility board discussed this issue after they found out about the deal US West was making to Patterson, Patterson is entirely different from Cedar Pass North in that the facilities are there and ready to hook into. Mayor Hooge asked if the Town still needs to connect to US West? Mr. Kinghorn replied, yes and they were supposed to propose an agreement to us and the Town has ordered the equipment based on that agreement. He added that the Town still needs to negotiate a separate interconnect agreement with US West.

Nick Berg stated that when the Town first approached US West they stuck their noses up at us and now it's our turn to tell them no. Discussion ensued concerning how the lines could be run to Cedar Pass North and a timetable for service.

Mayor Hooge stated that there are 3 homes in Cedar Pass North and the Town may have to provide them with cell phones for 60 days until we can get phone service out there. Mr. Valentine stated that the utility board agreed that the Town should hang on as much as possible to it's own utilities. Mr. Lynds stated that Cedar Pass will spend the money now if they can be assured reimbursement. Discussion continued concerning possible RBANS.

MOTION Rob Bateman moved that the Council is willing to find a mechanism for reimbursement to Cedar Pass LC for the extension of the copper and fiber optic telecommunication lines to Cedar Pass North and authorize TASCOS to come up with the numbers on revenue for possible RBANS and that in the development agreement with Cedar Meadows we require them to connect to the phone line and the Cedar Pass LC provide a copy of the US West proposal to the Town. Dan Valentine seconded.

A. Waiver of Town Telecommunications Requirements for Cedar Pass Ranch Cont: Cyril Watt stated that his only concern is who's rates are cheaper? Mr. Valentine stated that the rates are comparable, but the profit from our services are supposed to be used to lower the tax rate. Discussion ensued concerning the possibilities of other homes in that area.

Mayor Hooge called for the vote. **The motion passed unanimously.**

Mayor Hooge asked for a motion to move up consent item E.

MOTION Rob Bateman moved to move up consent item E Application to Timpanogos Sewer District. Cyril Watt seconded. The motion passed unanimously.

E. Application to Timpanogos Sewer District: Dale Berg, from Sowby and Berg, presented a proposal for waste treatment for Cedar Pass South. There are two options, one is to use the Timpanogos Sewer District which will cost \$2 million. Option two is to pump it over the hill to the Town's lagoons which will cost \$3 million. The developers would like approval to approach the sewer district and ask for an annexation into the district.

Mayor Hooge stated that this application would not bind the Town in any way. She added that for Cedar Pass South to flow to the Town's system it would require three lift stations which will use the equivalent of 600 homes of electricity, or it can gravity flow to one lift station and into the sewer district's lagoons. Bob Lynds stated that the Town will still be able to charge it's connection fees and monthly fees so they would still get revenue. Discussion ensued concerning the proposal.

Dale Berg stated that eventually Saratoga Springs will have to connect into the same lift station. He added that there are only three property owners involved here, the County, the LDS Church and Lorraine Evans and if the Town joins the district the Town would have a member on the district board. Mr. Kinghorn stated that it is not unusual for municipalities to enter into arrangements with larger service districts and explained how the annexation process into the district would work. Discussion continued.

Nick Berg stated that he is concerned about the how the developers would ever get reimbursed for those lines and how the Town would get revenue if the wastewater is going to Saratoga. Bob Lynds responded that the line reimbursement will be handled through an SID. Mayor Hooge added that the Town can charge a monthly fee and the district then charges us a processing fee and the Town does not have the operation and maintenance costs for the system.

Mr. Kinghorn asked what area the project was anticipating getting their water and if it was an agricultural use. Dale Berg explained the proposed location of a well on the Smith property. Mr. Kinghorn stated that he is just trying to think about the water conversion process. Mr. Berg stated that the State Engineer considers Cedar Valley part of the Utah Lake ground water basin and the service district discharges into Utah Lake so the Town would probably get a good conversion rate. Mr. Kinghorn stated that anytime a municipality can connect to a larger consolidated service it's better for the Town. Discussion ensued.

MOTION Rob Bateman moved to authorize the Mayor to sign the letter to the Timpanogos Sewer District about possible sewer service for part of Eagle Mountain and that the letter be modified to indicate that the Town is only exploring the possibility at this point and when more information is received that this issue come back to the Council. Cyril Watt seconded. The motion passed unanimously.

B. Walden Water Agreement: Jerry Kinghorn stated the Town agreed last November to renegotiate the Cedar Valley Water Co. agreement with Mr. Walden. He added that main point for renegotiation was providing a mechanism for Eagle Mountain properties to recover a fee representing the capacity in the well that is dedicated to the Town and also, a way for the Town to purchase the balance of that well. He stated that he would prefer not to get into the details unless the Council goes into Closed Session. The Council opted to move into closed session after the last two agenda items. No action needed.

C. Utility Services to Fire Station: Dan Valentine stated that we need to get duct banks in three locations running from the fire house to run the telephone lines in. By putting in these banks now it saves ripping up streets and parking areas in the future and Mr. Walden is willing to put in the duct banks now. Mayor Hooge added that Mr. Walden wants a guarantee that the Town will put this in the next RBANS. Discussion ensued.

Mr. Valentine stated that the Public Works board has recommended that this work be done. Mr. Kinghorn suggested that the Town jointly contract with Mr. Walden so that the Town will own an interest in the facilities from day one, this would avoid the legal problems the Town had with the last RBANS. He stated that he would draw up a reimbursement agreement for the next meeting and a construction contract for the advancement of money.

MOTION Rob Bateman moved to authorize Mr. Kinghorn to draw up a reimbursement agreement and authorize TASCOS to go ahead and get bids to use for the construction contract. Cyril Watt seconded. The motion passed unanimously.

D. Utility Board Report and Recommendations: Dan Valentine stated that there are a couple of issues that need to be addressed as explained in his letter. (See attached) The first issue is the Kern River tap which will provide gas to run a power plant and the second, is a study for an electrical tap. Mayor Hooge added that funding for the tap will be figured in the next RBANS. Discussion ensued concerning the Kern River tap and the study for the electric tap.

Mr. Kinghorn stated that we are going to need more power generation soon because of how quick we are building. Nick Berg stated that the Town will soon have commercial uses coming in, including a hardware store, lumber yard, a manufacturing plant and a market. Mayor Hooge reminded Mr. Berg that those projects need to come in with Class II permit applications. Mr. Berg stated that they will be making applications very soon. Mr. Valentine stated that the board also needs current figures on projected growth both currently and at build out for planning. Discussion ensued concerning the public works board recommendations, the site work for the liquid gas tank and the power study.

Mr. Kinghorn stated that RBANS will cover the cost of the site work for the liquid gas tank and added that the Town needs to get that done. Mayor Hooge asked Tom Holstrom from Thompson-Hysell to provide a bid proposal for the site work. Mr. Kinghorn continued, that he concurs with the recommendations from the board. Tom Holstrom, from Thompson-Hysell Engineering asked if item three would be put out in a RFP. Discussion ensued concerning negotiating with Utah Power.

Mr. Kinghorn stated that the day is coming when we can buy power from Utah Power's lines. He added that when the Town gets their first utility customer the Town should join UAMPS (Utah Association of Municipal Power Systems), which will give the Town institutional leverage. Mr. Bateman asked if the Council wants to authorize item 5 before item 3 is complete. Mr. Kinghorn stated that there is a time lag between item 3 and 5 and added that all of these recommendations will have to come back to the Council for approval. Discussion continued.

MOTION Dan Valentine moved to accept recommendations 1-5 made by the Public Works Board in their letter dated Feb. 5, 1998. (See attached) Rob Bateman seconded. The motion passed unanimously.

Closed Session:

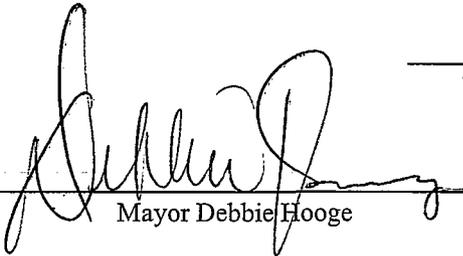
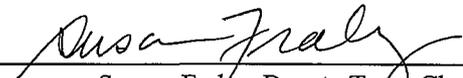
MOTION Rob Bateman moved to moved into closed session. Cyril Watt seconded. The motion passed unanimously. Closed session convened at 10:34 PM.

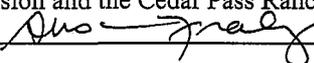
Attending: Mayor Hooge, Rob Bateman, Dan Valentine, Cyril Watt, Janet Valentine and Jerry Kinghorn. Closed session adjourned at 11:14 PM.

Action from Closed Session: No action needed.

Adjourn:

MOTION Rob Bateman moved to adjourn. Dan Valentine seconded. The motion passed unanimously. The meeting adjourned at 11:15 PM.

Approval:  _____ Date: 3-17-98
Mayor Debbie Hooge
 _____
Susann Fraley, Deputy Town Clerk

The foregoing minutes were posted at the Eagle Mountain Town Office, 130 W. Main, Lehi, Utah, the bulletin boards at Cedar Meadows Subdivision and the Cedar Pass Ranch Trailer at approximately 2:30 AM/PM on Mar. 9, 1998 by  _____ Deputy Town Clerk.

Eagle Mountain Utility Board Report and Recommendations

February 5, 1998

Present:

Mr. Dan Valentine, Mr. Bill Chipman, Steven Sowby – Sowby and Berg, Gary Tassainer – Tasco Engineering, Mr. Dow Richardson and Mr. Lewis Wilson - Heath Engineers.

1. Mr. Steven Sowby briefly reported on the Cedar Pass Ranch South water and wastewater requirements. The initial findings of the engineering review for wastewater indicate a good probability that wastewater could be treated by the Timpanogos Special Service District. This would mean that the wastewater facility at Eagle Mountain would not have to be enlarged to accommodate the greater Cedar Pass Area. More finite review is taking place and the related impact on the existing wastewater plant of Eagle Mountain will take place and be reported to the Utility Board at a later date.
2. Heath Engineering Company as a subconsultant prepared the Engineer's review on the electrical, communication, and natural gas systems to Thompson-Hysell, Inc. Thompson-Hysell has been engaged by the Town to do a complete review of infrastructure engineering and associated construction costs on all of the systems installed in 1997. These systems were engineered and constructed with the funds resulting from the revenue bond anticipation notes (RBANS) and special improvement districts (SIDS).
3. Tasco Engineering, Inc. (Tasco) reported on the electrical, natural gas, and communication systems. As-built drawings were presented and reviewed. Drawings and computerized discs are available at the Tasco Office in Lehi.
4. A discussion was held on the energy requirements of the Town. PacifiCorp (UP&L) will allow up to 300 homes or the equivalent in electrical supply before they will issue a warning of discontinued service. This has been a condition on the electrical system from the beginning of the formation of the Town. The natural gas system will be operational utilizing liquid natural gas (LNG) in March of 1998. It was recommended that LNG be used for approximately nine months at which time a tap be made on the Kern River Gas Line.
5. Because minimum usage on the Kern River Gas Line will not be met for the first year or two, Tasco has recommended a distributed generation facility (DGF) sized to supplement the electrical demand and meet the natural gas minimum requirement. This facility can be sized to manage the electrical loading of the Town until there are an adequate number of residences and businesses to support the construction of a long term

solution such as the following: (1) A tap of the existing 345kV transmission line that is running north to south through the town with an accompanying distribution substation, or (2) the construction of a 138kV transmission line which will intersect an existing transmission line just north of the intersection of SR 73 and the Jordan River and the associated construction of a substation. When the long-term solution is in place, the DGF could then be sold, utilized as an emergency back up to the electrical system, or be used as an asset in negotiating long or short-term interruptible power contracts.

6. The communication system was reviewed and Tasco recommended that a duct bank system be installed from the fire station/communication center to areas outside of the immediate vicinity to allow future entry to the communication center without damaging existing lines or newly installed roadways, sidewalks, and landscaping. It was also recommended that the builders and developers be committed to take service from the Town communication system as opposed to any other alternative.
7. A brief discussion was held on roadways. This discussion was postponed until next week when the civil infrastructure can be discussed with Thompsen-Hysell.
8. Discussion was held concerning the most recent projections of the Town's new residences. These projections will be reviewed again when actual sizing of the DGF is needed.

	<u>1998</u>	<u>1999</u>	<u>2000</u>
The Landing	100	100	100
Overland Trails	10	20	20
Patterson Phase I	107		
Patterson Phase II		100	
Patterson Phase III		50	100
Cedar Pass	60	20	20
Cedar Pass North	20	40	20
Cedar Pass South	50	150	200
Commercial Buildings	<u>2</u>	<u>2</u>	<u>2</u>
Estimated Totals	349	482	462

After lengthy discussion concerning all of the preceding topics, the utility board would like to make the following recommendations to the Town Council:

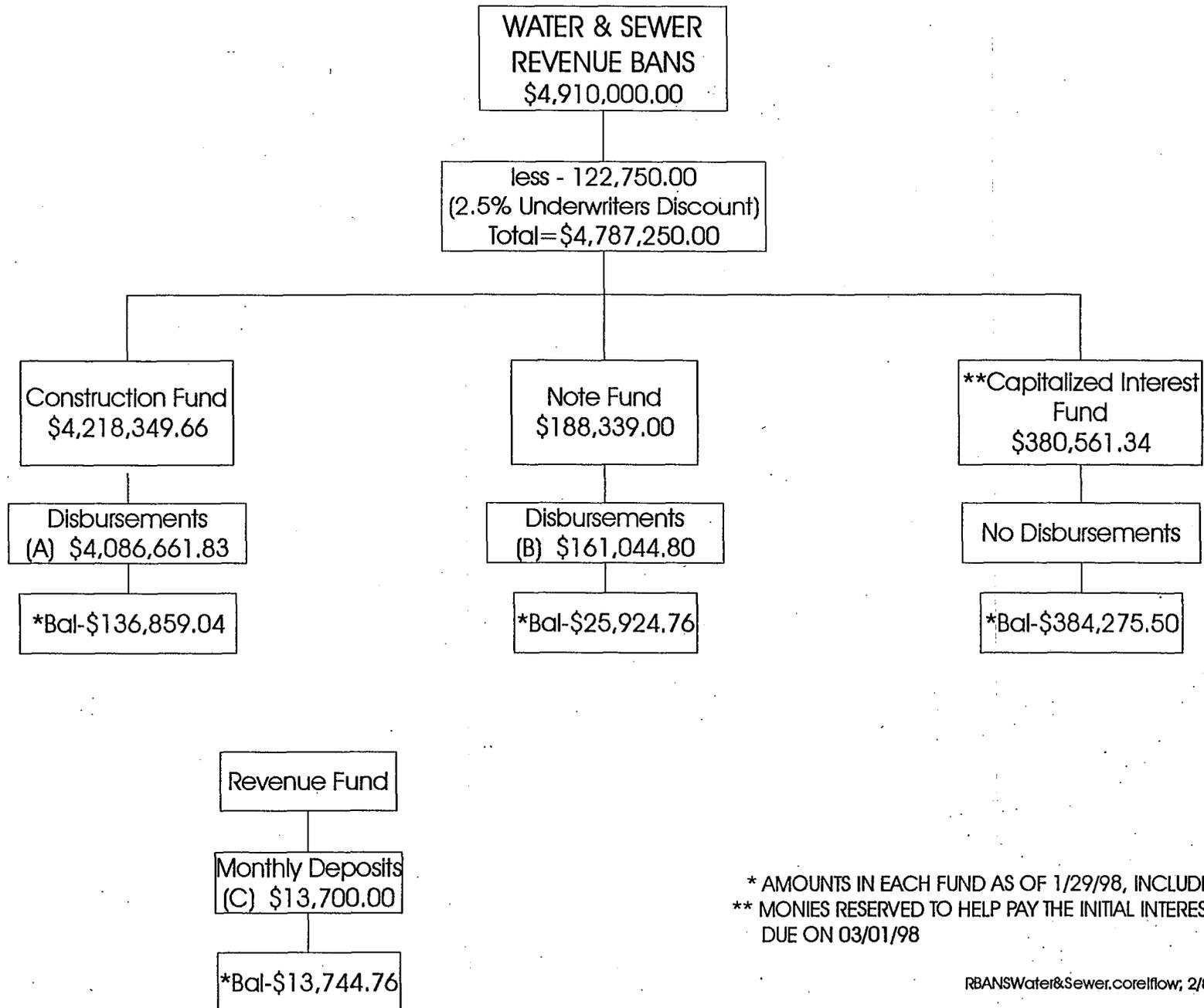
1. Authorize the immediate update and completion of the Engineer's Report, which will be used to secure the funding for the 1998 issue of Revenue Bond Anticipation Notes (RBAN). This report will include an updated description of all utility systems, capital requirements for 1998, and the accompanying financial proforma of these utilities. The following systems will be included in the report:

- a. Electrical
- b. Natural Gas
- c. Communication
- d. Water
- e. Wastewater

Immediate funding will be secured from the Greater Cedar Pass L.C. and Eagle Mountain Properties, L.C. as long as reimbursement will occur when the RBAN resources are secure.

2. Issue authorizations to investigate, recommend, and construct a DGF. This facility will be sized according to the need, and consist of skid mounted engine/generator sets which will be installed in the vicinity of the wastewater treatment facility and be fueled with natural gas. Immediate funding sources have been investigated, and the Greater Cedar Pass, L.C. and Eagle Mountain Properties, L.C. will share the costs on a reimbursement basis until RBAN resources are secure.
3. Issue authorization to begin the engineering study on the long terms project of either a 345kV tap and substation, or the 138kV tap with accompanying transmission line and substation. This study will involve negotiation with UP&L, and cost estimates and cost comparisons associated with either option. The cost of this endeavor is estimated to be up to \$100,000 in 1998, which could include survey, ROW, and easement costs. The immediate costs of this project will again be shared between the Greater Cedar Pass, L.C. and Eagle Mountain Properties, L.C. to the extent of \$50,000 each and on a reimbursement basis.
4. Issue the authorization to proceed with the site work that will accommodate the new LNG tank. This cost was estimated to be \$8,000 to \$10,000 that was funded in the 1997 RBAN.
5. Issue the authorization to finalize the Kern River Gas contract and begin the construction of the natural gas tap and line extension to the tap from the LNG site to the tap point approximately two miles east of the wastewater treatment facility. No easement or ROW costs are anticipated for the construction of this facility. Immediate funding can be provided by the Greater Cedar Pass, L.C. and Eagle Mountain Properties until RBAN resources are secure.
6. Issue the authorization for the construction of a duct bank system from the firestation/communication center to points north, south, east, and west to prevent damaging existing communication cables as new cables are installed to provide new communication service. This project will be initially funded by Eagle Mountain Properties, L.C. until RBAN funds are secure.

STRUCTURE OF THE REVENUE UTILITY BOND ANTICIPATION NOTES (BANS)



* AMOUNTS IN EACH FUND AS OF 1/29/98, INCLUDES INTEREST
 ** MONIES RESERVED TO HELP PAY THE INITIAL INTEREST PAYMENT
 DUE ON 03/01/98

**WATER & SEWER REVENUE BANS
CONSTRUCTION FUND**

Construction Fund: Cash Disbursements to Contractors, Engineers, etc. to pay for the Water & Sewer Infrastructure costs.

TABLE (A)

DATE	AMOUNT PAID	PAID TO	REASON PAID
10/22/97	\$ 3,104,390.58	Eagle Mountain Properties	Project Costs
10/22/97	343,802.00	MCM Engineering, Inc.	Project Costs
11/20/97	3,800.00	Founders Title Company	Allocation of Title Insurance Costs
11/20/97	114,949.81	Town of Eagle Mountain	Start-up and Administrative Costs
11/26/97	20,000.00	Tasco Engineering, Inc.	Feasibility Study & Engineering & Bonding Reports
11/26/97	347,976.98	W.W. Clyde	Balances due on construction contract for water system
11/26/97	14,169.62	Desert Crest Development, Inc.	Costs of Wastewater Treatment Operations Building
12/09/97	79,500.00	Tasco Engineering, Inc	Construction of Electrical System for Wastewater Treatment Plant
12/17/97	15,534.85	Thompson-Hysell, Inc.	Payment for Independent Engineer Services
01/07/98	42,537.99	Santec Corporation	Partial Payment for Wastewater Treatment
01/29/98	\$ 4,086,661.83	TOTAL DISBURSEMENTS (Does not include Cash Management Fee to U.S. Bank)	

**WATER & SEWER REVENUE BANS
NOTE FUND**

Note Fund: Cash Disbursements to Counsel, etc. to pay for Issuance of the Water & Sewer RBANS. Any excess money in this fund will be held and go towards the first interest payment, due 03/01/98.

TABLE (B)

DATE	AMOUNT PAID	PAID TO	REASON PAID
10/22/97	\$ 39,425.00	Ballard Spahr Andrews & Ingersoll	Note Counsel Fee
10/22/97	36,129.50	Lewis Young Robertson & Burningham	Financial Advisor Fee
10/22/97	9,853.50	Skeen & Robinson, LLC	Issuers Counsel Fee
10/22/97	32,845.00	Preston Gates & Ellis, LLP	Underwriters Counsel Fee
10/22/97	42,791.80	Parson, Davies, Kinghorn & Peters, PC	Special Counsel Fee
01/29/97	\$ 161,044.80	TOTAL DISBURSEMENTS (Does not include Cash Management Fee to U.S. Bank)	

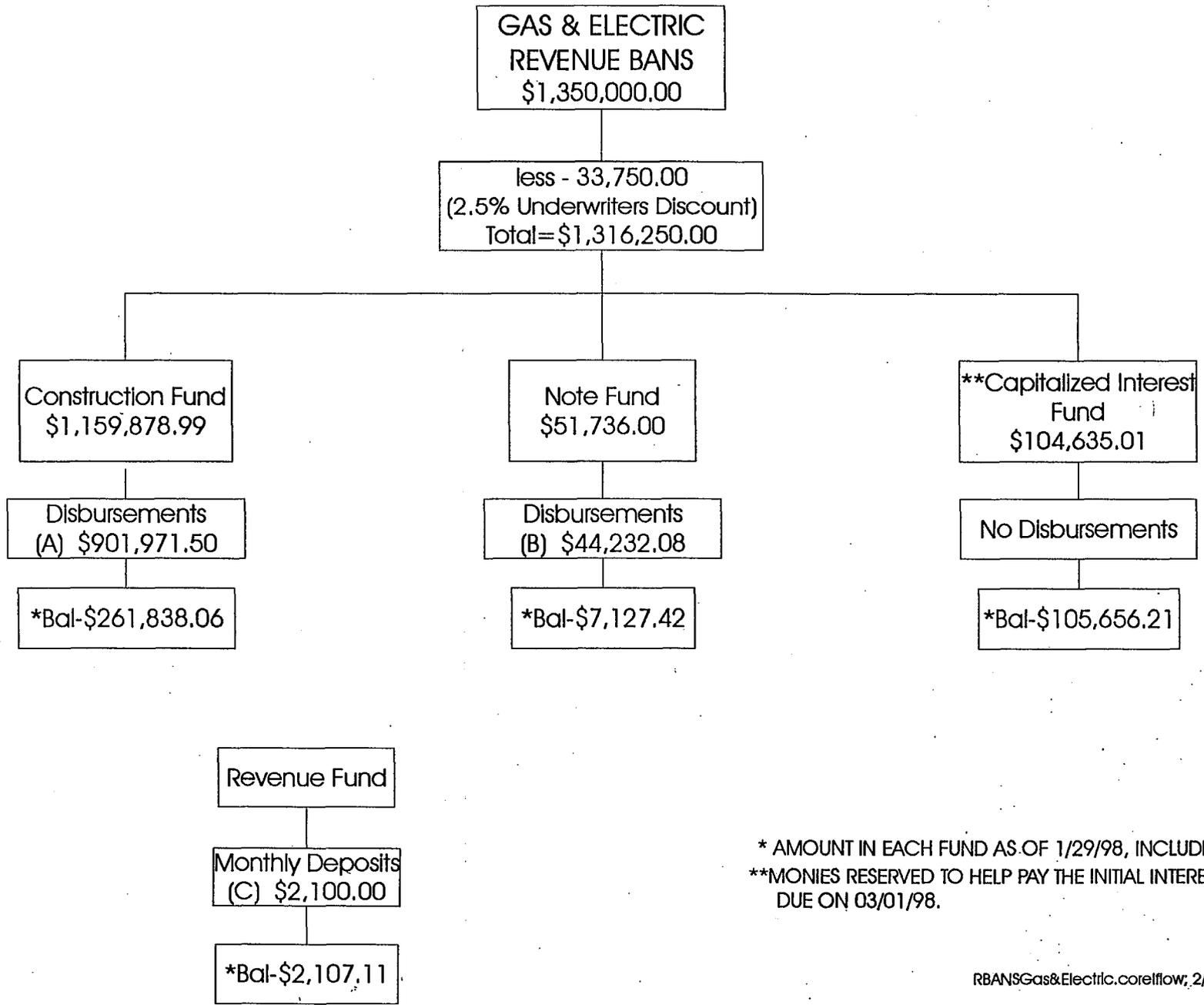
**WATER & SEWER REVENUE BANS
REVENUE FUND**

Revenue Fund: Monthly Check sent to U.S. Bank for Water & Sewer Hook-up Fees; (these Fees are paid to the Town by Home Owner/Builder on Class I Permits, and/or Developer on Class II Permits, issued each month). The money in this fund will go towards the following: (1) Operation & Maintenance Costs, and/or (2) Towards Interest payment, due 03/01/98.

TABLE (C)

DATE	CASH RECEIPT	REASON PAID
12/01/97	\$ <10,700.00>	Water & Sewer Hook-up Fees paid in October, 1997 to November, 1997
01/26/98	<3,000.00>	Water & Sewer Hook-up Fees paid from December, 1997 to January 08, 1998
01/29/98	<\$ 13,700.00>	TOTAL DEPOSITS (Does not include interest earned)

STRUCTURE OF THE REVENUE UTILITY BOND ANTICIPATION NOTES (BANS)



* AMOUNT IN EACH FUND AS OF 1/29/98, INCLUDES INTEREST
 **MONIES RESERVED TO HELP PAY THE INITIAL INTEREST PAYMENT
 DUE ON 03/01/98.

**GAS & ELECTRIC REVENUE BANS
CONSTRUCTION FUND**

Construction Fund: Cash Disbursements to Contractors, Engineers, etc. to pay for the Gas & Electric Infrastructure costs.

TABLE (A)

DATE	AMOUNT PAID	PAID TO	REASON PAID
10/22/97	\$ 716,547.03	Eagle Mountain Properties	Project Costs
11/20/97	3,800.00	Founders Title Company	Allocation of Title Insurance Costs
11/20/97	31,605.38	Town of Eagle Mountain	Start-up and Administrative Costs
11/26/97	10,000.00	Tasco Engineering, Inc.	Feasibility Study & Engineering & Bonding Reports
12/05/97	<10,000.00>	Credit-Tasco Eng., Inc. Disbursement (Re-deposit of Ck#1017414,11/26/98)	
12/17/97	98,500.00	LNG Energy, Inc.	Initial payment for Natural Gas Tank
12/17/97	4,278.95	Thompson-Hysell, Inc.	Payment for Independent Engineer Services
12/22/97	47,240.14	Tasco Engineering, Inc	Balance on Underground Electrical System
01/29/98	\$ 901,971.50	TOTAL DISBURSEMENTS (Does not include Cash Management Fee to U.S. Bank)	

**GAS & ELECTRIC REVENUE BANS
NOTE FUND**

Note Fund: Cash Disbursements to Counsel, etc. to pay for issuance of the Gas & Electric RBANS. Any excess money in this fund will be held and go towards the first interest payment, due 03/01/98.

TABLE (B)

DATE	AMOUNT PAID	PAID TO	REASON PAID
10/22/97	\$ 10,836.00	Ballard Spahr Andrews & Ingersoll	Note Counsel Fee
10/22/97	9,933.00	Lewis Young Robertson & Burningham	Financial Advisor Fee
10/22/97	2,709.00	Skeen & Robinson, LLC	Issuers Counsel Fee
10/22/97	9,030.00	Preston Gates & Ellis, LLP	Underwriters Counsel Fee
10/22/97	11,724.08	Parson, Davies, Kinghorn & Peters, PC	Special Counsel Fee
01/29/97	\$ 44,232.08	TOTAL DISBURSEMENTS (Does not include Cash Management Fee to U.S. Bank)	

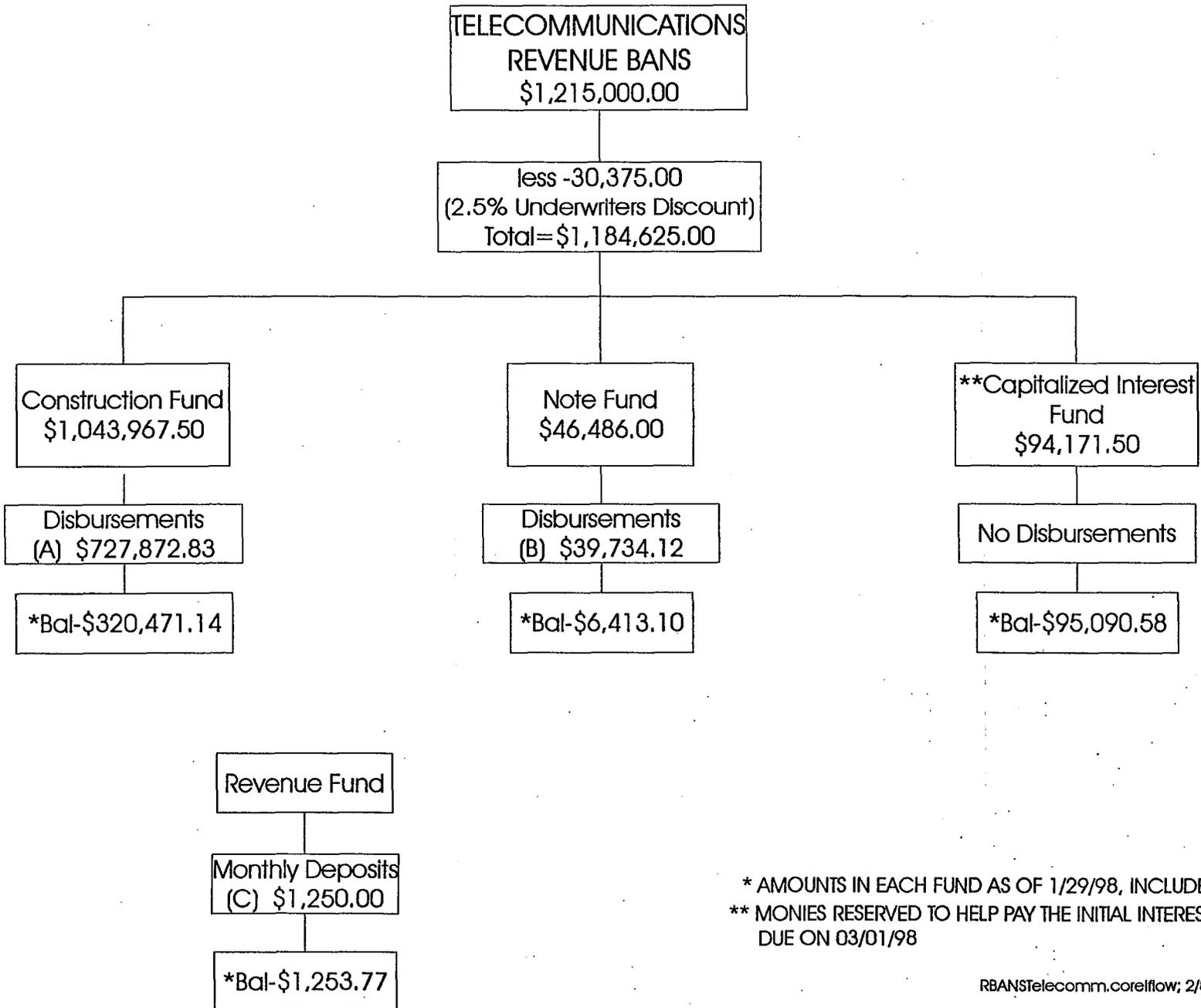
**GAS & ELECTRIC REVENUE BANS
REVENUE FUND**

Revenue Fund: Monthly Check sent to U.S. Bank for Gas & Electric Hook-up Fees; (these Fees are paid to the Town by Home Owner/Builder on Class I Permits, and/or Developer on Class II Permits, issued each month). The money in this fund will go towards the following: (1) Operation & Maintenance Costs, and/or (2) Towards Interest payment, due 03/01/98.

TABLE (C)

DATE	CASH RECEIPT	REASON PAID
12/01/97	<\$ 1,700.00>	Gas & Electric Hook-up Fees paid from October, 1997 to November, 1997
01/26/98	<400.00>	Gas & Electric Hook-up Fees paid from December, 1997 to January 08, 1998
01/29/98	<\$ 2,100.00>	TOTAL DEPOSITS (Does not include interest earned)

STRUCTURE OF THE REVENUE UTILITY BOND ANTICIPATION NOTES (BANS)



* AMOUNTS IN EACH FUND AS OF 1/29/98, INCLUDES INTEREST
 ** MONIES RESERVED TO HELP PAY THE INITIAL INTEREST PAYMENT
 DUE ON 03/01/98

**TELECOMMUNICATIONS REVENUE BANS
CONSTRUCTION FUND**

Construction Fund: Cash Disbursements to Contractors, Engineers, etc. to pay for the Telecommunications Infrastructure costs.

TABLE (A)

DATE	AMOUNT PAID	PAID TO	REASON PAID
10/22/97	\$ 477,769.38	Eagle Mountain Properties	Project Costs
10/22/97	83,627.42	Tasco Engineering, Inc.	Project Costs
11/20/97	1,692.00	Founders Title Company	Allocation of Title Insurance Costs
11/20/97	28,444.81	Town of Eagle Mountain	Start-up and Administrative Costs
11/26/97	7,422.50	Tasco Engineering, Inc.	Feasibility Study & Engineering & Bonding Reports
12/09/97	34,066.70	Tasco Engineering, Inc.	Engineering Services
12/09/97	3,794.64	Tasco Engineering, Inc	Communications from Sweetwater Rd. To Pony Express Trail
12/17/97	40,000.00	Desert Crest Development, Inc.	Partial Payment for Fire Station
12/17/97	3,852.95	Thompson-Hysell, Inc.	Payment for Independent Engineer Services
01/27/98	47,202.43	Desert Crest Development, Inc.	Project Costs of Fire Station
01/29/98	\$ 727,872.83	TOTAL DISBURSEMENTS (Does not include Cash Management Fee to U.S. Bank)	

**TELECOMMUNICATIONS REVENUE BANS
NOTE FUND**

Note Fund: Cash Disbursements to Counsel, etc. to pay for Issuance of the Telecommunications RBANS. Any excess money in this fund will be held and go towards the first interest payment, due 03/01/98.

TABLE (B)

DATE	AMOUNT PAID	PAID TO	REASON PAID
10/22/97	\$ 9,750.00	Ballard Spahr Andrews & Ingersoll	Note Counsel Fee
10/22/97	8,937.50	Lewis Young Robertson & Burningham	Financial Advisor Fee
10/22/97	2,437.50	Skeen & Robinson, LLC	Issuers Counsel Fee
10/22/97	8,125.00	Preston Gates & Ellis, LLP	Underwriters Counsel Fee
10/22/97	10,484.12	Parson, Davies, Kinghorn & Peters, PC	Special Counsel Fee
01/29/97	\$ 39,734.12	TOTAL DISBURSEMENTS (Does not include Cash Management Fee to U.S. Bank)	

**TELECOMMUNICATIONS REVENUE BANS
REVENUE FUND**

Revenue Fund: Monthly Check sent to U.S. Bank for Telecommunication Hook-up Fees; (these Fees are paid to the Town by Home Owner/Builder on Class I Permits and/or Developer on Class II Permits, issued each month). The money in this fund will go towards the following: (1) Operation & Maintenance Costs, and/or (2) Towards interest payment, due 03/01/98.

TABLE (C)

DATE	CASH RECEIPT	REASON PAID
12/01/97	\$ <900.00>	Telecommunication Hook-up Fees paid in October, 1997 to November, 1997
01/26/98	<350.00>	Telecommunication Hook-up Fees paid from December, 1997 to January 08, 1998
01/29/98	<\$ 1,250.00>	TOTAL DEPOSITS (Does not include interest earned)

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH,
1680 East Heritage Drive, Eagle Mountain, Utah**

DATE: FEBRUARY 24, 1998

A. OPENING:

The meeting was called to order at 7:05 p.m. by Mayor Debbie Hooge. The pledge of allegiance was led by Dan Valentine. The following Council members were present and constituted a quorum:

Mayor: Debbie Hooge
Council: Rob Bateman, Diane Bradshaw, Dan Valentine and Cyril Watt

Town Staff:

Town Attorney: Jerry Kinghorn
Town Planner: Dave Conine
Deputy Clerk: Sue Fraley, recording

Also Present: Nick Berg, Tom Holstrom and Jared Oldroyd - Thompson-Hysell; Don Olsen and Korey Walker - Epic Engineering; Gary Tassainer - Tasco Engineering; Joel Hall, Nathan Schellenberg and Boyd Wilson - Versar, Janet Valentine

2. Approval of Agenda:

MOTION: *Rob Bateman moved to approve the agenda. Cyril Watt seconded. The motion passed unanimously.*

B. GENERAL DISCUSSION:

Janet Valentine requested the Council and all Town employees receive a Franklin Day Planner. Put on next agenda for discussion.

Mayor Hooge suggested we discuss affordable housing and whether we are going to incorporate mobil home parks and manufactured housing and develop a policy. Manufactured Housing will be put on the Agenda for the March 4th joint meeting.

C. DEPARTMENT REPORTS

- 1. Public Safety/Rob Bateman:** Rob Bateman submitted his original telephone bills and calculation sheets for reimbursement.

Council Bateman continued, regarding the petition to remove Eagle Mountain from the County special services. There will be 4 petitions, one for each service area. Petition needs only 25% of registered voters to put it on the ballot for the next general election.

Rob Bateman distributed copies of Eric Taylor's report on getting organizations to donate equipment - vehicle radio systems, paging systems, etc. Sheriff's Dept. has come up with a federal community policing grant that will allow them to put a Sheriff in Eagle Mountain 40 hrs. per week, will be in place soon. Budget will be about \$1,000 per month for first year, each deputy brings in about \$2,100 yr. in tickets. Not having our own court will be an issue. Should have a proposal in terms of a contract back from the county in a couple of weeks.

Additional discussion revolved around concerning residents having expressed discomfort about amount of shooting going on within the town limits. Rob Bateman prepared a draft ordinance modeled upon Provo's Firearms ordinance. Provo's ordinance reads no shooting "within 600 ft.". Jerry Kinghorn suggested it be a Class B across the board, making it unlawful to discharge a firearm within the city limits. Rob Bateman agreed and asked it be added to the next agenda.

Rob Bateman informed the group that they are working on the Development Code but not ready to make recommendation yet. He stated that the Planning Commission wanted to discuss further the formula for the density bonuses. A copy of the Code was put into each member's box and Mr. Bateman suggested the Council might want to review it before the next meeting. Rob Bateman recently met with the Airport Advisory Board to discuss the issues regarding airport development, they had some suggestions. In Planning Commission meeting it was recommended they include the AAB as one of the bodies that would review Class II permits submissions. He will try to get a representative from the FAA to attend the next Council meeting.

2. **Parks and Recreation/Diane Bradshaw:** Larry Steinbach of Lythgoe & Steinbach has requested an extension to the Parks Master Plan. They are waiting for finalization of the Development Code. Diane Bradshaw recommended they receive what time they need. She will fax a draft of the Development Code to Mr. Steinbach and find out exactly how long an extension is needed. The problem with extending this is due to the Impact Fee Feasibility Study.
3. **Public Works/Utility Board/Dan Valentine:** Dan Valentine informed the Council that the chlorination system is installed, up and running.

Mr. Valentine stated that the Utility Board feels they should have something in the Board's By-laws to allow for an emergency situation, to allow them to act more quickly on it. Scott Kirkland of Cedar Pass Ranch voluntarily paid for the chlorination system that was needed to take care of an emergency situation. The Board agreed that Scott would be reimbursed. Jerry Kinghorn will draft an emergency clause in the Purchasing Ordinance and will get back to Dan Valentine.

The pump building has been re-keyed. Keys # 1, 2 and 3 was in Water Pro's possession. Number 4 is in the Town's possession, Dan Valentine has number 5 and Grant Smith has number 6. Keys are stamped "Do Not Duplicate". Adequate warning signs are posted warning of chlorine deadly gas inside. Water Pro and Grant Smith are the only two who should enter the pump building on a regular basis. The Town should not let the key out of its possession.

Dan Valentine suggested the Council adopt a Resolution to authorize members of the Utility Board to receive \$50.00 per meeting. Jerry Kinghorn will draft a Resolution for the next meeting.

Mr. Valentine met with Grant Smith on the Water Well Power Metering question. Tasco recommended two solutions – most expensive was automated system (\$10,000) where nobody could cheat, each paid fair share. The \$2500 system was accurate but required an honor system with a switch. Mr. Smith suggested a third solution – if the Town is willing to accept a 10 – 15% potential error, only during the times when both are drawing water at the same time. If we can tolerate that, he can do it for nothing. Dan Valentine will meet with Mike Bevin and if he agrees he will go before the Utility Board and come back with a recommendation.

Council Valentine needs the names of persons to sit on the Utility Board, particularly Electrical. Need someone with understanding of inner workings and politics, as much as technical.

Mr. Valentine stated Pacific Corp has cut down from 300 to 200 homes and that means we must speed up bringing the gas tap on line and how quickly we get the generators in. This must take priority. Time frame needs to be moved forward.

Eagle Mountain Boulevard was built with only 3" of asphalt and the road may deteriorate fairly soon. Dan Valentine recommends creating a heavy load truck route. The weight limit is posted as 8 tons. Jerry

Kinghorn advised that the Council would need a specific recommendation from an engineer on the weight limit before it can be enforced. A discussion ensued regarding putting up signs to route trucks and Dan Valentine would speak with the Utah County Sheriff for their assistance in enforcing use of the truck route.

MCM Engineering did master plan data as the town engineers. Jerry Kinghorn will attend a Utilities Meeting on Tuesday, March 3 at 7 p.m. to ascertain whether the Town should buy this material or what use they might make of it, if any.

4. **Planning Commission/Cyril Watt:** Cyril Watt deferred to Rob Bateman as he was unable to attend the last meeting. Mr. Bateman reported to the Council that the Planning Commission had a hearing to discuss Cedar Pass South and density bonus formula, referring some recommendations on to the Council.
5. **Administration:** Mayor Hooge asked the Council to limit the number of calls to Jerry Kinghorn as he is billed by the hour.

D. PRESENTATIONS FOR TOWN ENGINEER:

1. Thompson-Hysell - Tom Holmstrom, P.E., Principal-in-Charge and Jared Oldroyd, P.E. , Project Manager
2. Epic Engineering - Don Olsen, P.E. and Korey Walker, P.E.
3. Versar Engineering – Mike Etchebrea, Joel Hall, P.E., Nathan Schellenberg and Boyd Wilson

Presentations were given and questions were posed by the Council.

E. PUBLIC COMMENT:

Nick Berg informed the Council that there are no functioning gas street lights available that will suffice. Nick has found some alternatives and will speak with Gary Tassainer about it.

Nick also mentioned that Mr. Walden will pay for the direction signs for the large truck route to avoid Eagle Mountain Boulevard. He would like the Council to consider having Eagle Mountain Properties on the Agenda for 10 – 15 minutes once a month to keep the Council up to date. This was agreed to by the Council and E.M. Properties will be put on the Agenda when the sub-divisions are on the Agenda. Staff Reports will be once a month only.

Reid Dickson of Wilding Engineering spoke on its questions about roles and responsibility and wished to clarify that it does not have any conflicts of interests in its desire to act as Town Engineer.

F. CONSENT HEARING

1. **Action Waste Collection and Recycling:** Brad Mertz of BFI spoke to the Council on recycling. Brad brought some cans to show the group. Discussion ensued. Dan and Rob agreed that this is something we should pursue and Brad will send a proposal including costs at different levels.
2. **Action TASCOS Construction Proposal:** Gary Tassainer addressed the Council regarding the February 24 letter of explanation in terms of what Tasco has done for Eagle Mountain. Gary wished to clarify that Tasco Engineering is under contract with Eagle Mountain to provide services that include design, construction review, inspection and approval for those systems to be integrated into the Town network. Gary suggested, in order to avoid a possible conflict of interest, as part of the fee charged, Tasco will do the construction work and pay for the inspection services. The Town could select the City Engineer to do the

inspection work or contract with anyone else the Town chooses. Gary has contacted superintendents of Lehi and Payson and they would be willing to do the inspections. Discussion ensued and it was decided that there was no conflict of interest.

3. Appreciation Gift Certificate to Rob Bateman: Not addressed at this meeting.

G. CLOSED SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL:

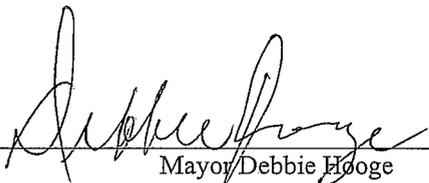
MOTION *Rob Bateman moved to adjourn for the purpose of conducting a Closed Session at 10:45 P.M. Cyril Watt seconded. The motion passed unanimously.*

Present at Closed Session: Mayor Debbie Hooge, Rob Bateman, Diane Bradshaw, Jerry Kinghorn, Dan Valentine, Janet Valentine, Cyril Watt

MOTION *Diane Bradshaw moved to adjourn from closed session and re-open the meeting to the public. Rob Bateman seconded. The closed session meeting was adjourned at 11:25 p.m.*

H. ADJOURNMENT

MOTION *Rob Bateman moved to adjourn the Town Council meeting. The motion was seconded. The meeting was closed at 11:35 p.m.*

Approval:  Date: June 23, 1998
Mayor Debbie Hooge

The foregoing minutes were at the Eagle Mountain Town Office, ^{1680 E. Heritage Dr, Eagle Mountain} 130 W. Main, Lehi, Utah, the bulletin boards at Cedar Meadows Subdivision and the Cedar Pass Ranch Trailer at approximately _____ AM/PM on _____ by _____ Deputy Town Clerk.

Minutes of 2/24/98 were approved on 6/23/98.

**JOINT PLANNING COMMISSION/TOWN COUNCIL WORK MEETING
TOWN OF EAGLE MOUNTAIN, UT
Eagle Mountain Town Office
130 W. Main, Ste. H
Lehi, UT 84043
March 4, 1998**

Roll Call:

Scott Kirkland called the meeting to order at 7:00 p.m.

Planning Commission: Scott Kirkland, Commission Chairman
Maureen Anderton
Carl Allred
Mark Zitting
Diane Jacob

Town Council: Mayor Debbie Hooge
Diane Bradshaw
Cyril Watt
Rob Bateman (excused)

Town Staff:

Town Recorder: Janet Valentine
Deputy Clerk: Sue Fraley
Town Planner: Dave Conine

Also present: Nick Berg, Eagle Mountain Properties, Bob Lynds, The Ranches L.C.;
Tom Holstrom

1. Approval of Agenda:

MOTION

Diane Jacob moved to approve the agenda with the exception of Item 4 which is to be tabled at this time. Mayor Debbie Hooge seconded. Ayes: 8, Nays: 0. Motion passed.

2. Discussion of Development Code:

Scott Kirkland, Planning Commission Chairman, stated that there were several items that the Planning Commission wanted a little more research and review on concerning the Development Code; specifically, regarding the CR Zone and the TCR Zone, which is Country Residential and Town Core Residential, on the bonus award criteria.

Scott gave a brief explanation of these two items.

Dave Conine, Town Planner, talked about the discussion they had on February 23rd. He said that the discussion was that to get the maximum bonus, you had to do everything to the full extent that was described in this meeting. He said there may be certain conditions that do not apply to every development site. He felt like there were enough things that could be incentives and were important enough that on the meeting of February 27th they increased the maximum bonus possible and added a few conditions. He said they eliminated the bonus for complying with the architectural standards. He gave an explanation of Chapter 14 page 3. He said you can get 30% on the Open Space; 10% on the

maximum base density; 20% by arranging lots; 10% by providing variation of lot sizes within those portions of the project in the CR or TCR Zones.

There was a discussion on architectural guidelines.

Bob Lynds, The Ranches L.C., commented about having a common architectural theme within each development.

There was a discussion about which version was correct.

Mayor Hooge talked about the expense of maintaining open space and parks. She talked briefly about American Fork and Lehi.

Nick Berg, Eagle Mountain Properties, disagreed with what they were discussing as far as open space.

Carl Allred said to make this live for now and re-evaluate later.

Scott Kirkland said he didn't think what the town wanted would be density-open-density-open.

There was some discussion about the concern many of them had about putting too many homes on a small amount of acres.

There was some discussion about clustering.

Scott Kirkland felt like the biggest worry is the acreage that is smaller than 40 acres.

Dave Conine talked about school sites. He said in the Alpine School District they need 50 to 55 acres for a high school. An elementary school is around 15 acres. A middle school needs 35-40 acres. He said that contiguous open space provides for that. He said open space requires water. If you have good soil balance then it provides good landscaping.

Dave Conine said it is the quality of the development and the quality of the open space next to it that counts.

Scott Kirkland advised that there be no minimum open space – just give a bonus.

There was a discussion about sending notices in the mail.

500 feet	VC (Village Core) Zone
1000 feet	TCR (Town Core Residential) Zone
2500 feet	CR (Country Residential) Zone
2500 feet	Master Development Plan

Nick Berg had a question about Item F – garage doors – side entry. He would like to see the Planning Commission give guidelines for garage doors based on design criteria.

There was a discussion about the footage for the setback of garages and also subdivisions with alleys and having the garage entry from the alley.

It was stated that garages would be set back 75 feet unless the Planning Commission approves other design criteria.

MOTON

Carl Allred moved that the Planning Commission recommend approval to the Town Council of the suggested changes discussed this evening as recorded by the Town Clerk regarding maximum bonus densities in each zone as well as a variety of smaller changes as

proposed by Nick Berg and discussed by the Planning Commission and that the matracies created by Dave Conine will be provided and included into that code for approval. Diane Jacob seconded. Ayes: 8, Nays: 0. Motion passed.

3. Discussion of Manufactures Homes:

Page 2, 15-16-6, A.3, 6 units per acre with a minimum requirement of one car enclosed garage added.

Page 3, #5, spacing should be 20 feet between homes instead of 15 feet.

Page 17, prohibit metal siding on the manufactured homes.

Mayor Hooge wanted these few changes taken to Jerry Kinghorn, Town Attorney, and have them incorporated into the Development Code under its own chapter.

Dave Conine said he would incorporate this into a draft and give to Jerry.

Mayor Hooge advised Dave to make sure that the street designs for any area of manufactured homes comply with the street and road guidelines already set up for the town.

MOTION

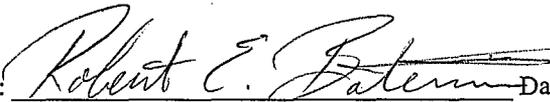
Scott Kirkland moved to incorporate the above changes into the Development Code as drafted by Dave Conine and given to Jerry Kinghorn to finalize. Mark Zitting seconded. Ayes: 8, Nays: 0. Motion passed.

MOTION

Carl Allred moved to adjourn. Mark Zitting seconded.

Meeting adjourned at 10:20 p.m.

Approval:



Mayor Robert E. Bateman

Date:

12/15/98

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH,
130 W. Main, Suite H, Lehi, UT**

DATE: MARCH 10, 1998

A. OPENING:

1. Roll Call

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

Mayor: Debbie Hooge
Council: Rob Bateman, Diane Bradshaw, Dan Valentine and Cyril Watt

Town Staff:

Town Planner: Dave Conine
Deputy Clerk: Sue Fraley, recording
Town Attorney: Jerry Kinghorn

Also Present: Nick Berg, Eagle Mountain Properties; Scott Kirkland, Planning Commission Cedar Pass Ranch; Bob Lynds, The Ranches; Rob Mortimer, Fehr & Peers Associates; Mark Nuszur, Nuszer Kopatz, Jared Oldroyd, Thompson-Hysell Engineers (see attached list for additional attendees)

2. Pledge of Allegiance: Dan Valentine led the Pledge Of Allegiance.

3. Approval of Agenda:

MOTION: *Rob Bateman moved to approve the agenda. Diane Bradshaw seconded. The motion passed unanimously.*

4. Approval of 2/10/98 Minutes:

On page 5, under CONSENT HEARING, Item A, 4th paragraph, change first sentence to "Mayor Hooge mentioned she had been told U.S. West has offered a \$400 rebate..."

MOTION *Rob Bateman moved to approve the minutes of February 10, 1998, as amended. Cyril Watt seconded. The motion passed unanimously.*

5. General Discussion

Dan Valentine distributed Utility Board notes for the council's information.

6. Presentation to Wayne Bradshaw and Rob Bateman

Wayne Bradshaw was unable to attend. Mayor Hooge made the presentation to Wayne's wife, Diane Bradshaw, for Wayne who has served for a year and 3+ months as Town Treasurer and is now resigning. The Mayor expressed her appreciation for his excellent service. There is no replacement for Town Treasurer as yet.

The Mayor presented Council Member Rob Bateman with a gift certificate for his work on the Development Code and expressed the Council's appreciation for his excellent contribution.

7. Public Comment

Mayor Hooge explained the criteria for participating under this agenda item. There were no comments.

Mayor Hooge recused. Diane Bradshaw served as Mayor ProTem.

8. Public Hearing

A. Master Development Plan for Cedar Pass South (The Ranches at Eagle Mountain)

Bob Lynds and Mark Nuszur, representing The Ranches at Eagle Mountain, distributed booklets and gave a brief presentation. Mr. Nuszur explained the process of land ownership and how they arrived at their final development plan. Ownership is now approximately 2,113 acres. Mark Nuszur discussed the slopes over 25%, open space preservation for parks, schools, golf course, roads and land use designations at *The Ranches*. He explained features of the development's country/town concept, citing Scotsdale, AZ; Laguna, CA; Sun Valley, ID and similar examples. The density will be 2.9 units per acre. The intent is to build a pony express memorial in Pony Express Park. The neighborhoods will be entry-level-to-luxury homes. The areas adjacent to Cedar Pass Ranch are 2-acre lots and closer to Lehi Fairfield Road they will be 2-acre to 1-acre lots. The development then moves into 3 or 4 dwelling units per acre. At the village core there will be opportunities for Town Halls, etc. The road is designed to be a 66' right-of-way with a 70' open space setback on either side. Rob Bateman commented that this presentation illustrates many of the concepts the Council has been talking about implementing into the Development Code, specifically much of the hilltop area is dedicated to open space, as opposed to being built on. Mayor Hooge opened the meeting up to comment from the public.

Question and Answer (see attached list for addresses):

Steve Cattani - Mr. Cattani asked what were the building height restrictions. Rob Bateman's response was "3 stories".

Bill Chipman - Mr. Chipman inquired as to the number of houses planned to be built, where, in how long a time. Bob Lynds responded they are zoned for 6,134 houses, probably looking at 1,400 in the next 5 years. The road is the first phase of development; Pony Express Park will be built at the same time. Bob Lynds estimated 200 - 225 homes will be built by the end of 1999 and they are looking at 13 - 15 years to buildout.

Candy Bateman - Mrs. Bateman asked why the developers seem to be in such a hurry to put that many homes in and why developers believe that many homes are needed here. Mr. Lynds responded there is a lack of affordable housing in Utah. Many of the areas will not be as affordable but they feel they have a good mix from affordable to luxury homes.

Patrick Montgomery - Mr. Montgomery questioned the building of homes on farming land, he feels that too much crop land is being lost to home development. Mr. Lynds responded that much of the land being developed is not being farmed at present and Scott Kirkland, Cedar Pass Ranches, L.C. added that it was actually 95% unfarmed land.

John Jacob - Mr. Jacob commented on the idea of a Master Plan where the developers plan and organize and put in a large amount of money to make the city operate properly after it becomes larger as opposed to going in and redoing, for example, Redwood Rd, when it would cost 10 times more. Mr. Jacob expressed that in the next 15 years this gives the developer the ability to put in money now when it's less expensive and it saves the city from having headaches when they do expand. He feels it is market driven, if no one wants to live here we'll have a good road and will be part of Timpanogos sewer system and the city will have a lot of water because they are buying a lot now. Those things will benefit the city but the developers could go broke. If buyers don't come, we still have a good infrastructure from planning ahead.

Nick Berg - Mr. Berg commented with regard to the Glen Mar Airstrip located south of this development, the Airport Advisory Committee has no recommendation prepared as yet. It has written to the Federal Aviation Administration (FAA) asking for their opinion. Mr. Berg read the March 10, 1998 response from Glen Mar Airport which stated that residential development within the immediate area of an airport is discouraged. Mr. Berg commented that we will probably have to consider closing one of the airports or allocate a free-zone around that area.

Mr. Berg commented that he does not feel comfortable with the intersection on State Highway 73. He hired a transportation specialist at his own expense because he believes there is a problem with this corridor. He feels the traffic study didn't consider traffic impact from the Town center, the commercial area and the airport. He is concerned about the volume of traffic and would like to see an analysis done. Mr. Berg read a letter from the Fehr & Peers Associates, Inc., Transportation Consultants, Murray, Utah (see attached letter.). Nick Berg introduced Mr. Rob Mortimer, the letter's author, for his comments.

Rob Mortimer - Mr. Mortimer stated there is time to address the issue of access and gave a brief outline of his views using the problems of U.S. 89 in Davis and Weber Counties as an example. He feels the Town needs to look into this issue and find a way to solve it.

David Liffereth - Mr. Liffereth questioned reasoning for moving the town center from its present location with all of its infrastructure and roads to the Golf Course and residential areas. He feels the maps have changed so that the road that formerly ran around the town center now revolves around Cedar Pass. Scott Kirkland responded that the town center has not been moved and we shouldn't assume that the town center would have one access road forever. Discussion ensued. Bob Lynds stated that the traffic will be assessed by the State and they will tell us what is required. It is his opinion that the determination should be left to the State.

Neal Evans - Mr. Evans stated he was not impressed after having driven through the town center. He feels the homes are too close together.

Patrick Montgomery - Mr. Montgomery noted that there was one downtown access road and asked if there was a plan for a truck by-pass or industrial road. Scott Kirkland responded that it has been agreed to chip/seal a road this summer and connect it to the existing pavement and they are asking that it be used for construction traffic.

Harry Bonnell - Mr. Bonnell does not wish to see a dense sub-division, would prefer no more development. He does not want State Highway 73 turned into a super-highway.

Kim Jensen - Ms. Jensen has friends who are looking for homes but don't like the homes here built so close together and feels that young people cannot afford to drive from Eagle Mountain to nearby towns

to work. She wants open space and feels the town should space the area around the golf course a minimum of 2-acre plots if they are adjacent to a 5-acre piece of property.

Steve Cattani - Mr. Cattani asked about the status and location of the horsetrails. Scott Kirkland explained the trails in more detail.

Diane Jacob: - Ms. Jacob remarked that she has seen the plan revised a number of times and feels it is a good plan and one of the nicest master plans she has seen. As a property owner, she and her husband have 300 acres and feels she should have the right to develop their property as they see fit. She also commented that the availability of the Glen Mar Airport would be taken away when homes go in. Bob Lynds responded there was no flight plan affecting this property at all and feels it is not an issue.

Mark Lindsay - One of Mr. Lindsay's concerns is the heavy traffic on Hwy. 73. He commutes through Lehi to Orem and in one year traffic has increased his commute time 30 - 40%. He requests the Town look at not only the access in and out of the development but also in coordinating with the State. He would like the Town to lobby with the State to provide enough access.

Scott Kirkland - Mr. Kirkland stated that the Town has recently had 23,000 residences approved at 3 per acre. He quoted the adage, "if you don't like what's happening you buy the land next door and preserve your rights". He stated they are doing all they can to preserve the open space, both agricultural as well as the key viewpoints in the town. Stating their philosophy - "we would like to create the finest master plan Utah has ever seen." They are attempting to be compatible and offer all services. Regarding highway access, Mr. Kirkland stated they are never opposed to suggestions and will continue to work with the Town.

Dan Valentine - Council Member Valentine likes the idea of having a buffer zone along Highway 73. He would also prefer to have more space but as we can't stop development, this is the best plan he has seen.

Cyril Watt - Council Member Watt stated that someone in the Highway Department told him that if Highway 73 was expanded to a 4-lane highway, it was a State requirement to put up berms. Nick Berg responded that when there is a certain amount of traffic, berms are required. He stated if you don't berm it or do something to mitigate it, the State will put concrete barriers in.

Rob Bateman - Council Member Bateman reiterated that if you want to control the land you buy it. He continued, we need to recognize that the people who are property owners have certain rights but that doesn't necessarily mean that they have the right to develop it at whatever density the market will bear. He stated that the developers have worked closely with the Town to find a balance for everyone.

Diane Bradshaw - Council Member Bradshaw asked for clarification of Special Improvement District (SID) funding. Scott Kirkland answered that their special improvement district would be within their boundaries only. Their land would be the only land pledged under that bond. The funding would be paid back by assessments or lot sales.

Ms. Bradshaw asked how long the Cedar Pass Ranch trailer would be in its present location. Scott explained that a design has just been approved for a new office building/information center. They plan to move in by November.

Diane said her biggest concern is the traffic through Cedar Pass Ranch and on State Hwy. 73. Scott said the engineers are working on the road now and they intend to bond for and commence building it as soon as possible.

Ira Hodges, Land Planner, offered his opinion that we have an exemplary area, a great project and a great process.

Candy Bateman said that Scott Kirkland has been very good to work with but she disagrees with the density. She also stated that she feels in first year they were "railroaded" and it was a bad deal. The first year of the Council was a "stacked deck" and the people in Cedar Valley came and talked and talked and no one would listen. John Jacob, former Council member, stated that they did care and did listen and the meetings were available but the people just did not come to discuss.

Jerry Kinghorn, Town Attorney, read a list of requirements that need to be completed regarding this project if the vote is in the affirmative:

1. Need confirmation and documentation on various property owners.
2. Need confirmation and documentation of the funding commitment to the project developers.
3. Need confirmation of water rights.
4. Need final approval by Public Works Board on the water supply that is proposed for the systems.
5. Need confirmation of the FAA requirements on Glen Mar airport – height restrictions on buildings.
6. Need to require in the development agreement that the developers comply with all the written commitments and representations they have made in various documents.
7. Need the Planning Commission requirements to be implemented.

B. Action on Item 1

MOTION

Rob Bateman moved to approve the Master Development Plan for The Ranches at Eagle Mountain, subject to the following terms and conditions:

1. *That we receive, to the satisfaction of the Town Attorney, documentation for the property. All property owners involved in this piece of land indicating their agreement with this proposed development and their willingness to proceed under the terms and conditions that have been represented by the developers of this property.*
2. *That sufficient documentation be provided in accordance with the new provisions of Chapter 13-H of the new Development Code demonstrating the financial ability of the developers to proceed with these infrastructure projects.*
3. *That sufficient documentation of water rights be presented to the Town Attorney with such rights demonstrating ability to provide sufficient water for the development according to the formula which has been established for water use in residential development.*
4. *That it be subject to review by the Public Works Board and documentation from the Public Works Board that the utilities proposed for this development are adequate and in line with the plans for utility infrastructure for the town.*
5. *That we get documentation from the FAA about firm requirements for use of the Glen Mar airport but that such requirements be limited to the minimum requirements established by the FAA, given the fact that this airport has very low usage and that we convey to the owners of the airport our intent to eventually see Glen Mar airport closed if it does not meet the conditions that were originally established by the County for approval of its conditional use.*
6. *That we get written commitment to the satisfaction of the Town Council for all of the representations that have been made as far as what development improvements will be made as part of this subdivision.*
7. *That it be subject to all of the Planning Commission requirements.*
8. *That the area where the road between the Fairfield Road and SR 73 intersects with SR 73 be reviewed by the Utah Department of Transportation (UDOT) and that sufficient land there be*

dedicated by the developers to provide for an adequate interchange with an eventual divided highway.

9. That we approve the density uses as herein demonstrated with the following exceptions:

R5 & 6 – reduced to 1 home per 3 acres

R5 & 1 – reduced to 1 home per 3 acres

R1 & 1 – reduced to 1 home per 3 acres

R8 & 1 – reduced to 1 home per 3 acres

R8 & 2 – reduced to 1 home per 3 acres

Diane Bradshaw, Mayor ProTem called for discussion.

John Jacob expressed concerns about the size of 5-acre lots because he felt people wouldn't be able to handle the upkeep of that large a lot. Bob Lynds gave his opinion that there are some folks who want open space and a large lot and there is a potential market for them.

Scott Kirkland stated his concerns about the issue of density, specifically the change from 2-acre lots to 3-acre lots. He felt it was late in the day to make that change and requested that the deleted lots be allowed in the Village Core. Scott recommended area R2N2. The density changed from 8.5 to approximately 8.9 per acre. Rob Bateman agreed to Mr. Kirkland's changes.

Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Mayor Hooge was not present. Motion passed.

Mayor Hooge returned to the meeting.

C. Final Development Plan for Eagle Mountain

Jerry Kinghorn gave an overview of the code. He explained that the proposal is to change the development code to a more traditional hard zoning system. What is proposed is to take everything that is not in a Master Development Plan approved area or a plated area, and zone it agriculturally. There will be no subdivision approvals under this new plan unless the developer goes through and gets an approved Master Development Plan for their project. In order to subdivide your land you would need to go through the Master Development Plan process and then through the Class II permit process. That transition from agriculture to whatever is proposed and approved by the Planning Commission and the Town Council is what is known as rezoning of the land. The Town can place lots of conditions and requirements on a developer or land-owner at that point to make sure that all is there in response to public comments, utility needs or anything the Town feels is appropriate and in the public interest. The Master Development Plan would contain specific sites that would be zoned for specific uses. The general main change in the Development Code will be a fixed process that requires people to go from agriculture to subdivision in a very controlled process within the Town's planning system.

Rob Bateman elaborated on Mr. Kinghorn's statement by telling the group there are three zones that will be primarily residential (1) VC (village core) that will be higher-density, multi-family, some commercial uses; (2) TCR (town core residential) which is a higher-density but still probably mostly single family or townhomes; (3) CR (country residential) which will be single family, probably large lot developments, something like 1 home per acre. A certain percent would be in each of the 3 areas, for example: a very large piece would allow 10% to be village core; 20 – 30% to be the town core residential and the balance of 60 – 70% would be country residential. The approach taken is to have a base density in each. In order to determine final density we allow the developer to come in and say they are going to provide certain amenities for the town (community recreational facilities, set aside natural open space, build parks and ballfields, etc.). The town can't require a developer to do these things but in return for this additional density the developer, ideally, will be willing to do these things. One of the things the Town Council is still working on is the mechanism by which they decide what those density bonuses are going to be.

Scott Kirkland, Planning Commission Chair, commented from the Planning Commission standpoint and his viewpoint as a developer, his concerns about having too many village cores throughout the town. He feels village cores have a hard time surviving without some density walking traffic around them. The village core allows housing and shopping, the town core residential does not allow shopping but is more dense.

Rob Bateman stated that he had no problem with the percentages. Each zone has permitted and conditional uses. The Permitted Use is one that is inherently compatible with the zone; the Conditional Use includes things they will allow in the zone but only if they meet certain conditions.

Mayor Hooge stated that the Planning Commission has approved the Code and has sent it on. A special meeting was held last Wednesday at which they were working with the bonus densities. The other two issues were the minimum size for a home in the agricultural zone and whether we are going to exempt individual subdivisions from the Master Plan or provide a notice approval process for each subdivision. Jerry Kinghorn stated he would like to get some feedback from the public on whether this is an approach they feel comfortable with.

David Lifferth asked whether there would be absolute minimums and maximums that cannot be exceeded. Rob Bateman answered in the affirmative. He explained that if you want to develop at a higher density you need to start meeting these terms in order to get the bonus. There is a maximum height that you cannot exceed. The limit on floors is three in the VC and four in the Commercial Core.

Scott Kirkland mentioned an idea proposed last week that when the developer comes in and wants to take their land out of what was going to be agricultural, they have to go through a process and they put a restricted limit on it of 2.5 maximum per acre. Dan Valentine asked the members of the public who were in attendance how they felt about this. There were no comments. Mayor Hooge stated that it is the desire of the Council to effectively plan the town and meet the goal everyone's desire for open space.

Scott Kirkland said that they have tried to create incentives that would encourage developers to go to the standard 1-acre lots, like Cedar Pass North, and create varied development. He stated their vision is still to get a lot of open space throughout the town.

David Lifferth stated there are a lot of things he does like about the Code. He said people are coming here to escape certain problems and the Town should to make sure that they don't encounter the same types of problems they were trying to get away from. Mayor Hooge answered that they have looked at that and have tried to create a successful community, even though they can't always be 100% successful.

Steve Cattani stated that some folks will come here to obtain a large lot but he wondered if people will be inconvenienced to come this distance to purchase a small residential lot here when they can purchase the same thing closer to established towns. Rob Bateman addressed the question by stating that we are trying to provide some tax base and employment base in the community and if we have a lot of these small, affordable lots that back onto open space, people will come.

Scott Kirkland commented that the development is coming and we need to do it right from the very beginning.

Dan Valentine said he felt it was too bad that we got started the way we did but the lessons we have learned could be used elsewhere. This is as good as we can do at this point in Eagle Mountain.

Dave Conine, Town Planner, added that many people moved here to get away from the kinds of developments they don't like. He said Utah has the country's highest birth rate and high immigration rate. You combine those two things and you have to put the people somewhere. In Eagle Mountain we have the unique opportunity to learn from the Wasatch Front's mistakes and do ours right. We passed

a interim Development Code for the purpose of implementing a certain vision. When it showed that it wasn't doing exactly what we wanted we began the process over. Dave said the strength he sees is that people who don't necessarily agree can sit around the table and get the job done and our Code reflects those efforts.

Rob Bateman expressed his concern about the level of incentives worked out last Wednesday, it's quite easy to meet the maximum of 2.5, it's possible to do that without giving up any additional open space beyond the minimum 20% required, and merely by requiring the architectural standards you could meet the 2.5 maximum. Mr. Bateman stated that he feels the architectural design standards ought to just be a requirement for using the density bonus approach. The Council agreed with that concept.

Rob Bateman commented that he feels the 100% density bonus just by providing common recreational facilities might be too much. Discussion ensued.

Mr. Bateman set forth the following:

Minimum Country Residential, 1 per acre.

Minimum Town Core Residential, 3 per acre (personally prefers 2 per acre and leave off incentive)

Country Residential Maximum Bonus, 100%, 3 to acre

Town Core Residential Maximum Bonus, 200%, 9 to acre

Ira Hodges stated that he felt there should be flexibility in the percentages and was informed that there was flexibility in the 60-30-10 percentages. Discussion ensued. Rob Bateman verbalized the conclusion that it would be plus/minus 5% on all.

Scoring percentages were arrived at as follows:

Country Residential (CR), maximum bonus density, 100%

40% - open space contiguous, 20% minimum, 40% with bonus

10% - parks

06% - clustered open space

15% - variation

06% - park development

60% - maximum

60% - take out design guide

13% - vegetation

Town Core Residential (TCR), maximum bonus, 200%. Considerable discussion ensued regarding consideration of the precise percentage of density for TCR.

No design

Add libraries

300 ft. for park area

Rob Bateman recommended that the hillside areas not dedicated to the Town as part of the open space be put in the critical environment zone. Rob also asked that we modify the agricultural zone by adding a line to read 1 home per existing parcel.

Jerry Kinghorn proposed to the group that we use the notice approval process where they give us notice of the parcels they desire to sell within the Master Development Plan and we have 30 days to disapprove of it and state the reasons why.

A discussion ensued regarding protective strips and reimbursement agreement process and having a Council meeting to discuss it. Mayor Hooge stated that the Council will not vote on this motion tonight, they would like a couple of weeks to get it into final form but we would entertain a motion to approve the changes discussed and agreed upon at this meeting.

4. Action on Item C

MOTION *Rob Bateman moved that we approve changes as agreed upon and deliver them to the Town Attorney for his review and instruct the Town Attorney to draft a recommendation on dealing with the issue in the commercial subdivisions. He will also direct the Planning Commission to hold a public hearing on a Mobil Home Chapter for the Development Code as well as a new Chapter 17 which provides performance standards for conditional uses.*

Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstain: 1(Mayor Hooge). The motion passed.

MOTION *Diane Bradshaw moved that CONSENT HEARING item H be moved to A. Cyril Watt seconded. The motion passed unanimously.*

9. Consent Hearing:

A. Final Plat for Eagle Point Plat B & C – James Dahl

Mayor Hooge recused. James Dahl explained he was here to ask for approval of Plat B and Plat C for the Eagle Point project. Plat A has already been approved, they have a Class II permit on B, C, D, E & F. Rob Bateman asked Sue Fraley, Recording Clerk, to read back the conditions of recommendation of the Planning Commission regarding B & C. Discussion ensued. Rob Bateman expressed discomfort dealing with this item without having the Planning Commission recommendation.

MOTION *Rob Bateman moved to table this discussion until March 24 meeting when it will again be put on the agenda. Dan Valentine seconded the motion. Ayes: 4, Nays: 0, Abstain: 1(Mayor Hooge). Motion passed.*

MOTION *Rob Bateman moved to table Item B, "Release of Bond for Cedar Pass Ranch". The motion was seconded by Diane Bradshaw and motion passed unanimously.*

B. Presentation of Applicants for Town Engineer (Item H)

a. JUB Engineering's Technical Administrator, Mark Johnson, introduced Ross Wilson, Project Manager and Jim Leichliter, Project Engineer. These gentlemen put forth their credentials and some of the projects with which they have been involved.

b. Horrocks Engineers, Brad Powell, Stan Jorgensen and Jeff Sims presented their qualifications and experience. Mr. Jorgensen explained that they work primarily with municipalities rather than with developers.

C. Ordinance Prohibiting the Discharge of Firearms in the Town of Eagle Mountain

Jerry Kinghorn stated that it is automatic under State law that it be a Class B misdemeanor to discharge a firearm within the Town. Discussion ensued.

MOTION *Rob Bateman moved to adopt Ordinance ~~98-04~~ based on Jerry Kinghorn's language. Diane Bradshaw seconded the motion.*

Discussion was called for. Discussion ensued regarding the advisability of a blanket ordinance.

Ayes: 4, Nay: 1 (Mayor Hooge). Motion passed.

D. Resolution Setting Financial Procedures for the Town of Eagle Mountain

Discussion ensued.

E. Appointments by Mayor Hooge:

MOTION *Rob Bateman moved that we approve Epic Engineering as the Town Engineer with the specific responsibilities for providing subdivision reviews and instructions and making that subject to the Town Attorney working with them to develop a contract outlining the specific responsibilities the Town envisions them handling and establishing rates of those responsibilities, basically defining the operating parameters of enforcing the Development Code. Also, that we recommend to the Public Works Board that they have Thompson-Hysell, Versar and Horrocks in for the purpose of presenting to the Public Works Board and to get a recommendation back from the Public Works Board on their recommendations for an Engineer to handle our utility work. Cyril Watt seconded. Ayes: 4, Abstain: 1 (Mayor Hooge). Motion passed.*

MOTION *Mayor Hooge moved that we appoint Janet Valentine to the position of Town Clerk for the Town of Eagle Mountain. Rob Bateman seconded the motion. Ayes: 4, Nays: 0, Abstain: 1 (Dan Valentine). Motion passed unanimously.*

MOTION *Mayor Hooge moved that we appoint Eric Taylor as Fire Chief of the Town of Eagle Mountain. Rob Bateman seconded the motion. Motion passed unanimously.*

MOTION *Mayor Hooge moved that we appoint Greg Thomas to the Airport Advisory Board. Rob Bateman seconded the motion. Motion passed unanimously.*

F. Warrant Register / Utah Municipal Clerk's Association Training (UMCA) and the Utah League of Cities and Towns Conference (ULCT) / Janet Valentine

The Warrant Register was reviewed. The Mayor questioned the entry for Wilding Engineering Inc.'s General Consulting Development Code. She would like to see the PO with Rob Bateman's co-signature on it.

MOTION *Rob Bateman moved that we pay the bills according to the Warrant Register with the amendments that the Mayor has indicated. Cyril Watt seconded the motion. Motion passed unanimously.*

MOTION *Rob Bateman moved that we approve the delegate fees and mileage for the ULCT Conference for all the Council members. Cyril Watt seconded the motion. Motion passed unanimously.*

MOTION *Diane Bradshaw moved that we approve Janet Valentine's attendance at the spring conference of UMCA. Cyril Watt seconded the motion. Motion passed unanimously.*

G. Computer Networking / Janet Valentine

No action.

10. Adjourn to Closed Session for the Purpose of Discussing Personnel

MOTION *Diane Bradshaw moved that we adjourn to the Closed Session. Cyril Watt seconded. The motion passed unanimously.*

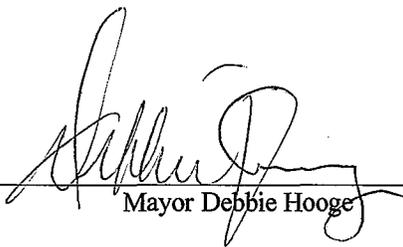
The Town Council was adjourned to Closed Session at 11:57 p.m.

Closed Session of the Town Council began at 12:00 a.m. with Mayor Hooge, Rob Bateman, Diane Bradshaw, Sue Fraley, Jerry Kinghorn, Dan Valentine, Janet Valentine and Cyril Watt attending.

11. Action from Closed Session: Action was not recorded.

12. Adjourn: The Closed Session adjourned at 1:03 p.m.

Approval: _____


Mayor Debbie Hooge

Date: _____



The foregoing minutes were at the Eagle Mountain Town Office, 130 W. Main, Lehi, Utah, the bulletin boards at Cedar Meadows Subdivision and the Cedar Pass Ranch Trailer by _____, Deputy Town Clerk.

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
130 West Main Ste H
Lehi, UT 84043
March 24, 1998**

1. Roll Call:

The Town Council Meeting of March 24, 1998, was called to order by Mayor Hooge at 7:05 p.m.

Councilmembers present: Mayor Debbie Hooge
Diane Bradshaw
Rob Bateman
Dan Valentine
Cyril Watt

Town Staff:

Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Dave Conine
Deputy Recorder: Sue Fraley

Also present: Nick Berg, Eagle Mountain Properties; Dave G.; Larry Steinbach, Steinbach & Lythgoe; Mike Wren, MCM Engineering; James Dahl, MCM Engineering; Carl Allred, Planning Commission; John and Diane Jacob, Town

2. Pledge of Allegiance:

Dave Conine led the Town in the Pledge of Allegiance.

3. Approval of Agenda:

MOTION *Rob Bateman moved to approve the agenda. Cyril Watt seconded.
Ayes: 5, Nays: 0. Motion passed.*

4. Approval of Minutes 01/13/98:

MOTION *Rob Bateman moved to approve the minutes of January 13, 1998.
Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

5. General Discussion/Questions/Announcements:

Mayor Hooge introduced Joanne Murphy from the County Sheriff's Department. The Mayor stated there had been some thefts in the area.

Joanne Murphy spoke about training that is available for the developers and construction people to help deter crime. She talked about Neighborhood Watch, Victim Assistance, and Crime Prevention.

6. Department Reports:

A. Public Safety/Development Code/Airport Advisory Board/Rob Batemen:

Rob talked about issues with the airport. He talked about the distance for homes being built around the airport. He said they were looking at having agriculture for ½ mile off the end of the runway and then another ½ mile as open space. He said they had discussed low density commercial in the area.

B. Park and Rescreation/Diane Bradshaw & Larry Steinbach:

Larry Steinbach, Steinbach & Lythgoe, explained that they were just beginning to develop a layout for a parks plan for the Town. He said he was waiting for some maps from Korey Walker, Town Engineer.

There was some discussion about financing for the parks. It was discussed that perhaps this could come from Impact Fees. Mayor Hooe said they needed to stub in facilities to neighborhood parks. She said this could be required from developers. Korey Walker, Town Engineer, said they also needed to add parking where applicable. Mayor Hooe asked about lighting on the trail system and in neighborhood parks.

Diane Bradshaw talked about a meeting she attended last week with Nick Berg, Eagle Mountain Properties, at the Alpine School District.

Diane said she had had several phone calls about school busing at Eagle Mountain. She said Alpine School District had not set a schedule yet. She said it would be done this summer.

Diane talked about Pony Express Days in June. A newsletter will be coming out in June with further information. She said they are talking about preserving the land.

Diane said she had left a letter with the Council talking about reimbursement fees for babysitting costs for Councilmembers. Rob Bateman talked about having a small monthly fee to cover these kinds of expenses.

C. Public Works/Utility Board Report/Dan Valentine:

Mayor Hooe had questions about the Valley Asphalt contract. The Mayor said she felt like it should be Jerry Kinghorn, Town Attorney, and herself that work with Valley Asphalt and not Gary Tassainer from Tasco Engineering.

Dan Valentine said he would discuss the matter with Gary Tassainer.

Dan Valentine said that Mountain Fuel had approached Cedar Fort and White Hills about providing them with natural gas.

D. Planning Commission/Cyril Watt:

Cyril said he did not attend the meeting concerning the Alldredge Academy.

Nick Berg, Eagle Mountain Properties, said that there would be six Class II's coming in the following weeks for some development at the airport.

E. Administration/Mayor Hooe:

Mayor Hooe stated that they have issued to date 80 building permits. There were 57 in 1997, 23 in 1998 to date, and there were 25 in the works. The Mayor said she asked Kent Partridge, Building

Inspector, if he could handle the increased permits. He said he was planning to hire another person under his contract.

There was some discussion about hiring Bob Wren full time to handle the utilities.

7. Eagle Mountain Properties Update:

Nick Berg, Eagle Mountain Properties, first discussed the situation with Alpine School District and building a school at Eagle Mountain. The school district said they could not build a school until there were bodies out at Eagle Mountain. Nick said that Eagle Mountain Properties had decided to build a school. He said they had talked to the Alpine School District about using their architect so that there would be compatibility.

Nick discussed their budget.

Nick talked about the first phase of the airport, the Town Center and the developing of homes. He said they are working with the airport on a lease.

Jerry Kinghorn, Town Attorney, asked where the site was for the school. Nick said it was at the Patterson site.

Nick indicated that two legitimate contractors had approached Eagle Mountain Properties about building two mobile home parks.

Nick said he had with Touchstone and Patterson about building designs and they were working that out. He said the two developers had indicated they would be doing a foundation a week. Nick voiced his concern about that big of a load being put on the Building Inspector. He said they were beyond their projections for the RBANS performance.

8. Public Comment:

John Jacob announced that he was the new Chair and his wife Diane was the Vice Chair for Precinct 14 of the Republican Party.

There was a discussion on a gas tank.

Dan Valentine asked Nick Berg about street lighting. Nick said they had low wattage.

9. Consent Hearing:

A. Adoption of Eagle Mountain Development Code:

Mayor Hooge asked if she could take this home and read it.

Rob Bateman talked about Chapter 17. He asked that there be a notice for the next meeting to discuss this chapter.

Rob Bateman talked about some changes to be reviewed to clarify the language. He said there are still three specific issues that the Council needs to deal with and would like to discuss those at some point in time.

Jerry talked about three areas:

- Clarification in the Development Agreement procedure.
- Editing changes/no substantive changes.
- Straightened out sequences.

The Council reviewed the corrections.

There was a discussion on the road base, hydrants, and temporary access road for construction.

Korey Walker, Town Engineer, said they need to meet the standards and be able to protect the Town.

Rob Bateman talked about the expiration of Class II permits.

There was discussion about bond amounts being reduced to 110%. Mayor Hooge said that the Walden agreement was 105%. Jerry Kinghorn, Town Attorney, said he would double check on the correct percentage.

There was some discussion on creating an improvement district.

There was some discussion about landscape and park improvement plans. Mayor Hooge showed some pictures she had taken of a small park in St. George.

There was a short discussion about landscape buffer plan. Nick Berg asked about the berm being along Eagle Mountain Boulevard.

There was a discussion about the height of fences.

It was decided to add the park improvement plan.

Dave Conine, Town Planner, discussed some of the language concerning cul-de-sacs.

There was a discussion about SR-73 to arterial streets in Town.

Mayor Hooge asked if they needed a Traffic Engineer involved in the planning. Korey Walker, Town Engineer, said that a Civil Engineer could be involved.

Rob Bateman led a discussion about density. He said that under the current provisions, using a density of 8 units per acre in Village Core, a base of 3 in TCR and a base of 1 in CR with bonuses of 200% in TCR and 100% in CR respectively, the base without doing any of these improvements that we are looking for, they are going to achieve a density of 2.3 units per acre. He said there is really not much of an incentive there to go after any of these.

There was a discussion about Village Core bonuses and credits.

There was a lengthy discussion about density and open space.

Dave Conine, Town Planner, said the Town needs a mixed use. The Town needs to avoid a sprawl with high density. Save density by having open space.

MOTION

Rob Bateman moved to table the decision on the Development Code until after items B, D, and D. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

B. Final Plat Revision to Cedar Meadows Subdivision:

Korey Walker, Town Engineer, said that he and MCM had split up the review. He said he received the revision on Friday.

James Dahl, MCM Engineering, said they had gone through and corrected 80 items from the last review.

Carl Allred said they really weren't after the final approval of all of these items. They just wanted an approval to change the plats and the phases and move one road.

Carl Allred asked about moving a road in Cedar Meadows to avoid cutting the road into the hill. The split on phase one involves Cedar Meadows and Harvest Haven.

MOTION

Dan Valentine moved to approve the phasing amendment with the stipulation that they are still subject to all the other requirements under the last Final Approval. Diane Bradshaw seconded. Ayes 5, Nays: 0. Motion passed.

C. Final Plats for Eagle Pointe B & C/James Dahl:

Mayor Hooge recused from Item C. Cyril Watt was appointed Mayor Pro-Tem.

James Dahl, MCM Engineering, said this item had been tabled two weeks ago so that additional information could be acquired. He gave an explanation of the plat.

Jerry Kinghorn, Town Attorney, asked for a clarification of the water right transfer. He had questions on the title of one of the transfers. Jerry stated that he had spoken with Mr. Walden today and he had verbally said it had cleared Cedar Valley Water Company's fees and existing water agreement. Jerry said he had talked with John Jacob and he said it had not. James explained there were 115 plats in Phase B and 137 plats in Phase C. The lots were 7000-8000 square feet in size.

Jerry Kinghorn asked about road dedication for road access to plat B.

James explained that Mr. Patterson owns the property.

Jerry asked about the sewer easement.

There was a discussion about a holding strip.

Mayor Hooge asked about the utility line oversize to get the holding strip.

James Dahl said the roads stubbed out to the south. He said they have 8" water lines stubbed to Patterson property line. He said there was a 16" water line out in Eagle Mountain Boulevard and a 12" water line on Sweet Water.

Mike Wren explained about the stubbing to the property line.

Nick Berg talked about the property line.

Mayor Hooge said the Town bonded for off-site improvements for Patterson in 1997 RBANS.

Mike Wren stated that Walden wanted a barrier around the sod farm.

James Dahl said there were some questions on the property line between Ault and Patterson.

Mayor Hooge asked if utilities had been stubbed to the park and James said they would be.

Korey Walker asked what the sewer line depth was and James responded it was 8 feet.

MOTION

Rob Bateman moved to approve the Final Plat Revision for Plats B and C for the Eagle Pointe Subdivision subject to the following conditions:

- 1. Clarification of water rights.*
- 2. Lanscape plan still needs to be approved.*

Cyril Watt seconded.

Dan Valentine amended the motion to include in the conditions that the Planning Commission requirements be included from the March 4th meeting. Rob Bateman accepted the amendment. Ayes: 4, Nays: 0. Mayor Debbie Hooge abstained. Motion passed.

D. Bond Release for Cedar Pass Ranch:

Mayor Hooge stated they had received a letter from Wilding for the bond release. Mayor Hooge was still recused.

MOTION

Diane Bradshaw moved to approve the Bond Release for Cedar Pass Ranch as recommended by Wilding's Engineer in a letter dated March 23, 1998. Dan Valentine seconded. Ayes: 4, Nays: 0. Mayor Debbie Hooge abstained. Motion passed.

Mayor Hooge returned as Mayor and the discussion turned back to Item A – Development Code.

There was some more discussion about Village Core densities and bonuses. They talked about clustering and open space.

Dave Conine talked about a book called "Home From No Where" by James Gunsler.

Mayor Hooge said she would like a joint meeting with the Planning Commission to review the concept before adopting the Development Code.

Jerry Kinghorn talked about editing definitions.

There was a discussion between Nick Berg and Korey Walker about storm drainage systems and being okayed at Pre Class II permit rather than at final. Korey said it would be best to have taken care of at concept and have a majority of the engineering done at preliminary.

Dave Conine said he still wanted to restore the language about alleys. He said the interim code required alleys when densities got to four or more units per acre. He said he had written some language to tie lot size in traditional subdivisions, get garages off the street, and still be pedestrian oriented.

There was a discussion about alleys and garage doors.

Rob Bateman stated there were three options on this issue:

1. Require alleys with lots smaller than a certain size in order to keep the garages from being front loaded.
2. Tell Planning Commission to look at alleys and come up with some guidelines as far as what would be allowed back along the alleys.
3. No alleys.

There was more discussion about mandating the building. Mayor Hooge said it can be done and you can force the developers to stay in the guidelines.

Dave Conine talked about side load and set back or alley.

Rob Bateman asked how many of the Councilmembers would like to discuss this further with the Planning Commission. Rob asked that something be put in the design guidelines something that says alleys are encouraged in order to avoid front loading garages.

MOTION *Rob Bateman moved to table the Adoption of Eagle Mountain Development Code until March 30, 1998, at 5:00 p.m., at which time all changes will have been made regarding issues discussed tonight. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

Diane Bradshaw left.

E. Appointment to Planning Commission/Mayor Hooge:

MOTION *Rob Bateman moved to table Item E until the next regularly scheduled Town Council Meeting. Cyril seconded. Ayes: 4, Nays: 0. Motion passed.*

F. TASCOWW Clyde Agreements for Improvements in Town Center:

MOTION *Rob Bateman moved to table Item F until the next regularly scheduled Town Council Meeting. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

G. Master Improvement Reimbursement Agreement/Jerry Kinghorn:

H. Ground Lease Agreement for Airport and Irrigation/Jerry Kinghorn:

Jerry Kinghorn handed out copies of the agreement from The Ranches. He said there were other copies in their packets. He gave a brief explanation of these agreements.

Mayor Hooge had concerns over no control over bids and overpaying.

No action.

I. Capital Facilities Plan:

No action.

J. Warrant Register:

There was a discussion about Tasco Engineering and the 1998 RBANS. Mayor Hooge had questions about the fees being charged.

MOTION *Rob Bateman moved to approve the Warrant Register. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

Mayor Hooge asked that the budget be re-opened on April 14th. She asked for another budget report from Janet Valentine for April 14th.

MOTION *Rob Bateman moved to schedule a hearing to re-open the budget on April 14th. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

K. Discussion of Budget:

Mayor Hooge passed out handouts.

Nick Berg had questions about some invoicing from Tasco Engineering for Cedar Pass and Eagle Mountain. He said he didn't recall a formal recommendation to go ahead with this work. Nick felt like they were jumping the gun.

Mayor Hooge asked Korey Walker, Town Engineer, to speak with Gary Tassainer at Tasco.

10. Closed Session for the purpose of discussing Personnel:

MOTION *Rob Bateman moved to close to an Executive Session. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

Those in attendance: Mayor Hooge, Rob Bateman, Cyril Watt, Dan Valentine, Jerry Kinghorn, Sue Fraley. Time of adjournment was 11:23 p.m.

11. Action for Closed Session/Appointment of Town Treasurer and Appointment of Utility Engineer:

MOTION *Rob Bateman moved to appoint Ron Foggin as the Assistant Town Treasurer with Wayne Bradshaw continuing as interim Town Treasurer on a part time basis initially with specific responsibility for helping with the budget. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Mayor Hooge moved to negotiate a contract with Horrocks Engineering for primary services of specific personnel be recommended by the Town Engineer and subject to supervision by the Town of Eagle Mountain's Town Engineer. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Cyril Watt moved to adjourn. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion passed.*

Meeting adjourned at 1:25 a.m.

Approval: *Robert E. Bateman* Date: *7 Jan '99*
Mayor Robert E. Bateman

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH,
Eagle Mountain Town Office, 130 West Main, Lehi, UT**

DATE: MAY 26, 1998

A. OPENING:

1. Roll Call:

The meeting was called to order by Mayor Debbie Hooge at 7:15 p.m.

The following Council members were present:

Mayor: Debbie Hooge
Council: Rob Bateman, Diane Bradshaw, Dan Valentine and Cyril Watt

Town Staff:

Town Planner: Dave Conine
Town Attorney: Jerry Kinghorn
Town Clerk: Janet Valentine
Deputy Clerk: Sue Fraley, recording

Also Present: Brian Anderson, Nick Berg, Eagle Mountain Properties; Jason Burningham, Lewis Young Robertson & Burningham; Dan Davis, Carpet Menders; Doug Guilliam; Bryan McDougal, George Lee and Russ Limb of Cable-West Communications; Ben Mogelsen, Desert Crest; Lyle Vance, Tasco Engineering, Carl Waldvogel, C&F Distributors

2. Pledge of Allegiance

Cyril Watt led the Pledge of Allegiance.

3. Approval of Agenda

MOTION *Rob Bateman moved to approve the agenda as indicated with the exception of the deletion of item 13. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements

Janet Valentine announced that Town Engineer Korey Walker's wife had a baby boy this morning.

Jerry Kinghorn, Town Attorney, gave Janet Valentine a copy of a Development Agreement for Meadows Ranch, L.C. Mayor Debbie Hooge mentioned she didn't see in the Agreement where the Town had an obligation to plant trees. Jerry Kinghorn said the developers have taken on the obligation to do all the planting and the Town no longer has to plant the trees. Mr. Kinghorn stated he added a paragraph regarding water rights that reads if we go through the State Engineer's approval process and don't get what we expect, they will have to make it up and if they don't we can shut them down. Mr. Kinghorn recommended Mayor Hooge be authorized to sign the Agreement.

5. Warrant Register / Janet Valentine, Ron Foggin

Janet Valentine, Town Clerk, explained the Warrant Register for the Council. A discussion ensued regarding the Utilities Manager's truck. The Mayor stated MCM Engineering owns the truck that the Town Utilities Manager, Bob Wren, was currently driving. This truck has high mileage and the cost of a new truck would be only about \$1,500 more. The new truck which was investigated was a Chevy work truck with a towing package, bed liner and toolboxes. Mayor Hooge felt it made sense to purchase the new one but not to allow Bob Wren to drive it back and forth to Heber City each day. It was discussed and recommended that a 4-wheel drive truck be purchased because of the muddy and snowy conditions that exist and because this truck will be required to pull the natural gas emergency response equipment. The Council agreed to purchase a truck costing under \$20,000.

Discussion was held regarding the costs of purchasing vs. leasing a copy machine for the office; and certain items for Epic Engineering that represent Special Meetings and should be billed to the developers rather than the Town; and the electricity reimbursement to Cedar Valley Farms.

MOTION

Rob Bateman moved that we approve the Warrant Register with the following exceptions: 1) that on Gene Harvey Chevrolet item, we authorize the Mayor to approval expenditure for a truck equivalent to the one investigated with a 4-wheel drive, not to exceed \$20,000, 2) that we postpone consideration of Item 2, the copier Maintenance and Service Agreement, pending discussion of what is included in the evaluation of the economics of purchasing or leasing a copier, 3) that we approve Epic Engineering subject to review of those items presented which should be taken out of the subdivision fees, as compared to those that represent Special Meetings and should be billed directly to the developers involved, and 4) that we approve the electricity reimbursement to Cedar Valley Farms as documented in the engineer's letter.

Mayor Hooge asked for a Closed Session to be included in the next Council meeting to discuss the Water Pro Contract. She is concerned about how we are being billed on this contract.

Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

6. Department Reports

A. Planning Commission/Airport Advisory Board / Rob Bateman

Council Member Rob Bateman stated that the Planning Commission met and gave preliminary approval to the submittal of the Town Center, subject to some conditions recommended by Korey Walker, Town Engineer, in terms of additional documentation he wanted to see presented.

Rob Bateman informed the Council that the Planning Commission discussed the mobil home/manufactured housing issue and decided that manufactured housing would be allowed as long as it meets the Covenants, Conditions and Restrictions (CC&Rs) and the design guidelines of the Town, just as any other construction. The Planning Commission would also allow subdivisions that were oriented toward manufactured housing but there would be some requirements that they submit alternative architectural design guidelines that would have to be approved by the Planning Commission and Town Council. There was also a proposal in the

Planning Commission meeting to allow a manufactured home community that would be essentially similar to a mobil home park except there would be some very strict requirements about how these homes would be placed on foundations, how the landscaping would be maintained, etc. Mayor Hooge recommended that each of the Council members drive through various mobil home communities to see what they liked and what they didn't like so they would have a better basis for recommendation. Discussion ensued regarding skirting and siding materials to be allowed. Rob Bateman explained that the reason the Commission decided to allow a certain type of skirting in a lease park, rather than permanent foundation, was the Housing & Urban Development (HUD) Code has a provision that makes it easier for a prospective buyer to qualify if the mobil home is not set on a permanent foundation. In a mobil home subdivision, however, a foundation would be required. Discussion ensued regarding the difficulty of enforcing maintenance agreements in these parks. Mayor Hooge is visiting Mesa, AZ soon and asked that the Council give her time to investigate these kinds of parks there.

Rob Bateman said the Planning Commission is having a hearing on June 11th to discuss proposed changes to the Development Code. He said the Planning Commission would meet two days after the Town Council from now on. This would give them 12 days between the Planning Commission meeting and the next Council meeting and it will speed up the approval process.

B. Parks and Recreation / Pony Express Day / Diane Bradshaw

Council Member Diane Bradshaw reported to the Council that Steinbach & Lithgoe are planning to attend the next Council meeting on June 9th. She stated that they would give us a timeline on where we stand with the Master Development Plan and where we are going.

Pony Express Day is scheduled for June 20th and Diane said she would be asking for help from the Council members. She encouraged them to get their baseball teams together.

C. Public Works Board / Dan Valentine

1. Council Member Dan Valentine explained to the Council that the Town is interested in purchasing the assets of Utah Power and Light (UP&L) in the Town and they want to charge us \$7,000 to do an inventory of their existing electrical system. Lyle Vance, Tasco Engineering, said it was a reasonable price and we need to have the value assessed before we can fix a price. UP&L will do a physical audit, going to each site to verify if the items on their paper really exist, as some of the transformers and lines may have changed in the past 30 to 40 years. Lyle said it was a protection for the Town as well as for them. Discussion ensued on whether, if we do purchase the system, we could get the money back out of the system. Lyle Vance will review this and bring figures to the next Public Works Board meeting.

Dan Valentine said the Public Works Board would like to have the Treasurer report budget figures as soon as possible. Korey Walker has recommended we adopt the Orange Book, which is a universal set of plans and specifications. Mayor Hooge asked that an Ordinance be prepared that we adopt the Orange Book.

Alldrege Academy, in their new location, is going to need some research done on the water and power. Council Member Valentine informed the Council that the Public Works Board has recommended that research be done and reported back at the next Public Works Board Board meeting.

Dan Valentine informed the Council that Korey Walker highly recommends that we don't delay until Spring of '99 the 3" asphalt overlay on Eagle Mountain Boulevard. He

recommended that we do it this Fall because of the high traffic of heavy trucks and winter freeze/thaw cycle.

Dan Valentine brought up the issue of the Timpanogos Special Service District (TSSD). Korey Walker had the understanding that if they used the TSSD to treat the wastewater from Cedar Pass' northwest side of town, we would not get 100% of that reclaimed back into the Town's aquifer. Jerry Kinghorn explained that we don't know that yet. Jerry sees the real issue as being whether water re-use is going to be a priority for the Town. He recommended we get an engineering study done to decide what the policy will be. He has received no deadlines thus far on signing the Timp contract. This matter will be deferred until Korey Walker can complete a study. Further discussion ensued regarding the study.

Dan Valentine informed the group that MCM Engineering is offering to sell its Geographical Imaging System (GIS) data to the Town for \$100,000. Korey Walker is analyzing the cost and data. Dan wants Korey to report back to the Board as to whether we can recreate that data for half that price. Mayor Hooge mentioned a gentleman who works with GIS who said he is willing to donate time and energy to help the Town with GIS data. The Mayor will give his name to Korey Walker. Korey is going to MCM Engineering to look at the data and details and will have a recommendation soon. The Mayor would like Jerry Kinghorn to review how much he thinks we should pay for that information.

Dan announced to the Council that the Town has been accepted in Utah Associate Municipal Power System (UAMPS) as a probationary member. Mayor Hooge explained that the reason we wanted to join UAMPS was, once we get the generators on line we are going to have excess power and they would buy the excess power. There are other various benefits to the Town as a member of the UAMPC.

C. Public Safety/Cyril Watt

Rob Bateman reported that we have the contract for the Sheriff's Department.

Ron Foggin, Town Treasurer, Mayor Debbie Hooge and Eric Taylor, Fire Chief met with Councilman Rob Bateman and discussed developing a phased approach for the Fire Department in which we develop some of our own capabilities in Eagle Mountain but rely primarily on Lehi for the bulk of our response. We will create some type of first response fire capability so our volunteers can arrive and begin fighting a fire much more quickly than Lehi can arrive. We are looking at about 3 - 4 years of working up to a capability where the Town has its own fire fighting equipment and full-fledged department. Eventually, we will have a second fire station, probably located somewhere in The Ranches area. We have 18 volunteers; most of which are Firefighter I or Firefighter II qualified.

Rob Bateman recommended that at some time in the near future we review the policies and procedures of the Fire Department and decide what the operating parameters are. One of the issues is the number of Volunteers that will be needed. Mr. Bateman stated that initially we are going to rely on the Sheriff's Department for our police service, perhaps even in the long-term. He explained that with a community oriented policing grant we can get an officer here for far less money than we could provide one on our own. The Fire Department will need to be the first priority so the community residents will not have problems getting insurance on their homes. The last priority will probably be the Emergency Medical Service.

7. Cable-West Communications / Bryan McDougal

Bryan McDougal, George Lee and Russ Limb of Cable-West in Salt Lake, proposed to the Council that they be granted a franchise allowing them to provide cable television for the Town. Cable-West does not envision beginning construction and activating a system until there are about

1,000 homes but believes there is an opportunity now to put some of the conduit in the ground and avoid some of the construction problems later on. They will need to access public rights-of-way. Mr. Lee stated that everything, other than the granting of the right-of-way, is governed by Federal law which sets forth what you can and cannot do, such as regulate rates or programming. He said the Town can regulate where we go, how we build, who we have to service and The Town can get a 5% royalty fee on the gross revenues the cable system generates. The Cable-West representatives gave their references and explained that they were bought out by TCI five years ago. Cable-West said they were looking at this project in the long-term and had no plans to sell out again to TCI or anyone else. Mayor Hooge said the Utility Board should look into this. Discussion ensued. Jerry Kinghorn suggested they talk to TASCOS about what is already in the ground. Jerry would like Cable-West to coordinate with TASCOS, make a presentation to the Utility Board and then come back with a recommendation for the Council. Mayor Hooge agreed. Discussion ensued with no further action.

8. Saratoga Springs

No representatives from Saratoga Springs were in attendance. Mayor Hooge explained that Saratoga Springs wants us to send our sewage into their plant instead of our utilizing Timpanogos Service District. She stated that if they contact her again she would refer them to Dan Valentine or Korey Walker.

9. Eagle Mountain Properties Update / Nick Berg

Nick Berg reported that the Airport did receive Federal Aviation Agency approval and we are 60 days away from making another presentation. Survey work needs to be done to meet all the conditions of the code. Nick said many have met to try to resolve the issues but some issues are yet unresolved. Jerry Kinghorn said the water agreement is about complete. Nick recommended that before the Town commits the money to SID for the paving overlay on Eagle Mountain Boulevard, that it has Rodney Berg, of W.W. Clyde, come in to give his opinion. Nick commented regarding the high cost of engineering/attorney consultants and that the end result is a house that costs \$102,000 instead of \$101,000. Nick questioned if anyone in Town has done projection on when it makes sense for the Town to have staff engineers and staff attorneys, rather than outside consultants. No further comments were made.

On another subject, Nick Berg stated he would prefer to have the "Public Comment" section of the Agenda be moved nearer the beginning of the meeting. It was explained that it was normally nearer the beginning of the agenda.

10. "The Ranches Update / Bob Lynds

There was no action taken on this issue.

11. PUBLIC HEARING

Diane Bradshaw asked for an update on the schools. Nick Berg, Eagle Mountain Properties, said they have not heard from the Alpine school district and he fears they will not come back with a decision in time for us to have a school ready. It will probably be July 1 before we will have that information.

Nick Berg said, regarding the Fire Station, that the Certificate of Occupancy should arrive Thursday. Jerry Kinghorn mentioned that we are still embroiled in controversy with subcontractors. He is trying to schedule a meeting early next week with Ben Mogelson, Desert Crest Development; Nick Berg, Korey Walker and himself to meet with the subcontractors to

resolve these issues. Dan Davis of Carpet Menders, the subcontractor who installed the floor coverings at the Fire Station, was in attendance and asked if Mr. Kinghorn had any idea when he could expect payment. Jerry said by June 5, if all goes well. Carl Waldvogel of C&F Distributors commented that the Town still owes him \$3,300 for stone work and he's been waiting since February for payment. Jerry expressed the Town's regrets, said they are trying to pay folks as soon as they can and explained some of the problems involved. Mr. Mogelson will be providing a list of the subcontractors.

A. Continuation of Public Hearing for Eagle Mountain's Capital Facilities Plan.

Jason Burningham, Lewis Young Robertson & Burningham, said he needs additional information from Korey Walker in form of memo/letter for the Facility Plan in order to generate the impact fee study. He noted that the service areas have been broken into two areas, rather than one, and he needs to make some adjustments there, also. He asserted that the capacity information is vital to the study. Jerry Kinghorn stated that impact fees deal with future capacity and existing capacity both. Nick Berg stated he wanted to have one more meeting to bring in some of the production builders for consultation regarding population projections. A discussion was held regarding Town growth and impact fees. Mayor Hooe said 10-20% growth is completely unmanageable for a municipality and we're looking at about 200% growth. Mr. Burningham stated that one of the requirements of the accounting procedure and code is that you collect impact fees every six years and they have to be either expended or committed to pay for the improvements. He strongly recommends this be reviewed annually and adjustments made. Jerry Kinghorn stated that this is just one element in an overall growth financing strategy. Jerry added, one of the smart things we did is think about this phased RBANs financing, and impact fees is an element of that but it's not an entire growth financing strategy. Jason Burningham stated that a five-year financing plan is reasonable but it's a moving target because we don't know what the interest rate will be. Jerry Kinghorn said that the Town made a policy decision some time ago that they would finance certain facilities with RBANs and at some point transfer to long-term revenue bonds. Those would be facilities such as the gas tap, generation facility, some water facilities especially sources and storage, sewage treatment facilities, other types such as local collection systems, distribution systems, lines, streets, storm drains, and we are going to rely upon developers to build those with funds generated with SIDs. He continued, we made a decision that RBANs and SIDs be part of the growth financing strategy. We tried to identify in a general way the kinds of facilities we would finance with each one of them but it hasn't yet been written up or documented and we need to do that. Mr. Kinghorn felt this should be included in the economic analysis that Jason has to prepare as Jason needs to take into consideration those financing mechanisms in figuring his estimate of what the impact fee should be. Rob Bateman stated the Mayor has a document that defines what should be RBANs and SIDs. Nick Berg said there is no guarantee on RBANs and they may not happen, so we need to sit down and come up with a plan. Mayor said we need to determine what we are going to build and then the developer can't dictate what we want. Rob Bateman added that we need to decide what the overall debt limit of the Town will be and which items benefit the community generally and fund those with RBANs and which things will benefit developers or specific development areas and maybe we will want to fund those with SIDs. Nick Berg suggested we invite Jesse Smith of Seattle Northwest Securities, Blaine Carlton of Ballard, Spahr, Ingersoll & Andrews and Laura Lewis, Lewis Young Robertson & Burningham to Utah to work on this for a month. Mayor Hooe stated that the policy decisions we have to make begin with adopting a Capital Facilities Plan and a policy for financing and we will need to have a couple of work sessions after that. Jerry Kinghorn said the complicated part is figuring what the debt load is and who pays the debt service, etc. Nick Berg stated he met with John Walden, Eagle Mountain Properties, and discussed the amount of debt load the Town can take. Mayor Hooe said the Town can't borrow a penny right now and that the only way RBANs and SIDs will be issued is if the developers can prove that they have the land value and that they have the economic resources to make the payments. The Mayor continued, we need to have some policies in place, we have to develop

a Capital Facilities Plan and we need to work on the partnership arrangement. Nick Berg asked the Town to keep an open mind with the idea that Cedar Pass Ranch and Eagle Mountain Properties get at least 15-20 consultants working to find alternatives and to solve problems.

12. Consideration and Adoption of Eagle Mountain Capital Facilities Plan

MOTION *Rob Bateman moved that we table this discussion until our meeting of June 9, 1998. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed unanimously.*

Discussion ensued regarding a more convenient time for the meeting.

Rob Bateman moved that we amend the motion to hold a Special Town Council meeting on Friday, May 29 at 4:00 p.m. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed unanimously.

13. Consideration of a Resolution declaring the Town's Intent to create Special Improvement District No. 98-1 and to construct a road and related improvements to be known as Eagle Mountain Parkway; and related matters.

This item was tabled.

MOTION *Rob Bateman moved to discuss Item 16 before Item 14. Cyril Watt seconded the motion. Ayes: 5, Nays: 0. Motion passed unanimously.*

Agenda Item #16. Lease Agreement to lease a section of the sewer plant facility grounds to Tasco Engineering Inc. for the storage of their equipment

Lyle Vance, an engineer with Tasco, presented the philosophy of the Agreement. Jerry Kinghorn will draw up a precise lease.

MOTION *Rob Bateman moved that we direct the Town Attorney to draft up an appropriate Lease Agreement with the terms discussed and if the Mayor approves of it that she be directed to sign it. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed unanimously.*

14. Administrative Resolution (By-laws-Town Council)

Discussion ensued and changes were recommended. Diane Bradshaw will prepare a clean copy of the By-laws reflecting these revisions. A discussion was held regarding the number of items that should be on the Agenda. It was decided to put the Department Reports toward the end of the Agenda.

MOTION *Rob Bateman moved to approve the By-laws subject to the changes agreed upon. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed unanimously.*

15. Resolution No. 04-98, a Resolution of the Town of Eagle Mountain, Utah to approve appointments to the Eagle Mountain Board of Adjustment

MOTION *Rob Bateman moved to approve Resolution 04-98 to approve appointments to the Eagle Mountain Board of Adjustment. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

17. Ordinance Vacating Harvest Haven Plat

MOTION *Rob Bateman moved to approve Ordinance 98-06, an ordinance vacating the plat of Harvest Haven subdivision, as drafted. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

18. An Ordinance Enacting a Curfew for Juveniles Within the Town of Eagle Mountain, Utah

Discussion ensued. A typographical error was corrected.

MOTION *Cyril Watt moved to approve Resolution 98-07 regarding a Juvenile Curfew, as corrected. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

19. Action from Work Session Item 1

MOTION *Rob Bateman moved to approve the ordinance adopting the Code for Business Licenses with the changes that the Council recommended, along with the fees; that we adopt the ordinance on sexually oriented businesses as drafted, with minor corrections, with the fees recommended by the Council; and the liquor license ordinance with the amendments and recommendations by the Council. Dan Valentine seconded.*

Discussion ensued. Jerry Kinghorn will talk to Craig Hall, City Attorney of South Salt Lake, regarding the sexually oriented business employee renewals.

Rob Bateman amended the motion to add that we will adopt the same fee as South Salt Lake uses. Ayes: 5, Nays: 0. Motion passed.

20. Consideration of law enforcement agreement with Utah County and adoption of Resolution authorizing the Mayor to execute the agreement on behalf of the Town

Jerry Kinghorn explained the current Agreement with Utah County Sheriff. The current Agreement expires on 12/31/98, halfway through the fiscal year. Mr. Kinghorn suggested the Council adopt the Agreement as of January 1, 1999 as it is good timing to approve the new Agreement to be included in the budget for fiscal year 1998-99. He recommends that we authorize the Mayor to execute the Agreement in its final format for approval by Utah County. Mr. Kinghorn stated that the real driving force behind this is the "cops grant" which is picking up a lot of the actual costs involved. Mayor Hooge suggested we define the obligations of providing them space in the Fire Station, i.e. desk, phone, and place for breath-a-lizer. Rob Bateman asked how revenue from D.U.I. is divided. Jerry Kinghorn said he would find out if we actually have a D.U.I. ordinance and, if so, how the revenue is split.

Mayor Hooge expressed concern about the financial issue of developers backing off on providing infrastructure for the Town. Dave Conine also mentioned a concern about their backing away from the schools. The Mayor said the Town Council needs to make a commitment to a Master Facilities Plan, a commitment to the type and extent of the financing we will do. Discussion continued. Jerry Kinghorn has asked Nick Berg to go through the old Development code and submit a list of specific items that should apply to them. Jerry has not received this list. In Jerry Kinghorn's opinion the Development Agreement vests Eagle Mountain Properties in densities, uses and configuration of utilities and general use infrastructure. Rob Bateman summed up the direction of the Council to the Planning Commission - with the exception of the densities and uses that were approved, Walton Development will follow the new Development Code until further notice. All new ordinances should apply to Eagle Mountain Properties until he receives the list from Nick Berg for discussion.

MOTION

Rob Bateman moved that we approve adoption of the Resolution authorizing the Mayor to execute the law enforcement agreement on behalf of the Town and direct the Town Attorney to include that we are providing the facilities to discuss with the County Attorney and the Sheriff's Department any credit that we get for fines and forfeitures. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.

MOTION

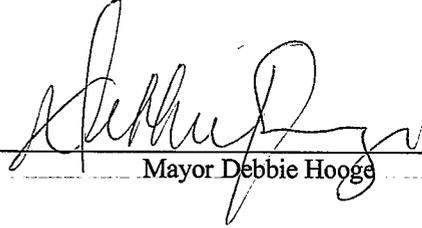
Diane Bradshaw moved that we adjourn the meeting.

Discussion ensued on Eagle Mountain Properties and the possibility of John Walden defaulting on RBANs. Mayor Hooge asked the Council to stay on top of these issues. Jerry Kinghorn said Laura Lewis is a very good, conservative, financial advisor and the Town will receive good advice from her.

Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

The meeting was adjourned at 11:15 p.m.

Approval: _____


Mayor Debbie Hooge

Date: _____

July 28, 1998

The foregoing minutes were posted at the Eagle Mountain Fire Station, Eagle Mountain, Utah, the bulletin boards at Cedar Meadows Subdivision and the Cedar Pass Ranch Trailer by _____, Town Clerk.

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH,
1680 East Heritage Drive, Eagle Mountain, UT**

DATE: June 23, 1998

A. OPENING:

1. Roll Call

The meeting was called to order by Mayor Debbie Hooge at 7:05 p.m.

2. Rob Bateman led pledge of Allegiance.

The following Council members were present and constituted a quorum:

Mayor: Debbie Hooge
Council: Rob Bateman, Dan Valentine and Cyril Watt

Town Staff:

Town Planner: Dave Conine
Executive Assistant: Ron Foggin
Town Attorney: Jerry Kinghorn
Town Clerk: Janet Valentine
Town Engineer: Korey Walker
Deputy Clerk: Barbara Wren, Recording

Also Present: Howard Ault, American Fork, Nick Berg, Eagle Mountain Properties; Bert Carter, Eagle Mountain Builders; James Dahl and Ross Hansen, MCM Engineering; Scott Gifford, Camelot Homes, Inc.; Jolene and Joseph Haws, residents; Rick Jackson, Lehi; Patty Johnston, Utah Co. Deputy Sheriff; Fionnuala Kofoed, resident; Bob Lynds, Cedar Pass Ranch and The Ranches properties; Marie Ludtke, resident; Joe Santos, Epic Engineering; Dave Sheets, Trophy Homes; Gary Tassainer, Tasco Engineering; Stephen Sowby, The Ranches; Martin Telapoli, Glen Mar Rentors, John Walden, Eagle Mountain Properties; Fred and Joel Woods, Eagle Mountain Builders; Michael Wren, MCM Engineering;

3. Approval of Agenda:

MOTION: *Rob Bateman moved to approve the agenda. Dan Valentine seconded. The motion passed unanimously.*

- 4. Approval of 2/24/98 Minutes, as amended:** Dan Valentine called for the following changes: Page 1, A, should read "meeting was called to order at 7:05 p.m. by Mayor Debbie Hooge" and page 3, paragraph 1, last sentence should read Dan Valentine. Rob Bateman requested the following changes: Page 1, C, item 1, delete all but first sentence; page 2, first paragraph, second sentence should read "Rob Bateman has prepared..." and paragraph 3, 5th sentence should read "include the AAB as one of the bodies that would review Class II permits submissions."

MOTION *Rob Bateman moved to approve the minutes of February 24, 1998 as amended. Dan Valentine seconded. The motion passed unanimously.*

5. General Discussion/Questions/Announcements:

Mayor Hooge stated that Pony Express Day was very successful. The landscaping of the Fire Station was accomplished, with the volunteer help of the Fire and Police Departments and many others. There was roughly 200-250 people participating in the day. The Tasco Engineering team won the softball tournament. The Mayor commended the Staff members and spouses for their work and also Eagle Mountain Properties, The Ranches, Tasco Engineering, Epic Engineering for their various donations. The Mayor stated she feels that next year it will be even better. Pony Express Days will be scheduled the weekend before Lehi's Rodeo Days next year.

Dan Valentine asked for an update on possible reimbursement of property taxes to homeowners who were double taxed through Utah County and Eagle Mountain. Mayor Hooge responded that Jerry Kinghorn is presently working on that.

Janet Valentine introduced Barbara Wren, the new Deputy Clerk for the Town of Eagle Mountain.

Rob Bateman asked Patty Johnston to explain the program for Explorer Scouts in Eagle Mountain. Patty explained that Jo Murphy, Deputy Utah County Sheriff is currently working on creating a law enforcement Explorer post in Eagle Mountain for the purpose of encouraging careers in law enforcement.

6. Warrant Register / Janet Valentine:

The Warrant Register was reviewed and discussed. The Register was accepted with the exception of the Wilding Engineering entry.

Mayor Hooge asked for the status on gas loss. Korey Walker stated that the equalizer has been installed, however they are still experiencing some problems.

Mayor Hooge asked that Ron Foggin's memo of 6/19/98 regarding stipends for the Mayor and Council who sit on boards and committees be prepared in Resolution form, leaving the dollar amounts blank.

MOTION *Rob Bateman made a motion that, with the exception of the Wilding Engineering entry, we approve the Warrant Register for payment of the bills. Cyril Watt seconded the motion. The motion passed unanimously.*

7. Business License Approvals Procedure / Janet Valentine

Janet Valentine asked for clarification of the procedure for business licensing. Mayor Hooge asked Mrs. Valentine to coordinate the effort which would include consulting with Dave Conine for planning and zoning, and the Fire Chief, the Police Department and City Inspector, as appropriate. Sales trailers on a project site maybe issued a Conditional Use Permit.

8. Eagle Mountain Properties Update / Nick Berg

Nick Berg took note of those who were in attendance from The Landing and encouraged their attendance at Town Council meetings and that they express any concerns they may have. Nick made mention of the work done after the recent heavy rains, enlarging the temporary storm drainage ponds and correcting drainage problems.

Mr. Berg mentioned the Eagle Mountain Ready Mix batch plant that Fred Woods Development was building, and commented that once it is in place it was one way to eliminate some of the truck traffic down Highway 73 and Eagle Mt. Boulevard. This way trucks will be off traditional residential streets and using the back streets into the projects. Maps will be available showing where trucks will be driving.

The grass area behind the park is coming along well (located in front of the Fire Station), some of the vendors supplied materials for it. The playground is almost ready to be installed. Fred Woods will be doing some community service projects for them. Nick would like permission to work with them to begin

the trail system, working down toward The Landing. Mayor Hooge advised him to consult with Korey Walker and Dave Conine about it.

Nick Berg assured the Council that John Walden has informed him that the Town can continue using the Eagle Mountain Properties Logo and that he would work with Jerry Kinghorn and write a letter or whatever is necessary to assure the Town has use of the logo on stationery and street signs.

John Walden assured the Council that the funds were available to do the expansion for utilities infrastructure. He is prepared to write a check to Santec, but needs the OK from Jerry Kinghorn.

Dan Valentine said he understood they are going to go ahead with the gas tap on the south end of Eagle Mountain and asked if there would be a concurrent one on the north end also. Gary Taissainer answered that is what has been applied for at Kern River. The timing is an issue that Kern River is addressing, they are on schedule to make the south tap in October. If weather permitting and equipment favorable, etc. they should have it complete by February or March, otherwise in April or May, 1999.

John Walden stated he was here to obtain some answers such as why we need two generators rather than one. The original plan was to put in 1 tap and 1 generator station. Mr. Walden stated his purpose for visiting here was also to bring everyone together, to dispel the belief of some in the valley that the Ranches and Eagle Mountain Properties are competing. Mr. Walden stated this is not the case, they are different markets and different concepts but are working amicably together. He stated that his idea is to try to expand the Town, anything good for the Town is good for him. He is exploring possibilities, working out communication problems. The Mayor expressed appreciation for what John Walden has done and Mr. Walden reciprocated his appreciation to the Mayor and the Council.

Rob Bateman informed the group that a Utility Board meeting has been scheduled for Wednesday, July 1 at 6 p.m. to get everyone together to discuss some of these utility issues.

9. Public Comment

Fionnuala Kofoed, 1853 E. Pinion Circle, Eagle Mountain, expressed her displeasure with the utility rates. She feels they are too high. Ms. Kofoed had prepared a list of utility rates in other valley areas. She provided the Council with a copy of her compilation.

Jolene Haws, 1873 E. Pinion Circle, Eagle Mountain, after hearing John Walton speak in this meeting, expressed concern about how much influence his ideas will have on the Council. Rob Bateman responded that although the Walden group has invested a lot of money to do planning to develop this part of Eagle Mountain, the five people on the Town Council are not representing John Walden, they represent the citizens of this town.

Fionnuala Kofoed asked the Council if they would be willing to provide Eagle Mountain citizens with information before they enact policy. Rob Bateman explained that the Town has a Development Code in place and that code requires that there be certain periods of public notice. Council member Bateman informed Ms. Kofoed where the posting areas are located in Eagle Mountain and explained that they are published in the Lehi Free Press. He encouraged the residents to attend the meetings and express their interests. Discussion ensued.

10. PUBLIC HEARING

A. Proposed Amendments to the Development Code

A discussion was held regarding skirting on manufactured homes (see attached *Conditional Use Requirements for Manufactured Home Communities, Standards and Requirements, Item #9*). Rob Bateman said the Planning Commission apparently felt with this kind of construction, concrete panels, they still look like they're built on concrete foundation. The concrete panels take the place of skirting. Mr. Bateman stated that new manufactured homes that meet all the design guidelines may be built anywhere in the

subdivision if they meet the design guidelines. Subdivisions that are primarily for manufactured homes may propose alternate guidelines when they come in for their review process.

After a discussion about the inclusion of car ports (see attached *Conditional Use Requirements for Manufactured Home Communities, Standards and Requirements, Item #13*), Dan Valentine stated that the Planning Commission recommended no carports and Mayor Hooge agreed the decision against carports was made last week.

Regarding Maintenance of Premises (see attached *Conditional Use Requirements for Manufactured Home Communities, Maintenance of Premises, Item #13*) Mayor Hooge recalled that no T111 exterior material would be used in place of metal. It is suppose to be a vinyl or aluminum siding product as a minimum. Dave Conine will find the generic term for T111. Cyril Watt recommended we amend the first sentence to read, "...boats or other vehicles", striking the word "recreational". Dan Valentine suggested the Council include the types of materials that are acceptable for siding, and it was decided that brick, vinyl, stucco or solid wood are the acceptable kinds of siding.

Mayor Hooge suggested we eliminate Item f, page 58 of the Eagle Mountain Development Code. Rob said it had been included because of the car port question but agreed to take it out.

Rob Bateman explained that he has taken each chapter of the Development Code and created it as its own document so that when amendments are made we will throw away only the chapter we amend.

Mayor Hooge asked those of the public who were not in attendance when the Development Code was addressed if they had any comment. There were no comments.

Rob Bateman reviewed to the Council Dave Conine's memo regarding Development Code amendments. Mr. Bateman would like some kind of definition in the conditional use standards for what constitutes "Bed and Breakfast" (see attached *Home Bed and Breakfast, Item #5*). He suggested that we recommend these changes to the Planning Commission and tell them we'd like them to schedule the public hearings necessary on the Bed and Breakfast. Dan suggested making the sign size of 9 sq. ft. meet the home business limit of 3 sq. ft. He feels that, as in a home business, these signs are not for advertising but for identification purposes. Dave Conine felt that perhaps someone using a Bed and Breakfast would not be familiar with the area and may need a little more conspicuous sign. After a discussion, Rob Bateman suggested they have the Planning Commission work on this. Dan Valentine further suggested that the section "Home Occupations", last sentence in the first paragraph, the sign size be changed to correspond with the decision of the Planning Commission regarding Bed and Breakfast sign size.

Regarding the paragraph "Percent for Public Art", Mayor Hooge stated that Jerry Kinghorn has said that if it directly benefits their property they can collect the percentage and if it doesn't directly benefit their property it is not allowed. For example: you cannot have a city art museum and demand people pay 1% in to it but if you are building an office building, as part of that building you could have 1% in art that goes into that building.

Under "Conditional Uses", Dan Valentine suggested striking in the fourth sentence, "or as a hobby". Discussion ensued. It was agreed that kennels would be limited to conditional use in agricultural zones.

Under "Alleys Preferred" section, Mayor Hooge feels that the 15' displacement from the front elevation of the building is excessive. Dave Conine clarified the reason for 15' is that it makes it possible to pull the car forward into the driveway and further off the street. The Mayor would like the Planning Commission to review that. Dan Valentine expressed some concerns about paragraph 3 of this same section regarding outbuildings being constructed to within 5 feet of the rear property line and what effect this might have on the alley being visually obstructed. No changes were recommended.

B. Action From Item A

MOTION *Rob Bateman made a motion that we approve the recommended changes to the Development Code with the changes that we've discussed and that we refer Dave Conine's recommendation memo of June 22, 1998 to the Planning Commission for their recommendation. Dan Valentine seconded. There was no further discussion. Ayes: 3, Nays: 0, Abstained: 1 (Mayor Hooge.) Motion passed.*

C. Eagle Mountain Final Budget for Fiscal Year 7/1/98 to 6/30/98

Ron Foggin's budget document for the fiscal year was reviewed. There were no changes except for a part-time janitorial staff position being added. There will be some revisions throughout the year and Ron will keep up on that on a monthly basis.

Mayor Hooge made mention of having hired a relative of Cyril Watt to fill the janitorial position and wanted clarified that it was not a conflict of interest. Rob Bateman stated that it was not.

Rob Bateman commented that this was a very conservative budget and, with permits coming in, we will have to be prepared to add staff, etc. as we need to. Ron Foggin said he was aware of that and is prepared to make revisions as needed.

MOTION *Rob Bateman made a motion that we approve the budget for fiscal year 1998-1999 as presented. Cyril Watt seconded. The motion passed unanimously.*

11. "The Ranches" Update / Bob Lynds

Bob Lynds showed maps to illustrate plans for The Ranches. He explained their plans for the Office Park and stated the first building will start on August 15 and will be a multi-purpose building with sales and construction offices on a portion of the bottom floor and the rest will be retail office space.

Mayor Hooge assigned Cyril Watt to act as Mayor Pro-Tem, as she needed to leave the meeting.

12. Consideration to Repeal Resolution 10-98 and Approve Resolution 12-98

Bob Lynds requested that we call a special meeting for this item. Rob Bateman said that since the Utilities Board is meeting on Wednesday, July 1, 6 p.m. we could combine the two meetings.

MOTION *Rob Bateman made a motion that we schedule a meeting of the Town Council for 6 p.m. on the evening of July 1, at the Fire Station in Eagle Mountain and that we make it a joint meeting of the Town Council and Utility Board and invite the appropriate members of that board and appropriate staff to attend to consider Item 12, repeal of Resolution 10-98 and approval of Resolution 12-98 at that meeting. Ron Valentine seconded. Ayes: 3, Nays: 0, Abstain 1 (Mayor Hooge) Motion passed.*

Dan Valentine asked Janet Valentine to coordinate the agenda for this meeting.

13. Sundance at Red Hawk Ranch Final Approval "R1-N6" / The Ranches, L.C., Bob Lynds

Bob Lynds explained that R1-N6 is a 46-lot subdivision that has received final approval from the Planning Commission with some conditions. Korey Walker summarized his recommendations to the Council. (See attached Epic Engineering memo "Sundance at Red Hawk Ranch".) Discussion revolved around the conditions that must be met before final approval. Rob Bateman asked Korey Walker if he was reasonably comfortable with where the issues are. He responded that they are issues that can be overcome, issues that are not going to substantially change the design and construction of the subdivision.

MOTION *Rob Bateman made a motion to grant final approval to Sundance Red Hawk Ranch subject to the engineer being satisfied with the storm drainage analysis and with the hydrological IDF curves, that there be submission at a dedicatory plat with the offsite open space, that the engineer's estimate and bond amounts be approved by the Town Engineer, as well as construction drawings for a secondary access temporary cul-de-sac. And finally, and most importantly, on the meeting of July 1, that the Public Works Board affirm that they are satisfied with the utility arrangements for this subdivision. Dan Valentine seconded.*

Discussion ensued regarding funding.

Rob Bateman amended the motion to say that it will be contingent upon the developer providing the funding mechanism to the satisfaction of the Town and providing adequate utility status approved by the Utility Board and making it contingent on the Town Attorney and Town Engineer working out with the developer a suitable development agreement and that the developer would sign an agreement reimbursing the Town for any difference in the gap. Dan Valentine seconded the motion as amended. Ayes: 3, Nays: 0, Abstain: 1 (Mayor Hooge). Motion passed.

Dave Conine expressed a concern that, as we move forward, we need to get the proponents of The Ranches projects and the proponents of the Eagle Mountain Properties projects to assist the Town in funding a transportation model in order to make educated estimates of cumulative traffic impact of all the projects that are going to be coming in both locations as they are interrelated. Mr. Conine felt that at some point we need to get this transportation study underway. Nick Berg stated that Korey Walker would like to have it under contract within 90 days.

Mayor Hooge returned and resumed conducting the meeting.

14. Mountain View Subdivision Final Approval / Fred Woods Development

Fred Woods requested final approval of Phase I, Mountain View Subdivision and offered to answer any questions the group may have. Korey Walker reviewed his memo to the Town Council of June 23 regarding the Mountain View Subdivision Final Review. (See memo attached.) Discussion ensued.

MOTION *Rob Bateman made a motion to grant final approval to Mountain View Subdivision Plat 1 with the following conditions: (1) The 10' trail needs to be shown on the plat and constructed in accordance with the development code along the frontage of Eagle Mountain Boulevard, (2) that the storm water detention basin dedicatory plat be signed by property owners, (3) that a 8' wide paved trail be constructed, going from the trail on Eagle Mountain Boulevard between Mountain View and Patterson with the cost split evenly between the two subdivisions (depth 2.6), (4) that final storm water plans be submitted for final review, (5) that the recommendations of the Public Utility Board be met, specifically that the proviso provided by the Town Engineer in his article 2 (refer to memo of June 19, 1998, subject "Mountain View Phase 1 Bond"), that requires that funding mechanism be in place for the infrastructure approval, (6) that the frontage along Eagle Mountain Boulevard be deeded to the Town, (7) that along Eagle Mountain Boulevard a 3-year bond be posted for the improvements of Eagle Mountain Boulevard along the frontage and that the developer be reimbursed for a portion of those, from impact fees and subsequent adjacent developments.*

Cyril Watt seconded the motion.

Discussion was called for. Joel Woods commented that in the Planning Commission they said we had to put a 10' walkway in front of the subdivision but that we don't have to do it until Phase II.

The motion was amended by Rob Bateman to read there will be 10' foot walkway built in front of the subdivision in Phase II. Cyril Watt seconded the amendment. Ayes: 3, Nays: 0, Abstain: 1. Motion passed.

15. Consideration to approve the Facilities Construction Agreement executed by Town of Eagle Mountain, and provides authorization for Kern River to construct and install a second new meter station for the Town of Eagle Mountain.

MOTION *Rob Bateman made a motion to authorize the Mayor to sign the Facilities Construction Agreement on behalf of the Town after we have had the Utility Board meeting and determined that it is in accordance. Dan Valentine seconded. Ayes: 3, Nays: 0, Abstain: 1. Motion passed.*

16. Approval of Resolution 11-98 which Repeals Resolution 06-98; Adopting Street Names in the Town of Eagle Mountain.

The name of Overland Drive will be changed to Valley Circle. Mayor Hooge asked for a list of street names as she has found name duplications when reviewing lists. Janet Valentine asked that it be a requirement that the developers put North and South on the street names and was assured by Korey Walker and Nick Berg that it was being done. Nick Berg asked that Airport Road be given the designation of North or South. Discussion ensued regarding who should coordinate the naming of roads and Rob Bateman suggested that since it's a planning issue Dave Conine or Sue Fraley needs to take care of it.

MOTION *Rob Bateman made a motion to approve Resolution 11-98. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstain: 1. Motion passed.*

17. DEPARTMENT REPORTS:

a. **Administration – None**

b. **Planning Commission/Airport Advisory Board / Rob Bateman**

The next Planning Commission meeting should be looking at the Lythgoe & Steinbach submittal. We are also going to talk about the Conflict of Interest ordinance on the following meeting. Mayor Hooge recommended that we fine-tune the policy on the Trails. Rob agreed to work on that.

Korey Walker explained that last week Ready Mix Company turned in a business license for a concrete batch plant and they are anxious to start moving in next week. Korey said we need to schedule them for meetings as soon as possible. Mayor Hooge stated that they have to come under Conditional Use Permit so they have to go before Utility Board and Planning Commission. Gary Tassainer made mention that since there was an issue regarding electricity for the plant they should probably come before the Utility Board first. Nick Berg explained that they would give Ready Mix a ground lease for two years only at which time they would relocate to the Industrial park. At the industrial park they would not be near any homes.

Gary Tassainer said that UPL will not serve Eagle Mountain and if the Utility Board wants him to negotiate that he will, or the town needs to make preparation to go out there and serve them. Nick Berg said that would be too expensive. Gary agreed. Mayor asked about UPL turning off the power to their well. Cyril said UPL is shutting down his power as of tomorrow. They are getting an extension until they get hooked up to the City. Gary Tassainer will find out what the problem is.

c. Parks & Recreation / Pony Express Days/Diane Bradshaw - None

d. Public Works Board / Dan Valentine

Dan Valentine opened for discussion the subject of utility rates at Eagle Mountain and wanted some real data on the comparative rates. Ron Foggin has prepared that data and has given it to the Utility Board. Mayor Hooge stated that we are high but not excessively so. She feels the problem is that they get five bills on one bill and it seems larger than if it were separately billed. Gary Tassainer agreed that it is difficult for young couples. Mayor suggested that we educate the developers as to utility fees so the home owners have it up front.

Dan Valentine gave the Council an update on the recent flooding at Eagle Mountain. Many pending changes to the Utility Ordinance and the list of recommendations may include \$125 reapplication fee for people that call up for inspection and they're not ready and have to come out a second time. Temporary power verbiage is changed. Anybody has revisions ready for Council approval in 30 to 60 days.

Korey Walker explained how the recent water loss of 1½ million gallons at The Meadows occurred and that there is a substantial expense involved. Mayor Hooge said Eagle Mountain was going to bill them for it.

Dan asked for the Council status on hiring the Assistant to the Utilities Manager, Bob Wren, or if the Town was planning to hire a Public Works Director. Mayor Hooge stated that it is in the budget this year to hire a Public Works Director. As soon as this person is hired, the Town will seek his recommendation on whether we need an Assistant to the Utilities Manager. Dan expressed concern about the heavy load of work Bob is carrying and asked for an estimate of the time it will take to hire someone. The Mayor stated that this person can be hired in two weeks as soon as we know the funding is there. Ron Foggin told the group he has spoken to Bob and Bob has assured him he will keep within a 40-hour week.

1. Korey Watt distributed the document "ERU Projections and Facility Plan" (see attached) and discussed its contents. The September 2001 entry of 1300 ERUs should be changed to 900 ERUs.

e. Public Safety / Cyril Watt

Mayor Hooge told Patty Johnston, Deputy Sheriff, that the Neighborhood Watch program and Community Outreach with the Police Department where they can do things like Self Defense for Women, etc., are programs she would like to see implemented in Eagle Mountain. Patty stated that their Deputy, Jo, is dedicated to this type of program and would be glad to work something out for Eagle Mountain. Mayor Hooge invited Patty to include a Sheriff's Department column in Eagle Mountain's monthly newsletter. The Mayor requested from Patty a copy of the monthly police report so we can better evaluate our policing needs.

Mayor Hooge also thanked Howard Ault for donating the sod that was recently laid at the Firehouse.

D. ADJOURNMENT:

MOTION *Mayor Debbie Hooge made a motion to adjourn to the Closed Session at 11:15 p.m. Rob Bateman seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

The Closed Session of Town Council was called to order at 11:20 p.m.

Minutes of Town Council Meeting
June 23, 1998

Present at the Closed Session were Mayor Debbie Hooge and Council Members Rob Bateman, Dan Valentine and Cyril Watt

Also present: Ron Foggin, Assistant Administrator; Dave Conine, Planning Director; Janet Valentine, Clerk; Barbara Wren, Deputy Clerk

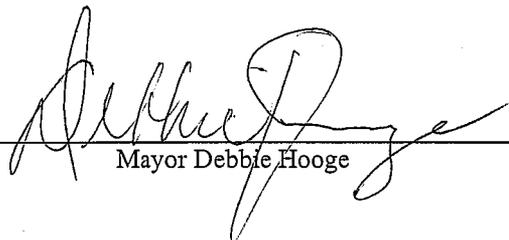
MOTION *Rob Bateman made a motion to approve the change in salary for Ron Foggin and to change his title to Executive Assistant. Cyril Watt seconded. The motion passed unanimously.*

MOTION *Rob Bateman made a motion to return to Open Session. Cyril Watt seconded. The motion passed unanimously.*

MOTION *Cyril Watt made a motion to adjourn the Town Council Meeting. Dan Valentine seconded. The motion passed unanimously.*

The time of meeting adjournment was not recorded. It was approximately 11:45 p.m.

Approval: _____

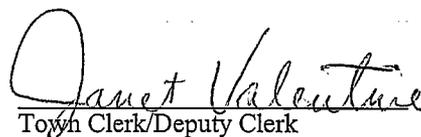


Mayor Debbie Hooge

Date: _____

7-14-98

The undersigned, duly appointed Town Clerk/Deputy Clerk, does hereby certify that the above Town Council Minutes was posted in three public places with Eagle Mountain Town Limits on this ____ day of _____, 1998. These public places being 1) the Town Offices, 1680 East Heritage Drive, Eagle Mountain, Utah, 2) Cedar Pass Ranch Bulletin Board, 9155 No. Cedar Pass Ranch, Eagle Mountain, Utah; and 3) the Bulletin Board located at Meadow Ranch Subdivision, Hwy 73, Eagle Mountain, Utah.



Town Clerk/Deputy Clerk

**MINUTES OF SPECIAL JOINT MEETING
TOWN COUNCIL AND PUBLIC WORKS BOARD
TOWN OF EAGLE MOUNTAIN, UTAH,
4114 North 1680 East, Eagle Mountain, Utah 84043**

DATE: JUNE 30, 1998

A. OPENING:

The meeting was called to order by Mayor Debbie Hooge at 6:10 p.m. Mayor Hooge led the pledge of allegiance. The following Council members were present:

Mayor: Debbie Hooge
Council: Rob Bateman, Diane Bradshaw and Dan Valentine

The following Public Works Board members were present:
Bill Chipman, Reed Fisher and Mark Sovine.

Town Staff in attendance:

Town Attorney: Jerry Kinghorn
Town Treasurer: Ron Foggin
Town Planner: Dave Conine
Town Clerk: Janet Valentine
Town Engineer: Korey Walker
Deputy Clerk: Barbara Wren, recording

Also Present: Mike Busch, Eagle Mountain Public Utilities; Nick Berg, Eagle Mountain Properties; Bert Carter, Eagle Mountain Builders; Scott Kirkland, Cedar Pass Realtors; Bob Lynds, The Ranches, L.C.; Grant Marsh, Philip Nolen, Cedar Pass Ranch; Mel McQuarrie, MCM Engineering; Joe Santos, Epic Engineering; Gary Tassainer and Lyle Vance, Tasco Engineering; Joel Woods, Eagle Mountain Builders; Michael Wren, MCM Engineering

Conference Call: Eric Jones, Laura Lewis, Jesse Smith and John Walden

2. Approval of Agenda:

MOTION: *Rob Bateman moved that we table items 5 and 9 as some on the Council need to attend other meetings; then after the Council has discussed the remaining more critical items they will adjourn to a Closed Executive Session and allow the Public Works Board to continue on with their regular meeting. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

3. Public Comment: There were no comments.

Mayor Hooge said she would like to recuse on item 4.

4. Consideration to repeal Resolution No. 10-98 and approve Resolution 12-98 declaring the Town's intent to create Special Improvement District 98-1 and to construct a road and

**related improvements to be known as The Ranches Parkway and related matters / Bob Lynds,
The Ranches, L.C.:**

Rob Bateman suggested we consider item 4 somewhat later in the meeting.

MOTION: *Rob Bateman moved, given our recent conflict of interest ordinance and the Mayor's obvious ownership interest in certain properties which are involved in the discussion tonight, that we as a Council vote to suspend the provisions of the conflict of interest ordinance for the purpose of this discussion. Diane Bradshaw seconded the motion. Ayes: 3, Nays: 0, Abstain: 1 (Mayor Hooge). Motion passed.*

5. Determination of which Capital Facility Projects will be included in the SID for the Ranches.

Korey Walker presented the proposed SIDs (see attached June 12, 1998 letter from Bob Lynds of The Ranches to Mr. Bill Chipman, Chairman, Town of Eagle Mountain Utilities Board).

Electrical Off-site and Gas Off-site:

Korey Walker explained that the *Engineering Study* was for evaluating and performing the survey and right-of-way work on getting the alignment of the power line to come from the area south up to tie into the electrical lines by the river. Twenty-five thousand dollars is proposed to come from Special Improvement District (SID) funds, another \$25,000 proposed to come from Revenue Bond Anticipation Notes (RBANs). The *Distributed Generation Facility* includes the two 250 KW generators. The *Engineers Reports for SID* is \$20,000. *Construction costs* include the work with relation to tying in the generator and also offsite improvement.

Bill Chipman, Chair of the Eagle Mountain Public Works Board, asked how many generators were planned for The Ranches. Korey Walker answered that the proposal is for a generator to be located in the south. A discussion ensued regarding the number of taps and the material (poly or steel) that should be used for the natural gas line. Korey said you can do an 8' poly line for \$275,000 to push gas from the tap in south through 600 houses on the north and 600 on the south. He explained that the decision was recently made to make another tap because John Walden, Eagle Mountain Properties, said he wasn't going to make a tap. Rob Bateman asked whether we need one tap or two. Korey Walker responded that in terms of technical data you need one tap and a 6" poly line from south to north. You can serve the entire town, up to 1,200 residences, if they're divided about 50/50. Mayor Hooge asked the price of a tap and Korey said it was about \$500,000. She felt that there was a certain sense that we should get it done while Kern River is willing to do it, as their attitude can change. The cost of the tap is \$365,000. The regulators that take it down from Kern River to a useable gas supply cost about \$75,000 - \$100,000. Bill Chipman asked if you could do just one tap in the south and satisfy all the needs. Korey answered yes, but you'd have to do it again in a year and half. He added, we would need a second tap eventually; it's just a matter of when you put it in. Gary Tassainer said if you don't do a second tap, you've got to build a high pressure line of steel from the southern tap and if you do two taps you can make the connection with a poly line. Mayor Hooge asked how much more it would cost for one steel line. Gary answered it's about double to put in steel, so instead of \$275,000 it goes to \$500,000. Gary Tassainer said Kern River has been asked to stop and start so often that he doesn't want to stop them again right now until this decision is made. Right now they're proceeding with two taps and Gary said they are confident they can make both taps by November, if there are no protests or other issues. Gary explained that right now we are on the program for two 250 generators; one would lie in backup if we exceeded our minimums. He continued, if you make 2 taps it's feasible to have one generator in the north and one in the south but we would be generating 500 KW where we might only need 200. He stated that we do have every confidence that our sales agreement will be in place on July 15 with UAMP and they would buy that power. However, we would be selling at a loss, generating 38 mils and selling for about 22 mils. Dan Valentine stated that, considering the cost of \$275,000 for the poly line, he would prefer to go with the steel line.

He added that the north tap could be deferred for a period of time and with a steel line, and operate a 60 psi to supply The Ranches. Dan asked if there may come a time when we would be unable to tap into the Kern River line. Gary Tassainer said by law they cannot prohibit you from tapping and it is a regulated item so they wouldn't be able to charge a lot more. Mayor Hooge asked who will pay for the line. Dan Valentine suggested since the line is equivalent to a tap and the north and south are going to share evenly, we should share the cost. Gary Tassainer said technically it would be better to make one tap and serve the whole town for now. Mark Sovine, Public Works Board, asked if we could run the poly line and when we reach the 600 homes put on another tap. Gary Tassainer said that this was an option. He continued, we could come down the Kern River line with a high-pressure line and tie it together. The 8" poly with both taps operating would last through the year 2020, through the entire project. Steel would last even longer. The poly accounts for in excess of 18,000 ERUs, steel would double or even triple that. Reed Fisher commented on his interpretation of the situation now - we have potential of 1 tap and are barely going to use the gas from that one tap. With a steel line from there to the north you can take care of all your needs until you need to make the other tap, not having to pay the monthly costs for the gas and the steel line serves as both functions. Gary explained that a poly line would give you 600 ERUs in each area, north and south, with 1 tap. With 2 taps it will do 6,000 in the north and 12,000 in the south. Reed Fisher asked Gary Tassainer if they would run the line parallel to the Kern River line if they do the steel line. Gary said they would have to make an analysis on poly vs. steel and then report back. Mr. Fisher added that if you run a steel line you wouldn't need another line ever. He continued, if we did one tap on the poly line it will last until 2001-2002 at which time you would either make another tap or run a steel line. Rob Bateman stated it sounded to him as if the best option is one single tap, two generators down south, steel line up north. Mayor Hooge asked where the steel line would run and Gary showed the proposed route on the map going from approximately due east of the sewer plant, up Sweetwater Road to the point of intersection of Pony Express Trail and then to wherever the road joins what was formerly The Ranch SID. He explained that this has changed during the last week and some of this property went out of the SID. Mark Sovine asked if the cost of the steel line includes the cost of the regulators. Gary answered there would be only one regulator and we would drop 1,000 psi down to 60 and carry 60 until they started building up to the 600 range and then would set another high pressure regulator from the tap into the north. Bob Lynd stated \$800,000 has just been allocated for gas and if we're not doing the tap on the north end then they could apply some of that money to run the steel line. He said they would have no problem with that and he does not feel it is a major economic issue. Reed Fisher stated that 1 tap, a steel line and 2 generators in the south follows the original plan and that it would be his recommendation. Dan Valentine asked how many homes the generators would take care of. Gary responded that according to their projections, two 250's to begin with and when you reach capacity of one 250 you add the other 250. Each 250 will supply about 80 homes. He added, that there will be a time when, instead of putting in another 250 we'll put in 500 or whatever is necessary. Scott Kirkland, Cedar Pass Realtors, asked when the main power line will be put in and how many ERUs are expected at that time for buildout. Korey Walker's answer was the year 2002 and that would equate to about 2,200 units. Gary Tassainer said that the total generation capacity would be about 2500 before we build the transmission line. It was agreed to run the steel line up from the south end and have one tap rather than two to service the north area.

Telecommunications Off-site: Korey Walker explained that Telecommunications Off-site consists primarily of adding Digital Line Cards (DLCs) and X-Exchange (PBXs). Gary Tassainer said the PBX could be built up to around 800 to 1,000 lines. He continued, the DLC units have to be set wherever they use the fiber optic line and they suggest using the fiber optic line approximately 1 1/2 to 2 miles from the Fire Station. Mr. Tassainer suggested that the developers pay for copper from there to wherever their building is, out to about two miles. Beyond that, he suggests that a DLC be added for every 150 customers. Any place that we tap the fibre we will use a DLC. Mayor Hooge made mention that last year The Ranches development had the opportunity to get phone service free and was told that we would put the cost of extending City phone service in the 1998 RBANS. She added that we need to discuss

that, as it is a commitment we made to them that cost them \$140,000 and we should address it tonight and live up to our word to them. Jerry Kinghorn stated he did not feel we made a specific representation as to how we would do it but we did say we would make a commitment to do it.

Regarding telecommunications, Korey Walker further explained that at present we have a communication cable, fiber optic, to Cedar Pass North and back on Lake Mountain Road to the Fire Station. It also runs from the Fire Station to the highway. This section of loop could be closed for about \$50,000, we would then have a full loop to the community and would eliminate phone service being down for long periods of time as we had recently. Rob Bateman asked if anyone on the Public Works Board or the Council feels we should not do this. No response. Dan Valentine suggested we tie on at Eagle Mountain Blvd and Hwy. 73 unto the existing U.S. West fibre and use their link to close the loop. Gary Tassainer responded that it would cost around \$65,000 if you were allowed to do it at all, as opposed to between \$40,000 and \$50,000 the other way.

Water Reimbursement of Existing Systems: The \$1,446,200 is for the existing system, the tank with the main lines, and the additional \$240,000 is for the offsite improvements that will be constructed under The Ranches Parkway and Pony Express Parkway.

Sewer Off-site: The sewer is the main line to tie into the Timpanagos Special Service District (TSSD). The sewer includes Meadows Ranch, up to the commercial property plat 6.

Roads: These roads include Pony Express Parkway and The Ranches Parkway, a four lane road that would extend up to the Lehi Fairfield road and a four lane to the east up to the Gulch and to the west approximately ½ mile or to the end of the SID property.

Landscaping, Parks and Irrigation: Bob Lynds, The Ranches, L.C., explained this was included in the SID because it improves the public right-of-way along Pony Express Parkway and Eagle Mountain Boulevard. It is all on Town property.

CONFERENCE CALL: Eric Jones, Eagle Mountain Properties; Laura Lewis, Lewis Young Robertson & Burningham; Jesse Smith, Seattle Northwest Securities and John Walden, Eagle Mountain Properties joined the meeting by way of telephone conference.

The Mayor informed those on the conference call that what the Town is trying to accomplish is make final resolution as to SIDs and RBANS. She informed them that the only change we've made is that, instead of them having their own generation and tap on the gas, we would run the steel line up from the south end and have one tap rather than two to service the north area. Jerry Kinghorn added that the budget is consistent with the budget we had when we adopted the Notice of Intent for this SID 98-1 a month ago. He added, unless there's a major concern about these items, there's no reason not to affirm that this budget is the Town's policy.

Members of the Town Council and Public Works Board explained to the folks on the conference call issues that had been discussed previously this evening to get them up to speed.

John Walden asked why we are able to cut the size of the pipe from 16" steel to 6" steel. Gary Tassainer explained that it was due to the distance as well as not having industrial development on the north, just on the south. Gary said this would handle any industrial customers that we know of at this point.

Discussion ensued regarding the Liquid Natural Gas (LNG). Mayor Hooge said she did not like the idea of making a tap, knowing we're going to build the line and then delay the building of the line for 1/1/2 years and have to move the old LNG up. She feels that if we're going to build it, we should build it this year. Korey Walker added that the LNG would serve as a safety buffer if we run into problems.

6. **Decision on which Capital Facility Projects will be included in the 1998 RBANs, to include telephone and power extension for Cedar Pass North (Item #11 was discussed under #6):** Korey Walker explained the Construction Costs for 1999 financing as shown on the handouts. The wastewater system total cost will be \$995,000. The telecommunications system cost will be \$294,072, which includes the cost of the duct bank. Regarding the water system, Korey Walker explained that the only change is a small amount of money for an additional pumping capacity toward the end of last year to boost the pumps and a line coming from the well to the main line, also for chlorination building with an upgrade to the booster pump. Discussion was held regarding putting telemetry into the system. Korey said he wants to have it if it is in the funding. Mayor Hooge said it was. Bill Chipman said part of the Automated Meter Reading (AMR) system could be expanded to the SCADA systems. Discussion ensued about whether we want to add it this year. Korey Walker said we could do it for \$25,000 per tank, monitoring both. Korey said the cost of remote control reading would be about \$15,000 and \$25,000 for telemetry, for a total of \$40,000. The Mayor stated that the water system total costs then would be about \$125,000 and all agreed. It was agreed that the AMR would be an RBAN line item. Regarding the Electric System, Korey explained that under *Distributed Generation* there is \$250,000 for each - RBAN and SID; under *Transmission Project* there would also be \$25,000 each.

Mayor Hooge clarified that the point of this meeting is that we come to an agreement on these projects and that we are going to go ahead and fund these RBANs based on this. Jerry Kinghorn stated that there would be appropriate, legitimate costs that we need to pay for the Fire Station and we need to put a budget item in the RBANs to get the funds to finish paying for it. Jerry stated that Eric Jones and he have agreed that Eagle Mountain Properties will pay Silver Tip for the rest of the Fire Station and for the costs that were not budgeted in the original budget, and that they will pay all the subcontractors, contractors, etc. Then they will sit down together and reconcile those costs. Jerry stated that we would not pay anything more out of our bank budget except for settlement of any lawsuits. He stated that they would try to arrive at the overrun number quickly and put that into the budget. Mr. Kinghorn's recommendation to the Council was that we agree to pay out of funds generated by the 1998 RBANs the balance that is due on the Fire Station, if possible. The current estimate for the cost overrun on the Fire Station to be included in the RBANs would be \$108,000. Mayor asked how much start-up Operations and Maintenance (O&M) money could be put in the RBANs. Laura Lewis said she thought it was a maximum of 10% but she will clarify that figure with Blain Carlton, of Ballard, Spahr, Ingersoll & Andrews by tomorrow. Jerry Kinghorn thought that there were also some missing professional fees for Tasco Engineering and Epic Engineering that need to be paid. Mayor Hooge asked the Public Works Board members if they were in agreement with the budget as discussed and if they were in agreement that we proceed with the Motion. All agreed.

MOTION

Rob Bateman moved that we approve for the Ranches L.C., the recommendations of the engineer for creation of a special improvement district in the amount of \$8,687,605 (the total TRLC Construction Costs being \$6,287,605 plus roads and landscaping \$2,400,000), plus, added to that, one-half of the funding for the telemetry system, \$25,000 for the AMR system for The Ranches; for Eagle Mountain Properties L.C., the construction costs indicated, noting that the cost of the Duct Bank is included under Outside Plant under Telecommunications and that road and sewer improvements on the way to the sewer plant are included in the Wastewater System 1997-98 Construction; also the total amount be \$2,947,239 plus up to \$108,000 for adjustments and overages on the Fire Station, half of the telemetry system and the \$25,000 for the automated meter reading. In addition to that, that we allocate, if possible and if we can justify it, 10% for O&M in the RBANs, plus all necessary costs of issuance. Dan Valentine seconded the motion.

Discussion ensued.

Rob Bateman amended the motion to include reimbursement of approximately \$146,000 that is required to complete the loop over to Cedar Pass north. Dan Valentine seconded. Ayes: 3, Nays: 0, Abstain: 1 (Mayor Hooge). Motion passed.

Mayor Hooge recused so the Council could discuss the next item #7. Rob Bateman served as Mayor Pro-Tem in Mayor Hooge's absence.

7. Consideration to repeal Resolution No. 10-98 and approve Resolution No. 12-98 declaring the Town's intent to create Special Improvement District 98-1 and to construct a road and related improvements to be known as The Ranches Parkway; and related matters. / Bob Lynds, The Ranches, L.C.

Rob Bateman asked for any questions or comments from the Council and the Utilities Board. No one expressed any concerns.

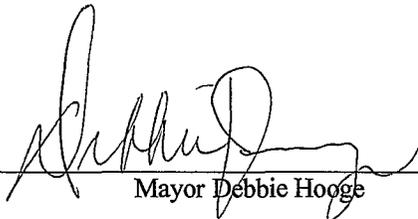
MOTION *Dan Valentine moved that we approve the repeal of Resolution No. 10-98 and approve the new Resolution 12-98 declaring the Town's intent to create a Special Improvement District 98-1 and to construct a road and related improvements to be known as The Ranches Parkway and related matters. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Rob Bateman moved that we adjourn the meeting and go into the Executive Session. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion Passed.*

The joint Town Council and Utilities Board meeting was adjourned at 8:00 p.m.

The Closed Session began at 8:05 p.m. for the purpose of discussing Personnel Issues. Present were Diane Bradshaw, Rob Bateman, Mayor Debbie Hooge, Jerry Kinghorn and Dan Valentine. Adjournment time not recorded.

Approval:



Mayor Debbie Hooge

Date:

July 28, 1998

The foregoing minutes were posted at the Eagle Mountain Fire Station, 1680 E. Heritage Drive, Eagle Mountain, Utah, the bulletin boards at Cedar Meadows Subdivision and the Cedar Pass Ranch Trailer by _____ Deputy Town Clerk.

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH,
Eagle Mountain Fire Station, 1680 East Heritage Drive**

DATE: JULY 14, 1998

A. OPENING:

1. Roll Call:

The meeting was called to order by Mayor Debbie Hooge at 7:20 p.m.

The following Council members were present:

Mayor: Debbie Hooge
Council: Rob Bateman and Cyril Watt
Dan Valentine was excused; Diane Bradshaw arrived late

Town Staff:

Town Planner: Dave Conine
Town Attorney: Jerry Kinghorn
Town Clerk: Janet Valentine
Deputy Clerk: Barbara Wren, recording

Also Present: David Adams, Bowler Development; Nick Berg, Eagle Mountain Properties; Doug Guillian, Joe Santos, Epic Engineering; Steve Sowby, Sowby & Berg Consultants; Gary Tassainer, Tasco Engineering; Michael Wren, MCM Engineering

2. Pledge of Allegiance: Janet Valentine led the Pledge of Allegiance.

3. Approval of Agenda:

MOTION *Rob Bateman moved to approve the agenda. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.*

4. Approval of Minutes (6/23/98):

Page 2, last sentence of #7 should read, "Sales trailers on a project site may be issued a Permitted Use license". Page 9, third MOTION, first sentence, should read, "Cyril Watt moved to to adjourn the meeting".

MOTION *Rob Bateman moved to approve the minutes of the Council meeting of 6/23/98, as amended. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.*

5. General Discussion/Questions/Announcements:

Joe Santos of Epic Engineering distributed for discussion a memo to the Council from the Planning & Utility Department regarding "Draft Language for Fast Track in Subdivisions". Jerry Kinghorn asked that the memo be rewritten as follows: To: All Builders/Developers; From: Town of Eagle Mountain Engineer, Building Inspector, Council; Re. Policy For Building Permits. He explained that this memo is necessary in order to make our policy clear and to eliminate misunderstandings. The words "fast track" should be deleted as they may be misleading; the final sentence and signature portion of the memo should also be removed. Janet Valentine will revise the memo for Mayor Hooge and Rob Bateman's final approval.

MOTION

Rob Bateman moved to adopt, as Town policy, the substance of the draft language provided but recommending that it be redrafted, as indicated, for the signatures of the Town Building Inspector and the Town Engineer and to be reviewed by Mayor Hooge and Rob Bateman prior to being given to developers. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.

Janet Valentine distributed to the Council, in behalf of Dan Valentine, a document "Report to Town Council from Public Works Board Meeting June (July) 7, 1998". Discussion ensued. Jerry Kinghorn suggested this be put on the Agenda for formal action. Rob Bateman said we would deal with this in Departments at the next Council meeting in two weeks. Mayor Hooge asked if anyone was building a batch plant without the Town's permission. Gary Tassainer said no, and explained that what the Utility Board would like to see is a Temporary Use Permit and have a set time period when that batch plant has to be relocated or abandoned.

Rob Bateman questioned who is approving all the new trailers erected near Town Center as he has seen only one Conditional Use Permit come through the Planning Commission. Mayor Hooge explained that those putting trailers on the property are supposed to get inspections from the police and firechief and obtain Conditional Use Permits from the Planning Commission. Nick Berg has been granting permission because of his interpretation of the Development code that allows a temporary construction trailer. Jerry Kinghorn stated that some of the trailers have been hooked up to utilities without paying connection fees. Rob Bateman said, in those cases, we need to find out who hooked them up and issue fines. It was agreed that fines should be issued to those not in compliance. Rob Bateman will work with the inspector, Kent Partridge, and follow up on this.

Mayor Hooge expressed a concern about the attitude of Eric Taylor, the Fire Chief, regarding working with the Lehi Fire Department (working with Eagle Mountain has been the only source of revenue for Lehi's Fire Department for past 20 years). Mayor Hooge explained, they are relying on this and we are going to have to rely on Lehi to fight our structural fires for at least another year. Eric seems to be aggravating problems with Lehi. Rob said he has discussed this with Eric. The Mayor said that if we take their only source of revenue it's not only a bad neighbor policy but we need them. Rob said we need to come to some sort of agreement with the County where they can station a couple trucks here and we provide some type of first response capability. Rob agreed that we don't want to take Lehi's contract away from them. Rob Bateman, Cyril Watt and Eric Taylor will meet to discuss this. Mayor asked them to put together an informational report on when the truck will be dressed out, when the gear is to be bought and when we start manning the station.

Rob Bateman said he has noticed some front-facing garages and other irregularities in the Patterson development. Dave Conine explained that some of the houses do not appear to be built on plans that he has approved. There are some designs being used that are not allowed in the

guidelines. Rob Bateman will meet with Dave Conine this week to look over the building sites and the plans.

6. Warrant Register:

Janet Valentine explained why there were several Warrant Registers. Mayor Hooge asked Janet if she could put in a separate code on Corey Walker's bill that breaks out "General Engineering For The Town" from the "Pass-Throughs" as it is difficult to calculate when they're listed together. Janet explained that all the figures under "Date PD" column are Pass-Throughs. The Mayor will talk to Corey Walker about it when she meets with him on Monday.

MOTION *Rob Bateman moved that we pay the bills as listed in the Warrant Register. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.*

7. Public Comment

Nick Berg said that of the four trailers parked in Town Center, one of them should be set up AGA handicap accessible. Nick gave Jerry Kinghorn a copy of the contract for his review.

8. Impact Fee Study Report/Lewis Young Burningham & Robertson

Mayor Hooge gave an overview of the basic issues within the Study. Jerry Kinghorn stated the two inter-related issues: 1) What engineering report and financial study does Gary Tassainer need to do for the 1998 Revenue Bond Anticipation Notes (RBANs). He said we need better definition of that from Jesse Smith, Seattle Northwest Securities, before we can finish it, and 2) We need to look at the impact fee calculations to see which systems are most suitable for treatment under Special Improvement Districts (SIDs), as that might provide us information about which service areas ought to be given credit against impact fees. Jerry continued, we need to create some different service areas depending upon how people financially contribute to the capital facilities. Jerry said that he and Gary Tassainer hope to set up a time next Monday to go through and develop a recommendation for the next Council meeting. Mayor Hooge asked that the report be broken down by facility. Rob Bateman stated that we must get this implemented soon.

Council Member Diane Bradshaw joined the meeting at 8:05 p.m.

MOTION *Rob Bateman moved that we table consideration of the Impact Fee ordinance until the next Town Council meeting and ask Tasco Engineering and the Town Attorney to do everything possible to work with Lewis Young Robertson & Burningham to get the numbers ready so we can act on them at the next meeting. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

9. Consideration to Approve Memorandum of Intent Regarding the Construction and Use of a Sewage and Wastewater Delivery System

Jerry Kinghorn stated that the Memorandum Of Intent is moot as, apparently, Saratoga Springs is not going to participate. He said that it would be a mistake to approve it in this form. Discussion ensued. Mayor Hooge asked Janet Valentine to write another letter to Saratoga Springs (Bill Way) telling them that we are going to proceed without them and would like a letter from them saying they are not going to participate, if indeed they are not.

10. Consideration to Approve an Agreement between the Town of Eagle Mountain, Utah and Timpanogos Special Service District to provide sewer services

Regarding the Final Agreement, Jerry Kinghorn had a serious problem with one provision under Exhibit "A", Sewer Treatment Services Contract, page 11, Article XI. He explained that they are asking us to covenant not to create our own treatment system and this needs to be changed. Jerry said if we wish to put this on our next agenda he would contact their attorney and get the language corrected. The other point in question is how we deal with the maintenance, Exhibit C. These two issues are the two questions that Jerry feels need to be resolved with their attorney before he can recommend approval.

MOTION

Rob Bateman moved that we give the Mayor approval sign the Memo of Intent, once the language has been altered to the Town Attorney's satisfaction, to provide for the Town having a separate sewer system of its own and with minor changes to the line Maintenance Agreement. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstain: 1 (Mayor Hooge). Motion passed.

11. Consideration to Approve Resolution No. 13-98; a Resolution Adopting Compensation for the Elected Officials of the Town of Eagle Mountain

After lengthy discussion it was decided to have Janet Valentine set this for a public hearing with two weeks notice and inform the public that we are contemplating setting up some type of compensation for the Council. Diane Bradshaw stated if compensation is instituted, the expenses need to be separate from the income. Jerry Kinghorn agreed. Mayor Hooge suggested forming a citizens committee to make a recommendation. The names of Bill Chipman, Mark Lindsay, Jennifer Thulin were mentioned as good candidates for the committee. The Mayor asked Diane Bradshaw to meet with the citizens committee as a representative of the Council. This committee would meet prior to the public hearing and make their recommendations.

MOTION

Rob Bateman moved that we table Resolution 13-98 and that we ask Janet Valentine and Diane Bradshaw to put together a committee of local residents who can give this some thought and make recommendations as far as compensation for the Council members. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed unanimously.

Regarding item #9, Consideration to Approve Memorandum of Intent Regarding the Construction and Use of a Sewage and Wastewater Delivery System, Mayor Hooge told Steve Sowby that, since we are reasonably sure that the Town of Saratoga Springs is not participating, that we disregard the Memorandum Of Intent and go right to the Contract Agreement between the Town and Timpanogos. The Mayor informed Steve of the two items on the Agreement that we will need to change: 1) the issue in the contract that says we cannot have our own wastewater treatment plant, and 2) if we can get them to maintain all our lines then we would be interested in a maintenance contract; if not, we would have to buy the equipment for this section of town anyway so we may as well use that equipment for both sections instead of entering into a maintenance agreement. Jerry Kinghorn said the MOI requires three signatures and if Saratoga Springs is not going to sign it we ought to revise it so it only requires two. Jerry will talk to Commissioner Grover about changes to the MOI and will speak to Mr. Carlyle, who represents Timpanogos Special Service District (TSSD), about making the changes to the Agreement.

12. Capital Improvement Agreement with Eagle Mountain Properties for Re-payment from SID and/or RBANs / Jerry Kinghorn

Jerry Kinghorn explained that as we proceed with these projects there is some advance funding required. Eagle Mountain Properties has offered to advance funds, providing they would be reimbursed with interest. Mr. Kinghorn has talked with them about the Town accepting that offer provided that we would only reimburse them if the RBANs were issued and the funds were available out of the RBANs to reimburse them. Mr. Kinghorn stated that this is critical as we need to get the gas tap deposit paid. He thinks we can structure a short reimbursement agreement with Eagle Mountain Properties, and with The Ranches if we get into a situation with them where there is some advance funding required for facilities coming out of their SID. Mr. Kinghorn continued, we drafted a reimbursement agreement last year that contemplated annual projects. He would like to take last year's reimbursement agreement and shorten it down to provide for reimbursement of advance funding, if the Council approves. He mentioned that the interest charged should be set where they're not profiting from it and we're not exploiting them. Mayor Hooge said, subject to Mr. Kinghorn drafting the agreement, the Council members should each receive a copy and if they have problems with it we will put it back on the agenda. If not, we will proceed. Jerry Kinghorn stated he would write a letter to Eagle Mountain Properties tomorrow advising them of this action and within 2-3 days draft a Reimbursement Agreement.

MOTION

Diane Bradshaw moved that we approve Jerry Kinghorn to draft a Capital Improvement Agreement with Eagle Mountain Properties, to be given to each member of the Council and, unless there are any changes made, the Mayor will have approval to sign the Agreement. A stipulation would be that the interest rate, if any, represents the actual cost of their fund and they need to provide evidence of their cost. If they don't, we will establish that it will be bond rate. Rob Bateman seconded the motion. Ayes: 4, Nays: 0, Abstain: 1 (Mayor Hooge). Motion passed.

13. Consideration to Approve the Natural Gas Sales Agreement with Wasatch Energy/Gary Tassainer, Tasco Engineering, Inc.

Gary Tassainer said there are three things about this Agreement that make it desirable: 1) it is cancelable, 2) it is non-inclusive, and 3) each transaction requires a separate letter. Discussion ensued.

MOTION

Rob Bateman moved that, based on the recommendation of the Town Attorney and Tasco, we approve the Natural Gas Sales Agreement with Wasatch Energy. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

14. Discussion regarding creating a Special Improvement District in Cedar Pass Ranch and North Ranch for the purpose of installing a Natural Gas Line

MOTION

Diane Bradshaw moved that we suspend the provisions of the Conflict of Interest ordinance as it affects all members of the Council who are present. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

Gary Tassainer distributed maps of the area and explained that they have designed a 4" line up the west boundary of Cedar Pass Ranch connecting into Cedar Pass North. That basically ties the line into what is being proposed, coming from south to north, with high-pressure gas. Gary added, the

4" line continues into what is The Meadows and not part of this SID, and through The Ranches, which is not part of this SID. The Meadows line is being installed and The Ranches is proposed and pretty much accepted in terms of putting that line in and the SID. Gary explained that what they did with Cedar Pass Ranch was to tie into both the line coming from the south and the lines surrounding those areas, in order to get the numbers where there are. He said the numbers are not pleasing. Gary invited the Council to look closely at the layout at Cedar Pass Ranch and inclusive of a portion of Cedar Pass North and The Meadows because the costs that we estimated originally were based on the Overland Trails subdivision. Those were estimated to be in the nominal, \$1,000 per lot figure. However, it has turned out that Cedar Pass North is about \$1,000 per lot, but Cedar Pass Ranch is closer to \$2,000 per lot. Mr. Tassainer said when you compare, on the same scale, Cedar Pass Ranch lot size is at least twice as large which means you have to run the line twice as far. Gary stated the other caveat that is meaningful to landowners is that this cost does not include taking it from where we've designed to the house, or the meter regulator. This could run you up to another \$1,000 - \$1,500. Cedar Pass North is around \$1,920 and Cedar Pass Ranch is at \$1,100. Gary said this is an annual cost and owners would have a choice of 5/10/15 years to finance it. Mayor Hooge said when we set the SID we will have that choice. Mr. Tassainer explained that this is a preliminary engineering estimate and they would like to make sure that everybody feels good about it since it's twice as costly. Rob Bateman added that, at the cost of propane, people would probably prefer to pay the extra \$20 or so that it would cost to finance the line. Another option Gary mentioned for Council consideration - they could go back and design everything right to the house and when folks build they get the gas service and it's billed into the SID. In answer to Rob Bateman's question as to the cost if we included all the laterals in the SID, Gary estimated the trench would be about \$2 per foot - \$1,000 for trench, pipe would be \$.35 - \$.40 per foot, and the meter would be about \$130 for a total of \$1,500. It would amount to \$3,500 in Cedar Pass Ranch and Cedar Pass North would be \$2,200. Jerry Kinghorn suggested we resend the ballot based upon the \$3,500 estimate and see what the reaction is. Rob Bateman stated that we should send a notice to all property owners that the amounts will vary because of some engineering issues, etc. and that we're having a public hearing on it and invite them to attend and have their say. Mayor Hooge requested we have a public hearing in two weeks and work with Blaine Carlton to get the Notice of Intent forms ready.

MOTION

Rob Bateman moved that we schedule a special Council meeting on Thursday, July 16 to pass a Notice of Intent for the formation of an SID for the purpose of bringing natural gas into Cedar Pass Ranch and Cedar Pass North; also that we schedule, as soon as possible, a Public Hearing for August 25 and instruct Gary Tassainer to work out the engineering issues that we discussed and go ahead and start getting bids. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

The Notice of Intent meeting was set for 4:45 p.m. on August 16.

Mayor Hooge recused on items 15 and 16 because of conflict of interest. Rob Bateman served as Mayor Pro-Tem.

15. Discussion of Development Agreement with Patterson Construction

Jerry Kinghorn informed the Council that there were several compromises we were proposing to make with Wayne Patterson, Patterson Construction, for Plats A, B, and C. These are plats that were finally approved for recordation before the new Development Code went into place and we were proposing that we accept a system of gravel trails in a couple of places and that he be allowed to tract a couple of additional lots. Mr. Patterson will need to get preliminary approval again from the Planning Commission. Mr. Patterson wants to amend Plat C to make some smaller lots and will gain 5 lots in the process. Six lots would be added back if the Planning Commission

did approve. This would offset the cost of the trails, the additional water for the parks and some of the equipment and landscaping he would have to buy for the center park. Mr. Patterson is dedicating more open space than he is required to dedicate in these three plats in the Development Code and so he is asking if he can bank that open space credit and use it on an adjoining project. Rob Bateman suggested that since the Council hasn't had an opportunity to review this that we table this issue until the next meeting.

MOTION *Rob Bateman moved that we review the issue of the Patterson Development Agreement on Thursday evening. Diane Bradshaw seconded.*

Discussion ensued. Mike Wren, MCM Engineering, asked the Council to consider between now and the Thursday meeting, the fact that Mr. Patterson is spending \$880,000 to build, maintain and landscape this park so why would he pay the impact fee. Jerry said he visited with Mr. Patterson today and if this park is one of the capital facilities that the park impact fee is supposed to pay for, he would get credit for that. Mr. Kinghorn said the recommendation is that these small parks be not included in the capital facilities plan for parks, the only thing we build with the impact fees are the large regional parks. We did leverage him into putting in improvements that are required under the new Code that were not required under the old Code. The tradeoff was that we would try to get him some additional lots to provide him compensation. It does not fully compensate him but will help to balance it a little bit. Rob Bateman asked Janet Valentine to make sure each member of the Council gets a copy of the Patterson Development Agreement before the Thursday meeting.

Ayes: 3, Nays: 0. Motion passed.

16. Discussion of Patterson Homes Water Rights

Jerry Kinghorn explained that Wayne Patterson had people deed water rights to us and deeded us some East Jordan Canal shares which we can't use because we can't segregate the water rights to this area and East Jordan won't allow us to change it to our well. Jerry stated that we need to work out a mechanism to give that water back to Patterson in exchange for water rights that he would give us.

MOTION *Rob Bateman moved that we authorize the Town Attorney to draft an agreement that allows for exchange of water shares to meet the requirements of the State for municipal handling of water rights and that once the Attorney has determined those water rights which we are receiving are acceptable, according to the State Engineer's office, that we authorize the Mayor to sign the agreement. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.*

17. Adjournment into a Closed Executive Session for the Purpose of Discussion Personnel Issues

MOTION *Diane Bradshaw moved that we adjourn to Executive Session. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.*

Mayor Hooge returned to the meeting.

The meeting adjourned to Closed Executive Session at 9:45 p.m. to discuss personnel issues.

The Closed Executive Session began at 9:50 p.m. Present in the Executive Session were Mayor Debbie Hooge, Rob Bateman, Diane Bradshaw, Jerry Kinghorn and Cyril Watt.

18. Action from the Closed Executive Session

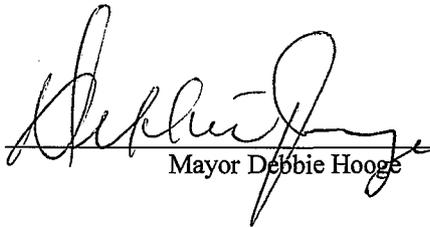
MOTION *Rob Bateman moved that we change the pay for the Town Clerk to \$28,000 per annum salary effective next pay period. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

19. Adjournment

MOTION *Cyril Watt moved to adjourn the meeting. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

The Closed Executive Session adjourned at 10:35 p.m.

Approval: _____


Mayor Debbie Hooge

Date: August 11, 1998

The foregoing minutes were at the Eagle Mountain Fire Station, 1680 East Heritage Drive, Eagle Mountain, Utah, the bulletin boards at Cedar Meadows Subdivision and the Cedar Pass Ranch Trailer by _____, Town Clerk.

**MINUTES OF SPECIAL TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH,
Eagle Mountain Fire Station, 1680 East Heritage Drive**

DATE: JULY 16, 1998

A. OPENING:

1. Roll Call

Mayor Hooge called the Special Meeting of the Town Council to order at 4:55 p.m.

Present were Mayor Debbie Hooge, Council Members Rob Bateman and Dan Valentine. Cyril Watt arrived late.

Town Staff:

Dave Conine	Planning Director
Janet Valentine	Town Clerk
Korey Walker	Town Engineer
Barbara Wren	Deputy Clerk, recording

Also present: Rick Frandsen and Lyle Vance, Tasco Engineering

2. Approval of Agenda

There was no formal approval of the agenda.

3. Item #4 was discussed first. Approval of a Development Agreement with the Town of Eagle Mountain and Patterson Construction for Eagle Point Subdivision Plats A, B and C.

Korey Walker, the Town Engineer, explained that Wayne Patterson, Patterson Construction, was originally allowed 3 lots in Plat A but instead he had 6 lots in Plat A. Mr. Patterson says the Town Council required him to take them out and he did. It was not found in the Town Council minutes that they required him to take them out. Korey explained that what Mr. Patterson wants to do is put those 6 lots back, 2 in Plat A, 4 in Plat B. In addition, he wants to run Plat C back through and move some of the smaller lots in with the bigger lots and this would give him 6 more lots. Korey Walker said Mr. Patterson felt he was not responsible to supply the water rights for his developed areas, for improving these developed areas or to do any trail improvements. Korey said he and Jerry Kinghorn, Town Attorney, had gone through the Development Code and could find nothing that said he was required to improve those Plats. Mr. Patterson's logic is he's improving these parks, putting in trails, turning on the water rights for the improved areas, and in order to compensate him for the additional cost he wants 12 lots. He's saying that he took the 6 lots out because of good will; the other 6 he would like to see help offset the \$300,000 cost. Mayor Hooge said she understood he is not landscaping the frontage. Korey said that was correct. Mayor Hooge asked what Patterson is doing that costs \$300,000. Korey explained that it was the park in between A and C, the entrance park in A and the detention basin area park in B, plus an asphalt trail across the frontage of Eagle Mountain Boulevard. Korey said he had looked through the numbers and thought it was a good price with the year's maintenance Patterson had agreed to do. Korey showed the Council the Plat locations on the map. He said the one benefit he sees is that it sets an example of what is required - these are the improvements, this is the level of service that we want. Korey continued, with regard to the 4.26 acres of frontage, he had a discussion with Mr. Patterson about who would provide the water rights for this and Mr. Patterson said he did not

want to do it if he had to turn over the water rights. Discussion ensued about the water rights on this 4.2-acre frontage. Korey added that we need to make sure that native vegetation is included in Plat A. Council Member Rob Bateman asked if the Council wants to include any native vegetation or should we cut him some slack on the water rights, if the Town has any water rights they want to bargain with. The Mayor mentioned another option, there are lots of trees that grow without water and if he puts in the native grass and native trees there would be no irrigation and water rights requirement. Dave Conine said, virtually every tree is going to require some irrigation at least at first to get established. Mayor Hooge said the other issue is the trade or transfer of open space. Korey answered that Mr. Patterson has provided additional non-developed and developed open space with these three subdivisions. He explained there are two issues that we run into that could cause problems, 1) the County process and, 2) we want our parks close to our development and if we start to allow banking we start to allow that open area to be stretched from the development to potential dense areas.

This item was tabled temporarily as the Council did not yet have a quorum. The Mayor did not elect to vote due to a conflict of interest.

3. Consideration to approve Resolution No. 13-98 declaring the Town's intent to create Special Improvement District 98-2 and to construct a natural gas line through North Ranch, Cedar Pass Ranch and Meadow Ranch; and related matters.

MOTION

Rob Bateman moved that we give notice of a special meeting for the purpose of creating a Special Improvement District and introduce the following Resolution 13-98 in writing which will be entered into the minutes as it is read in its entirety and move for its adoption. This is a notice to create a Special Improvement District 98-2 for the purpose of bringing natural gas service into Cedar Pass Ranch and Cedar Pass North. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.

Discussion ensued regarding the cost of improvement. Lyle Vance, Tasco Engineering, explained that the figure of \$730,000 based on a previous draft, however \$915 per acre is based on our current numbers. Referring to the map Lyle said "this number should be \$822,000". The figure of \$915 per acre was questioned by the Mayor and Rob Bateman as being more than Gary Tassainer, Tasco Engineering, had quoted. It was explained that the figure includes the service to the house. The Mayor and Rob Bateman said it was still too high. Discussion ensued as Mr. Vance explained how they had tried to make the costs equitable.

Cyril Watt arrived at 5:40 p.m.

Return To Item 4.

Mayor Hooge recused. Cyril Watt served as Mayor Pro-Tem.

MOTION

Rob Bateman moved that we approve the Patterson Development Agreement with the following conditions: that we allow up to 12 additional lots, 6 in Plat C, 2 in Plat A, 4 in Plat B; that the Town loan the developer sufficient water to establish native grasses and trees in the flat area along the frontage strip on Eagle Mountain Boulevard; and that final approval be conditioned upon the master developer meeting his requirements in terms of open space dedication according to

*the formula in the Master Development Agreement for Eagle Mountain Properties.
Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.*

Mayor Hooge returned to the meeting.

MOTION

Cyril Watt moved that we adjourn the Special Town Council meeting. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.

The meeting was adjourned at 5:45 p.m.

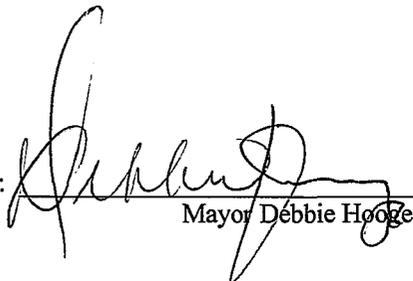
Mayor Hooge reconvened the meeting at 5:50 p.m. in order to amend the Notice of Intent.

MOTION

Dan Valentine moved that we amend the Notice of Intent for the Special Improvement District #98-2 to change the estimated cost of improvement from \$730,000 to \$822,000. Cyril Watt seconded. Motion passed unanimously.

Janet Valentine asked the Council in what order the back-log of minutes should be typed. Mayor Hooge said it should be from the earliest date forward.

Approval: _____


Mayor Debbie Hooge

Date: _____

August 11, 1998

The foregoing minutes were posted at the Town Offices (located in the Eagle Mountain Fire Station), 1680 East Heritage Drive, Eagle Mountain, Utah; the bulletin board at Meadow Ranch Subdivision, Hwy. 73, Eagle Mountain, Utah and the Cedar Pass Ranch bulletin board, 9155 N. Cedar Pass Road, Eagle Mountain by _____, Town Clerk.

**WORK SESSION OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH,
Eagle Mountain Fire Station, 1680 East Heritage Drive**

DATE: JULY 28, 1998

A. OPENING

The meeting was called to order by Mayor Debbie Hooge at 6:00 p.m.

Council members present were Mayor Hooge, Diane Bradshaw and Dan Valentine

Staff present: Dave Conine, Jerry Kinghorn, Janet Valentine and Korey Walker

Others present: Lithgoe & Steinbach; James Dahl and Ross Hanson, MCM Engineering

B. DISCUSSION

Lithgoe and Steinbach laid out large-scale map on the bay floor and explained the land use legends. The discussion centered around detailed parks, trails and the recreational Master Plan. (The recording clerk was not in attendance and the diskette tape malfunctioned during this meeting. Therefore, no specific meeting details are available.)

MOTION

Mayor Hooge entertained a motion that we adjourn. Diane Bradshaw moved that we adjourn the work meeting. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed unanimously.

The meeting adjourned at 6:45 p.m.

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH,
Eagle Mountain Fire Station, 1680 East Heritage Drive**

DATE: JULY 28, 1998

A. OPENING:

1. Roll Call

Mayor Debbie Hooge called the meeting to order at 7:00 p.m.

Present were Mayor Hooge, Council Members Diane Bradshaw, Dan Valentine and Cyril Watt. Council Member Rob Bateman arrived at 7:10 p.m.

Town Staff:

Dave Conine	Planning Director
Jerry Kinghorn	Town Attorney
Janet Valentine	Town Clerk
Korey Walker	Town Engineer
Barbara Wren	Deputy Clerk, recording

Also present: Tricia Austin, Nick Berg, Eagle Mountain Properties; Juanita Christensen, Mary Lynn Christensen, James Dahl and Ross Hansen, MCM Engineering; Larry Ellecson, Utah Power; Patty Johnston, Utah County Sheriff's Office; Eric Jones, Eagle Mountain Properties; Gary Tassainer, Tasco Engineering; and Jeri Wilson.

2. Pledge of Allegiance

Cyril Watt led the Pledge of Allegiance.

3. Approval of Agenda

Mayor Hooge entertained a motion that we approve the agenda.

Korey Walker, Town Engineer, asked that "Eagle Point Plat A" be deleted from Item 18, leaving "Meadow Ranches Plats 1, 2 & 3 for discussion under Item 18.

It was mentioned that the minutes of 5/26/98 were included in our packets but the date was inadvertently omitted from the agenda. The date of 5/26/98 was added to Item 4.

MOTION

Diane Bradshaw moved that we approve the agenda, as amended. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

Rob Bateman, Council Member, arrived.

4. Approval of Minutes

The minutes of March 10, 1998 were reviewed and changes were made. Mayor Hooge entertained a motion that we approve the 3/10/98 minutes.

MOTION *Cyril Watt moved that we approve the March 10, 1998 minutes, as amended. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

The minutes of May 26, 1998 were reviewed and changes were made. Mayor Hooge entertained a motion that we approve the 5/26/98 minutes.

MOTION *Rob Bateman moved that we approve the May 26, 1998 minutes, as amended. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

Mayor Hooge asked Janet Valentine, Town Clerk, to talk with Jerry Kinghorn, Town Attorney, about adopting an "Orange Book" ordinance.

The minutes of June 30, 1998 were reviewed and changes were made.

MOTION *Rob Bateman moved that we approve the June 30, 1998 minutes, as amended. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

As all the Council Members had not had time to read the minutes of 7/14/98 previously, it was decided to table the July 14, 1998 and July 16, 1998 minutes until the next Town Council meeting.

MOTION *Rob Bateman moved that we table consideration of the July 14, 1998 and July 16, 1998 minutes until the next Town Council meeting. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

5. General Discussion / Questions / Announcements

- A. Mayor Hooge announced that the Town Treasurer, Ron Foggin, has resigned as of July 31, 1998. Under Item 11 of the agenda, the Council will consider approving an interim consultant.
- B. Linda Christensen, 1742 West Pinion, a resident of *The Landing*, expressed her desire for a street light atop the Eagle on Eagle Mountain Boulevard. She stated that there are several more residents of *The Landing* who have also expressed a desire for more lighting in this area. Mayor Hooge said the Council would look into it.
- C. Janet Valentine, Town Clerk, announced that Eagle Mountain has been approved for mailboxes. Janet said she has a diagram of *The Landing* at her office that will show how high, how large, etc. they should be. The mailboxes will be placed at every other house. Residents must purchase their own mailboxes.

6. Warrant Register

Janet Valentine pointed out that both W. W. Clyde entries on the June, 1998 Register should be deleted. These will be charged to Eagle Mountain Properties.

Mayor Hooge asked Korey Walker for the total charged to Red Hawk Plat to date. She stressed that she needs to know where we stand on this as, to her recollection, we collect only about \$1,500 on Red Hawk and she is not sure we are charging them enough. The Mayor would like to discuss this when she meets with Korey Walker on Monday mornings. Mayor Hooge asked Janet Valentine to provide the figures on accounts payable for each subdivision so she and Korey can decide how to handle it. She would like to have the figures by the end of this week. Korey will talk to Sue Fraley, Planning Commission Clerk, to obtain accounts receivable figures.

Rob Bateman asked how long a term the fire truck insurance was. The answer was one year. The Mayor said we should get the title to the fire truck. The Mayor said Eagle Mountain Properties holds the title to the Fire Truck at present.

Mayor Hooge asked the Council if there were any further questions on the Warrant Register. There were none.

MOTION *Rob Bateman moved that we pay the bills on the Warrant Register with the exception of the two items for W. W. Clyde. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstain: 1 (Mayor Hooge). Motion passed.*

7. Public Comment

Mayor Hooge suggested we move Agenda Item 16, Department Reports, ahead of Item 7, Public Comment, so that Larry Ellecson of Utah Power could speak earlier in the meeting and not be required to remain at the meeting for so long a time.

MOTION *Rob Bateman moved that we discuss Item 16, Department Reports, before Item 7, Public Comment. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

8. Department Reports (formerly Item 16)

Nick Berg, Eagle Mountain Properties, said the Planning Commission has given preliminary approval to the first 4 blocks of the Town Center. Mr. Berg showed a map of the Eagle Mountain Town Study. He shared with the Council the booklet that Mr. Ray Morley has prepared for Planning Commission review, "Eagle Mountain Development, Town Center, Buildings B & D, 7/23/98. This booklet will be available to the Council for their review in about a week. Mr. Berg said they would be seeking final approval of the first two blocks including Buildings B & D within 30 days.

A. Administration / Mayor Hooge

Mayor Hooge said we have many people applying for the job as Town Treasurer. The position will be for 20 hours per week. The Assistant Treasurer from Lehi is willing to work with us in the interim (see Item 11 of agenda for consideration of her interim approval). The Mayor stated that the Town will be interviewing for the position of Treasurer soon but we currently have accounting issues that require expertise in the interim period. The Mayor praised her staff for the great jobs they are all doing. She made mention of the fact that we have issued 190 building permits to date.

B. Planning Commission / Airport Advisory Board / Rob Bateman

Council Member Rob Bateman referred to Town Planner Dave Conine's memo regarding building permits and design guidelines in the Patterson subdivision and asked for comments. Diane Bradshaw asked what the procedure was if there was a violation of CC&Rs within a development and what was the process we go through, i.e. who informs whom and how do we work with both of those issues. Rob responded that if there is a building not being built according to plan, it is the Building Inspector's responsibility to red-tag it. Rob continued, the Development Code is set up now so the Town is the third contractual party and the Town has authority to enforce the design guidelines. Council Member Bradshaw asked if it was the residents of Town that make us aware of the problem, the Building Inspector's responsibility to proactively search for those or is it the Town Planner's responsibility at the building permit level? Mr. Bateman responded that, at the first level, it would be Dave Conine, the Town Planner's responsibility to catch any irregularities during building permit level and the Building Inspector's responsibility once they are under construction. Discussion ensued regarding design violations. Mr. Conine said we have asked Mr. Patterson to revise their plans to fit our Code but they have been slow to do that. He commented that there is poor communication between the people designing and building homes in the Patterson subdivision and the people selling homes there. He continued, people get financing approved for a certain design and then they find out they cannot do it. Mr. Conine stated that he recommended in his memo that we need to make an approval of the product they are going to build in the subdivision so we do not keep getting surprises. Dan Valentine asked Dave Conine if we have any homes under construction now that do not match the guidelines and stated that if we do it is setting a very dangerous precedent. Mayor Hooge said that also in some cases the plans do not match the house being built. Dan Valentine asked Dave Conine if he has seen any plans slip by without his signature or plans that he has approved that are not correct. Dave responded that the design guidelines are difficult to enforce and that he gave some latitude on garage door treatment and some facade detail on a few of the very first houses. He said that those are the ones that we are seeing right now that don't seem to be approved designs. He said Mr. Patterson's plans generally comply and when they do not, he rejects them. Dave said he wrote a letter to Mr. Patterson in April, 1998, describing what the requirements were, acknowledging that we were permitting certain products, and requiring that they comply from that time forward. Jerry Kinghorn, Town Attorney, expressed some concern about so many people choosing same building design in the Patterson subdivision, thus having too many homes in the same area looking the same. Nick Berg said in the original Code there were requirements that no more than three identical homes could be built in a row. Mr. Kinghorn said he believes it is still in the Code. Council Member Dan Valentine said he would expect the Council to be notified if a builder tries to get approval of a set of plans and refuses to concede when Dave Conine will not approve it. He feels we should not leave it just to the Town Planner whether or not to bend the rules, that he should have the Council's support. Jerry Kinghorn warned that we can have serious problems if we give breaks to some and not to others. Some of the problems we are now experiencing are because of changes in new Development Code from the old Development Code. Mr. Kinghorn says we have drawn the line, some people are not happy about it but that we are enforcing it and holding the line on design guidelines. Council Member Rob Bateman asked if there was any way to inform people earlier of the guidelines they need to follow because the builders know what the design guidelines are but the homeowners do not. Mr. Kinghorn said part of the problem is that people do not read their CC&Rs and that is their responsibility. Mayor Hooge described the unfortunate problem some buyers have of going to the expense of having their blueprints prepared and then later finding out the plan does not meet the guidelines. Diane Bradshaw added that even though this is a problem, we are doing the best we can and it is the homeowners' responsibility to understand the contract they sign.

Regarding the Airport Advisory Board, Rob Bateman stated that he needs to schedule an Airport Board meeting to talk about the batch plant. He will call Nick Berg tomorrow.

Rob Bateman made mention to the Town Planner, Dave Conine, that he did not see anything specifically in Mr. Conine's memo about the Silver Tip sales trailer that is located in the Town Center. Dave said that in his report he was taking a generic approach that would include all the trailers.

C. Parks & Recreation / Pony Express Days / Diane Bradshaw

Council Member Diane Bradshaw said she has met with Lane Lithgoe & Larry Steinbach to discuss where we are with the Parks and Recreation Master Plan. On August 27, they are planning to meet with the Planning Commission to review the Plan and on September 8, they will have Town Council review the Plan.

D. Public Works Board / Dan Valentine

1. PacifiCorp Interconnect Agreement with Town of Eagle Mountain

Jerry Kinghorn, Town Attorney, stated that the "Revised Supplemental Distribution Interconnection Agreement between PacifiCorp and The Town of Eagle Mountain" needs to be acted upon prior to August 1, 1998. He explained that it is an agreement that allows us to continue to be connected to PacifiCorp for the next two years. Jerry reviewed some of the items in the document and expressed the feeling that he does not see any problem with signing it. Gary Tassainer, Tasco Engineering, further explained the technical aspects of the Agreement. He said we have more limitations in this Agreement than we have talked about before. Mr. Tassainer expressed his feeling that it is a situation we can live with and react to and we can take care of any problems that might result from the limitations in terms of generation. He said he will ask Jerry Kinghorn to protest any treatment that is singled out against Eagle Mountain and not to surrounding areas that are fed by that particular distribution feeder, so that if Eagle Mountain is curtailed, the others would be also. Discussion continued. Jerry Kinghorn said we need to have a cooperative arrangement with PacifiCorp because we need to rely upon them. Gary Tassainer said he would like to have Larry Ellecson, Utah Power, look into the long interruptions in power that have been experienced in the Cedar Pass feeder area off Hwy. 73. Mayor Hooge and Diane agreed that their electric power is down daily. Rob Bateman questioned the wording of Section 3, Item 3.2 "Constraints on PacifiCorps System", regarding notice PacifiCorp would give if the Town exceeds 600 kw. Rob was concerned about PacifiCorp giving us enough notice of the power being cut back below 600 kw. Dan Valentine said he felt it would be wiser to put the burden of load shedding upon the Town of Eagle Mountain. Discussion continued. Gary Tassainer said he felt the Agreement was ok, that we could do it.

MOTION

Rob Bateman moved that we authorize the Mayor to sign a Supplemental Distribution Interconnect Agreement between the Town and PacifiCorp, as written, with paragraph 3.2 amended to read "if constraints develop on PacifiCorp's distribution system, PacifiCorp may, at its option, terminate this Agreement by giving Eagle Mountain 60 days' notice or consult with the Town to reduce deliveries to below 600 kw by means of load shedding". Mr. Bateman continued that, as part of this motion, he would like to acknowledge that it is not on the agenda for this meeting but he is going to make a motion that we authorize the Mayor to sign the Agreement and that we ratify the Agreement and any amendments recommended by the Town Attorney by the next Council meeting." Rob asked Janet Valentine to put this item on the next Town Council agenda. Diane Bradshaw seconded.

Discussion was called for.

Larry Ellecson, Utah Power, felt the word "consult" in the Motion was not the right terminology. After discussion, it was changed to "cooperate".

The motion was amended to read "...or to cooperate with the Town to reduce deliveries to below 600 kw by means of load shedding". Mayor Hooge included in the amendment that her address listed on page 7 of 8 be corrected. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstain: 1 (Mayor Hooge). Motion passed.

2. World Wireless Automatic Meter Reading (AMR) Contract

Dan Valentine referred to the "Report to Town Council of the Public Works Board Meeting of June 24, 1998" in which the Public Works Board made a formal motion to recommend to the Council to enter into a contract with World Wireless to purchase the AMR system and instruct Gary Tassainer to negotiate a better price for volume purchases. Dan Valentine summarized the Board's reason for choosing World Wireless as being cost, functionality, the company is nearby and they are adamant about making Eagle Mountain successful. Dan continued, even though World Wireless doesn't have a long track record with AMRs for towns, they do equivalent AMR work for interstate pipelines. Korey Walker mentioned an additional advantage that World Wireless gives is that we can monitor our water system, run telemetry off from it and it is expandable into the future (i.e. wireless service within our homes). Dan mentioned one downside, we are their first large installation. Discussion continued. Rob Bateman said he was comfortable going ahead with the contract with World Wireless because he is confident enough with the technology and that they have done some related projects. He felt that as long as it is a fixed price contract and they are committed to make it work, he has no problem with it.

MOTION

Dan Valentine moved that the Town Council make a formal selection of World Wireless to be the Town's AMR system and that we authorize the Mayor, Town Engineer and Town Attorney to enter into negotiations for the price and prepare a contract to submit to the Council. Rob Bateman seconded.

Mayor Hooge called for discussion. There was none.

Ayes: 4, Nays: 0, Abstain: 1 (Mayor Hooge). Motion passed.

3. Report to Town Council from Public Works Board meetings

Council Member Dan Valentine asked Larry Ellecson of Utah Power if he would like to address the Council. Mr. Ellecson said he had the opportunity to meet with the Public Works Board relative to a long-term fix on the issue of power in the Valley. He said that Utah Power recognizes that bringing a 138 feeder into the valley is not going to be the ultimate fix. They have had others outside of Eagle Mountain developing and requesting large quantities, therefore they decided a better way to do it would be to both utilize the feeder and share the costs. Mr. Ellecson explained that their concept was to come out of the Camp Williams substation. From there they have the right-of-way most of the way to Eagle Mountain and would only have to construct about 4.2 miles of new poles/wire. At that point, they would join the proposed substation site and the shared facilities. Mr. Ellecson stated it was just a matter of working through the details of how those costs would be shared. He said other developers are definitely interested in moving in that

direction. Mr. Ellecson continued, we usually look at a pro-rate share, so we need to know what the load will be. The cost for the line coming out of Camp Williams to the substation is estimated at 2.5 million; the substation will be 2 million; the substation based on the other load shared 50/50; and the line cost will also be shared. The cost will be something considerably less than \$6 million. As the Town continues to grow, there will be additional extensions and substations needed. Jerry said we need the numbers very quickly because we are in the process of developing Impact Fees. Larry Ellecson said that, Utah Power is proceeding to firm numbers up, but estimates are rough and the detailed engineering and planning is yet to be done. There will be some up-front shared costs of approximately \$30,000. Mayor Hooge said the up-side is we are talking about 18 months to get us power which is a lot more affordable than our present method. Larry Ellecson said Utah Power was not anticipating any problems in getting permits. Discussion continued. Gary Tassainer, Tasco Engineering, would like Eagle Mountain to have ownership and expressed reservations about shared interest. Jerry Kinghorn said there may be insurance liability difficulties and other problems but we should assume the worst case and press ahead. Rob Bateman told Mr. Ellecson that he believes we are most interested in a cooperative relationship. Mr. Ellecson thanked the Council for the opportunity he had to be at tonight's meeting.

Dan Valentine, referred to Item e. on the Report to Town Council, which recommends that a letter be sent out to all developers doing business in the Town informing them that the utility capacity is rapidly being reached. Jerry Kinghorn said he received a tentative schedule from Jesse Smith, Seattle Northwest Securities, that we will close on RBANs about October 12th and funds would then be available. Gary Tassainer said we will know where we are after August 1 through our UAMPS connection, so it will not be a surprise. Jerry Kinghorn said he thought the proposed letter is a good idea and if the Council wants it, he will be happy to prepare and send it.

Dan Valentine called for further questions on the Report. Rob Bateman stated that, according to his understanding of Utah law, Item k., regarding the Town Council not approving any more Class I or II permits until impact fees can be assessed, was illegal. He said that legally a Town cannot impose a moratorium for the purpose of developing impact fees.

Item n., 2nd bullet, was discussed. Resident Duane Anderton is now on Town water system and thus will owe the Town water rights fees. Mayor Hooge said he is very good about paying but someone needs to check on it. (The Mayor took that assignment.)

Mr. Valentine made mention of the third bullet under Item n. regarding Bob Wren's attendance at the Water Management and Conservation Planning Workshop in Salt Lake City. Public Works Board recommends that the Town send Bob to this workshop in August. Mayor said we would approve his attendance and allow him per diem.

Item n., final bullet, regarding streetlights, Dan Valentine said the Development Code does not address the issue of who puts in the streetlights. Nick Berg answered it was the developer. Dan has gotten complaints from residents who do not have streetlights. Nick answered it was because the fixture has not been settled upon until recently. Dave Conine, Town Planner, made the final decision.

E. Public Safety / Cyril Watt (also includes #15)

Patti Johnston asked about the status of the Law Enforcement Agreement with the Utah County Sheriff's Department. Jerry Kinghorn said the Agreement was complete and final draft prepared. The Council reviewed the Agreement and discussed the contents. Jerry mentioned there was a Provision for the Sheriff's Department to use part of the Fire Station.

Cyril said he and Rob Bateman were going to meet with Eric Taylor, the Fire Marshall, this week to discuss issues. Rob Bateman stated he has had a meeting with Eric Taylor and the Lehi Fire Chief to talk about the possibility of developing some kind of inter-local arrangement with Lehi, and eventually Cedar Fort and Saratoga. He would like to create some type of fire service/public safety district in which there would be cost sharing and planning for shared facilities and equipment. Mayor Hooge stated that we need some kind of emergency evacuation program for the Town, especially with just one road available out of town. Rob Bateman agreed and said we need an emergency action plan that outlines what the responsibilities are in event of an emergency, including Sheriff's Department and Fire Departments. He added that, ideally, this would be done on a cooperative basis with Lehi, Saratoga, Cedar Fort. A committee including Eric Taylor, Cyril Watt, Rob Bateman and Patti Johnston were assigned to work on an emergency plan. Rob Bateman has a basic Emergency Plan document on his computer that might be used as a format and he agreed to take the lead on this project.

MOTION

Rob Bateman moved that we approve the Law Enforcement Agreement between Eagle Mountain and the Utah County Sheriff's Department. Cyril Watt seconded.

Mayor Hooge called for discussion.

Ayes: 5, Nays: 0. Motion passed.

8. Impact Fee Study / Jason Burningham, Lewis Young Robertson and Burningham

Jerry Kinghorn explained that Jason Burningham, Lewis Young Robertson and Burningham, was unable to attend because of other Tuesday night commitments but that Korey Walker and he had a meeting with Mr. Burningham earlier today. Mr. Kinghorn presented a synopsis of where we stand. He said there are some policy decisions that the Council needs to make tonight, if they feel comfortable making them. If so, then we will advise Jason Burningham tomorrow and he will put the text and maps together with the analysis and Jerry Kinghorn will write the Ordinance. Jerry said that will take about 10 days then we will start advertising the public notice for the enactment, a 14-day process, and he would then anticipate bringing the document before the Council at the last Council meeting in August. Jerry said there are some important policy questions involved and he suggested the Council might want to schedule a special work session to discuss them. He continued, the impact analysis reviews the methods of paying for the facilities the Town would need over the next 5-year period. The recommendation of Mr. Burningham is that we create two service areas within the town; the dividing line would be the watershed ridgeline. That service area is important for storm water, sewer and water distribution system considerations. Mr. Kinghorn referred the Council to the Impact Fee Analysis documents (see attached) and explained that one set is The Ranches service area and one is for the Eagle Mountain Properties service area. An addition was made to the Ranches Service Area document; under *Sewer*, the amount of \$1,100 was added to each scenario. Mr. Kinghorn continued to review the two documents. He said The Ranches Scenario I estimates the Impact Fee assuming that the Town issues RBANs and uses SIDs to cover a portion of the infrastructure costs; Scenario II estimates the Impact Fee assuming that the Town uses SIDs only to cover a portion of the infrastructure costs. Korey Walker explained the Eagle Mountain service area document. Scenarios I and II are the same as for The Ranches. Scenario III estimates the Impact Fee necessary assuming that this fee will cover the full infrastructure costs. Jerry Kinghorn continued to explain the pros and cons of the different scenarios. If there is a special work meeting soon, it was discussed putting the notice in the Daily Herald, as they need only 4 days' notice. Discussion continued. Jerry Kinghorn suggested we consult with a financial consultant, Cheryl Cook, to talk about financial alternatives. Jerry said the problem with relying too much on RBANs is that some of the facilities are not financed with those

type of instruments; if you rely exclusively on those you put that capital cost on the rate payers in the future and rates go way up. He said we need to find a mix that is fair. Jerry Kinghorn encouraged the Council to keep these Scenarios as quiet as possible as it might have a negative affect on potential buyers in Eagle Mountain. Dan Valentine suggested we schedule a work session on August 5th. Korey Walker and Gary Tassainer need to meet and prepare a matrix on the impact fees analysis and they will attempt to have that completed in two days. The meeting will be Wednesday, August 5th; it will be published in the Daily Herald on the 17th. The Public Hearing could be on September 2nd.

MOTION *Rob Bateman moved that we schedule a Work Session for August 5, 1998 at 7 p.m. on the Impact Fee Analysis and that we tentatively schedule a public hearing on Impact Fees on September 2, 1998 at 7 p.m. Diane Bradshaw seconded.*

Mayor Hooge called for discussion. There was no further discussion.

Ayes: 5, Nays: 0. Motion passed.

9. Eagle Point Plat C Amendment to the Final Plat (Patterson Construction)

Mayor Hooge recused. Rob Bateman served as Mayor ProTem.

James Dahl, MCM Engineering, explained that he was here tonight to seek approval from the Town Council for the changes on Eagle Point Plat C that the Planning Commission had requested. Discussion ensued.

MOTION *Rob Bateman entertained a motion that we approve the Amendment to Eagle Point Plat C. Diane Bateman moved that we allow 6 additional lots in Plat C; that the Town loan the developer sufficient water to sustain native grasses and trees in the landscape area along the frontage strip on Eagle Mountain Boulevard; and that they meet all the requirements of the Development Agreement. Cyril Watt seconded. Ayes: 4, Nays: 0, Abstain: 1 (Mayor recused). Motion passed.*

Mayor Hooge returned to the meeting.

10. The Landing, Phase III & IV Final Approval (Touchstone Development) / James Dahl

James Dahl, MCM Engineering, explained that he was here tonight to seek final approval for Touchstone Phases III and IV of *The Landing* and showed a map of the area. There is a total of 66 lots - Phase III has 37 lots and Phase IV has 29. James said he has worked closely with Korey Walker to meet all the requirements. Discussion was held regarding the changes the Planning Commission had approved. Korey said Public Works Board recommended that Phases I and II be finalized before Phase III and IV begin. James Dahl said that Roger _____ would like to defer final acceptance on the entire subdivision until certain concrete work is done and their bond has been released. Korey did not have a problem with that. Discussion continued.

MOTION *Rob Bateman moved that we grant final approval to Touchstone, Phases III and IV, subject to the secondary access road being paved prior to issuance of any certificate of occupancy; that the secondary access road be deeded to the Town;*

that a ten-foot trail be required to follow along the front of the subdivision and be included in the final plat; and that we have the concurrence of the Town Attorney and the Town Engineer that the necessary work has been done to provide for the storm water retention basin; that water rights be deeded to the Town; that the Final Development Agreement be approved by the Council; and that Jerry Kinghorn, Town Attorney, attempt to negotiate a 3 to 5-year maintenance agreement on the landscaping and open space around the project. Dan Valentine seconded. Ayes: 4, Nays: 0, Abstain: 1 (Mayor Hooge). Motion passed.

11. Consideration and Approval to Hire Jeri Wilson as a Temporary Financial Consultant

Mayor Hooge explained that since our Treasurer is leaving and we have many intensive financial considerations at this time, she would propose that we hire Jeri Wilson to fill in the interim from the time Ron Foggin leaves and the time the interviews are complete for this position. Jeri would spend the last few days with Ron and cover our basic treasurer needs until we go through the hiring process. Compensation for this interim position will be \$17 per hour and the hours would be 20 hours per week or more if necessary. The Mayor would like to have Jeri rotate hours with Barbara Wren, Deputy Clerk, so that the Clerk, Janet Valentine, is not alone in the office. Mayor Hooge will choose the top 3 or 4 candidates for interviews. Jerry Kinghorn made mention that Jeri would need a Fidelity Bond. Mayor Hooge requested that Janet Valentine look into canceling Ron Foggin's bond and the possibility of getting a rebate on it.

MOTION

Diane Bradshaw moved that we hire Jeri Wilson as the interim Treasurer for the City of Eagle Mountain, at the rate of \$17.00 per hour with no insurance or benefits, at an average of 20 hours per week. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

12. Standby Fees on Utilities

Jerry Kinghorn said the Utility Board has recommended that the Council authorize a study of standby fees on utilities. He is asking that he and Corey Walker, Town Engineer, be authorized to do a rate study and develop recommendations for the amount of standby fees that should be in place on unimproved platted lots. Jerry said that this would give us a revenue source to offset the operation and maintenance costs. Discussion ensued. Mayor Debbie Hooge entertained a motion that the Council approve authorization of a study of utility standby fees.

MOTION

Cyril Watt moved that the Council approve authorization of a study of utility standby fees. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

13. Compensation for Elected Officials (Discussion Item)

Mayor Debbie Hooge stated that she appreciates the good job that Council Member Diane Bradshaw did on researching this issue. However, Mayor Hooge stated any compensation would be subject to tough budget review as the Town must have a balanced budget. Diane said one of the recommendations of the committee was that compensation should be based on the revenue of the town. Diane attempted to call several folks to serve on the recommendations committee and was able to contact only two – Diane Jacob and David Lifferth. Both felt strongly that those serving on the City Council should be compensated in some way for their time. (See attached memo of 7/20/98 from Diane Bradshaw to Eagle Mountain City Council, for further committee

recommendations.) Diane obtained a list of compensation for elected officials in other towns in Utah – Provo being on the high end and Alpine on the low end of the compensation scale. Diane Bradshaw and the committee's recommendation is that we schedule a Public Hearing on the issue in order to get more input from the citizens of Eagle Mountain.

MOTION *Diane Bradshaw moved that we schedule a Public Hearing on August 11, 1998 to discuss compensation for elected Town Officials. Rob Bateman seconded. Ayes: 4, Nays: 0, Abstain: 1 (Mayor Hooge). Motion passed.*

14. Consideration Of A Resolution To Limit Retention Of Town Council And Planning Commission Minute Tapes

(See attached Resolution 14-98). A short discussion ensued.

MOTION *Diane Bradshaw moved that we approve Resolution 14-98 to limit the retention of the Town Council and Planning Commission tapes.*

Mayor Hooge suggested a caveat be added to allow the Town to keep certain tapes containing controversial issues that we might wish to retain.

Diane Bradshaw amended the motion to say that we approve Resolution 14-98 with the following change: Item number 2 of the Resolution shall read "after one month has passed, the cassette tapes may either be destroyed, erased or re-taped, at the discretion of the Mayor." Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.

Items 15 and 16 on the agenda were discussed previously in this meeting.

17. Action from Work Session Item 1

There was no action called for.

18. Partial Bond Releases for Meadow Ranches Plats 1, 2 & 3

Mayor Hooge recused but was asked by Council Member Bateman to stay for the purpose of helping clarify the issues. Cyril Watt offered to recuse because of his residence in Cedar Meadows and the Council decided that as long as he had no financial interest in the plats under discussion he should remain in the meeting. Corey Walker explained issues concerning the partial bond release and discussion was held. Rob Bateman entertained a motion that we approve the partial bond release for Cedar Meadows Phases I through III.

MOTION

Dan Valentine moved that we approve the partial bond release for Cedar Meadows Phases I through III. Diane Bradshaw seconded. Ayes: 4, Nays: 0, Abstain: 1. Motion passed.

19. Adjournment into a Closed Executive Session

MOTION

Diane Bradshaw moved that we adjourn to Closed Session for the purpose of considering issues inherent in the open space dedication requirements for the master developer of Eagle Mountain Properties. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

The meeting was adjourned at 11:45 p.m.

Present at the Closed Session were Mayor Debbie Hooge, Council Members Rob Bateman, Diane Bradshaw, Dan Valentine and Cyril Watt. Also present was Town Attorney Jerry Kinghorn.

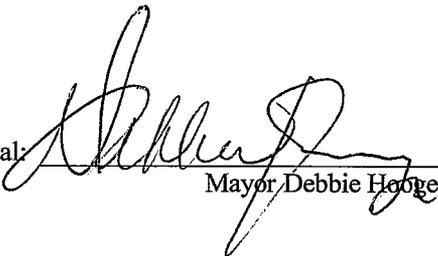
20. Action from the Closed Executive Session

There was no formal action taken in this session.

21. Adjournment

The Closed Session adjournment time was not recorded.

Approval: _____



Mayor Debbie Hooge

Date: _____

August 11, 1998

The foregoing minutes were at the Eagle Mountain Fire Station, 1680 East Heritage Drive, Eagle Mountain, Utah, the bulletin boards at Cedar Meadows Subdivision and the Cedar Pass Ranch Trailer by _____, Town Clerk.

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH,
Eagle Mountain Town Office, 1680 East Heritage Drive**

DATE: AUGUST 11, 1998

A. OPENING:

1. Roll Call:

The meeting was called to order by Mayor Debbie Hooge at 7:05 p.m.

The following Council members were present:

Mayor: Debbie Hooge
Council: Rob Bateman, Diane Bradshaw and Dan Valentine

Town Staff:

Town Planner: Dave Conine
Town Attorney: Jerry Kinghorn
Town Clerk: Janet Valentine
Deputy Clerk: Barbara Wren, recording

Also Present: Nick Berg, Eagle Mountain Properties; Jason Burningham, Lewis Young Robertson & Burningham; Bert Carter, Eagle Mountain Builders; Kent Hoggan, Big Sky Ranch; John Jacob, Cedar Pass Ranch; Eric Jones, Eagle Mountain Properties; Scott Kirkland, Cedar Pass Realtors; Mark Kopatz, Cedar Pass Ranch; Chad Larson, Bob Lynds, Eagle Mountain Properties; Phil Nolen, Cedar Pass Ranch; Gary Tassainer, Tasco Engineering

2. Pledge of Allegiance

Barbara Wren led the Pledge of Allegiance.

3. Approval of Agenda

Korey Walker asked that a bond release issue for Mountain View – Phase I be added to the agenda for approval. It was decided to add the bond release issue to the agenda as Item 16.

MOTION *Rob Bateman moved that we approve the agenda, as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

4. Approval of Minutes (7/14/98, 7/16/98, 7/28/98)

The minutes of July 14, 1998 were reviewed and changes made.

MOTION *Diane Bradshaw moved that we approve the minutes of July 14, 1998, as amended. Rob Bateman seconded. Ayes: 3, Nays: 0, Abstain: 1 (Dan Valentine). Motion carried.*

The minutes of July 16, 1998 were reviewed and changes made.

MOTION *Rob Bateman moved that we approve the minutes of July 16, 1998, as amended. Dan Valentine seconded. Ayes: 43, Nays: 0. Motion carried.*

The minutes of July 28, 1998 were reviewed and changes made.

MOTION *Rob Bateman moved that we approve the minutes of July 28, 1998, as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion carried.*

5. General Discussion / Questions / Announcements

Gary Tassainer informed the meeting that Tasco Engineering is going to request an 8-hour power outage from midnight until 8 a.m. to include Overland Trails, The Landing, Eagle Point, the Town Center and the South Sweetwater road areas. Tasco will put flyers on doors and again, Friday and they may be able to telephone residents. Gary explained that it was necessary to do some major switch over and changes to the system.

Gary Tassainer distributed a Tasco Engineering, Inc. memo of subject "SID 98-2 Natural Gas Distribution in Cedar Pass Ranch and Cedar Pass Ranch North" and suggested it would be wise to keep the back pages of the document confidential as it contains material that would be close to what they would use in a bidding situation. Gary reviewed the engineering estimates of the front lot installations vs. rear lot installations of the Natural Gas Distribution System. Tasco is seeking Council approval to complete the design and prepare the bid documents within the first two weeks of September, with installation to be completed in mid-November. Discussion ensued. Gary stated that it is important to proceed with this quickly before cold weather begins.

6. Warrant Register

MOTION *Diane Bradshaw moved that we table this item #6. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion carried.*

7. Public Comment

John Jacob, 9155 North Cedar Pass Road, was supplied with a copy of the "SID 98-2 Natural Gas Distribution in Cedar Pass Ranch and Cedar Pass Ranch North" document for his information.

There were no further comments.

8. Protest Hearing

A. Consideration and Approval to Create Special Improvement District No. 98-1 for the Purpose of Making Improvements with the District and to Levy Special Assessments as provided in Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended, on the Real Estate Lying Within the District for the Benefit of which such Assessments are to be Expended in the Making of Such Improvements

Mayor Hooge asked Jerry Kinghorn, Town Attorney, to summarize the status of the SID for the Council.

Mayor Hooge recused. Rob Bateman served as Mayor ProTem.

Mr. Kinghorn explained to the Council that they could approve the SID tonight if they do not receive sufficient protest to kill it. If they do proceed, then they have other choices including whether or not to proceed with the award of the bid (Timp Sewer Line and others that will come afterward). Jerry continued that the problem we have is the financial consultants and underwriters feel they haven't had enough time with the appraisal and other financial documents to work those documents through the credit process with the banks. He said they need about a month to complete that process before we should go ahead and issue construction contracts, unless the proponents of the projects are willing to proceed with the understanding that, if we cannot get interim warrants issues, the developers would stand the expense of the construction process. His, and the financial consultants' recommendation, is that before the contracts are let and notice to proceed with the bid are awarded, we need to visit with the developers about the risk to them if we can't get the credit and we cannot get the banks to buy the interim warrants. If we can, then we would reimburse the developers for anything they paid on the construction contracts. And, Jerry continued, if the contracts are structured in such a way that the first payments are not due for 60 - 90 days, it may be that the consultant can obtain the financing and it would not then be necessary for the developers to expend any money. Scott Kirkland, Cedar Pass Ranch, L.C., said he had been attempting that day to contact Mr. Kinghorn to suggest that the developers stand this expense in the interim. He said they were willing to take that risk as they cannot afford to wait because of weather restrictions. Bob Lynds, The Ranches, L.C., suggested that, in the interim they will also pursue construction financing against the eventual takeout by the SID. He has talked to their banks and said they are amendable to this. He added, one banker is even interested in issuing a warrant. Rob Bateman asked the meeting attendees if there was any protest to the formation of this SID. There were no objections. Scott Kirkland provided Jerry Kinghorn with notebooks for he and Laura Lewis of Lewis Young Robertson & Burningham. Rob Bateman called for questions from the Council. Rob Bateman asked if there had been any protests filed. Janet Valentine said she had received none and there were only about 8 land owners in that district. Rob stated that if there were no other comments and no protests filed, he would entertain the motion that we move to approve SID 98-1.

B. Action From Item 8-A

MOTION

Diane Bradshaw moved that we approve Resolution 15-98 to create the Special Improvement District # 98-1 as set forth on the Resolution format. Dan Valentine seconded.

Roll Call Vote - Dan Valentine: Aye, Diane Bradshaw: Aye, Rob Bateman, Mayor ProTem: Aye.

Ayes: 3, Nays: 0, Abstain: 1 (Mayor Hooge recused). Motion passed.

MOTION

Diane Bradshaw moved that we discuss Item 11 while Mayor Hooge is recused. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.

9. Award Bid for the Sewer Out-Fall Line and Ranches Parkway (formerly Item 11)

Korey Walker said the bids for the sewer out-fall line were opened Wednesday. He reviewed the Bid Tabulation sheets for the Ranches Parkway Road, water and sewer construction and the sewer out-fall line to TSSD. Korey stated that the three bidders, W. W. Clyde, Valley Asphalt and CIC

were fairly close and he was pleased with the numbers. Condie Construction (CIC) was the apparent low bidder. Discussion ensued and Korey Walker answered several queries from Councilman Valentine. Rob Bateman conferred with Bob Lynds, and Scott Kirkland, of the Ranches, L.C., that they were indeed fronting the cost of this until the warrants are issued and that they have seen the bids and have no problem with them. Both gentlemen responded in the affirmative. Mr. Bateman called for a motion.

MOTION *Dan Valentine moved that we award the contract for the Timpanogos Sewer Out-fall Line to Condie Construction in the amount of \$1,923,939.26 with the stipulation that the approval to proceed is withheld until the developer has entered into a written agreement with the Town to cover the costs until the interim warrants are issued and until the easements are in our hands. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Dan Valentine moved that we award the contract for The Ranches Parkway Road, Water and Sewer Construction to Condie Construction in the amount of \$2,137,145.40 with the stipulation that the developer enter into an agreement with the Town to reimburse the town for these start-up costs in the event the Town does not have interim warrants. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.*

Mayor Debbie Hooge rejoined the meeting.

10. Impact Fee Analysis (formerly Item 9)

Rob Bateman advised the attendees that Council Member Dan Valentine and he had met with most of the staff on August 5 to review the Impact Fee Analysis. Jerry Kinghorn said that we need to have some decisions tonight on the percentage breakdown between impact fee and future funding. Dan Valentine stated that the Public Works Board recommended between 60 – 70% of the impact fee and that we use old Scenario III with an agreement built in that any money the developers spends on items in Capital Facility Plan, exclusive of RBANs, would be credited back to them. Discussion ensued regarding the provided scenarios. Jerry Kinghorn clarified that tonight we are discussing the methodology to direct the completion of the analysis. If the decision is made tonight, the analysis will be written up and filed by August 22nd and would go to Public Hearing on September 8. Gary Tassainer distributed the analysis documents that he and Korey Walker had prepared and extended discussion was held regarding percentages at which the impact fees should be set. Jason Burningham, Lewis Young Robertson & Burningham, joined the discussion with further scenarios in which the impact fees were revised downward based on Korey Walker's meeting with Eagle Mountain Properties and The Ranches. Rob Bateman proposed that our user fees are correct where they are, that we need to fund at 100% of the impact fee the stormwater and transportation. On the revenue based items (water, sewer, gas, electric and telecommunications) we should fund at 60% impact fee. Eric Jones, Eagle Mountain Properties, stated that he found it inequitable that items assessed on impact fee basis solely on Eagle Mountain Properties side and none assessed on The Ranches side. Korey explained that the Council was assuming that revenues generated from the north would offset that cost. The only items that should not be allocated to both are where The Ranches, through SID or otherwise, is paying a large share of the project cost in cash. Korey Walker recommended that, in the future, where we do not know what is going to be in the RBANs, we ought to do a split. We would need the Council's recommendation on what that split should be – 50/50, or based on ultimate build-out. Mayor Hooge commented that not all of the impact fees that we recover go to The Ranches, but to pay off the RBANs, which directly benefits Eagle Mountain Properties. Discussion continued. Nick Berg commented that he feels uneasy with the message a high percentage impact

fee would send to prospective buyers. Dan Valentine said that if our impact fees are in line with those of neighboring towns such as Springville and Lehi, why would the word go out that we are high. Discussion continued.

MOTION

Rob Bateman moved that the water portion of the impact fees be set at 80%; and that the gross fee be equal for Eagle Mountain Properties and The Ranches service area; that the sewer impact fee be funded at 100%, and that it be separate for the Eagle Mountain Properties and The Ranches service areas; stormwater would also be funded at 100% with impact fees that would be separated according to the Eagle Mountain Properties and The Ranches service areas; transportation would be funded at 100%, divided between the Eagle Mountain Properties service area and The Ranches service area; electrical and telecommunications would all be funded at 60% and those would be equal for Eagle Mountain Properties service area and The Ranches service area; that this be based on maintaining the user fees at 100% and that we use new Scenario II, assuming no SIDs or RBANs, and that we allow credits for anything in the capital facilities funded under SID. Dan Valentine seconded.

Rob Bateman invited comments. Discussion continued. Gary Tassainer, Tasco Engineering, felt that with these percentages we would be vastly overfunded. Rob replied that if that is true and Tasco Engineering can show us that, we can back off but for now this is the direction we want to go.

Ayes: 4, Nays: 0. Motion passed.

11. (formerly Item 10) Partial Bond Release for Eagle Point Plat A

Mayor Hooge entertained a motion that we table Item 10.

MOTION

Diane Bradshaw moved that we table Item 10. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion passed.

12. #9 on the Agenda (Discussed Previously)

13. Consideration of an Ordinance to Adopt the American Public Works Association (APWA)

Korey Walker explained that this was the "Orange Book" and he reviewed some additions he had made. He also has some typicals for street layouts that will need to go through the Planning Commission and then to the Council. Jerry Kinghorn said this ordinance needs to be rewritten but that the Council can enact an ordinance to adopt these standards as the official standards for these facilities.

MOTION

Rob Bateman moved that we adopt the American Public Works Association Manual of Standard Specifications, including the attached addendum; and that we will do that by Ordinance 98-10 establishing violations as a Class C misdemeanor and authorizing the Town Attorney to rework the language to be legally defensible and authorizing the Mayor to proceed with the signature on that ordinance. Diane

Bradshaw seconded. Mayor Hooge called for discussion. There was none. Ayes: 4, Nays: 0. Motion passed.

14. Revision of the Supplemental Distribution Interconnect Agreement between Pacificorp and the Town of Eagle Mountain

Jerry Kinghorn clarified the 600 kw cap issue. He explained that Pacificorp does not view the 600 kw limit as a hard cap. They had allocated 600kw to the Town of Eagle Mountain and 400kw to unknown others, i.e. if we arrive at that 600kw and there's 50kw of the 400kw being used, they will allow us to increment into the 400kw. Jerry said he recommends that we approve this, rather reluctantly, as he would like more time to work on it. He continued, since our other agreement expires we need to get this into place. Dan Valentine said he would like to have the language clarified regarding our allocation being flexible and Jerry said they were going back to Pacificorp and recommend some revisions of the language. The Council signed the Agreement as written.

Gary Tassainer informed the Council of a meeting next Thursday morning, 9 a.m., at the AF building, to clarify the proposal on the Joint Venture.

15. Information Regarding Potential Annexation Request from White Ranch

Korey introduced Mr. Kent Hoggan, one of the owners of White Ranch, with whom he has visited about some options regarding power and sewer in the event of White Ranch being annexed with the Town of Eagle Mountain. He explained that Mr. Hoggan is here to get the feelings of the Council on possible annexation. Mr. Hoggan said he had been approached by the Mayor of Cedar Fort to encourage White Ranch's annexation with Cedar Fort. He met with Korey Walker and Gary Tassainer to explore the mutual benefits of power, natural gas, sewer, etc., and is here tonight to see if it would make more sense to annex with Eagle Mountain rather than Cedar Fort. Mr. Hoggan showed a map of the area and discussion ensued. He explained that they were planning for a mixture of 5-acre, 1-acre, 10,000, 8,000 sq. foot lots. Korey stated the possible advantages of an annexation with White Ranch would be allow us to extend our sewer with the potential of being closer to Cedar Ft. and possibly servicing them in the future. It would also provide additional users on gas and electricity facilities to help us get through this first phase of the revenue need. Mr. Hoggan said that they have 1,547 acres, on which there are approximately 3,300 proposed units. Jerry Kinghorn said that a Master Site Plan is required with a petition for annexation. Dan Valentine said he feels we should contact Jeanine Cook, the Mayor of Cedar Fort, and get her feelings on this, as he does not want to become a bad neighbor to Cedar Fort. Diane Bradshaw will call her. Rob Bateman said he is not averse to annexation but would have to be something that Cedar Fort would be amenable to and it would have to meet the design and development code.

16. Public Hearing

A. Consideration and Approval of a Resolution Adopting Compensation for Elected Officials of the Town of Eagle Mountain

Mayor Hooge recommended that we take the low end of the pay scale for compensation of elected officials.

MOTION

Rob Bateman moved that we discuss the Bond Release issue first, before deliberating Item 16-A. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.

17. Consideration of Escrow Bond Partial Release For Mountain View – Phase I

Korey Walker explained certain portions of the document and said he felt comfortable with it.

MOTION *Rob Bateman made a motion to grant partial bond release in the amount of \$62,693 for Mountain View Phase I. Diane Bradshaw seconded. Mayor Hooge called for questions. There were none. Ayes: 4, Nays: 0. Motion passed.*

Return to Item 16-A – A Consideration and Approval of a Resolution Adopting Compensation for Elected Officials of the Town of Eagle Mountain.

Mayor Hooge called for comments. Discussion ensued.

16 – B. Action from Item 16-A

MOTION ¹
Diane Bradshaw moved that we adopt Resolution 16-98, Resolution to Adopt Compensation for Elected Officials, in the amount of \$400 per month, plus expenses, for the Mayor; \$200 per month, plus expenses, for the Council Members.

Discussion was called for.

The motion for compensation of said individuals was amended to begin effective on the next calendar month following approval of the amended budget. Diane Bradshaw accepted that amendment. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion passed.

17. (formerly Item 16). Adjourn into Closed Executive Session

MOTION *Diane Bradshaw moved to adjourn to Closed Executive Session for the purpose of discussion personnel and proposed drug abuse testing. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion passed.*

The meeting was adjourned to Closed Executive Session at 10:20 p.m. Attending were Mayor Debbie Hooge, Rob Bateman, Diane Bradshaw and Dan Valentine.

The meeting of the Closed Executive Session ended at 10:30 p.m.

MOTION *Dan Valentine moved that we open the regular session of Town Council at 10:35 p.m. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

18. Action from Closed Executive Session

Sue Fraley, Executive Assistant to the Planning Director, has resigned. The Council has agreed to appoint Barbara Wren, Eagle Mountain Deputy Clerk, to fill that position. Mayor Hooge recommended that Barbara begin training with Sue Fraley immediately as Sue is leaving on August 28th.

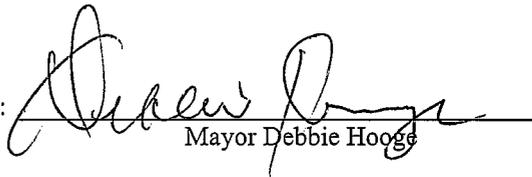
The Council also agreed to implement employee drug testing as set forth in the Personnel Policy and Procedures manual for the Town of Eagle Mountain.

MOTION

Diane Bradshaw recommended that we adjourn the meeting. Rob Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

The meeting adjourned at 10: 45 p.m.

Approval:


Mayor Debbie Hooge

Date:

August 11, 1998

The foregoing minutes were posted at the Eagle Mountain Fire Station, Eagle Mountain, Utah, the bulletin boards at Cedar Meadows Subdivision and the Cedar Pass Ranch Trailer by _____, Town Clerk.

**MINUTES OF TOWN COUNCIL MEETING
EAGLE MOUNTAIN FIRE STATION
1680 E. Heritage Dr.
Eagle Mountain, UT 84043
August 25, 1998**

1. Roll Call:

Town Council Meeting was called to order by Diane Bradshaw, Councilmember, at 7:12 p.m.

Councilmembers present: Mayor Debbie Hooge, Dan Valentine, Diane Bradshaw, Cyril Watt, Robert E. Bateman

Town Staff:

Town Engineer: Korey Walker
Town Planner: Dave Conine
Town Attorney: Jerry Kinghorn
Town Recorder: Janet Valentine
Recording Secretary: Barbara Wren

Also present: Nick Berg, Eagle Mountain Properties; James Dahl, MCM Engineering; Gary Tassainer, Tasco Engineering; Bob Lynds, The Ranches L.C.; Keith Cowan, Cedar Pass Ranch; David Lifferth, Cedar Pass Ranch; Greg Kehl, Cedar Pass Ranch; Daniel Burton, Cedar Pass Ranch; John Lala, Cedar Pass Ranch; see attached list

2. Pledge of Allegiance:

Dan Valentine led the Pledge of Allegiance.

3. Approval of Agenda:

MOTION *Rob Bateman moved to approve the agenda. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

4. Approval of Minutes 8-11-98:

Changes noted on the minutes.

MOTION *Rob Bateman moved to approve the minutes of the August 11, 1998, Town Council Meeting as amended. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

5. General Discussion/Questions/Announcements:

Janet Valentine, Town Recorder, talked about the upcoming election and urged everyone to vote "yes" and vote the Town of Eagle Mountain out of the County service area because everyone is being double taxed.

Rob Bateman made a suggestion that a line be put under the first item on the ballot and a note stating that if they vote for line one then you don't need to vote on the other ones.

Jerry Kinghorn, Town Attorney, gave some suggestions. There was a discussion regarding the ballot.

Diane Bradshaw asked if this was for the 1999 taxes and was told yes because they had already been taxed for 1998.

Janet Valentine brought up the problems she was having on Casel. Mayor Hooge said they would discuss this.

Janet Valentine announced an Open House at Lehi High School on September 9th for different municipalities in the area. There would be a booth for each municipality.

Janet Valentine announced there would be a neighborhood block party for The Landing at the Touchstone Development by the fire station. They wanted to know if the weather turned bad could they have it in the fire station bay. Mayor Hooge said they would have to talk to the Fire Chief.

Janet Valentine said there had been some interest about an annexation from a gentleman by the name of Paul Gardner. This would be a joint venture between Paul Gardner and another person to purchase the Henley property – between North Ranch and Meadow Ranch.

6. Warrant Register:

Rob Bateman questioned item 134 on the register for the City of Orem, radio purchase, in the amount of \$800.00. Nobody had approved this purchase. This was for 8 used radios purchased by the Fire Chief. Mayor Hooge asked Cyril Watt to talk to Eric Taylor about purchasing procedures.

There was a short discussion about the Natural Gas Service Calls under item 324 for Tasco Engineering. These were for three gas leaks and two dig ins.

Mayor Hooge asked Janet Valentine to give Korey Walker, Town Engineer, all of the water bills so he has an opportunity to look them over and okay them for payment.

MOTION *Rob Bateman moved to approve the bills as indicated on the Warrant Register with the exception of the bill for Water Pro which is to be made subject of approval of the Town Engineer. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

7. Public Comment:

Mayor Hooge explained the difference between Public Comment and Protest Hearing Comments.

8. Protest Hearing:

A. Consideration and Approval to Create Special Improvement District 98-2 for the purpose of making improvements by providing a Natural Gas Distribution System to the 235 lots platted within the boundaries of the District and to levy special assessments as provided in Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended, on the real estate lying within the District for the benefit of which such assessments are to be expended in the making of such improvements:

MOTION *Rob Bateman moved to suspend the Conflict of Interest Rules given the fact that three members of the Town Council are residents of the subdivisions impacted by this proposal and there would be no quorum to vote without the suspension of this rule. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

A presentation was made by Gary Tassainer, Tasco Engineering. He talked about the beginning of service systems being set up for the town. Utah Power wanted \$3.2 million dollars up front to get power out here. Questar wanted \$1.2 million dollars up front to get gas out here. US West wanted

around \$1 million dollars to get started out here. Because of this situation, the town chose to go with municipal utilities. Kern River was a good source for gas. This has a huge gas line. It is one of the best resources to pick. Gary told the citizens that once this system becomes operable they will become shareholders. There will be less property taxes. He said Questar wanted to buyout the system. The same with Utah Power and US West.

Gary then gave a demonstration of the location of the high pressure natural gas line. He said the cost for this portion of the location would be \$500,000. That portion of the cost is not in the costs that are part of the development in Cedar Pass Ranch or Cedar Pass North. When that line is installed then it will be available for Cedar Pass Ranch to tap into and draw gas. He then showed where Kern River gas would be. The southern portion of the development, Eagle Mountain Properties, is going to build a natural gas line up to meet this line (shown in demonstration). This has brought costs down. He explained that in energy value natural gas is significantly cheaper than propane.

Gary stated that 30 days ago they had analyzed this system trying to install a natural gas system in the back lot. It was easy on paper. When that was calculated out Cedar Pass Ranch was seeing numbers in excess of \$3,000 per lot. The Town Council said to re-think that one. Not only have you got problems running on the back lot but you also have some tremendous obstacles out there in terms of deep rooted washes and property lines that don't match up, areas that would have to be blasted for rock, etc. They then re-designed the front lot. He explained this was all conceptual. The plans are not ready to go out for bid.

Gary talked about how they had gone back and re-did the numbers for the front lot. These are only estimates. The contractors have to come in and submit bids in order to get the factual costs. What they didn't do in the beginning when the notice was posted to the public is the fact that Cedar Pass Ranch lots are two and sometimes three times as large as Cedar Pass North.

Gary explained that the estimates he was giving were for getting the main line installed and does not include service laterals. If you are 50 feet from the road it would probably cost the homeowner \$200-300. If you are 300 feet from the road it will probably cost you \$800-1200. Gas meters run about \$285. This is on a per lot basis and not a per linear foot basis, and the Town Council in their wisdom will have to determine what is more fair, whether it is per lot or per foot basis, the cost estimated would be \$1,844, or \$189 per year or \$15 per month. On another one it is \$1200 a lot, \$125 per year, and \$10 per month. Cedar Pass Ranch is \$1844 per lot. These are all estimates only.

Mayor Hooge asked Jerry Kinghorn, Town Attorney, to talk about the viability of Questar coming in and serving this area.

Jerry Kinghorn said there is a town ordinance that says all new construction hook up to the city utilities if they are available. This has been done to protect the financial viability of the city utility system. He said Questar could probably come in to the existing Cedar Pass Ranch and try to build a system to service the existing homes. As far as the vacant lots, homes built on these would have to hook up to the town system. It really doesn't make any sense going to two systems. It is not economically feasible. There would be regulatory problems if Questar should try to come in. Mayor Hooge said that 70% would not be able to be served by Questar. Gary Tassainer commented that it would be very expensive.

Mayor Hooge commented that the only reason they considered this is because they felt it was a service to Cedar Pass Ranch. It is not something they felt like they had to do. There was a lot of interest from homeowners out there to get this service. If the residents don't want it then we won't get it. There is no other motivation for this. She apologized about the numbers that were represented originally.

Comments:

David Lifferth, 2976 E Cedar Pass Road, wanted to know the time frame. Gary Tassainer said they would liked to have had it by this winter but now it looks like it would be at least next February.

David wanted to know if this was an all or nothing deal.

Mayor Hooge said it had to be re-noticed at a per lot assessment. Then there had to be another public hearing.

Keith Burnham, 2871 E Cedar Pass Drive, had questions about total costs.

Mark Sovine, 9156 N Cedar Pass Road, had questions about total costs. Mayor Hooge explained that the connection fee was separate from the estimated cost of running the pipe in.

Roxanne Clark, 8802 N. Overland Dr., had questions about the service connection fee.

Daniel Burton, 2441 E Ranch Road, had some questions about where they would be blasting and if this was in the same area where the water would be run. Gary Tassainer gave an explanation. Rob Bateman said they did not want the water and gas line to be next to each other. Daniel then talked about what he agreed to when he bought his home.

Jerry Kinghorn talked about other companies coming in and putting in systems. Mayor Hooge asked if the town would allow the other companies to come in and Jerry said that was a decision the town would have to make. Questar would have to get a franchise from the town on the town's road they would have to ask the town's permission to get the right of way that is owned by the town. Mayor Hooge said they probably wouldn't do this.

Daniel Burton was concerned about the cost estimates. He wants the options explored. He had gathered signatures from people in Cedar Pass. He was concerned about the cost of the Special Improvement District (SID). Wants more explanations. He sees some value in Questar providing some numbers on their cost.

Jerry Kinghorn explained that you can not control rate increases with Questar. Municipal power systems can more easily be lowered.

Daniel Burton asked if this new information could be sent out to the homeowners. He expressed his concern about the cost of blasting.

Mayor Hooge explained that the town is limited under the SID. They cannot increase the amount more than 10%. Mayor stated that if you oppose this SID then you have to file a formal protest with the town.

Keith Cowan, 8802 N Canyon Wash, commented on the letter from mid July. He wanted clarification about costs. Mayor Hooge explained that it is a tax assessment that comes from the town. It is a lien against your property. The town would re-hire someone annually to bill the amount. You can pay it all tomorrow. You can pay it over an annual basis. The town does not have the capacity to bill monthly, but would look at it and see what could be done. Jerry Kinghorn said this could be done in installments on the property taxes. This could be done over 15-20 years and is tax deductible. If you pay it monthly on your gas bill it is not tax deductible.

Greg D. Kehl, 7767 N Canyon Wash Dr, had comments about getting natural gas. He thinks it would be great. He felt like the numbers coming in right now were a little premature. He wants the town to get firm numbers. Use extreme wisdom.

Mayor Hooge explained the process the town must use. She said there are some constraints the town has. The town can't legally bid this out until a district has been formed. The town could probably get a contractor to look at it and give the town some reasonably close numbers.

John Lala, 8389 Crest Road, said his questions had already been answered.

David Lifferth, 2976 E Cedar Pass Ranch, wanted to know about some legal requirements. Jerry Kinghorn said that when the notice comes out it would have a specific ceiling on the amount that can be included in the project costs. If a bid comes in and it is more than the project cost that was put in the notice, the town has to either re-engineer the project to get it down under the ceiling or the town has to abandon the SID. Mayor Hooge said the original notice is void. If the town has to re-notice on the new numbers that Tasco comes up with, then if you still protest the district you have to make a formal protest to the town. It has to be in writing and it has to identify the property. Jerry Kinghorn said the new notice would tell the new project cost, the method of assessment per lot, and it would describe the improvements. David likes the ability to have a choice. He wants more facts to make a good decision for his family.

Mayor Hooge said the town already owns a natural gas company so that is done. She said Dan Valentine could provide any answers to your questions.

Rob Bateman said that Cedar Pass Ranches is well represented on the Town Council. He said when they saw the per acreage fees and what it would amount to they had the same reaction. One member of the Town Council has to pay on two lots. The council asked Gary Tassainer to go back and work on the numbers per lot. Rob felt like it looked a lot better. He apologized for the confusion. The intent is to save people money.

Gary Tassainer explained again that the numbers do not include getting the gas from the pipe to the house. These numbers are for the front line pipe only.

Diane Bradshaw asked people to look at the total cost involved – pavement, yards, etc.

Dan McDaniel, 8899 N Canyon Wash Dr, talked about the location of his electrical meter and how this would tie in to the gas line.

Mayor Hooge said they didn't want to get Gary Tassainer locked into the design.

Randy Reagen, 2441 E Cedar Dr, wanted clarification concerning his property. He also asked about the cost of propane versus natural gas.

Gary Tassainer said he can not tell people where to run their pipe because this SID has not been approved yet and he won't start the design until the SID is approved.

Mayor Hooge said they would do everything they could to keep Questar out. This would be very unwise to have them come in. It would cost the town more money than they could afford.

Bob Lynds, The Ranches L.C., commented that Questar had the opportunity to come out here. Questar told them what it would cost to come out. There would be no rebates or anything. Bob said the price was so absurd that it made no sense at all to even consider them. The town could do better.

David Lifferth still wanted to see some other numbers.

Mark Lindsay, 2854 E Ranch Road, asked about rate increases. Mayor Hooge said the only reason the town was even getting into the utility business was so they could offer affordable rates. The town is not allowed to make a profit like Questar. There is no motivation for the town to raise rates.

Dan Valentine asked the people at the meeting that if these numbers are right, does anybody oppose this SID? There were no responses.

MOTION

Rob Bateman moved that we as a Town Council disapprove formation of SID District 98-2; that we secure from the engineer the best cost estimates that we can; that we re-notice formation of a new SID on a per lot basis, and provide that notice to the citizens of the community, and proceed with that as quickly as possible. Diane Bradshaw seconded.

Diane Bradshaw asked Gary Tassainer of Tasco about a time frame. Mayor Hooge said that the papers had to be re-drawn and pass a resolution. She said it would take 45 days for a new one. Gary had some comments.

*The motion was amended to include on next agenda. Ayes: 5, Nays: 0.
Motion passed.*

Mayor Hooge asked Janet Valentine to verify registered voters.

9. The Ranches Update/Bob Lynds:

Bob Lynds, The Ranches L.C., gave a presentation. He talked about traffic situation and said that notices were being posted that no construction traffic can go through Cedar Pass except for other contractors. Traffic must go through on Lehi/Fairfield. Then it comes up and goes on SR-73 and in the new entry.

10. Eagle Mountain Properties Update/Nick Berg:

Nick Berg, Eagle Mountain Properties, talked about the water pressure at Overland Trails. Getting more complaints from residents. He talked about a meeting he had with all of the builders who are currently building out at Eagle Mountain. He talked about the number of people expected to move in before the end of the year. He said it would be about 150 families. The amount they expected to bring in during 1999 was estimated at 1,000. He brought up the amount of time it was taking to have a building inspected. He wants another building inspector brought in. It is taking over 30 days to get a building inspected.

Nick talked about the amount of people on the Town Council who live outside of the town center. He wants to see in the future more people from the town so they are represented. He clarified that it was Eagle Mountain Property residents because everyone in Cedar Pass is also a town resident.

Dan Valentine suggested that in the future they should have voting districts.

Nick Berg commented about how hard Dave Conine, Town Planner, had worked for the town and was sad to see him go.

Diane Bradshaw asked about the meeting with the school district. There was a discussion about the buses and about problems in the future for Meadow Elementary. This is a great concern for the future.

11. Final Approval of a Class II Permit for West Lake at Red Hawk Ranch:

Mayor Hooge recused. Diane Bradshaw was appointed Mayor Pro-Tem.

Korey Walker, Town Engineer, said this subdivision has 35 lots located on 12.5 acres. This computes to 2.78 lots per acre. There are two issues that require some discussion with relation to the Development Code. The Development Code, right now, has some street standards that correspond with arterial streets. He stated that trying to design a subdivision with those standards is difficult. Korey said he was in the process of developing a matrix that goes through and identifies each one of the streets that the Development Code allows with some design criteria for each one of them. This will allow tighter horizontal curve and also some smaller offsets with relation to intersections. He said one of the things that had never occurred to him was that the alleys in the downtown area do not meet the

Development Code because their intersections are less than 300 feet. For that reason Korey made the recommendation to the Town Council that they do allow a variance on the horizontal curves that they have increased the radius to and also the opposite intersections with some signing.

Dan Valentine asked if he could see some kind of map or blueprint. Bob Lynds thought the Council had a copy.

Diane Bradshaw asked if the streets were going to always a character name. Korey responded that the streets would have both a name and the north-south-east-west coordinate. Korey showed on a drawing where the area of concern was that he talked about earlier. Rob Bateman pointed out that he had heard from several studies that narrower roads and tighter curves produced fewer accidents.

There was some discussion about parks. Planning Commission wants to see designs. There was a discussion about having previous minutes of Town Council and Planning Commission.

Jerry Kinghorn asked if they were ready to dedicate this park to the town. He wanted to know if there was a trail system in place. He asked about a homeowners association and the CC&R's. Bob Lynds said this was all done. Korey Walker noted that there were still some engineering issues to resolve.

Rob Bateman said he had seen this at a Planning Commission meeting and was comfortable with it.

Dave Conine, Town Planner, voiced some concern about design guidelines. He talked about the horizontal curve information.

Jerry Kinghorn asked about the architectural guidelines. He wanted to know if this was going to an alternate set of guidelines. He wants a document of the plan.

MOTION

Rob Bateman moved that the Town Council grant final approval to West Lake at Red Hawk Ranch subject to the following conditions:

- 1. Grant a variance for the horizontal curve radius in the intersection offset distances.*
- 2. That we include in the Development Agreement a schedule for completion of park improvements and the dedication be handled quickly.*
- 3. That the water rights be approved by the Town Attorney as far as their utility for the town.*
- 4. That the SID be finalized.*
- 5. That on the next Council agenda that we approve the CC&R's and the Design Guidelines.*

Cyril Watt seconded.

Rob Bateman moved to amend to include anything the Planning Commission had on their conditions that have not been resolved to the satisfaction of the Town Engineer. Ayes: 4, Nays: 0. Mayor Debbie Hooge recused. Motion passed.

12. Request to set guidelines on scheduling a public hearing process for a Zone Change:

Mayor Debbie Hooge returned.

Mayor Hooge said she could not find anything on a zone change request. Rob Bateman explained it is an amendment to the Development Code and is on page 19. Rob explained that when a code is adopted you are also adopting our zoning map. Anything that is a zone change request is an amendment to our Development Code.

Mayor Hooge asked for a good definition. Rob Bateman said that one element in the Development Code or zoning ordinance in most towns is your official zoning map. That is adopted as part of the Development Code. What you are asking for when you come in and ask for a zone change is an amendment to the ordinance. This is chapter 3. You go through the same process for an annexation.

Dave Conine brought up the subject of annexation. Jerry Kinghorn said there was a new annexation law. Janet said she would get copies to everyone.

Mayor Hooge asked that the Annexation Policy be put on the agenda some time in the future concerning the gravel pit and Saratoga and Lehi. Then she added White Ranch. She wants to know where Eagle Mountain is going.

Mayor Hooge talked about why it would be an advantage picking up the annexation of White Ranch. She said they own about 2400 acre feet of water in the valley.

There was a discussion about services on new annexations.

Mayor Hooge stated she had a real problem with having only one way to get in and out of Eagle Mountain as far as the town is concerned. With the annexation of White Ranch this would give another entry.

Discussion.

13. Bond Releases/Korey Walker:

Mayor Debbie Hooge recused due to conflict of interest. Diane Bradshaw was appointed Mayor Pro-Tem.

Korey Walker stated Cedar Meadows requested a release of \$100,875.

MOTION *Rob Bateman moved to approve a partial bond release for Cedar Meadows Phase 1, 2, and 3, in the amount of \$100,875.00. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

Korey Walker recommended that in the future the developer bond for 110%, retain the 10%, then extend the warranty period for two years instead of one.

Mayor Debbie Hooge returned to the meeting.

14. Approve 07/98-06/99 Budget Revision:

Mayor Hooge said they were not ready to revise. Jeri Wilson said to wait until the Impact Fees Report is ready.

15. Department Reports:

A. Administration/Mayor Hooge

1. Utah County Mayors Unite against Domestic Violence:

Mayor Hooge suggested that the town participate in this. Mayor Hooge asked Janet Valentine to do a press release to the Lehi Press.

MOTION *Dan Valentine moved to issue this proclamation and substantially perform accordingly. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

2. Interviews for recording secretary:

Found someone who lives on Lake Mountain Road. She would take over Barb Wren's job.

MOTION

Rob Bateman moved that if Janet finds this person acceptable then have Diane Bradshaw go ahead and interview her and hire her. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

3. Concrete Plant:

Rob Bateman talked about some ongoing problems with the Eagle Mountain Redi-Mix Plant. The Mayor heard that the Hog Farm had offered to let them come out there.

There was a discussion about various issues involving the concrete plant.

Korey Walker said a letter needed to be written.

Rob explained that if they went out there they would have to have a zone change request in order to hook up on Utah Power. Utah Power said they would serve them if the Town of Eagle Mountain won't.

Rob explained that there were traffic issues as far as the road. Korey Walker said that W.W. Clyde was going down there to take care of some things.

Mayor Hooge brought up the issues of landscaping, fencing, and the trash. Rob said there was still some material that needed to be disposed of. Rob said they haven't even really submitted an application telling the town what they wanted to do.

Mayor Hooge asked about the GSE Manufacturing Plant down in that area. She said they hadn't done any landscaping. No parking. The Fire Department turned them down in this approval process because there is no access down there.

Korey Walker said they came to build back in March. He said there was some criteria that was brought before the staff at that time. Dave Conine explained this was a lot split out by the airport industrial park area. He explained there were agreements made when they wanted to go out there but they have not complied. Korey said a letter needed to be written to them and let them know that they need to comply or they would be red tagged.

Dave Conine thought he remembered that Eagle Mountain Properties said they were going to gravel the road. Korey said that Nick Berg of Eagle Mountain Properties told him last Friday that they were going to get W. W. Clyde out there to do this.

Mayor Hooge asked if they bonded for anything when they got the permit. Korey responded that they bonded for the water, the sewer, the temporary access and they were required to do landscaping but they didn't bond for it. Rob asked Korey to write a letter concerning the issues.

B. Planning Commission/Airport Advisory Board/Rob Bateman:

Rob Bateman said that Greg Morley came in and presented the Town Center plan. He said preliminary approval was granted to the Touchstone multi-family development. He said they did a nice job. Mayor Hooge asked if the Planning Commission had talked about the covered parking.

Korey Walker stated that preliminary approval had been given for Eagle Point Plat G. Mayor Hooge wanted to know who was making application on that plat. Korey responded that it was Patterson. Mayor Hooge asked who owned the land. Korey said that Wayne Patterson had his

name on the map as the landowner. Korey said there were some closing issues with John Walden. Mayor Hooge was concerned that approval was being given to someone who didn't own the land.

Dan Valentine asked if this was a valid application. Mayor Hooge asked for some legal papers and she said she would call her title company and have them do a title search. Mayor Hooge was concerned about a law suit from John Walden.

Rob Bateman brought the GSE issue up again. He felt like the town was not handling the commercial developments as well as they should. He felt like they had less control and needed to have more control. Mayor Hooge said that commercial developers should have to go through the same process and subdivision developers. The Development Code does not make than distinction.

C. Parks & Recreation/Diane Bradshaw:

Diane Bradshaw said there would be a parks and recreation presentation at a work session of the Planning Commission on September 8th.

Diane talked about Cedar Fort and the annexing of White Ranch. She said Cedar Fort did not want them to annex in and they voted 4 to 1 against it.

Diane talked about busing issues. It is being worked on. Mayor asked if the town could build bus shelters. Cyril Watt said he talked to UTA and they said if there were 20 residents out there who would ride the bus they would run a route out here.

Mayor Hooge asked about the bookmobile.

Diane talked about getting the Youth Council going.

D. Public Works Board/Dan Valentine:

Gary Tassainer from Tasco talked about LNG Energy, Inc. It is being sold to a larger natural gas company. The sale is supposed to be finished September 1st. The only outstanding issue they have is the LNG Contract to Eagle Mountain on the equipment. Gary said the town did not buy the original equipment so a lease arrangement is being offered. He said the town had already paid \$98,500 and LNG said they would apply that to one year. Gary wanted an amendment put in saying that they could cut it shorter if they wanted to. He also wanted to incorporate the equipment that we have been charged because he has been telling Janet Valentine that the town should not pay the first month's billing on natural gas because it was all lost to the air as a result of them not putting an economizer on the equipment. They claimed the economizer was not part of the original purchase. Gary said Jerry Kinghorn had made some changes in the agreement.

Jerry Kinghorn showed an agreement that had been faxed down just today. It explained some of the issues. Jerry said there were some serious issues in it that needed to be changed.

MOTION

Rob Bateman moved that we give the Mayor or Mayor Pro-Tem the authority to review and sign this agreement with LNG and be subject to the approval of the Town Attorney; that Rob Bateman will be Mayor Pro-Tem if the agreement cannot be reached before Mayor Hooge leaves town. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

MOTION

Rob Bateman moved to recind the previous vote. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

MOTION

Rob Bateman moved to authorize either the Mayor or himself as Mayor Pro-Tem if the Mayor is out of town to sign the LNG Energy agreement after it has been reviewed and okayed by the Town Attorney and have the review and okay of the Public Works Board. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

E. Public Safety/Cyril Watt:

Cyril Watt talked about a brush fire by his property. He said he spoke with the driver of the fire truck that came out from Lehi. The driver said there was a possibility of a fire station being built at the top of the hill.

Mayor Hooge asked where the County fire truck was that was supposed to have been delivered some time ago.

Rob Bateman talked about a Public Safety District involving the surrounding areas. This would save the town a lot of money.

Jerry Kinghorn talked about the sheriff's contract. It was approved by the County Sheriff's office but it came back from the County Attorney's office that it was not approved. They had made several significant changes in it. Jerry gave a copy to Mayor Hooge listing the changes. Jerry said his biggest concern was that the County wanted to be able to terminate the contract with just 30-days notice where as Eagle Mountain wanted a year-to-year contract. Jerry said you can not replace law enforcement people in just 30 days.

Mayor Hooge said she would call Jerry Grover. Jerry said he would call Sundberg.

16. Consideration and Approval of Utah State Land Lease for Jordan River Crossing:

Jerry Kinghorn said this is an easement that needs to be approved for the Timpanogos sewer line. The Jordan River can not be crossed without this easement. This is a form lease. There is a \$200.00 application fee that needs to be paid. The annual fee is payable every three years at a rate of \$20.00. Jerry said he had reviewed this and recommended the town approve this and authorize Mayor Hooge to sign it. This is for the Outfall Line.

Mayor Hooge entertained a motion to authorize Mayor Pro-Tem Rob Bateman to sign the easement once Jerry Kinghorn gets the address fixed. The application fee is to be paid from the SID.

MOTION

Diane Bradshaw moved to authorize Mayor Hooge to appoint Rob Bateman as Mayor Pro-Tem; that Rob Bateman sign the easement once the Town Attorney, Jerry Kinghorn, has the address fixed; that the Application Fee of \$200.00 will be paid from the SID. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

17. Discussion of Excise Tax for Utilities:

Jerry Kinghorn explained how you can enact an energy use fee. It is not an excise tax. This would be a 6% increase in the rates. This would be added to the sales tax that the town should be collecting on their utilities. He said you can get this information from the State Tax Commission.

Gary Tassainer talked about the 6% going into a general fund.

Mayor Hooge talked about the restriction on the RBANS. She talked about being under assessed on property tax.

18. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues:

MOTION

Diane Bradshaw moved to adjourn to a closed session for the purpose of discussing personnel issues. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

19. Action from the Closed Executive Session:

MOTION

Rob Bateman moved to close the Executive Session. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

20. Approval of a Resolution Appointing Jeri Wilson as the Treasurer for the Town of Eagle Mountain:

MOTION

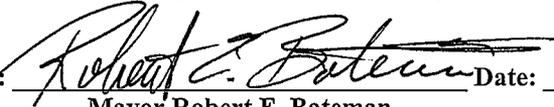
Rob Bateman moved to adopt Resolution 17-98 appointing Jeri Wilson as the Treasurer for the Town of Eagle Mountain with the amendment that the appointment be through December of 1998 with a re-appointment on January 1, 1999; that this be on an hourly basis at a rate of \$17.00 per hour. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

21. Adjournment:

MOTION

Diane Bradshaw moved to adjourn. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

The Town Council Meeting of August 25, 1998, adjourned at 10:50 p.m.

Approval:  Date: 11/10/98
Mayor Robert E. Bateman

The Mayor of Eagle Mountain at the time of this meeting was Mayor Debbie Hooge. When the minutes were approved, Mayor Robert E. Bateman had been sworn in as the new mayor upon the resignation of Mayor Debbie Hooge.

[Faint, illegible text]

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Fire Station
1680 E. Heritage Dr.
Eagle Mountain, UT 84043**

DATE: September 8, 1998

A. **OPENING:**

1. **Roll Call:**

The meeting was called to order by Mayor Debbie Hooge at 7:00 p.m..

The following Council members were present:

Mayor: Debbie Hooge
Council: Rob Bateman, Diane Bradshaw, Dan Valentine, and Cyril Watt (late)

Town Staff:

Town Planner: Dave Conine
Town Attorney: Jerry Kinghorn
Town Clerk: Janet Valentine
Town Engineer: Korey Walker
Recording Sec.: Vada Hunter

Also Present: Michael S. Wren, MCM Engineering; James Dahl, MCM Engineering; Dale Berg, Sage Valley Subdivision; Eric Jones, Eagle Mountain Properties; Nick Berg, Eagle Mountain Properties; Bert Carter, Eagle Mountain Builders; Joel Woods, Eagle Mountain Builders; David McDonald, Niels Fugal Sons Company; Lyle Vance, Tasco Engineering; Wayne Patterson, Patterson Construction; Jeff Dalton, Dalton Pipelines; Mark Klein, Touchstone; Mike Breeze, Touchstone; Brian Bush, Dalton Pipelines

2. **Pledge of Allegiance:**

Mayor Debbie Hooge led the Pledge of Allegiance.

3. **Approval of Agenda:**

MOTION *Mayor Debbie Hooge moved to approve the agenda as indicated with the exception of Items 10 and 15 which are to be tabled at this time. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

4. **Approval of Minutes:**

No minutes to approve.

5. **General Discussion/Questions/Announcements:**

Mayor Debbie Hooge announced her daughter is getting married next Thursday. She said for anyone who didn't receive an invitation, you are still invited.

Janet Valentine stated she had been getting calls from people wanting to know when the town expects to offer cable television. Mayor Hooge responded that we wouldn't be. She said under the original Revenue Bond Anticipation Notes (RBANS) they were going to have cable, but the Town Attorney was adamantly opposed to that. Jerry Kinghorn stated that he did not want to get in on having our own cable TV station.

Dan Valentine mentioned the Public Works Board had a meeting on August 8th and August 26th where a number of formal motions were made. The only one that needed to be talked about with Korey Walker is the Standby User Fee. He indicated this had not been enacted upon yet. The Mayor responded that it should have been on the agenda tonight and apologized for it not being there. Korey asked Jerry if we needed an ordinance written on that and he said we did. The Mayor asked that it be written and presented as a package deal and presented to the Town Council at the next meeting.

Dan Valentine stated that a motion was made at the September 2nd Public Works Board meeting to have the Town Engineer do a site survey to get the Santec module of Wastewater Treatment Plant expansion installed. Korey said he was going to get a cost but didn't have it yet.

Mayor Hooge asked about the chlorination plant. Korey indicated he was being slow with it. The Mayor stated she wanted it done this summer.

Jerry Kinghorn stated that he had been working in conjunction with Eagle Mountain Properties and PacifiCorp to do a study on a 138 KV line. He indicated PacifiCorp is willing to do the engineering study, and it takes about 90 days. They want Eagle Mountain to advance funds for that engineering study. The cost is going to be between \$30,000 and \$50,000. At the end of the study both parties will have an opportunity to decide if the cost of the project justifies doing the project. Jerry indicated that the right thing to do as this point is to get on with the engineering study. While the study is going on they can work on how the ownership between the two parties will be handled. They have been amenable to some of our suggestions about the ownership interest. They have agreed they would build alternate structures and put their line on them at their cost. Jerry said he had negotiated a letter agreement with them to get the engineering study done, and he recommended it to the Council as the initial step in the 138 KV power project with Utah Power. Jerry showed Lyle Vance the letter to PacifiCorp on the engineering study. He wanted to approve it tonight and get them a check so they can get on with the study.

Dan Valentine voiced a concern over the fact that the Public Works Board had not seen the letter. The Mayor said they could add a "subject to the Public Works Board approval" to the motion. Jerry indicated that the Utility Board had discussed the 138 KV line. The Mayor indicated to go ahead with the funding and up front the \$30,000 and put it in the 1998 RBANS. Dan thought we had some funds allocated for part of the study but not all of it. The Mayor said there was not. She indicated there was some money left in the 1997 RBANS, but we needed to put it in the 1998 RBANS. It was indicated this was for a study only and not any of the work.

MOTION *Rob Bateman moved that we authorize the Mayor to sign an agreement between the Town of Eagle Mountain and PacifiCorp to conduct an engineering study to determine feasibility of the cost of establishing a 138 KV line between Eagle Mountain and Camp Williams substation. This will be subject to the approval of the Public Works Board. Diane Bradshaw seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

The Mayor asked if Dan would take them to the Public Works Board for approval and then give them back to Janet Valentine.

Janet Valentine announced about an Open House at Lehi High School on September 9th for different municipalities. Eagle Mountain had been invited to set up a booth with information only.

It is from 6:00 to 9:00 in the cafeteria area. Rob, Diane, and Mayor Hooge agreed to man the booth, and Janet Valentine would set it up.

The Mayor asked Epic Engineering for the bill on putting the city maps together. She asked that the maps be given to the Lehi Fire Department and also to the Sheriff.

Diane Bradshaw announced the Pony Express Days for the next year will begin June 19th. She appointed Fran Watt to coordinate the Pony Express Days for 1999.

Diane talked about a meeting she attended in Salt Lake concerning the 2002 Olympics. The governor spoke about how they would need as many communities as possible to be involved. The schools are going to adopt various countries. The Mayor said this was something the Youth Council could get involved in.

Diane then announced that Eagle Mountain is one of the few cities in Utah County that has fairly adequate fluoride in their water system. She indicated to Nick Berg that this could be a good selling point for the developers.

Vada Hunter was introduced as the new Recording Secretary.

Korey Walker talked about Impact Fees. He indicated that he took the recommendation of the Town Council for water, gas, electrical, telecommunications, and split those throughout the town. They were then divided by the total growth. He said that if we intend to follow the financing plan that was set out a year ago, that number, which is the difference between what we repaid with user fees and what we borrow, should be what we need to make up with impact fees. He stated the Council has made a policy decision on the user fees, and unless you want to go back and dramatically change how all these things are going to be funded, then I think we understand what we are supposed to do. These revenue generating utilities are supposed to be funded. Their expansion is what is to be funded with the proceeds of revenue bonds and to be repaid with user rates and impact fees. Korey wants to set up a meeting with Jerry and finalize the wording. Jerry indicated he could get together Thursday and write a recommendation. The Mayor asked that it be done. The meeting was suggested for Thursday after at 3:30 p.m..

6. Warrant Register/Janet Valentine:

Janet Valentine presented the Warrant Register to Mayor Hooge. Janet said there was a possibility of an additional Tasco invoice. The Mayor asked about an item tabled off the last register and wanted to know if it was back on. Janet stated it was not because Korey had not had the opportunity to analyze it yet.

The Mayor asked Korey if he was finished figuring out where we were on the subdivision fees collected and the cost of subdivisions. The Mayor had a question about the TSSD Outfall Line. She wanted to know if the cost was coming out of the Improvement District Funding. Korey indicated those were the new costs of the new subdivisions so he didn't know if the Ranches was paying that directly. The Mayor asked about the chlorine building design as well as the capital facilities plan. Rob Bateman questioned the Ready Mix Plant on the register. He wanted to know if there had been an application filed or some kind of fee paid on the Ready Mix Plant. The Mayor then asked if there had been a fee paid for the Ready Mix Plant. Korey stated that right now we don't charge for a concept review.

The Mayor asked about the Sweetwater Road. Was it the intent of putting it on the SID? She said we need to identify those for Jerry Kinghorn. Korey responded that right now he has separated those and billed them directly to Eagle Mountain Properties on inspections.

Rob had a question about a Tasco bill for \$6,665.49. Lyle Vance with Tasco Engineering said this was for work on the two T1 cards that go in out on the highway and in our local equipment here.

Lyle stated these should be up and running tomorrow. Rob wanted to know what that would give us that we didn't have now. Lyle said this would give them access to TeleAmerica. There was a discussion about how people are very upset because they can't get long distance with other companies such as Sprint, MCI, etc.. This still won't cure the problems. The people want a choice. Dan indicated we may have legal problems from this. There is one lady who is refusing to pay her bill. Lyle said he would get more information.

MOTION *Diane Bradshaw moved to approve the Warrant Register as indicated with the exception of the RBANS invoice. Rob Bateman seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

7. Public Comment:

None.

8. Public Hearing:

The Mayor asked about the Consideration and Approval for a Zone Change Request for the proposed Sage Valley Subdivision from Agricultural to Country Residential. Dale Berg of Sowby and Berg showed the plans for the subdivision. He said it is located on the west side of Cedar Pass Ranch, on the north is SR-73, and on the west is the Airport Road. The plans have been before the Planning Commission several times and the Airport Authority Board. There is a total of 69 units in the plat. They have met with the Public Works Board. The Board is requiring them to put in certain improvements which will help the overall community as it develops and help pay part of the \$1,000,000 for the upgraded power system. The Mayor asked about West Canyon Gulch that flooded out at Cedar Pass Ranch. She wanted to know what kind of culverts that have down there. There was a discussion about the culverts and about the debris catchers. They did not want to have the same thing happen here as it did at Cedar Pass Ranch.

Rob asked what the proposed zone was. Dale indicated it was a Country Residential. There was a discussion about the size of the lots. There was also a discussion about the percentage of the open space. It was stated there was 23% open space. There was a discussion about what was going to be done with the open space. They talked about densities. Korey indicated there had been a storm drain issue with relation to the basin on the one side. There was comment about a collector road. The Mayor asked where the trail was located. Korey showed her how it went along the open space. It was indicated that there was 2.55 acres for a park. Rob stated this needed to be treated as a Master Site Plan under the new ordinance. Korey stated they needed to go through and prepare a checklist about the infrastructures, landscaping, and how the utilities were going to be handled. Dale indicated they were using the ordinance that was in affect prior to March which exempted one acre lots. Jerry asked if it would be appropriate for he and Dale Berg to have a chance to meet on this with Dave Conine and Korey Walker to go through the checklist and present something to the Mayor in writing that will tell her what part of the ordinance applies and what standards have been met. The Mayor stated she would have to table this proposal until she saw a checklist. She indicated it was a nice plan. The Mayor said there are a lot of issues that need to be worked out. There was some discussion about coming in under the old code and not the new code. They talked about concept approval. Rob responded that they were trying to move towards the look and feel of the new code through agreements with them to make changes even though it was under the old code. Rob asked how many acres were involved and Dale said 109. Jerry stated that Dale had water rights in the Lehi area that needed to be transferred. He indicated they needed to be identified in writing at some point in time so they could take a preliminary look at them. They wouldn't have to do it until the plat was recorded.

There was some more discussion about property owners on the east side of this proposed subdivision who were worried about the detention pond. Jerry asked for an explanation. Dan said that the Public Works Board wanted a letter to seek approval from the affected homeowners for a

storm drain easement. Korey made an explanation about the detention pond handling a 100-year storm.

Rob recommended that based on the fact that this did come in under the old code, and they have been trying to live with the spirit intended, they go ahead and approve the zone change request with a recommendation that we allow the density that would have been allowed under the provisions they were operating under at the time which did allow one acre lots in this area.

Dan Valentine questioned the zone changing if something happened to the developer before it was done. Could it be changed back to farming? Korey stated that it wouldn't happen because it was submitted as a Master Site Plan. Jerry said we could treat it as a Master Site Plan approval and approve that specific configuration of roads and lots.

MOTION *Rob Bateman moved to approve the Master Development Plan for Sage Valley Subdivision subject to the developer complying with item 13H demonstrating the ability to finance the necessary infrastructure improvements and so forth. Also, the developer provide evidence to the Town Attorney of sufficient water rights to meet the requirements of this development, and that they meet with his satisfaction. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Rob Bateman amended the motion to make it subject to the Town Engineer's recommendation. Dan Valentine seconded. Ayes: 4, Nays 0. Amendment passed.

MOTION *Rob Bateman moved to approve a zone change for the 109 acres covered By Sage Valley Master Development Plan from Agriculture Zone to Country Residential. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Nick Berg inquired about SR-73 and the limited access roads. He hoped that when the next subdivision comes in with that intersection in any kind of development, that the road is changed around so that it is a 90-degree entry. Dan expressed his concern about roads.

9. Award Bid to Niels Fugal Sons Company for the Construction of a High-Pressure Gas Line:

Mayor Hooge recused. Rob Bateman was appointed by the Mayor to be Mayor Pro-tem.

Korey explained that on Friday they had a bid opening for the portion of the high-pressure gas line to be funded by the proposed funding at Cedar Pass at the Ranches SID. Bids came in from three companies. The low bid was Niels Fugal Sons Company coming in at \$444,205. The other bids were CIC coming in at \$569,853, and Park Acres Construction Company in at \$565,240. Lyle Vance with Tasco Engineering stated they had evaluated the three bids submitted, and Niels Fugal is responsive to our spec and plans, and he recommended the town go with them. He stated that Niels Fugal had also recommended that the town use a high thickness of steel pipe. This is not an absolute requirement. The cost associated with doing that would be about \$20,000. Niels Fugal had expressed their concern to Lyle that the thinner walled pipe has a higher possibility of rupturing in the event of a dig in. He said Questar uses the high pressure steel on their pipe.

The town had budgeted \$465,000 for this construction. There was enough money in the SID to use the thicker pipe. In addition to the gas line, it includes a 24-strand fiber optic cable.

Jerry Kinghorn questioned the right of way as it has not been acquired yet. Korey said the Ranches is still in the process of acquiring the right of way from the state. Jerry said that what we would do is award the contract but give instructions to not proceed until the right of way was acquired. Korey said the bid was good for 60 days. Jerry wanted to know what documents were

used for the bidding as he hadn't seen anything. Korey thought they were standard. Jerry stated that when we have to acquire right of way for these projects we need to make sure the contract is contingent on acquiring the right of way. He wanted to know how many different property owners were involved in getting the right of way. Korey said the State of Utah and the Horn property. Jerry said he had a letter from the Horn's attorney.

Rob stated that it was his understanding that this is going to be the same alignment as we are thinking about for the road that would eventually connect the Sweetwater Road down to the Ranches. Dan Valentine asked if this pipe was going to handle all of the water and sewer going down as he didn't want more flooding problems like they had in the past on Lake Mountain Road. Korey said there was a horizontal and vertical alignment. The gas line would be put at the vertical alignment.

Jerry proposed they hold the notice of the award until he has reviewed the contract documents and have some assurance that the right of way is going to be adequate for the project.

MOTION *Dan Valentine moved that the town award this contract to Niels Fugal Sons Company in the amount of \$444,205. The town has the right to exercise the option to use the .219" thickness pipe for an additional \$19,110 for a total of \$463,315. The award is subject to the review and approval of the final contract documents, and the approval of the easement in order to proceed. The easement should be wide enough to handle this project and the anticipated road and other utilities that will be along the Ranches Parkway. Diane Bradshaw seconded the motion. Ayes: 3, Nays: 0. The Mayor recused. Motion passed.*

10. Item Tabled.

11. Eagle Mountain Builders Association Building Permit Time Line:

The mayor asked that this be kept simple and timely. Nick Berg was the first to speak. He said that some of the builders got together to talk about a grant, but the conversation turned around to talking about issues they felt needed to be addressed.

Wayne Patterson expressed his concern about the timing for building permits. He said it is taking too long. He said he knew Ken Partridge, the Building Inspector, was trying, but everybody is falling behind because of it. He was concerned with the amount of money being paid to the Building Inspector verses the amount of time being put in. He felt like this was way out of balance.

Joel Woods expressed his concern about the burden being put on the developers because of being behind on building inspections. He felt like Barbara Wren, Executive Assistant in Eagle Mountain Planning Department, was overburdened with all she has to do. He said how he is trying to catch up from being behind because of the new development code. He wants to see cooperation so that they can get the people in their homes.

Mike Breeze with Touchstone expressed the same concerns. He talked about the problem they had recently with utility billing. He said they need inspections done every day. There are homeowners who want to get in their homes.

Rob thanked them for coming and expressing their concerns. He said the Town Council and the Mayor are working on this to try and come up with the best possible solution. He acknowledged there was a legitimate issue here, and they would try to get it resolved as quickly as possible.

12. Release of Cedar Pass Ranch Water Line Extension Fees to Cedar Pass L.C.:

The Mayor recused on line items 12 – 13 – 14. Rob Bateman was Mayor Pro-tem.

Funds need to be released to the Cedar Pass Ranch L.C. in the amount of \$76,313.88. The Ranches have met the criteria of the things that needed to be done concerning the water line extension to the ranches.

MOTION *Diane Bradshaw moved to release the amount of the Cedar Pass Ranch Water Line Extension Fees to Cedar Pass L.C., and also have the Ranches sign a receipt and acknowledge that they have been bought out and will be reduced by the amount of \$76,313.88 that they are entitled to under the Ranches SID. Ayes: 3, Nays: 0. Mayor recused. Motion passed.*

Jerry Kinghorn confirmed that they are going to refund these fees, \$76,313.88, to Cedar Pass L.C. with the condition they sign a receipt and that these be credited against the amount of the buyout under the extension agreement.

13. Bond Releases:

Korey stated there were two bond releases in the packets. The first one is for North Ranch Phase B. This is for bring the subdivision up to where it is right now. The water was put in when it was bonded for, and so this release is for upgrading the fill, the asphalt and base. There is still pedestrian trails and landscaping that needs to be completed. Korey recommended a release of \$55,069 for North Ranch Phase B.

The second was the Mountain View Subdivision. This release is for the remainder of the asphalt as it is completed. Also completed was the road base, cross gutters, curb, electrical, gas, and telephone. Still outstanding on this project is the sidewalk, landscaping, trails, improvements. Also outstanding is the storm water issue. He said he reviewed the master storm water plan that morning back at MCM so those plans are going to go out for advertising so than can be put on the SID. He recommended they take off \$17,000. The money had been put in because of the concern that Joel Wood might come up against a situation when they want occupancy and they wouldn't have any storm water facilities if that line wasn't in.

A third document was presented that had been faxed in today by Epic Engineering concerning Phase B. This is for culinary, sewer and storm water up front. This was bonded two weeks ago so this is a bond release that releases all the improvements that are put in today. You need to take this release and put in on Plat C. The total release amount is \$287,207. There is still some work on the sub base, asphalt and sidewalk curbs. All of the underground work is in. The water test passed today and they are waiting for the bacteria tests. They can get building permits.

MOTION *Dan Valentine moved that the town authorize to release the bonds for the Eagle Point Plat B in the amount of \$287,207. Also release \$18,180 for the Mountain View Phase 1, and release \$55,069 for the North Ranch Phase B. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Mayor recused. Motion passed.*

14. Proposed Change Order for the "Ranches Parkway"/Epic Engineering:

Korey Walker asked the Town Council if this should have gone through the Public Works Board prior to coming to Town Council. Diane Bradshaw said it should have. Jerry Kinghorn thought these were just minor things, but technically the Town Council should know ahead of time.

Korey made a presentation about material used in the building of the roads in Ranches Parkway. He said originally the subdivision was bid with 10" subgrade granular borrow. A recommendation had come back from CSC about using a crushed limestone from their pits. He explained about the strength of the base with what they call a California Bearing Ration (CBR). The CBR of regular

gravel road base is about 30. The CBR of the material at Pelican Point is 100. The base at Eagle Park is about 132. Eagle Point is between 134 and 136. This is a good material. Sandy City uses it. He had talked with them and they highly recommended it.

Korey then talked about an additional excavation for lowering sewer on Ranches Parkway by an average of one foot. This is a cost that will be absorbed by the Ranches. It has to do with increasing their culvert size from 90 inches to another culvert that would allow their golf carts to go through it. They had to lower the sewer line which cost \$1.30 a linear foot. There is a deletion of the two 90" CMP culverts in the original bid. There is a deletion of the 30" CMP's because they are handling their storm water differently. There is a deletion of the storm water ponds on the Pony Express Parkway. The Ranches will be coming forward with a Master Storm Drainage Plan to take the water from the subdivisions and route it to a pond. That is a net change of (\$53,985.22). There will be an increase that will come back for the new culverts; but the difference between this and that cost will be paid by the developer.

Dan Valentine made a recommendation to put off items two, three and four on Change Order two and make them coincident with their new one. He wanted to know if there was a way to leave them as they are. He knew the Public Works Board would want to physically see what was replacing this before they would recommend the deletions. Rob Bateman said we need to approve the first one and pass that on to the Public Works Board as an info item. The second one needed to go to the Public Works Board for their review of the changes. Korey said he would have more information by the next meeting.

MOTION *Dan Valentine moved that the Town Council approve the Contract Change Order One, Document 00900, which is for the Ranches Parkway, resulting in no change in cost or time. It is contingent on the Public Works Board approval. Ayes: 3, Nays: 0. Mayor recused. Motion passed.*

15. This was discussed in closed session.

16. Diane Bradshaw motioned to adjourn to a closed session for the purpose of discussing Item 15 and personnel issues.

MOTION *Diane Bradshaw moved to amend the agenda and change Item 15 to a closed session to discuss potential litigation with the Timpanogos Special Service District Out-fall Line. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

Motion adjourned to close session to discuss personnel and potential litigation. Rob Bateman seconded. Ayes: 5, Nays: 0. Motion passed. Cyril Watt arrived at the meeting.

It was decided at this time to go back into open session instead of adjourning to a closed session.

17. **Interview of two people for position of Town Planner:**

Greg Comstock made a presentation before the Town Council. He is currently the Town Planner of Spanish Fork. He gave his background and philosophy.

Kenneth Leethan of Monarch Development Group gave his presentation.

18. **Discussion:**

There was a discussion amongst the Town Council members concerning signs that were up around the town. Dan asked that the developers follow the codes that have been set up for the town. Dave Conine has been assigned to look into this situation.

The subject of the building at the pig farm was also brought up. Dave Conine was also assigned to look into this and see if any building permits were issued for the new buildings by either the county or the town.

MOTION *Rob Bateman moved the Town Council adjourn to a closed session. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

The closed executive session was called for the purpose of discussing personnel issues and possible litigation. Those present: Mayor Debbie Hooge, Rob Bateman, Diane Bradshaw, Dan Valentine, and Cyril Watt. Town Staff Present: Jerry Kinghorn, Vada Hunter, Janet Valentine, and Korey Walker.

MOTION *Rob moved to go back into an open session. Cyril seconded the motion. Ayes: 4, Nays: 0. Mayor recused. Motion passed.*

MOTION *Diane moved to adjourn the Town Council Meeting. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

The Town Council Meeting adjourned at 10:40 p.m..

Approval: Robert E. Bateman Date 20. Oct 98
Mayor Robert E. Bateman

Mayor Debbie Hooge was mayor when this meeting was held
Mayor Rob Bateman was mayor when the minutes of this meeting were approved.

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**MINUTES OF SPECIAL TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
1680 E. Heritage Dr.
Eagle Mountain, UT 84043**

DATE: September 10, 1998

1. Roll Call:

The meeting was called to order by Mayor Debbie Hooge at 7:00 p.m.

The following Council members were present:

Mayor: Debbie Hooge
Council: Rob Bateman, Dan Valentine, Diane Bradshaw,

Town Staff:

Town Recorder: Janet Valentine

MOTION *Dan Valentine moved to approve the agenda. Rob Bateman seconded.
Ayes: 4, Nays: 0. Motion passed.*

2. Interview of candidates for Town Planner:

Mark McGrath gave a presentation. He is currently the Town Planner with the City of Midvale, Utah. He has done all of his work there since his graduation from college. He gave his philosophies of running a Planning Department. He discussed dress codes. He talked about the growth of Midvale and his involvement in this growth. He brought samples of his file system.

The Town Council asked him about various areas of town growth. They discussed the Development Code. They talked about diversity in planning new cities.

MOTION *Dan Valentine moved to adjourn into a Closed Executive Session for the purpose of discussing personnel issues. Rob Bateman seconded.
Ayes: 4, Nays: 0. Motion passed.*

3. Return to Open Session:

MOTION

Rob Bateman moved that the Town Council accept the resignation of Mayor Debbie Hooge effective October 13th.

It is with a sense of sincere regret that the Town Council accepts the resignation of Mayor Hooge. Although we understand that personal and business considerations have dictated this course of action, we will nonetheless miss her insight, experience and direction. She played a pivotal role in the formation of this town and has performed a vital service to the community in serving as its first mayor. The residents of Eagle Mountain, both present and future, will reap the benefits of her vision, dedication and tireless effort. We have enjoyed working with her and hope that she will continue to play an active role in the affairs of the community.

Signed,

*Rob Bateman
Dan Valentine
Cyril Watt
Diane Bradshaw*

Dan Valentine seconded the motion. Ayes: 3, Nays 0.

MOTION

Rob Bateman moved that the Town Council provide notice in the Lehi Free Press in accordance with the provision of state law. The date to be set for considering the applications to be October 1st at 7:00 p.m. Ayes: 3, Nays: 0.

MOTION

Rob Bateman moved to adjourn. Dan Valentine seconded. Ayes: 3, Nays: 0.

Approval:



Date:

20 Oct 98

Mayor Rob Bateman

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
1680 E. Heritage Dr.
Eagle Mountain, UT 84043**

DATE: September 22, 1998

A. OPENING:

1. Roll Call:

The meeting was called to order by Mayor Debbie Hooge at 7:10 p.m..

The following Council members were present:

Mayor: Debbie Hooge
Council: Diane Bradshaw, Dan Valentine, Cyril Watt (late)

Town Staff:

Town Planner: Dave Conine
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Recorder: Janet Valentine
Recording Sec.: Vada Hunter

Also Present: Larry Steinbach, Lythgoe & Steinbach; Bob Scott, Earthscape; Curt Norquist, Columbia Source; Greg and Becky Kehl, Cedar Pass; Doug Gwilliam, Town; Jason Avery, Town; Dale Berg, Sage Valley Subdivision; Troy and Julie Baldwin, Town; Kent Hoggan, Sandy; Dan McDaniel, Cedar Pass; Evan Johnson, Eagle Meadows L.C.; Aaron Johnson, American Fork; Bob Lynds, The Ranches L.C.; John and Geneal Newman, Alpine

2. Pledge of Allegiance:

Councilman Dan Valentine led us in the Pledge of Allegiance.

3. Approval of Agenda:

Mayor Hooge asked to strike Items 8, 12, 13, and 16 from the agenda.

MOTION *Diane Bradshaw moved to approve the agenda as amended. Dan Valentine seconded.*
Ayes: 3, Nays: 0. Motion passed.

4. Approval of Minutes (9/08/98):

Various changes to be made. Given back to make changes until next meeting. Each Council person noted changes on their copies.

5. General Discussion/Questions/Announcements:

Janet Valentine talked about the petition that would go on the ballot. She mentioned about the Propositions and the first one was you could vote "yes" on this, and it would cover all four county

districts. She stated this could not be done. The only way you can do that is a straight party vote. You have to vote on each county district. She faxed a copy to Heidi to put in the newsletter.

6. Warrant Register/Janet Valentine:

Diane Bradshaw had a question about the high cost of the newspaper ads.

Mayor Hooge discussed the separation of the bond items. There was a question about an item under General Fund, Administration, Bond Overhead Costs – Tasco Engineering – Financial Plan Evaluation RPT 98 RBANS – she said we are not paying that. Janet commented that Jeri Wilson was entering these now. Mayor Hooge said this was a '98 RBAN expense, and until it is funded it cannot be paid. The amount is \$18,290.

Mayor Hooge then asked about the \$35,000 for the report for the utilities. She wanted to know if that got paid today. Janet Valentine indicated she thought Jeri paid that today. Mayor Hooge wanted to know if the original letter she signed was sent with the check. Mayor Hooge asked Janet to find out for sure that this happened.

Dan Valentine had questions about the cost of running ads in the paper. Janet Valentine stated there were no discounts for government ads.

Mayor Hooge asked about the Water Pro bill. She asked Korey Walker about these. Korey indicated these were meter installations. He had gone through the invoices and okayed them for payment.

Mayor Hooge asked that there be a balanced check on the Tasco bills. There needs some kind of verification. Janet Valentine said she would do this.

Dan Valentine stated he had a hard time on the payment for the Building Inspector. He then had a question about the payment under Sewer Fund – Expenditures – Contracts for Services for W.W. Clyde & Co. in the amount of \$386.95. Korey explained that this was preparation for the Santec tanks. Mayor Hooge asked that the expenditures on the sewer fund be held off because these need to come from the '98 RBANS.

Dan Valentine questioned the Electric Fund expenditures. He wanted to know why there was an invoice for the gas meters under the Electric Fund when there is a Natural Gas Fund on the next page. He then questioned the \$600 for meters. Korey Walker said that was correct.

MOTION *Dan Valentine moved to approve the Warrant Register as amended.
Diane Bradshaw seconded the motion. Ayes: 3, Nays 0. Motion passed.*

7. Public Comment:

The first person to speak was Greg D. Kehl of Cedar Pass Ranches. He wanted to discuss the Sage Valley Subdivision plan approval. He said he is very vague about what is taking place out there because he said he had had no notification out there. His understanding was that it had to do with a grandfather law before he took occupancy. He talked about the lots that would be adjacent to his property. He also talked about the 100-year storm detention pond that would be directly in his back yard. He stated he thought the water would exit into his back yard. He wanted to see some information with reference to that, if possible. He also wanted to know why the state density was not done on that subdivision where everything else at Cedar Pass and around it was three acre lots, and now there are acre and acre and a half lots. He stated he had a letter from another one of the homeowners, Linda Fullmer. They were concerned about not being notified of the proposal. He also felt like there should be some buffer zone here and he had some concern about the water drainage. He wants more information.

Mayor Hooge said that subject was coming up on the agenda and asked if it could be discussed then. Greg agreed to that.

Julie Baldwin stated she had heard some rumors and so she wanted to know what was happening at Overland Trails. She had heard the equestrian center had been taken off the ideas. She wanted to know if the horse trails were still on for the area. The Mayor responded she had not heard of any changes at Overland Trails. The Mayor said the developers are proposing an entirely different master plan which would take the pivots out and put it into housing. She said the formal application is still in process. Julie then asked about Spring Meadows, the modules development coming in at Overland Trails. Mayor Hooge said she had not even seen a concept review of the development. Korey Walker said he hadn't seen anything on this yet. Julie also asked about the street lights. Mayor Hooge said it was being worked on but she didn't know the status on it yet. Korey said they had been waiting to find out what kind of lighting they wanted. That had been decided. This should be taken care of soon.

Mayor Hooge asked the Baldwins if the water pressure situation had been taken care of. Troy Baldwin said that when the fire hydrant was turned on it somehow corrected the water pressure problem.

Doug Gwilliam had the same questions about lighting in the subdivisions. He also wanted to know about street signs. He wanted to know about the time frame. Korey Walker said that if they are not completed within one year then the town has the right to take the bond money and complete it. Doug said he had a concern about the electrical boxes being in the back yards. Would they have to dig through the yards to get to the electrical boxes to put up lighting? Korey responded that was a very legitimate question. Korey said he would write a letter to the developers. Jerry Kinghorn said the Council needs to talk to Touchstone.

Dan McDaniel was there to talk about Sage Valley Subdivision. Dan Valentine wanted to know if Greg Kehl and Dan McDaniel had been notified about an easement. Greg said he had not received anything. Dan Valentine stated that part of the approval process from the Public Works Board standpoint is that they are to be notified.

8. Item 8 was stricken from the agenda.

9. Eagle Mountain Properties Update/Nick Berg:

Nick Berg first addressed the street signs for the Landing. He said they are designed. He told the Council that Mike Breeze was no longer with Touchstone. Ken is the new person. Nick didn't know his last name. Ken is the one who will need to take care of this. Nick talked about the lighting out at the entrance to Eagle Mountain. They are working on getting the socket in so that the eagle will have a light shown on it at night. Nick said he had filled out all of the sign applications. He said he would bring the applications to Janet in the morning.

Nick Berg then talked about the airport. He said the state wants to give more grant money for the airport to try and speed that along.

Nick Berg then discussed the concept review that he had with a group yesterday regarding the development of a master plan. There were questions about the Overland Trails. He stated there were maps available at the blue trailer that showed all the changes they are proposing. He said he had been working with Korey Walker. There should be more information by the end of next week. He talked about the pivot area. The biggest contention is how to deal with the open space and recreation area. The process should be friendly.

Julie Baldwin asked if there would be homes in that area. Nick Berg said there would be homes around the golf course.

Dan Valentine wanted to know if the light at the entrance where the eagle is would be a street light or a light shining on the eagle. Nick said it would be a lamp shining on the eagle. Dan clarified it would be a 220 volt.

10. Petition for Annexation for White Ranch:

Jerry Kinghorn said he had received a petition and he was going to process it and make a reference to the Utah County clerk that we have the sponsor's name and will advise the Council as he goes through the process. At this point what he does is take a petition and get the process started. Janet Valentine asked Jerry if it was their responsibility to take this to the county clerk to file. Jerry said they should. Kent Hoggan, representing the White Ranch, wanted a feel of how the Council felt about this petition for the Annexation of the Big Sky Ranch. Jerry stated that because there were two Council members absent and we needed their input, Kent could begin the process while the Council had a chance to look at it. Jerry asked him to note that at this point it has been filed and it appears that it meets the formal requirements and statutes. There is a memo of understanding that has been proposed. Kent stated he had talked to Cedar Fort. They said it would be best for Kent to start here. They would not oppose annexation if they went with Eagle Mountain.

Mayor Hooge stated they need to come to a Concept Review because they have some misconceptions about what they are going to be able to do. She felt like it was critical to get them in as soon as possible. Jerry Kinghorn wanted the issue of legal ownership resolved first. Dave Conine commented he had gone over some of the issues prior to this meeting. He stated they did have a copy of the development code.

Mayor Hooge then made a recommendation to move the budget issues back because Jeri Wilson wasn't there as yet.

11. Sage Valley Subdivision Plat A, Class II Final Approval/Dale Berg:

A blueprint was put up on the board. Mayor Hooge asked Korey Walker to proceed first. Korey started by stating that the developer has proposed two phases, Plat A and B. The storm water appears to be the biggest issue. The discussion has been about a specific area because of the way the land area sits. The storm water can only go in one direction. The concern was given to the developer about a specific detention basin behind a group of homes. Korey said they needed to get an easement along the side of the property to lay pipe. He then discussed the detention basins and the 100-year or 200-year storms.

Dale Berg stated they were looking for approval on Plat A for the time being. This area does not involve the other homeowners. He said he did not have any answers concerning Plat B.

Greg Kehl wanted to know what the purpose was of bringing the two subdivisions together at all. Dale Berg said there were public safety issues and also that it would tie the neighborhoods together. Greg then made reference to the covenants, conditions & restrictions (CC&R's). He said they are very strict for the Cedar Pass Ranches. He was concerned about how their property would look with three different neighbors in their back yard. Mayor Hooge said they copied Cedar Ranches CC&R's. Most of the open space is in Plat A.

Jerry Kinghorn said there still needed to be the Master Development Agreement for this and decide on the water rights. Dale said he had a copy from the city of Lehi and would get it to them.

Korey Walker expressed his concern with all the issues. There are still some conditions that need to be worked out.

Greg Kehl once again expressed his concern about what is going on. Greg said he had never heard anything about what is going on. He said he never received any notification about this

Korey discussed the 2,000 feet of gas line and a possible annexation. Jerry said they needed to be tied together.

MOTION *Cyril Watt made a motion to require to expand the natural gas lines from Cedar Pass Ranches over to Plat A. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed*

12. Consideration to approve an Ordinance enacting Standby User Fees was stricken from the agenda.

13. Bond Releases/Korey Walker was stricken from the agenda.

14. Budget:

Mayor Hooge asked Jeri Wilson about the budget. There were some questions about some of the figures under the RBANS. Jeri didn't have some of the information.

MOTION *Diane Bradshaw moved to table the budget until October 13th. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

15. Consideration to approve a Resolution Adopting Application Processing Fee Schedule:

There was a discussion between Mayor Hooge and Korey Walker. Korey proposed to increase the base number on the annexation. Jerry talked about additional expenses doing the annexation. Dan talked about custom plan checks. There was a discussion about the Utah Building Code (UBC). There was some discussion about Class I and Class II.

Jerry Kinghorn said the town needs to adopt the most current version of the UBC because it has changed drastically.

Mayor Hooge asked Janet Valentine to take care of the proposal to adopt the new UBC and new fire codes. Janet indicated the plumbing and mechanical codes have gone international.

MOTION *Diane Bradshaw moved to approve Resolution #1898 which will adopt the Application Processing Fee Schedule with the changes under Building Permits stating the current Utah Building Code and also that the mechanical and plumbing checklists are also current according to the codes. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

16. Consideration to approve a Resolution declaring the Town's intent to create Special Improvement District 98-2 and to construct a natural gas line through North Ranch, Cedar Pass Ranch and Meadow Ranch; and related matters was stricken from the agenda.

17. Consideration and Approval of the Sundance at Redhawk Ranch Development Agreement:

Mayor Hooge recused. Mayor Hooge appointed Diane Bradshaw as Mayor Pro-tem.

There was some discussion about the wording in an agreement for this subdivision. Dan Valentine had a question about the wording of the subdivision needing 20% of the garages facing the street.

Jerry clarified the wording. Dave Conine also clarified some of the wording. This was from minutes of the Planning Commission meeting of September 15th. Jerry said he would redraft the wording.

Bob Lynds said all changes have been made that Jerry asked to be done. He said he will get the information to Jerry Kinghorn.

Dan Valentine asked if it would be okay to just change paragraph 2.3 to read to: The developer shall construct no more than 20% of the homes on lots in the subdivision with garages that face the street.

Jerry Kinghorn gave his wording: The developer shall construct no more than 20% of the homes with garages which face the public street or are otherwise in compliance with the developer's code.

Dan Valentine asked for the tapes to be pulled from the Planning Commission meeting held on June 22. If they can't find the tapes, call Scott Kirkland and check with him.

It was discovered there were some pages missing on the documents. It appeared that there were two different documents being represented as one.

Korey Walker asked about the storm water and occupancy. He couldn't see the phrase in the papers. He also asked about item 2.5. There was a question about the maintenance.

MOTION *Dan Valentine moved to table Item 17, Consideration and Approval of the Sundance at Redhawk Ranch Development Agreement, until the special meeting on October 1st. Cyril Watts seconded. The Mayor recused.*

There was some discussion about who signed the documents.

Dan Valentine moved for approval. Ayes: 3, Nays: 0. Motion passed.

18. Business Park Plat B for the Ranches, L.C./Class II Final Approval:

Bob Lynds gave a presentation on the above subject. He was asking for an approval on Parcel B plus some road improvements. Korey Walker discussed two accesses. Bob stated they had done a traffic analysis for Korey with regards to the cul-de-sacs. Korey discussed parking issues according to the Development Code. He also talked about safety issues with regard to entrances.

Korey discussed the trail system. He was concerned because there was no overall trail system for the Ranches at this point. There is one along down the main roads. There was a discussion about themes or CC&R's for business areas.

Bob Lynds stated his firm had an architectural committee set up. Dave Conine said the papers look good. Bob talked about orchard trees in certain areas.

Dan Valentine had some questions about the packet. Bob Lynds explained how they are now submitting 23 copies to the Town of Eagle Mountain. The problem is there are so many copies that some of them have already passed Korey Walker's review and so they were not included in these packets. In the future they will all be incorporated.

There was some confusion about Class I verses Class II. These were clarified and defined. Diane Bradshaw expressed her concern about not having notes from the Planning Commission meetings.

MOTION

Dan Valentine moved to approve the Class II for the Ranches Business Park with the following conditions that were stated by Korey Walker in a Letter dated September 21, 1998:

- a. Granting a variance for the cul-de-sac length.*
- b. We need further information on the trail system.*
- c. Prior to plat recording, that the CC&R's, together with the design guidelines, will have been reviewed and approved by the Town Council.*

Also included are any conditions the Planning Commission may have included in their motions for approval and any conditions the Public Works Board may have included in their recommendation for approval, and compliance with the Development Code and requirements of the dedication of the water rights. All of these conditions and requirements must be written in a development agreement for each subdivision. Cyril seconded the motion. Ayes: 3, Nays 0. Motion passed.

19. The Estates at Redhawk Ranch/Class II Final Approval:

Bob Lynds did a presentation on the above subject. He had drawings of his proposal for the Town Council to follow as he made his presentation. He showed a section of the estates that had been bought by the Catholic Church. It was a total of 4.2 acres.

Korey Walker said the only issue on this project right now was the road up to a certain point he showed on the map. He said the developer was extending that up to another point. Korey said that storm water is the only issue that needs to be a criteria of this project.. He said occupancy should be contingent upon those improvements being put in.

Diane Bradshaw had a question about the street trees. Bob Lynds showed them on the drawings what the species were. Diane also questioned about trees on the lots. Korey Walker explained about the planting of the trees on the individual lots. Dave Conine confirmed there is a 50-foot space between trees.

Dan Valentine inquired about water rights. Bob Lynds explained the agreement he has when the bond is recorded. Korey Walker made a suggestion about having a checklist and making sure everything is checked off before it comes to the Mayor for signing.

MOTION

Dan Valentine moved to approve the Estates at Redhawk Ranch Class II Final Approval with the conditions that lot A is changed to open space and is maintained by the Homeowners Association; that the Development Agreement will include the CC&R's; that the architectural standards come to the Town Council for approval with the Development Agreement; that any and all recommendations from the Public Works Board be incorporated and any and all recommendations as part of the motion to approve at the Planning Commission requirements. Cyril Watt Seconded. Ayes: 3, Nays: 0. Motion passed

20. Plat Dedication for Redhawk Parkway (Ranches Parkway) and Pony Express Parkway and Redhawk Ranch 11 acre park parcel/Korey Walker:

Korey failed to bring the plat. He said he had reviewed them and verified their closure and their location with relation to what the developer is doing. Korey verified that the fiber optic line was in the right of way. He showed where the business park would be as well as the

development. Dale Berg said two notices had been sent out. One for the Preliminary Public Hearing the Planning Commission had, and one that the City Council held two weeks ago. Greg said there were two people here that had never received any notification about this.

There was a discussion about notices being sent by the developer. Dale stated that the one lot in the Ranches is in the process of being purchased.

Mayor Hooge talked about this developer coming in under the old code. This required substantially less open space. They also are meeting some of the requirements for the airport which isn't required under FFA regulations. She stated these were good plans. Greg Kehl wanted to know if there would be any further notices before they started on Plat B. Korey Walker stated the zone change has been given for the property, and they have received preliminary approval for the layout shown on the map that was posted. Greg asked about the detention pond. Dale Berg said it would be a landscaped area.

Cyril Watt arrived.

Diane Bradshaw voiced her concern about the property owners at Cedar Pass Ranch not being notified. There needs to be a list available.

There was a discussion about the legality of mailings of notices.

Korey Walker discussed some things that needed to be done. There needed to be an adjustment in the center section. The water rights need to be taken care of. A document addressing the connection of the sewer to the city needs to be done so that when the sewer comes within 300 feet of the homes then they will connect. Jerry said this needed to be put in the Master Development Agreement. Korey said the Utility Ordinance states it will bind future owners to it. Korey added that he wanted a city park. They talked about the park plans. There was a discussion about trees. There was a discussion about the watering of the trees. Dave talked about chapter 9 dealing with tree survival. Homeowners need to be aware of trees needing to be planted on their property.

MOTION *Dan Valentine moved that we approve the Sage Valley Subdivision Plat A Class II final approval with the following conditions: That the CC&R's are approved by the Town Council; that all of the recommendations by the Town Engineer in his letter of September 22, 1998, are met; that the conditions imposed by the Planning Commission in its motions for approval are met; that the conditions recommended by the Public Works Board in its recommendation list are met; that the park improvements, landscaping, and the compliance with the landscaping plan are included in the Development Agreement to the satisfaction of the Town Attorney and the Town Engineer; that any conditions in the record of the Zone Change Hearing are met; that the Master Development Plan requirements as spelled out in the Development Code are met; and the final is that the developer disclose to the buyers that they are in a flight path and they know that going in. Diane Bradshaw seconded the motion. Ayes: 4, Nays: 0.*

There was then a discussion about the flight path of the airport. The Mayor stated that it was the seller's position to notify the buyer about the airport. It is a seller's disclosure.

Diane commented on the Public Works Board notes. These are not down on Plat A. She just wanted to clarify them. This dealt with the storm water drain.

MOTION *Dan Valentine moved to amend his motion to strike the storm water requirement of the Public Works Board public meeting on September 2nd. Diane Bradshaw seconded.*

subdivisions. Bob Lynds pointed out some recent land purchases. There was some discussion about land for parks and schools.

Dan Valentine asked Korey if he was comfortable with the plan and Korey stated that everything was in line.

MOTION *Dan Valentine moved that the Town Council accept the Plat Dedication for the Redhawk Parkway, the Pony Express Parkway, and the Redhawk Ranch 11 acre park parcel as approved by Korey Walker. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.*

21. Partial Payment Request for the "Ranches Parkway"/Korey Walker:

This is the first partial payment request for the Ranches Parkway. He asked the council members to look in their packet. He explained how the inspectors and contractors keep track of what they check off each day on the individual jobs. He explained how they hold 10% of each contract until the end. He said he had brought it before the Public Works Board the previous week and they had recommended approval and had signed.

MOTION *Cyril Watt moved that the Town Council approve the partial payment request as presented by Korey Walker on the Ranches Parkway for payment when the funds are available. Dan Valentine seconded. Ayes: 3, Nays: 0.*

(\$140,157.98) FYI

22. Department Reports:

Mayor Hooge came back to the meeting. She announced that her official resignation is midnight on September 30th. She did make a recommendation that Rob Bateman file for the position.

MOTION *Cyril Watt moved to appoint Diane Bradshaw as Mayor Pro-Tem beginning October 1, 1998, until a new mayor is appointed. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

Mayor Hooge discussed how there were changes in the roads in some of the proposals. She was concerned about the developers changing the roads. Jerry Kinghorn recommended that it be put on the agenda.

Mayor Hooge talked about another issue. She said the Public Works Board is supposed to be a Public Works Board and not a Capital Facilities Board. She felt like there was some cross over there that is occurring. She wants the Public Works Board to be looking at the town's utility companies to make them stronger and concentrating on these companies. The City Engineer should be concentrating on the storm drainage issues. Dan Valentine questioned this.

Mayor Hooge wants the Town Council to start utilizing Horrocks when it comes to design issues. She expressed her concern about developers hiring too many independent engineers.

Diane Bradshaw talked about the Recreation Master Plan submitted by Steinbach and Lythgoe. She asked that the council members take these home and go over them carefully. She said she would get one to Rob Bateman. There will be a Public Hearing on October 13th for all to see. There was a discussion about forming a Parks and Recreation Committee. There needs to be at least 3 people on the committee.

Diane Bradshaw announced that Mont Beckstead and his wife have agreed to work with the town's Youth Council. Diane asked Mayor Hooge when the next newsletter would be ready.

There was a discussion about parks and the development of open space land belonging to Eagle Mountain Properties. Dan Valentine voiced his concern about having to purchase land from them to do parks. Mayor asked the council to look at the situation carefully as far as future development.

Dan Valentine gave a brief report from the Public Works Board recommendations no items discussed since August 26, 1998. He suggested that the Town Council really look into the Annexation Proposal from White Ranches. He asked Korey Walker to draft a letter to be distributed to all Town water system users advising of the need for pressure regulators.

Mayor Hooge discussed PacifiCorp and the joint venture which would have involved power to White Ranch.

Dan Valentine asked Korey Walker if the site survey had been done in order to get the Santec installed. He also talked about the PacifiCorp letter and having Korey write a letter to PacifiCorp to have the inventory included in the purchase.

Korey Walker said there were two issues applying to this. Korey did write the letter and sent it to Oregon. Neither Mayor Hooge or Jerry Kinghorn saw the letter.

Dan Valentine stated that the Public Works Board did recommend the Change Order #2 on Document 00900 for the Ranches Parkway project.

Cyril Watt had nothing to report.

23. Motion to adjourn into a Closed Executive Session:

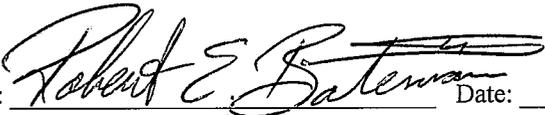
MOTION *Cyril Watt moved to adjourn to a Closed Executive Session for the purpose of discussing personnel issues. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

24. Action from the Closed Executive Session:

MOTION *Dan Valentine moved to appoint Mr. John Newman as the Public Works Director and Town Administrator. The terms of his salary were approved by Mayor Hooge in the amount of \$85,000 per year with a car allowance of \$400.00 per month, a three-month severance, continue making his health insurance payments until he converts, State Retirement, and the hiring of an Executive Assistant. Cyril seconded. Ayes: 4, Nays: 0. Motion passed.*

25. Adjournment:

MOTION *Dan Valentine moved to adjourn at 11:35 p.m. Cyril seconded. Ayes: 4, Nays: 0. Motion passed.*

Approval:  Date: 20 Oct 98
Mayor Rob Bateman

**MINUTES OF TOWN COUNCIL WORK SESSION
TOWN OF EAGLE MOUNTAIN, UTAH
1680 E. Heritage Dr.
Eagle Mountain, UT 84043
September 29, 1998**

1. Roll Call:

The meeting was called to order by Mayor Debbie Hoogie at 6:15 p.m.

There was a Pledge of Allegiance.

The following Council members were present:

Mayor: Debbie Hoogie
Council: Rob Bateman, Dan Valentine, Diane Bradshaw (arrived late)

Town Staff:

Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Dave Conine
Town Recorder: Janet Valentine
Recording Sec.: Vada Hunter

Also present: Bill Chipman, Town, Nick Berg, Eagle Mountain Properties, Mel McQuarrie,
MCM Engineering

MOTION *Dan Valentine moved to approve the agenda. Rob seconded. Ayes: 3, Nays: 0.
Motion passed.*

2. Discussion of Eagle Mountain Properties Development Agreement:

Rob introduced this subject. He stated that Nick Berg had made a presentation to the Planning Commission on September 10th about some proposals on changes on their Development Agreement. Nick said they were going to go for a Class II for 100% of the project. This way the Council and the Planning Commission will have the opportunity to be the Master Planners.

There was a brief break from this subject while some maps were gathered to use for the rest of the discussion.

Dan Valentine asked where the Council stands on the impact fees. Mayor Hoogie stated she is called every day about these. Korey showed a copy of a draft that was faxed to him that afternoon. There were only a few things to change. Korey gave an explanation. Copies were made for the Council. Jerry Kinghorn explained about a 14-day notice that needed to be given. Korey thought he could have something ready by October 7th. The methodology needed to be written.

The discussion then turned back to Nick Berg. He gave an explanation about the golf courses around the pivot area. Rob Bateman asked if the golf courses were private or public. Nick explained that one would be private, one would be public, and the other one would be a resort area with a golf course. He indicated Billy Casper would be involved in the planning. There would be a golf course and regional park in one area.

Mayor asked Nick Berg if he had done any golf course studies in overall densities. Nick said they had two people waiting to build the golf courses right now but there could be a water problem.

Bill Chipman asked what affect this would have on the Capital Facilities Plan as far as water is concerned. Mayor Hooge responded there would have to be a commitment to some kind of secondary system. She said you can't do a golf course out of culinary water.

Jerry Kinghorn explained that under the Development Agreement the Council has a period of time after they submit their application to specify the additional information the Council wants submitted with the application to make it complete. These questioned would be resolved with that process. He felt like it was premature to express concerns at this time without the application to evaluate this objectively.

Mayor Hooge asked Nick Berg how much time he needed. He said he needed 30 days to get a preliminary application. He said this project is going to take a lot of hard work. He said some of the lots are going to be changed to 125-foot deep lots. He talked about the changing of open space.

Dan Valentine asked Korey walker if the standby user fees kick in at Class II time. Nick feels like the bottom line is that there must be good management and control as the town grows. He wants to do a Class II at the plat to know what it is going to look like. This whole thing is costing them a lot of money.

3. **Discussion of the proposed revisions to the Cedar Valley Water Company "Water Agency & Equity Agreement":**

Did not discuss at this time. Went on to the next item on the agenda.

4. **Discussion of 1998 Revenue Bond Anticipaton Notes (RBAN) process:**

Mayor Hooge asked Jerry Kinghorn where the town was at on this. Jerry responded it was about two weeks off the schedule now. Some changes had been made. Mayor Hooge wanted to know who was going to start attending the RBAN meetings. She suggested that John Newman be the one but for now one of the Council members needed to attend. Jerry said the meetings were going to be much simpler than last year. The official statement is in the process of being drafted. He said the parameters Resolution should be before the Council on October 13th which would set things up for the final note resolution for the first meeting in November and the closing two days before Thanksgiving. Jerry said things are on schedule for that. Jerry feels like everybody will be in agreement with this when it is done.

Mayor Hooge discussed the Power Utility. This was about the White Ranch Annexation. She said Larry Ellertson of Utah Power came to see her last week. She recommended the Council at least talk with the parties involved.

Jerry talked about needing an official statement.

There was a discussion about a memo from Tasco concerning "Finance Proposed for Issue in 1998". The amount of the RBAN was \$5,232,034. Mayor Hooge voiced her opinion about "contributions" from the developers. Jerry talked about making it fair for all contributors. It can't be left up to the two development groups. Jerry felt like this should be the town's position.

There was a discussion about Special Improvement District (SID's) and user fees and RBAN's. They talked about how they can't go back and do things differently. It is too late for this. Rob Bateman said that the agreement for doing RBANS is four years. He said the town needs to keep on track.

Jerry Kinghorn talked about developing a principle to do this and then just let that guide them as they go through the process. He said how they are going to have to make utility decisions with the best information they have at the time.

There was some talk about new generators. Jerry Kinghorn talked about doing own power lines. Mayor Hooge talked about going with Utah Power because of expenses involved in doing own lines.

Rob Bateman asked about contract documents.

Korey Walker gave a presentation about The Ranches SID Monitoring Table. The costs are tight at this time. He said change orders are not approved.

There was a discussion about Saratoga and some things supposedly said by Rob Bateman. Rob said that had been straightened out. Rob said he had informed the Saratoga Springs Town Administrator of our intent to proceed with a design for the sewer out-fall line that would leave some additional capacity for Saratoga Springs developers or developments in the county. Developers would be required to pay an appropriate hook-up fee at the time of development.

Korey talked about the pump stations in the out-fall line. He doesn't want that to happen.

Mayor Hooge talked about money possibly coming from an airline.

5. Impact Fees:

There was some previous discussion about impact fees during Item 2 of the agenda. Rob Bateman asked about some clarification on some meetings. Korey Walker said that if things look good then this could be ready by October 5th, advertise by October 7th, then have a special meeting on October 21st. Jerry Kinghorn said he would look at this the next day. Diane Bradshaw and Rob Bateman could not meet on October 21st. Jerry said he did not want to rush this. He needed time. Rob said that if things are okay then a meeting could be scheduled for October 22nd. The time was set for 4:00 p.m.

6. Discussion of the proposed revisions to the Cedar Valley Water Company "Water Agency & Equity Agreement":

There was a discussion about the letter from Bruce Baird of Baird & Jones L.C.. Jerry Kinghorn said some things had been taken out that he had requested. Dan Valentine was concerned about some of the wording. Rob Bateman had some concerns. Jerry said there had not been a meeting yet between The Ranches and Eagle Mountain Properties but that hasn't occurred yet. Jerry had some additional input but it isn't in the agreement yet. Some of the comments he had given them were taken care of and resolved.

Dan Valentine was concerned about the wording on The Ranches defaulting and making payments. Jerry said he needs to go over this carefully.

Rob Bateman asked Jerry to explain the basic changes. Today was the first time Jerry had seen the letter from The Ranches dated September 29, 1998, written by Scott Kirkland.

Jerry explained that this agreement should supercede the old Water Agency agreement which is not a good agreement for either side. What this provides for is payment to Walden for capacity in the well same as the old agreement did but principally by The Ranches. This agreement would have Eagle Mountain Properties and its water company reserve 3200 square capacity in the well. 3,000 acre feet of capacity in the well would be purchased by The Ranches and everything in excess of that in addition to what the town already owns in the well would belong to the town. Then as people transferred water rights into the well the capacity would go with them until the town would eventually own all of the capacity and all of the water rights associated with the well over time as development occurs.

There was some discussion about the wording be changed concerning any defaulting by The Ranches. Jerry said this was a cleaner agreement than any others he had seen drafted.

Mayor Hooge expressed her concern about the frustration The Ranches is feeling because of things not being resolved. Jerry said they need to come to the meetings that are held. Hard to get everybody together.

Mayor Hooge stated that one of the red flags she sees on this agreement is when you talk about White Ranch Annexation and the 2,000-acre feet being dumped into the system.

There was some more discussion about what has and has not been removed from the agreement.

Rob Bateman asked that they move on. Nick Berg asked for copies of what was being discussed.

7. Presentation by Applicants for Town Planner:

Mr. Ralph Becker gave a presentation for the position of Town Planner. He owns a consulting and planning firm in Salt Lake. He has been in business for 14 years. He has worked for several communities. He has served on the Salt Lake City Planning Commission. He is currently running for the State Legislature. He asked for the Town Council to ask him questions.

Jerry Kinghorn asked questions. Mayor Hooge asked questions.

Jerry disclosed he had done some work for Mr. Becker's firm. He wanted the Council to know this. Jerry brought up Bruce Baird's name and Mr. Becker offered his opinions.

Mr. Becker explained how his firm teams with other firms to do specific things.

Rob Bateman asked questions.

8. Motion to adjourn into a Closed Executive Session for the purpose of discussing possible litigation and personnel issues:

MOTION *Rob Bateman moved to go to a Closed Executive Session at 8: 10 p.m.. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

The work session was adjourned from the Closed Executive Session. There was no further info.

Approval: *Robert E. Bateman* Date: *20 Oct 98*
Mayor Rob Bateman

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**MINUTES OF SPECIALTOWN COUNCIL MEETING
EAGLE MOUNTAIN, UTAH
1680 E. Heritage Dr.
Eagle Mountain, UT 84043
October 1, 1998**

1. Roll Call:

The meeting was called to order by Mayor Pro-Tem Diane Bradshaw at 7:15 p.m.

The following Council members were present:

Mayor Pro-Tem: Diane Bradshaw
Council: Rob Bateman, Cyril Watt, Dan Valentine

Town Staff:

Town Planner: Dave Conine
Town Attorney: Jerry Kinghorn
Town Recorder: Janet Valentine
Recording Sec.: Vada Hunter

Also present: Marta Murvos, The Daily Herald; Nick Berg, Eagle Mountain Properties; Eric Hones, Eagle Mountain Properties; Gary Tassainer, Tasco Engineering; Noel and Chris Kemp, Town; Mark and Anjanette Logfren, Town; Lisa Nusz, Town; Mindee Tarr, Town; Andrea Poe, American Fork; Trinity Hansen, Town; Robert Nonnenmacher, Town; Tim Hones, American Fork; Ron Fernstedt, Sheriff's Department; Tom Mentz, Town; Mary Lynn Christensen, Town; Royce and Jenae Wahnschoffe, Town; Brett and Lisa Pack, American Fork; Dereis and Chantelle Pack, American Fork; Chuck Jenkins, Town; Diane Jacob, Town; Jennifer Thulin, Highland

2. Pledge of Allegiance:

Dan Valentine led the town in the Pledge of Allegiance.

3. Approval of Agenda:

Mayor Pro-Tem Diane Bradshaw asked to move Item #3, **Consideration and Appointment of Mayor to fill the vacancy created by the resignation of Mayor Debbie Hooge**, to Item #5.

MOTION Dan Valentine moved to approve the agenda and move Item#3 to Item #5.
Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

4. Consideration and Approval of the at Redhawk Ranch Development:

Jerry Kinghorn, Town Attorney, said this was the second time this agreement has been before the Town Council. There had been a question about front loading garages and whether or not this was in addition to the requirements. The developer needs to comply with the Development Codes. That paragraph has been taken out and the default is back to the Development Code requirements. In this particular subdivision 40% have alleys. There had been a 5-year provision about maintenance of roads and landscaping but the Development Code is only 1 year. Did not have the bonding requirements.

These are still in the clerk's office and the covenants, conditions and restrictions (CCR's). Jerry had approved the CC&R's.

Jerry requests that the Mayor be authorized to execute this agreement in this form when the P. O. Box of the town and the owner/developer's address is filled in and have the developer sign it.

MOTION *Cyril Watt moved that the Town Council approve the Sundance at Redhawk Ranch Development Agreement as has been presented by Jerry Kinghorn, Town Attorney. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion passed.*

5. **Consideration to approve a Resolution declaring the intent of the Town Council to (1) acquire and install natural gas utility improvements; (2) create Special Improvement District No. 98-2; (3) fix a time and place for protests against such improvements or the creation of said district; (4) to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and related matters.**

Jerry Kinghorn explained this is a notice of intent to create the Special Improvement District (SID) up in the Cedar Pass Ranch area. These documents were prepared by the Bond Council. They are a standard format. This SID is different because it provides for two levels of assessments. It provides for assessments in the Cedar Pass North area and a larger level assessment in Cedar Pass Ranch.

Jerry Kinghorn read the resolution for this SID:

“A resolution declaring the intention of the Town Council of Eagle Mountain, Utah County, State of Utah, to acquire and install natural gas utility improvements and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner; to create Eagle Mountain, Utah Special Improve District no. 98-2 (Cedar Pass); to defray the cost and expenses of said improvement district by special assessments to be levied against the property benefited by such improvements; to provide notice of intention to authorize such improvements and to fix a time and place for protests against such improvements or the creation of said district; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and related matters”.

This sets up a written notice of the deadline of November 9th. It sets a hearing at a regular Council meeting on November 10th.

Diane Bradshaw, Mayor Pro-Tem, asked about notices being mailed. Jerry Kinghorn said there would be copies of this notice mailed out to each of the property owners as well as a published notice.

Jerry Kinghorn gave the following proposed per lot assessments:

<u>Improvements</u>	<u>Area within District</u>	<u>Estimated Assessment</u>	<u>Method of Assessment</u>
Natural Gas Improvements	Cedar Pass Ranch	\$2,580	Per lot
	Cedar Pass North	1,705	Per lot

This is a total assessment, not an annual assessment.

MOTION

Dan Valentine moved that the Town Council approve Resolution 98-2 as read setting the end of the protest period for November 9th and the hearing to be at the normal Council meeting on November 10th. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion passed.

6. Consideration to approve a Resolution declaring the intent of the Town Council to (1) construct roads with underground supporting utilities and install the first phase of a storm water drainage system; (2) create Special Improvement District No. 98-3; (3) fix a time and place for protests against such improvements or the creation of said district; (4) to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and related matters.

Jerry Kinghorn, Town Attorney, stated this resolution only affects Eagle Mountain Properties owners. This is to complete the storm drainage system in the central area of town and do certain road improvements. Jerry then read the resolution:

“A resolution declaring the intention of the Town Council of Eagle Mountain, Utah County, State of Utah, to construct roads with underground supporting utilities, to install the first phase of a storm water drainage system, and to complete all other miscellaneous work necessary to complete said improvements in a proper workmanlike manner; to create Eagle Mountain, Utah Special Improvement District No. 98-3 (Sweet Water Road/storm drainage phase 1); to defray the cost and expenses of said improvement district by special assessments to be levied against the property benefited by such improvements; to provide notice of intention to authorize such improvements and to fix a time and place for protests against such improvements or the creation of said district; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and related matters”.

He said the deadline for protests for this hearing would November 9th and the hearing would be on November 10th at the regular Town Council meeting. Jerry verified this involved only one property owner. Jerry gave the following estimated costs:

<u>Improvements</u>	<u>Estimated Assessment</u>	<u>Method of Assessment</u>
Sweet Water Road Project	\$4,900	per acre
Storm Water Drainage Project	1,300	per acre

Jerry stated these were documents prepared by the Bond Council in the statutory form. He recommended that this be adopted.

Eric Jones of Eagle Mountain Properties said he had put papers in the boxes at the Town Hall today giving all the legal descriptions.

Dan Valentine wanted to know if Corey Walker, Town Engineer, had seen this and Jerry said that he had seen it and reviewed it.

MOTION

Rob Bateman moved that the Town Council approve Resolution 98-3 as read setting the end of the public protest period for November 9th and the public hearing for the normal Town Council meeting on November 10th. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

7. Consideration and Appointment of Mayor to fill the vacancy created by the resignation of Mayor Hooge:

Rob Bateman, Town Council member, recused.

Diane Bradshaw asked Janet Valentine to read the statements of those who submitted for the position of the Mayor of Eagle Mountain. Janet read statements from the following:

William Chipman/Eagle Mountain
Rob Bateman/Eagle Mountain/
Chad Larsen/Lehi

Jerry Kinghorn, Town Attorney, stated that Chad Larsen could not be considered because he is not living in Eagle Mountain as yet. He resides in Lehi and is building a home in Eagle Mountain. He is not yet a registered voter of Eagle Mountain; therefore, he cannot fill the position of Mayor of Eagle Mountain.

Jerry stated they did not need to make a decision tonight. They can consider the option of interviewing the two applicants tonight and making a decision later or deciding tonight.

Dan Valentine had some questions about Chad Larsen and being a registered voter.

Diane Bradshaw asked Rob Bateman to give a short speech about himself as a possibility of being appointed Mayor of Eagle Mountain. He did so.

William Chapman was out of town.

Chris Kemp, town resident, gave his comments in favor of William Chipman. Mark Lofgren, town resident, also gave his comments in favor of William Chipman. Janet Valentine, Town Recorder, commented about a comment Bill Chipman said to her about wanting Rob Bateman to be the mayor. Chuck Jenkins, town resident, gave his comments about what Rob Bateman had said. Chantelle Pack, town resident, asked about being a registered voter. Jerry Kinghorn answered her question. Nick Berg, town resident, talked about Bill Chipman still being in the running. Dan Valentine said the same thing. Jason Cowan, town resident, wanted to know how to have a little more information about candidates. Diane Bradshaw, Mayor Pro-Tem explained how this is an appointed position until the next election in November, 1999. She explained how information is posted in three different areas and in the Lehi Free Press newspaper. Gary Tassainer, Tasco Engineering, said both candidates are good. Diane Jacob, town resident, gave praise of Rob Bateman.

Jerry Kinghorn explained about the term of mayor in this situation of Mayor Hooge resigning. He told how information was posted in three different locations for two weeks letting people know of the vacancy that needed to be filled.

Dan Valentine talked about information being posted. He explained where the three posting areas are. He, too, spoke highly of both candidates.

8. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues:

Marta Murvos of The Daily Herald questioned whether a Closed Session would be appropriate. She stated there was a Sunshine law. Jerry Kinghorn, Town Attorney, advised the Council of the need for a Closed Session.

MOTION

Cyril Watt moved that the Town Council go to a Closed Session for discussion of personnel issues. Dan Valentine seconded. Ayes: 3, Nays: 0.

The Town Council went into a Closed Session at 8:05 p.m.

MOTION

Dan Valentine moved to adjourn the Closed Session. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.

9. Convene back to Open Session:

MOTION

Cyril Watt moved that the Town Council to convene back into Open Session. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.

The Town Council re-convened at 8:40 p.m.

MOTION

Dan Valentine moved that the Town Council appoint Rob Bateman as the Mayor of the Town of Eagle Mountain to fill the interim term left by the resignation of Debbie Hooge. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.

Jerry Kinghorn explained that once Rob Bateman is sworn in that leaves a vacancy on the Town Council for a Council Member. This position will be posted for applicants.

Janet Valentine swore Rob Bateman in as the new Mayor of Eagle Mountain, Utah.

Jerry Kinghorn mentioned an FYI item only. It dealt with the Impact Fees. He said that a draft will be ready by October 7th. There will be a meeting on October 13th. There will be information given to the Town Hall by October 21st for the hearing on November 13th.

Jerry Kinghorn gave some FYI on some advanced funding that needed to be approved at the next Town Council meeting:

Santec \$192,348
2nd installment payment – gas tap \$183,000
power generation equipment \$183,000

Suggested funding for Sweetwater Road South: Natural gas line from Kern River \$301,000
Epic Engineering \$80,000

There was a discussion by Eric Jones of Eagle Mountain Properties about payment. Dan Valentine voiced his concern about how the checks should be issued. He doesn't want the same problems as the town had when the Fire Station was built.

This needs to be on the October 13th Town Council meeting.

MOTION

Cyril Watt moved to adjourn into a Closed Executive Session for the purpose of discussing personnel issues. Dan Valentine seconded. Ayes: 4, Nays 0. Motion passed.

The Town Council moved into a Closed Session at 9:00 p.m.

MOTION

Cyril Watt moved to adjourn back to Open Session. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

Dan Valentine discussed a satellite dish.

Rob Bateman, Mayor, wanted to have a Staff Meeting when he comes back into town. He discussed keeping the town meetings very timely.

MOTION

Dan Valentine moved that the Town Council authorize Mayor Rob Bateman to hire Mark McGrath for Town Planner of Eagle

Mountain based upon the terms previously discussed. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.

Diane Bradshaw asked if anyone could go to a meeting on Camp Floyd in her behalf from 12:00 To 1:30 p.m. Cyril Watt thought he might be able to go.

Rob Bateman said we need to start the procedure to fill the vacancy of Town Council Member left by Rob when he was appointed Mayor. This will be taken care of on October 27th.

MOTION: Dan Valentine moved to have Janet Valentine, Town Clerk, advertise the Town Council vacancy in the Lehi Free Press. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

There was a discussion about the high phone bills. Rob Bateman suggested getting cell phones.

There was a discussion about the White Hills Annexation. This needs to be put on the agenda. They have apparently done everything there were supposed to.

Dan Valentine expressed a concern that the plat looks like it was done under the old Development Code.

Jerry Kinghorn said there should be a petition presented at the next meeting with signatures from property owners. Rob Bateman said that if it wasn't certified then don't put it on the agenda.

There was some discussion about Jim and Grant Smith having an option on the property.

Rob asked if the Town Council would grant Jeri Wilson the opportunity of attending a Municipalities Trade Workshop at BYU. These workshops are 5 days each and held over a period of two years. The price is \$435 if non-member and \$385 if member. The payment was needed by October 9th. Jerry Kinghorn said they could do this without an okay.

MOTION Diane Bradshaw moved to adjourn the Town Council meeting. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

Meeting adjourned at 10:00 p.m.

Approval: Robert E. Bateman Date: 20 Oct 98
Mayor Rob Bateman

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**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Fire Station
1680 E. Heritage Dr.
Eagle Mountain, UT 84043
October 13 1998**

1. Roll Call:

The meeting was called to order by Mayor Rob Bateman at 7:25 p.m.

The following Councilmembers were present:

Mayor: Rob Bateman
Council: Diane Bradshaw, Dan Valentine, Cyril Watt (late)

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Dave Conine
Town Recorder: Janet Valentine
Recording Secretary: Vada Hunter

Also present: Michael Wren, MCM Engineering, Inc.; James Dahl, MCM Engineering, Inc.; Larry Steinbach, Lythgoe & Steinbach; Lane Lythkoe, Lythgoe & Steinbach; Glade and Maureen Berry, Town; Michael Busch, Tasco Engineering, Inc.; Liisa Nuz, Town; Robert G. Scott, Lythgoe & Steinbach; Rick Long, Lehi; Kent Hoggan, Big Sky Ranches; Nick Berg, Eagle Mountain Properties; Mr. Chils, Salt Lake City.

2. Pledge of Allegiance:

Korey Walker led the meeting in the Pledge of Allegiance.

3. Approval of Agenda:

MOTION *Diane Bradshaw moved to approve the agenda as amended. Item 8B was changed from 10B to 8B; Item 12 was changed from The Ranches Development to the Town of Eagle Mountain. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

4. Approval of Minutes:

MOTION *Diane Bradshaw moved to approve the minutes of September 8, 1998, and amend the minutes according to said changes. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Dan Valentine moved to approve the minutes of September 10, 1998. And amend the minutes according to said changes. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Diane Bradshaw moved to approve the minutes of September 29, 1998, and amend the minutes according to said changes. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Diane Bradshaw moved to approve the minutes of September 29, 1998, and amend the minutes according to said changes. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Dan Valentine moved to approve the minutes of October 1, 1998, and amend the minutes according to said changes. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.*

5. General Discussion/Questions/Announcements:

Mayor Rob Bateman announced that Fawn Jenkins, a local town resident, would start writing the Town of Eagle Mountain Newsletter. He stated she had experience in Desktop Publishing.

Dan Valentine, Councilmember, asked Korey Walker, Town Engineer, if the letter had been written about pressure regulators on the gas and water meters. Korey stated he had both letters written.

Diane Bradshaw, Councilmember, introduced a letter to Korey Walker that had been mailed to all the well owners in Cedar Pass Ranches. This letter deals with the certification of water wells on each of their properties. Diane wanted to know what process to follow to take care of this. Korey responded that he needed to get a hold of the State and verify what needs to be provided to them. After that you file the proof of the certification. Dan Valentine, Councilmember, said this is very important and needs to be taken care of. Korey stated each homeowner needs to hire an engineer surveyor who will come in and locate where their well is and then they go through and show how much their pump provides. Dan said they will verify everything. It is very important to get this done. Extensions are very hard to get. Mayor Bateman felt like this would be good to put in the town newsletter.

Mayor Bateman announced there would be a Public Meeting on October 27, 1998, to appoint a new Councilmember. He also noted there was a hearing on November 10, 1998, to discuss the Impact Fee. Korey Walker asked that any comments regarding this be directed to him.

6. Warrant Register:

Dan Valentine, Councilmember, had some questions about Santec and Epic Engineering payment. Mayor Bateman expressed he would like to see the Warrant Register prior to the Town Council Meeting so that it can be looked at ahead of time. Jerry Kinghorn, Town Attorney, clarified some of the questions. John Newman, Town Administrator, said he would be working with Jeri Wilson to make sure items are handled properly. Dan gave a suggestion about having another column for explanation. Diane Bradshaw, Councilmember, questioned Item 366, the power bill. Korey Walker explained this was for almost 7 weeks and was at a peak time of watering.

MOTION *Diane Bradshaw moved to approve the Warrant Register. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

7. Public Comment:

Nick Berg, Eagle Mountain Properties, had some questions about the directory assistance for the people of Eagle Mountain. Dan Valentine, Councilmember, said that basically the Town of Eagle Mountain has a PBX system. He stated the town couldn't even be in the white pages of a phone book. Dave Conine, Town Planner, said he had talked with Gary Tassainer of Tasco Engineering. Gary said the equipment has been ordered and will be installed in either February or March of 1999. Dan stated that US West was not cooperating. Nick asked that a report be given on this at the next Town Council Meeting.

Nick asked about the timing on Inspections. Mayor Bateman responded that a full time inspector would be on board in about two weeks.

Nick then asked about the building going on at the Pig Farm. Mayor Bateman stated that Dave Conine, Town Planner, had been out there and taken some pictures of the building activity. Mayor Bateman said that the State would be contacted about this and also about the contamination on the ground that could cause some water contamination in the future.

8. Public Hearing:

A. Consideration and Approval of a Resolution enacting a Parks Recreation Master Plan for the Town of Eagle Mountain:

Larry Steinbach of Lythgoe/Steinbach introduced the project then turned the time over to Robert Scott of Lythgoe/Steinbach for the presentation. Each Councilmember had a bound booklet showing all of the ideas he was presenting. He had a large scale drawing to show all of these ideas on a bigger scale.

Robert Scott talked about how they had been working on this for over a year now. This plan is a guide for the Town of Eagle Mountain in developing their open space. This plan is for the town, the residents, and the developers to work together to develop their future. It is not just a road map. It is a document. The Master Plan is a concept on paper. The community needs to look very carefully at the open space and how they want it to be used. The Wetlands need to be preserved. The streets need to be part of the open space. He talked about the three kinds of parks you need to have in a community: regional, community and neighborhood. He discussed each of their functions.

Mr. Scott talked more about trees and landscaping. He mentioned sprinkling systems. He stated again that this is a document with conceptual ideas. It is not a land use map. He talked about three corridors: major trail system, utility corridor (backbone of corridor) and connectors around the community. The town is made up of nodes: recreation, civic, religious, and school. How do you get to these nodes? This is where the connectors come in. The town needs to get excited. This is their guide.

Nick Berg, Eagle Mountain Properties, had some questions about several items in the book. He found a few errors.

Glade Berry, property owner, voiced his concerns about how some properties would be developed. He was concerned about property that he owned. Robert Scott explained that this was not a legal document of how everything would have to be done. This document is just to give the big picture in developing open space. Mr. Berry then asked the Town Council what the plans were for the water situation in all of this developing. Mayor Bateman said this is being worked on. Mr. Berry then asked about getting water rights transferred. Jerry Kinghorn, Town Attorney, said there was a new agreement being written concerning water rights.

Mike Wren of MCM Engineering talked about storage ponds being constructed to capture water and storing it for re-use.

John Newman, Town Administrator commented on some of these items.

MOTION

Diane Bradshaw, Councilmember, moved to table the Approval of a Resolution enacting a Parks Recreation Master Plan until the next Town Council meeting on October 27, 1998. In the meantime there should be a Master Copy in place for the public to review with Janet at the Town Hall; and that the staff will review the copies and give any written comments back to John Newman, Town Administrator. Dan Valentine seconded, Ayes: 3, Nays: 0. Motion passed.

Mayor Bateman asked that all public comments be back to John Newman before Thursday, October 22, 1998, so they can be review before Town Council on October 27, 1998.

9. Annexation for White Ranch with proposed changes/Kent Hoggan:

Mayor Bateman stated there needed to be a clarification on a petition about this subject. Kent Hoggan, Big Sky Ranches, said he had been to a previous council meeting and they were asked to file a petition with the County. Jerry Kinghorn, Town Attorney, stated that the petition filed on September 22, 1998, needs to be withdrawn before the town can accept the new petition. Kent then officially asked that the first petition be withdrawn. He stated there had been some signatures added to the second petition. Jerry stated that he had had a number of people contact him claiming to be affiliated with this group and he felt like it would be better for the people to contact Kent and then he is to contact Mayor Bateman with any questions they may have.

Cyril Watt, Councilmember, arrived at 8:48 p.m.

Jerry Kinghorn said he would get the paperwork going. He said he would contact Kent Hoggan if he had any questions. There were a lot of things that needed to be done before they could go forward with this.

Mayor Bateman had some questions about ownership on part of the property. He wanted to know if that had been cleared up. Kent Hoggan said it had and the names on the paper were correct. Mayor Bateman then asked if they were pursuing anything with Cedar Fort and Kent Hoggan said they were not. That had been the original intention but that has been withdrawn. Mayor Bateman asked if they had seen the Development Code yet. Kent responded that he had and that he had talked with Korey Walker, Town Engineer, on this and would go with the new code. Mayor Bateman also asked about the water rights.

Jerry Kinghorn said that he would have Janet Valentine, Town Recorder, start to verify the signatures on the petition. Jerry talked about the time frame when things start to happen. He said the process ends when the proposal for an ordinance annexing the land comes to the Town Council.

There was a discussion about the steps that need to be taken. This is a lengthy process.

MOTION

Dan Valentine moved to instruct the Town Clerk to work with the County and with Jerry Kinghorn, the Town Attorney, to do what is necessary to certify the petition for annexation and we accept the petition for those purposes. Diane Bradshaw seconded.

Dan Valentine moved to amend the motion to state this is also based on the understanding from the representative property owners that the previous petition has been withdrawn. Diane Bradshaw seconded. Ayes: 4, Nays: 0.

10. Motion to approve advanced funding by Eagle Mountain Properties to Santec:

MOTION

Dan Valentine moved to approve the payments with the requirement that those amounts be paid to the Town of Eagle Mountain, and the town then make those payments to the respective vendors with an assignment by Eagle Mountain Properties of its contract rights for each of those vendors. Diane Bradshaw seconded. Ayes: 4, Nays: 0.

11. Consideration and approval of the Development Agreement with Touchstone Development For "The Landing", Phases III & IV/Jerry Kinghorn:

Mayor Bateman stated that Phases III & IV are not yet ready to record; however, the Development Agreement is here because we want to get this taken care of at this point so it won't have to be dealt with later. There are still a few other issues on the final approval that need to be taken care of by Korey Walker. Jerry Kinghorn stated that the papers had been changed to reflect the new mayor's name. Jerry said we have the water rights for this. They have posted their improvement bond. He said all he needed was a preliminary title report and a plat and then it will be ready to be recorded if the consent is given. Jerry indicated this still needed a park package. Mayor Bateman asked Dave Conine and Diane Bradshaw to get some catalogs showing playground items before the next council meeting and make a presentation at that time.

Nick Berg, Eagle Mountain Properties, questioned the time frame of doing the landscaping on Eagle Mountain Boulevard. Jerry Kinghorn indicated they had one year. He indicated that entryways needed to be taken care of a little faster. This needs to be brought up before the Planning Commission.

MOTION

Dan Valentine moved to approve the Development Agreement between the Town of Eagle Mountain and Touchstone Development for The Landing at Eagle Mountain Phases III and IV. Cyril Watt seconded. Ayes: 4, Nays: 0.

12. Traffic Study for the Town of Eagle Mountain/Korey Walker:

Korey Walker, Town Engineer, gave a presentation about this proposed study. He is proposing a three-phase Master Plan that will take about four months. It will require two public hearings and additional work with the engineers of the development contractors.

1. Phase one would deal with design parameters for the town.
2. Phase two would deal with a maintenance plan.
3. Phase three would be to identify financing plans.

Korey stated this study would give a five-year glimpse at Sweet Water Road and SR-73. He wants a lot of public hearing involved and a lot of input.

Diane Bradshaw questioned SR-73 as this needs to go through the State.

Jerry Kinghorn talked about legally binding commitments from the developers to fund this. Mayor Bateman responded that they would okay this for Korey Walker but he would not be able to proceed until there were binding commitments from The Ranches and Eagle Mountain Properties. Nick Berg of Eagle Mountain Properties said they had already discussed this and would be issuing a check for \$25,000 for this traffic study.

MOTION

Diane Bradshaw moved to approve Epic Engineering to proceed with the Traffic Study for the Town of Eagle Mountain contingent upon having a binding agreement with Eagle Mountain Properties L.C. and The Ranches in order to pay for this Traffic Study. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

13. Award of Contracts for the following projects:

- A. Stricken.
- B. Electrical Generation awarded to Tasco Engineering, Inc. – Recommended by Korey Walker with Heath Engineering to do inspection.

MOTION *Diane Bradshaw moved to approve the Electrical Generation Bid to Tasco Engineering, Inc., in the amount of \$828,845 with Heath Engineering doing the final inspection. Cyril Watt seconded.*

Michael Wren of MCM Engineering asked about the funding. Dan Valentine wanted to know if this was being funded through the Revenue Bond Anticipation Notes (RBANS). Mayor Bateman said this was in a previous motion. Jerry Kinghorn gave some input.

Dan Valentine moved to amend the above motion to be contingent upon RBAN funding. Diane Bradshaw seconded. Ayes: 4, Nays: 0.

- C. Kern River Tap – bid previously awarded
- D. Sweetwater Road South – Korey Walker recommended awarding this bid to Valley Asphalt. They were the low bidder out of Valley Asphalt, W. W. Clyde & Co., and Silvertip Development. The Special Improvement District (SID) has not been closed yet but is scheduled for November 11, 1998. Jerry Kinghorn said there is only one owner that needs an okay on this. This is a very timely project that needs to be taken care of.

Michael Wren voiced his concern about Valley Asphalt being awarded this bid. He felt like they were too slow. The weather is getting colder now and this could delay the project. He said W. W. Clyde & Co. is already out here and is committed to work 7 days a week. He was concerned about the homes being built by Patterson Construction and the buyers not being able to get in their homes because of roads not being done.

Korey Walker said there was a damage clause. There definitely will be weather problems that would affect the contractor no matter who it was. Korey had no reason not to recommend Valley Asphalt.

MOTION *Diane Bradshaw moved to award the Sweetwater Road South Extension bid to Valley Asphalt Company at the rate of \$840,966.40 with the condition that we have an agreement with Eagle Mountain Properties if the district doesn't get formed or if we don't get funding. Dan Valentine seconded.*

Nick Berg of Eagle Mountain Properties voiced his concern about people not getting in their homes in time. He wants a commitment from the town.

Ayes: 4, Nays: 0. Motion passed.

- E. Eagle Mountain Storm Water – Korey indicated there were four bidders on the project. He recommended the bid be awarded to CIC who came in with the lowest bid at \$1,632,488.13.

MOTION *Diane Bradshaw moved to award the Eagle Mountain Properties Storm Drain contract to CIC in the amount of \$1,632,488.13 with the condition that we have an agreement with Eagle Mountain Properties if the district doesn't get formed or if we don't get funding. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

- F. The Ranches Storm Water.

MOTION

Diane Bradshaw moved to table Item 13F on The Ranches Storm Water Bid to CIC until the next Town Council meeting on October 27, 1998. Jerry Kinghorn will present information at that time. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

- G. Eagle Mountain Properties 6" Steel Gas Line awarded to CSI – Mayor Bateman indicated that Tasco's recommendation is that we proceed with CSI in the amount of \$301,899. This one is contingent on them not proceeding until the RBAN funds are okayed.

MOTION

Dan Valentine moved that the Town of Eagle Mountain approve the contract for Eagle Mountain Properties 6" Steel Gas Line to be awarded to CSI in the amount of \$301,899 but withhold the notice to proceed until funding has been secured for the town through the RBANS. Diane seconded. Ayes: 4, Nays: 0. Motion passed.

14. Change Orders/Korey Walker:

- A. Approval of Change Order for the Timpanogos Special Service District Out-fall Line – Korey Walker said this identifies some changes the church easement required. It is summarized in the cover letter. The second part identifies the changes to increase the out-fall line. Korey said he had run it through the Public Works Board. They had concerns with one item and it has been taken care of.

MOTION

Diane Bradshaw moved to approve the change orders number one and two for the Out-fall Line as listed in the Epic Engineering letter dated September 29, 1998. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

- B. Stricken.

15. Bond Releases/Korey Walker:

1. Eagle Point B – Korey Walker stated this consists of road base and granular fill in addition to pouring curb and gutter on both the roads within the subdivision and off side road improvements on Harvest Road.

MOTION

Cyril Watt moved to release \$258,212 for Eagle Point Phase B and retain \$167,513. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.

2. Mountain View Phase 1 – Korey Walker stated Mountain View had put in 45% of their sidewalks, and he recommended releasing \$8,445.

MOTION

Dan Valentine moved to approve the bond release for Mountain View Phase 1 in the amount of \$8,445. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.

16. Consideration of a Zone Change/Agricultural to Industrial/Patterson Construction:

James Dahl from MCM Engineering represented Patterson Construction in requesting a zone change on 83 acres from Agricultural to Industrial. Patterson Construction is interested in doing dry storage lots. He said they requested no city utilities. They were, however, requesting that one lot have a caretaker's dwelling and shed. The intent is to sell the lots to the contractors to store their materials. This would eliminate some of the clutter around the construction areas. They wanted approval that night so they could present it to the Planning Commission on Thursday. Mayor Bateman responded

that the Planning Commission wanted some input from the Town Council on how they felt about this project.

There was some discussion about how long this property would remain an industrial site and how the road to this area would have to be maintained. There was some discussion about not having utilities run to this area at this time. Mayor Bateman said the Town Council needed to give the Planning Commission some guidance on this. The first question is about whether or not this use is appropriate for this area. The second area is that they are proposing to do this without extending any utilities. James Dahl said they wanted a septic tank and well for the caretaker's dwelling. It was noted that there is Utah Power on that road. MCM did not need a building permit at this phase. Dan Valentine expressed some of his concerns. Jerry Kinghorn also had some concerns. Cyril Watt had some questions about this being a permanent change. Would items stay on the property forever? James Dahl talked about future changes. Dan Valentine had utility questions. Korey Walker talked about utilities. Jerry had some street maintenance questions.

There was no motion on this consideration. It was recommended that it go back to the Planning Commission for further study.

17. Consideration to approve an Engineering Services Agreement for engineering work for the electrical service to the fiber optic re-gen station and building between Williams Communications and the Town of Eagle Mountain:

Mayor Bateman stated this is the fiber optical equivalent on an amplifier or booster. Mike Bush of Tasco Engineering explained that this was an agreement between Williams and the Town of Eagle Mountain. The agreement included engineering work to include design, specification, advertising, and construction observation of the project.

Jerry Kinghorn clarified the engineering work as not being hired by the town. Williams will pay the Town of Eagle Mountain and then the Town will pay Tasco.

MOTION

Diane Bradshaw moved to approve the Engineering Services Agreement with Williams Communication and the Town of Eagle Mountain with the following verbiage changing that the scope of services will be performed by Tasco Engineering in behalf of the Town of Eagle Mountain. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

18. Consideration to approve a Resolution adopting Current Additions of the Various State, National, and International Standards and Codes:

Mayor Bateman indicated this is a Resolution adopting current versions of the Uniform Building Code (UBC), Technical Code, National Electrical Code, International Plumbing Code, Uniform Mechanical Code, Uniform Fire Code, Uniform Sign Code, Manual of Standard Specifications, and Manual of Standard Plans.

MOTION

Diane Bradshaw moved to approve Resolution 21-98 adopting the current additions of the various state, national and international standards and codes. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

19. Consideration to approve a Resolution Adopting an Appendix to Resolution 97-60 Adopting Telecommunication Rates for the Town of Eagle Mountain:

John Newman, Town Administrator, had some concerns about the issue of long distance. Jerry Kinghorn wanted to know what item #7, *Custom Choice, referred to. There was nothing indicating what the asterisk referred to. Cyril Watt wanted to know if Eagle Mountain would be included in the

new change about calling along the Wasatch Front without it being long distance. Mayor Bateman stated that TelAmerica is still the only long distance company available at this time. Korey Walker indicated there were calling cards available.

MOTION

Dan Valentine moved to approve Resolution 22-98 Adopting Telecommunication Rates for the Town of Eagle Mountain. Diane Bradshaw seconded.

John Newman, Town Administrator, recommended that the only part of the resolution that be adopted is the long distance component.

Dan Valentine amended the motion to adopt the ordinance as previous stated but delete items #4, #5, #6, and #7. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.

20. Consideration to approve a Parameters Resolution for the 1998 Revenue Bond Anticipation Notes (RBANS) in a total amount not to exceed \$6,000,000.00:

Jerry Kinghorn introduced this Resolution but explained there were no Exhibits to the resolution which are the first step in issuing the RBANS for the 1998 construction projects. This parameters resolution will initiate the notice to the public that we intend to issue these notes. This begins the contestability period on the issuance of the notes. The exhibits consist of a copy of the resolution you would finally enact which would also adopt three supplemental indentures - one for gas and electric, one for water and sewer, and one for telecommunications. These documents will be on file with Janet during the period after the resolution is adopted tonight, if you adopt it, and after the notice is given to the public. These documents have been adopted by Ballard Spahr Andrews Ingersol & Blaine Carlton's office. They are in proper form. They set a ceiling on the amount of notes that can be issued and the ceiling is somewhat higher than the predicted budget because there are always things that need to be added to the budget at the last minute. This has been recommended by our financial consultants, Lewis Young Robertson & Burningham. Jerry recommended that the Town Council go forward and adopt this resolution. Mayor Bateman stated this would be Resolution 23-98. Mayor Bateman asked Jerry to read the resolution.

Resolution No. 23-98

A resolution authorizing the issuance and sale of (1) not more than \$2,665,000 aggregate principal amount of water and sewer revenue bond anticipation notes, series 1998, (2) not more than \$560,000 aggregate principal amount of telecommunications revenue bond anticipation notes, series 1998, and (3) not more than \$3,025,000 gas and electric revenue bond anticipation notes, series 1998, of the Town of Eagle Mountain, Utah County, Utah; fixing the maximum aggregate principal amount of the notes, the maximum number of years over which the notes may mature, the maximum interest rate which the notes may bear, and the maximum discount from par at which the notes may be sold; providing for the publication of a notice of bonds to be issued; providing for the running of a contest period; and related matters.

MOTION

Cyril Watt moved to approve Resolution 23-98 as read by the Town Attorney, Jerry Kinghorn. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

Mayor reminded the Council of the staff meeting to be held each Monday before the next Town Council Meeting at 4:00 p.m. This will give the staff time to pull everything together they need for the Town Council meeting on Tuesday. Mayor Bateman and John Newman, Town Administrator, will meet on the Friday before the Town Council Meeting to prioritize items. John spoke about a Consent Calendar.

Ken Leetham of Monarch Development came before the Town Council again. He brought along one of his partners, Jodi Ketelsen, to present her ideas about town planning and to give a background on her experiences in town planning.

She presented a resume' to the Town Council then gave a short presentation.

21. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues:

MOTION *Diane Bradshaw moved to go to a Closed Executive Session. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

22. Action from the Closed Executive Session:

MOTION *Cyril Watt moved to go back into Open Session. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

23. Consideration to appoint a Town Planner for Eagle Mountain:

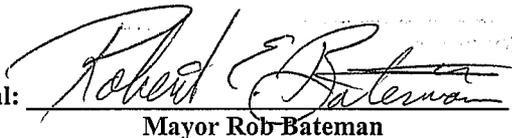
MOTION *Dan Valentine moved to give Mayor Bateman the authority to negotiate a deal with Ken Leetham to provide planning services to the town and give the mayor the latitude to work with him and essentially others as long as he stays within the boundaries we are currently spending for Dave Conine. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

24. Adjournment:

MOTION *Diane Bradshaw moved to adjourn the Town Council Meeting. Dan Valentine seconded.*

The Town Council Meeting of October 13, 1998, adjourned at 11:00 p.m.

Approval:


Mayor Rob Bateman

Date:



**MINUTES OF TOWN COUNCIL MEETING
EAGLE MOUNTAIN FIRE STATION
1680 E. Heritage Dr.
Eagle Mountain, UT 84043
October 27, 1998**

1. Roll Call:

The Town Council Meeting was called to order by Councilmember Diane Bradshaw at 7:35 p.m.

The following Councilmembers were present:

Mayor: Robert E. Bateman (late)
Council: Diane Bradshaw, Dan Valentine, Cyril Watt

Town Staff:

Town Administrator: John Newman
Town Engineer: Korey Walker
Town Planner: Dave Conine
Town Recorder: Janet Valentine
Recording Secretary: Vada Hunter

Also present: Jim Peterson, Eagle Mountain Properties; Liisa Nusz, Town; Fawn Jenkins, Town; John E. Elly, Provo; Nick Berg, Eagle Mountain Properties; Bill Chipman, Town; James Dahl, MCM Engineering, Doug Gwilliam, Town; Mark A. Nuszer, The Ranches L.C.; Debbie Hooge, The Ranches L.C.

2. Pledge of Allegiance:

Dan Valentine, Councilmember, led the town in the Pledge of Allegiance.

3. Approval of Agenda:

MOTION *Dan Valentine moved to approve the agenda as constituted. Cyril Watt seconded. Ayes 3, Nays: 0. Mayor Bateman was not present yet. Motion passed.*

4. Approval of Minutes of October 13, 1998:

Mayor Bateman arrived at 7:50 p.m.

MOTION *Cyril Watt moved to approve the minutes of October 13, 1998, as corrected. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

Diane Bradshaw turned the meeting over to Mayor Bateman.

5. General Discussion/Questions/Announcements:

Janet Valentine, Town Recorder, asked if there was money in the Special Improvement District 98-2 (SID 98-2) to pay the staff for extra time in verifying everything for the SID. John Newman, Town Administrator, did not know and said they would need to ask Jerry Kinghorn, Town Attorney, for the correct response.

Dan Valentine, Councilmember, had some questions about the light on the eagle at the entrance to the Town of Eagle Mountain. He asked Nick Berg to check this out. Dan also had questions about the big orange lights at the Sewage Treatment Plant. Nick Berg, Eagle Mountain Properties, said he was working with the contractor to fix the light at the entrance.

Dan Valentine brought up a problem that Maureen Anderton had brought to his attention. This concerned a large water bill for Nettie Allred in the Harvest Haven subdivision. Dan said the meter was read twice and it seems to be the right reading. Korey Walker, Town Engineer, explained that he had gone over this item today with Jeri Wilson to see what had happened. He said that back in June and July some people had called about some problems and they were told to pay the flat rate and then the issue would be made up on the next billing. There still seems to be some problems in trying to make that up. Korey said he had talked to Bob Wren today and they are going to print all the bills out from the first billing to the end and then sort out which ones have problems, identify why the problems are there, because there still seems to be some problems in the readings. Dan Valentine asked for a time frame. Korey says they need to be averaged out.

6. Warrant Register:

Jeri Wilson, Town Treasurer, was unable to attend because she couldn't get a babysitter. Janet Valentine, Town Recorder, gave an explanation about the three documents she passed out. The delay in getting these documents to the Council sooner was because Jeri was in training all last week. Dan Valentine said he needed time to look it over. John Newman, Town Administrator, asked if maybe they could look it over during the course of the meeting. He said perhaps the item could be tabled until the end of the meeting. Dan responded he could not do this. John said that both he and the Mayor would review it and make sure everything was in order.

MOTION

Dan Valentine moved to authorize Mayor Bateman and the Town Administrator, John Newman, to review and sign the Warrant Register and to provide the Council 48 hours to review and call if they have any concerns. Diane Bradshaw seconded. Ayes: 4, Nays 0. Motion passed.

7. Public Comment:

Fawn Jenkins, 1863 E Pinion, Eagle Mountain, had some questions about the newsletter. Mayor Bateman announced that Fawn was the new editor of the Town Newsletter. He asked that she set up an appointment through Janet Valentine to meet with him and discuss issues dealing with the newsletter.

John Elledge, a Website Designer, asked if he could meet with Mayor Bateman. The Mayor asked him to make an appointment through Janet.

Fawn Jenkins gave her email address: femlj@deseretonline.com.

8. Public Hearing:

A. *Proposed Amendments to the Development Code, Chapter IV (Required Improvements-Development Agreements), Chapter IX (Absolute Development Standards Ensuring Adequate Public Facilities) O. Street Trees, M. Street and Alley Pattern, Chapter XII (Absolute Neighborhood and Community Design Standards), Appendix B. (Detailed Requirements For Preliminary Plats and Final Plats-Class II Permits), Appendix E. (Detailed Absolute Development Standards For Design and Construction of Local Streets and Alleys) Appendix F. (Detailed Absolute Development Standards For Design and Construction of Sidewalks and Trails), and Appendix H. (Detailed Absolute Development Standards for Landscaped Buffers).*

Mayor Bateman asked Dave Conine, Town Planner, to discuss these. The first item he explained was under Chapter IX, Section M. Street Patterns, paragraph three. He asked that on line 4 the word "or"

has been changed to "and". The sentence now reads: In cases where the garage entry faces the street, the garage shall be set back a minimum of 50 feet from the front property line and shall be set back no less than 15 feet back from the side elevation of the building nearest the driveway. The next change was under Chapter IX, section M. Street Pattern, paragraph four. There was some verbiage added to the second sentence. The sentence now reads: Lots with a street frontage of 70 feet or less shall be required to use a system of alleys for garage access and garbage pick-up, unless an acceptable alternative design is approved by the Planning Commission. He also stated there were two incentives offered to encourage developers to use alleys:

Garages will be permitted on a zero lot line side yard setback.

Residential street paved area may be reduced from 28 feet to 24 feet in width.

These two items will be inserted in the Development correctly.

Mayor Bateman asked that an additional line be added to Chapter IX, section M. Street Pattern, paragraph two, EXCEPTION TO IX.M. The line should read: The Town Council or Planning Commission may require temporary turnarounds where phases are being done.

Dan Valentine pointed out that the EXCEPTION IX.O should be EXCEPTION TO IX.M.

Mayor Bateman explained some of the motions from the Planning Commission Meeting of October 1, 1998. He explained the motion about the bonding of 110% and then keeping the 10% for two years after acceptance as stated by the Town Engineer.

Mayor Bateman then explained the second item from Appendix E concerning street standards. He felt like what needed to be done on that one was to have the guidelines in Appendix E and leave it open for developers to propose alternative cross sections as long as they are consistent and meet the general intent of the code.

Mayor Bateman then explained about the width of trails. Equestrian trails are to be 12 feet wide. They are to have shredded bark on the trails.

Mayor Bateman talked about street trees and the performance bond. There was a discussion about when and where to plant trees.

Mayor Bateman brought up the issue of having two materials on the house.

Jody Hooley, Lake Mountain Road, questioned the logic behind limiting two kinds of materials on their house. Mayor Bateman explained the guideline is necessary to avoid a cluttered look in a neighborhood. Houses out on acreage have not been enforced but it is in town where houses are closer together. Dave Conine discussed how they look at this situation. There had been a lot of concern about a tract development. Mayor Bateman said that for the time being leave the amount of material than can be used on the outside of a house at three. Mayor Bateman said the town would have to adopt an ordinance for the changes. It should be put on the agenda for the next meeting in order to be passed.

James Dahl asked about Appendix B that was written on the agenda but it was verified that there were no changes to this appendix.

MOTION

Dan Valentine moved to approve the changes as they have been discussed; to integrate them into the Development Code and have a copy ready for the next Town Council Meeting to review together and enact an ordinance with these changes. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

9. Consideration and approval to purchase a LNG Vaporizer from NorthStar, Inc.:

John Newman, Town Administrator, asked Dan Valentine to explain this because of his knowledge of this situation as a member of the Public Works Board. He explained that the natural gas system at the south end of the town consisted of a liquid natural gas tank and a vaporizer. He said that when a liquid natural gas turns into a vapor it absorbs a ton of heat. The vaporizer out there is basically a boiler that burns some of its own natural gas to make enough heat to vaporize more. It is designed for continuous operation. If this vaporizer fails, there is only enough gas in the line for a few hours of service to the homes at that end of the town. The only way to take care of this problem is to put an additional vaporizer in. This one is designed as a back up only. It can't handle a 24-hour use. It is also less money. Dan said the town would be on natural gas next spring. John said he had the Public Works Board look at this twice to make sure this was their only option at this time.

Diane Bradshaw wanted to know where the money would come from. Korey Walker thought it should come out of the 1997 RBANS.

MOTION

Diane Bradshaw moved to approve the amount of \$13,147.00 in order to install the LNG vaporizer with the funding to come from the 1997 RBANS. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

10. Consideration and Approval of the Ranches Design Guidelines:

Debbie Hooge, The Ranches L.C., gave this presentation because Bob Lynds was having some health problems. She stated that they had made the changes that were recommended by the Planning Commission. Mark Nuszer, The Ranches L.C., was involved with the presentation. Mayor Bateman said the only two things he said needed to be done to finalize the Ranches Development Agreement were the water issues and some wording in The Ranches Community Design Guidelines.

The changes are as follows:

Page 4, Section II, Item 2.2, Conflict With Other Regulations, shall read:

All development within The Ranches planning area shall comply with LAWS OF THE STATE OF UTAH AND THE UNITED STATES FEDERAL GOVERNMENT AND BE COMPATIBLE WITH THE INTENT OF THE CODES AND REGULATIONS OF THE TOWN OF EAGLE MOUNTAIN. All development shall also comply with the Declaration of Covenants, Conditions, and Restrictions (CC&R's) adopted for The Ranches Master Planned Community.

To the extent The Ranches Design Guidelines CONFLICT WITH design guidelines that MAY BE required by A LOCAL entity having jurisdiction over development in The Ranches, then the The Ranches Design Guidelines shall prevail. To the extent that any provisions of The Ranches Design Guidelines conflict with the provisions of the CC&R's, the CC&R's shall control.

Page 5, Section II, Item 2.4, Amendments and Supplements, shall read:

The Ranches, L.C., or its assignee, hereafter called *The Developer*, may, from time to time, amend or supplement the Design Guidelines, upon written notice to all owners of real property in The Ranches planning area. Any such amendments shall be applicable to all development plans which are subsequently approved by *The Developer*, and must be approved by the Town Council.

Page 21, Section I., Alleys, shall read:

Alleys are characterized by an 18 foot wide paved section commonly providing access to rear-loaded garages. An additional two and a half foot setback shall be provided from the edge of pavement to the garage door.

Page 34, Section E., Porches and Covered Entries, shall read:

Railings are **REQUIRED**.

Page 22, Section 4.4.3, Equestrian Trails, shall read:

Equestrian trails may be associated with neighborhoods **THAT HAVE** lots greater than one acre in size. Equestrian trails will promote the rural heritage of The Ranches and pay homage to the Overland Stagecoach Line and Pony Express riders who once traveled this area. **THESE** trails provide an alternative means of travel throughout the project **AS WELL**. Equestrian trails shall be designed to the following widths: (a) common equestrian trails – **TWELVE** feet; (b) Overland Trail – **SIXTEEN** feet. **COMMON** trails shall be surfaced with **SHREDDED BARK**. **THE OVERLAND TRAIL MAY BE SURFACED WITH DECOMPOSED GRANITE OR SHREDDED BARK**.

Page 50, Section 8.4, Fencing, shall read:

Fencing associated with The Ranches shall consist of three types. **THESE** include Perimeter Fencing, Interior Privacy Fencing, and open space fencing. **PERIMETER AND OPEN SPACE** fencing shall be constructed by individual developers and builders who projects about common open space features, parks, recreation amenities, and **MAJOR STREETS**. Interior lot line fencing shall be installed by individual homeowners and/or builders. All fencing shall be constructed with dimensional cedar wood and stained as per manufacturer's recommendation.

Page 51, Section 8.4.1, Perimeter and Transitional Fencing, shall read:

Perimeter Fencing at The Ranches shall consist of a **SIX-foot** high (maximum) wood fence. **IT** shall occur where the development edges are adjacent to Red Hawk Parkway, Pony Express Parkway, and Community Collectors **STREETS**. The fence shall be stained with a stain selected from the suggested color palette. The perimeter fencing shall terminate at corners with a six-by-six inch wood post. **WHERE THE PERIMETER FENCE MEETS AN OPEN SPACE FENCE, THEN IT SHALL TRANSITION *DOWN* IN HEIGHT TO 40" (+/-)**. (See figure 13)

Korey Walker discussed the narrower streets. The color of garage doors was discussed. There was a discussion about the different standards for the garage doors.

There was a short discussion about street signs. Korey Walker asked Debbie Hooge and Mark Nuszer if he could meet with them later to discuss a few issues.

MOTION

Diane Bradshaw moved to approve The Ranches Design Guidelines with the amendments that have been indicated and also the following changes: in paragraph 2 of 2.2, strike the words "development standard" and put in design guidelines; in paragraph 2.4 add amendments and supplements must be approved by the Town Council; on page 21 alleys should go back to 18 feet; that the rest of the changes are as per recommended by the Planning Commission; that they meet with Korey Walker, Town Engineer, and work out any street cross sections issues. Cyril Watt seconded.

*suggested an amendment
Mayor Bateman amended the motion to make sure the street signs have a North-South-East-West coordinate marking on the sign along with room for a logo. Diane Bradshaw agreed to the amendment and Cyril Watt seconded the amendment. Ayes: 4, Nays: 0. Motion passed.*

11. The Ranches Update:

Because of illness, Bob Lynds was unable to attend.

Debbie Hooge said she had worked things out with Donna Lee Evans concerning the easement issue on the right of way. This should be taken care of by Friday.

12. Eagle Mountain Properties Update/Nick Berg:

Nick Berg, Eagle Mountain Properties, introduced Jim Peterson who would be taking over the day-to-day operations at Eagle Mountain Properties. Nick gave a short back ground on his qualifications.

Nick discussed the airport and about getting some things going so the town could take advantage of some Olympic money that was available.

Nick asked Korey Walker about the street signs. Korey said he had talked to Wayne Patterson and it was decided that Wayne would give the money to the town and have the town take care of getting all of the signs so that they would all be the same. Nick asked for this to be in writing so he could get his portion of the money to the town. Nick brought up the issue of a missing \$25,000 check that was issued for the traffic study.

13. Consideration to repeal Resolution No. 19-98 and approve Resolution No. 24-98 declaring the intent of the Town Council to (1) acquire and install natural gas utility improvements; (2) create Special Improvement District No. 98-2; (3) fix a time and place for protests against such improvements or the creation of said district; (4) to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and related matters:

Mayor Bateman asked that on line two of paragraph one the day be changed from Thursday to Tuesday. Diane Bradshaw asked if the amounts were the same. She wanted to know if there were going to be any further changes. Mayor Bateman said the date has been corrected and so have the amounts. Mayor Bateman noted that on page four, the section under Intended Improvements, it still showed that the service laterals from the gas mains to the residences was part of the agreement for the determined cost and it is supposed to be the responsibility of the homeowner for that section. This sentence must be removed from the resolution.

Diane Bradshaw asked about methods of payment. Mayor Bateman said they could make installment payments or they could pay for it all up front.

MOTION

Diane Bradshaw moved to approve Resolution No. 24-98, which reads, A RESOLUTION RESCINDING RESOLUTION NO. 19-98 ADOPTED ON OCTOBER 1, 1998 AND DECLARING THE INTENTION OF THE TOWN COUNCIL OF EAGLE MOUNTAIN, UTAH COUNTY, STATE OF UTAH, TO ACQUIRE AND INSTALL NATURAL GAS UTILITY IMPROVEMENTS AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER WORKMANLIKE MANNER; TO CREATE EAGLE MOUNTAIN, UTAH SPECIAL IMPROVEMENT DISTRICT NO 98-2 (CEDAR PASS); TO DEFRAY THE COST AND EXPENSES OF SAID IMPROVEMENT DISTRICT BY SPECIAL ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTY BENEFITTED BY SUCH IMPROVEMENTS; TO PROVIDE NOTICE OF INTENTION TO AUTHORIZE SUCH IMPROVEMENTS AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST SUCH IMPROVEMENTS OR THE CREATION OF SAID DISTRICT; TO DECLARE ITS OFFICIAL INTENT TO REIMBURSE ITSELF FOR EXPENDITURES PAID BY IT PRIOR TO THE SALE OF BONDS; AND RELATED MATTERS

To change the day on page one, paragraph one, to Tuesday instead of Thursday; that on page 4, paragraph three, under INTENDED IMPROVEMENTS, the last sentence (Also, to be included, are service laterials from the gas mains to the residences, and gas meters/regulators.) be stricken from the resolution. Cyril Watt seconded.

Janet Valentine stated she would place the notice in the Lehi Free Press.

John Newman indicated he would like to see this close by December 15th.

Ayes: 4, Nays: 0. Motion passed.

14. Consideration to approve an Ordinance adopting the Eagle Mountain Parks and Recreation Master Plan:

This ordinance is based upon a plan presented to the Town Council and to the Planning Commission. The plans had been available at the Town Clerk's office for anyone in the community to review. There had not been any comments by anyone from the town. It was understood from the last presentation that all necessary changes to the plan would take place after the town had given everyone an opportunity to review the plan. All changes were noted on a copy of the plan and given to John Newman, Town Administrator, to give back to Steinbach & Lythgoe after which they would make the necessary changes and corrections.

MOTION

Diane Bradshaw moved to approve Ordinance No. 98-11, which reads: AN ORDINANCE OF THE GOVERNING BODY OF THE TOWN OF EAGLE MOUNTAIN AMENDING THE EAGLE MOUNTAIN GENERAL PLAN TO INCLUDE A PARKS AND RECREATOIN MASTER PLAN; that all changes and corrections have been made on a copy given to John Newman, Town Administrator; that John Newman will submit the copy of the changes and corrections to Steinbach & Lythgoe. Dan Valentine seconded.

Diane Bradshaw asked where it goes from here. Mayor Bateman said it would become part of the Development Code. Korey Walker said it would be implemented in a Capital Facilities Plan.

Ayes: 4, Nays: 0. Motion passed.

15. Bond Releases:

Korey Walker said he did not have any bond releases at this time.

16. Award Contract to Kay General Contracting for the Eagle Mountain Chlorine Building:

Korey Walker recommended that the town award the bid to Kay General Contracting for constructing the new Eagle Mountain chlorine building.

MOTION *Diane Bradshaw moved to award the bid to Kay General Contracting for construction of the Eagle Mountain Chlorine Building, in the amount of \$28,500.00. Cyril Watt seconded.*

Dan asked where the money was coming from to pay for this. Korey responded that it would be from the 1997 RBANS.

Ayes: 4, Nays: 0. Motion passed.

17. Partial Payment Request to CIC for the Ranches Parkway Road, Water & Sewer Construction:

Korey Walker explained that this was the second partial payment request. He said he had inspected the work and everything was done.

MOTION *Diane Bradshaw moved to approve a partial payment request for the Ranches Parkway Road, Water, and Sewer Construction in the amount of \$528,448.27 to CIC. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

18. Partial Payment Request to Condie Construction for the TSSD Sewer Outfall Line:

Korey Walker said this is the project that started at Redwood Road and heading directly west to the Church property. He recommended a partial payment of \$161,975.77 to Condie Construction to cover sewer line construction for the TSSD Sewer Outfall Line.

MOTION *Dan Valentine moved to approve a partial payment request to Condie Construction in the amount of \$161,975.77. Diane Bradshaw seconded. Ayes: 4, Nays: 0 Motion passed.*

19. State Retirement Program Approval:

Mayor Bateman asked if this could be moved to the end of the Town Council meeting.

MOTION *Cyril Watt moved to move Item 19, State Retirement Program Approval, to the end of the agenda as Item #28. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

20. Appoint John Newman as Deputy Treasurer:

John Newman explained that when the Town Treasurer is absent it is necessary to have some back up for someone to make financial decisions whenever necessary. He said this would allow business to keep rolling in the absence of a Treasurer by having him as Deputy Treasurer. He

made it clear that this is ONLY in the absence of the Treasurer. Janet Valentine said she would need to swear him in.

MOTION

Cyril Watt moved to appoint John Newman as the Deputy Treasurer of the Town of Eagle Mountain, Utah, to act only in the absence of the Town Treasurer. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

21. Department Reports:

A. Administration/Mayor:

Mayor Batemen reported that the process is almost finished of getting Kent Partridge as a full time Building Inspector. John Newman said this would take place as soon as the retirement plan was taken care of.

Mayor Bateman said that Ken Leetham of Monarch Development met with him and he had agreed to start working part time, 20 hours per week, at a wage of \$3,600.00 per month. This wage also included him attending meetings.

B. Planning Commission/Airport Advisory Board:

Mayor Bateman had nothing to report.

C. Parks & Recreation /Diane Bradshaw:

Diane Bradshaw had nothing to report.

D. Public Works Board/Dan Valentine:

Dan Valentine reported that the Public Works Board meetings would be held the first and third Wednesday of each month at 6:00 p.m. at the Fire Station.

Dan reported that the Patterson Dry Storage issue, the Public Works Board recommended that be sent back to the Planning Commission because they didn't have enough information.

John Newman said he had reviewed this with James Dahl, MCM Engineering, and had a number of questions about this plan. There appears to be some legal issues surrounding this piece of land.

Dan explained the US West 911 service agreement. There seems to be a problem from when the equipment was installed. Tasco will work out some financial costs with 3D. There is a possibility that the town is being billed twice for this service, but since this is a life and death issue the recommendation is to pass this but determine whether we are being billed twice.

The town will be required to pay a \$293 a month charge.

MOTION

Dan Valentine moved to authorize Mayor Bateman to sign the US West Private Switch/Automatic Location Identification Service Contract after he is satisfied that the contract is in the best interest of the town. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.

E. Public Safety/Cyril Watt:

Mayor Bateman announced that Patty Johnson had been re-assigned to the Detective Unit with the County Sheriff's Department. The new deputy assigned to Eagle Mountain was Joanne Murphy and her assignment becomes affective on November 1, 1998.

Korey Walker talked about an issue on the Ranches Parkway. He said UDOT approved the alignment of the sewer line to be along SR-73. The request was made for that to be changed. This was a set of plans put together before it was bid. They wanted this to be moved out of the UDOT right of way. This has caused a problem with the Harvest Haven development and the requirement of hooking up to the sewer line.

Bill Chipman gave an explanation about the sewer line and the right of way. If the sewer line is put in where it is planned right now and UDOT expands SR-73 then every time they expand it the town will have to pay to have it moved because it is on their right of way. If it is moved off the right of way then the town doesn't have to pay and UDOT does. It is best to move it before there is any expansion at all. This will save the town money. The developer needs to sit down with the homeowners and see what they can work out.

John Newman talked about State guidelines.

The easements were obtained from Carl Allred, Trustee.

John Newman recommended that the Town Council consider approving these easements except for the last sentence. He said to have the developers go back to the landowners and negotiate something that is more in line with the Public Works Board's recommendation. The developers should stand the cost of hooking them up with whatever they can negotiate with the property owners and have everyone feel comfortable about it.

Mayor Bateman expressed his concern about what he calls "midnight easements". He wanted to know at what point was the decision made to change this project. Korey Walker said the decision was told to their engineer and when the project was bid this was an addendum to the project. Korey said he didn't get to review it until right when it was being bid. When he reviewed it he told the engineer that he did not want the sewer line that easement.

John Newman recommended the Town Council approve these easements that when they are negotiated that they will be acceptable to the Council in this form except for not requiring them to hook on for a period of ten years. When they have an easement that meets the parameters of the Public Works Board, they bring it back to the Mayor and the Mayor be authorized to sign them.

Mayor Bateman suggested that the Council go ahead and make a motion, and vote on that letting them know what the Town Council wants, reaffirming the decision and recommendation of the Public Works Board authorizing the Mayor to accept those once they come back in this form, without the variance for hooking up these lots; and then ask Janet Valentine to put this on the formal agenda for the next meeting. There is equipment out there and this needs to be taken care of.

MOTION

Diane Bradshaw moved to recommend that the Ranches be instructed to re-negotiate the easements to provide for eventual sewer access to the homes in Harvest Haven. Dan Valentine seconded. Ayes: 3, Nays: 0. Cyril Watt abstained. Motion passed.

Korey Walker presented an Encroachment Agreement that needed to be signed. This has to do with a casing going under the canal.

MOTION *Dan Valentine moved to authorize the Mayor to sign the Encroachment Agreement no sooner than 48 hours and any Town Councilmember who has any problem is responsible to contact John Newman, Town Administrator, during that time to discuss any issues they might have. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

22. Interview of residents that submitted a statement of interest to fill Councilmember Rob Bateman's seat:

Mayor Bateman said he had met with the three candidates. Chris Kemp had withdrawn his application because he didn't feel like he had the time to make this kind of commitment at this time.

Lisa Nusz gave her presentation.

Bill Chapman gave his presentation.

23. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and potential litigation:

MOTION *Diane Bradshaw moved to adjourn to a Closed Session for the purpose of discussing personnel issues. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

Town Council adjourned to a Closed Executive Session at 10:30 p.m.

Before adjourning to a Closed Session, Janet Valentine announced that White Ranch came in and paid the money for the annexation. The check was for \$10,440.00.

24. Action from the Closed Executive Session:

MOTION *Dan Valentine moved to return to the Open Session. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

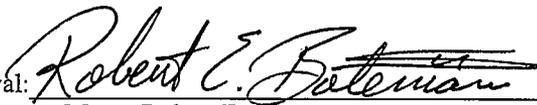
25. Consideration and appointment of a new Councilmember to fill the vacancy created by Councilmember Rob Bateman:

MOTION *Dan Valentine moved to appoint Bill Chipman as a Councilmember to fill the vacancy left by Councilmember Robert E. Bateman upon his appointment as the new Mayor of Eagle Mountain, effective immediately. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

26. Reconsideration of the White Ranch Annexation:

No further discussion at this time.

27. State Retirement Program Discussion/John Newman:

Approval:  Date: 11/10/98
Mayor Robert E. Bateman

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UT
1680 E. Heritage Dr.
Eagle Mountain, UT 84043
November 10, 1998**

1. Roll Call:

The Town Council Meeting of November 10, 1998, was called to order by Mayor Robert E. Bateman at 7:05 p.m.

Councilmembers present: Mayor Robert E. Bateman, Dan Valentine, Diane Bradshaw, Bill Chipman, Cyril Watt

Town Staff:

Town Attorney: Jerry Kinghorn
Town Administrator: John Newman
Town Engineer: Korey Walker
Town Recorder: Janet Valentine
Town Treasurer: Jeri Wilson
Town Planner: Ken Leetham

Also present: Kelvin Bailey, Town; John Wallace, Town; Fran Sweet-Watt, Town; Eric Jones, Eagle Mountain Properties; Jim Peterson, Eagle Mountain Properties; Elia Maeli, Town; Eric & Carol Pease, Town; Tracy Airinos, Town; Shuryl Crawley, Town; Janette Allred, Town; Aaron Allred, Town; Troy Baldwin, Town; Daniel Burton, Town; Nolan Thomas, Town; Doug Burt, Town; Harry Bonnell, Town; Allen Thompson, Town; Bruce Baird, Town; Michael Wren, MCM Engineering; Bob Lynds, The Ranches L.C.; Carl Allred, Harvest Haven Owners; Jeremy Fillmore, Vista Design; Sharon Carpenter, Town; David Lifferth, Town; Marcine Watt, Town; Paul & Linda VanderWerff, Town; Glade & Maureen Berry, Lehi; Howard Ault, American Fork; Gary Tassainer, Tasco Engineering; Jason Burningham, Lewis Young Robertson & Burningham, Inc.; Maureen Anderton, Town; Joel Woods, Eagle Mountain Builders; Bert Carter, Eagle Mountain Builders; Tom Anderton, Town; Duane Anderton, Town; Brent Starley, Town; Tim, Town; Linda & Mark Harwood, Town; Gary & Debra Bertagnole, Town; Fred & Marcia Harwood, Riverton; Ralph Bassett, Town; Gail Burrows, Town; Steven Holt, Town; Jeff & Jill Burrows, Town

2. Pledge of Allegiance:

Bill Chipman led the Pledge of Allegiance.

3. Approval of Agenda:

Mayor Bateman asked to move the Warrant Register after the Approval of the Minutes as Jeri Wilson, Town Treasurer, has another commitment. There was an addition of Minutes of January 23, 1998, to be added to the Approval of Minutes. It has been asked that on Item 14 the name of Jacob Welby Irrigation Company be added.

MOTION *Diane Bradshaw moved to approve the changes to the agenda. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed. (Cyril Watt not present yet).*

4. Approval of Minutes (01/23/98, 08/25/98, & 10/27/98):

MOTION *Dan Valentine moved to approve the minutes of 01/23/98 as amended. Diane Bradshaw seconded. Bill Chipman abstained. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Diane Bradshaw moved to approve the minutes of 08/25/98 as amended. Dan Valentine seconded. Bill Chipman abstained. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Dan Valentine moved to approve the minutes of 10/27/98 as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

5. Warrant Register:

The Warrant Register was passed out just prior to the Town Council Meeting. Members of the Council asked that the Warrant Register be given to members of the Council several days prior to the meeting so they had enough time to go over the register and clarify any questions they might have.

MOTION *Dan Valentine moved that the Council sign the Warrant Register tonight but that the final signatures not be put in place for at least 48 hours to allow the Town Council to review the Warrant Register and if they have any concerns with any items, to bring them to John Newman, Town Administrator, within 48 hours. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion passed.*

6. General Discussion/Questions/Announcements:

- A. Mayor Bateman announced there would be an Open House on November 19th for the new office of Mountain Lands Association of Governments. Mayor Bateman said he would be unable to attend. Dan Valentine agreed to represent the town.
- B. Mayor Bateman announced a program that the Governor's office was starting that deals with growth issues in communities. Mayor Bateman said there would be a special meeting for the mayors to give them some insight of this new program. The meeting was scheduled for November 14th. Mayor Bateman said he would see if Cyril Watt could attend in his place. It is called "Invision Utah".
- C. Mayor Bateman announced that the Property Taxes beginning in 1999 would be lower because of the results of the voting last week getting Eagle Mountain away from double taxation.

7. Public Comment:

Mayor Bateman talked about some problems with the water bills in which meters were not read for a month or two. The Mayor explained that the Town of Eagle Mountain has a progressive water rate structure so you have a base rate for which you get a certain number of gallons, and then if you use more than that then the rate gets increasingly steep, basically to encourage water conservation. He said that what happened was that some people's meters were not read for two or three months and so all of that water was billed in one month and it looked like that in that one month they had been using more water than they actually had which would cause their bill to be substantially higher than it should have been. That is a technical issue. He said the town was getting that resolved internally and should have it taken care of fairly soon. There were a couple of other issues, though. First of all, it was represented to the owners of Cedar Pass Ranch that when you hooked up to the water system, and you donated the 1.5 acre feet that you received when you bought your lot, you would basically get that water back each year for the base rate. What that ends up meaning is that for the base rate you should be getting about 326,000 gallons of water a year that you are entitled to. What will happen is you should be getting about 37,000-38,000 gallons per month back out of the system at the base rate. That is what was

represented and the town is going to honor that. He said some adjustments need to be made there. The other issue is that there are some people that are using a lot more water than that amount each month. This is fine but the rate structure increases to create an incentive not to do that. The reason for that is that the town's utility infrastructure is not sufficient that every lot owner in Cedar Pass Ranch can use several hundred thousand gallons during the summer months. The system cannot handle that for every lot. When everybody bought their lot a Cedar Pass Ranch there was a little statement that everyone signed saying that 1.5 acre foot is sufficient for a certain amount of landscaping, animals, and internal uses. If you are watering more than that then your water bill is going to be higher. Unfortunately when you look at sod, it takes a lot of water.

There was a question about the certification of wells and Diane Bradshaw gave a brief explanation on this. The person to contact at the State is Dorothy at 538-7402. She would be able to answer any questions about extensions or certifications.

The following people had comments:

Doug Burt, 4052 West Helmsdale Street, South Jordan, (owns lot #80-CPR) had questions about the water issues.

Dan Burton, 244 Ranch Road, Eagle Mountain, had questions about the water issues.

John Wallace, Lot 22, Cedar Pass North Ranch, had questions about the Impact Fees.

Mark Harwood, Lot 204, Meadow Ranch, had questions about the Impact Fees. He also wanted to know whether or not the sewer lines would be in Meadow Ranch.

Ralph Bassett, Lot 304, Meadow Ranch, wanted more information on the Impact Fees.

Glade Berry, property owner, wanted to know if he could use the power facilities that were in place before Eagle Mountain came to be or was he going to be required to hook up to the new utilities when his property is developed. Korey Walker responded that the Utility Ordinance requires that any development within the town utilize the town's electricity and gas. He said that water rights are required upon development to be turned over to the town and depending on how your property is developed, the property owner is going to have to provide some source of financing for reservoir location. Glade then asked about having already had water approved for three families on the property before the town was organized. The power was already in and paid for to hook up to the home. Gary Tassainer, Tasco Engineering, said Utah Power will not serve anyone within the town limits of Eagle Mountain. Eagle Mountain is a municipal utility. Utah Power will not serve power to anyone inside the city limits without having a release from the Public Works Board or the town Council. Gary said they encourage anyone building in Eagle Mountain to go with the town municipality. Mayor Bateman asked Glade to speak with John Newman, Town Administrator, to clarify any questions he might have.

Kelvin Bailey, Lot 316, Meadow Ranch, had questions about the Impact Fees.

Harry Bonnell, 9286 N 3277 E, had questions about his water bill. He felt like the rate structure was excessively high. He felt like there was a conflict here. On the one hand the town tries to set the rates high to discourage over usage. He said he had 9,000 square feet of grass. He said he had the garden and the trees on a well. He didn't feel like this was excessive. He said he is paying \$200 per month for his water. He felt like there are too many lots and not enough water. Dan Valentine responded that there is only 21,000 acre feet of water in this whole valley per year dumped into the aquifer. If there is not a rate structure that discourages high usage, how are we going to have enough for all of the homes. Harry Bonnell asked that this be reviewed again. Mayor Bateman asked everyone to look at their water bills and look at their landscaping on their lots. He said they can check to make sure the meters are being read correctly and also to work with the homeowners and see if there is some other problem causing the high water bills. Mayor Bateman said they would work with the homeowners that did not have their meters read for a few months. He said that if anyone feels like the amount of water they are

using is quite high compared to the amount of landscaping they have then that can be checked out also. If the bill is accurate and quite high, then the town will work with the homeowner and spread that out over a few months with making payments. He said they will have to go over the water issue very carefully for the future.

Harry Bonnell then asked if they could hook up to Questar for their natural gas on the pipeline that is being laid for Cedar Fort. Mayor Bateman responded that he had met with the Questar people early on when the town was formed and Questar was not interested at all. When the town was formed they issued the Revenue Bond Anticipation Notes (RBANS) in order to fund the creation of a gas system. The anticipation was that the town had to require the people within the town hook up to the town system in order for the town to repay the notes that are funding the construction of the gas system. What happened is that Questar got Valley Asphalt, who needed natural gas, to bring it out to them. Then Questar said this is great because we are right next to Eagle Mountain and let's see if we can get the people at Eagle Mountain to hook on. Unfortunately, what that would do is leave the town with a lot of debts for a system they have put together and Questar would like to hook on and take the profit. The town is not adverse to working with Questar in some fashion, but it has to be something that makes sense for the town. To set up the infrastructure and then let Questar come in and service who they want does not make sense for the town. There is an SID that is being reviewed for the Cedar Pass Ranch area.

Gary Tassainer, Tasco Engineering, talked about the Kern River Gas Line. He said Questar wanted \$1,000,000 just to make the tap. Kern River is making the tap for Eagle Mountain for \$350,000. Gary said the rates are the same as Questar at this time.

Mayor Bateman said the gas issue will be addressed at a Public Hearing the second Tuesday in December.

Dave Lifferth, 2976 E Cedar Pass Rd, said he donated more than 1.506 acre feet of water.

Gary Tassainer spoke again on utilities. He said the 911 issue will be corrected in the next 30 days. He said the next issue they needed to take care of was whether or not people wanted their number listed. Right now you cannot get numbers when you call information. The last issue he talked about was long distance. He said there would be some competition soon but right now the only service available is TelAmerica.

8. Public Hearing:

A. Consideration to approve an Ordinance enacting Impact Fees for Roads, Culinary Water, Sewer, Electricity, Natural Gas, Telephone, and Storm Drainage Facilities:

Mayor Bateman introduced Jason Burningham from Lewis Young Robertson & Burningham to give a presentation.

Jason Burningham explained that this is a requirement under the Impact Fee Act that was adopted by the State Legislature in 1995. The State gave a period of time for most cities to go through the process of doing an Impact Fee Analysis to justify the impact fees, making sure that they were equitable and proportional in terms of the benefit. Most of the cities in Utah had to comply by July 1 of 1997. This is a lengthy process.

Jason first did an explanation from page 12 of the booklet prepared by Lewis Young Robertson & Burningham. This shows how the Capital Facility Plan, which was the main document that was used to come up with the Impact Fee Analysis, was adopted. This page shows the breakdown of costs. He said they had looked at different funding mechanisms to help pay for this infrastructure of \$59,598,321.00 and to come up with an equitable cost of the portion of those that would be paying User Fees and how much they would actually be participating in to the purchase of the system as well as Impact Fees being used to cover a portion that dealt with development and building enough

infrastructure for this development to occur. The chart showed that \$25,368,293.00 would come from a Revenue Bond. The balance of \$34,230,028.00 would need to be paid through Impact Fees. He explained that page 7 gave a breakdown of the Impact Fees that are being recommended. He said they looked at two separate service areas that would have different types of facilities that they would be providing to the different areas. The South Service Area is the Eagle Mountain Properties area and the North Service Area is the Ranches. The total Impact Fee for the South Service Area was \$8,096.00, and the total Impact Fee for the North Service Area was \$8,430.00. The two areas that had different proposed costs involved were sewer and storm drains. This was because of different needs and special funding. He explained that Appendix B showed an example of credit for Special Improvement District and how the credit can be used.

Korey Walker, Town Engineer, gave a background of the proposed credit mechanism. He said the Impact Fees are based on the Capital Facilities that will be needed over the next five years to meet the expected growth. He said some of the developers have chosen to pay for some of these improvements through Special Improvement Districts (SID's). The developer fronts the money for the improvements which puts a potential credit mechanism built in for those improvements identified in the Capital Facilities Plan that are paid out of SID's, Developer Finance, or some other mechanism. He explained that residents will only pay for impacts of utilities their developments provide and they hook into.

Nick Berg, Cedar Valley, asked Korey Walker to give a before and after scenario of the fees.

Present Impact Fee (approx.)	\$3,850	Proposed Impact Fee:	\$8,096
Connection Fees	1,000	Hook-up	900
		Credits for SID's	-1,600
Before	* \$4,850	After	*\$7,396

*Neither total includes costs for Building Permit

Glade Berry thought he read in the paper that those participating in the utility developments would be paying per acre not per resident. Korey Walker said he would verify that because the fee would be per each residence being developed.

Mayor Bateman introduced Deputy Sheriff JoAnn Murphy. She has been assigned to the Town of Eagle Mountain by Utah County.

Korey Walker described another scenario:

North Area Impact Fees	\$8,430
Connect Fees	900
*Total	9,330
Credit	-5,000
Total	4,330
TSSD	-1,000 (Timpanogos Special Service District)

*Does not include Building Permit

Michael Wren, MCM Engineering, asked Korey Walker to explain to people who already own their home what happens. Jerry Kinghorn, Town Attorney, said that if you already have an approved building permit application or if you have an existing home, these fees do not apply to you. They are for future developers.

Eric Pease, Lot #205, Meadow Ranch, asked what ERU stood for. Korey Walker gave an explanation.

Bob Lynds, The Ranches L.C., requested that the Capital Facilities Plan in its next review be amended to include landscaping interest as they are out \$1,837,000 that they are not getting credit for because there is no credit for the interest carried for cost of issuance or for landscaping. He also made a request concerning the timing of the payment of the Impact Fees. He said there is some talk about them being paid, with the exception of the Timpanogos Special Sewer District, upon the recording of the plat, and he is requesting that it be paid upon the issuance of the permit; because while one might have the potential of a lot of lots being recorded, the time that the facilities are demanded is the time that the use takes place.

Jerry Kinghorn responded that if the estimated costs were in the Capital Facilities Plan the town could give credit, but you can't give credit for cost estimates that are not represented in the Capital Facilities Plan because that is the basis of calculating the fee. He said whenever credits are calculated, they are calculated on the basis of the contributed facility, the property, or SID value or costs that are represented in the Capital Facilities Plan.

Bob Lynds asked why these costs weren't put in the Capital Facilities Plan originally. Korey Walker responded that the Capital Facilities Plan is based on hard costs plus engineering. The issuance cost and interest was not included in the Capital Facilities Plan. He said the Capital Facilities Plan identifies the facilities that are needed in the future and does not generate and show the financing that will be incurred.

Jerry Kinghorn talked about when the fee should be paid.

Bill Chipman talked about the possibility of splitting the Impact Fee. Part would be paid at recordation of the plat and part paid with the building permit. This would reduce the size of the plats being recorded.

Mayor Bateman asked Wayne Patterson, Patterson Construction, what other cities in this area require. Wayne said that in his experience all of the surrounding towns, except Alpine and Highland, require a payment of the Impact Fee at the time of the issuance of the building permit.

John Newman, Town Administrator, explained that Alpine and Highland split their cost by having the Sewer in at Building Permit and the others are at recordation.

Mayor Bateman closed the Public Comment and opened up the time for the Council to ask questions or comment.

Dan Valentine asked if this document received tonight had changes included from previous discussions. Jason Burningham said it did.

Cyril Watt arrived at 8:45 p.m.

Bill Chipman feels that the Impact Fees need to be split.

Diane Bradshaw wanted to know if this is handled administratively, does this create a lot of work and confusion. John Newman responded that it does create a lot of work but you just need to set up an accounting procedure that shows when the fees are paid and track it to each subdivision and lot.

Diane asked what the benefits would be. John Newman gave a brief explanation.

Gary Tassainer, Tasco, talked about electricity and the requirements of long term coverage.

Korey Walker said that wastewater also required long term planning.

Dan Valentine said he was open to a split. He felt like the staff should make a recommendation to the Town Council.

There was a discussion on the breakdown of the split:

Gas and Telephone:	Require on Building Permit
Electricity:	Required on recordation now – revisit in future
TSSD:	Require on Building Permit
Water (offsite):	Require at Recordation
Sewer (offsite):	Require at Recordation
Storm water (offsite):	Require at Recordation
Transportation:	Require on Building Permit

Gayle Burrows, Lot #328, Meadow Ranch, had some questions about how long these Impact Fees will be in affect.

MOTION

Diane Bradshaw moved to approve Ordinance 98-12, an Ordinance for the Town of Eagle Mountain, Utah, adopting an Impact Fee Analysis and requiring the payment of Impact Fees for certain services and infrastructure funding with the following additions:

Item 3.2, Transportation Gross Impact Fee will be imposed an amount of \$2,479.00, payable at Building Permit.

Water Fee of \$1,063.00 payable at Plat Recordation.

Electric Power, an amount of \$1,052.00, payable at Subdivision Approval.

Telephone, an amount of \$131.00, payable at Building Permit.

Natural Gas, an amount of \$301.00, payable at Building Permit.

Storm Water South Area, an amount of \$826.00, payable at Subdivision Approval.

Storm Water North Area, an amount of \$461.00, payable at Subdivision Approval.

Wastewater South Area, an amount of \$2,244.00, payable at Subdivision Approval.

Wastewater North Area, an amount of \$2,943.00, with an amount of \$1,943.00 payable at Subdivision Approval and the balance of \$1,000.00 payable at Building Permit.

Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.

9. Protest Hearing:

A. Protest hearing to receive public comment regarding the creation of Special Improvement District No. 98-3 (Sweetwater Road/Storm Drainage Phase I):

Howard Ault, Ault Sod Farm, had some questions. It was determined he was not within the property assessed.

Glade Berry had some concerns.

Jerry Kinghorn explained the SID 98-3. He said the property within the district is assessed and when developed is given a credit. Property not in the SID and owner develops, would pay the Transportation Impact Fee.

There was some discussion about Section 6 of Resolution 98-3. It was stated that bids were to be opened in the Town Council meeting. Dan Valentine said they have not done this. He said all they have done is review results of the bids. He wanted to know if this was a legal problem.

Glade Berry made comment again regarding becoming part of this SID.

Jerry Kinghorn advised the reading of the language of Resolution 24-98 for SID 98-3.

A RESOLUTION TO CREATE EAGLE MOUNTAIN, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 98-3 (SWEET WATER ROAD/STORM DRAINAGE PROJECT PHASE I) DESCRIBED IN THE NOTICE OF INTENTION CONCERNING THE DISTRICT AND AUTHORIZING THE TOWN OFFICIALS TO PROCEED TO MAKE IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT; AUTHORIZING THE TOWN ENGINEER TO PREPARE A NOTICE TO CONTRACTORS FOR SEALED BIDS WITH RESPECT TO THE CONSTRUCTION OF THE IMPROVEMENTS; AND RELATED MATTERS.

MOTION

Dan Valentine moved to approve Resolution 24-98 as read. Bill Chipman seconded. Ayes: '5, Nays: 0. Motion passed.

10. Approval of an Ordinance amending the Development Code to include various changes:

A motion to approve was done previously but not adopted by an ordinance.

MOTION

Diane Bradshaw moved to adopt Ordinance 98-13, An Ordinance Amending the Eagle Mountain Development Code and Adopting Certain Corrections.

WHEREAS, the Development Code of Eagle Mountain has been duly adopted to provide standards for development as related to architectural design, landscaping, street and alley design, trail construction and the provision of bonds or other guarantees to ensure the completion of such improvements; and

WHEREAS, the Town Council acknowledges the need for technical corrections and wording changes to more accurately reflect the intent of the Council in establishing such development standards; and

WHEREAS, the Town Council heard and approved the text change in prior meeting of the Town Council.

NOW THEREFORE, be it ordained by the Town Council of Eagle Mountain that:

- 1. The attached text changes to Chapter IX and XII of the Development Code are hereby added to clarify landscaping, street design and bonding requirements.*
- 2. The attached changes to Appendices E and F are hereby added to the Development Code to clarify trail and alley construction standards.*
- 3. This ordinance will take effect immediately upon posting.*

Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.

11. Discussion of the sewer line that is being installed adjacent to State Road 73 and Meadow Ranch and the right-of-way issue and requirement for Meadow Ranch residents to hook into the sewer system.

Korey Walker said UDOT approval was given to go within the right-of-way but the recommendation was given from the town to move this outside the right-of-way to protect the town against future UDOT requirements of having to move this or maintain this in the future. The issue was brought up before the Public Works Board as to their recommendation on how to handle the easement that needs to be obtained from the homeowners from the old Harvest Haven which is now incorporated within Meadow Ranch. The recommendation from the Public Works Board was that the developer go back to the homeowners and provide some type of benefit in which they might connect to the sewer system as that line goes through in accordance with the utility ordinance. The utility ordinance states that homes within 300 feet should connect to the sewer system. He said that if there is not a hardship on the homeowner, then they should hook up to the sewer system.

Mayor Bateman offered an explanation about granting a waiver to the homeowners who had just put in their landscaping and would now have pipe installed through their landscaping. He felt like they could have a grace period before having to hook up to the sewer system. Dan Valentine had some concerns about setting a precedence by doing this.

John Newman asked that Jerry Kinghorn clarify an ordinance about having a hardship issue. John said the Council is going to have to decide if the situation is a hardship. It is not a legal question so much as a precedence setting question. He said you need to define hardship.

Jerry Kinghorn said this is decided on a case by case basis for an individual party or class of parties that qualify. They do not create specific legal pressure. It is considered on the circumstances of each case. There is a hardship clause in the utility ordinance.

John Newman explained how Alpine and Highland handled this problem when the situation arose. He said that Highland had expanded their code to define hardship. He said the City of Highland has an ordinance that states the homeowner must hook up to the utility if their property if it is within 300 feet of their property unless a waiver is granted by a special committee under the direction of the City Council. He explained that the homeowner is give a special form to fill out and they have to explain what the hardship is.

There was a discussion about how many homes were involved. It was decided there were two existing homes that for sure came within 300 feet, two that were short 6 inches of being 300 feet, and one lot where the pipe would cross over the lot.

Bob Lynds, The Ranches L.C., commented he did not feel that the developer should pay the costs. Korey Walker stated that their engineers were notified of the line being moved outside of the right-of-way. Bob said the developer would pay for the cost of laterals.

Cyril Watt asked why the sewer line crossed over SR-73. Korey said the developer would like to extend that line up to the commercial property on Plat 6.

There were comments from Fran Watt, Harry Bonnell, and Alan Thompson. The two homes definitely affected were Cyril Watt and Janette Allred. Harry Bonnell and Alan Thompson said they wanted to stay on the septic system they had already installed.

12. Approval of an Easement with the Communities of the United Apostolic Brethren (CUAB), area contained-2.435 acres.

This will be discussed with Item 13.

13. Approval of an Easement with the Communities of the United Apostolic Brethren (CUAB), area contained-0.453 acres:

John Newman recommended to approve these two easements.

Jerry Kinghorn recommended to give them the hardship waivers. There are definitely hardship waivers for this situation.

MOTION *Bill Chipman moved to accept the hardship and accept these easements as written and no fees to homeowners until they hook up; that the developer pay for the cost of laterals to two lots. No second, Motion dies.*

Carl Allred had comments about the Council not passing this motion. He felt like the CUAB had been more than fair with the town right from the beginning. Mayor Bateman clarified some of the points so that the Council would understand why the motion needed to pass.

There was a discussion about the properties involved.

MOTION *Bill Chipman moved to accept the easements and grant a hardship to the lots involved in the easement right-of-ways; that we require laterals up to as far as the landowner will allow. Diane Bradshaw seconded.*

Diane Bradshaw had questions on the laterals.

Dan Valentine expressed his concerns about setting a precedence.

John Newman totally agrees with Jerry Kinghorn.

Ayes: 4, Nays: 0. Cyril Watt abstained. Motion passed.

14. Approval of an Encroachment Agreement between the Utah Lake Distributing Company and the Town of Eagle Mountain:

Mayor Bateman said this is a boiler plate that allows the sewer outfall line to cross through the irrigation canal area. There are two areas. One for the Jacob Welby Irrigation Company and the Utah Lake Distributing Company. Jerry Kinghorn recommended this be approved.

MOTION *Diane Bradshaw moved to approve the Encroachment Agreement between Utah Lake Distributing Company and the Jacob Welby Irrigation Company as written. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

15. The Ranches Street Lights:

John Newman said this was being brought back to the Town Council as an issue that is seen as unresolved from the last Council meeting. This issue was addressed when the design standards were presented. He said that in the motion it was not specific as to whether the Council approved The Ranches proposal for the different street lights that were approved previously. He said that Dan Valentine had a number of comments during the Council meeting but it never survived a decision. John stated that if the Council elected to approve the street light guidelines then they needed to be very specific as to limit specifically what had been proposed. He said that if they want to have different changes then they need to bring specifically those changes back to the Council.

MOTION *Dan Valentine moved to approve the Community Lighting Design Guidelines for The Ranches stipulating that any variation from this design would require specific Town Council approval. Cyril Watt seconded.*

Gary Tassainer, Tasco Engineering, had some comments about the approved lighting. He stated there is a difference in the costs of the fixtures for the South (\$1,400 ea.) and the North (\$800 ea.). He felt like this would cause problems. Mayor Bateman responded that the only thing the Council was approving was the design of the lighting, not the cost.

Ayes: 5, Nays: 0. Motion passed.

16. Final Approval for the Ranches (The Estates at Red Hawk Ranch – R1 N9):

Mayor Bateman presented two plat maps along with a recommendation from Ken Leetham, Town Planner, and a recommendation from Epic Engineering.

Bill Chipman expressed a concern about the 44-foot lot sizes. Korey Walker said this had been brought up before the Planning Commission and the Commission had approved the plans.

Korey Walker explained that the turnaround in the alley ways had been fixed to accommodate a garbage truck being able to turn around.

The Estates at Red Hawk Ranch has been changed to Diamond Springs.

MOTION

Dan Valentine moved to approve the Final Plat Approval for Plats A and B at the Ranches Diamond Springs subject to the following conditions:

- 1. The offsite storm water systems must be completed prior to occupancy.*
- 2. The vest pocket layout should be modified to allow streets to intersect at a minimum of a 75-degree angle.*
- 3. The Development Agreement and CC&R's need to be approved.*

Diane Bradshaw seconded. Ayes: 4, Nays: 0. Cyril Watt was not present for the vote. Motion passed.

17. Approval of the Contract between the Town of Eagle Mountain and World Wireless for the Automatic Meter Reading System:

John Newman stated that Jerry Kinghorn strongly recommended this new system.

MOTION

Dan Valentine moved to approve the contract with World Wireless Communications, Inc., and the Town of Eagle Mountain for an agreement for an Automated Meter Reading System and with an amendment to the document on Schedule A, Phase I, Item 6 the date of September 1998 is left blank to be filled in at the time of execution. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Bill Chipman abstained. Motion passed.

18. Approval of a Resolution authorizing the Execution of an Interlocal Cooperation Agreement with Utah County for the Provision of Law Enforcement Services:

Jerry Kinghorn gave a brief explanation of this resolution. This is to be Resolution 25-98.

MOTION

Diane Bradshaw moved to approve Resolution 25-98 authorizing the Execution of an Interlocal Cooperation Agreement with Utah County for the Provision of Law Enforcement Services. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

19. Appointments:

Mayor Bateman recommended to appoint John Newman, Town Administrator, to the Airport Advisory Board. Mayor Bateman said John had his pilots license and many other qualifications.

MOTION *Diane Bradshaw moved to approve John Newman to be on the Airport Advisory Board as the town's Citizen At Large. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

20. Discussion of options for Town Office Space:

John Newman gave a brief presentation of a proposal for additional office space. He recommended a triple wide modular unit as a purchase rather than a lease. Mayor Bateman felt like it was a very valuable proposal and should be considered for approval.

21. Bonding and Bond Releases:

Korey Walker, Town Engineer, gave a brief explanation of each bond.

A. Meadow Ranch Park Bond for \$111,975.00 & Pedestrian Trail Guarantee Bond for \$33,556.00 (previously called Cedar Meadows):

MOTION *Cyril Watt moved to approve the Meadow Ranch Park Bond for \$111,975.00 and Pedestrian Trail Guarantee Bond for \$33,556.00. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

B. Meadow Ranch Subdivision Construction Guarantee Bond for \$130,709.00:

MOTION *Dan Valentine moved to approve the Meadow Ranch Subdivision Construction Guarantee Bond for \$130,709.00. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

C. Meadow Ranch Phases 1, 2, & 3 Bond Release for \$294,328.00:

MOTION *Diane Bradshaw moved to approve the Meadow Ranch Phases 1, 2, & 3 Bond Release for \$294,328.00. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

22. 1999 Meeting Times for Town Council, Planning Commission and Public Works Board:

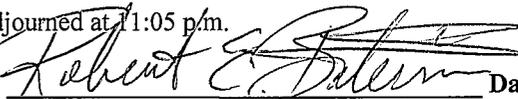
Mayor Bateman recommended the Town Council meetings for 1999 be held on the first and third Tuesday of each month beginning at 7:00 p.m. John Newman asked that a memo be written to the two other boards of this decision so they can set up their meetings accordingly.

23. Adjournment:

MOTION *Diane Bradshaw moved to adjourn the Town Council Meeting. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

Meeting adjourned at 11:05 p.m.

Approval:



Date:

12/10/98

Mayor Robert E. Bateman

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN
1680 E. Heritage Dr.
Eagle Mountain, UT 84043
November 24, 1998**

1. **Roll Call:**

The Town Council Meeting was called to order at 7:05 p.m. by Mayor Robert E. Bateman.

Councilmembers present: Mayor Robert E. Bateman
Dan Valentine, Bill Chipman, Diane Bradshaw (late), Cyril Watt (late)

Town Staff:

Town Attorney:	Jerry Kinghorn
Town Administrator:	John Newman
Town Engineer:	Korey Walker
Town Recorder:	Janet Valentine
Town Treasurer:	Jeri Wilson
Fire Chief:	Eric Taylor
Recording Secretary:	Vada Hunter

Others present: Paul & Roweena Rymer, Lehi; Major Robert T. Dunton, Camp Williams; Major Ted Frandsen, Camp Williams; James Dahl, MCM Engineering; Jim Peterson, Eagle Mountain Properties; Kelvin Bailey, Town; Joshua & Jenny Elledge, Town; Bob Lynds, The Ranches L.C.; Gary Tassainer, Tasco Engineering; Mike Wren, MCM Engineering

2. **Pledge of Allegiance:**

Jeri Wilson led the town in the Pledge of Allegiance.

3. **Approval of Agenda:**

It was proposed to delete Item 18C, Item 23, and Item 24.

MOTION

Bill Chipman moved to approve the agenda as amended. Dan Valentine seconded. Diane Bradshaw and Cyril Watt not present yet. Ayes: 3, Nays: 0. Motion passed.

4. **Approval of Minutes of 11-10-98:**

Diane Bradshaw arrived at 7:20 p.m.

MOTION

Dan Valentine moved to approve the minutes of the Town Council Meeting of November 10, 1998, as amended. Cyril Watt not present yet. Ayes: 4, Nays: 0. Motion passed.

5. **General Discussion/Questions/Announcements:**

Diane Bradshaw, Councilmember, had received a voice mail from Fran Watt earlier in the day concerning the trees that had been dug up on their property so that the sewer line could be installed.

Korey Walker, Town Engineer, said he had visited with Fran and they had reached an agreement about the replacement of the trees by the contractor and also some additional landscaping.

Janet Valentine, Town Recorder, mentioned that a representative of "Envision Utah" had called to schedule a time to come out to the town and do a display. Mayor Bateman explained that this group travels to communities to talk about how to cope with growth. It was agreed to set a date of January 14, 1999, from 7:00 to 9:00 p.m. at the Fire Station. Mayor Bateman asked that this be put in the town newsletter.

6. Warrant Register

Jeri Wilson, Town Treasurer, gave an explanation about Item 277 on page two. This is an invoice from Condie Construction Co., Inc., in the amount of \$161,975.77. She stated this was to be paid by The Ranches.

There were several questions brought up by the Town Council concerning the procedure for determining what should be on the Warrant Register. John Newman, Town Administrator, explained that he is working very closely with Jeri Wilson, Town Treasurer, to set up the Warrant Register in a way that everyone will understand each item better. He said they had come a long way but it would be around February before everything would be in line. He said they needed more manpower.

Dan Valentine had questions concerning the following items:

- Page 1, General Fund – Administration – Attorney Fees, line four.
- Page 1, General Fund – Planning and Zoning – Attorney Fees, line two.
- Page 2, Electric Fund – Expenditures – Equip Repairs & Maintenance – line one.
- Page 3, Telecommunications Fund – Expenditures – New Construction Costs – line one.

There was a discussion about the item from page three regarding the Telecommunications Fund Expenditure in the amount of \$32,949.79, for Tasco Engineering. Jerry Kinghorn, Town Attorney, gave an explanation for this expense. He explained that this was an old invoice that should have been paid out of the Telecommunication Bond Funds.

There were several suggestions about how to carefully review the Warrant Register until the new system is ready in February.

Jerry Kinghorn, Town Attorney, advised that the payment to Santec Corporation in the amount of \$29,592.00 be held until further notice.

John Newman advised holding the following payments:

- #277 Santec Corporation \$29,592.00
- #12000 Condie Construction Co., Inc., \$161,975.77
- #324 Tasco Engineering, Inc., Install of Security Lighting \$750.52
- #324 Tasco Engineering, Inc., Communications System Expenses \$32,949.79

Jeri Wilson, Town Treasurer, said she was having a problem with Account Receivable payments not being paid. Mayor Bateman asked for a list of any receivables that were more than 45 days out.

MOTION

Dan Valentine moved to approve the Warrant Register except for the items specified in Mr. Newman's suggestion. Diane Bradshaw seconded. Cyril Watt not present yet. Ayes: 4, Nays: 0. Motion passed.

7. Discussion of revising the 1998-99 fiscal year budget:

John Newman, Town Administrator, gave an explanation about the budget. He explained how this is the first budget for the Town of Eagle Mountain so there is no precedent to go by. John felt like the town is doing okay in the General Fund. He felt like the only concern is that most of the town's income is from licenses and permits. If there were to be a down turn in the economy then that is where it would hit. Property tax and sales tax will remain relatively stable. He stated that the area the town should have some concern in is the Enterprise Funds. This covers water, sewer, electric, and telecommunications. He said the reason they need to be concerned is because they have no precedent to rely on.

John said the budget needs to be closed by January 10, 1999. Then the budget is opened either the second Town Council Meeting in January or the first one in February. You then re-adopt the budget at this meeting. This procedure is then done again in June. John said he would have to give Janet Valentine, Town Recorder, three weeks notice because this has to be presented at a Public Hearing.

Mayor Bateman stated that this does not need to be a line item on the agenda unless there is a specific problem that needs to be taken care of. Jeri Wilson will prepare a monthly budget summary for the Town Council.

There were some questions about having a work session about the budget and John said this would be done when the budget is amended.

8. Public Comment:

Roweena Rymer, 8282 N 8730 W, Lehi, Utah, spoke on behalf of her family. She said she and her husband had been building homes for their family for the last 24 years. They were planning on building a home in Red Hawk Ranch, Lot 17, for Paul Rymer and his wife and baby, and Jeff and Melissa and their baby. She gave a scenario of the time frame involved in putting this construction together. She had concerns about the Impact Fees.

Mayor Bateman asked if they had financing for the construction. The Mayor then went on to explain that the Rymers had made no secret that this would basically be a duplex situation with two families living in one home but having separate living quarters. They were told by The Ranches that this would be acceptable. This is a single-family zone.

Jerry Kinghorn, Town Attorney, gave an explanation about the Impact Fee Application and gave her one to fill out. He explained how the town could not give her the amount of the Impact Fee until the Town had the information about the credits The Ranches would be giving for this lot. He explained that the Rymers did not qualify for the exemption of the Impact Fees. Jerry then offered his concern about a multi-family dwelling in a single dwelling zone.

There was some discussion about the home design. Jerry Kinghorn advised her to meet with The Ranches and have things taken care of before bringing the permit back to the Town.

9. Impact Fee Appeals:

This was covered under Item 8, Public Comment.

10. Utah National Guard – Camp William's Operations:

Major Ted Frandsen, Utah National Guard gave a presentation on what they do at Camp Williams. He said they like to educate the people in the area so they can better understand the day-to-day operations that go on and be aware of some of the activities taking place.

Major Robert Dunton, Utah National Guard talked about environmental issues.

Mayor Bateman asked that there be someone assigned from Camp Williams to coordinate airstrip issues with John Newman, Town Administrator.

11. The Ranches Update:

Bob Lynds gave a brief update about the asphaltting and the curb and gutter construction going on. Bob said they would be coming in with a request to put in a sales trailer where the sales building was going to be at the edge of the golf course because they hadn't been able to start the construction of the building on time. This would be located on Ranches Parkway. He said he needed to work out a drainage system with Korey Walker, Town Engineer.

12. Consideration to approve The Ranches – Diamond Spring, R1-N9 Development Agreement:

Jerry Kinghorn, Town Attorney, explained that this development has two plats. Plat A is to be recorded immediately and Plat B will be phased in and recorded in about a year. He advised that temporary access would be built to Plat A until Plat B is finished.

Cyril Watt arrived at 8:40 p.m.

Bill Chipman had questions about the utilities.

MOTION

Diane Bradshaw moved to approve the Development Agreement between the Town of Eagle Mountain and Diamond Springs for Plats A and B subject to the condition that a second access road be built from Plat A to Plat B. Bill Chipman seconded. Cyril Watt abstained. Ayes: 4, Ayes: 0.

13. Eagle Mountain Properties Update:

Jim Peterson, Eagle Mountain Properties, didn't have anything to report for Eagle Mountain Properties. He complimented John Newman, Town Administrator, for the way he is guiding the town through the growing pains. Jim said they are working hard to overcome problems as they occur.

Mayor Bateman asked Jim about the work at the airport. The Mayor said it had been reported that more work was being done than what was permitted. Jim explained that Nick Berg had met with Korey Walker, Town Engineer, and they have worked this out. He said there appeared to be a misunderstanding. Jim said the work had been stopped for over a week now. He also said that when problems come up there shouldn't be any assumptions or blame, just work together to solve the problems.

14. Final Plat Approval, Eagle Point Plat D:

James Dahl, MCM Engineering, represented Patterson Construction for this presentation. This plat contains 34.8 acres and 146 building lots for single family homes. The plat is located east of Plat C and south of Plat E. The minimal lot size is 6,000 square feet.

Jim gave an explanation of an issue on this plat of an existence of a remnant parcel created by the subdivision of this property along the south side of the project. This property was originally part of the overall open space allocation associated with this part of the development. Since the developer has exceeded the open space requirement on previous phases, he would like to use this remnant parcel for future building lots as shown on the plan.

Dan Valentine wanted to know of the Planning Commission had seen this plan. James responded that they had.

Diane Bradshaw wanted to know who owned the property south of the remnant parcel. James said it was owned by Howard Ault. It was then clarified that Eagle Mountain Properties still owned a strip of property between Patterson and Ault.

Jerry Kinghorn, Town Attorney, asked if Mr. Patterson and Mr. Walden ever resolve who owns the open space credits. Mike Wren, MCM Engineering, said he thought that Wayne Patterson owned it.

It was verified that this Final Plat Approval did not involve the strip down by the Ault property.

John Newman, Town Administrator, said that when this was presented to the staff, it was unclear what Patterson Construction wanted to do. Did they want to maintain it as open space or did they want to reserve it for future subdivision. John said he asked them to make it one way or another and then present it to the town. John said that there wasn't enough information on that piece of property to make any decisions tonight.

Korey Walker, Town Engineer, discussed the trail from the detention basin in Plat C.

There was some discussion about all-weather roads verses paved roads. The minutes in the Planning Commission meeting said there must be all-weather roads before occupancy.

There was some discussion about the legality of the subdivision. John Newman said this would all be taken care of when the piece of property along the south end is approved for a subdivision.

MOTION

Bill Chipman moved to approve the Final Plat Approval, Eagle Point Plat D, subject to the five items in the Town Engineer's letter of November 18, 1998:

- 1. No occupancy until all weather secondary access onto Eagle Mountain Blvd.*
- 2. Maintenance of open space needs to be submitted and approved.*
- 3. Location of proposed street lighting.*
- 4. Development agreement and CCR's need to be approved.*
- 5. That trails be completed in Plat C*

Also, that the piece of property shown on the bottom of the plat is not included in the approval and would be subject to future approval; and the road to the south should be stubbed to the property line. Diane Bradshaw seconded.

There was some discussion about the trail improvements in Plat C.

Ayes: 5, Nays: 0. Motion passed.

15. Final Plat Approval, Eagle Point Condominiums, Plat A:

James Dahl, MCM Engineering, turned the presentation over to Keith Dover. This plat contains 84 multi-family condominium units on 8.22 acres. There are six and eight unit townhouses. The units are two stories high. They are approximately 28 feet high. They have asphalt shingle roofs. They have vinyl siding and shutters. They have two bedrooms. They are approximately 900-1000 square feet each. Some of the units have been made into one-story flats. These would be marketed to retired and handicapped people. They are fully handicap accessible. The clubhouse is one story with a stucco construction and is 850 square feet in size. Keith said he needed to work with the Fire Department to establish a fire access road to the clubhouse. Eric Taylor, Town Fire Chief, presented some options to the Council.

John Newman recommended approval of this project but in future phases would be required to address the amenity issues and the other issues having to do with the residents needs.

Jerry Kinghorn asked they give better clarification of each unit as far as compliance with the condominium act.

MOTION

Cyril Watt moved to approve the Final Plat of the Eagle Point Condominiums, Plat A, subject to acquiring the record survey and declaration of condominium; bonding for widening of the adjacent Eagle Mountain Boulevard; finalizing the issue of a fire access land from the parking lot back to the community building. Diane Bradshaw seconded.

Bill Chipman amended the motion to indicate that future phases deal with the amenities issue before plat recordation. Ayes: 5, Nays: 0. Cyril Watt accepted the amendment. Motion passed.

16. Final Plat Approval, Autumn Ridge, Phase 1:

James Dahl, MCM Engineering, gave the presentation for Autumn Ridge. This has 37 lots on 18.96 acres. He showed the landscape plan, the detention pond, and the park plans, which have a barbecue pit, picnic tables, swings, and slides.

Korey Walker, Town Engineer, said he worked closely with the developer to make sure the open space was designed and landscaped to meet the needs of the town. He recommended bonding for a second lane on the outside of the road plus curb and gutter along Eagle Mountain Boulevard. He said the developer needed to finalize an agreement with the state concerning the ownership of the right-of-way of the road prior to recordation. They need a plan for the maintenance of the open space. They need to finalize the issues in the Development Agreement.

MOTION

Dan Valentine moved to approve of the Final Plat Approval of Autumn Ridge, Phase I, with the following three conditions:

- 1. That bonding be provided for a second lane and curb adjacent to Eagle Mountain Boulevard.*
- 2. That the entire street right-of-way needs to be included on this plat.*
- 3. That any other items are dealt with in the Development Agreement.*

Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

17. Partial Payment Requests/Korey Walker:

A. Condie Construction – TSSD Sewer Outfall Line

MOTION

Dan Valentine moved to approve the payment for Release No. 2, TSSD Sewer Outfall Line, to Condie Construction in the amount of \$158,833.78. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

B. CIC – The Ranches Parkway Road, Water and Sewer Construction

MOTION

Diane Bradshaw moved to approve the payment for Release No. 3, The Ranches Parkway Road, Water, and Sewer Construction, to CIC

*in the amount of \$647,884.87. Cyril Watt seconded. Ayes: 5, Nays: 0
Motion passed.*

18. Bond Releases/Korey Walker:

Korey Walker, Town Engineer, gave a brief explanation for each release.

A. Sundance @ Red Hawk Ranch, Plat A

MOTION *Dan Valentine moved to approve the Bond Release for Sundance at RedHawk Ranch, Plat A, Release No. 1, in the amount of \$64,268.00. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

B. Mountain View, Phase I

Korey Walker advised the correction of the line near the bottom of the page, which reads:

AMOUNT REMAINING IN BOND AFTER PARTIAL RELEASE THIS PERIOD:
The dollar amount should read: \$4,650.00.

MOTION *Cyril Watt moved to approve the Bond Release for Mountain View, Phase I, Release No. 4, in the amount of \$24,068.00, and that the line item for the amount remaining in bond after partial release this period should be \$4,650.00. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

C. Deleted

D. Eagle Point, Plat D

MOTION *Diane Bradshaw moved to approve the Bond Release for Eagle Point, Phase B, Release No. 2, in the amount of \$195,983.00. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

E. Dunned Bond Release

Korey Walker offered the following explanation of this release:

Dunned Excavation performed work with relation to Eagle Mountain Boulevard last year. A portion of their work entailed extending a water stub into the Landing Subdivision entrance. Upon completing the project, the line was pressure tested and passed. Braeger Construction was subsequently hired by the Landing to connect onto this stub and extend the line into their project. Upon connecting to the line and pressurizing the extension, the section of line installed by Dunned began to leak and created additional road base, asphalt, and storm water problems in the subdivision's entrance.

At that time, the immediate problem was corrected. However, \$10,000.00 was retained from Dune's payment to cover costs associated with correcting these and subsequent potential problems. The theory was that once all the problems were corrected, Dunned and Braeger would split the costs. At the present time, the work at the entrance of the Landing Subdivision has been approved and meets Town Standards.

After the work was performed and the problems corrected, he invited the Landing to produce the costs associated with correcting the problem so that the costs could be proportioned and the bonds released. The costs that were initially produced included numerous costs in addition to the related

work. He, therefore, requested them to separate the costs and get the information back to me. I have made these requests three times since this time with no response. A letter was also sent and verbal contact was made describing that this issue needed to be resolved and that if the information was not provided within two weeks, the Town would release the contractor's bond.

Since we have received no response from the Landing on numerous occasions and the work in the Landing's entrance has been approved and meets the Town's Standards, he recommends the Town release Dune's bond.

MOTION *Bill Chipman moved to approve the release of the Dunned Bond Release in the amount of \$10,000.00. Diane Bradshaw seconded. Ayes: 5, Nays: 0.*

19. Contract Change Orders/Korey Walker:

- A. **Condie Construction – TSSD Sewer Outfall Line (Change Order No: 1)**
- B. **Condie Construction – TSSD Sewer Outfall Line (Change Order No: 2)**
- C. **Condie Construction – TSSD Sewer Outfall Line (Change Order No: 4)**
- D. **CIC – The Ranches Parkway (Change Order No: 3)**
- E. **CIC – The Ranches Parkway (Change Order No: 4)**

There was some discussion about these changes and the fact that they were not all signed correctly. Korey Walker gave a brief explanation about each Contract Change. Most of the changes involved pipe and casing changes.

MOTION *Bill Chipman moved to approve all of the above Contract Change Orders, A-B-C-D-E, as stated on each Contract Change Order. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

20. Bid Award/Korey Walker:

- A. **The Wastewater Treatment Plant Expansion, 1998 – bid awarded to W.W. Clyde and Co.**

Korey Walker explained that this bid was done on November 19, 1998, with W.W. Clyde & Company coming in as the low bidder in the amount of \$129,500.00.

Mayor Bateman explained that this expansion would service 250 new homes. The time of completion was estimated some time in February or March of 1999.

MOTION *Dan Valentine moved to approve the Wastewater Treatment Plant Expansion bid to W.W. Clyde and Company in the amount of \$129,500.00, and give a notice to proceed to install the Santec Wastewater Treatment Expansion subject to approval of a payment bond and a performance bond. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

21. Assessment Ordinance for the Eagle Mountain – 1998 Special Improvement District/Jerry Kinghorn:

Jerry gave a brief explanation of some of the changes from the original contract. Changes were noted on page 4 and page 6 of the document dated November 24, 1998.

Jerry Kinghorn recommended approval of Ordinance No. 98-14, which reads as follows:

AN ORDINANCE confirming the assessment rolls and levying an assessment against certain properties in Eagle Mountain, Utah, Special Improvement District No. 98-3 (Sweet Water

Road/Storm Drainage Phase I), Utah County, Utah for the purpose of paying the costs of constructing roads with underground supporting utilities, installing the first phase of a storm water drainage system, and completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; establishing a Reserve Fund; establishing the effective date of this Ordinance; and related matters.

MOTION

Bill Chipman moved to approve Ordinance No. 98-14 as read. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

22. Revenue Bond Anticipation Notes Project Cost Budget/Gary Tassainer:

Gary Tassainer gave a packet to each member of the Council to review. The date to vote on this item was set for December 8, 1998.

23. Deleted

24. Deleted

25. Department Reports:

The only item discussed in this meeting was item 25D,1. Mayor Bateman stated that residents need to be educated about water. He said the Town does not have the water capacity for people to use any amount they wish.

Korey Walker, Town Engineer, presented a written document of what happened in the billing process to create water bills incorrectly. Korey cited four areas of concern:

1. Missed water readings
2. Inaccurate reading or entering of meter readings
3. Invalid calculations and billings
4. Exorbitant culinary water usage

Korey explained that each of these concerns have contributed to the overall concerns and water billing problems. He gave a list of resolutions to these concerns in his memo to John Newman, Town Administrator, dated November 6, 1998.

It was noted that after being reviewed by the Public Works Board (PWB), the PWB recommended the Town only charge half of the amount owed above the base amount that would have been charged by the Town. This base amount can be defined as the water bill determined by average annual water use based on the amount of water rights turned over by the residents. This would be a one-time correction only.

MOTION

Bill Chipman moved to approve that water users whose monthly water bill was in excess of 40,900 gallons per month should be charged the existing rate for water used up to 40,900 gallons per month and ½ the cost of water over 40,900 gallons per month; that this is a one time correction only. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.

26. Consideration to approve a Resolution Defining Costs of Connection Fee Requirements, All Utility Services, offered by the Town of Eagle Mountain and Amending Certain Matters in Resolutions 97-52, 97-53, 97-54, 97-58, and 97-60:

Jerry Kinghorn, Town Attorney, explained that with the implementation of the Impact Fee, it has been determined that the connection fees being paid by developers were incorrect. Resolution 26-98 defines

the costs of the connection fee requirements and amends some of the previous resolutions. Jerry read Resolution 26-98, which states:

A RESOLUTION OF THE TOWN OF EAGLE MOUNTAIN DEFINING COSTS OF CONNECTION FEE REQUIREMENTS, ALL UTILITY SERVICES OFFERED BY THE TOWN OF EAGLE MOUNTAIN, AND AMENDING CERTAIN MATTERS IN RESOLUTIONS 97-52, 97-53, 97-54, 97-58, AND 97-60 OF THE TOWN OF EAGLE MOUNTAIN.

MOTION

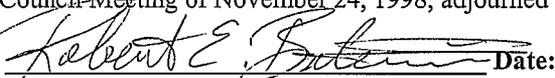
Cyril Watt moved to approve Resolution 26-98 as stated. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

27. Adjournment:

Dan Valentine motioned to adjourn.

The Town Council Meeting of November 24, 1998, adjourned at 10:55 p.m.

Approval:


Mayor Robert E. Bateman

Date:

12/10/98

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
1680 E. Heritage Drive
Eagle Mountain, UT 84043
December 8, 1998**

1. Roll Call:

The meeting was called to order by Mayor Robert E. Bateman at 7:07 p.m.

Councilmembers present: Mayor Robert E. Bateman
Dan Valentine
Bill Chipman
Diane Bradshaw
Cyril Watt

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Clerk: Janet Valentine
Town Treasurer: Jeri Wilson
Recording Secretary: Vada Hunter
County Deputy Sheriff: JoAnn Murphy

Also present: Jim Kelley, Sandy; Mitch and Wanda Miller, Murray; Les Miller, Murray; Tom and Maureen Anderton, Town; Hank Allen, Town; Jim Allen, Town; Barry Graff, Orem; Michael Rice, Town; Delwin Davis, Town; Darrin Nilsson, Town; John Wallace, Town; Roxanne Clark, Town; David Lifferth, Town; Paul Vanderwerff, Town; Steve Clark, Town; Edward A. and Utahna White, American Fork; Shana Davis, Town; Glen Zaugg, Town; Bryan and Kristin Martin, Town; Paul Mayes, Town; Quint Schroeder, Town; Laura Lewis, Lewis Young Inc.; Charlotte Ducos, Provo, Jesse Smith, Seattle Northwest Securities; Russell L., Taylorsville; Wayne Bradshaw, Town; Mark Sovine, Town; Scott H., Town; John D, Jacob, Town; Blaine Carlton, Bond Counsel; Nick Berg, Eagle Mountain Properties, Bruce Baird, Eagle Mountain Properties; Debbie Hooge, The Ranches L.C.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Vada Hunter.

3. Approval of Agenda:

Mayor Bateman proposed removing the following items from the agenda:

Item 17 – Draw Request for “The Ranches” – not enough information
Item 21 – Consideration to contract with Corrosion Consulting and Inspection Specialists, Inc., as a third party inspector for the natural gas line – Korey Walker gave a brief explanation

MOTION

Diane Bradshaw moved to approve the agenda as stated with the exception of the removal of items 17 and 21. Dan Valentine seconded. Ayes: 4, Nays: 0. Cyril Watt not present yet. Motion passed.

4. Approval of Minutes 03/04/98 – Joint Meeting with Planning Commission, and 11/24/98:

Diane Bradshaw was the only member of the Town Council in the meeting of 3-4-98. She had not yet had the opportunity to read through these minutes.

MOTION

Diane Bradshaw moved to table the minutes of 3-4-98 until the next Town Council Meeting. Bill Chipman seconded. Ayes: 4, Nays: 0. Cyril Watt not present yet. Motion passed.

MOTION

Bill Chipman moved to approve the minutes of November 24, 1998, as amended. Dan Valentine seconded. Ayes: 4, Nays: 0. Cyril Watt not present yet. Motion passed.

5. General Discussion/Questions/Announcements:

Mayor Bateman announced that there would be a Christmas Potluck and Carol Sing at the Fire Station on Monday, December 21, at 6:00 p.m. He said Santa would be there and encouraged everyone from the town to participate and meet other people from the town and get to know each other. Diane Bradshaw asked for the announcement to be put on the web site.

Mayor Bateman proposed that the Town Council schedule three meetings in January and February to discuss the General Plan. He explained that when the General Plan was put together there were very few people involved. He wants the citizen of the Town to be more aware of what is involved and to get their input concerning the General Plan. He proposed that on January 6, 1999, at 7:00 p.m., there be a Public Hearing to discuss the background of the town utility systems, their ownership, rate structures, and related issues. He stated there would be a meeting on January 14, 1999, entitled Envision Utah, which is put on by the Governor's Office. They discuss various growth scenarios and look at alternatives to managing growth. This would be from 7:00 – 9:00 p.m. at the Fire Station. He said there would then be a follow-up meeting on February 3, 1999, at 7:00 p.m., to discuss growth issues, open space, residential and commercial development, etc.. The purpose is to get the Town's input and get as much feedback as possible to make sure the vision reflects the dreams and visions of the community.

Mayor Bateman said the Public Works Board would be in attendance as well as the Town Staff to help answer questions at the January 6th meeting.

Jerry Kinghorn, Town Attorney, said he needed to advise the Town Council of some necessary updates for the Capital Facilities Plan; specifically, the Transportation Plan and the Water System Plan need updating to incorporate some items that are developing as credits for the Impact Fee. They need to be incorporated in the Capital Facilities Plan so that the credits can be figured. One of them involves land acquisition costs for the Town. The town has acquired some land and promised to pay for it so we need to incorporate those land acquisition costs into the Capital Facilities Plan. The other is the Eagle Mountain Boulevard Special Improvement District (SID). That SID was not incorporated into the Capital Facilities Plan. The last one has to do with the Town well. He said they had been unable to resolve the water agreement issues between The Ranches and Cedar Valley Water Company. He said they now propose to put that well into the Capital Facilities Plan to find a different payment mechanism to resolve the issues of that water agreement. He recommended that the Town Council authorize Epic Engineering to re-open the Capital Facilities Plan with respect to the Transportation and Water System plans and proceed forward to incorporate these three items into it.

Jerry said he would work closely with Korey Walker, Town Engineer, to bring back a short proposal by the next Town Council Meeting, December 15th, to present to the Council for their approval.

Bill Chipman, Councilmember, asked if the Council could have some sort of a summary before the next meeting to review the situation.

Mayor Bateman asked the members of the Council to be thinking about what items should be on the agenda for 1999 as far as what is most important. He also asked them to be thinking about their goals for 1999. He said the water issue should be of a high priority.

6. Warrant Register/Jeri Wilson:

Mayor Bateman commented that he appreciated the work Jeri Wilson had done on the Warrant Register. He also asked that on page 2, General Fund, #13600 for Dunex in the amount of \$10,000 be held for the present time.

Diane Bradshaw had a question on page 1, General Fund, #101 for Airtouch Cellular and what that pertained to. Mayor Bateman explained that this was an issue of a cell phone purchase that was billed incorrectly by Airtouch. Part of the amount was a cell phone purchased by Janet Valentine. She was reimbursing the town for the amount she owed. Diane also asked Jeri how much more the town owed to Lythgoe & Steinbach after the payment of \$5,100.00 was made. Jeri told her the balance was \$100.00.

Dan Valentine asked about the payment to U.S. Bank Trust Company. He wanted to know if this was a monthly payment. Jeri said the amount was an annual payment.

Bill Chipman asked how the U.S. Bank Trust money was allocated and Jeri explained how she allocated it.

Diane Bradshaw also asked why the Employee Benefits money was coming out of the water fund. Jeri explained that this was for Bob Wren. She said she was working on which fund should be used for him so that it would be the same each time.

Dan Valentine had questions about the Tasco Engineering expenses on page 4, Electric Fund expenditures. Jerry Kinghorn explained that this was for the 1998 RBANS only. Dan also had questions on page 2 of the Unpaid Invoice Report. He wanted to know why the payment had not been made to Santec Corporation for the \$29,592.00 invoice. Korey Walker, Town Engineer, explained that this amount is 10% of what is left on the proposed contract. This will not be paid until everything is hooked up. Korey said he has also requested a categorized breakdown of the entire bill from Santec. He also had a question on page 6 for the item 5240570000 in the amount of \$191,567.77. Diane verified that this was the Condie Construction bill.

MOTION

Diane Bradshaw moved to approve the Warrant Register with the exception of the Dunex bill in the amount of \$10,000.00. Bill Chipman seconded. Ayes: 4, Ayes: 0. Cyril Watt not present yet. Motion passed.

7. Public Comment:

Delwin C. Davis, 2109 E Fall St, stated that he had lived in Eagle Mountain for two months now. He asked if it would be possible to have a bike rack put up by the school bus stop. He said his children like to ride their bikes to the stop and then lock them up then when they are dropped off after school they can ride their bikes back home. He had brought some literature with him about various styles of bike racks. Nick Berg, Eagle Mountain Properties, said they had a bike rack in storage that could be used.

Diane Bradshaw said she would work with John Jacobs, Cedar Pass Ranches, in communicating with the Alpine School District concerning problems with the school bussing.

Darrin Nilsson, Cedar Pass Ranches, wanted a clarification of the Impact Fee. He felt like the Impact Fee had tripled in three years. Mayor Bateman asked Korey Walker, Town Engineer, to give a brief explanation of the Impact Fee. Korey stated that a study had been done to determine what kind of

utilities would be needed for the growth of Eagle Mountain over the next five years. He said that based on the facility plan and the projected growth of the town an Impact Fee is generated upon those facilities. He clarified that the Impact Fee would not quadruple in the next few years.

Mayor Bateman explained that the State of Utah has very strict requirements about what needs to go into justifying an Impact Fee. He said it is a process that requires a lot of time to do. This is why the town is enacting Impact Fees for the first time according to the state procedure.

Korey Walker explained that the bigger burden of the Impact Fee would be placed on the new people coming in and not the existing homeowners. He talked about credits the master developers are fronting from monies of their own. Those credits will help offset some of the Impact Fee.

Mayor Bateman stated that the Impact Fee must be calculated on a case by case basis because the credits differ for each development.

Paul Vanderwerff, P. O. Box 188, West Jordan, said he would be building next spring. He voiced his concern about the densities of some of the developments. He also had some concerns about the water usage issues. He wanted to know if there was a long-term outline for the development. He is looking forward to the town meetings and learning more about the future of Eagle Mountain. Mayor Bateman said the water issue was very complex and that it would be explained at one of the meetings in January or February.

Les Miller, 5916 Sanford Dr, Murray, stated that he had purchased a lot in Overland Trails and when he applied for a building permit he was told about the Impact Fee. He was frustrated because he had not been able to find out about credits he could use to lower the Impact Fee. He had asked several people but had had no success.

Nick Berg, Eagle Mountain Properties, asked if there could be a meeting between the developers and the Town to discuss the credits. He feels that a lot of the developers are confused about how the credits work. John Newman, Town Administrator, said he would set the meeting up and that Jerry Kinghorn, Town Attorney, would attend to help with any questions that would be asked.

8. Protest Hearing:

A. Public hearing to receive comments and/or protests regarding the creation of Eagle Mountain, Utah, Special Improvement District 98-2 (Cedar Pass):

Mayor Bateman explained that SID 98-2 was an initiative started by Mayor Hooge as she felt like this was something that the people of Cedar Pass Ranch needed. However, Mayor Bateman said that because of the number of protests that have been received it was clear that there are a number of questions that needed to be addressed on this still and he recommended to the Town Council at this time that they not approve the SID.

Dave Lifferth, Cedar Pass Ranches, said he was representing the Homeowners Association. He is the President of the Homeowners Association for Cedar Pass Ranches. Dave said that the seeds of mistrust have been planted deep in the ground at Eagle Mountain. He feels like the Town Council does not listen to the citizens. He asked that in the future the wording in the SID's not be worded so negative. Jerry Kinghorn, Town Attorney, explained that the wording comes from the State requirements.

Bill Chipman expressed his appreciation for the work the Town Council had done to try to make things better for the Town of Eagle Mountain.

Dave said he was not trying to offend anybody. He was just relaying how the people feel.

Roxanne Clark, Cedar Pass Ranch, talked about how she had contacted 115 people about this protest. She said that the people feel that the Town is just not listening to them.

Mayor Bateman spoke about how there were only 18 people involved in the original General Plan. There was a lot of frustration in the early days. He said he is glad that people are taking interest. He asked that people come to the meetings and take more interest in what is going on. He said there is a lot of misinformation out there.

Roxanne said the citizens just want to be heard.

Bill Chipman said that the only reason the Town had started this SID for natural gas is that some citizens came to the Town and said they wanted the natural gas.

John Jacob, 9155 North Cedar Pass Road, voiced his frustration about how he was approached by Roxanne in talking about the SID. He wanted to know what the mistrust is. He feels like if the SID is voted down it would be a miscarriage of justice.

Mayor Bateman said that people need to understand the utility system. They need to talk about the issues to resolve the concerns.

John Jacob wanted to know if the SID was voted down now, would this delay the system or would the Town have to start all over again. He wanted to know how much money had been spent so far.

Mayor Bateman said the engineering would not have to be done again.

Glen Zaug, 9138 N Deerfield Circle, stated that he had received the notices about the natural gas proposal and was happy about that. He didn't know that it wasn't going to be Questar. He wants to see more information to compare rates.

Mayor Bateman explained that the rates were the same as Questar. He said the town had approached Questar when the gas system was first proposed, but they were not interested or they gave an extremely high price. He said Mayor Hooge had done a good job of setting up the SID for this gas line.

Mayor Bateman asked Jerry Kinghorn, Town Attorney, what the town's options were on the issue at this point.

Jerry Kinghorn advised the Council to close the Public Hearing and table item 8b while they analyze the protests to see if they can develop some more public information before a vote is taken. He said they may have to decline it.

John Jacob hoped that it could be tabled until some information could be given to the concerned citizens.

Roxanne Clark said she would like to form a fact-finding committee.

Charlotte Ducos, Provo, said she had heard things from both sides. She said she wants natural gas when she gets out to Cedar Pass. She hopes the item can be tabled until the protests have been evaluated. She asked if a letter could be written to withdraw a protest.

Jerry Kinghorn said to close 8a, table 8b, count the protests, and then get a report back to the Town Council.

Blaine Carlton, Bond Counsel, said the Utah Statute allows for protests to withdraw.

Bill Chipman asked if they could continue the Public Hearing until January 19, 1999.

Diane Bradshaw clarified that they can table 8b, but if they count the protest votes and they are more than 51% then the item is dead. Jerry Kinghorn said that was correct.

MOTION

Dan Valentine moved to table the action on item 8b until the next Council meeting, December 15, 1998, at which time we will hear a report and make a decision at that point and have a procedure. Bill Chipman seconded.

Dan Valentine amended to continue the Public Hearing indefinitely, and to place on the next agenda a discussion of the actual vote tabulation. Ayes: 4, Nays: 0. Motion passed.

9. Consideration and Approval of a Resolution authorizing the issuance and sale of not to exceed \$5,090,000.00 Special Assessment Bonds, Series 1998 (Eagle Mountain, Utah Special Improvement District No. 98-3) (Sweet Water Road/Storm Drainage Phase I); fixing interest rates and maturity dates; and related matters:

Jerry Kinghorn gave a presentation on this issue. He handed out material to the Council for reference. He said this is a formal action to be taken to authorize the sale of the bonds in the Eagle Mountain Properties under SID 98-3. There were some changes that needed to be taken. Some of the names were wrong on the cover sheet.

Blaine Carlton, Bond Counsel, stated that on page 8 the schedule was wrong. He passed out a corrected copy for the Council to reference. He then gave a brief explanation of the contract. The Bond Purchase Agreement is with Seattle-Northwest Securities Corporation.

Cyril Watt arrived at 9:00 p.m.

Jesse Smith, Seattle-Northwest Securities Corporation, also gave a brief explanation of the agreement. He urged the Council to act on the resolution. He said that tonight the two things that needed to be done was to approve the resolution and give it a number, and to sign the Bond Purchase Agreement between Seattle-Northwest Securities Corporation and the Town of Eagle Mountain. He said the funds would be available December 15, 1998.

Laura Lewis, Lewis Young Inc., also spoke to the Council. She said that failure to act on this resolution could cause a failed closing and this would be very detrimental to the Town.

Bruce Baird, Eagle Mountain Properties, spoke to the Council. He talked about the hopes and dreams for the Town. He said they have a vision but they need to work through some issues with the Town so that everybody is working toward the same goals. Some of the goals they have are:

- 2,000 homes by year 2000
- cooperation between Town and developers
- prompt, fair processing of applications
- utility system healthy
- money spent wisely on SID's
- review Capital Facility Plan
- re-visit elements of Capital Facility Plan

Jerry Kinghorn, Town Attorney, read Resolution 28-98:

A RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF \$5,090,000 TOWN OF EAGLE MOUNTAIN, UTAH SPECIAL ASSESSMENT BONDS, SERIES 1998 EAGLE MOUNTAIN, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 98-3 (SWEET WATER ROAD/STORM DRAINAGE PHASE I) (THE "ONDS"), FIXING THE

INTEREST RATES TO BE BORNE THEREBY, 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.

MOTION

Dan Valentine moved to approve Resolution 28-98 as read by the Town Attorney and as amended by Bond Counsel in prior discussion. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

10. Consideration and Approval of a Resolution authorizing the issuance and sale of not to exceed \$1,470,000. Water and Sewer Revenue Bond Anticipation Notes, Series 1998; authorizing the execution of a Note Purchase Contract and all other documents required in connection therewith; authorizing the taking of all other actions necessary to consummate the transactions contemplated by the Bond Resolution, Supplemental indenture and other related documents; and related matters:

Blaine Carlton and Jesse Smith gave brief explanations of the three resolutions that would fall under items 10, 11, and 12. The resolutions were passed to the Council and they were advised not to make any notations on them. These documents set forth the conditions of the Special Assessment Bonds talked about under item 9. He said there is one Purchase Note Agreement to cover all three resolutions.

Jerry Kinghorn read the first resolution which is entitled Resolution 29-98:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE MOUNTAIN, UTAH COUNTY, UTAH AUTHORIZING THE ISSUANCE AND SALE OF ITS WATER AND SEWER REVENUE BOND ANTICIPATION NOTES, SERIES 1998 IN A TOTAL PRINCIPAL AMOUNT OF \$1,470,000; AUTHORIZING THE EXECUTION BY THE TOWN OF A SECOND SUPPLEMENTAL INDENTURE, A NOTE PURCHASE CONTRACT, AN OFFICIAL STATEMENT AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION, THE SECOND SUPPLEMENTAL INDENTURE, THE NOTE PURCHASE CONTRACT AND THE OFFICIAL STATEMENT; PROVIDING A SEVERABILITY CLAUSE; REPEALING RESOLUTIONS IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS.

There were some names changes that needed to be taken care of in the resolution copies.

Diane Bradshaw had some questions about some of the dollar amounts. These were clarified by Jesse Smith and Jerry Kinghorn. The difference in the totals would come from The Ranches.

MOTION

Cyril Watt moved to approve Resolution 29-98 as read by the Town Attorney. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

11. Consideration and Approval of a Resolution authorizing the issuance and sale of not to exceed \$570,000. Telecommunications Revenue Bond Anticipation Notes, Series 1998; authorizing the taking of all other actions necessary to consummate the transactions contemplated by the Bond Resolution, Supplemental Indenture and other related documents; and related matters:

There was a discussion about having all three resolutions under one Note Purchase Contract.

Jerry Kinghorn read Resolution 30-98:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE MOUNTAIN, UTAH COUNTY, UTAH AUTHORIZING THE ISSUANCE AND SALE OF ITS TELECOMMUNICATIONS REVENUE BOND ANTICIPATION NOTES, SERIES 1998 IN A TOTAL PRINCIPAL AMOUNT OF \$570,000; AUTHORIZING THE EXECUTION BY THE TOWN OF A SECOND SUPPLEMENTAL INDENTURE, A NOTE PURCHASE CONTRACT, AN OFFICIAL STATEMENT AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION, THE GENERAL INDENTURE, THE SECOND SUPPLEMENTAL INDENTURE, THE NOTE PURCHASE CONTRACT AND THE OFFICIAL STATEMENT; PROVIDING A SEVERABILITY CLAUSE; REPEALING RESOLUTIONS IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS.

MOTION

Diane Bradshaw moved to approve Resolution 30-98 as read by the Town Attorney. Bill Chapman seconded. Ayes: 5, Nays: 0. Motion passed.

12. Consideration to approve a Resolution authorizing the issuance and sale of not to exceed \$2,830,000. Gas and Electric Revenue Bond Anticipation Notes, Series 1998; authorizing the execution of a Note Purchase Contract and all other documents required in connection therewith; authorizing the taking of all other actions necessary to consummate the transactions contemplated by the Bond Resolution, Supplemental Indenture and other related documents; and related matters.

Bill Chipman pointed out that there was a discrepancy in the amount of this resolution listed on the top of the Note Purchase Contract (\$2,825,000) and in the resolution (\$2,830,000). Jesse Smith clarified the correct amount is \$2,830,000. He said the correct amount is listed on the original contract.

Jerry Kinghorn read Resolution 31-98:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE MOUNTAIN, UTAH COUNTY, UTAH AUTHORIZING THE ISSUANCE AND SALE OF ITS GAS AND ELECTRIC REVENUE BOND ANTICIPATION NOTES, SERIES 1998 IN A TOTAL PRINCIPAL AMOUNT OF \$2,830,000; AUTHORIZING THE EXECUTION BY THE TOWN OF A SECOND SUPPLEMENTAL INDENTURE, A NOTE PURCHASE CONTRACT, AN OFFICIAL STATEMENT AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION, THE GENERAL INDENTURE, THE SECOND SUPPLEMENTAL INDENTURE, THE NOTE PURCHASE CONTRACT AND THE OFFICIAL STATEMENT; PROVIDING A SEVERABILITY CLAUSE; REPEALING RESOLUTIONS IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS.

MOTION

Bill Chipman moved to approve Resolution 31-98 as read by the Town Attorney. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

Jesse Smith explained a little more about the importance of signing the Note Purchase Contract tonight in order to sell the notes to Seattle-Northwest Securities Corporation.

Bill Chipman had a question about White Ranch listed in the contract. Jerry Kinghorn verified that this was not the White Ranch the Town is working with about annexing into the town. This is property owned by Walden.

Bill Chipman wanted to know why there was only one contract instead of three. Jesse explained that because the town is selling all three notes as one package to Seattle-Northwest Securities Corporation, there was only one contract to cover all three resolutions.

Mayor Bateman brought to their attention several changes that needed to be made on the documents that referred to the gender of "her" as far as the mayor was concerned and it should be "him".

13. Consideration and Approval of the Development Agreement with The Ranches, LLC for R-1 N-7 Crittenden Corner Subdivision:

Mayor Bateman expressed some concern over a section of this packet which is Exhibit 4, Special Conditions. The condition states: Off site storm water improvements are required to be constructed as part of the Master Developer's responsibilities. These improvements should be constructed prior to occupancy within the subdivision.

Debbie Hooge, DMH Group, represented The Ranches on this item.

There was a discussion about having all of the information concerning the development be included with the packet so that the Council knows what has been taken care of in the past.

Jerry Kinghorn, Town Attorney, said they are trying to simplify the paperwork to make things easier at the Council meetings. He also asked that a sentence be added to paragraph 2.4 on page 2 of the Development Agreement. This paragraph deals with the Town not having sufficient utility capacity to deliver services to the Owner/Developers project and the duties of the Town to provide services are expressly conditioned upon the Ranches L.C. providing the financial sponsorship of the Special Assessment District for offsite utilities to the property as required by the Town to service the project. The Parties intend that the rights granted to Owner/Developer under this Development Agreement are both contractual and as provided under the common law concept of "vested rights." Jerry wanted to change some of the language in this regarding the absence of the Town to furnish utilities. He said that he would like the phrase added which disclaims liability for providing utilities if something happens.

Jerry also brought up the subject of a 10-acre park. He wanted to know when that park was going to be completed and how. He asked that a timeframe be submitted for completion along with the plan for the park.

Debbie Hooge, representing The Ranches, said she would need to talk with the developer before any decision was made concerning the park.

Mayor Bateman left the meeting for a few minutes and appointed Dan Valentine as Mayor Pro-Tem.

Debbie said the 1-acre park was already designed but not a 10-acre park. There was some discussion about who was responsible for building the 10-acre park.

Diane Bradshaw asked when the Council could see the plans. Debbie said she would bring copies to the Council.

Bruce Baird, Eagle Mountain Properties, said he believed the approval of these development agreements for these two subdivisions, Crittenden Corner and Rockwell Village, is a violation of both law and public policy. He said they are in violation of their own Development Code because there is no development agreement. He talked about how some of the small lots are not even realistic for development because of their size. He spoke about utilities to the developments into The Ranches. He questioned the financing of The Ranches. He said The Ranches had not come up with an SID yet.

Jesse Smith from Seattle-Northwest Securities met with Bruce Baird privately to talk about the funding that was being prepared for The Ranches.

Jerry Kinghorn said that there were some things that needed to be done before there could be any people moving into homes in The Ranches. He said that there have been disclosures put in the building permit applications so that people would know the risks they were taking.

Bruce Baird talked about "paper" lots.

Jerry Kinghorn said that much is being done to secure all of the funding and to take care of the utilities for The Ranches. He said they were working hard to complete the Master Development Agreement for The Ranches. He said the pieces are coming together. He said he hoped the Master Development Agreement is completed before they approve anymore subdivisions for The Ranches.

Bill Chipman asked when this would be completed. Jerry said they did not have a date but hoped it would be soon.

Mayor Bateman came back but he asked that Dan Valentine remain Mayor Pro-Tem until item 13 was completed.

Mayor Bateman asked Jerry Kinghorn if the law was being broken as far as The Ranches were concerned. Jerry responded that he would not allow the law to be broken. Mayor Bateman said he was not comfortable with approving subdivisions for The Ranches without a completed Master Development Agreement. Jerry said that the water issue was one of the items keeping them from finalizing the agreement. John Jacob said he was very near completion of transferring water rights to The Ranches.

MOTION

Bill Chipman moved to approve the development agreement with The Ranches L.C. for R-1 N-7 Crittenden Corner Subdivision with the addition of a disclaimer put in on paragraph 2.4 with relation to the utilities as outlined and accepted by the Town Attorney. Diane Bradshaw seconded.

Dan Valentine asked if there could be a word added under Article III, Basic Building Restrictions, Section 3.01. At present the wording of the last sentence reads: Each lot shall be used solely for residential purposes. Dan asked if the sentence could read: Each lot shall be used solely for single family residential purposes. Dan also asked if Section 7.08 under Article VII could be changed to read: Homes shall have the appearance of single family residences. No Lot and no residence on any lot shall be used for any purpose other than for a single family residence. However, nothing in this Declaration shall prevent the rental of a Lot by the Owner thereof for single family residential purposes, on either a short or long-term basis subject to all the provisions of this Declaration and the requirement that all such leases shall be in writing and that a violation of any of the restrictions, covenants, and conditions set forth herein shall be a default under such Lease.

Bill Chipman amended the motion to accept the above condition. Diane Bradshaw accepted the amendment. Ayes: 5, Nays: 0. Motion passed.

14. Consideration and Approval of the Development Agreement with The Ranches, LLC for R-1 N-8 Rockwell Village Subdivision:

Mayor Bateman took back his duties from Dan Valentine.

There was some discussion about the water rights being transferred from John Jacob. John said this is being done by his attorney. John said this had been a very delicate matter but was finally being settled and should be available soon.

MOTION

Dan Valentine moved to approve the development agreement for The Ranches Rockwell Village Subdivision as written with the following additions:

1. *That included under Exhibit 4, Special Conditions, that one acre of grass park with a tot lot be completed and installed by September 1, 1999.*
2. *That an additional utilities language disclaimer, acceptable to the Town Attorney, be added to paragraph 2.4.*
3. *That the overall park development plan and phasing expectations be turned into Ken Leetham, Town Planner, before the subdivision is recorded.*
4. *That Article III, Section 3.01 be modified to add the words "single family" before residential purposes, and the same exact language be added to Section 7.08.*

Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

15. Report to the Town Council on the White Ranch Annexation/Janet Valentine:

Janet Valentine reported that the White Ranch Annexation had met everything that is required by statute to annex as far as the State law is concerned.

Jerry Kinghorn explained that the next step would be to publish in the newspaper a notice that the Town had received the petition and that it has been filed with the Town. This is published once a week for three consecutive weeks. Then within 20 days the Town has an extensive mailing that needs to be done. The Town needs to mail to the county, to the school district, to the Town of Cedar Fort, and to the property owners of the unincorporated area that is in the area proposed for annexation. Jerry said there are quite a few of those people. After the notice period runs out then they have 30 days to file their protest with the Town to the annexation. If the Town gets a lot of protests from the county, such as the school district or from landowners covering 15% of the assessed evaluation, it triggers a Boundary Commission Hearing before the Utah County Boundary Commission. At that point the Town really needs to make a decision whether we want to proceed with that any further because the Town would be required to post part of the costs of the feasibility study for the annexation. Jerry advised that at this point they needed to start the process and go from there. He said the Town should also advise the petitioners that the petition was certified and that the Town is going forward with the notice process; and if they want to get started with some kind of Master Development Plan, disclose the ownership, disclose what arrangements they have on the ownership and that sort of thing, they could start bringing those things to the Planning Commission and try to get something considered.

There was some discussion concerning water rights.

Jerry Kinghorn explained what the requirements of the notice are:

- a. have received the petition and it has been filed
- b. the date of the notice of certification which is today (December 8, 1998)
- c. described the area proposed for annexation
- d. say that the annexation petition is available for inspection and copy at the office of the recorder
- e. may or may not grant the petition and annex the area
- f. unless the Town receives written protests the Town has to state the address of a Boundary Commission

Jerry said the Town does not have to set up a Public Hearing.

MOTION

Diane Bradshaw moved to authorize the Town Clerk to proceed with publishing the notice as required by the Statute for Annexation with the State. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.

MOTION

Dan Valentine moved to table items 18, 19, 20, 22 until the Town Council Meeting on December 15, 1998, and to adjourn the Town Council Meeting of December 8, 1998. Bill Chipman seconded. Ayes: 5, Nays: 0.

The Town Council Meeting of December 8, 1998, adjourned at 11:00 p.m.

Approved: _____ Date: _____
 Mayor Robert E. Bateman

MOTION

*Dan Valentine moved to table items 18, 19, 20, 22 until the Town Council Meeting on December 15, 1998, and to adjourn the Town Council Meeting of December 8, 1998. Bill Chipman seconded.
Ayes: 5, Nays: 0.*

The Town Council Meeting of December 8, 1998, adjourned at 11:00 p.m.

Approved: Robert E. Bateman Date: 12/15/98
Mayor Robert E. Bateman

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
1680 E Heritage Dr
Eagle Mountain, UT 84043
December 15, 1998**

1. Roll Call:

Mayor Bateman called the meeting to order at 7:03 p.m.

Councilmembers present: Mayor Robert E. Bateman
Bill Chipman
Diane Bradshaw
Dan Valentine and Cyril Watt Excused

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Recorder: Janet Valentine
Town Treasurer: Jeri Wilson
Recording Secretary: Vada Hunter

Also present: Bob Lynds, The Ranches L.C.; Roxanne Clark; Dave Lifferth; Joshua Elledge;
Nick Berg, Eagle Mountain Properties;

2. Pledge of Allegiance:

Jerry Kinghorn, Town Attorney, led the Town in the Pledge of Allegiance.

3. Approval of Agenda:

Mayor Bateman proposed to table Item 10, Consideration and Approval of a Resolution of the Town of Eagle Mountain Defining Telecommunication Rates for Services offered by the Town of Eagle Mountain Telecommunications Company, and Amending Resolution No. 22-98, until after the Public Meeting on January 6, 1999. He proposed to table Item 13, The Ranches Draw Request, as the funding is not immanent as yet. He proposed to delete Item 20, Bid Awards. He proposed to table Item 23, Consideration and Approval of LNG Contract. He asked to move Item 25 up to right after Item 15. He asked to move Item 16 down to just prior to the Executive Session and move the Department Reports to after the Executive Session. He also proposed to delete Item 9, Impact Fee Appeals.

MOTION

Diane Bradshaw moved to approve the agenda as amended. Bill Chipman seconded.

Mayor Bateman asked to move Item 25 up to after Item 5, per John Newman, Town Administrator. Diane Bradshaw and Bill Chipman accepted the change. Ayes: 3, Nays: 0. Motion passed.

4. Approval of Minutes 03/04/98 with Planning Commission; 12/8/98:

MOTION

Diane Bradshaw moved to approve the minutes of the joint meeting of March 4, 1998, as amended. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

MOTION

Bill Chipman moved to approve the minutes of December 8, 1998, as amended. Ayes: 3, Nays: 0. Motion passed.

5. General Discussion/Questions/Announcements:

Mayor Bateman talked about a Temporary Occupancy permit policy that had been drafted by Korey Walker, Town Engineer, and Kent Partridge, Building Inspector. The permit is based on the Uniform Fire Code.

Temporary occupancy requires a road capable of providing emergency vehicle access. The temporary street required to handle the traffic shall be in accordance with one of the following options:

- 1. A minimum of an additional 3 inches of gravel shall temporarily replace the asphalt portion of the original geotechnical design. As soon as weather permits, this gravel shall be removed and the roadway shall be completed as designed. The completion of the road will include all required re-grading, removal of soft areas, removal of any contaminated materials, re-compaction, and placement of asphalt as directed by the Town Engineer.**
- 2. A minimum of 2 inches of ¾ inch asphalt will be placed on the street initially as part of the pavement section defined by the geotechnical engineer. One year into the guarantee period, a minimum of 1 ½ inches of ½ inch asphalt shall be overlaid as required by the Town Engineer.**

In addition, the developer will bond \$1,200 per 1000 feet of street for snow removal and street maintenance if option 1 is chosen and \$500 per 1000 linear feet if option 2 is chosen. The bond shall be used if the developer does not fulfill his responsibilities.

Bill Chipman asked if it would be possible to have the water meter readings for November and December of the Eagle Mountain residents to do a comparison and present this at the January 6th Public Meeting.

6. Warrant Register/Jeri Wilson:

Mayor Bateman asked about the Accounts Receivable. The Mayor said the Town would have to put some of the construction on hold until these items were paid. Jeri Wilson said she would start calling the companies involved.

Jeri Wilson had some questions about the U S West invoices. Bill Chipman said Jeri needed to contact Korey Walker so he could check with Tasco about the invoices.

Bill Chipman had a question about a Tasco payment for \$146,420. Jeri Wilson said she was confused about how Tasco had worded the invoice. Mayor Bateman asked to have that item taken off until the amount was clarified.

MOTION

Diane Bradshaw moved to approve the Warrant Register with the exception of item 5340570200 to Tasco Engineering in the amount of \$146,420.00 which is to be removed from the Warrant Register. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

Mayor Bateman asked for the Council to review the Supplemental Warrant Register. The Mayor said that with the funding of the RBANS and SID's, there were a number of items the Town was going to need to reimburse Eagle Mountain Properties, L.C. for.

The Mayor explained that Korey Walker, Town Engineer, had just received these figures from Eagle Mountain Properties that morning. Jerry Kinghorn, Town Attorney, explained that some of these

items needed to be clarified and matched up. Some of the items were clear and ready to approve the reimbursements. Jerry said they would work on these as quickly as they could. Jerry recommended that the Council approve the payments that are on the Supplemental Warrant Register and then authorize Corey Walker, John Newman, and Jerry Kinghorn to go through and verify and pay other hard costs. Jerry said he was concerned about interest accruing on these and getting into a budget problem. He wanted to be able to go through and verify the hard costs on Sweetwater North, some of the hard costs on the reimbursement on the fire station, and some of the engineering costs. He stated that there would not be another Council meeting for at least three weeks and he wanted to get this done. Mayor Bateman said these items had been before the Council before.

MOTION

Diane Bradshaw moved to approve the Supplemental Warrant Register to Eagle Mountain Properties, L.C.; the amounts on the Register to be paid with respect to the additional amounts to be reviewed by the Town Administrator and the Town Engineer and any concerns will be reviewed before the Mayor signs the documents. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

7. Public Comment:

Roxanne Clark, Lot 14, 8802 N Overland Dr, addressed the Town Council. She stated that what she had to say was for the public record. She confirmed that on December 7, 1998, she came to the Town Offices with a protest of 139 votes against the Special Improvement District 98-2 but written as the language in the SID required. It was of the SID's design, not her design. She said she followed the SID as how it was outlined. She said the protest was not to "kill" the natural gas project but to have questions and concerns answered honestly and completely by the Town Council.

Roxanne said their group was informed last night that there was a petition going out that was designed by Mark Lindsay and Rob Bateman to rescind the votes on the protest. Roxanne then read the letter. She then said she spoke with Mayor Bateman last night and he said he did work with Mark Lindsay on putting this protest together but only to help Mark Lindsay with the wording. She felt like this was a very dirty political trick. She said this once again brings up the trust issue. She said they are not an enemy of the town. They very much want to have natural gas in Cedar Pass Ranch and Cedar Pass North.

Roxanne said they would like to invite a Questar representative to the meeting on January 6, 1999, to answer the questions from the citizens of Eagle Mountain so they can have a direct answer from a Questar representative, not a city official, so the trust issue can be directed and all of the facts can be on the table.

Roxanne stated that they had formed a committee and their name is "Another Voice". She said they would like to be a part of the informing and talking to and knowing the citizens of Eagle Mountain, mainly Cedar Pass North and Cedar Pass Ranch and their concerns. She said the trust issue is a bigger issue than the natural gas and water issues.

Mayor Bateman asked Jerry Kinghorn, Town Attorney, to talk a little bit about protests. He said the statute doesn't allow for any kind of documentary debate. He said it is either a protest or it is not.

Mayor Bateman said Mark Lindsay had approached him about concerns as to whether or not the natural gas SID would be killed. Mark asked the Mayor what he had to do to rescind his vote. Mayor Bateman told him what he thought Mark needed to say and Mark asked the Mayor to write that down. That is how the Mayor's name ended up on the petition letter.

Dave Lifferth, 2976 E Cedar Pass Rd, brought some letters from people who wanted to rescind their protest.

Mayor Bateman wanted the people to know that it was not his understanding that the Council just intends to vote in favor of the SID or oppose it without further citizen input. What he proposed was that this be tabled for 45 days. He said there is a meeting on January 6, 1999, to talk about the overall utility systems. It will talk about natural gas. He said it is not his intent to spend a lot of time on the SID. He said he had spoken with Dave Lifferth and some others, and he suggested that the Homeowners Association put together a meeting two or three weeks after. He said he had already asked the Town Engineer and a representative of Tasco Engineering to come to that meeting. He said he had no problem with Roxanne's suggestion that someone from Questar be there. He said his only concern is that it be somebody at a level sufficient to speak for Questar. He said he had the names of those people.

Bill Chipman had some comments.

Diane Bradshaw had some comments and concerns about keeping track of people who protest and rescind.

Mayor Bateman suggested that after all of the meetings have been held, that a public ballot be taken of the Cedar Pass Ranch and the Cedar Pass North property owners. In the ballot voting favoring the SID, he felt like maybe there could be a statement in there saying that if I vote for it then I hereby rescind any protest that I previously made against this. The Mayor said he wants to work with the people and deal with the issues.

Jerry Kinghorn said that there has to be a careful calculation of all the protests and anyone rescinding their protest. He made it clear that at the time all of the voting is calculated, if there is more than 51% of the property owners have valid protests, then it can not be passed. He said all of the paperwork must be originals. He recommended that the decision on SID 98-2 be table until the first meeting in February.

Paul Mayes, 2406 E Valley Dr, spoke about having misleading information. He felt like there are better ways of getting information to the people. He also expressed the concern of not being able to call information and get phone numbers for people in Eagle Mountain.

8. **Action on Special Improvement District 98-2:**

MOTION

Bill Chipman moved to table a decision for 60 days on SID 98-2 for Cedar Pass Ranch and Cedar Pass North pending additional public input. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.

9. **Impact Fee Appeals:**

Item deleted.

Item 25 – **Appointments by Mayor** – was moved to this position when the Agenda was approved. Mayor Bateman announced that Scott Kirkland of the Planning Commission would be finished with his term on the Commission as of December 31, 1998.

Mayor Bateman asked Nick Berg to come forward. The Mayor presented him with a plaque thanking him for his work as Chairman of the Airport Advisory Board.

Mayor Bateman nominated Doug Gwilliam to the Planning Commission to take the place of Scott Kirkland. Doug lives in The Landing at Eagle Mountain. His term of office would begin on January 1, 1999.

MOTION

Bill Chipman moved to approve the appointment of Doug Gwilliam to the Planning Commission. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.

10. **Consideration and Approval of a Resolution of the Town of Eagle Mountain Defining Telecommunication Rates for Services offered by the Town of Eagle Mountain Telecommunications Company, and Amending Resolution No. 22-98.**

This item was tabled.

11. **Capital Facilities Plan/Korey Walker:**

Korey Walker, Town Engineer, said the Capital Facilities Plan Update includes primarily three phases. The first is to update the buy in portion of the Capital Facilities Study; the second is to add a well; and the third is the Town needs to add in the 5th year to the Capital Facilities Plan. Korey said he also wanted to spend a little more time working on the plan to put in some verbiage that would tie the information together a little better than the original stage of the plan.

Mayor Bateman explained to the public that the CFP is a document that specifies the capital improvements the Town is planning to make over the next five years. This includes the sewer system, water system, roads, storm drains, etc.

MOTION

Bill Chipman moved to approve the Capital Facilities Plan Update Scope of Work and Proposal submitted by Korey Walker, Town Engineer. The total cost for the update is \$9,000. This proposal does include the land acquisition costs for the storm drainage roads, the well, and SID's. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.

12. **Website Proposal from Joshua Elledge:**

Joshua did a presentation on a proposal for a website for the Town. His proposal was "To use the created website of www.eaglemountainonline.com as the city's official internet website serving as an online location to provide official city information, and serve as a resource and forum for all residents and investigators of the city of Eagle Mountain".

Option 1:

In an effort to support local businesses, advertising space on www.eaglemountainonline.com can be made available to such establishments in exchange for compensation to supplement costs of hosting and maintenance. Advertising rates are included on appendix A. I will handle such administration as attracting advertisers and handling all financial dealings with them. \$250 per month compensation from city.

Option 2:

www.eaglemountainonline.com will be free of commercial advertisements. \$400 per month compensation from city.

The Council was very receptive to his presentation. Because two of the members were not present, Mayor Bateman asked that they have time to look over the proposals before any decision is made. Mayor Bateman asked that it be put on the next agenda.

No motion.

13. **The Ranches Draw Request/Korey Walker:**

Item tabled until next meeting.

14. The Ranches Update/Bob Lynds:

Bob Lynds, The Ranches L.C., stated that contrary to rumors they were still proceeding with their work. He said they would have \$750,000 by the end of this week and another \$250,000 the end of next week.

Bob stated that they were meeting with the Planning Commission on Thursday for one final plat approval and two preliminary plat approvals. He said they also had a conditional use permit for doing the grading for the golf course to present at the Planning Commission Meeting on Thursday.

Bob said he had a letter of recommendations from Korey Walker for the golf course. He said he hopes to have Robinson Construction begin the grading on Monday. Their goal is to open the golf course in July, 2000. They hope to have the course seeded by August or September of 1999. They are seeking an alternate water source in this valley. He said they hope to resolve the Class I issues by February or March of 1999.

Bill Chipman had questions about lot sizes. Bob said their density is down to 500 units at this point.

Diane Bradshaw said there had been some concerns brought to her attention about the digging of a well in the aquifer out there and taking water from the people living out there who have their own wells.

Bob Lynds said they are studying the water issues.

Jerry Kinghorn asked Bob to get him some maps.

15. Eagle Mountain Properties Update/Nick Berg:

Nick Berg, Eagle Mountain Properties, announced that Jack, Rocky Mountain GSE at the airport, would like to be on the Airport Advisory Board.

Nick said that earlier in the day they had an approval of funding for a Community Center on the other side of the fire station. This would be 28 feet wide and 74 feet long. This could be used for Boy Scouts, Youth Clubs, Senior Citizens, Citizens Groups, Clubs, Receptions, Parties, etc.

Nick mentioned an article that was in the Salt Lake Tribune about roundabouts and said the article mentioned Eagle Mountain.

Nick asked Korey about the Sweetwater Road South contract that was supposed to be worked on until the weather dictated otherwise. He said Brian from Valley Asphalt came to their meeting and said it would be worked on but Nick said he had seen nothing being done.

Janet Valentine asked what the update was on the Chevron Service Station. There was some discussion about the location.

16. Approval of Amended & Restated Reimbursement Agreement with Monte Vista Ranch, L.C., Eagle Mountain Properties, L.C. & Guarantors/Jerry Kinghorn:

Item 16 was moved to after Item 26.

17. Partial Payment Requests/Korey Walker:

There was a discussion on funding the SID and the Change Orders. Bill Chipman was concerned about the large amount on The Ranches Parkway Road, Water, and Sewer Construction contract. Jerry Kinghorn, Town Attorney, said these questions should be answered at the meeting that will be held on Friday concerning The Ranches.

Korey pointed out that the Town has already approved the change orders and this is a release.

MOTION

Diane Bradshaw moved to approve the partial payment release estimates for the following contingent upon the Public Works Board reviewing and signatures being placed:

- 1. The Ranches Parkway Road, Water, and Sewer Construction: \$381,670.83*
- 2. TSSD Sewer Outfall Line: \$192,004.82*
- 3. Sweet Water South Road Extension: \$142,267.53*
- 4. Eagle Mountain Properties Storm Drain: \$412,477.45*

Jerry Kinghorn verified that the last two amounts are coming out of the SID bonds that were closed today.

Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

18. Bond Releases/Korey Walker:

MOTION

Bill Chipman moved to table Mountain View Subdivision Phase I – Town Acceptance and Eagle Point Subdivision Plat A – Town Acceptance. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.

It was noted that Korey had some items he needed to clarify on the above items.

MOTION

Diane Bradshaw moved to release Escrow Bond Release for Sundance at Red Hawk Ranch Plat A in the amount of \$77,930.00. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

19. Contract Change Orders/Korey Walker:

This change order includes rerouting the 16" line running across Eagle Mountain Boulevard. The net change order is \$904.10.

MOTION

Diane Bradshaw moved to approve the Contract Change Order No. 1 for Eagle Mountain Properties Storm Drain in the amount of \$904.10. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

20. Bid Awards/Korey Walker:

Item deleted.

21. Consideration to Approve an Ordinance Enacting Speed Limits for Roads within the Town of Eagle Mountain, Utah (tabled from TC Mtg. Of 12/08/98):

MOTION

Diane Bradshaw moved to approve Ordinance 98-15 amending the speed limit for arterial roads to 55 MPH in item 4 and improved

*gravel roads to a speed limit of 35 MPH. Bill Chipman seconded.
Ayes: 3, Nays: 0. Motion passed.*

22. Consideration to Approve a Health Program for the Eagle Mountain Town Staff/John Newman (tabled from TC Mtg. Of 12/08/98):

John Newman, Town Administrator, gave a presentation on Medical Insurance Plans. He strongly recommended PEHP even though the cost was more than United Health Care, IHC Direct, and IHC Select. It was verified that it would involve six employees.

Bill Chipman wanted to know how often the Town would be looking at this. John Newman said it would be once a year.

There was some discussion about the different costs.

Bill asked about pre-existing conditions. John said that a form needed to be filled out and submitted. The exact premium would be based on the health history questionnaire.

Diane asked what the Town was currently paying. Mayor Bateman said all the Town was paying was retirement. Diane asked about the Cafeteria plan. Janet said it is 15% and the employee has the say in how it is distributed. Mayor Bateman said that if the Town went with the Health Plan then it would just pay the 10.67% on the retirement.

Diane Bradshaw proposed a 70/30 plan for the employee. She was not comfortable with a 100% payment of the employees premium.

There was a discussion about a breakdown of the number of people on the plan and how much it would cost. Bill felt like the Town should pay for the employee and then have a split for the rest of the family.

MOTION

Bill Chipman moved to approve the health insurance with PEHP and that the employee be covered 100% and the Town will pay 75% of the difference in cost for the family. This will be in lieu of the 15% retirement currently being paid.

Diane Bradshaw was not comfortable with this proposal. John Newman said the problem he could see with the decision was with Kent Partridge because of what was proposed to him when he was hired full time.

*The proposal was changed to go 100% coverage for the employee and the Town will pay 60% of the difference in cost for the family. The 15% Cafeteria Plan would be eliminated. Diane Bradshaw seconded.
Ayes: 3, Nays: 0. Motion passed.*

This would take affect on January 1, 1999.

23. Consideration and Approval of LNG Contract:

This item was tabled because of lack of information.

24. Timpanogos Special Service District 1998 Amended Budgets and 1999 Tentative Budgets (tables from TC Mtg. Of 12/08/98):

Mayor Bateman presented this item. He said the first item should say "Actual Revenues" and not "Actual Expenditures".

MOTION

Bill Chipman moved to approve the 1998 amended budget and the 1999 tentative budget for the Timpanogos Special Service District (TSSD). Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.

25. Appointments by Mayor:

This item was taken care of earlier in the meeting under the approved changes to the agenda.

26. Department Reports:

Will be taken care of at the end of the Executive Session.

27. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues:

MOTION

Bill Chipman moved to adjourn to a Closed Executive Session. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.

The regular meeting adjourned at 9:55 p.m.

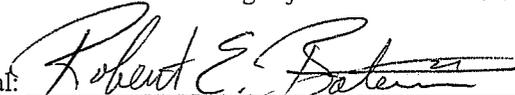
Those in attendance at the Closed Session: Mayor Robert E. Bateman, Diane Bradshaw, Bill Chipman, Jerry Kinghorn.

MOTION

Diane Bradshaw moved to adjourn. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

The Town Council Meeting adjourned from the Closed Executive Session at 10:30 p.m.

Approval:



Mayor Robert E. Bateman

Date:



**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
1680 E Heritage Dr
Eagle Mountain, UT 84043
December 15, 1998**

1. Roll Call:

Mayor Bateman called the meeting to order at 7:03 p.m.

Councilmembers present: Mayor Robert E. Bateman
Bill Chipman
Diane Bradshaw
Dan Valentine and Cyril Watt Excused

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Recorder: Janet Valentine
Town Treasurer: Jeri Wilson
Recording Secretary: Vada Hunter

Also present: Bob Lynds, The Ranches L.C.; Roxanne Clark; Dave Lifferth; Joshua Elledge;
Nick Berg, Eagle Mountain Properties;

2. Pledge of Allegiance:

Jerry Kinghorn, Town Attorney, led the Town in the Pledge of Allegiance.

3. Approval of Agenda:

Mayor Bateman proposed to table Item 10, Consideration and Approval of a Resolution of the Town of Eagle Mountain Defining Telecommunication Rates for Services offered by the Town of Eagle Mountain Telecommunications Company, and Amending Resolution No. 22-98, until after the Public Meeting on January 6, 1999. He proposed to table Item 13, The Ranches Draw Request, as the funding is not imminent as yet. He proposed to delete Item 20, Bid Awards. He proposed to table Item 23, Consideration and Approval of LNG Contract. He asked to move Item 25 up to right after Item 15. He asked to move Item 16 down to just prior to the Executive Session and move the Department Reports to after the Executive Session. He also proposed to delete Item 9, Impact Fee Appeals.

MOTION

Diane Bradshaw moved to approve the agenda as amended. Bill Chipman seconded.

Mayor Bateman asked to move Item 25 up to after Item 5, per John Newman, Town Administrator. Diane Bradshaw and Bill Chipman accepted the change. Ayes: 3, Nays: 0. Motion passed.

4. Approval of Minutes 03/04/98 with Planning Commission; 12/8/98:

MOTION

Diane Bradshaw moved to approve the minutes of the joint meeting of March 4, 1998, as amended. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

MOTION

Bill Chipman moved to approve the minutes of December 8, 1998, as amended. Ayes: 3, Nays: 0. Motion passed.

5. General Discussion/Questions/Announcements:

Mayor Bateman talked about a Temporary Occupancy permit policy that had been drafted by Korey Walker, Town Engineer, and Kent Partridge, Building Inspector. The permit is based on the Uniform Fire Code.

Temporary occupancy requires a road capable of providing emergency vehicle access. The temporary street required to handle the traffic shall be in accordance with one of the following options:

- 1. A minimum of an additional 3 inches of gravel shall temporarily replace the asphalt portion of the original geotechnical design. As soon as weather permits, this gravel shall be removed and the roadway shall be completed as designed. The completion of the road will include all required re-grading, removal of soft areas, removal of any contaminated materials, re-compaction, and placement of asphalt as directed by the Town Engineer.**
- 2. A minimum of 2 inches of ¾ inch asphalt will be placed on the street initially as part of the pavement section defined by the geotechnical engineer. One year into the guarantee period, a minimum of 1 ½ inches of ½ inch asphalt shall be overlaid as required by the Town Engineer.**

In addition, the developer will bond \$1,200 per 1000 feet of street for snow removal and street maintenance if option 1 is chosen and \$500 per 1000 linear feet if option 2 is chosen. The bond shall be used if the developer does not fulfill his responsibilities.

Bill Chipman asked if it would be possible to have the water meter readings for November and December of the Eagle Mountain residents to do a comparison and present this at the January 6th Public Meeting.

6. Warrant Register/Jeri Wilson:

Mayor Bateman asked about the Accounts Receivable. The Mayor said the Town would have to put some of the construction on hold until these items were paid. Jeri Wilson said she would start calling the companies involved.

Jeri Wilson had some questions about the U S West invoices. Bill Chipman said she needed to contact Korey Walker so he could check with Tasco about the invoices.

Bill Chipman had a question about a Tasco payment for \$146,420. Jeri Wilson said she was confused about how Tasco had worded the invoice. Mayor Bateman asked to have that item taken off until the amount was clarified.

MOTION

Diane Bradshaw moved to approve the Warrant Register with the exception of item 5340570200 to Tasco Engineering in the amount of \$146,420.00 which is to be removed from the Warrant Register. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

Mayor Bateman asked for the Council to review the Supplemental Warrant Register. The Mayor said that with the funding of the RBANS and SID's, there were a number of items the Town was going to need to reimburse Eagle Mountain Properties, L.C. for.

The Mayor explained that Korey Walker, Town Engineer, had just received these figures from Eagle Mountain Properties that morning. Jerry Kinghorn, Town Attorney, explained that some of these

items needed to be clarified and matched up. Some of the items were clear and ready to approve the reimbursements. Jerry said they would work on these as quickly as they could. Jerry recommended that the Council approve the payments that are on the Supplemental Warrant Register and then authorize Korey Walker, John Newman, and Jerry Kinghorn to go through and verify and pay other hard costs. Jerry said he was concerned about interest accruing on these and getting into a budget problem. He wanted to be able to go through and verify the hard costs on Sweetwater North, some of the hard costs on the reimbursement on the fire station, and some of the engineering costs. He stated that there would not be another Council meeting for at least three weeks and he wanted to get this done. Mayor Bateman said these items had been before the Council before.

MOTION

Diane Bradshaw moved to approve the Supplemental Warrant Register to Eagle Mountain Properties, L.C.; the amounts on the Register to be paid with respect to the additional amounts to be reviewed by the Town Administrator and the Town Engineer and any concerns will be reviewed before the Mayor signs the documents. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

7. Public Comment:

Roxanne Clark, Lot 14, 8802 N Overland Dr, addressed the Town Council. She stated that what she had to say was for the public record. She confirmed that on December 7, 1998, she came to the Town Offices with a protest of 139 votes against the Special Improvement District 98-2 but was written as the language in the SID required. It was of the SID's design, not her design. She said she followed the SID as how it was outlined. She said the protest was not to "kill" the natural gas project but to have questions and concerns answered honestly and completely by the Town Council.

Roxanne said their group was informed last night that there was a petition going out that was designed by Mark Lindsay and Rob Bateman to rescind the votes on the protest. Roxanne then read the letter. She then said she spoke with Mayor Bateman last night and he said he did work with Mark Lindsay on putting this protest together but only to help Mark Lindsay with the wording. She felt like this was a very dirty political trick. She said this once again brings up the trust issue. She said they are not an enemy of the town. They very much want to have natural gas in Cedar Pass Ranch and Cedar Pass North.

Roxanne said they would like to invite a Questar representative to the meeting on January 6, 1999, to answer the questions from the citizens of Eagle Mountain so they can have a direct answer from a Questar representative, not a city official, so that trust issue can be directed and all of the facts can be on the table.

Roxanne stated that they had formed a committee and their name is "Another Voice". She said they would like to be a part of the informing and talking to and knowing the citizens of Eagle Mountain, mainly Cedar Pass North and Cedar Pass Ranch and their concerns. She said the trust issue is a bigger issue than the natural gas and water issues.

Mayor Bateman asked Jerry Kinghorn, Town Attorney, to talk a little bit about protests. He said the statute doesn't allow for any kind of documentary debate. He said it is either a protest or it is not.

Mayor Bateman said Mark Lindsay had approached him about concerns as to whether or not the natural gas SID would be killed. Mark asked the Mayor what he had to do to rescind his vote. Mayor Bateman told him what he thought Mark needed to say and Mark asked the Mayor to write that down. That is how the Mayor's name ended up on the petition letter.

Dave Lifferth, 2976 E Cedar Pass Rd, brought some letters from people who wanted to rescind their protest.

Mayor Bateman wanted the people to know that it was his understanding that the Council just intends to vote in favor of the SID or oppose it without further citizen input. What he proposed was that this be tabled for 45 days. He said there is a meeting on January 6, 1999, to talk about the overall utility systems. It will talk about natural gas. He said it is not his intent to spend a lot of time on the SID. He said he had spoken with Dave Lifferth and some others, and he suggested that the Homeowners Association put together a meeting two or three weeks after. He said he had already asked the Town Engineer and a representative of Tasco Engineering to come to that meeting. He said he had no problem with Roxanne's suggestion that someone from Questar be there. He said his only concern is that it be somebody at a level sufficient to speak for Questar. He said he had the names of those people.

Bill Chipman had some comments.

Diane Bradshaw had some comments and concerns about keeping track of people who protest and rescind.

Mayor Bateman suggested that after all of the meetings have been held, that a public ballot be taken of the Cedar Pass Ranch and the Cedar Pass North property owners. In the ballot voting favoring the SID, he felt like maybe there could be a statement in there saying that if I vote for it then I hereby rescind any protest that I previously made against this. The Mayor said he wants to work with the people and deal with the issues.

Jerry Kinghorn said that there has to be a careful calculation of all the protests and anyone rescinding their protest. He made it clear that at the time all of the voting is calculated, if there is more than 51% of the property owners have valid protests, then it can not be passed. He said all of the paperwork must be originals. He recommended that the decision on SID 98-2 be table until the first meeting in February.

Paul Mayes, 2406 E Valley Dr, spoke about having misleading information. He felt like there are better ways of getting information to the people. He also expressed the concern of not being able to call information and get phone numbers for people in Eagle Mountain.

8. Action on Special Improvement District 98-2:

MOTION

Bill Chipman moved to table a decision for 60 days on SID 98-2 for Cedar Pass Ranch and Cedar Pass North pending additional public input. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.

9. Impact Fee Appeals:

Item deleted.

Item 25 – Appointments by Mayor – was moved to this position when the Agenda was approved. Mayor Bateman announced that Scott Kirkland of the Planning Commission would be finished with his term on the Commission as of December 31, 1998.

Mayor Bateman asked Nick Berg to come forward. The Mayor presented him with a plaque thanking him for his work as Chairman of the Airport Advisory Board.

Mayor Bateman nominated Doug Gwilliam to the Planning Commission to take the place of Scott Kirkland. Doug lives in The Landing at Eagle Mountain. His term of office would begin on January 1, 1999.

MOTION

Bill Chipman moved to approve the appointment of Doug Gwilliam to the Planning Commission. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.

10. Consideration and Approval of a Resolution of the Town of Eagle Mountain Defining Telecommunication Rates for Services offered by the Town of Eagle Mountain Telecommunications Company, and Amending Resolution No. 22-98.

This item was tabled.

11. Capital Facilities Plan/Korey Walker:

Korey Walker, Town Engineer, said the Capital Facilities Plan Update includes primarily three phases. The first is to update the buy in portion of the Capital Facilities Study; the second is to add a well; and the third is the Town needs to add in the 5th year to the Capital Facilities Plan. Korey said he also wanted to spend a little more time working on the plan to put in some verbiage that would tie the information together a little better than the original stage of the plan.

Mayor Bateman explained to the public that the CFP is a document that specifies the capital improvements the Town is planning to make over the next five years. This includes the sewer system, water system, roads, storm drains, etc.

MOTION

Bill Chipman moved to approve the Capital Facilities Plan Update Scope of Work and Proposal submitted by Korey Walker, Town Engineer. The total cost for the update is \$9,000. This proposal does include the land acquisition costs for the storm drainage roads, the well, and SID's. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.

12. Website Proposal from Joshua Elledge:

Joshua did a presentation on a proposal for a website for the Town. His proposal was "To use the created website of www.eaglemountainonline.com as the city's official internet website serving as an online location to provide official city information, and serve as a resource and forum for all residents and investigators of the city of Eagle Mountain".

Option 1:

In an effort to support local businesses, advertising space on www.eaglemountainonline.com can be made available to such establishments in exchange for compensation to supplement costs of hosting and maintenance. Advertising rates are included on appendix A. I will handle such administration as attracting advertisers and handling all financial dealings with them. \$250 per month compensation from city.

Option 2:

www.eaglemountainonline.com will be free of commercial advertisements. \$400 per month compensation from city.

The Council was very receptive to his presentation. Because two of the members were not present, Mayor Bateman asked that they have time to look over the proposals before any decision is made. Mayor Bateman asked that it be put on the next agenda.

No motion.

13. The Ranches Draw Request/Korey Walker:

Item tabled until next meeting.

14. The Ranches Update/Bob Lynds:

Bob Lynds, The Ranches L.C., stated that contrary to rumors they were still proceeding with their work. He said they would have \$750,000 by the end of this week and another \$250,000 the end of next week.

Bob stated that they were meeting with the Planning Commission on Thursday for one final plat approval and two preliminary plat approvals. He said they also had a conditional use permit for doing the grading for the golf course to present at the Planning Commission Meeting on Thursday.

Bob said he had a letter of recommendations from Korey Walker for the golf course. He said he hopes to have Robinson Construction begin the grading on Monday. Their goal is to open the golf course in July, 2000. They hope to have the course seeded by August or September of 1999. They are seeking an alternate water source in this valley. He said they hope to resolve the Class I issuer by February or March of 1999.

Bill Chipman had questions about lot sizes. Bob said their density is down to 500 units at this point.

Diane Bradshaw said there had been some concerns brought to her attention about the digging of a well in the aquafur out there and taking water from the people living out there who have their own wells.

Bob Lynds said they are studying the water issues.

Jerry Kinghorn asked Bob to get him some maps.

15. Eagle Mountain Properties Update/Nick Berg:

Nick Berg, Eagle Mountain Properties, announced that Jack, Rocky Mountain GSE at the airport, would like to be on the Airport Advisory Board.

Nick said that earlier in the day they had an approval of funding for a Community Center on the other side of the fire station. This would be 28 feet wide and 74 feet long. This could be used for Boy Scouts, Youth Clubs, Senior Citizens, Citizens Groups, Clubs, Receptions, Parties, etc.

Nick mentioned an article that was in the Salt Lake Tribune about roundabouts and said the article mentioned Eagle Mountain.

Nick asked Korey about the Sweetwater Road South contract that was supposed to be worked on until the weather dictated otherwise. He said Brian from Valley Asphalt came to their meeting and said it would be worked on but Nick said he had seen nothing being done.

Janet Valentine asked what the update was on the Chevron Service Station. There was some discussion about the location.

16. Approval of Amended & Restated Reimbursement Agreement with Monte Vista Ranch, L.C., Eagle Mountain Properties, L.C. & Guarantors/Jerry Kinghorn:

Item 16 was moved to after Item 26.

17. Partial Payment Requests/Korey Walker:

There was a discussion on funding the SID and the Change Orders. Bill Chipman was concerned about the large amount on The Ranches Parkway Road, Water, and Sewer Construction contract. Jerry Kinghorn, Town Attorney, said these questions should be answered at the meeting that will be held on Friday concerning The Ranches.

Korey pointed out that the Town has already approved the change orders and this is a release.

MOTION

Diane Bradshaw moved to approve the partial payment release estimates for the following contingent upon the Public Works Board reviewing and signatures being placed:

- 1. The Ranches Parkway Road, Water, and Sewer Construction: \$381,670.83*
- 2. TSSD Sewer Outfall Line: \$192,004.82*
- 3. Sweet Water South Road Extension: \$142,267.53*
- 4. Eagle Mountain Properties Storm Drain: \$412,477.45*

Jerry Kinghorn verified that the last two amounts are coming out of the SID bonds that were closed today.

Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

18. Bond Releases/Korey Walker:

MOTION

Bill Chipman moved to table Mountain View Subdivision Phase I – Town Acceptance and Eagle Point Subdivision Plat A – Town Acceptance. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.

It was noted that Korey had some items he needed to clarify on the above items.

MOTION

Diane Bradshaw moved to release Escrow Bond Release for Sundance at Red Hawk Ranch Plat A in the amount of \$77,930.00. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

19. Contract Change Orders/Korey Walker:

This change order includes rerouting the 16" line running across Eagle Mountain Boulevard. The net change order is \$904.10.

MOTION

Diane Bradshaw moved to approve the Contract Change Order No. 1 for Eagle Mountain Properties Storm Drain in the amount of \$904.10. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

20. Bid Awards/Korey Walker:

Item deleted.

21. Consideration to Approve an Ordinance Enacting Speed Limits for Roads within the Town of Eagle Mountain, Utah (tabled from TC Mtg. Of 12/08/98):

MOTION

Diane Bradshaw moved to approve Ordinance 98-15 amending the speed limit for arterial roads to 55 MPH in item 4 and improved

*gravel roads to a speed limit of 35 MPH. Bill Chipman seconded.
Ayes: 3, Nays: 0. Motion passed.*

22. Consideration to Approve a Health Program for the Eagle Mountain Town Staff/John Newman (tabled from TC Mtg. Of 12/08/98):

John Newman, Town Administrator, gave a presentation on Medical Insurance Plans. He strongly recommended PEHP even though the cost was more than United Health Care, IHC Direct, and IHC Select. It was verified that it would involve six employees.

Bill Chipman wanted to know how often the Town would be looking at this. John Newman said it would be once a year.

There was some discussion about the different costs.

Bill asked about pre-existing conditions. John said that a form needed to be filled out and submitted. The exact premium would be based on the health history questionnaire.

Diane asked what the Town was currently paying. Mayor Bateman said all the Town was paying was retirement. Diane asked about the Cafeteria plan. Janet said it is 15% and the employee has the say in how it is distributed. Mayor Bateman said that if the Town went with the Health Plan then it would just pay the 10.67% on the retirement.

Diane Bradshaw proposed a 70/30 plan for the employee. She was not comfortable with a 100% payment of the employees premium.

There was a discussion about a breakdown of the number of people on the plan and how much it would cost. Bill felt like the Town should pay for the employee and then have a split for the rest of the family.

MOTION

Bill Chipman moved to approve the health insurance with PEHP and that the employee be covered 100% and the Town will pay 75% of the difference in cost for the family. This will be in lieu of the 15% retirement currently being paid.

Diane Bradshaw was not comfortable with this proposal. John Newman said the problem he could see with the decision was with Kent Partridge because of what was proposed to him when he was hired full time.

*The proposal was changed to go 100% coverage for the employee and the Town will pay 60% of the difference in cost for the family. The 15% Cafeteria Plan would be eliminated. Diane Bradshaw seconded.
Ayes: 3, Nays: 0. Motion passed.*

This would take affect on January 1, 1999.

23. Consideration and Approval of LNG Contract:

This item was tabled because of lack of information.

24. Timpanogos Special Service District 1998 Amended Budgets and 1999 Tentative Budgets (tables from TC Mtg. Of 12/08/98):

Mayor Bateman presented this item. He said the first item should say "Actual Revenues" and not "Actual Expenditures".

MOTION

Bill Chipman moved to approve the 1998 amended budget and the 1999 tentative budget for the Timpanogos Special Service District (TSSD). Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.

25. Appointments by Mayor:

This item was taken care of earlier in the meeting under the approved changes to the agenda.

26. Department Reports:

Will be taken care of at the end of the Executive Session.

27. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues:

MOTION

Bill Chipman moved to adjourn to a Closed Executive Session. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.

The regular meeting adjourned at 9:55 p.m.

Those in attendance at the Closed Session: Mayor Robert E. Bateman, Diane Bradshaw, Bill Chipman, Jerry Kinghorn.

MOTION

Diane Bradshaw moved to adjourn. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.

The Town Council Meeting adjourned from the Closed Executive Session at 10:30 p.m.

Approval: _____

Mayor Robert E. Bateman

Date: _____

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