

# Eagle Mountain City Council Minutes 1999

## *Dates of City Council Meetings:*

- January 5, 1999
- January 19, 1999
- February 2, 1999
- February 8, 1999
- February 16, 1999
- March 2, 1999
- March 16, 1999
- March 30, 1999
- April 6, 1999
- April 20, 1999
- May 4, 1999
- May 18, 1999
- June 1, 1999
- June 15, 1999
- July 6, 1999
- July 20, 1999
- August 3, 1999
- August 17, 1999
- August 24, 1999
- September 7, 1999
- September 21, 1999
- September 28, 1999
- October 5, 1999
- October 19, 1999
- October 25, 1999
- November 2, 1999
- November 9, 1999
- November 16, 1999
- November 30, 1999
- December 7, 1999
- December 28, 1999

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN  
1680 E. Heritage Dr.  
Eagle Mountain, UT 84043  
January 5, 1999**

**1. Roll Call:**

Mayor Robert Bateman called the meeting to order at 7:05 p.m.

Councilmembers present: Mayor Robert E. Bateman  
Dan Valentine, Diane Bradshaw, Bill Chipman  
Cyril Watt arrived at 7:20 p.m.

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Recording Secretary: Vada Hunter

Also present: Gary Lamb; Bob Erickson; Wanda Miller; Jan Rohan; Jim Peterson, Egale Mountain Properties; Jack Maddox, EG&G; Paul Bond; Charles & Fawn Jenkins; M. Miller; Peter Bell, Utah County Sheriff; Brigham & Jennifer Morgan; David Lifferth; Josh & Jenny Elledge; Phillip & Candice Pratt; David & Valorie Taylor; Tom Swan, Swan Homes; Claus Nielsen, Swan Homes; Tim Thomas, Deseret Chemical Depot; Col. Huber, Tooele Army Depot; James Dahl, MCM Engineering; Ross Hansen, MCM Engineering; Lyle Vance, Tasco Engineereing

**2. Pledge of Allegiance:**

John Newman, Town Administrator, led the Town in the Pledge of Allegiance.

**3. Approval of Agenda:**

Mayor Bateman requested that they strike item 18A and item 19. He also asked to move item 21 to after item 23.

**MOTION**

*Bill Chipman moved to approve the agenda as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Cyril Watt not present yet. Motion passed.*

**4. Approval of Minutes (Mar. 4, 1998, & Dec. 15, 1998):**

**MOTION**

*Diane Bradshaw moved to approve the minutes of March 24, 1998, as amended. Dan Valentine seconded. Ayes: 3, Nays: 0. Bill Chipman abstained. Cyril Watt not present yet. Motion passed.*

Diane Bradshaw asked the Town if they were still interested in doing a Neighborhood Watch Program. Deputy Joanne Murphy from the Utah County Sheriff's Department said she would do the classes and the training for those who were interested.

**MOTION**

*Bill Chipman moved to approve the minutes of December 15, 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 the Public Meeting to be held Wednesday, January 6, 1999, at 7:00 p.m. He also announced the "Envision Utah" meeting on January 14<sup>th</sup> at the Fire Station at 7:00 p.m. He encouraged the town residents to attend.

Mayor Bateman encouraged the residents of Eagle Mountain to advertise in the Town newsletter. He said they needed to get any items of interest to Fawn Jenkins by the 25<sup>th</sup> of each month.

**6. Warrant Register:**

Bill Chipman had some questions about the new constructions costs to Tasco Engineering on page three and four. The items had been billed under three separate utilities with the amount being the same under each one. John Newman, Town Administrator, responded and clarified why they were entered this way.

Cyril Watt arrived at 7: 20 pm.

There was a discussion about money owed to the Town by contractors.

**MOTION**

*Bill Chipman moved to approve the Warrant Register subject to reviewing any money owed by contractors and that they not pay any engineering fees for subdivisions whose developer may have an accounts receivable more than 60 days old. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**7. Consideration and Approval of a Contract with TelAmerica for Long-Distance Service:**

There was some discussion about setting up a contract with TelAmerica on the long-distance service. The contract was not clear about the 15% reimbursement fee. Phillip Pratt, 3908 N. Winter Way, said he was not comfortable with having long-distance fees being locked in for a year. He said he owned his own fiber optic company and felt like the Town could tie into the line that follows the Kern River easement.

**MOTION**

*Diane Bradshaw moved to table item 7 until further study and clarification. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**8. Appointments:**

Mayor Bateman appointed Chris Kemp to the Public Works Board as the Citizen at Large.

**9. Public Notices:**

Mayor Bateman announced once again the Public Meeting for January 6, 1999. Janet Valentine, Town Recorder, said that all of the notices had been sent for the White Ranch Annexation. She said she had not received any protests as of this date.

**10. Public Comment:**

Gary Lamb, South Jordan, voiced his frustration on not getting some answers about his building permit. He is planning on building a home in Eagle Mountain. Jerry Kinghorn, Town Attorney, said

he had no record of any exemptions for him. John Newman, Town Administrator, said he would help Gary find out where he stands at the present time.

**11. Discussion of Town Council Priorities for 1999:**

**MOTION**

*Diane Bradshaw moved to have this item moved to after item 14 on the agenda. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**12. Tooele Chemical Agent Disposal Update/Tim Thomas, Col. Huber, UT County:**

Tim Thomas and Col. Huber gave a slide presentation about the Tooele Army Depot and the Deseret Chemical Weapons Facility. They talked about the safety record of the facilities. They gave figures of what has been disposed of to date and how much is left to dispose of. They then opened it up to questions. There were a lot of people interested in how quickly the Town would be notified if there was a chemical leak of some kind. There were two gentlemen from the Utah County Sheriff's Department that joined in the discussion. A phone number was given to those interested in going to the depot for a tour or to get more information.

**13. Wanda Miller – Garden & Arbour Club:**

Wanda Miller, Murray, announced that she was starting the Eagle Mountain Garden and Arbour Club. She said she would be building a home in Overland Park. She is very interested in having beautiful vegetation in the town. She asked if the Town could adopt the lilac as the flower, the cedar (juniper) as the evergreen, and the Bradford pear as the tree.

Mayor Bateman asked her to put some literature together about the natural vegetation that would work in this area especially with there being less water in this area.

Jerry Kinghorn, Town Attorney, said he would draft a proposal. He said they needed to get some input from the people in the Town.

It was mentioned that this could be put on the website.

**14. Internet Web Page Proposal – Josh Elledge:**

Josh Elledge gave a brief presentation about the Town of Eagle Mountain website.

Mayor Bateman said there were two proposals. He said that the first proposal would allow people to advertise on the website.

Bill Chipman had questions about the ownership of the Town of Eagle Mountain domain.

Mayor Bateman said they could keep this as an open contract to review each year.

The Council agreed on Option 1 which reads:

In an effort to support local businesses, advertising space on [www.eaglemountainonline.com](http://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.

**MOTION**

*Bill Chipman proposed to approve Proposal 1 as long as the Town of Eagle Mountain owns the domain. Diane Bradshaw seconded.*



Jerry Kinghorn, Town Attorney, said he would draft an agreement. Mayor Bateman asked that it be a contract that would be reviewed every year.

*Bill Chipman amended his motion that the City Attorney draft an agreement that would be satisfactory with the Mayor. Diane Bradshaw seconded the amendment. Ayes: 5, Nays: 0. Motion passed.*

**Discussion of Town Council Priorities for 1999 (Item 11):**

Mayor Bateman: He wanted to see the Town involved in having a say in the General Plan. He also would like to see the Development Code refined.

Bill Chipman: He would like to see the utilities improved especially the power. He also wants the town to watch closely any future annexations because of the water situation.

Dan Valentine: His top priority was the water situation. He would like to see a Master Plan about the water. Mayor Bateman said he has requested a water study.

Diane Bradshaw: She wants the Town to carefully look at the building and developing. She said she would like to see the flow of the building permits run smoother. She wants to see better communication with developers, citizens and neighboring towns. She would like to see adequate space for the staff and adequate staffing. She wants to work closer as a Council. She would like to see an Emergency Preparedness Plan put in place. She was concerned about the schools.

Jim Peterson, Eagle Mountain Properties, said he was communicating with Stephen Baugh of the Alpine School District about the schooling problems.

Diane said she wanted shorter agendas at the Town Council Meetings.

John Newman: He wants to see work sessions so that they can have shorter agendas. He wants to see quarterly Town meetings to have more communication with the citizens of the Town. He said he would like to see Public Safety meetings.

Korey Walker: He would like to see the Development Code refined and to have a good Utility Ordinance.

Janet Valentine: She would like access to more information about the town. She gets a lot of questions and doesn't know the answers because of the nature of the questions. She would like to see more information on the Website that she could have ready-access to.

Cyril Watt: He would like to see UTA out at Eagle Mountain.

Mayor Bateman then turned the remainder of the time to input from the citizens of the Town.

The question was asked about a grocery store and gas station coming to Eagle Mountain. Mayor Bateman said there were issues to settle on this. Many of the citizens said they wanted to keep the Town free of big development. That was why they moved out here.

There was some discussion with Joanne Murphy, Deputy Sheriff, about the ATV and Motor Cross vehicles being ridden through some of the developments.

Another resident asked that the Town adopt an Arts Council.

The question was brought up about whether or not there were going to be any churches in Eagle Mountain. Mayor Bateman said there would be in the future.

**15. Class II Final Plat Approval for Eagle Point, Plat G:**

James Dahl, MCM Engineering, gave a brief presentation. This phase contains 144 building lots on 41.33 acres. The average size is 6,000 square feet.

Korey Walker, Town Engineer, said they had met the requirements given them. Jerry Kinghorn said he needed to see the water requirements and water deeds.

**MOTION**

*Diane Bradshaw moved to approve the Final Plat Approval for Eagle Point, Plat G, subject to the following conditions:*

- 1. A development and maintenance plan for the open space and park must be approved.*
- 2. A development agreement and CC&R's need to be approved.*

*Also, that the Storm Water System not be included in future SID's; and that the water rights be received by the Town prior to recordation; that there be a standard utility clause approved by Jerry Kinghorn, Town Attorney. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

Mayor Bateman had some concerns about open space use. There was some discussion about having a meeting with Jim Peterson, Eagle Mountain Properties, to discuss revisions to the pod concept in the Eagle Mountain Properties Master Development Plan. The meeting was set for January 22<sup>nd</sup> at 2:00 p.m.

**16. Class II Final Plat Approval for Mountain View, Phase 2:**

Ross Hansen, MCM Engineering, gave a brief presentation. He was representing Fred Woods. There was some discussion about where the park would be. This phase includes 34 lots.

**MOTION**

*Dan Valentine moved to approve the Final Plat Approve for Mountain View, Phase 2, subject to the following:*

- 1. Bonding for ½ the improvements for the shared trail east of the project.*
- 2. A development agreement should be completed that contains requirements to bond for the neighborhood park to be located in the northeast corner of the project.*

*Bill chipman seconded.*

*Dan Valentine amended his motion on the second item to read:*

*A development agreement should be completed that contains requirements to bond for the neighborhood park improvements and purchase of land to be located in the northeast corner of the project.*

*Bill Chipman accepted the amendment. Ayes: 5, Nays: 0. Motion passed.*

**17. Bond Releases:**

The first bond release was for Eagle Point Phase B. There was some discrepancy about the amount to be released. Korey Walker, Town Engineer, said he would fix the spreadsheet to reflect the correct amount.

**MOTION** *Diane Bradshaw moved to approve the Escrow Bond Release for Eagle Point Phase B with the amount to be determined by Korey Walker, Town Engineer. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**MOTION** *Dan Valentine moved to approve the Escrow Bond Release for Sundance at Red Hawk Ranch Plat A in the amount of \$80,924.00. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**18. Change Order Requests:**

**B. CSI on the Six-Inch Gas Line:**

**MOTION** *Dan Valentine moved to approve the Contract Change Order 1 to CSI for Eagle Mountain Properties 6" Steel Gas Line in the amount of \$20,625.00. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**19. Community Center:**

Item stricken.

**20. Expansion of the Eagle Mountain Telephone Switching System:**

Lyle Vance, Tasco Engineering, gave a brief explanation concerning this project. The growth of the Town of Eagle Mountain requires expansion of the telephone switching system. Dan Valentine asked that Tasco provide some costs of installing equipment on a as needed basis to show whether it would be cost effective to install a larger updated system now rather than doing smaller amounts when needed. Lyle said he would do this.

**MOTION** *Diane Bradshaw moved to approve \$15,000 for the switch expansion and \$4,905.00 for the trunking electronics to update the existing telephone switching system. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**21. Item moved to after item 23.**

**22. Ratifying Consent to Transfer the LNG Contract:**

Jerry Kinghorn gave a brief explanation for the reason for this consent. Mayor Bateman needed to sign the agreement before January 1, 1999.

**MOTION** *Dan Valentine moved to ratify the Consent and Agreement between LNG Energy, Inc., and Applied LNG Technologies USA, L.L.C Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**23. Consideration to Approve a Temporary Occupancy Resolution:**

**MOTION** *Diane Bradshaw moved to accept as policy and begin using immediately a Temporary Occupancy Resolution and instruct the Town Attorney to draft an ordinance form to ratify in next Town Council Meeting. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

24. Motion to adjourn to a Closed Executive Session for the purpose of discussing personnel issues and potential litigation:

**MOTION**

*Diane Bradshaw moved to adjourn to a Closed Executive Session for the purpose of discussing personnel issues and potential litigation. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

Adjourned to Closed Session at 10:25 p.m.

Those in attendance: Mayor Bateman, Dan Valentine, Cyril Watt, Diane Bradshaw, Bill Chipman, Jerry Kinghorn, Vada Hunter

**MOTION**

*Dan Valentine moved to go back to an Open Session. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

25. Action from the Closed Executive Session:

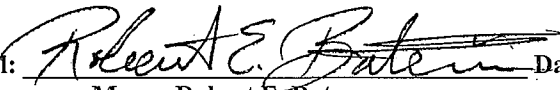
**MOTION**

*Diane Bradshaw moved to approve the amended and restated reimbursement agreement between the Town of Eagle Mountain and Eagle Mountain Properties L.C. and its RBAN Guarantors. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**MOTION**

*Cyril Watt moved to adjourn. Dan Valentine seconded.*

The Town Council Meeting of January 5, 1999, adjourned at 11:00 p.m.

Approval:  Date: 28 Jan 99  
Mayor Robert E. Bateman

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN  
1680 E. Heritage Drive  
Eagle Mountain, UT 84043  
January 19, 1999**

**1. Roll Call:**

Mayor Robert Bateman called the meeting to order at 7:08 p.m.

Councilmembers present: Mayor Robert E. Bateman  
Bill Chipman, Cyril Watt, Diane Bradshaw  
Dan Valentine

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Treasurer: Jeri Wilson  
Recording Secretary: Vada Hunter

Others present: Joanne Murphy, Utah County Sheriff's Office; Gary Tassainer, Tasco;  
Jim Peterson, Eagle Mountain Properties; Brian & Karyn Larson; Carl Waldvogel, C & F Distributors;  
Paul Bond; Casey Hermansen; Bert Carter, Eagle Mountain Builders; Debbie Hooze, The Ranches;  
Bob Lynds, The Ranches, Scott Kirkland, The Ranches; Nick Berg; John Jacob, Redle Inc.; Liisa Nusz

**2. Pledge of Allegiance:**

Cyril Watt led the Town in the Pledge of Allegiance.

**3. Approval of Agenda:**

**MOTION** *Cyril Watt moved to approve the agenda of January 19, 1999. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**4. Approval of Minutes (1-5-99):**

**MOTION** *Bill Chipman moved to approve the minutes of January 5, 1999, as amended. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**5. General Discussion/Questions/Announcements:**

Mayor Bateman asked everyone to remember that the deadline for getting information to Fawn Jenkins for the Town Newsletter is January 25<sup>th</sup>.

Mayor Bateman said he attended a meeting with other local mayors put on by Mountainland. He said they had been lobbying the legislature to get more funding for roads for Utah County. One of the areas proposed is the interchange at the rest stop on I-15 to go to Pleasant Grove and tie into 4800 West through Highland. The second area is 700 South in Lehi to eventually bypass around Lehi.

Jerry Kinghorn, Town Attorney, will be attending a meeting regarding Touchstone Development projects in Utah on January 27, 1999, at the Days Inn at the Airport located at 1900 West North Temple Street in Salt Lake City.

Mayor Bateman stated that anyone located in the center of town or in the north part of town that is interested in receiving the Deseret News or Salt Lake Tribune, Pam Rohan is delivering them up north and would be willing to deliver them in the center of town. Her number is 766-9135. He said he would put it in the newsletter.

**6. Warrant Register:**

Mayor Bateman asked that GL Acct # 10-55-400-000 General Fund – Fire Department – Contracts for Services – in the amount of \$385.01 be billed to the property owner who left a fire burning unattended and it spread.

On GL Acct # 10-56-325-000 General Fund – Planning and Zoning – Building Inspections in the amount of \$603.52 should be billed to the contractor.

Mayor Bateman asked Korey Walker, Town Engineer, to check with Water Pro to verify the charges on the routine checks on water meters. Is this supposed to be part of their regular contract?

**MOTION**

*Bill Chipman moved to approve the Warrant Register as amended, and to include any items approved under item 23. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**7. Appointments:**

**MOTION**

*Bill Chipman moved to approve the appointment of Phillip Pratt as a Telecommunication Specialist on the Public Works Board. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**8. Public Notices:**

Mayor Bateman announced there would be a meeting at the Fire Station on January 28, 1999, at 7:00 pm regarding Special Improvement District 98-2. The meeting was originally scheduled to take place at Mayor Bateman's home but has been changed to the Fire Station. Mayor Bateman asked Gary Tassainer from Tasco to have someone there from his company.

Mayor Bateman asked Questar to have a written proposal for this meeting to support what was said at the Town Meeting on January 6, 1999.

**9. Public Comment:**

John Jacob, 9155 No Cedar Pass Rd, said he was told that he would be on the agenda tonight concerning his LRE Annexation. He said he had the annexation plat map with him. He said he had given everything to Janet Valentine that he was supposed to do. The petition had been filed with Janet. Jerry Kinghorn advised that they could make the motion under the Public Comment. John Newman verified that he had been told he would be on the agenda.

**MOTION**

*Diane Bradshaw moved to accept the application for the LRE Annexation and refer it to the Town Clerk to begin the Certification process. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

Paul Bond, 1794 E Pinion Circle, explained that a man came to his house last week and said he was there to inspect the water meter in the house. Paul said they were one of the test homes. His wife would not let the man in because he did not have any kind of identification. He asked the Town to make sure the inspectors had proper identification in the future.

**10. Impact Fee Appeals:**

There were no appeals to be taken care of at this time.

**11. The Ranches Update:**

Scott Kirkland, The Ranches, gave a brief update. He said that as soon as they clear up the water rights and the development agreement, they were ready to proceed with several subdivisions. He said they were working through some of the grading permit issues to begin the golf course. He said they were also working on the water issue for the golf course. He said they would be breaking ground in April for the new office building. They already have two tenants. He said they are applying for a Conditional Use Permit for a temporary sales trailer.

**12. Eagle Mountain Properties Update:**

Jim Peterson, Eagle Mountain Properties, gave an update on their current activities. He said they are currently pursuing 12 building permits. He said they are in the middle of getting a grading plan for the golf course. He has three school and three church sites laid out. He said he is going to Orlando, Florida, to a golf show convention. He said they were going to have a booth at this convention to introduce Eagle Mountain to people.

**13. Discussion Concerning Ranches Master Development Agreement:**

Jerry Kinghorn said he had a draft proposal from The Ranches. He said there is one issue that needs to be resolved. He said The Ranches had asked for the right to add additional land to the Master Development Plan area, peninsulas or islands. This is a provision that is in the Eagle Mountain Properties Development Agreement. It requires an amendment of the Master Development Plan to bring those properties in and to expand the boundary of the plan and to add density and provide for utilities, etc.

There was a discussion about density and density credits.

Jerry Kinghorn asked that the Ranches meet with two members of the Town Council to come up with a plan that would work for all parties involved. Mayor Bateman asked Bill Chipman and Cyril Watt to represent the Town Council. He also suggested that Ken Leetham, Town Planner, be at the meeting. Jerry Kinghorn said he would set up the date and time.

**14. Re-consideration of a Town Web-site Proposal:**

**MOTION**

*Cyril Watt moved to table item 14. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**15. Ratifying Approval of an Ordinance enacting Town Policy for Temporary Occupancies before Roads are completed during inclement weather:**

Jerry Kinghorn had an ordinance drafted for the Town. The Council felt like the ordinance covered two distinct topics instead of the one they discussed at the last meeting. Their main concern was the roads. Jerry Kinghorn said he would speak to Kent Partridge, Building Inspector, and work out the wording to make sure both parties are satisfied. He said he would invite Kent to come to the next meeting and clear up some of the questions.

**MOTION**

*Bill Chipman moved to table item 15 until the next Town Council Meeting. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**16. Consideration to Approve a Resolution repealing Resolution No. 22-98 and Amending Telecommunication Rates for the Town of Eagle Mountain:**

It was determined that item number 4, Call Waiting, would be removed from the resolution.

Jerry Kinghorn said that the following drafting changes be made:

- Change the word "appealing" in the resolution to "repealing".
- The enacting cause needs to say "Resolution 22-98 be repealed and that the following is adopted.
- The date on the bottom needs to be changed to the correct date.
- The resolution number needs to be changed.

**MOTION**

*Diane Bradshaw moved to repeal Resolution 22-98 and that we approve the resolution( number to be added) Telecommunication Rates for the Town of Eagle Mountain as stated; and that the word appealing be changed to repealing. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**17. Consideration of Amendment to Water Right Requirements for North Service Area in Utilities Ordinance:**

Korey Walker, Town Engineer, gave a presentation on the utility ordinance on the water rights for the Town of Eagle Mountain.

**TOWN OF EAGLE MOUNTAIN  
OUTDOOR WATER RIGHT REQUIREMENTS**

<b>Month's of Outdoor Water Use</b>	<b>Net Irrigation Consumption (inches)</b>
<i>April</i>	<i>1.11</i>
<i>May</i>	<i>2.82</i>
<i>June</i>	<i>4.04</i>
<i>July</i>	<i>4.70</i>
<i>August</i>	<i>3.52</i>
<i>September</i>	<i>2.15</i>
<i>October</i>	<i>0.39</i>
<b>Total inches</b>	<b>18.73</b>
<b>Total Acre Feet</b>	<b>1.56</b>
<i>Application Efficiency</i>	<i>85%</i>
<i>Unaccounted Water</i>	<i>15%</i>
<b>Total Acre Feet (per acre) Required For Outdoor Consumption (per acre)</b>	<b>2.11</b>



**Notes**

1. Estimated Consumptive Use for the NWS Station at Utah Lake Lehi
2. Calibrated SCS Blaney Criddle Equation using data from Palmyra, UT
3. 7 month irrigation period – April through October
4. Irrigation efficiency taken as an average of sprinkler application efficiency ratings

**Town of Eagle Mountain  
Culinary Water Right Requirements**

<i>Item No.</i>	<i>Lot Sizes</i>	<i>Irrigable Acreage</i>	<i>Outdoor Water Requirements</i>	<i>Indoor Water Requirements</i>	<i>Total Water Right Requirements</i>
1.	Less than 7001	0.08	0.17	0.45	0.62
2.	7001 to 9000	0.13	0.27	0.45	0.72
3.	9001 to 11000	0.17	0.36	0.45	0.81
4.	11001 to 14500	0.25	0.53	0.45	0.98
5.	Over 14501	0.25	0.53	0.45	0.98

Korey said the Town needs to continually educate the people of the Town about the use of culinary water. People need to regulate how they water their lawns.

Diane Bradshaw asked if this new water table was retroactive. Jerry Kinghorn explained that they do not give back water rights to the people, they are given credit.

**MOTION**

*Dan Valentine moved direct to the Town Attorney to prepare an amendment to the Utility Ordinance including this table with the change that lots over 14501 square feet will have the total water right requirement be determined by the Town Engineer in the North Area. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**18. Partial Payment Requests/Korey Walker:**

**A. Kay General Contracting for the Chlorination Building Addition:**

**MOTION**

*Diane Bradshaw moved to approve the partial payment release to Kay General Contracting in the amount of \$21,600.00. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**B. Central Industrial Construction for the Eagle Mountain Properties 6” Steel Gas Line:**

Strike from the agenda.

**C. Central Industrial Construction for the Eagle Mountain Properties Storm Drain:**

**MOTION**

*Dan Valentine moved to approve the partial payment release to Central Industrial Construction in the amount of \$110,774.18. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**D. Valley Asphalt, Inc. for the Sweet Water South Road Extension:**

**MOTION** *Diane Bradshaw moved to approve the partial payment release to Valley Asphalt, Inc., in the amount of \$141,419.95. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**E. Central Industrial Construction for the Ranches Parkway Road, Water and Sewer Construction:**

**MOTION** *Dan Valentine moved to approve the partial payment release to CIC in the amount of \$368,272.25 subject to the The Ranches conveying that money to the Town of Eagle Mountain. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**19. Bond Releases/Korey Walker:**

**A. Eagle Point Subdivision Plat A – Town Acceptance:**

Korey Walker, Town Engineer, recommended the Town accept Eagle Point Subdivision Plat A and start the one year warranty period.

There was some discussion about the lighting. Korey Walker explained that lighting was not required in the original standards, specifications, and requirements. This plan was submitted under the old code.

The members of the Council asked that some research be done to determine how many of the subdivisions being developed that will not have street lights.

**MOTION** *Bill Chipman moved to recommend approval of the acceptance of Eagle Point Subdivision Plat A with the added proviso that the Town Staff get additional information concerning the lighting in this development and others. Cyril Watt seconded.*

*Dan Valentine moved to amend the motion that the Town release the final bond for the Eagle Point Subdivision Plat A withholding 10%; acceptance would be deferred until resolution of the street light issue. The amount of the release is \$160,013.00. Bill Chipman accepted the amendment. Ayes: 5, Nays: 0. Motion passed.*

**B. Mountain View Subdivision Phase I – Town Acceptance:**

Korey Walker recommended the Town accept Mountain View Subdivision Phase I and start the one year warranty period.

**MOTION** *Dan Valentine moved to approve the bond release for Mountain View Subdivision Phase I in the amount of \$64,467.00. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**C. Dunnex:**

Korey gave a brief explanation for this bond release. The original amount was for \$10,000. Dunnex agreed to have the Town release \$3,900 to Water Pro and the balance of \$6,100 be released to Dunnex.

**MOTION** *Diane Bradshaw moved to approve the bond release as stated. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**20. Contract Changes/Korey Walker:**

**A. The Ranches Parkway, Change Order No.5:**

Korey Walker gave a brief explanation regarding this Change Order for The Ranches Parkway. This involved realignment of sewer on the north side of SR-73; addition of two manholes; 80 feet of 12" pipe; 150 feet of 6 inch pipe; two clean outs; excavation overrun; lower storm drain pipe to allow minimal fill on Ranches Parkway; sewer stubbed into R.1N26; 12 inch bore of manhole; 180 feet of 12" pipe; frost protection over curb and gutter.

There was some discussion about the dollar amount of order changes occurring on The Ranches Parkway. There was also some discussion about the adjusted time frame of the work being done.

**MOTION**

*Dan Valentine moved to approve the Contract Change Order No. 5 for The Ranches Parkway in the amount of \$79,573.50 bringing the total adjusted contract price to \$3,027,628.89, and giving an addition 97 days for a total of 227 days for the adjusted time period. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**21. Department Reports:**

**A. Administration/Airport Advisory Board/Mayor Robert Bateman:**

Nothing to report.

**B. Parks and Recreation/Youth Council/Diane Bradshaw:**

The annual Easter egg hunt will be on April 3<sup>rd</sup> at the Fire Station. The Youth Council is up and running.

The first monthly meeting will be on February 11<sup>th</sup> to discuss landscaping. This will be done every month with guest speakers and demonstrations.

**C. Planning Commission/Bill Chipman:**

Bill Chipman was elected Planning Commission Chairman. He will not be voting at the meetings unless he is needed to break a tie. They are trying to change the date of the meeting to the second and fourth Tuesday of each month.

**D. Public Works Board/Dan Valentine:**

Korey Walker talked about the Wastewater Facility Plan. The proposed plan will accomplish three items:

1. Define the ultimate treatment process of the Town.
2. Define the steps the Town will take from our present Santec treatment process to the ultimate treatment process.
3. Define a financing plan to accomplish the required improvements.

The proposed time frame will be 3 months.

**MOTION**

*Dan Valentine moved to approve the Wastewater Facility Plan as outlined in the letter from Epic Engineering dated January 15, 1999, in the amount of \$29,941.00. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**E. Public Safety/Cyril Watt:**

Cyril Watt discussed some of the safety issues that had been reported to the County Sheriff's Department. Deputy Murphy had prepared a list of all the calls received by the County Sheriff's Department. One of the biggest concerns was animals running loose in the town. Mayor Bateman said he had signed the Town up for the TAG program which deals with graffiti.

**22. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and potential litigation:**

**MOTION**

*Diane Bradshaw moved to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and potential litigation. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

Those in attendance at the Closed Session: Mayor Robert Bateman, Dan Valentine, Bill Chipman, Diane Bradshaw, Cyril Watt, Jerry Kinghorn, Vada Hunter.

The Closed Session began at 10:10 p.m.

**23. Proposed Settlement of Claims Concerning Fire Station Construction:**

**MOTION**

*Bill Chipman moved to approve Settlement of the Claims listed on Exhibit A for amounts indicated and instruct the Town Treasurer to include those in the Warrant Register.*

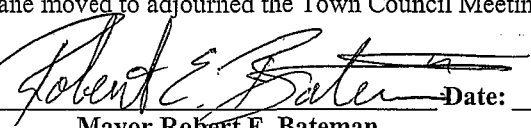
1. Interstate Roofing	\$7,881.00
2. Fanco Electric	4,494.61
3. Randall Excavation	5,500.00
4. C & F Distributors	3,939.85
5. Ray Taylor d/b/a/ Muddy Boy's	4,500.00
6. Jones Paint and Glass	1,141.61
7. Freeway Propane	1,113.15
8. Homes Heating & Air Conditioning	4,325.00

*Total of all claims: \$32,895.22*

*Cyril Watt seconded. Ayes: 5, Nays: 0.*

Diane moved to adjourned the Town Council Meeting at 10:18 p.m.

Approval:



Date:

5 Feb 1999

Mayor Robert E. Bateman

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
1680 E. Heritage Dr.  
Eagle Mountain, UT 84043  
February 2, 1999**

**1. Roll Call:**

Mayor Robert Bateman called the meeting to order at 7:07 p.m.

Councilmembers present: Mayor Robert Bateman  
Bill Chipman, Cyril Watt, Diane Bradshaw, Dan Valentine

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Treasurer: Jeri Wilson  
Town Clerk: Janet Valentine  
Recording Secretary: Vada Hunter

Others present: Joanne Murphy, Utah County Sheriff's Office; Les & Wanda Miller, Murray; Paul & Andrew Bond, resident; Dean Earl, resident; Jody Hooley, resident; Catana Benson, resident; Jared Pedroza, resident; Darrell & Zara Fordham, resident; David Lifferth, resident; Mark Zitting, resident; Toni, resident; Debbie Hooge, The Ranches

**2. Pledge of Allegiance:**

Diane Bradshaw led the Town in the Pledge of Allegiance.

**3. Approval of Agenda:**

Mayor Bateman asked to table item 10. Korey Walker said item 18D should be Tasco Engineering instead of Cache Valley Electric.

**MOTION** *Cyril Watt moved to approve the agenda as amended. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**4. Approval of Minutes of January 19, 1999:**

**MOTION** *Bill Chipman moved to approve the minutes of January 19, 1999, as amended. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**5. General Discussion/Questions/Announcements:**

Mayor Bateman announced there would be a meeting on Tuesday, February 9, 1999, at the Fire Station put on by Joanne Murphy from the Utah County Sheriff's Office. This meeting would be to establish the Neighborhood Watch Program and begin training Town residents.

The Mayor announced there would be a landscaping meeting on Thursday, February 11, at 7:00 p.m. at the Fire Station. This will be on the basics of landscaping and there will be a representative from Utah State University to answer any questions.

Mayor Bateman announced there would be a meeting with the Governor on February 3<sup>rd</sup> to discuss transportation needs of Utah County. There would be all of the mayors from Utah County attending this meeting. Mayor Bateman hopes to get more money to do the road around Lehi to help alleviate some of the congestion down Main Street in Lehi.

Mayor Bateman said he is working with Alpine School District to try and solve some of the issues involving busing and overcrowding.

Mayor Bateman announced there would be a Valentine's Day Dance at the Fire Station on February 13<sup>th</sup>. If the new Community Center is finished the dance will be held there.

**6. Warrant Register/Jeri Wilson:**

Jeri Wilson stated that on page 2, GL Acct # 10-61-750-250 for MCM Engineering in the amount of \$571,190.00, should be changed to \$57,190.00. On page 3, GL Acct # 53-40-570-200, Electric Fund, should be changed to Telecommunications Fund.

**MOTION**

*Dan Valentine moved to approve the Warrant Register as amended.  
Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**7. Appointments:**

There were no appointments.

**8. Public Notices:**

Mayor Bateman announced there would be a Public Meeting on Wednesday, February 3, at 7:00 p.m. at the Fire Station to discuss development issues in the General Plan. There would be some presentations from developers in the Town. Ken Leatham, Town Planner, would also be there.

Bill Chipman announced that the Planning Commission meetings would be held on the second and fourth Tuesday of each month beginning at 6:00 p.m.

Mayor Bateman gave out the new phone number for utility emergencies. The number is 766-5959. By calling this number you would be able to reach the correct utility person for your emergency.

**9. Public Comment:**

Catana Benson, Town resident, voiced her concern about the busing situation in the Patterson Subdivision where she lives. She said that the kindergarten children have to cross the busy street to be picked up as the driver will not come into their subdivision. She also asked that there be some monitoring of drivers in the area as some of them are speeding. The Mayor asked her to find out how many kids were involved.

Janet Valentine, Town Clerk, announced that the new annexation petition, Redle Inc., has been checked out for the plat and the area of annexation, and it does certify with the State Code. She wanted to know if she should go ahead with the posting period for protesting which would be for 40 days and not the 60 days. The total acreage is between 400-500.

Dan Valentine voiced his concern about allowing more annexations into the Town. Mayor Bateman pointed out the water advantage this annexation would bring to the Town.

Dean Earl, Eagle Park, said he was having difficulty getting problems resolved. He said he was having problems with his phone. Jeri Wilson said she would speak to Jason (Tasco Engineering) and have

him check this out. Dean also stated there was a problem with the road base by his driveway. He said he has problems getting into his garage because of an unfinished area.

Debbie Hooge, The Ranches, asked why they were not on the agenda tonight. Jerry Kinghorn, Town Attorney, said he would like to have a meeting next week to discuss the final drafting of The Ranches Development Agreement. A meeting was scheduled for Monday, February 8, at 7:00 p.m. at the Fire Station.

Paul Bond, Town resident, asked when there would be a vote on the natural gas SID for Cedar Pass Ranch and Cedar Pass North. Mayor Bateman said this should be resolved soon. There are still some issues to resolve with Questar before anything can be considered.

Dave Lifferth, Cedar Pass Ranch, apologized for the way the public behaved at the Public Meeting last week. It is his desire for everyone to get along and be good neighbors.

Roxanne Clark, Cedar Pass Ranch, asked if the Town Council was going to get information for the citizens regarding the utilities. What they want is rates, comparisons, tax advantages, estimates, and comparisons on the SID with Questar.

**10. Consideration to Approve a Resolution Adopting the Official Flower, Tree, and Evergreen for the Town of Eagle Mountain:**

This item was tabled.

**11. Public Hearing: A. The 1998-99 Fiscal Year Budget Opening:**

John Newman, Town Administrator, gave a presentation on the proposed Fiscal Budget for the Town of Eagle Mountain, Utah. Jeri Wilson, Town Treasurer, participated in this presentation. They discussed all the areas of the budget from a 16-page document that is attached.

The Council went over each page with John and Jeri so that all questions were answered and all corrections were made where applicable.

Liisa Nunz, Town resident, asked if the completed budget could be put on the Internet.

**12. Ordinance adopting the Eagle Mountain Revised Town Budget for Fiscal Year ending June 30, 1999:**

**ORDINANCE NO. 99-01: AN ORDINANCE AMENDING THE EAGLE MOUNTAIN TOWN FISCAL YEAR 1998-1999 ANNUAL BUDGET**

**MOTION**

*Bill Chipman moved to approve Ordinance No. 99-01, an ordinance amending the Eagle Mountain Town Fiscal Year 1998-1999 Annual Budget as amended, and comments and changes as stated by the Town Council. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**13. Ratifying Approval of an Ordinance Enacting Temporary Use Provisions for Properties During Completion of Improvements:**

**MOTION**

*Diane Bradshaw moved to change the agenda to do item 15 now and move item 13 to item 15. Dan Valentine seconded. Ayes: 4, Nays: 0. Cyril Watt left the room temporarily when this vote was taken. Motion passed.*

**Impact Fee Appeals: Les & Wanda Miller:**

Jerry Kinghorn, Town Attorney, gave a brief explanation about this peculiar situation. Jerry said that their situation did not fall under any of the conditions that were set up for exemptions from the Impact Fees. He asked the Millers to give an explanation of why they felt they should be exempt from paying an Impact Fee.

After their explanation, Mayor Bateman asked them to gather all the information they had so far regarding the construction of their home.

Jerry Kinghorn asked the Council to consider carefully the decision they make.

**MOTION**

*Diane Bradshaw moved to table item 13 (item 15 moved to item 13), Impact Fee Appeals: Les & Wanda Miller, until the next Council meeting, and that they provide documentation to support this appeal to be reviewed by the Town Council. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**14. RATIFYING APPROVAL OF AN ORDINANCE ENACTING TEMPORARY USE PROVISIONS FOR PROPERTIES DURING COMPLETION OF IMPROVEMENTS:**

Korey Walker gave an explanation for the reason for ratifying the original ordinance regarding temporary occupancy. The explanation for this change can be found in Section 1 of Ordinance No. 99-02:

**Section 1. Amendment to Temporary Use Provision of Development Code.** This ordinance amends the provisions of the Development Code, which define the circumstances under which temporary uses may be approved. This ordinance does not affect zoning or subdivision requirements, but creates an exception only to the temporary use provisions of the Development Code.

Jerry Kinghorn then responded with the changes he made in Section 2 and Section 4. They read respectively as follows:

**Section 2. Temporary Occupancy Permit.** Each temporary occupancy permit shall be considered after a written request from the applicant for the temporary occupancy permit. The application shall be signed by the party in whose name the building permit was issued. The application shall state the lot number and subdivision of the property and the name of the proposed principal occupants of the building. The application shall also state the proposed date for the expiration of the temporary occupancy permit.

**Section 4. Required Findings.** No temporary occupancy permit shall be granted by the building official unless the building official finds that no substantial hazard will result from the temporary occupancy of any building or a portion.

Kent Partridge, Town Building Inspector, then spoke. He stated that at this time there is no fee charged to those applicants that want temporary occupancy when there are still items that need to be completed inside the home or on the outside structure.

This ordinance separates the two conditions of temporary occupancy. One deals with the completion of the structure and the other deals with the road being capable of providing emergency vehicular access to the home.

There was some discussion of ways to make sure the applicant does not move in before the home is completed.



Jerry Kinghorn said what they really needed to consider is how big is the problem and how are they going to address this.

Kent Partridge offered some suggestions. He was asked by the Mayor to put these suggestions in writing and fax them to Jerry Kinghorn so he could prepare some documents for the Town Council to review and approve.

Dan Valentine had some questions on page two of the ordinance. Jerry Kinghorn clarified the items for Dan.

It was determined that on Section 3.1, (b), paragraph 2, that the wording should be as follows:

**In addition, the developer will bond for \$1,200 per 1000 linear feet of road for snow removal and street maintenance if option (a) is selected; the developer shall bond for \$500 per 1000 linear feet if option (b) is selected. By requesting temporary occupancy, the developer shall accept the responsibility for snow removal and road maintenance until the road is completed.**

**MOTION**

*Bill Chipman moved to approve Ordinance 99-02, An Ordinance Enacting Temporary Use Provisions For Properties During Completion of Improvements, as amended. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**15. Consideration of Amendment to Water Right Requirements for North Service Area in Utilities Ordinance:**

This ordinance will be Ordinance No. 99-03.

Jerry Kinghorn said this ordinance would repeal part of the Utilities Ordinance. Jerry said this would get rid of part of Section 26 that is in conflict with the Town's existing Development Code. He said they were going to enact a new table for the North Service area. He said they would be adopting the existing annexation table for the South area.

**MOTION**

*Diane Bradshaw moved to table this item. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**16. Partial Payment Requests/Korey Walker:**

The first partial payment release was for Contract Service, Inc. covering the Eagle Mountain Properties 6 inch Steel Gas Line. The contract date was extended to February 12<sup>th</sup>.

**MOTION**

*Diane Bradshaw moved to approve the partial payment release to Contract Service, Inc., in the amount of \$84,158.11, and to extend the completion date to February 12<sup>th</sup>. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

The second partial payment release was for Condie Construction Company for the TSSD Sewer Outfall Line. Line item 7 was corrected by Korey Walker.

**MOTION**

*Dan Valentine moved to approve the partial payment release to Condie Construction Company for the TSSD Sewer Outfall Line in the amount of \$586,006.18, subject to receipt of payment from The Ranches. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

17. Bond Releases:

Strike this item from the agenda.

18. Contract Change Orders/Korey Walker:

- A. Kay General Contracting, Inc. for the "Chlorination Building Addition" (co#1)
- B. Contract Services, Inc. for 6" Natural Gas Line (co#2)

**MOTION**

*Dan Valentine moved to approve change order #1 for Kay General Contracting, Inc., in the amount of \$670.80, and an extension on the time period from 45 days to 75 days; and approve change order #2 for Contract Services, Inc., in the amount of \$8,350.00, and an extension on the time period from 75 days to 85 days. Diane seconded. Ayes: 5, Nays: 0. Motion passed.*

Contract Services, Inc. for 6" Natural Gas Line (co#3, co#4, co#5)

- C. Valley Asphalt, Inc. for "Sweetwater South Extension" (co#1)
- D. Tasco Engineering for the "2 x 500 kW Distributed Generation" (co#1)
- E. Condie Construction, Inc. for the "TSSD Sewer Outfall Line" (co#5)

**MOTION**

*Diane Bradshaw moved to approve the contract order changes for the above services as listed below:*

1. (co#3) Contract Service, Inc., \$1,100.00, with an extension of 6 days.
2. (co#4) Contract Service, Inc., \$7,333.00, with an extension of 4 days.
3. (co#5) Contract Service, Inc., \$4,875.00.
4. (co#1) Valley Asphalt, Inc., proposed time extension of 56 days.
5. (co#1) Tasco Engineering, Inc., \$4,960.00, with an extension of 56 days.
6. (co#5) Condie Construction, \$15,000, with an extension of 6 days.

*Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

- 19. Consideration of bids submitted to lease or purchase a Modular Office Building(s) for the Temporary Town Offices.
- 20. Motion to adjourn into a Closed Executive Session for the Purpose of discussing personnel issues.
- 21. Motion to hire additional personnel for the Town of Eagle Mountain.
- 22. Consideration of Utility Equipment.
- 23. Any other action from the Closed Executive Session.

**MOTION**

*Diane Bradshaw moved to table items 19, 20, 21, 22, and 23 until the next scheduled Town Council Meeting. Cyril Watt seconded.*

*Diane Bradshaw amended the motion to authorize the Town Clerk to post a notice of vacancy for a billing clerk. Cyril Watt accepted the amendment. Ayes: 5, Nays: 0. Motion passed.*

**24. Pass Timpanogos Special Service District Ordinances:**

Jerry Kinghorn gave an explanation about a contract agreement with the Timpanogos Special Service District (TSSD). These documents require the Town to have sewer service ordinances that comply with Federal regulations. This will conclude with executing these agreements. The Town did not have to pass any ordinances tonight.

**25. Appointment of a member to the Timpanogos Special Service District Board:**

**MOTION**

*Diane Bradshaw moved to appoint John Newman as a member of the Timpanogos Special Service District Board. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**26. Approve an arrangement with the Town of Saratoga Springs to accept their effluent.**

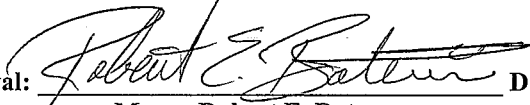
John Newman gave a brief explanation about a recent catastrophe in Saratoga Springs with their sewer treatment plant. They have a temporary emergency and are in need of help from Eagle Mountain. He said they would like to hook an old culinary line into the Town's TSSD line for approximately three to five months to take care of their effluent until repairs are made and other construction takes place. TSSD gave their approval. Saratoga Springs is working with Condie to see if they can reach an agreement.

**MOTION**

*Diane Bradshaw moved to allow Jerry Kinghorn, Town Attorney, to proceed with paperwork in order to reach an agreement with the Town of Saratoga Springs. Bill Chipman seconded.*

*Diane Bradshaw amended the motion to authorize for John Newman to arrange for a partial payment acceptable to Condie Construction to allow Saratoga Springs to use the Outfall Line. Bill accepted the amendment. Ayes: 5, Nays: 0. Motion passed.*

Diane Bradshaw moved to adjourn at 10:50 p.m.

Approval:  Date: 2/23/99  
Mayor Robert E. Bateman

**MINUTES OF SPECIAL TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
1680 E. Heritage Dr.  
Eagle Mountain, UT 84043  
February 8, 1999**

**1. Roll Call:**

Bill Chipman called the meeting to order at 7:17 p.m.

Councilmembers Present: Dan Valentine, Diane Bradshaw, Bill Chipman  
Cyril Watt arrived at 7:43 p.m.

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Clerk: Janet Valentine  
Recording Secretary: Vada Hunter

Others present: Bob Lynds, The Ranches; Debbie Hooge, The Ranches; Scott Kirkland,  
The Ranches

**2. Pledge of Allegiance:**

Dan Valentine led the Council in the Pledge of Allegiance.

**3. Approval of Agenda:**

**MOTION** *Diane Bradshaw moved to approve the agenda as stated. Dan Valentine seconded. Ayes: 3, Nays: 0. Cyril Watt not present yet. Motion passed.*

**MOTION** *Diane Bradshaw moved to approve Bill Chipman as Mayor Pro-Tem. Dan Valentine seconded. Ayes: 3, Nays: 0. Cyril Watt not present yet. Motion passed.*

**4. Consideration to approve the Master Development Agreement with the Ranches, LC:**

Mayor Pro-Tem Chipman turned the time over to Jerry Kinghorn, Town Attorney, for the presentation of the Master Development Agreement between the Town of Eagle Mountain, Utah, and The Ranches, L.C. "Developer".

Jerry discussed some of the items that had been holding up getting the final agreement finished. One of the issues was water. He said these had finally been resolved. He also said there needed to be some work done on their Financial Plan.

Jerry Kinghorn introduced the Exhibit List:

Exhibit 1 – Master Development Plan (Map)

Exhibit 2 – Town's Zoning and General Plan (Development Code)

Exhibit 3 – Town Capital Facilities Plan

Exhibit 4 – Schedule of Required Improvements

- 4.1 Master Parks & Trails Plan Map
- 4.2 Park & Open Space Dedication Map
- 4.3 Developed Park Location Map

Exhibit 5 – Open Space Dedication Schedule for Parks and Open Space

Exhibit 6 – Special Conditions

Exhibit 7 – Density Transfer Map

Exhibit 8 – Amendment to the MDP (Application Form)

Jerry Kinghorn then introduced Exhibit 1 – Master Development Plan and gave a brief explanation about the map. He explained that it gave the zoning, the acreage, the density, and the number of units. He said this was approved March 10, 1998.

Scott Kirkland, The Ranches, talked about the changing of the numbering system.

There was a discussion about entitlements and guarantees on the 6,134 residential units.

Jerry Kinghorn said he was using the Development Code dated March 30, 1998.

Korey Walker gave a brief explanation about the Town Capital Facilities Plan.

Jerry Kinghorn asked Scott Kirkland to talk about the Master Parks & Trails Plan Map. Scott said they took a geographic area and planned them out. They set up a schedule to follow on the development of the trails. Jerry said there would be some flexibility as far as when the trails would have to be completely developed. Scott Kirkland said their plan would be to have consistency in the design of their trails so that it all flows together which is different than the Walden plan where each developer puts in his own trail.

Scott Kirkland then talked about the Park & Open Space Dedication Map. He said their total open space is 34%. They talked about the land that would be dedicated to the Town.

Jerry introduced the Open Space Dedication Schedule for Parks and Open Space.

Jerry then talked about the density transfer map. He said this map would not be complete until it had been through the correct process with the Planning Commission and Town Council. Jerry proposed going from 12 to 18 units per acre on a density transfer in a village core. It was then stated that the maximum density was 14 and not 12.

There was a lengthy discussion about density.

Mayor Pro-Tem Chipman asked the Council to go through the Master Development Agreement page by page and make any comments dealing with that page.

Page 1: The amount of the units should be 6,134 and not 6,137.

Page 2: No comments.

Page 3: In the middle of the page, after Exhibit "3", Bob Lynds asked that the wording be changed in the next sentence. It should read: The parties understand that the Capital Facilities Plan may be amended from time to time as changing circumstances concerning the Developer's project require and that the CFP as amended is the governing CFP under this Agreement.

Page 4: The last sentence in the first paragraph should read: Island are defined as property bounded on all sides by the Developer's Land in the Ranches MDP and peninsulas are parcels of land adjoined by at least 60% of the land parcel perimeter by the existing Ranches MDP.

Page 5: 1.9, Town's Development Code: There was a discussion about the correct date to use. The decision was made to use June 23, 1998.

Page 6: 2.2, the sentence after Exhibit "2" should state: which may be amended from time to time as circumstances concerning the Ranches may require.

Page 7: 2.2.2, sentence six shall read: In the event other master Developer's are required to contribute water sources to the Town water system, the Town shall require cost-sharing by other future Master Developers with The Ranches on a ratio of residential units use basis.

There was a discussion about digging wells and who pays the cost.

Page 8: 2.2.2.1 (continued from page 7) the third sentence shall read, All work proposed shall be strictly in compliance with the requirements of the Drinking Water Division of the Department of Environmental Quality of the state of Utah and the Utah Division of Water Rights.

Page 9: 2.2.2.3 Bob Lynds asked that the first sentence read: The Town shall prepare contracts for professional services and construction work in accordance with the mediated settlement provided for above and shall submit all contracts for work on the project to the Developer for review and comment. Then a paragraph was added: If the Developer does not agree with the final decision of the Town Council, the parties agree to submit the disputed contract provisions to binding arbitration under the commercial arbitration provisions of the American Arbitration Association, provided, however that the use of standard Town utility construction specifications and standards for the installation of improvements shall not be a subject of such binding arbitration under this Agreement. Each party shall pay one-half of the cost of the arbitration provided for herein. Each party shall pay its attorney's fees incurred in the arbitration proceeding and shall not seek recovery of fees or costs from the other.

Page 10: 2.2.2.4: The Developer shall deposit with the Town the amount required to fund the first two contracted activities on the agreed scope of work. The last sentence of 2.2.2.4 should read: Phased project contracts shall be funded fully before the project contract is released and a notice to proceed issued.

Page 10: 2.2.2.5 The second sentence should read: Payments shall be applied exclusively to the costs identified in the written scope of work and contracts prepared under the provisions of paragraphs 2.2.2.1 and 2.2.2.2 above.

Page 11: 2.2.3 The second sentence should read: The Town Engineer or a surveyor approved by the Town Engineer to work under his supervision shall determine the required alignment for all roads and other easements and rights-of-way and shall field stake the right-of-way or easements and prepare a legal description which shall be used by the Developer to acquire a title report from qualified title insurance company acceptable to counsel for the Town showing the land ownership of the required easements and rights-of-way.

Page 12: 2.2.3: The last sentence of page 11 should read (continues on page 12): The Developer shall consult with counsel for the town and receive advance approval from counsel for the town of the title insurance company and the instruments proposed by the Developer to acquire rights-of-way and easements for the town in the Developer's project construction. If funds are available in the approved

SID budget, the Developer shall be re-imbursed for easement, right-of-way, and other approved public improvements if and/or when interim warrants or bonds are sold to provide funding for budgeted re-imburement.

Page 12: 2.2.4 The last sentence on page 12 should read: All off-site (non-subdivision) improvements which will become public improvements within the Developer's project shall be designed by an engineer approved by the Town under the supervision of the Town Engineer and constructed under the supervision of the Town Engineer. If SID funding is not used, the improvements may be constructed by the Developer using Town contracts, specifications and inspections by the Town Engineer.

Page 13: 2.2.4: Beginning on page 12, the last sentence should read: Funding for the public improvements required by this agreement shall be provided by the Developer under specific improvement construction agreements between the Town and a Developer to be entered into by the parties prior to the commencement of construction on the proposed improvement. Until the Town has engaged staff counsel and engineers, it is the obligation of the Developer to reimburse the Town for all direct legal and engineering costs associated with the construction of the improvements required in the Developer's project. The second to the last sentence should read: The developer shall be entitled to review and comment on all change orders to construction contracts under this subsection. Objections to a change order shall be in writing addressed to the Town Public Works Director and Town Engineer.

Page 14: 2.2.4: In the last two sentences it should refer to the utilities director as the Public Works Director.

Page 15: 2.3 The third sentence should read: No density transfers shall be allowed which would exceed 14 units per acre until or unless the Development Code is amended to provide for an increased density ceiling per acre with related compatibility standards. The last sentence was stricken.

Page 16: 2.4: The second sentence should read: The Developer acknowledges that the Town does not guarantee that the Developer will be able to properly land plan all of the density entitlement explicit in the approval of the MDP.

Page 16: 2.5: The first sentence should read: In addition to the general rights acquired by Developer pursuant to Paragraph 2.3 above, the Town specifically acknowledges that at build-out Developer shall be entitled to a density of residential housing up to the density specified in the Ranches Master Development Plan provided that the density bonus credits provided for in the Development Code for density credit have been approved for the Developer's project based on improvements which benefit the MDP area or are part of each subdivision or commercial site as required by the Development Code.

Page 17: 2.5.1: The third sentence should read: The parties agree that no density transfer shall be approved which will cause the density within the parcel to violate the provisions of the Development Code as amended.

Page 18: 2.6.1 The second sentence should read: For each phase the Developer or the Class II permit applicant shall dedicate to the Town the proportionate open space, park or other open space in compliance with the approved Master Development Plan at a ration of 31.8% of park or open space to developed area as required by the Ranches MDP according to the defined sequence dedication schedule which is Exhibit "5".

Page 18: 2.6.2 The residential units should be 6,134.

Page 19: 2.6.4 The second sentence should read: Each Class II Development Agreement shall be consistent with this Master Development Agreement.

Page 19: 2.6.5 The first sentence should read: Each separate Class II Development Agreement for a Development Phase shall provide that the applicant for the Development Phase shall dedicate the land required for the public trails.

Page 20: 2.7 The first sentence should read: All of the required park land must be dedicated with the concurrent phase of development and the final acreage shall be transferred at or with the phase of development, which results in final Build-out. The last sentence should refer to Exhibits "1", "4.2" and "4.3".

Page 21: 2.8 The first sentence should read: The land areas on Exhibit "1" approved by the Planning Commission and Town Council as parks shall be dedicated as required set in Exhibit "5", and shall be improved and maintained for a period of five years by the Developer from the date of acceptance of the park.

Page 21: 2.9 The third sentence should read: Infrastructure constructed by the Developer or the Developer's assignees included in the Capital Facilities Plan will qualify for impact fee credit under the Town Impact Fee Ordinance if the facilities for which credit is claimed are included in the Town Capital Facilities Plan for impact fees.

Page 22: No changes.

Page 23: 2.11.3.2 The first sentence should read: . If the application is disapproved by the Town Council and the Ranches does not agree with the reason for disapproval by the Town, the Ranches may elect to arbitrate the questions of whether or not the disapproval is based on sound land use principles, or is arbitrary and capricious.

Page 24: 2.11.3.2 Please add the following sentence to the end of the section: The cost of arbitration and fees shall be allocated as provided in Section 2.2.2.3 above.

Page 25: No changes.

Page 26: 4.0 The Exhibit referred to should be Exhibit 6 and not 5.

Page 27: 5.2 The third sentence should read: Developer shall notify the Town of any proposed assignment with a complete description of the proposed assignee, its financial capacity and development experience.

Page 28: 5.2 The first line on this page should be 30 days and not 15 days.

Page 29: No changes.

Page 30: No changes.

Page 31: No changes.

All of the changes resulted from discussions between the Town Council and The Ranches. The changes will be done by Jerry Kinghorn, Town Attorney, and presented at the next Town Council Meeting.

The item that had the most discussion was the density allowance.

**MOTION**

*Dan Valentine moved to approve the Master Development Agreement between the Town of Eagle Mountain, Utah, and The Ranches, L.C. "Developer" as amended per the discussion tonight, and subject to the review by the Town Attorney, Town Engineer, Town Administrator, and authorize the Mayor to sign upon return. Cyril Watt seconded. Ayes: 4, Nays: 0. Mayor Bateman was absent and William E. Chipman was Mayor Pro-Tem. Motion passed.*



Cyril Watt motioned to adjourn at 10:19 p.m.

Approval: Robert E. Bateman Date: 3/9/99  
Mayor Robert E. Bateman

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
1680 E. Heritage Dr.  
Eagle Mountain, UT 840433  
February 16, 1999**

**1. Roll Call:**

The meeting was called to order at 7:10 p.m. by Mayor Robert E. Bateman.

Councilmembers present: Mayor Robert E. Bateman  
Dan Valentine  
Bill Chipman  
Diane Bradshaw  
Cyril Watt

Town Staff:

Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Recording Secretary: Vada Hunter (arrived at 9:00 pm)

Others present: Mark Sovine, resident; Bob Lynds, The Ranches; Gary Tassainer, Tasco Engineering; Nick Berg, resident; Brad Cannon, Murray; Mike Wren, MCM Engineering; Jim Peterson, Eagle Mountain Properties; Eric Jones, Eagle Mountain Properties; Rick Morley, resident; Joshuan and Jenny Elledge, resident; Randy Oakley, resident; Paul Mayes, resident; LeAnn Hunt, Spanish Fork; David Lifferth, resident; Greg Nash, resident; Steve & Roxanne Clark, resident; Thomas Anderton, resident; Glen Zaugg, resident; Vaughn Shosted, Questar; Dan Dent, Questar; Carl Balbraith, Questar; Paul Bond, resident

**2. Pledge of Allegiance:**

Mark Sovine led the Town in the Pledge of Allegiance.

**3. Approval of Agenda:**

Mayor Bateman proposed to move item 14 up to item 8 after Public Comment. There were also a couple of clarifications to the item. John Newman said item 14 and 15 would be together.

Mayor Bateman announced there would be a special Work Session before each Town Council Meeting to try and shorten the regular Town Council meeting.

Mayor Bateman proposed to table item 9 under the Impact Fee.

**MOTION**

*Bill Chipman moved to approve the agenda for February 16, 1999, as amended. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**4. Approval of Minutes (February 2, 1999):**

**MOTION**

*Diane Bradshaw moved to approve the minutes of February 2, 1999, as amended. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**5. General Discussion/Questions/Announcements & Public Notice:**

Jim Peterson, Eagle Mountain Properties, discussed the Open House which was held on February 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup>. He felt like it was a tremendous success.

Cyril Watt mentioned that the "Eagle Mountain" sign was stolen off of Highway 73.

**6. Appointments:**

Mayor Bateman announced that Korey Walker is doing a study of the culinary water rate structure, and the Mayor said he would like to have a committee formed to work with Korey. The Mayor wants people from in Town as well as out in the Ranches to be on this committee. He said that if he is not available to sign any papers that require his signature, he appointed Diane Bradshaw to be Mayor Pro-Tem in his place.

**7. Public Comment:**

Nick Berg, Lake Mountain Road, had questions about water issues related to the pig farm. John Newman said he would follow up on this.

Mike Wren, MCM Engineering, wants to comment on item 19.

Joshua Elledge, thanked Eagle Mountain Properties for the use of the Community Center for the dance on Friday, February 12<sup>th</sup>. He felt like it was a very successful evening.

**8. Consideration of Proposal by Questar to purchase the Town natural gas system:**

Vaughn Shosted represented Questar and gave a summary of what had happened so far regarding the proposal. He said they had proposed \$1,300,000.00. He said that customers with existing natural gas could come onto Questar at no additional cost. He said those fees would be waved. He said they would also service the existing platted lots. It would be approximately 800-1700 lots. He said there would be no additional cost to them. He said for future homes sites in the north and other sites in the town would be determined according to the footage.

David Lifferth, Cedar Pass Ranches, asked questions. Carl Galbraith answered questions.

Mark Sovine had comments.

Roxanne Clark had comments.

Questar said there would be no cost on the service lateral and to any current residents of Cedar Pass Ranch and North Ranch. Residents in the Town center would be exempt accordingly.

Nick Berg asked Mayor Bateman how much had been spent so far on the natural gas line. Mayor Bateman responded that \$2,100,000 was authorized in the RBANS 97-98. He said the Town has spent or will spend \$1,800,000.

Bob Lynds, The Ranches, asked if the difference of the cost was transferred to electric portion of the RBAN, would it up the electrical rates for the town?

Jerry Kinghorn, Town Attorney, said that if the Town should sell the gas system, it would need the consent of the note holders, etc. This would be a 3 to 6 month timeline process.

Nick Berg, resident, talked about the future income stream for the Town.

Debbie Hooge, The Ranches L.C., wanted to know what guarantee Questar would give.

David Lifferth, resident, wanted to know the differences in money for gas.

Carl Galbraith, Questar, said the major differences are the LNG tank, the site plan preparation, the engineering fees, and the issuance of the bond finance charges.

Glen Zaugg, resident, had questions on gas improvements cost.

Bob Lynds, The Ranches L.C., recommended to keep it within the Town.

Eric Jones, Eagle Mountain Properties, voiced his concerns about the RBANS and guarantors of the bonds.

Roxanne Clark, Cedar Pass, asked if the developers wanted the Town system or do the residents of Eagle Mountain have a voice in this. She said that at the Public Hearing Meeting, the people indicated by applause that they wanted Questar to run the gas system.

Dan Valentine responded that Eagle Mountain Properties is indebted because of the land and monies they have guaranteed.

Debbie Hooge, The Ranches, expressed her view of the natural gas situation.

Dan Valentine gave an explanation about Eagle Mountain Properties being a guarantor of the notes.

Rich Morley, resident, spoke regarding Public Hearing where residents applauded Questar. He said not everyone is in favor of Questar.

Glen Zaugg, resident, had some questions about the residents taking over the bids on the SID. He asked Questar if the Cedar Pass Ranch and North Ranch could hook up to Questar.

Carl Galbraith, Questar, said they would be willing to service just the Ranches area but would need a franchise contract with the Town.

The Mayor said that when the RBANS were issued, it was required for everyone to hook up to the Town system.

Mark Sovine, Cedar Pass Ranch, had some comments.

David Lifferth, resident, does not want to pay the extra cost to make up the difference of cost that Questar will pay.

The Mayor opened it up to the Town Council.

Bill Chipman agrees with the Town owning the gas system and explained why.

Diane Bradshaw said she agreed with Bill Chipman. She said that if the Town does go with Questar, it needs to go to a vote by the residents. She is concerned about the integrity of the bonds.

Jerry Kinghorn responded.

Dan Valentine said he cannot see any way to go with Questar unless the RBAN is retired.

Mayor Bateman asked Jerry Kinghorn about the payment of the notes.

Jerry Kinghorn said that there cannot be a default on the notes. If the system is sold out, it needs to be a total pay off. There will be additional costs to do this. However, if it is not a pay off of the total amount, it will cost a lot more to change bond documents.

Paul Mayes, resident, had some comments about the consideration of the SID. He wanted to know if the residents could administer the Sid. Mayor Bateman responded that there is a state statute that prevents this. It must be run by the Town.

Mark Lofgren, resident, asked about the quality of customer service and good billings in regarding the Town utilities.

**MOTION**

*Bill Chipman moved to turn down Questar's proposal at this time as it is not economically feasible at this time. Dan Valentine seconded. Ayes 5, Nays: 0. Motion passed.*

**9. Consent Agenda:**

**MOTION**

*Diane Bradshaw moved to approve the Consent Agenda items B – C – E – F. There was nothing for item D. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**MOTION**

*Diane Bradshaw moved to approve the Warrant Register except for the following changes:*

*10-56-240-355 should go from \$15.00 to \$125.00.  
53-40-570-200 – hold in the amount of \$81,672.00.  
53-40-302-324 – hold in the amount of \$1,361.67 and \$508.34.  
56-40-302-324 – hold in the amount of \$1,361.66 and \$508.33.  
55-40-302-324 – hold in the amount of \$1,361.67 and \$508.33.  
10-56-235 – add to Warrant Register: \$396.80 Travel Expense.*

*Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**10. Report on White Ranch Addition Annexation Proposal:**

Janet Valentine, Town Recorder, reported there has been four protests for this annexation. There was one within the annexation boundary. She stated she had to mail more material out to some people that had been left off the original mailing list. The protest ends on April 5<sup>th</sup>.

**11. The Ranches Update/Debbie Hooge:**

Debbie reported there are three homes in Sundance Ranch being constructed. She reported that they had a buyer for the SID bonds and they want to go forward. John Newman said to have a written proposal from the underwriters sent to him.

**12. Eagle Mountain Properties Update/Jim Peterson:**

Jim apologized for the celebration over the President's Day weekend being turned into a Town participation instead of a real estate idea.

He handed out a copy of a newspaper article.

He handed out an envelope with information on the Harry Pressler Golf Foundation.

He said the last two items he handed out were dated and could become valuable in the years to come.

**13. Presentation on Geographic Information Systems/Greg Nash:**

Professor Greg Nash will meet with the Public Works Board first.

**14. Transmission Line and sub-station proposal from PacifiCorp:**

John Newman explained that this proposal will go to the Public Works Board on Wednesday. This was on the agenda as a matter of public record.

This will deal with two issues: bring in additional power and interim generation contract.

**15. PacifiCorp Proposal – Generation Contract:**

This is a continuation of item 14.

Mayor Bateman asked John Newman how this project cost compares with the Town situation. Korey Walker said it is slightly higher.

Bill Chipman commented there were some other income benefits.

Jerry Kinghorn said he needs to see a review of the technical aspects from the Public Works Board.

John Newman said there was no action to be taken from the Town Council. It was noted that PacifiCorp was purchased by Scottish Power.

**16. Class II Final Plat Approval for “Chimney Rock at Red Hawk Ranch (R-1 N-12) Bob Lynds Applicant:**

Debbie Hooge represented The Ranches L.C.

Dan Valentine had a question about the 72 lots.

Korey said the 72 lots would be building lots and the remaining lots are open space.

Mayor Bateman asked about the roundabout. Korey Walker gave the explanation.

Dan Valentine asked about Korey’s letter of February 4, 1999. Dan Valentine wanted to know about the storm water drain. Korey said the storm water was taken care of and the electronic file had not been received. He said he would not sign the plat until it is received.

**MOTION**

*Diane Bradshaw moved to approve the Class II Final Plat Approval for Chimney Rock at Red Hawk Ranch Development (R-1 N-12) contingent upon the engineering and Planning Commission recommendations and the provision of an electronic file of Utility Plan to the Town, and the Development Agreement. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**17. Consideration of an Ordinance Enacting Changes in Water Right Requirements for Developments:**

**AN ORDINANCE ENACTING CHANGES IN WATER RIGHT REQUIREMENTS FOR DEVELOPMENTS WITHIN THE TOWN OF EAGLE MOUNTAIN, UTAH**

**PREAMBLE**

It is in the best interest of the Town of Eagle Mountain to revise the water right requirements for the north service area of the Town to reflect the actual amount required by the Town to service developments which rely on the Town water system. The Town Council understands and finds that water users in the north service area are serviced by individual subsurface disposal systems or by a sewer system which collects wastewater and treats that wastewater at the treatment plant at the Utah Lake. The subsurface flow of water from irrigation and storm water flows also returns directly to Utah Lake without passing through Cedar Valley. Water delivered through the Town system in the north area therefore returns to Utah Lake in about the same quantity as water formerly used for irrigation purposes.

**MOTION**

*Bill Chipman moved that Ordinance 99-03, AN ORDINANCE ENACTING CHANGES IN WATER RIGHT REQUIREMENTS FOR DEVELOPMENTS WITHIN THE TOWN OF EAGLE MOUNTAIN, UTAH, be approved. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**18. Consideration of bids submitted to lease or purchase a Modular Building for Temporary Town Offices:**

John Newman gave a brief presentation. He recommended that the Town Council accept the Alternate Bid Form #1 and give the bid to South Valley. The calculation showed this to be the best bid for the Town.

There was a short discussion.

Bill Chipman asked that there be some landscaping plans.

There was some question about the location.

John Newman explained about the offices to be in the building. The questions was brought up as to how many people were on the staff at the present time as full time employees.

Rich Morley wanted to know what the code was for temporary buildings. John Newman gave a brief explanation.

**MOTION**

*Dan Valentine moved to approve the purchase a modular building for temporary Town offices going with the bid from South Valley in the amount of \$82,995 plus the additional delivery and setup charges for a total of \$89,360, and a 5% contingency to cover any charges that may occur. Diane seconded the motion.*

*Diane Bradshaw amended the motion to add a landscaping plan for around the building. Dan Valentine accepted the amendment. Ayes: 5, Nays: 0. Motion passed.*

**19. Motion to reconsider Ordinance No. 99-02, "An Ordinance Enacting Temporary Use Provisions for Properties During Completion of Improvements."**

Copies of the Ordinance were needed. Item delayed until further in the meeting while copies were obtained.

**20. Proposed Ordinance for Contractor Licensing & Bonding:**

John Newman gave an explanation of this proposed ordinance. This is an ordinance that would offer some protection to the Town to cover costs incurred when there is a problem with a contractor, such as cutting of utility lines.

The contractor would put up one bond, \$1,000, and then when the contractor leaves, the bond would be returned. This bond would serve as a license while they are performing their contract in the Town.

Mayor Bateman asked is everyone who comes in to do some work is required to do this bond.

Jerry Kinghorn said it is everyone who holds a contractors license with the State.

Korey Walker talked about what would have to happen if a contractor hit a gas line.

John Newman said that if the Town passed this ordinance, then the Town would send a letter to all contractors doing business in the Town and give them 30 days to reply. Jerry Kinghorn said this would be effective from the signing date of the ordinance and is not retroactive.

Several people had questions about whether or not this would affect sub-contractors.

**MOTION** *Diane Bradshaw moved to table item 20, Proposed Ordinance for Contractor License and Bonding, until the Town Council Meeting on March 16, 1999. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**MOTION** *Diane Bradshaw moved to re-consider Ordinance 99-02, An Ordinance Enacting Temporary Use Provisions for Properties During Completion of Improvements. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

Mike Wren, MCM Engineering, explained a situation of a homeowner in Eagle Park. He said that the only thing that is not completed is the sidewalk. The house has been completed and passes inspection. The bank will not let them close because of the temporary occupancy.

There was some discussion about this situation. Korey Walker talked about sidewalks. He said you could pour cold weather cement. It becomes a safety issue when there isn't a sidewalk.

Jerry Kinghorn said he could re-draft the ordinance in order to accommodate this issue.

John Newman recommended this be tabled until the next Town Council Meeting.

**21. Department Reports:**

Cyril Watt – He said he had talked to Joanne Murphy about the Neighborhood Watch Program and she said that 9 people who volunteered to be block homes. Mayor Bateman asked Cyril to get information about creating an Emergency Action Plan.

Bill Chipman – He said the Planning Commission started meeting as scheduled. He said there could be an opening on the Commission.

Diane Bradshaw – Diane said she met with Korey Walker to start working on the Impact Fees for the parks. She said she put the information on the Web about the Pony Express Days. She asked about doing a Town logo. Jim Peterson, Eagle Mountain Properties, suggested they use the eagle logo they have and then they will come up with a new logo for them.



Dan Valentine – He said the Public Works Board had not met for a while but would be meeting the following night.

**22. Motion to adjourn into a Closed Executive Session to discuss personnel issues and potential litigation:**

**MOTION**

*Diane Bradshaw moved to adjourn to discuss personnel issues. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

Those in attendance of the Closed Executive Session:

John Newman, Cyril Watt, Bill Chipman, Mayor Bateman, Diane Bradshaw, Dan Valentine, Vada Hunter, Janet Valentine

**23. Motion to hire additional personnel for the Town of Eagle Mountain:**

**MOTION**

*Dan Valentine moved to hire a Billing Clerk, Telecommunications Technician, Telecommunications laborer, Natural Gas Technician, Natural Gas Laborer. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**24. Other actions from the Closed Executive Session:**

No other actions were taken.

**25. Adjournment:**

Diane Bradshaw moved to adjourn the Town Council Meeting of February 16, 1999, at 10:25 pm.

Approved: \_\_\_\_\_

Mayor Robert E. Bateman

Date: \_\_\_\_\_

3/9/99

**MINUTE OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
1680 E. Heritage Dr.  
Eagle Mountain, UT 84043  
March 2, 1999**

**1. Roll Call:**

Mayor Robert E. Bateman called the meeting to order at 7:10 pm.

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 Recorder: Janet Valentine  
Recording Secretary: Vada Hunter

Others present: Bob Lynds, The Ranches, L.C.; Bert & Rebecca Androm, resident; Lyn Farnsworth, resident; Jody Hooley, resident; Marcie Taylor, resident; Mark Lofgren, resident; Josh Elledge, resident; Glen Zaugg, resident; Tom & Maureen Anderton, resident; Karen Boettcher, resident; Clark Palmer, resident; Jeff Quinn, resident; David Lifferth, resident; Dan Burton, resident; Candy Loveridge, resident; Jeff & Gail Burrows, resident; Mark & Linda Harwood, resident; Brian Larson, resident; Ken & Lisa Nusz, resident; Paul Mayes, resident; Gary & Debra Bertagnole, resident; John D. Jacob, resident; Paul Bond, resident; Mark Sovine, resident

**2. Pledge of Allegiance:**

Bob Lynds led the Town in the Pledge of Allegiance.

**3. Approval of Agenda:**

**MOTION** *Diane Bradshaw moved to approve the Agenda. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**4. Approval of Minutes (February 8, 1999, & February 16, 1999):**

**MOTION** *Cyril Watt moved to approve the minutes of the Town Council Meeting of February 8, 1999, as amended. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**MOTION** *Bill Chipman moved to approve the minutes of the Town Council Meeting of February 16, 1999, as amended. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**5. General Discussion/Questions/Announcements:**

Mayor Bateman announced that the Public Works Board recommended sending Gary Tassainer, Korey Walker, and Mark Sovine to Canada to inspect a generator. The approximate cost would be \$1,000 per person. Korey Walker said he would reduce his hourly rate to help cut costs.

Diane Bradshaw announced there would be the monthly landscaping meeting on March 11<sup>th</sup> at 7:00 pm.

Mayor Bateman announced that the reason the meeting could not be held at the Community Center is because there is no occupancy permit as yet.

6. **Appointments:**

There were no appointments.

7. **Public Comment:**

There was no public comment.

8. **Consideration of votes on Special Improvement District 98-2:**

Mayor Bateman announced that the voting for the SID 98-2 was as follows:

Opposed: 79 In Favor: 73

He said the voting appears not to pass SID 98-02.

9. **Consideration to Approve an Ordinance creating Eagle Mountain, Utah, Special Improvement District 98-2 (Cedar Pass Ranch and North Ranch) as described in the Notice of Intention and authorizing Town Officials to proceed to make improvements as set forth in the Notice of Intention; and related matters:**

MOTION

*Diane Bradshaw moved to approve the Special Improvement District 98-2. Bill Chipman seconded. Ayes: 0, Nays: 5. Motion denied.*

10. **Motion to approve Consent Agenda Items as follows:**

- A. Warrant Register
- B. Partial Payment Requests
- C. Bond Releases (listed on Work Session Agenda)
- D. Contract Change Orders
- E. Capital Purchases

It was suggested that Item A, Warrant Register, be moved to item 16 on the agenda. It was suggested that item E, Capital Purchases, be negotiated to get a better price.

MOTION

*Bill Chipman moved to approve the Consent Agenda Items except for item A, which was moved to item 16; and item E, Capital Purchases be negotiated for a better price. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

11. **Consideration to Approve an Interconnect Agreement with PacifiCorp regarding proposed generation installation:**

John Newman, Town Administrator, recommended that the Town Council accept this agreement with PacifiCorp. He said there would be a 600 kW limit with PacifiCorp, and that the switch was going to be changed. He said there needed to be an amendment to the letter from PacifiCorp that they would sign and letter and send it back to the Town.

**MOTION**

*Bill Chipman moved to approve the Interconnect Agreement with PacifiCorp regarding proposed generation installation to sell power back with a limit. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**12. Preliminary Plat Approval: Chimney Rock at Red Hawk Ranch, and Castle Rock at Red Hawk Ranch (R-1 N-11):**

**MOTION**

*Bill Chipman moved to approve the Development Agreement between the Town of Eagle Mountain, Utah, and The Ranches, L.C., for Chimney Rock at Red Hawk Ranch. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

Debbie Hooge gave a brief presentation about Castle Rock. She said there would be five level entry designs for homes in this development.

Korey Walker gave five recommendations:

1. Changes and updates to the preliminary plans:
  - a. Label major streets in the vicinity map
  - b. Adjacent property ownership needs to be shown
  - c. Street names need to be shown
  - d. Adjacent utility lines and facilities need to be shown
  - e. Depict a difference between proposed and existing water and sewer lines
2. Special Improvement District (SID) information including amount to be paid upon recordation
3. Water right documentation
4. Subdivision traffic volumes corresponding to submitted traffic plan

Korey said it had been to the Public Works Board and there were no comments.

Mayor Bateman asked how the landscaping would be handled in small pockets.

**MOTION**

*Bill Chipman moved to approve the Preliminary Plat Approval at Castle Rock at Red Hawk Ranch (R-1 N-11) subject to the recommendations of the Town Staff and Town Engineer. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**13. Preliminary Plat Approval of Liberty Farm at Smith Ranch (R-6 N-2):**

The Town Staff recommended approval of the preliminary plat for Liberty Farm subject to the following items being addressed in the final plat process:

1. More detailed hydrological analysis to be submitted to the Town Engineer.
2. Special Improvement District (SID) information should be prepared and submitted that includes the amount to be paid upon recordation.
3. Documentation of water right availability.
4. Traffic volumes for this subdivision should correspond to the submitted traffic plan.

**MOTION**

*Diane Bradshaw recommended approval of the Preliminary Plat Approval for Liberty Farm at Smith Ranch (R-6 N-2) subject to the recommendations of the Town Staff and Town Engineer. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**14. Consideration to Approve Structure Ordinance:**

Item 14 was combined with item 15.

**15. Consideration to Approve an Ordinance allowing Permanent Occupancy when sidewalks have not been installed in a subdivision:**

Jerry Kinghorn, Town Attorney, explained how the two parts work. This ordinance changes the characterization from "temporary" occupancy to occupancy certificate language. He gave a brief explanation of the Uniform Building Code concerning temporary occupancy.

There was some discussion about several of the sections of the ordinance.

Jody Hooley, resident, asked who would make the decision as to whether or not there could be a temporary occupancy. Jerry Kinghorn said it would be Kent Partridge, Town Building Inspector.

There was some discussion about Section 6.2.2 regarding the percentage. The language was changed so that it read 120%.

**MOTION**

*Diane Bradshaw moved to approve Ordinance No. 99-04, AN ORDINANCE ANACTING TEMPORARY USE PROVISIONS FOR PROPERTIES DURING THE COMPLETION OF PUBLIC IMPROVEMENTS AND DEFINING STANDARDS AND REQUIREMENTS FOR TEMPORARY CERTIFICATES OF OCCUPANCY, with the exception of changing wording, by Jerry Kinghorn, Town Attorney, on Section 6.2.2. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**16. Proposal to change from the Lehi Post Office (84043) to the Cedar Valley Post Office (84013):**

**MOTION**

*Diane Bradshaw moved to table this item until further discussion and consideration. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**17. Warrant Register:**

**MOTION**

*Bill Chipman moved to approve the Warrant Register subject to changing GL Account # 10-44-720-000 from \$56,780.00 to \$31,500.00; John Newman shall review the Impact Fee Classifications; to remove any late fees. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**18. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues:**

**MOTION**

*Diane Bradshaw moved to move into Closed Executive Session for the purpose of discussing personnel issues. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

Time: 8:25 pm.

In attendance: Mayor Bateman, John Newman, Cyril Watt, Diane Bradshaw, Bill Chipman, Dan Valentine, Corey Walker

**MOTION**

*Bill Chipman moved to go out of Closed Executive Session at 9:00 pm. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

19. Any action from the closed session:

There was a discussion about the color of the Town vehicles.

There was a discussion about getting a new Town logo.

20. Motion to go back into a Closed Executive Session for discussing personnel issues:

MOTION

*Dan Valentine moved to go back into Closed Executive Session for the purpose of discussing personnel issues. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

MOTION

*Bill Chipman moved to go out of Closed Executive Session. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

21. Adjournment:

Diane Bradshaw moved to adjourn at 9:25 pm.

Approved: \_\_\_\_\_

Mayor Robert E. Bateman

Date: \_\_\_\_\_

3/25/99

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
TOWN CENTER  
1680 E. Heritage Dr.  
Eagle Mountain, UT 84043  
March 16, 1999**

**1. Roll Call:**

Mayor Bateman called the meeting to order at 7:13 pm.

Councilmembers present: Mayor Robert E. Bateman  
Diane Bradshaw, Cyril Watt, Bill Chipman

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Recording Secretary: Vada Hunter

Other present: Mark Sovine, resident; Tom Anderton, resident; Jody Hooley,  
Resident; Liisa Nusz, resident; James Dahl, MCM Engineering; Jeff Lafetra, Trophy Homes;  
Wayne Corbridge, Trophy Homes; Howard Ault, resident

**2. Pledge of Allegiance:**

Mark Sovine led the Town in the Pledge of Allegiance.

**3. Approval of Agenda:**

**MOTION** *Cyril Watt moved to approve the agenda. Diane Bradshaw seconded.  
Ayes: 4, Nays: 0. Motion passed.*

**4. Approval of Minutes (March 2, 1999):**

**MOTION** *Diane Bradshaw moved to approve the minutes of March 2, 1999, as  
amended. Ayes: 4, Nays: 0. Motion passed.*

**5. General Discussion/Questions/Announcements:**

Mayor Bateman announced that the Alpine School District changed the route for the school bus and the students no longer have to stand on SR-73 to be picked up. The bus will go into the North Ranch area to pick up the students.

Mayor Bateman announced that Liisa Nusz is working on the Welcome Wagon and Library and would give a presentation during the Council Meeting.

Mayor Bateman announced that the Garden Club would meet on April 8<sup>th</sup>, and that there would be a Neighborhood Watch meeting on March 24<sup>th</sup>.

Mayor Bateman announced there would be a Cedar Pass Homeowners Association Meeting on April 1, 1999.

It was announced that Mark Zitting resigned from the Planning Commission.

**6. Appointments:**

Mayor Bateman said he was putting a committee together to look at rate structures for the water. He said they already had Tom Anderton, John Jacob, and Harry Bonnell on the committee and would like to get three more volunteers from the center of Town. The name of Chris Kemp was suggested.

**7. Public Notices:**

Mayor Bateman said there would be a Public Hearing on March 30<sup>th</sup> to consider the Eagle Mountain Properties Master Plan Proposal.

**8. Public Comment:**

There was no public comment.

**9. The Ranches Update/Bob Lynds:**

Bob Lynds said things were looking positive to close on the Special Improvement District (SID) by May 31<sup>st</sup> or maybe sooner. He said the golf contract would be announced this week. He also mentioned that he liked the Concept Review meetings and felt like they really benefited from them.

Bill Chipman asked about the trucks going through Cedar Pass Ranch. Bob Lynds said he was working with Korey Walker on this.

Jerry Kinghorn commented that he was working with Laura Lewis on the gas line project.

**10. Eagle Mountain Properties Update/Jim Peterson:**

Jim Peterson said he would like to have some displays from The Ranches to put on the walls of the Community Center for people to look at. He said the Community Center was available for all kinds of community activities. The scheduling goes through Liisa Nusz. She has a key to the building.

Diane Bradshaw asked if there could be a calendar displayed showing availability.

Liisa Nusz gave a handout to the Council. She said she had been able to get a lot of sponsors for the Welcome Wagon bags she was making for new residents to the Town. She said they should be available to handout at the Pony Express Days on June 19<sup>th</sup>.

Liisa also gave a presentation about the library. She has worked very hard to put this together. She said that before they can get any help from the government they must be established first. She was starting her own organization called "Friends of Eagle Mountain Library". She said there would be a lot of fundraisers to raise money for the library. She also would like a lot of volunteers to help and is asking for donations from businesses to help with the library.

Bob Lynds said his secretary would be available to help during business hours. She has prior library experience.

**11. Motion to approve CONSENT AGENDA ITEMS as follows:**

- A. Warrant Register
- B. Partial Payment Requests
- C. Final Payments
- D. Partial Bond Releases
- E. Contract Change Orders



- F. Payment Direct from the Town – Waterline Repair
- G. Letter to Approve Fire Station Claims – Settlements

Mayor Bateman asked to strike item E. Item H is a \$550.00 payment to haul trash for cleanup at the fire station.

**MOTION** *Bill Chipman moved to approve the Consent Agenda Items as amended. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

**12. Discussion regarding changing the Town logo:**

There was a lot of discussion about the Town logo. Many of the people including the Town Council like the eagle logo that was developed by Eagle Mountain Properties, but there are too many legal issues involved to use this logo. There would have to be a license agreement with Eagle Mountain Properties to use this logo.

Jerry Kinghorn, Town Attorney, said that the Town should try to negotiate with Eagle Mountain Properties to allow the Town to use the logo. He said they would need to be careful with how the name was used. He said this needs to be taken care of in a short period of time. He said if they can't work it out with Eagle Mountain Properties, then they should design their own logo or have a contest.

Jim Peterson said he would work with Jerry Kinghorn on a license agreement.

**MOTION** *Bill Chipman moved to instruct Jerry Kinghorn to get with Eagle Mountain Properties to work out a licensing agreement for use of the logo for the Town; and have said agreement to the Town by March 23, 1999; and if said agreement has not taken place by such time then the Town will hold a contest to choose a new logo. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**13. Consideration to Approve the Rapids II Agreements and Access Request Form with Williams Gas Pipelines:**

**MOTION** *Bill Chipman moved to approve Rapids II Agreements and Access Request Form and authorize John Newman to negotiate gas prices for the Public Works Board. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

**14. Class II Preliminary Plat Approvals:**

**A. Horseshoe Station (R-1 N-13 & R-1 N-15)**

Several of the Council members had concerns about the access road because of how dangerous it is. Mayor Bateman suggested that maybe it could be kept as an emergency road when needed.

**DRC Recommendations:**

1. The following changes and additions must be made to the plan:
  - a. Secondary street access must be provided (this is proposed to be accomplished through Friday's Station (R-1 N-17) immediately adjacent to and east of this phase.
  - b. A grading plan must be submitted.
  - c. Relative to storm drain, information must be submitted including the golf course pond #13 and the Tickville Wash.
  - d. Adjacent subdivision names must be indicated.
  - e. Adjacent utility lines and facilities must be indicated.

- f. The difference between proposed and existing water and sewer lines must be indicated.
  - g. General planting design/landscaping plan must be submitted (this information has been submitted and is included in this report).
  - h. Hydrological calculations for curb capacity and drainage basins must be provided.
2. Special Improvement District (SID) information must be submitted including the amount to be paid upon recordation.
  3. Water rights must be documented prior to final approval.
  4. Subdivision traffic volumes must be submitted and must correspond to the submitted traffic plan (this information has been submitted to the DRC).
  5. CC&R's must be submitted prior to final approval.

**MOTION**

*Cyril Watt moved to approve the Class II Preliminary Plat Approval for Horseshoe Station (R-1 N-13 & R-1 N-15) with a requirement to make the access road to be an emergency road only, and subject to the Town Staff and Town Attorney recommendations. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**Eagle's Gate at Red Hawk Ranch:**

Wayne Corbridge and Jeff Lafetra of Trophy Homes gave a brief presentation. This subdivision will be done in three phases.

Diane Bradshaw voiced her concern about having 500 homes.

**DRC Recommendations:**

1. The following changes and additions must be made to the plan:
  - a. A grading plan must be submitted.
  - b. Relative to storm drain, information must be submitted including the golf course ponds and Evans Wash.
  - c. Adjacent utility lines and facilities must be indicated.
  - d. The difference between proposed and existing water and sewer lines must be proposed.
  - e. General planting design/landscaping plan must be submitted.
  - f. Hydrological calculations for curb capacity and drainage basins must be provided.
  - g. Entrance landscaping restrictions for required site distance.
  - h. The proposed second entrance from SR-73 to the golf course must be widened and separated into two accesses to SR-73.
2. Special Improvement District (SID) information must be submitted including the amount to be paid upon recordation.
3. Water rights must be documented prior to final approval.
4. Evaluation of water system pressure and user of a pressure reducing system.
5. Hydrological calculations for curb capacity and drainage basins must be provided.
6. Subdivision traffic volumes must be submitted and must correspond to the submitted traffic plan (this information has been submitted to the DRC).
7. CC&R's must be submitted prior to final approval.
8. The Town Council must make a determination whether or not private streets will be acceptable in this project.

**MOTION**

*Bill Chipman moved to approve the Preliminary Plat Approval for Eagle's Gate at Red Hawk Ranch (R-1 N-26 & R-1 N-27) subject to*

*approval of the Town Staff and Town Engineer, and granting exceptions to The Ranches Master Development Agreement:*

*Waiver #1: Item 6.4.1.3.(C), regarding roof pitches, be modified to approve a minimum roof pitch of 5:12 only on the Prairie style elevations since the flatter roof is a key aspect of the Frank Lloyd Wright Prairie style of architectural elevations.*

*Waiver #2: Item 6.4.1.4(A), regarding offering at least one two-story plan, be waived since this is an empty nester community where almost no one would select the two-story plan, and if they did, it would "stick out" and look out of place in a community of otherwise one-story homes.*

*Waiver #3: Item 6.4.1.4(B), regarding garage orientation, be modified to approve our product offering of 2 plans (Summit Series, Plans 1 & 2) which will only be built with side-loaded garages and a third plan (Heritage Series, Plan 1) which will have a side-load garage on every home where the basement option is selected. In exchange, we will commit to 30% of all lots either having a side-load or corner-load garage. (A corner-load garage would normally be front-loaded on an interior lot, but because of the side street on the corner, the garage can be loaded from the side street).*

*Waiver #4: Item 6.4.1.4(C), regarding porches be modified to require ¼ of the houses have useable front porches. This is appropriate in a golf course community since the living areas are on the rear of the homes because of the golf course views, and so, rear porches are used the most. Furthermore, since the golf-course-view issues push the garages to the front of the home, it is difficult and sometimes contrived to force porches on the fronts of certain plans.*

*Diane Bradshaw seconded, Ayes: 4, Nays: 0. Motion passed.*

**Simpson Spring (R-1 N-1 & R-1 N-2):**

**DRC Recommendations:**

1. The following changes and additions must be made to the plan:
  - a. A grading plan must be submitted.
  - b. Adjacent subdivision names must be shown.
  - c. Adjacent utility lines and facilities must be indicated.
  - d. The difference between proposed and existing water and sewer lines must be indicated.
  - e. General planing design/landscaping plan must be submitted.
  - f. Hydrological calculations for curb capacity and drainage basins must be provided.
2. Special Improvement District (SID) information must be submitted including the amount to be paid upon recordation.
3. Water rights must be documented prior to final approval.
4. Subdivision traffic volumes must be submitted and must correspond to the submitted traffic plan (this information has been submitted to the DRC).
5. CC&R's must be submitted prior to final approval.

**MOTION**

*Diane Bradshaw moved to approve the Class II Preliminary Plat Approval for Simpson Springs (R-1 N-1 & R-1 N-2) subject to the*

*recommendations of the Town Staff and the Town Engineer. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion passed.*

**Friday's Station (R-1 N-17):**

**DRC Recommendations:**

1. The following changes and additions must be made to the plan:
  - a. The vest pocket at the entrance to this subdivision (around lots 8-11) should be labeled as a one-way street in the counterclockwise direction.
  - b. A grading plan must be submitted.
  - c. Relative to storm drain, information must be submitted including the golf course pond #20 and the Tickville Wash.
  - d. Adjacent utility lines and facilities must be indicated.
  - e. The difference between proposed and existing water and sewer lines must be indicated.
  - f. General planting design/landscaping plan must be submitted (this plan has been submitted and is attached to this report).
  - g. Hydrological calculations for curb capacity and drainage basins must be provided.
2. Special Improvement District (SID) information must be submitted including the amount to be paid upon recordation.
3. Water rights must be documented prior to final approval.
4. Subdivision traffic volumes must be submitted and must correspond to the submitted traffic plan (this information has been submitted to the DRC).
5. CC&R's must be submitted prior to final approval.

**MOTION**

*Diane Bradshaw moved to approve the Class II Preliminary Plat Approval for Friday's Station (R-1 N-17) subject to the recommendations of the Town Staff and Town Engineer. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

**Kennekuk (R-1 N-13 & N-15s):**

**DCR Recommendations:**

1. The following changes and additions must be made to the plan:
  - a. A grading plan must be submitted.
  - b. Relative to storm drain, information must be submitted including the Tickville Wash.
  - c. Adjacent utility lines and facilities must be indicated.
  - d. The difference between proposed and existing water and sewer lines must be indicated.
  - e. General planting design/landscaping plan must be submitted (this has been done and is attached to this staff report).
  - f. Hydrological calculations for curb capacity and drainage basins must be provided.
2. Special Improvement District (SID) information must be submitted including the amount to be paid upon recordation.
3. Water rights must be documented prior to final approval.
4. Subdivision traffic volumes must be submitted and must correspond to the submitted traffic plan (this item has been submitted to the DRC).
5. CC&R's must be submitted prior to final approval.
6. Design of connection to Cedar Pass Drive.

**MOTION**

*Cyril Watt moved to approve the Class II Preliminary Plat Approval for Kennekuk (R-1 N-13 & N-15s) subject to the recommendations of the Town Staff and Town Engineer. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**15. Public Hearing:**

**A. Rezone of real property located on northeast corner of the Autumn Ridge Subdivision from Agricultural (AG) to Town Core Residential (TCR):**

James Dahl gave a brief presentation. This project used to be called Antelope Meadows. Have already received final approval for phase 1. The lot sizes are between 7,000 and 9,000 sq. feet.

There was a discussion about the parks.

**B. Closed Public Hearing.**

**16. Action regarding rezone of Agricultural to Town Core Residential (TCR) for the northeast corner of the Autumn Ridge Subdivision:**

**DRC Recommendations:**

1. A Class II permit shall be obtained, as required in the Town Ordinances, prior to the development of this property.
2. Engineering estimates of off-site and on-site improvements be provided.
3. A finance plan for the required improvements shall be provided.
4. Water right documentation shall be provided prior to final approval.
5. Public Works Board approval shall be obtained.

**MOTION**

*Bill Chipman moved to approve the Rezoning: Proposed Addition to the Autumn Ridge Subdivision and Eagle Mountain Properties Master Development Plan. Rezone from Agricultural (AG) to Town Core Residential (TCR) subject to the recommendations of the Town Staff and the Town Engineer. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**17. Class II Final Plat Approval for Autumn Ridge, Phase II:**

1. Completion of the requested changes and additions to the construction drawings (these changes have been submitted to the DRC).
2. Special Improvement District (SID) information must be submitted including the amount to be paid upon recordation.
3. Water right documentation must be submitted.
4. CC&R's must be submitted.
5. A digital copy of the final plat and proposed utilities must be submitted.
6. Additional improvements to the park located in the southeast portion of this subdivision must be a part of the obligation for this phase (this was a condition of phase 1).

**MOTION**

*Bill Chipman moved to approve the Final Plat Approval for Autumn Ridge, Phase II, subject to conditions 2, 3, 4, 5, & 6; and also subject to the Development Agreement by the Town Attorney and require Autumn Ridge Phase 1 platted and the Development Agreement be approved by the Town Council prior to Final Approval, Phase II. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

18. Consideration to Approve an Ordinance for Contractor Licensing and Bonding:

MOTION

*Bill Chipman moved to table this item until the next Town Council Meeting. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

19. Discussion on holding a Special Town Council Meeting on Tuesday, March 30, 1999, for the purpose of consideration to approve Eagle Mountain Properties Amended Master Development Plan:

Short discussion.

20. Department Reports:

- A. Airport Advisory Board Meeting on April 13<sup>th</sup>.
- B. Diane Bradshaw announced there would be a landscaping meeting on April 8<sup>th</sup>. She also announced there would be an Easter egg hunt on April 3<sup>rd</sup> at 10:00 am.
- C. Cyril Watt reported there were nine block captains in the Neighborhood Watch Program.
- D. Bill Chipman stated they needed a new Planning Commission member and that some of the members of the Commission needed to attend a training session.
- E. Mayor Bateman said that the trip to Vancouver would be tomorrow. This was for checking out the generators.

21. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and potential litigation:

MOTION

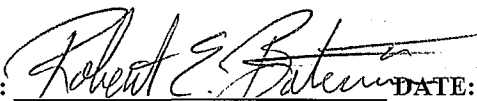
*Cyril Watt moved to go into a Closed Executive Session for the purpose of discussing personnel issues and potential litigation. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

The closed session started at 9:50 pm. Those in attendance were Mayor Bateman, Cyril Watt, Diane Bradshaw, Bill Chipman, John Newman, and Vada Hunter.

MOTION

*Cyril Watt moved to go back into Open Session. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

Cyril Watt moved to adjourn the Town Council Meeting of March 16, 1999, at 10:12 pm.

APPROVED:  DATE: April 19, 1999  
Mayor Robert E. Bateman

Maureen Anderton liked this better than most of the designs. She liked the park in the middle. She liked the landscaping.

Diane Jacob voiced her dislike of pods. She said there were not enough trails and the lot sizes are too small.

Bill Chipman said the consensus was that the Planning Commission would like to see a better design.

Ken Leetham recommended they table this until the next meeting.

**MOTION**

*Jennifer Wright-Thulin moved to table Eagle Point I & J until the next meeting and instruct the Town Staff and Town Engineer to make a more palatable design with ideas of incorporating more of the ideas of the Planning Commission that were voiced tonight. Carl Allred seconded. Ayes: 6, Nays: 0. Motion passed.*

**Town Center West, Business Park, South:**

**Staff Recommendations/West:**

1. Prior to (concurrent with) final approval of this project, a set of architectural design guidelines should be approved that establishes the basis design theme for the buildings and landscaping that will be created in TC West.
2. An open space plan for TC West must be approved prior to (concurrent with) final approval. This plan should address open space within TC West and in the areas between Eagle Mountain Boulevard and the Town Centers.

**Town Engineer Recommendations/West:**

1. More detail is required for the landscaping and open space.
2. Additional storm water information needs to be provided to show adequate detention basin area for entire 100-year storm.
3. An agreement and plan should be submitted from the developer in conjunction with the master developer for the Eagle Mountain Boulevard buffer area.
4. Temporary access road should be maintained to Eagle Park.

Ken Leetham spoke briefly about the two conditions from the Staff report.

Korey Walker spoke briefly about his recommendations.

Bill Chipman asked Rich Morley if they had worked out the landscaping with Eagle Mountain Properties on the buffer area of this property. Rich said they were working on it.

Bill Chipman asked about the entrance areas that would deal with traffic.

Carl Allred asked about some questions about some of the access roads.

Chuck Jenkins asked what the time frame was for having a gas station. Rich Morley said there is a party interested and just waiting to get started.

Diane Jacob had no comments.

Maureen Anderton had no comments.

**SPECIAL TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
1655 E. Heritage Dr.  
Eagle Mountain, UT 84043  
March 30, 1999**

**1. Roll Call:**

Mayor Bateman called the meeting to order at 7:10 pm.

Councilmembers present: Mayor Robert E. Bateman  
Dan Valentine, Bill Chipman, Diane Bradshaw  
Cyril Watt (arrived late)

Town Staff:

Town Attorney: Jerry Kinghorn  
Town Administrator: John Newman  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Town Planner: Ken Leetham  
Recording Secretary: Vada Hunter

Others present: Mike Wren, MCM Engineering; Kimberly James, Eagle Mountain Properties; Jennifer Wright-Thulin, Planning Commission; Scott Thulin, citizen; Diane Jacob, Planning Commission; Jody Hooley, citizen; Juanita Christiansen, citizen; Mark Sovine, citizen; Bert & Rebecca Ankrom, citizens; Nick Berg, Eagle Mountain Properties; James Dahl, MCM Engineering; Eric Jones, Eagle Mountain Properties; Bruce Baird, Eagle Mountain Properties; John Walden, Eagle Mountain Properties, Liisa Nusz, citizen; Josh Elledge, citizen; Howard Ault, American Fork; Mr. & Mrs. Glade Berry and son, Lehi

**2. Pledge of Allegiance:**

Ken Leetham led the Town in the Pledge of Allegiance.

**3. Approval of Agenda:**

Bill Chipman asked if they could move items 7, 8, and 9 to be right after item 4 and then proceed with items 6 and 7.

**MOTION**

*Bill Chipman moved to approve the agenda as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Cyril Watt had not arrived as yet. Motion passed.*

**4. Warrant Register:**

**MOTION**

*Diane Bradshaw moved to approve the Warrant Register. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

**5. The Initiation of a Geographic Information System in Eagle Mountain/Greg Nash:**

Greg Nash gave a short presentation.

Mayor Bateman felt like this would be a very good system for the Town of Eagle Mountain.



**MOTION**

*Bill Chipman moved to approve the initiation of a geographic information system for the Town of Eagle Mountain, Utah. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**6. Consideration to approve the Letter Agreement between Kern River Gas Transmission Company and the Town of Eagle Mountain to receive signal from Kern River's meter station:**

John Newman gave a brief explanation of the agreement between Kern River Gas Transmission Company and the Town of Eagle Mountain. A copy of the agreement is attached to the minutes.

Jerry Kinghorn verified the liability agreement and recommended the approval of the agreement.

**MOTION**

*Dan Valentine moved to approve the Kern River Gas Transmission Company, a Williams Company, agreement for an odorizer signal at the Kern River meter station. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**7. Report to the Town Council on the Redle Annexation/Janet Valentine:**

Cyril Watt arrived at 7:20 pm.

Janet Valentine reported that the annexation protest period for the Redle Annexation was over. She reported that there were no letters of protest received. She received a letter from Clyde R. Naylor, Utah County Engineer, along with a memo from Donald C. Nay, Utah County Public Works Department, stating that the proposed annexation meets the statutory requirements for all of the items listed in the memo.

There was no action on this item.

**8. Public Hearing: Eagle Mountain Properties Amended Master Development Plan and Re-zoning of the Real Property within the Plan:**

Jim Peterson, Eagle Mountain Properties, showed a map of the whole Eagle Mountain area. He gave example of the master plan on a map. He talked about the phases of development.

Ken Leetham, Town Planner, talked about some of the issues from the Staff Report. He said he some of the main issues of concern from the Planning Commission were as follows:

- the proposed number of golf courses
- the location of regional trails beneath the power line corridor
- the reduction of commercial land use
- the locations of neighborhood parks
- the village core commercial concept
- the minimum size of residential lots throughout the entire project
- neighborhood design (pod concept)

Jim Peterson responded to these issues. He talked about lot density and showed areas on the map for future shopping areas, junior college campus, air park shopping area, parks, schools, churches, and open space.

He talked about the golf courses and the three areas designated. He said the third area may not become a golf course, but if the need became a reality then it would be built.

He talked about equestrian areas, ball diamonds, and rodeo arena being built on the Pony Express Regional Park.

There was some discussion about arterial roads.

The discussion was then opened up to public questions.

Josh Elledge, 4146 N Pinion Circle, had a question about water useage on the golf course where the pivots were located. Jim responded that the pivots used 300-350 acre feet and that the golf course would use about two-thirds of that amount.

Korey Walker, Town Engineer, said that water useage can vary depending on what kind of vegetation was being watered. He said it green grass uses more water than alfalfa. He said Eagle Mountain Properties would provide irrigation water sources.

Mel Quarrie, MCM Engineering, talked briefly about water useage.

Mark Sovine, 9156 N Cedar Pass Rd, had concerns about when there would be schools built in Eagle Mountain. Jerry Kinghorn, Town Attorney, said that only sites could be chosen. It was up to the Alpine School District to have the schools built.

Mayor Bateman said the Eagle Mountain Properties is prepared to set sites aside. He said the school district and local churches must make the next move.

Mark Lofgren, 1777 W Pinion Circle, had questions about Lake Mountain Road.

Scott Robinson, 8458 N Crest Road, had some questions about a parcel of land. Korey Walker showed the collector road on the map.

Howard Ault, Ault Sod Farms, had questions about the access off Lake Mountain Road to his sod farm property. Korey Walker responded to his question.

Jody Hooley, 5008 N Lake Mountain Rd, had questions about the Pony Express Park. She wanted to know why they were changing land use.

Jim Peterson responded that there was no agriculture shown on the original map.

Jody said the pivots were agriculture. Why change it.

Jim Peterson said it was changed because of the Town's recreation plan.

Scott Robinson had a question about the Sweetwater Rd to the north.

Jerry Kinghorn stated that there was a plan to extend this road and was being worked on.

Diane Jacob, 9055 N Cedar Pass Rd, had three questions. She wanted to know what would become of the area designated for the third golf course if the golf course didn't happen. Jim Peterson responded that it could become an equestrian area. Diane asked how many ball fields would be build and Jim told her there would be two fields. Diane asked what were the amenities for the regional park. Jim said the first phase was a picnic area, equestrian and ball field. Diane also asked about the open space under the power lines.

Howard Ault asked about the road on the north (dirt road) because this is the road he uses to haul the sod on.

Jennifer Wright-Thulin, Highland, asked about the quality of parks verses the quantity. She also asked about the timing of when they would go in.

Glade Berry, Lehi, had some comments about agriculture land use. He said that with the way the water situation was out in Eagle Mountain it was almost impossible to survive doing agriculture farming.

The time was then turned over to comments from the Town Council.

Bill Chipman commented that he did not want to see any kind of parks under the power corridor at all. He said he would like to see a good development of trails. He also wanted to know what the time frame was for phasing in the parks.

Eric Jones, Eagle Mountain Properties, responded that this year there would be two recreation facilities this year. He said there would be a third park developed in the year 2000. Eric showed on a map the intentions of the two parks.

Juanita Christiansen, Town resident, responded about some comments made by another citizen.

Diane Bradshaw asked when the first golf course was scheduled to be finished. Eric Jones said it would be started this year and finished next year.

Diane Bradshaw asked if the people whose property boarded the golf course property had been notified of the golf course.

Eric Jones said that Eagle Mountain Properties owns the lots next to the golf course except two and one was sold to the Reeds and they are excited about being next to a golf course and the other lot was bought by Eric Jones.

Jim Peterson commented that there shouldn't be any problem with horse trails by the golf course.

There was some more discussion about water usage on the golf course.

Diane stated she hoped they would keep the village core concept. She did not want to see the strip mall effect. She also voiced her overall concern about the way Eagle Mountain Properties marketed their new master plan before the plan had even been before the Planning Commission or the Town Council for approval.

Jim Peterson, Eagle Mountain Properties, apologized again for this error.

Glade Berry, Lehi, asked about areas for commercial use.

Mayor Bateman talked about incentives for commercial building.

Diane Bradshaw asked that all of the maps there were displayed tonight be put in the new Master Development Agreement as exhibit attachments.

Dan Valentine asked if someone from the Planning Commission would respond to item 6 on the DRC report (The applicant should care less about the legal issues and more on these issues (referring to design and livability). Bill Chipman responded and gave a brief explanation.

Dan wanted to know which Development Code they were working under.

Jerry Kinghorn said he had a discussion with Eagle Mountain Properties about this issue for clarification. He said the zoning classifications in the new code would be attached to the plan.

It was determined that the open space was vested under the old code.

There was a discussion about the percentage of open space being designated.

Dan Valentine gave his comments about losing the feeling of agriculture in Eagle Mountain.

Jody Hooley, resident, had some comments about the agricultural areas.

Liisa Nusz, resident, had comments about turning the agricultural areas into green areas to get rid of the dust in the area.

Mayor Bateman commented about the general plan, the incentives, and the appropriate use of the pivots.

John Walden commented about the beginning of Eagle Mountain and where they were at today. He talked about how high the price of water had become compared to the beginning. He said he had hopes of seeing the area turn green with lawns, golf courses, and parks.

Dan commented about the responsibilities of the parks.

Cyril Watt asked if the golf courses were going to be open ended. He also asked if there had been any studies done on the earthquake fault.

Mel Quarrie responded that the faults were mainly on the Wasatch front.

Mayor Bateman closed the Public Hearing.

**9. Consideration to Approve the Eagle Mountain Properties Amended Development Plan along with Re-Zoning of the Real Property within the Plan:**

Mayor Bateman read the issues that would need to be addressed in the motion for this item. Bill Chipman will so move on this motion. He also said that all the maps showing parks and open space will be an exhibit to the Master Development Plan.

**MOTION**                      *Council Member Chipman moved that the proposed Eagle Mountain Properties Amended Site Plan be approved with the following changes and requirements:*

1. *The land in the proposed Amended Master Site Plan within the PacifiCorp Power and Kern River pipeline corridors shall be limited to public open space uses for developed pedestrian and horse trails. The open space area on the south end of the Amended Master Site Plan map proposed as a possible third golf course, shall be designated as public open space, and the large open areas in the northeast and northwest areas proposed as golf courses are approved as golf courses; provided that at least one of the golf courses shall be available for play by the public.*
2. *The regional parks located as proposed by Eagle Mountain Properties shall be dedicated to the Town of Eagle Mountain with the necessary water rights, irrigation system and lawn landscaping to make use of the regional parks without payment of compensation by the Town because of the recreation demand created by and associated with the Eagle Mountain Properties land development recognizing dedication and improvement of the regional parks will happen in phases. The first phase of each park shall be improved by Eagle Mountain Properties consisting of a soccer field and typical baseball or softball diamond. The regional park designated as the Pony Express Regional Park shall be deeded to the Town in escrow by June 15, 1999, and improved according to a plan approved by the Town commencing in 1999 with two recreational facilities and a parking area as approved by the Town to be completed in 1999 with an additional two to be completed in 2000, two facilities in the detention basin park shall be constructed in the year 2000. The balance of the regional parks shall be dedicated as required under the approved park standards of the Town master recreation plan as development demands increase the population of the Eagle Mountain Properties Master Site Plan area.*
3. *An addition regional park of ten acres shall be dedicated to the Town of Eagle Mountain located in an area east of the power corridor at a site or sites acceptable to the Town together*



with the necessary water rights, irrigation system and lawn landscaping required to use the area for park purposes.

4. *Each separate land-use designation, which corresponds to the Town general plan, identified on the proposed Amended Master Site Plan map shall be designated with zoning designation for the identified use under the current development code zoning classification. All open space, density bonus and park requirements required under the development code for residential densities are expressly found to be met as Eagle Mountain Properties is current on its open space and park commitments under the Development Agreement. Any parcel proposed for Class II permit approval as a residential use which exceeds the density limits of the current development code may be treated at the election of Eagle Mountain Properties under the vesting provisions of the former "Interim Development Code and Development Agreement". No additional density or units are approved beyond or in addition to the total allowable under the existing Master Site Plan and Development Agreement. The Town affirms the overall number of units allocated to the Eagle Mountain Properties property under the provisions of the Master Development Agreement with the Town. The zoning designations should remain basically as shown here, resort would actually be resort/mixed use, Town Center would be commercial core.*
5. *The arterial road located on the Town transportation and streets plan east of Lake Mountain Road shall be reconsidered and aligned as recommended by the Town Engineer as an amendment to the Town transportation and streets master plan and the land uses proposed in the Eagle Mountain Properties Master Site Plan amendment shall be modified to accommodate the realignment and amendment of the transportation and streets master plan. Lake Mountain Road shall remain as a residential/rural street.*
6. *The maps present and initialed as part of the proposal including the Amended Master Site Plan are to be included as part of the transcript of proceedings; the Amended Master Site Plan map is the zoning map of the area owned by Eagle Mountain Properties or to be acquired by it as provided in the Amended and Restated Master Development Agreement between the Town and Eagle Mountain Properties.*

After discussion by the Council the question on the Motion was called by Mayor Bateman.

*Those in favor voting "Aye" – 5 –*

*Those opposed – 0 –*

*The Motion was passed and the Eagle Mountain Properties Amended Master Site Plan – 1999 was adopted.*

**10. Questions/Discussion:**

Diane Jacob voiced her concerns about the gun problem.

Bill Chipman commented about the construction vehicles becoming a nuisance on the road in Cedar Pass Ranch at all hours.

It was announced there would be an Easter egg hunt on Saturday at noon.

There was some discussion about the parking around the Town Center.

**11. Motion to move into Closed Executive Session for the purpose of discussion personnel issues:**

**MOTION**

*Bill Chipman moved to adjourn into Executive Session. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

Moved into Executive session as 9:32 pm.

**MOTION**

*Diane Bradshaw moved to move back into Open Session at 9:45 pm. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

12. Adjournment:

Bill Chipman moved to adjourn at 9:45 pm.

Approved: Robert E. Bateman Date: May 4, 1999  
Mayor Robert E. Bateman

This certifies that the minutes of  
30-May 1999 are a true, full and  
correct copy as approved by the  
City Council on 4-May 1999

Signed: Paul B. Valentine  
City Recorder

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE, MOUNTAIN  
1668 EAST HERITAGE DRIVE  
Eagle Mountain, UT 84043  
April 6, 1999**

**1. Roll Call:**

Mayor Bateman called the meeting to order at 7:15 pm.

Town Council Present: Mayor Robert E. Bateman  
Dan Valentine, Diane Bradshaw, Bill Chipman, Cyril Watt

**Town Staff:**

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Recording Secretary: Vada Hunter

Others present: Ted Frandsen, Camp Williams; Major Matt Clark, Utah Army Nat'l Guard; LTC Curt Whiteford, Utah Nat'l Guard; Darrin & Ruth Brandt, residents; Mary Lynn Christensen, resident; Bob Lynds, The Ranches, LC; Chad Larsen, resident; Liisa Nusz, resident; Peter & Tammy Schults, resident; Ann Poteupa, The Daily Herald; CW4 Ed Carder, Utah Nat'l Guard; CW4 Grant Pearsoll, Utah Nat'l Guard; Josh Elledge, resident; Ed & Juanita Christiansen, residents; James Dahl, MCM Engineering

**2. Pledge of Allegiance:**

Liisa Nusz led the Town in the Pledge of Allegiance.

**3. Approval of Agenda:**

Bill Chipman asked that item 14 be changed to consideration of adopting a Town Logo.

**MOTION** *Bill Chipman moved to approve the agenda as amended. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**4. Approval of Minutes of December 15, 1998, and March 16, 1999:**

**MOTION** *Cyril Watt moved to approve the minutes of December 15, 1998, as amended. Bill Chipman seconded. Dan Valentine abstained as he was not present at the December 15<sup>th</sup> meeting. Ayes: 4, Nays: 0. Motion passed.*

**MOTION**

*Diane Bradshaw moved to approve the minutes of March 16, 1999, as amended. Cyril Watt seconded. Dan Valentine abstained as he was not present at the March 16<sup>th</sup> meeting. Ayes: 4, Nays: 0. Motion passed.*

**5. General Discussion/Questions/Announcements:**

Dan Valentine brought up a question about the Development Code. Dan said John Jacob had asked him if you had to have a Development Agreement for 40 acres or 80 acres.

There was some discussion about this discrepancy. The Code said 40 acres but everyone thought it should have been 80 acres.

Mayor Bateman recommended to change this by revising that part of the Development Code.

Diane Bradshaw said the Easter Egg Hunt was a success. She also announced that the next Landscaping Meeting would be Thursday at 7:30 pm. She said they would be discussing watering and sprinkling systems.

Joann Murphy, County Deputy Sheriff, said they had 14 block captains for the Neighborhood Water Program. She asked if anyone could donate posts to put signs on. She said their meetings were the first Thursday of each month at 6:30 pm.

**6. Appointments:**

Mayor Bateman announced the Liisa Nusz was appointed to the Planning Commission.

The Mayor also announced that the committee formed to update the General Plan presently consisted of Jennifer Morgan, Diane Jacob, and Carl Allred. He said he would like to see more people from the center of Town.

**7. Public Comment:**

Chad Larsen, resident, asked about the lights at the entrance that were not working. The Mayor said someone had broken them with rocks and that they were working on getting them replaced.

**8. National Guard Overview/Col. Whiteford:**

Col. Whiteford, Utah National Guard, gave a presentation about the helicopters going over the area. There had been some concerns by a resident of the Town because of a low helicopter that flew over his car one night as he drove down the highway. Col. Whiteford talked about what they did and also how they were making some changes because of the Town being built where the low level corridor is for the helicopters to fly over.

Major Matt Clark talked about recruiting.

**9. Report to Town Council on the White Ranch Annexation/Jerry Kinghorn:**

Jerry Kinghorn, Town Attorney, briefly talked about a letter from Utah County regarding this annexation. Jerry commented that it would be a good idea for the Town Council to set a specific date and invite the White Ranch people to come and give their intentions.

There was no action on this item. The protest period ended April 6, 1999.



**10. Motion to approve CONSENT AGENDA ITEMS as follows:**

- A. Warrant Register
- B. Potential Eagle Scout Projects
- C. Library & Recreation Fees

**MOTION**

*Bill Chipman moved to approve the Warrant Register as presented. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**11. Consideration to Approve an Ordinance to License Certain Contractors and Require Security for Repairs and Replacement of Damaged Public Property:**

John Newman, Town Administrator, spoke briefly about this ordinance.

Jerry Kinghorn, Town Attorney, commented about the purpose of this ordinance. He said they reduced the scope of the ordinance to exclude general workers.

Dan Valentine asked that on Section 1.2 they take out the word "planned".

**MOTION**

*Diane Bradshaw moved to approve Ordinance 99-05, AN ORDINANCE TO LICENSE CERTAIN CONTRACTORS AND REQUIRE SECURITY FOR REPAIRS AND REPLACEMENT OF DAMAGED PUBLIC PROPERTY, with the following changes: Section 1.1 and 1.2 remove the word "planned"; Section 2, change the word conditional to condition; change Section 6 to Section 7; Section 6 will read that there will be a waiver of the bond requirement for those contractors doing business with the Town and that the Town may waive the surety requirements in this Ordinance for contractors doing business under contracts with the Town. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**12. Class II Preliminary Plat Approvals:**

**A. Preliminary Plat for Autumn Ridge (State Land Portion)**

James Dahl, MCM Engineering, said this was 48 acres that used to be part of the State land.

The DRC recommends approval of this phase of Autumn Ridge subject to the following conditions:

1. The following changes and additions must be made to the plan:
  - a. Temporary turn-arounds are required on any streets that are not completed prior to winter.
  - b. Catch basin and inlet box locations must be added to the storm drainage plan.
  - c. The vicinity map must include the names of major streets and recorded subdivisions.
2. Water right documentation must be submitted.
3. CC&R's must be submitted prior to final approval.
4. An electronic copy of the plat and utility plans must be submitted prior to final approval.
5. Additional improvements to the park located in the southeast portion of this subdivision must be a part of the obligation for this phase (this was a condition of phase 1).
6. The open space located at the entry to the project should contain a minimum amount of recreation structures (a tot lot) to provide for a second park more centrally located within this project.

**MOTION**

*Bill Chipman moved to approve the Class II Preliminary Plat Approval for Autumn Ridge (State Land Portion) subject to the DRC (Design Review Committee) recommendations and also the recommendations of the Planning Commission; with the phasing of the parks be resolved with the DRC and finalized prior to final submittal to the Planning Commission. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**B. Preliminary Plat for Overland Trails Phases 3, 4, & 5**

James Dahl, MCM Engineering, gave a brief presentation on this item. He said Phase 3 would have 64 residential units; Phase 4 would have 152 residential units, 14 row homes, 2 common lots; Phase 5 would have 118 residential units, 13 row homes, 2 common lots.

He talked about the parks and trails they would be putting in.

Bill Chipman asked when they planned on doing the park.

There was then a discussion about the parks.

The DRC recommends approval of the revised final plat for Overland Trails Phases 3, 4, & 5 subject to the following conditions:

1. The following changes and additions must be made to the plan:
  - a. street lighting shown on utility plans
  - b. a more detailed grading plan must be submitted
2. Storm drainage plans must be submitted.
3. General planting design/landscaping plan must be submitted.
4. Water rights must be documented.
5. CC&R's must be submitted prior to final approval.
6. An electronic copy of the plat and utility plans must be submitted.
7. Special Improvement District (SID) information including amount to be paid upon recordation must be submitted.

**MOTION**

*Bill Chipman moved to recommend approval of the Class II Preliminary Plat for Overland Trails Phases 3, 4, and 5 subject to the DRC recommendations and the Planning Commission recommendations and also that the DRC come up with the appropriate method for completion of the park. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**C. Preliminary Plat for Horseshoe Station at Red Hawk Ranch (R-1 N-14 & R-1 N-16):**

Bob Lynds, The Ranches LC, gave a brief presentation.

The Mayor asked about the emergency access road. Bob said there would be a chain link barrier across the road with breakable links.

Diane Bradshaw asked about the reduced lots on the ridge.

The DRC recommended approval of the preliminary plats for phases R-1 N-14 & R-1 N-16 of Red Hawk Ranch subject to the following conditions:

1. Utility plans must be revised to show proposed and existing sewer & water lines and street light locations.
2. Subdivision boundaries and adjacent properties must be identified.
3. Individual lot sizes must be shown (square footage is indicated for each lot).
4. Hydrological and golf course storm water information must be submitted prior to final approval.
5. Special Improvement District (SID) information including amount to be paid upon recordation shall be submitted.
6. Water right documentation must be submitted.

**MOTION**

*Dan Valentine moved to approve the Class II Preliminary Plat Approval for Horseshoe Station at Red Hawk Ranch (R-1 N-14 & R-1 N-16) subject to the recommendations from the Staff, Planning Commission, and the DRC. Diane Bradshaw seconded.*

*Bill Chipman amended the motion that there are two different plats one with plats 30-36 which is the knoll and has been reduced to six lots. Dan Valentine and Diane Bradshaw accepted this amendment. Ayes: 5, Nays: 0. Motion passed.*

**13. Class II Final Plat Approvals for Final Plat for Overland Trails, Phase 2:**

James Dahl gave a presentation for this item. It involves 12 lots.

Bill Chipman asked about any receivables owed to the Town by Eagle Mountain Properties. Jim Peterson responded that he knew nothing about it.

Bill said he would see about getting the information on what this is for.

Mayor Bateman read some minutes from a previous Planning Commission meeting in August of 1997 that was about the pivots in the Master Plan. Nick Berg had given the motion.

The DRC recommends approval of the Class II final plat for Overland Trails, Phase 2, subject to the following conditions:

1. The following changes and additions must be made to the plan:
  - a. The locations of monuments should be identified.
  - b. A temporary turn-around at the end of Russell Road.
2. An engineer's bond estimate shall be required.
3. Water rights must be documented.
4. A development agreement and CC&R's must be approved.
5. A development and maintenance plan for the open space and park amenities must be approved.
6. An electronic copy of the plat and utility plans must be submitted.
7. Sumps are not an acceptable storm drain method for the proposed slopes, sag vertical curve and the intensity of the 100-year storm.

**MOTION**

*Bill Chipman moved to approve the Class II Final Plat for Overland Trails, Phase 2, subject to the recommendations of the DRC, and also, that the Development agreement be written, and a clause be put in to mandate the payment or payment schedules for monies due from the developer prior to recordation. Dan Valentine seconded.*

*Bill amended the motion that items 1b, 2, and 6 must be done before the Development Agreement is finalized and finished. Items 3, 4, & 5 are in the Development Agreement. Dan accepted the amendment. Ayes: 5, Nays: 0. Motion passed.*

**14. Consideration to approve a Town Logo:**

Diane Bradshaw showed the three final copies of the logos to be voted on. There were ten entrees submitted to the Town Art Council and they selected three finalists.

Jerry Kinghorn said the Council needs to vote on the three entrees. Each member must give a first, second and third choice. He passed out ballots for them to vote and then they were turned back over to Jerry Kinghorn.

**MOTION**

*Dan Valentine moved to adopt a Town logo according to the vote of the Town Council; subject to the Town Attorney successfully negotiating a release with the designer of the winning entry. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**15. Consideration to Approve Incentives to attract Businesses in Eagle Mountain:**

Mayor Bateman talked the type of businesses Ray Morley is trying to bring to the center of the Town. He wanted a convenience store, dentist, offices, etc.

Mayor Bateman said that some of the first things proposed were that the first businesses be given preferential treatment such as reduced fees.

Jerry Kinghorn said there are legal restrictions concerning breaks on fees. He said the ability to provide incentives are pretty narrow as the Town is bound by restrictions through the RBANS.

Jerry said he asked Morley to justify his proposal but he hadn't seen anything yet from Morley's legal counsel.

**16. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues:**

There was nothing to discuss.

**17. Adjournment:**

Diane Bradshaw moved to adjourn at 9:25 pm.

Approved: Robert E. Bateman Date: 6/29/99  
Mayor Robert E. Bateman

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
1668 E. Heritage Dr.  
Eagle Mountain, UT 84043  
April 20, 1999**

**1. Roll Call:**

Mayor Bateman called the meeting to order at 7:11 pm.

Councilmembers present: Mayor Robert E. Bateman  
Dan Valentine, Bill Chipman, Cyril Watt (arrived at 7:45 pm)  
Diane Bradshaw excused

Town Staff:

Town Attorney: Jerry Kinghorn  
Town Administrator: John Newman  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Recording Secretary: Vada Hunter

Others present: Dale Berg, Sage Park; John Gump, Sunrise Construction; Doug Gwilliam, resident; Rich Morley, ETC; Bert & Rebecca Ankrom, residents; Randy Oakley, resident; Tiffany Shapiro, resident; Danny Hooge, Cedar Pass Ranch Homeowners Association; Joshua Elledge, resident; Carolyn Royce, resident; Paul Bond, resident

**2. Pledge of Allegiance:**

Dan Valentine led the Town in the Pledge of Allegiance.

**3. Approval of Agenda:**

Move item 22 to before item 5.

**MOTION** *Dan Valentine moved to approve the agenda as amended. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt had not arrived as yet.*

**4. Approval of Minutes of April 6, 1999:**

**MOTION** *Bill Chipman moved to approve the amended minutes of April 6, 1999. Ayes: 3, Nays: 0. Motion passed. Cyril Watt had not arrived as yet.*

**5. General Discussion/Questions/Announcements:**

Mayor Bateman asked and had approval in the agenda to take care of item 22 first as Gary Tassainer needed to leave the meeting early.

**Electric Transmission Line:**

Gary Tassainer talked about an offer from PacifiCorp received the previous either Thursday evening or Friday morning. The amount required annually by PacifiCorp would be sufficient to allow the Town

to amortize 5.6 million dollars at 6% interest for 30 years for the transmission line. With the transmission line and substation the Town could borrow 9.1 million dollars at 6% interest for 30 years.

There was some discussion on this item as far as rights-of-way, open land, existing corridor, condemnation issues, etc.

There was some discussion about how far it would be if it came from Camp Williams.

There was some discussion about the time frame for construction of the line.

This was presented in order to decide whether or not the Town of Eagle Mountain should build their own electric transmission line or have it done by PacifiCorp.

**MOTION**

*Bill Chipman moved to authorize John Newman, Public Works Director, to proceed with the transmission line in getting the proper financing, to acquire the land. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt had not arrived as yet.*

Mayor Bateman announced the activities of the Pony Express Days on June 19<sup>th</sup>. He said the day would begin with a Fun Run, Breakfast, Service Project, Rodeo, Softball Tournament, Dinner, and Dance.

Liisa Nusz announced that on May 1<sup>st</sup> they would need at least 50 to 100 people to help lay sod as the Pony Express Regional Park.

Paul Bond, resident, asked about the route of the fun run.

Janet Valentine said that Jennifer Morgan would be making an announcement at the next meeting.

Cyril Watt arrived at 7:45 pm.

Ruth Brandt, resident, asked about a school in Eagle Mountain.

Jim Peterson, Eagle Mountain Properties, commented briefly about how they are trying to work with the Alpine School District concerning the school issue.

Jim Guthrie, resident, commented about the school busing issue.

**6. Appointments:**

There were no appointments.

**7. Public Notices:**

There were no public notices to discuss.

**8. Public Comment:**

Danny Hooge, Cedar Pass Homeowners Association, proposed about turning over their park to the Town of Eagle Mountain. He said it states in their CC&R's that the homeowners would take care of the riding range.

Mayor Bateman asked Jerry Kinghorn about the park being taxed by the county. Danny Hooge said he was in possession of an \$800 property tax bill from Utah County. Mayor Bateman thought that the tax would be on the value of the houses.

Jerry Kinghorn, Town Attorney, commented on the tax issue. He advised the Homeowners Association to question the Utah County Assessor about this tax. He said that if they are wanting to turn the park over to the Town for any other reason, then they would need to talk about it.

Jerry Kinghorn said it would have to be a vote by the homeowners.

**9. Announcement of the Town Logo Contest Winner and Adoption of the Official Eagle Mountain Town Logo:**

Jerry Kinghorn announced the winner of the new Town Logo was Ken Nusz. The runners up were Brigham Morgan and Ben Watt. The winner was given a \$250 gift certificate from the Eagle Mountain Properties Nursery. The runner up and participants were given \$10 gift certificates. A 9-year old boy, Sam Schroder, was given a \$10 gift certificate to Toys R Us.

**10. The Ranches Update:**

Bob Lynds, The Ranches LC, announced that the golf course was finally under construction. He said they expected it to be seeded by August or September and ready to play on by August or September in the year 2000. He said they were working on the well arrangements and that some plans were ready to be submitted to the Planning Commission.

**11. Eagle Mountain Properties Update:**

Jim Peterson said he did not have any comments.

**12. Motion to Approve CONSENT AGENDA ITEMS as follows:**

(1) Warrant Register/Jeri Wilson

(2) Partial Payment Requests/Korey Walker

Niels Fugal Sons Company – The Ranches 6” Steel Gas Line - \$132,187.00  
Valley Asphalt, Inc. – Sweet Water South Rd Extension - \$214,664.74  
Contract Service, Inc. - Eagle Mountain Properties 6” Steel Gas Line - \$22,549.85  
Central Ind. Construction, Inc. - Eagle Mountain Properties – Storm Drain – \$248,421.44

(3) Partial Bond Releases/Korey Walker

Diamond Springs @ Red Hawk Ranch - \$156,725.00  
Rockwell Village @ Red Hawk Ranch - \$149,790.00

(4) Contract Change Orders/Korey Walker

#1 – Neils Fugal Sons – The Ranches 6” gas Line - Increase \$29,110.00 – no time change  
#2 – Central Industrial Construction, Inc. – EMP Storm Drain - Increase \$91,299.63 – Increase 121 days  
#2 – Valley Asphalt, Inc. – Sweet Water Rd – Increase \$22,187.10  
#6 – Contract Service, Inc. – EMP 6” Steel Gas Line – Increase \$3,308.00

**MOTION**

*Dan Valentine moved to approve the CONSENT AGENDA. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion passed.*

Bill Chipman asked that contractors be more consistent in paying their bills.

Mayor Bateman stated that in terms of the releases, there had been some discussion about releasing retainage and progress payments to CIC on The Ranches Parkway. He said what he would like to do is

ask Korey to work on that and add some stipulations from them as to when they are going to get started again. He said they needs some lien waivers for everything that has been done up to this point and then the Town needs an agreement between the Town, CIC, and The Ranches basically spelling out that the Ranches will pay agreed-upon interest up to the start time; that the remobilization will be paid on the first, and a draw request of the retainage will be paid within 20 days of Council approval.

**13. Class II Preliminary Approval for the Town Center East Commercial Project:**

This will be taken care of with item 14.

**14. Class II Final Approval for the Town Center East Commercial Project:**

Rich Morley gave a presentation on this project. He said this phase would have a Deli and an Office Building.

**DRC Recommendations:**

1. Special Improvement District (SID) information.
2. A proposed development agreement
3. Adjacent property ownership.

**Staff Conditions:**

1. A detailed landscaping plan for the buffer area between the development and Eagle Mountain Boulevard should be submitted.
2. When road right-of-way is dedicated, it should include a minimum of six (6) feet behind the back of the curb (this requirement has been met by the applicant).
3. Design guidelines and CC&Rs should be approved for this project.

Jerry Kinghorn had questions about a piece of the land.

Brigham Morgan, resident, asked where the trailers that are currently on the property were going to be moved to.

Bill Chipman had questions about the landscaping plan.

Dan Valentine had no comments.

Cyril Watt had no comments.

There was a discussion about the Arts Council. Jerry Kinghorn advised that there be no action concerning a designated art object for this development. He said there needed to be more legal work done concerning this part of the Development Code.

Rich Morley said he has offered to donate space on the third floor for the library.

**MOTION**

*Bill Chipman moved to approve the Preliminary Class II Approval for Town Center East Commercial Project subject to the recommendations of the Town Staff with a clarification that this only covers lots 1, 2, and 4; that the landscaping plan as designed in the package presented by the developer and that the layout of the buildings be in conjunction and the same as in the presentation by the developer. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*



Mayor Bateman talked about doing a Preliminary and Final on the same night. He said there are a couple of items that need to be addressed before final approval. He said there must be the Development Agreement and also, the Town needs to make any final approval conditional on the Plat 4 entry road and landscaping plan for that area being approved and the plat being recorded.

**MOTION**

*Bill Chipman moved to approve the Class II Final Approval for the Town Center East Commercial Project subject to the Town Staff recommendations, that item 2, when road right-of-way is dedicated, it should include a minimum of six (6) feet behind the back of the curb, be adopted; that the joining right-of-ways for the roads adjoining to Eagle Mountain Boulevard be platted and that the landscaping plan be approved. This applies to lots 1, 2, and 4. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

Ray Morley commented about the amount of time it has taken to go through this process to get approval before they could begin this commercial project.

John Newman, Town Administrator, commented about Ray's remarks. He said it wasn't the Town that held up this project. He said that not all of the requirements for this project were submitted when they needed to be submitted so that this could proceed.

Mayor Bateman stated that there are several things that need to be done. He said this is a two-year old community. He said this is the Town's first commercial project. He said that as the Town's Mayor, it is his first priority that all the i's are dotted and the t's are crossed. He said they also need to streamline the process as best they can. He wants items to be complete when they come for final approval.

**15. Patterson Construction's request for a waiver of the minimum porch size requirements for certain homes in their project:**

John Newman recommended moving this to the end of the meeting as Wayne Patterson was not present.

Bill Chipman said that Wayne Patterson said in the Planning Commission Meeting on April 13<sup>th</sup> that there were only 12 homes involved. Mr. Patterson then told the Town Staff that there was a total of 28 homes involved.

**16. Public Hearing: A. Proposed master development plan and rezoning of real property located on the east side of Eagle Mountain Boulevard at the Pony Express Roadway from Agricultural (AG) to Town Core Residential (TCR):**

Dale Berg gave the presentation. He said this is located on 105 acres. There are 274 lots. The density is 2.6 per acre.

Brigham Morgan, resident, asked how this fits in the General Plan.

Paul Bond, resident, asked a few questions.

Josh Elledge asked how many phases this would be. Dale responded that it would be done in three phases.

There was a discussion about a short tunnel going under Eagle Mountain Boulevard.

There was a discussion about roads and alleys. Janet Valentine asked about whether or not the Pony Express Trail going through the property would be made a road or would it remain the same so that the horses could still ride through it.

Bert Ankrom, resident, asked about the Lehi Fairfield Road.

Jerry Kinghorn said this is a public road and would need a formal hearing to vacate or abandon that road. He said they would probably have to route the traffic some other way.

Cyril Watt asked about the use of ATV's in that area.

Mayor Bateman closed the Public Hearing.

Dan Valentine expressed concern over densities.

Mayor Bateman responded about part of the Development Code.

Jerry Kinghorn asked who owned this land. Dale said it was Stan Smith.

Mayor Bateman asked that some information be obtained about the Pony Express Trail so that they know exactly how the trail goes so the developer can keep it the way it should be.

**17. Action regarding approval of rezoning the real property located on the East Side of Eagle Mountain Boulevard at the Pony Express Roadway from Agricultural (AG) to Town Core Residential (TCR):**

**MOTION**

*Dan Valentine moved to approve the rezoning of the property from agricultural to Town Core Residential (TCR) subject zone change and accept the Development Master Plan for the Sage Park Development according to the map displayed at the Council Meeting that should also be designated as an exhibit for this item and be initialed and dated; that the Town find it desirable to maintain the Pony Express Trail in a usable fashion for the yearly celebration of the Pony Express route; and that it is the Town's intention or desire to see that the Town Core Residential high density zoning is not perpetuated further without zones with lesser density. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion passed.*

**18. Action regarding approval of the Master Development Plan:**

**MOTION**

*Bill Chipman moved to approve the Master Development Plan based on the rendering there submitted which would be accepted as an exhibit representing a Master Development Plan and make it subject to the Town Council reserving the right to retain any alignments, use, restrictions, conditions or other characteristics of the existing Pony Express Route based on input of from the Historical Society, Pony Express Group or any other historic group that would be able to provide us with history regarding that trail. Cyril Watt seconded.*

*Bill Chipman amended the motion that there would be a study of the roundabout and come up with a solution for the alignment and funding. Cyril Watt accepted the amendment.*

*Bill Chipman amended the motion that this would also be subject to compliance with the Master Development Plan. Cyril Watt accepted the amendment. Ayes: 4, Nays: 0. Motion passed.*

**19. Department Reports:**

John Newman reported that he had a very successful meeting with the Airport Advisory Board. They talked about different organizational options. The next meeting will be in June and they will be talking about what they learned from this meeting.

John announced that he hired Dana Neth as his new assistant.

John gave a brief explanation of how the new Town offices are coming along and what needs to be done before it can be occupied.

Jenny Nash, Youth Council, spoke briefly about what they were doing and what kind of goals they are setting to be more productive as a Council in the future.

Bill Chipman said there would be a Planning Commission training meeting on Thursday from 5 until 7. Bill touched briefly on the fence issue that was brought up at the Planning Commission Meeting on the 13<sup>th</sup> of April.

Dan Valentine, Public Works Board, said that the items he was going to talk about were taken care of in the meeting tonight.

Cyril Watt reported that the Neighborhood Watch Program is going great.

Joann Murphy, Utah County Sheriff's Department, said that Randy Oakley is working on an Emergency Preparedness Plan.

There was a discussion about various service projects. Mayor Bateman reported that Eric Jones is working on trying to get more second hand equipment for the Fire Department.

**20. Consideration to approve design of street signs in Eagle Mountain:**

Korey Walker gave everyone a handout showing the design of the new street signs. There was a discussion about the size and what kind of posts to use.

**MOTION**

*Cyril Watt moved to approve the adoption of the new street sign as proposed by the Town Engineer. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

**21. Approval to purchase a backhoe:**

John Newman said he had several quotes submitted. He said the bid he liked the best was the one for a John Deere 310E Backhoe Loader with auxiliary hydraulics. The total price quoted was \$55,350.00. Mayor Bateman asked how much had been budgeted for this item and John said \$45,000. He said that Jeri Wilson said there was extra money from the money budgeted to hire people on March 1<sup>st</sup> that hadn't been hired yet. There was also some extra money in General Capital that would make up the difference.

**MOTION**

*Bill Chipman moved to approve the purchase of a John Deere 310E Backhoe Loader for \$55,530.00. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

**22. Electric Transmission Line:**

This item was taken care of in item 5.

**23. Consideration to adopt the Tentative 1999-2000 Fiscal Year Budget:**

John Newman said that the State law requires the Town to adopt a tentative budget that becomes a straw man for the public scrutiny. He said it does not lock in any course of action. John said you can amend, change, and rearrange the budget any way you want up until you adopt the regular budget.

**MOTION**

*Bill Chipman moved to approve the tentative Eagle Mountain Budget for the fiscal year 1999-2000 and set a public hearing for the second meeting in May. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

**24. Introduction to approve a Consolidated Fee Schedule:**

This is an FYI item only. No action to be taken.

**25. Consideration to approve a Study to be done on the Eagle Mountain Telecommunication System:**

John Newman gave a brief explanation.

**MOTION**

*Dan Valentine moved to authorize a study to be done to see if the Town of Eagle Mountain needs to be in the Telecommunications business. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion passed.*

**26. Motion to adjourn into a Closed Executive Session:**

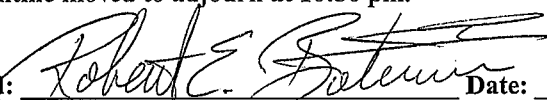
Nothing to discuss.

**27. Motion to postpone item 15 until the next Town Council Meeting:**

**MOTION**

*Bill Chipman moved to postpone item 15, Patterson Construction's request for a waiver of the minimum porch size requirements for certain homes in their project, until the next Town Council Meeting. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

Dan Valentine moved to adjourn at 10:30 pm.

Approved:   
Mayor Robert E. Bateman

Date: May 4, 1999

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 East Heritage Dr  
Eagle Mountain, UT 84043  
May 4, 1999**

**WORK SESSION – No Action or Minutes Taken – 4:30 to 6:30 p.m. – 2218 E. Valley Dr, Eagle Mtn.**

1. Warrant Register/Jeri Wilson
2. Class II Preliminary Plat Approvals/Ken Leetham
  - A. Ruby Valley & Ash Point (R-5 N-1 through 4)
  - B. Jacob's Well (R-6 N-3)
  - C. Town Center South & Business Park
  - D. Jake Garn Airport, Phase 1 Subdivision
  - E. Cedar Trail Villages
3. Class II Final Plat Approval/Ken Leetham
  - A. Liberty Farm (R-6 N-2)
  - B. Eagle Point, Plate D – Revised
  - C. Sage Valley, Plat B
4. Eagle Mountain Wastewater Treatment System Alternative
5. Eagle Mountain Fire Station Claims
6. Proposal to Revise the Eagle Mountain Development Code

**INTERMISSION – Change of Venue**

**POLICY SESSION – 7:00 TO 10:30 P.M. Eagle Mountain Community Center**

1. **Roll Call:**

The Town Council Meeting was called to order at 7:13 p.m. by Mayor Robert E. Bateman.

Council Members present: Mayor Robert E. Bateman  
Dan Valentine, Diane Bradshaw  
Bill Chipman excused  
Cyril Watt arrived late

**Town Staff:**

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Recording Secretary: Vada Hunter

Others present: Brigham & Jennifer Morgan, residents; Wes & Brandi Patton, residents; Lance & Roxie Raven, future residents; Marc Edminster, Lewis & Young; Charles & Fawn Jenkins; Joshua & Jenny Elledge, residents; Mark Lofgren, resident; Rich Morley, Eagle Town Center; Jeff & Alison Love, residents; Colin & Hilary Riley, future residents; Darrin & Ruth Brandt, residents; Alan & Kimberly Anderson, future residents; Devin & Mandi Winn; Dale Berg, Sage Valley; Paul Bond, resident; Bert & Rebecca Ankrom, residents; Rick Pierce, resident; Scott

Kirkland, The Ranches; Bob Lynds, The Ranches; Rondo Fehlberg, Orem; Mike Wren, MCM Engineering; Ross Hansen, MCM Engineering; Juanita Christiansen, resident; Kole & Krista Black; Carolyn Royce, resident

2. **Pledge of Allegiance:**

John Newman led the Town in the Pledge of Allegiance.

3. **Approval of Agenda:**

4. **Approval of Minutes March 30, 1999 and April 20, 1999:**

March 30<sup>th</sup>:

**MOTION** *Diane Bradshaw moved to approve the minutes of March 30, 1999, as amended. Dan Valentine seconded. Ayes: 3, Nays: 0. Cyril Watt had not arrived as yet. Motion passed.*

**MOTION** *Diane Bradshaw moved to approve the minutes of April 20, 1999, as amended. Dan Valentine seconded. Ayes: 3, Nays: 0. Cyril Watt had not arrived as yet. Motion passed.*

5. **General Discussion/Questions/Announcements:**

Diane Bradshaw announced that the final landscaping meeting would be held on Thursday, May 13<sup>th</sup> at 7:00 p.m. and it would be on xeriscaping.

Carolyn Royce, resident, asked when the light at the eagle entrance would be fixed. Jim Peterson said they were waiting for parts.

It was asked exactly where does Eagle Mountain begin. Mayor Bateman responded that it was ½ mile before Cedar Pass Ranch. The sign is missing, but will be replaced by the Utah Department of Transportation (UDOT).

Mayor Bateman announced that Pony Express Days would be on June 18<sup>th</sup> and 19<sup>th</sup>.

6. **Appointments:**

Mayor Bateman announced the appointments of the following people to the Eagle Mountain Council to the Arts:

Jennifer Morgan, Chair  
Carolyn Royce  
Darrin Brandt  
Ruth Brandt  
Ken Nusz  
Fawn Jenkins

6. **Public Comment:**

Ruth Brandt handed out a summary report: **Petition in Support of an Elementary School in Eagle Mountain, Utah, Survey of School-Age Children in Eagle Mountain, Summary Report of Facts and Findings.**

Ruth then spoke briefly about the procedures she followed to come up with this information.

Mayor Bateman responded and thanked Ruth Brandt for her work. He said he was working closely the Alpine School District to have some action taken on this situation. He said Eagle Mountain Properties was making a proposal to the Alpine School District.

Allison Lund, resident, asked why Eagle Mountain couldn't have their own school district.

John Newman, Town Administrator, said that the State Law prohibits a Town from forming their own school district.

Chuck Jenkins, resident, asked about the light on the eagle where you turn into the Town. Mayor Bateman responded that it is being worked on.

There were some questions about whether or not the sod was going to be laid on Saturday. The response was that it would be happening, weather permitting.

Janet Valentine announced that the petition for annexation presented by White Ranch was being withdrawn. She said they have found another way to develop their property. She said she requested them to send an official letter to the Town announcing their withdrawal.

7. **Report to Town Council regarding the Eagle Mountain Arts Council:**

Darrin Brandt spoke to the Town about the goals and desires of the Arts Council. He said the Council wanted to reach the young and the old. He wants a safe place for people of all ages to come and develop some kind of talent. There are no winners or losers. There are only winners. He said this would bring a togetherness for the Town. He asked that there be some representation from The Ranches.

Jennifer Morgan commented about the responses they had from Eagle Mountain online. This was a survey about what kind of interests they would like to see from the Arts Council. There were requests for arts and crafts for children, talent and art show, writing contest, etc. They asked that people in the Town volunteer their time to any area they might have some knowledge of.

Carol Guthrie commented that none of the staff of the Arts Council was being paid. It is strictly volunteer.

Janet Valentine asked how they should report to the Mayor. Mayor Bateman asked Janet to give a report to him once a month

8. **Patterson's request for a waiver of the minimum porch size requirements for certain homes in their project:**

Wayne Patterson spoke to the Town Council on behalf of the people who had a contract with Patterson Construction for homes that did not meet the requirement on porch sizes with regard to the Town Code. He said there was a total of twenty-eight (28) homes.

Wayne said there was never an intention to go against the code. He said they were never notified of the issue until several weeks ago.

Mayor Bateman asked Dave Conine, former Town Planner, to talk about the basic guidelines that were drawn up in the Development Code.

Dave Conine said the present guidelines for the porch requirements are a minimum of 100 square feet with a depth of 8 feet. The reason for 8 feet is so that the porch is usable to sit out on the porch with chairs and table and be able to visit with your neighborhoods on your porch.

Several people in the audience commented. Some were people who are from the 28 homes that are in question and others were homeowners already established in the Town.

Dave Conine said there was a way for developers to have all of their building plans pre-approved so that they don't come up against this situation.

Those commenting were Jody Bazel, Ruth Brandt, Brigham Morgan, Rita Christiansen, Devin, and Chuck Jenkins.

Mayor Bateman said that last September there was some concern on the Town Council and the Planning Commission on the exceptions being given regarding garages and porches. Mayor Bateman said they instructed Dave Conine to send a letter to the builders that from that time forward there would be no exceptions to the Town Code. Dave said that letter did go out. Wayne Patterson said he never received that letter.

Wayne Patterson responded to their remarks. He stated once again that he never received notice of the September letter that they had to follow the porch size. He said they were meeting the intent of the law. He said the Planning Commission had been approving these all along. He said he would have the 18 homes comply with the code and see what he could do on the other 10 homes.

Dan Valentine, Town Council, said he felt like the Town Council was caught in the middle. He felt like he should vote no because Patterson's should have known about the Town Code and followed it.

Diane Bradshaw, Town Council, asked when the 28 contracts were signed. John Newman, Town Administrator, said they were from October 1998, to April of 1999.

Wayne Patterson said once again he did not know of the letter. He said he did know of the Town Code.

Nick Berg, Eagle Mountain Properties, responded at the request of Dan Valentine. Nick said there were still exceptions being approved after Ken Leetham came in as the new Town Planner.

Jerry Kinghorn, Town Attorney, said Ken Leetham told him he had never approved a plan knowing that the plan was the exception to the Town Code.

Nick Berg said there were no winners in this situation. He said Wayne could do some special things in order to have these approved.

Mayor Bateman said Ken Leetham told him he had not knowingly approved any homes with 6-foot porches since he came.

Debbie Hooge, The Ranches, said they were allowing some 6-foot porches in The Ranches because it was in their design guidelines for their Master Development Plan.

Wayne Patterson responded again about how he wanted to work with the Town. He felt like there were a lot of things he could do for the Town.

Mayor Bateman said the Planning Commission recommended to the Town Council to approve 12 homes with the exception of having a square footage of 156 feet and a 6-foot depth.

**MOTION**

*Diane Bradshaw moved to approve a request for a waiver for minimum porch requirements of 6 feet and 156 square feet for 12 designated homes upon Wayne Patterson's choosing.*



*Dan Valentine seconded. Ayes: 2, Nays: 1. Mayor Bateman voted nay. Motion failed.*

*Diane Bradshaw rescinded he motion and moved to deny a waiver of porch requirements for Wayne Patterson Construction. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

Wayne Patterson asked what this meant. He was told he had to comply with the Town Code for all of his homes.

Mayor Bateman talked about design guidelines.

Wayne Patterson asked what he could do to have his own design guidelines.

Debbie Hooge commented about The Ranches design guidelines. Her comments were barely audible to transcribe.

Scott Kirkland, The Ranches, said you need to go through the public process. He said it would take at least 60 days.

10. Motion to approve Consent Agenda Items as follows:

- A. Warrant Register
- B. Consideration to Approve Eagle Mountain Fire Station Claims

MOTION

*Dan Valentine moved to approve the Consent Agenda and pay the customary bills; that the first item under the Fire Station Claims, Western Rental v. Town of Eagle Mountain, the amount be changed from \$1,010.16 to \$1,389.69. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.*

11. Consideration of a Resolution revising the Notice of Intention adopted on June 30, 1998, in connection with the creation of Eagle Mountain, Utah, Special Improvement District No. 98-1 in order to make certain changes with respect to (1) the improvements to be constructed, (ii) the properties proposed to be assessed, (iii) the method of assessing properties, and (iv) the period of time over which assessments may be levied; and related matters.

Jerry Kinghorn, Town Attorney, asked Blaine Carlton to speak briefly about this resolution. Jerry said these had been carefully prepared.

Mayor Bateman said this would be Resolution 02-99.

Blaine Carlton spoke briefly about this resolution. He said that in June 1998, a Special Improvement District was formed. He said there had been a number of changes and revisions since the original resolution. This is a revision of the resolution. He said he had all waivers and acknowledges from property owners for this resolution. He said these needed to be signed tonight and then adopted.

MOTION

*Dan Valentine moved to approve Resolution 02-99, a Resolution revising the Notice of Intention adopted by the Town Council of Eagle Mountain, Utah, in connection with the creation of Eagle Mountain, Utah, Special Improvement District No. 98-1 and related matters. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.*

**MOTION**

*Dan Valentine moved to approve Resolution 03-99, A Resolution revising Resolution 15-98 to create Eagle Mountain, Utah, Special Improvement District No. 98-1 and related matters. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.*

12. Consideration of an Ordinance confirming the assessment rolls and levying an assessment against properties in Special Improvement District 98-1 for the purpose of paying costs of constructing, acquiring and installing improvements as set forth in the Notice of Intention and Revised Notice of Intention; and related matters.

Blaine Carlton explained this ordinance also.

Cyril Watt arrived at 8:55 p.m.

**MOTION**

*Diane Bradshaw moved to approve Resolution 99-06, An Ordinance confirming the assessment rolls and levying an assessment against certain properties in Eagle Mountain, Utah Special Improvement District No. 98-1, Utah County, Utah for the purpose of paying the costs of constructing roads, acquiring easements and installing sewer, water, telecommunications, electrical and gas utility improvements, constructing park and landscaping improvements, replacing above ground electric transmission lines with underground electric transmission lines, 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. Dan Valentine seconded. Ayes: 3, Nays: 0. Cyril Watt abstained. Motion passed.*

13. Consideration of a Bond Resolution authorizing the issuance and sale of Special Assessment Bonds with regard to Special Improvement District No. 98-1; fixing the maximum interest rates to be borne thereby; and related matters:

Blaine Carlton explained this resolution. He said the underwriter was A. G. Edwards & Son, Inc., Denver, Colorado. This is a bond in the amount of \$12,885,000.

Jerry Kinghorn, Town Attorney, commented.

**MOTION**

*Dan Valentine moved to approve Resolution No. 04-99, A Resolution authorizing the issuance and providing for the sale of \$12,105,000 Town of Eagle Mountain, Utah Special Assessment Bonds, Series 1999 Eagle Mountain, Utah Special Improvement District No. 98-1 (The "Bonds"), fixing the maximum interest rates to be borne thereby, prescribing the form of bonds, maturity and denomination of said bonds; creating a reserve fund as provided by statute and a stabilization reserve fund, a bond fund, and a construction fund; and related matters. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Cyril Watt abstained. Motion passed.*

14. Consideration to approve an Eagle Mountain Wastewater Treatment System Concept Level Facilities Plan:

Korey Walker presented the plan in a handout given to the Town Council. He then explained the plan.

**MOTION**

*Diane Bradshaw moved to approve a consideration to approve an Eagle Mountain Wastewater Treatment System Concept Level Facilities Plan. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

15. Class II Preliminary Plat Approvals:

A. **Ruby Valley & Ash Point (R-5 N-1 through 4):**

**Town Staff Recommendations:**

1. **Developers and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.**
2. **The Public Works Board has recommended that all new subdivisions should install conduit for future fiber optic installation.**

**Planning Commission Recommendations/April 27, 1999:**

1. **Compliance with items 1a-f of the Town Engineer's letter dated Thursday, April 22, 1999 (this item is complete).**
2. **Approval of an ordinance change regarding intersection grades (there is a recommendation from the Town Engineer attached for this item).**
3. **A slight revision in the alleyway adjacent to Lot 44 be made (this item has been revised).**
4. **Lots 65-69 shall contain a provision that requires the homes to face the public street (Pony Express Road).**

**Town Engineer Recommendations/April 29, 1999:**

1. **Changes and updates to the preliminary plans:**
  - a. **Intersection grades exceed the present code requirements. The Planning Commission requested the Town Staff create an acceptable recommendation to be adopted into the Town's Development Code and will come before the Town Council on the second meeting in May regarding this issue.**
2. **Water right documentation is in the process for approval of application by the State of Utah.**

Bob Lynds didn't have any kind of presentation.

**MOTION**

*Cyril Watt moved to approve the Class II Preliminary Plat Approval for Ruby Valley & Ash Point, R-5 N-1 through 4, subject to the recommendations of the Town Planner in a memo dated May 4, 1999, and the recommendations of the Town Engineer in a memo dated April 29, 1999. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

B. **Jacob's Well (R-6 N-3):**

**Town Staff Recommendations/May 4, 1999:**

1. Developers and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
2. The Public Works Board has recommended that all new subdivisions should install conduit for future fiber optic installation.

**Planning Commission Recommendations/April 27, 1999:**

1. Compliance with the provisions of items 1 a-e on the Town Engineer's letter of Thursday, April 22, 1999 (these revisions have been completed).
2. Approval of an ordinance change regarding intersection grades (there is a recommendation from the Town Engineer attached to the previous staff report relative to intersection grades).

**Town Engineer Recommendations/April 29, 1999:**

1. Changes and updates to the preliminary plans:
  - a. Intersection grades exceed the present code requirements. The Planning Commission requested the Town Staff create an acceptable recommendation to be adopted into the Town's Development Code and will come before the Town Council on the second meeting in May regarding this issue (see attached recommendation).
2. Water right documentation is in the process for approval of application by the State of Utah.
3. Developer and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
4. The Public Works Board recommends all new subdivision install conduit to each home for future fiber optic installation.

Bob Lynds gave a brief explanation.

Mayor Bateman said the only issue on this application was the grade at the intersections. Korey Walker commented on this issue. He said the Planning Commission recommended this be a Development Code change in the future.

Mayor Bateman asked what advantage this would be. Korey said it would eliminate a lot of mass grading, cut and fill.

Mayor Bateman had a question about flag lot #1.

Diane Bradshaw wanted to know just how the home would be placed on the property.

Bob Lynds responded to their questions. He showed on the map how things would go.

**MOTION**

*Dan Valentine moved to approve the Class II Preliminary Application for Jacob's Well, R-6 N-3, subject to the items on the memo from the Town Planner dated May 4, 1999, and the memo dated April 29, 1999, from the Town Engineer, and subject to the approval of an amendment to the Development Code to allow the grade change on intersections. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

**C. Town Center South & Business Park:**

**Town Center South:**

**Town Staff Recommendations/May 4, 1999:**

1. Prior (concurrent with) final approval of this project, a set of architectural design guidelines should be approved that establishes the basis design theme for the buildings and landscaping that will be created in TC South.
2. An open space plan for TC South must be approved prior to (concurrent with) final approval. This plan should address open space within TC South and in the areas between Eagle Mountain Boulevard and the Town Centers.

**Planning Commission Recommendations/April 27, 1999:**

1. Access for large trucks be investigated and addressed if necessary.
2. Bonding is established for improvements along Eagle Mountain Boulevard.
3. A second hard surface access road must be provided so that there are two accesses for phase 1.

**Town Engineer Recommendations/April 29, 1999:**

1. More detail is required for the landscaping and open space.
2. Additional storm water information needs to be provided to show adequate detention basin area for entire 100-year storm.
3. An agreement and plan should be submitted from the developer in conjunction with the master developer for the Eagle Mountain Boulevard buffer area.

Rich Morley gave this presentation.

Mayor Bateman said this needed a set of architectural guidelines to go along with a commercial development.

Rich Morley said these are being worked on.

Mayor Bateman asked about access for large trucks.

Rich Morley responded by showing on the map that there wouldn't be large semi trucks in that particular area.

**MOTION**

*Diane Bradshaw moved to approve the Class II Preliminary Plat Approval for Town Center South subject to items 1 and 2 and then item 2, of the second section referring to bonding be established for improvements along Eagle Mountain Boulevard on the memo from the Town Planner dated May 4, 1999. Dan Valentine seconded.*

There was a discussion about landscaping on the buffer area by Eagle Mountain Boulevard.

*Diane amended the motion that the Town Council wants a map showing the landscaping in the buffer area along Eagle Mountain Boulevard after the developer has worked this out with Eagle Mountain Properties. Dan Valentine accepted the amendment. Ayes: 4, Nays: 0. Motion passed.*

**Business Park Commercial:**

**Town Staff Recommendations/May 4, 1999:**

1. Prior to (concurrent with) final approval of this project, a set of architectural design guidelines should be approved that establishes the basic design theme for the buildings and landscaping that will be created in the Business Park.

**Planning Commission Recommendations/April 27, 1999:**

1. The approval is granted for Phase I of the Contractor Village.

**Town Engineer Recommendations/April 29, 1999:**

1. More detail is required for the landscaping and open space.
2. Additional storm water information needs to be provided to show adequate detention basin area for entire 100-year storm.
3. A fiber optic tap needs to be provided for telecommunication.

Rich Morley then gave a presentation on the Business Park Commercial Project.

Rich Morley said they have some buyers for part of the commercial park. The location is on Sweet Water Road South.

Mayor Bateman said the people would have to come in for a Class I permit.

**MOTION**

*Cyril Watt moved to approve the Class II Preliminary Plat Approval for the Town Business Park, subject to the recommendations of the Town Planner in his memo of May 4, 1999, and the Town Engineer's memo dated April 29, 1999. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

**D. Jake Garn Airport Phase I Subdivision:**

**Town Staff Recommendations/May 4, 1999:**

1. Developers and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
2. The Public Works Board has recommended that all new subdivisions should install conduit for future fiber optic installation.
3. Development agreement and CC&R's to be submitted.
4. Adoption of Design Guidelines for Air Park project.
5. Compliance with the updates to the preliminary plans, items 1 a-f in Town Engineer's letter dated April 29, 1999.

**Town Engineers Recommendations/April 29, 1999:**

1. Changes and updates to the preliminary plans:
  - a. A temporary all weather turnaround needs to be placed at the south end of Rudder Road.
  - b. Concern with the sewer lift station.
  - c. A contract map was provided. A vicinity map should also be included showing all nearby major road names and subdivision names.
  - d. The County book and page number should be shown for Sweetwater Road.

- e. Where are trails to be located with respect to the Master Trail Plan? Show the locations of undulating berms along with these trails.
- f. The average lot size should be included in the provided acreage table.

Nick Berg gave the presentation for this subdivision. He had a map showing the area of the subdivision. He said it was a light industrial area. The area includes campgrounds, residential for single and multi family dwellings. He said the airport area was surrounded by chain link fencing with barbed wire on top.

Nick said they have reservations pending from people who want to utilize this development.

**MOTION**

*Diane Bradshaw moved to approve the Class II Preliminary Application for Jake Garn Airport, Air Park Phase 1, subject to the recommendations of the Town Planner in his memo dated May 4, 1999. Dan Valentine seconded.*

*Diane amended her motion that the Town Engineer and the engineer for Eagle Mountain Properties work together on the road to provide a second access. Dan Valentine accepted the amendment. Ayes: 4, Nays: 0. Motion passed.*

**E. Cedar Trail Villages:**

**Town Staff Recommendations:**

1. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.
2. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.
3. All weather temporary turnarounds need to be placed on all streets that do not connect to an existing or approved roadway.

**Planning Commission Recommendations/April 27, 1999:**

1. A second hard surface access is required and should be worked out with the Town Engineer.
2. That roundabouts be used at the entrance to other neighborhoods and as needed to slow traffic.
3. A trail access should be provided along the east side of the subdivision.
4. The Town Attorney should be consulted as to the possibility of limiting the rental of the row housing units.
5. Adequate project lighting should be provided to insure safety in the row home neighborhoods.
6. There shall be no front loaded garages in the row home neighborhood.
7. The row home architecture shall be compatible with the single-family neighborhood.
8. The Town staff shall review the possibilities of closing the access to the Mountain View subdivision.

Ross Hansen of MCM Engineering gave a presentation on this project. There are 142 residential lots with approximately 40 row home lots.

Ken Leetham commented on this project. He said this was one of the first projects received with a mixed building plans.

Paul Bond, resident, asked about the school site.

Mark Lofgren asked about the open space and trail system.

Chuck Jenkins asked about the row houses becoming rentals.

Mayor Bateman said he discussed this briefly with the Town Attorney. He said that anyone who owns a home could use it as a rental if he so chooses.

John Newman said they need to remember that these are single-family dwellings and not apartments. The rent would have to be high in order to rent them out so he doesn't see this as a future problem.

Korey Walker talked about having a different access for construction vehicles so that it didn't go through the subdivisions.

The developer will be M & J Developers.

**MOTION**

*Diane Bradshaw moved to approve the Class II Preliminary Application for Cedar Trail Villages, subject to the conditions of the Town Planner in his memo of May 4, 1999, items 1 through 3 and items 1 through 8, and provided for a hard surfaced construction access from Sweet Water Road prior to the beginning of the construction. Dan Valentine moved. Ayes: 4, Nays: 0. Motion passed.*

Diane Bradshaw asked they change the name of Row Houses to single family attached units.

**16. Class II Final Plat Approvals:**

**A. Liberty Farm (R-6 N-2):**

**Town Staff Recommendations:**

1. A digital copy of the final plat and proposed utilities must be provided.
2. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.
3. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.

**Planning Commission Recommendations/February 9, 1999:**

1. Special Improvement District (SID) information including the amount to be paid upon recordation.
2. Water right documentation.

**MOTION**

*Dan Valentine moved to approve the Class II Final Plat Approval for Liberty Farm, R-6 N-2, subject to the conditions of the Town Planner in his memo dated May 4, 1999. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

**B. Eagle Point, Plat D – Revised:**

**Town Staff Recommendations/May 4, 1999**

1. Final approval of the CC&R's and development agreement.



2. An agreement relating to open space and parks that states: park equipment shall be installed upon recordation of Plat D for the shared park of Eagle Point Plats A, C, D and E and the park's grass improvements shall be completed no later than December 31, 1999.
3. Although water right information has already been submitted, the Town Engineer has requested further information regarding the use of total water rights previously allocated and excess rights available for future use, together with State assigned water right numbers.
4. Developers and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
5. The Public Works Board has recommended that all new subdivisions should install conduit for future fiber optic installation.

**Planning Commission Recommendations/April 27, 1999:**

1. The CC&R's should be amended to be consistent with the Town Code requirements.
2. Park equipment and landscaping improvements shall be installed immediately upon recordation of Plat D for the shared neighborhood park in Plats A, C, D, and E and shall be completed by September, 1999.

James Dahl gave this presentation. He said they had received final approval several months ago, but in the meantime the developer has decided to move the plat south 40 feet.

Wayne Patterson said that in talking with Mr. Ault, he is using a prescriptive easement along the south 15 lots and they would like to have a restriction on the south 15 lots until Mr. Ault can come up with another route for his sod trucks to go on.

John Newman asked Wayne Patterson to give them a letter to put in the file.

**MOTION**

*Diane Bradshaw moved to approve the Revised Final Plat for Eagle Point, Plat D, subject to the conditions of the Town Planner in his memo of May 4, 1999, items 1 through 5, with the date on item 2 being changed to September 30, 1999, and also the two conditions from the Planning Commission recommendations of April 27, 1999, and that included in the development agreement, that Mr. Ault continue to have a prescriptive easement across the bottom 15 lots until such time is able to identify to have an alternate access to his property. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

**C. Sage Valley, Plat B:**

**Town Staff Recommendations/May 4, 1999:**

1. Electronic file should be submitted to the Town Engineer.
2. Developers and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
3. The Public Works Board has recommended that all new subdivisions should install conduit for future fiber optic installation.

**Planning Commission Recommendations/April 27, 1999:**

1. That the CC&R's be adjusted to be consistent with the Town Code, particularly relative to roof pitch (6:12 required) and porches (8' depth).

2. The landscaping plan be altered slightly to include a few more trees adjacent to the open space agricultural area.

Dale Berg gave this presentation.

Mayor Bateman asked about the detention pond. Dale said they were having problems getting an easement for the detention pond. He said he was working with Linda Fullmer to see if they could come to an agreement with her.

**MOTION**

*Cyril Watt moved to approve the Class II Final Plat for Sage Valley, Plat B, subject to the conditions of the Town Planner and Planning Commission of memo dated May 4, 1999. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**17. Consideration to Give Authorization to Revise the Eagle Mountain Development Code:**

Ken Leetham talked about this item. He sent a letter to the Town on April 29, 1999, to propose revising the Eagle Mountain Development Code. He said the format is in need of change to make it more user-friendly for the Town Staff and for the Town residents. His proposal was as follows:

Proposal to Revise the  
Eagle Mountain Town Code

Town Code Revisions

There are many valuable and important elements in the existing code that should remain and be a part of the revised set of regulations. The main problem that I observe with the code is that it is too difficult to use and implement. There are some areas that are still incomplete; however, the format of the present code is a more serious problem than the content.

I propose that the format problem be resolved through a better organization of the Code. The ideal format would be a main administrative document that could identify the major processes, organizations, and policies that govern land development in the Town. From this main document reference would be made to other "user-friendly manuals" or code sections that would clearly specify distinct elements of land development provisions. Distinct sections would include: land development processes, together with deadlines and descriptions of steps required for approval; zoning districts and designations; urban design and neighborhood design criteria; landscaping standards; technical engineering specifications; master development plan criteria; standards for signs; and code enforcement provisions.

This entire project could be done within a 90 to 120 day period of time and at a cost of approximately \$9,450. The hourly rates for staff for this project break down as follows:

Principal Planner:	60 hours @ \$65/hour = \$3,900
Staff Planner:	105 hours @ \$38/hour = \$3,990
Secretarial:	52 hours @ \$30/hour = \$1,560
Total project cost = \$9,450	

John Newman, Town Administrator, he said the Council needed to know that there was an amount put in the budget in January that would cover this cost. He said this should be a priority issue.

Mayor Bateman said he realized that this was important, but they also needed to take care of some items in the General Plan.

Jerry Kinghorn said they really needed to do the General Plan and then the Development Code.

**MOTION**

*Diane Bradshaw moved to authorize a group to start updating the General Plan and to authorize Ken Leetham to begin the organization and re-writing of the Development Code. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

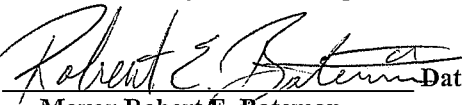
Mayor Bateman asked Ken Leetham if he had knowingly passed any building permits that had items that did not comply with the Development Code.

Ken Leetham responded that to his knowledge he had not.

Korey Walker handed out an Executive Summary to the Town Council and asked that they meet to discuss this issue.

Diane Bradshaw moved to adjourn at 10:35 p.m.

Approved: \_\_\_\_\_

  
\_\_\_\_\_  
Mayor Robert E. Bateman

Date: \_\_\_\_\_

6/11/99

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Community Center  
1668 E. Heritage Drive  
Eagle Mountain, UT 84043  
May 18, 1999**

1. **Roll Call:**

Mayor Robert E. Bateman called the meeting to order at 7:00 p.m.

Council Members present: Mayor Robert E. Bateman  
Bill Chipman, Dan Valentine  
Diane Bradshaw arrived at 7:40 p.m.  
Cyril Watt arrived at 8:15 p.m.

**Town Staff:**

Town Administrator: John Newman  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Recording Secretary: Vada Hunter

Others present: Chuck & Fawn Jenkins, residents; Brigham & Jennifer Morgan, residents; Mark Lofgren, resident; Carol Guthrie, resident; Eric Taylor, Eagle Mountain Fire Chief; Tricia Austin, resident; Kollette Larsen, resident; Shaunette Street, resident; Jenica Hafen, resident; Paul Mayes, resident; Joe Peck, resident; Paul Bond, resident; Tiffany Shapiro, resident; James Dahl, MCM Engineering; Debbie Hooge, The Ranches; Mary Lynn Christensen, resident; Kemp Burnham, resident; Kevin McCarty, resident; Harry & Rachel Bonnell, residents; Brett & Lisa Pack, residents; Shantel Pack, resident; Teresa Nelson, resident; Teresa Nelson, resident; Liz Kirkby, resident; Juanita Christiansen, resident; Bert & Rebecca Ankrom, resident; Ross Hansen, MCM Engineering; Jim Peterson, Eagle Mountain Properties; An Potempa, Daily Herald

2. **Pledge of Allegiance:**

An Potempa, Provo Daily Herald, led the Town in the Pledge of Allegiance.

3. **Approval of Agenda:**

John Newman asked the Mayor to consider the bill from Tasco Engineering to be paid.

**MOTION**

*Bill Chipman moved to approve the agenda with the addition of the consideration of some Tasco bills after item 18. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

4. **Approval of Minutes of May 4, 1999:**

**MOTION**

*Dan Valentine moved to table the approval of the minutes of May 4, 1999, until the next Town Council Meeting. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.*

5. **General Discussion/Questions/Announcements:**

Mayor Bateman announced that he had spoken with Keith Bradford, legal counsel for the Alpine School District, and they said they would not be willing to have a temporary school being set up in Eagle Mountain with modules.

Mayor Bateman said there is money available for an elementary school and so Eagle Mountain is in the running, but the school district needs to see how the growth is going before they can give any okay for a school. The Mayor said the school district is just not sure of the stable growth for Eagle Mountain as this is a new situation.

Jennifer Morgan said the Arts Council was beginning a community band.

There was mention of the article in the Deseret News about Joshua Elledge and his work on the Eagle Mountain online website.

6. **Appointments:**

Mayor Bateman said he had no appointments at this time.

7. **Public Notices:**

Mayor Bateman said there were no public notices at this time.

8. **Public Comment:**

Carol Guthrie, resident, had some concerns about the watering system in several areas that was watering asphalt and also running all day long.

Mark Lofgren, resident, asked about the light at the entrance of Eagle Mountain off SR73.

John Newman, Town Administrator, said he had checked into this and that Eagle Mountain Properties is waiting for some parts to fix the light as it was heavily damaged.

John Newman said he has asked that a protective grate be put over it.

Mayor Bateman said he was opening up the meeting to the public now to talk about fencing.

The following Town residents commented or had questions regarding the chain link fence issue:

Jennifer Morgan, Carol Guthrie, Tricia Austin, Kollette Larsen, Shaunette Street, Jenica Hafen, Paul Mayes, Joe Peck, Paul Bond.

John Newman said there would have to be an amendment to the Development Code.

Mayor Bateman talked about the procedures that would have to be done to take care of this issue. He said each subdivision would have to check into their CC&R's to see how they apply to them.

Bill Chipman said he doesn't mind having the chain link fence go from the side of the house to the back of the property but not from the side of the house and forward to the front of the yard.

Mayor Bateman asked Jim Peterson if Eagle Mountain Properties had any codes about chain link fencing.

Jim Peterson replied that chain link fencing should be in industrial and commercial, where applicable,

There were comments about if there is one item changed in the Development Code then how many more items were going to get changed and then the original ideas of the General Plan would be gone.

Dan Valentine commented that the people in the community need to have a voice in the government of their Town. However, they need to watch the things they are trying to change and not let this Town become like the other towns along the Wasatch Front.

Several residents said that a beautiful community is not just a fence. It has to do with how the people treat each other.

Several commented they would like to see some kind of compromise.

Mayor Bateman commented about having fencing put all the way around their property verses just fencing the back yard.

Paul Bond, resident, commented on changing issues. He talked about all the things his contractor did not do and so now things he was supposed to have done by now are not done. He said that the builders need to have a better check and balance system to make sure they do the things they are supposed to do that are listed in the CC&R's.

Juanita Christiansen asked the Town residents to go to the offices of Eagle Mountain Properties and take a look at the plans they have for the Town.

Jim Peterson, Eagle Mountain Properties, commented about the closeness of the community. He said the issue of the chain link fencing was not taken lightly. He said chain link fencing lessens property values. He said he wants Eagle Mountain to have its own look and not the looks of other communities along the Wasatch Front.

John Newman commented about having a Public Hearing before making a decision on the issue.

Mayor Bateman said he would like to take care of this as quickly as possible.

Carol Guthrie asked how to get a contractor to do the things he is obligated to under contractor.

Mayor Bateman encouraged people to continually come to the meetings and voice their opinions on issues.

Some of the residents brought up the issue of a comment by Wayne Patterson at the last Town Council meeting.

Mayor Bateman responded that the Town Council will continue to support the Design Guidelines that are set up under the Development Code.

Carol Guthrie said Wayne Patterson had a meeting with some of the residents in Eagle Park and that he lied about things he said he would do.

Mayor Bateman said the Town is not in a financial position to put in all the parks.

Bill Chipman said the problem is the time frame of when the Development Code was adopted requiring these amenities.

9. The Ranches Update:

Debbie Hooge said they did not have anything tonight.

Diane Bradshaw asked how the road was going.

Korey Walker responded that the curb and gutter was in and the base would be next week.

Mayor Bateman asked about the trailer out their and Debbie said it would be the sales center.

John Newman said The Ranches needs to get a building permit for the trailer.

**10. Eagle Mountain Properties Update:**

Jim Peterson thanked everyone for helping lay sod at the Pony Express Regional Park for the ball diamond.

**11. Ray Morley's Commercial Projects for the Town Center:**

Mayor Bateman asked to move this to after item 15E as there was nobody present as yet to speak on this item.

**12. Motion to approve Consent Agenda Items as follows:**

**A. Partial Payment Requests/Korey Walker:**

1. Valley Asphalt, Inc. for Sweet Water South Road Extension
2. Niels Fugal Sons Company for "The Ranches 6" Steel Gas Line"
3. Central Industrial Construction, Inc. for "Eagle Mountain Properties Storm Drain"

**B. Partial Bond Releases/Korey Walker:**

1. Sundance @ Red Hawk Ranch, Plat A for \$93,788.00
2. Diamond Springs @ Red Hawk Ranch, Plat A for \$67,972.00

**C. Contract Orders/Korey Walker:**

1. Valley Asphalt, Inc., Change Order No. 3 for Sweet Water Road South Extension

All of the above items were discussed at the Work Session prior to the Policy Session of the Town Meeting.

**MOTION**

*Bill Chipman moved to approve the Consent Agenda Items.  
Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**13. Public Hearing:**

**A. The 1999-2000 Fiscal Year Budget:**

John Newman said there would be no tax increases. He said the Public Works Board would be making recommendations on the water rate issue. He said the town was expanding the operation and maintenance of the Town in the way of parks which would not be too far in the future.

Carol Guthrie, resident, asked if there was a budget for the Neighborhood Watch Program.

John Newman responded that there would be monies allotted for the program.

John Newman asked the Mayor to have Juanita Christiansen present to him recommendations that are outlined with the needs for the sport programs.

Juanita responded that she had that information.

Jennifer Morgan gave a handout to the Town Council presenting a budget for the Arts Council.

John Newman spoke briefly about how they could handle a budget for the Arts Council so that they stayed within the legal boundaries. He said monies need to be requisitioned like any items. He talked about the use of a Sales Tax Number. He said the State of Utah audits every year how the Sales Tax is being used. He said they needed some kind of bylaws outlined for the Town Council. He said you can set up your own organization. He strongly suggested that they be affiliated with the Town.

Bill Chipman asked if developers could donate monies to the Arts Council.

John Newman said they needed to donate the money to the Town and specify what they wanted the money to go to. This would be a tax write-off for the developer.

Juanita Christiansen asked about the monies in the budget for parks and recreation.

Mayor Bateman said this would be needed as soon as the parks were up and running.

John Newman said this person had not been hired as yet. It would be a part-time position and would also be involved in the water and sewer area.

Cyril Watt arrived at 8:15 p.m.

Mayor Bateman closed the Public Hearing.

14. **Class II Preliminary Plat Approvals/Cedar Trail Villages Church and School:**

**DRC Recommendations:**

1. Make the requested changes as noted in the Town Engineer's staff report.
2. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.
3. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.

**Town Engineer Recommendations:**

**Submitted Material:**

1. Changes and updates to the preliminary plans:
  - a. Removal of the interior proposed road
  - b. Verification that construction access will be able to be provided to the proposed site
  - c. Provide berms around the proposed parks
  - d. Elimination of one church from the two proposed church sites
  - e. Elimination of the proposed parking on the North side of the Landing Subdivision
  - f. Evaluating the proposed location of the K-3 playground



2. Need to provide a better breakdown of all the utilities including gas, electrical, and telecommunications based on Equivalent Residential Units (ERU's) to verify that all demands for the development will be met.
3. Developer and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
4. Subject to the review and approval of the Public Works Board

**Non-Submitted Material:**

All the required information has been submitted.

Ross Hansen, MCM Engineering, explained that this involved 26.19 acres. The school would take 19.3 acres and the church 5.6 acres.

Bill Chipman questioned the location of the K-3 playground.

John Newman said the building is done under the State of Utah. He said it would be a wise move the change the location of the K-3 playground in the drawings so that the State didn't think this is a good place for it.

Mayor Bateman asked MCM Engineering to resolve the construction access issue.

There was some discussion about where the bus would drop off children at the school.

Korey Walker said he had concerns about the bus access. He said they were only dealing with the site plan tonight.

**MOTION**

*Bill Chipman moved to approve the Class II Preliminary Plat for Cedar Trail Villages Church and School subject to the recommendations of the Development Review Committee and the Town Engineer. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**15A. Class II Final Plat Approval for Overland Trails, Phase III:**

James Dahl, MCM Engineering, gave the presentation. He said this was Phase A, which is the top 27 lots and Phase B, which is the bottom 37 lots.

Korey Walker explained the park improvement schedule for this subdivision. He said the first phase would have grass put in the open space at recordation, and then at 50% building permit they would do the trail system. On Phase B there would be grass put in the open space at recordation and then at 50% building permit they would do the trail, tot lot, and pavilion.

Mayor Bateman asked why things were coming to Final without the bond estimates.

Mayor Bateman confirmed what they were looking for in this approval:

1. 180 square foot pavilion.
2. Tot lot included in the open space – within 1 year or 50% building permit, whichever comes first.
3. Grass or sod to be done immediately.
4. Landscaping and trails done within 1 year or 50% building permit, whichever comes first.
5. Subject to items 1-4-5

Bill Chipman expressed his concern about approving subdivisions and then not having them recorded.

**DRC Recommendations:**

1. Make requested changes noted in the attached staff report from the Town Engineer (items 1-5 under submitted materials).
2. An electronic copy of the plat and utility plans must be submitted.
3. Engineer's bond estimate for Phases IIIA and IIIB.
4. Developers and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
5. The Public Works Board has recommended that all new subdivisions should install conduit for future fiber optic installation.

**Town Engineer Recommendations:**

**Submitted Material:**

1. Changes and updates to the construction drawings:
  - a. Addition of a 180 square foot pavilion near the proposed tot lot (Planning Commission 5/11/99)
2. Developer and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
3. The Public Works Board recommends all new subdivision install conduit to each home for future fiber optic installation.

**MOTION**

*Dan Valentine moved to approve the Class II Final Approval for Overland Trails, Phase IIIA and IIIB, subject to items 1 - 4 - 5 of the DRC Committee and item 1a of the Town Engineer's memo of May 12, 1999; and that the Development Agreement should require the open space area to be grass or sod and the tot lot pavilion and trails would be done within one year or 50% building permit, whichever comes first. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**15B. Class II Final Plat Approval for Horseshoe Station South (R-1 N-13 & 15):**

Debbie Hooge gave a brief presentation for The Ranches.

Korey Walker had two concerns. The first one was that he had not received the engineer's bond estimate as yet, and the second was storm pond #14 still needs an easement for the final plat.

Mayor Bateman asked when the landscaping plan was going to be received.

Korey Walker said he had the landscaping plans in his records but he had never seen a schedule as to when it would be completed.

Bill Chipman said that Bob Lynds was supposed to get the plan to the Planning Commission members before tonight's meeting but that did not take place.

Mayor Bateman asked that this be done at the next Planning Commission meeting.

**DRC Recommendations:**

1. Make requested changes to final plat and construction drawings as noted in the Town Engineer's report (items 1 & 2 under submitted material).
2. Provide an electronic copy of the plat and utility plans.
3. Special Improvement District (SID) information including amount to be paid upon recordation shall be submitted.
4. Submit an engineer's bond estimate for improvements.
5. Submit CC&R's.
6. Developers and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
7. The Public Works Board has recommended that all new subdivisions should install conduit to each home for future fiber optic installation.

**Town Engineer Recommendations:**

**Submitted Material:**

1. Changes and updates to the final plat:
  - a. Adjacent Storm Pond #14 Easement needs to be shown along with the storm drain line east of Lot #1.
2. Changes and updates to the construction drawings:
  - a. Schedule showing when the planting/landscaping improvements will be constructed.
  - b. Locations of trails and undulating berms along trails should be shown.
3. Developer and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
4. The Public Works Board recommends all new subdivision install conduit to each home for future fiber optic installation.

**Non-submitted or non-included Material:**

1. Provide an electronic file of both the final plat and the utility drawings.
2. Provide an engineer's estimate for bonding requirements.
3. Submit the information for CC&R's.
4. Special Improvement District (SID) information including amount to be paid upon recordation.

**MOTION**

*Dan Valentine moved to send this back to the Planning Commission for their recommendations on the landscape plan and to make sure that items 1a and 2a of the Town Engineer's letter have been taken care of. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**15C. Class II Final Plat Approval for Horseshoe Station at Red Hawk Ranch (R-1 N-14 & R-1 N-16):**

Korey Walker said the only comment he had was the landscaping on the emergency access trail of Dapple Lane.

**DRC Recommendations:**

1. A development agreement and CC&R's must be approved.
2. A digital copy of the final plat and proposed utilities must be provided.
3. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.
4. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.

**Town Engineer Recommendations:**

**Submitted Material:**

1. Changes and updates to the construction drawings:
  - a. Developer and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
  - b. The Public Works Board recommends all new subdivision install conduit to teach home for future fiber optic installation.
  - c. Show additional landscaping from Dapple Lane to Cedar Pass Road.

**Non-submitted or non-included Material:**

1. Submit the information for CC&R's.
2. Development agreement needs to be submitted.

**MOTION**

*Bill Chipman moved to approve the Class II Final Plat Approval for Horseshoe Station Subdivision at Red Hawk Ranch (R-1 N-14 and 16), subject to the DRC Recommendations and the Town Engineer Recommendations. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**15D. Class II Final Plat Approval for Friday's Station (R-1 N-17):**

Korey Walker said there were two issues. The landscaping schedule of improvements and the engineer's bond estimate.

**DRC Recommendations:**

1. Requested changes noted in the attached staff report from the Town Engineer (item 1 under submitted material).
2. Provide an electronic file of both the final plat and the utility drawings.
3. Provide an engineer's estimate for bonding requirements.
4. Submit CC&R's.
5. SID information must be submitted including amount to be paid upon recordation.
6. Developers and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
7. The Public Works Board has recommended that all new subdivisions should install conduit for future fiber optic installation.

**Town Engineer Recommendations:**

**Submitted Material:**

1. Changes and updates to the construction drawings:

- a. Schedule showing when the planting/landscaping improvements will be constructed.
- b. Developer and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
- c. The Public Works Board recommends all new subdivision install conduit to each home for future fiber optic installation.

**Non-submitted or non-included Material:**

1. Provide an electronic file of both the final plat and the utility drawings.
2. Provide an engineer's estimate for bonding requirements.
3. Submit the information for CC&R's.
4. Special Improvement district (SID) information including amount to be paid upon recordation.

**MOTION**

*Diane Bradshaw moved to approve the Class II Final Plat Approval for Friday's Station, R-1 N-17, subject to the recommendations of the DRC and the Town Engineer, items 1 - 2 - 3 - 6 - 7, and need a schedule of the landscaping improvements. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**15E. Class II Final Plat Approval for Castle Rock at Red Hawk Ranch (R-1 N-11):**

Debbie Hooge announced that the SID bond closed last week.

Korey Walker said the primary issue for this approval was the water rights. He said Jerry Kinghorn is keeping a close watch on it.

**DRC Recommendations:**

1. Engineer's bond estimate must be provided.
2. CC&R's must be submitted.
3. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.
4. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.

**Town Engineering Recommendations:**

**Submitted Material:**

1. Changes and updates to the construction drawings:
  - a. Show the centerline/break point elevations of Castleary Circle in detail.
  - b. Water right documentation awaiting approval of application.
  - c. Developer and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
  - d. The Public Works Board recommends all new subdivision install conduits to each home for future fiber optic installation.

**Non-submitted or non-included Material:**

1. CC&R's need to be submitted
2. Electronic Utility File and Electronic Final Plat
3. Water right documentation needs to be submitted

4. SID needs to be submitted

MOTION

*Bill Chipman moved to approve the Class II Final Plat Approval for Castle Rock at Red Hawk Ranch, R-1 N-11, subject to the recommendations of the DRC and the Town Engineer. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

Mayor Bateman spoke briefly about item 11, Ray Morley's Commercial Projects for the Town Center. He said he wanted to make the Council aware that there is a concern about the strip of property between the development and Eagle Mountain Boulevard. This piece of property belongs to Eagle Mountain Properties. It seems that nobody wants to be responsible for this piece of property to see that it is landscaped properly.

Mayor Bateman said that on the Town Center East Project most of the landscaping has been done except for a small area. The Mayor said he had a meeting the day before with Eagle Mountain Properties and he thought he had a commitment to finish landscaping a certain area by September, but he received a letter today backing off from doing that. Eagle Mountain Properties wants to hang on to the property and not do any landscaping. The Mayor does not want to have another area like the piece between the Fire Station and The Landing.

Mayor Bateman said this needs to go back to the Planning Commission to be taken care of in the proper way.

16. Additional Fire Department Needs:

A. Purchase of a Fire Brush Truck for \$33,874.00:

Eric Taylor, Town Fire Chief, passed a handout to each member of the Council with regards to purchasing a Fire Brush Truck.

He said it was cost prohibitive to buy a new truck at this time. A new truck would cost between \$75,000 and \$120,000. He said he found a truck that has only 5,000 miles on it and in almost new condition. A copy of that handout is attached to these minutes in the file.

Eric said this could be up and running within two weeks if approved.

Mayor Bateman said John Newman is working on the budget to try to purchase this truck.

MOTION

*Diane Bradshaw moved to approve the purchase of a surplus Fire Brush Truck from Salt Lake County in the amount of \$33,874.00. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

MOTION

*Bill Chipman moved to approve an expenditure of \$5,400.00 to purchase additional equipment for the Fire Department and also to reprogram existing equipment. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

MOTION

*Dan Valentine moved to authorize John Newman to tentatively approve the Policy and Procedures to get the Fire Department up and going subject to ratification by the Town Council. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**MOTION**

*Bill Chipman moved to authorize Mayor Robert E. Bateman and Town Administrator John Newman to approve and sign the Dispatch Contract for the Fire Department. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

**17. Department Reports:**

**A. Administration/Airport Advisory Board/Mayor Bateman:**

Mayor Bateman invited everyone to come and see the new Town Offices.

**B. Parks and Recreation/Youth Council/Arts Council/Diane Bradshaw:**

Diane Bradshaw announced that the packets for Pony Express Days would be mailed by Friday, May 21<sup>st</sup>. She said they were still in need of softball captains and also good group volunteers. She talked about the various activities planned for Friday and Saturday, June 18<sup>th</sup> and 19<sup>th</sup>.

Diane announced that on June 14<sup>th</sup> the Pony Express riders would be riding through the Town. She did not have the approximate time as yet.

**C. Planning Commission/William Chipman:**

Bill Chipman said they are being more stringent on the items they recommend to the Town Council. He said the training session is scheduled for June 10<sup>th</sup> from 5 – 7 p.m.

**D. Public Works Board/Dan Valentine:**

Dan Valentine did not have any information to pass on.

**E. Public Safety/Cyril Watt:**

Joann Murphy, Utah County Deputy Sheriff, said the problems they are having are as follows:

1. Conflicts between children on the school bus
2. Construction site thefts
3. Speeding
4. Animal control
5. Still in need of Neighborhood Watch signs

Korey Walker showed a sample of the new street signs that will be installed in the Town.

**18. Council's Ruling regarding the White Ranch Petition to Annex Real Property into the Town of Eagle Mountain:**

Janet Valentine stated she had requested White Ranch to write a letter to Eagle Mountain stating their intent to withdraw their request for annexation. She said she has not received a letter as yet.

**MOTION**

*Diane Bradshaw moved to deny the White Ranch Petition to annex into Eagle Mountain. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**19. Unpaid Invoices:**

Mayor Bateman said these invoices totaled \$318,000.00. The problem is that some of the contractors still owe money to the town on jobs that are not complete to date. Most of the invoices were from Tasco Engineering.

John Newman recommended the Town pay these invoices, but expressed his concern about putting money out for these services and then not being paid. He said in the future the developer needs to work with Tasco Engineering direct so that the Town does not have to worry about collecting the money.

**MOTION** *Bill Chipman moved to approve the payment to Tasco of the items listed in the schedule totaling \$318,895.30. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

20. **Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and potential litigation:**

**MOTION** *Cyril Watt moved to move into a Closed Executive Session. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

The members of the Town Council went into the Closed Executive Session at 10:08 p.m.

**MOTION** *Cyril Watt moved to go back into Open Session at 10:53 p.m. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

21. **Any Actions from the Closed Executive Session:**

Bill Chipman declared a potential conflict of interest on the AMR issues.

**MOTION** *Dan Valentine moved to cancel the contract with World Wireless because of non performance and to direct the Town Attorney to notify World Wireless the contract is terminated. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Bill Chipman abstained. Motion passed.*

22. **Adjournment:**

Dan Valentine moved to adjourn at 10:55 p.m.

Approved: \_\_\_\_\_

Mayor Robert E. Bateman

Date: \_\_\_\_\_

14 June 99



**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr.  
Eagle Mountain, UT 84043  
June 1, 1999**

**WORK SESSION – No Action or Minutes Taken – 4:30 to 6:30 p.m. – 2218 E. Valley Dr., Eagle Mtn.**

1. Warrant Register/Jeri Wilson
2. Contract Change Order/Korey Walker
  - A. Niels Fugal Sons Company, Change Order 1 for 4" Low Pressure, Natural Gas Distribution Line for the Ranches, in the amount of \$6,000.00
3. Class II Preliminary Plat Approvals/Ken Leetham
  - A. Preliminary Plat Approval for 3 Crossings & Prairie Gate (R-6 N-4 & 5)
  - B. Preliminary Plat Approval/Site Plans for Town Center West
4. Class II Final Plat Approval/Ken Leetham
  - A. Final Plat Approval for Eagle's Gate (R-1 N-26 & 27)
  - B. Final Plat Approval for Horseshoe Station South (R-1 N-13 & 15)
  - C. Final Plat Approval for the Business Park located on Sweetwater Road South – Ray Morley, applicant
5. Eagle Mountain Budget for Fiscal Year ending June 30, 2000/John Newman
6. Eagle Mountain Property Tax Rate
7. Consolidated Fee Schedule for the Town of Eagle Mountain/Town Council Meeting on 6-15-99
8. Fencing in Eagle Mountain
9. Water Rates Schedule
10. Minimum Standards for Intersection Road Grades
11. Report on Weight Limit on Roads in Eagle Mountain
12. Parks and Recreation Facilities Plan, 1998-2020

**INTERMISSION - Change of Venue**

**POLICY SESSION – 7:00 p.m. – Eagle Mountain Community Center**

**1. Roll Call:**

Mayor Robert E. Bateman called the meeting to order at 7:07 p.m.

Councilmembers present:

Mayor Robert E. Bateman  
Diane D. Bradshaw, Daniel A. Valentine, William E. Chipman  
D. Cyril Watt, arrived at 8:10 p.m.

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Recording Secretary: Vada Hunter

Others present:

Bert & Rebecca Ankrom, residents; Juanita Christiansen, resident; Mark Lofgren, resident; Heidi Will, resident; Kimberly James, Eagle Mountain Chamber of Commerce; Carol Guthrie, resident; Tricia Austin, resident; Randy Oakley, resident; Darrin

Brandt, resident; John Jacob, Cedar Pass Ranch; Harry Bonnell, resident; Chuck & Fawn Jenkins, residents; Wayne Will, resident; Mike Jensen, Epic Engineering; Brigham & Jennifer Morgan, residents; Ed Christiansen, resident, Jim Peterson, Eagle Mountain Properties; Bob Lynds, The Ranches, LC; Scott Kirkland, The Ranches, LC; Rich Morley, resident; An Potempa, Provo Daily Herald

2. **Pledge of Allegiance:**

Juanita Christiansen led the Town in the Pledge of Allegiance.

3. **Approval of Agenda:**

Mayor Bateman asked that item 8, Chamber of Commerce/Kimberly James, and Eagle Mountain Properties be at the same time as The Ranches. He proposed to move item 9b, Proposed Parks & Recreation Element of the Town General Plan, to after Class II Approvals. He asked that item 13, Approval of an Ordinance Adopting the Eagle Mountain Budget for the Fiscal Year 1999-2000, be moved down to after the approvals. He asked that item 11, Any action regarding the Proposed Parks & Recreation Element of the Eagle Mountain General Plan, be after the Public Hearings and be item 10.

**MOTION**

*William E. Chipman moved to approve the agenda as amended. Diane D. Bradshaw seconded. Ayes: 4, Nays: 0. D. Cyril Watt not present as yet. Motion passed.*

4. **Approval of Minutes:**

May 4, 1999:

**MOTION**

*Diane D. Bradshaw moved to approve the minutes of the Town Council Meeting of May 4, 1999, as amended. Daniel A. Valentine seconded. Ayes: 3, Nays: 0. William E. Chipman abstained. Motion passed.*

May 10, 1999:

**MOTION**

*William E. Chipman moved to approve the minutes of the Special Town Meeting on May 10, 1999. Diane D. Bradshaw seconded. Ayes: 3, Nays: 0. Mayor Bateman abstained. Motion passed.*

May 18, 1999:

**MOTION**

*Diane D. Bradshaw moved to approve the minutes of the Town Council Meeting of May 18, 1999, as amended. William E. Chipman seconded. Ayes: 4, Nays: 0. Motion passed.*

5. **General Discussion/Questions/Announcements:**

Mayor Bateman asked if the Planning Commission had discussed the proposed changes to the General Plan.

William E. Chipman said he had not seen anything of this sort.

Mayor Bateman said they were picked up by Dana Neth to be given to Janet Valentine for distribution to the Planning Commission.

John Newman thought the disc was for a meeting at 4:00 that didn't come about. He gave it to Ken Leetham, Town Planner. John said he would get the disc back and give to Janet Valentine for distribution.

Mayor Bateman asked that members of the Town Council give any suggestions they might have on changes to the Development Code to Ken Leetham, Town Planner.

Mayor Bateman said that the Homeowners Association of Cedar Pass Ranch has proposed to turn over some parks and developed facilities at Cedar Pass Ranch to the Town as Public Facilities. He asked for some input from Council Members. He said Utah County is taxing these parks.

Jerry Kinghorn asked what kind of facilities were in the park and how large the area was. He also wanted to know if there was any parking spaces.

Mayor Bateman asked Jerry Kinghorn to meet with the Homeowners Association of Cedar Pass Ranch to discuss this further.

William E. Chipman asked about the flags that are at the entrance to Eagle Mountain on SR73.

Mayor Bateman said these were in violation of the Town Code.

Kimberly James, Eagle Mountain Chamber of Commerce, said she had put these up herself. She was advised by Mayor Bateman that these must be taken down.

6. **Appointments:**

Mayor Bateman proposed that the Town appoint Dana Neth as Deputy Clerk/Recorder for the Town of Eagle Mountain as a back up for Janet Valentine when she is out of town or unavailable.

**MOTION**

*Diane D. Bradshaw moved to approve the appointment of Dana Neth as the Deputy Clerk/Recorder for the Town of Eagle Mountain. Daniel A. Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

Mayor Bateman proposed to appoint to the Eagle Mountain Board of Adjustment, effective June 1, 1999, the following individuals:

	<u>Term Expires</u>
Jenny Richards	06-01-2000
Paul Bond	06-01-2001
Greg Kehl	06-01-2002
Fran Watt	06-01-2003
Randy Oakley	06-01-2004

The alternates are as follows:

- Allen Thompson
- Carl Faulkner
- Juanita Christiansen

William E. Chipman asked how the alternates work. Mayor Bateman said the Board of Adjustments meets on an irregular basis and sometimes they do not have enough people to make a quorum. The alternates could be called to make up a quorum.

**MOTION**

*William E. Chipman moved to appoint the individuals listed on the attached sheet as members of the Board of Adjustment with corresponding dates for time of service. Diane D. Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**7. Public Comment:**

Carol Guthrie, Town resident, commented there is someone in Town that wants wrought iron fencing and so this needs to be considered in the fencing issue.

Mark Lofgren, Town resident, commented on his dislike for the flags at the Town entrance. He also wanted to know about the light at the entrance.

Mayor Bateman said he was concerned about the amount of signs going up all over the Town. He said he had a meeting with Nick Berg and with The Ranches so that they were aware of the guidelines.

Jim Peterson, Eagle Mountain Properties, said the parts are on order for the lighting. Because of the nature of lights it was hard to get the parts.

Daniel A. Valentine asked that the lights do not shine towards the sky.

Heidi Will, Town resident, commented about the large water bills. She felt like it was unfair to pay for water she didn't use.

Mayor Bateman explained how the billing works for the Town.

Mark Lofgren, Town resident, wanted to know when the public parks had to be put in.

Korey Walker said they had to be completed within one year of recordation.

Darrin Brandt, Town resident, wanted to know when there would be some services in Town, such as gas and grocery.

Rich Morley, Morley Construction, said there were some contractors under contract but it would depend on recordation of the plats on the property proposed for commercial construction. He said they did not have a large grocery store commitment because of not enough people as yet. He said the company building the gas station would build an extended mart to accommodate some basic items.

**8. Chamber of Commerce/Kimberly James:**

Kimberly James gave a presentation on the goals of the Chamber of Commerce. Her office is located in the Eagle Mountain Community Center. The address and phone number is:

Eagle Mountain Chamber of Commerce  
1670 E. Heritage Drive  
Eagle Mountain, UT 84043  
766-5851

Jim Peterson announced that Eagle Mountain Properties is moving its offices to the Rocky Mountain GSE building down the road and their office would be upstairs in their building.

9. **Public Hearings:**

**A. Proposed Ordinance Amendment relating to the Minimum Standards for Intersection Road Grades:**

Korey Walker, Town Engineer, explained that the current Development Code requires all intersections maintain a grade of 3% or less - 50 feet away from the intersection. To accommodate some of the proposed developments in the steeper slopes and also to reduce cuts and fills on hills, he is making a recommendation to change the code from 3% to 4% and to increase the distance of the grade from 50 foot to 100 foot. What that will do is reduce the cuts and fills, and it will increase the safety in the intersections. One other recommendation that he would like to add is found in Ordinance No. 99-09 which reads:

**The maximum grade in the 100 feet before an intersection shall be 4%; provided, however that where no traffic signal or traffic control device is required, collector roads shall maintain a grade at intersections not to exceed 6%. Streets intersecting with collector roads shall maintain a maximum of 4% with detailed storm water and street profile design and construction standards approved by the Town Engineer.**

Bob Lynds, The Ranches LC said he did not have any problems with these proposals.

Jerry Kinghorn, Town Attorney, said they would have to do some re-drafting and add a paragraph to this ordinance with the changes.

Carol Guthrie, Town resident, said she liked this proposal because she didn't want to see changes made in the topography.

William E. Chipman said he is okay with this if it is not a safety issue.

Daniel A. Valentine had no comments.

Diane D. Bradshaw had no comments.

Mayor Bateman closed the Public Hearing on this issue.

**B. Proposed Parks & Recreation Element of the Town General Plan:**

A slide presentation was made by Korey Walker, Town Engineer, and Mike Jensen, Epic Engineering.

Cyril Watt arrived at 8:10 p.m.

Korey said that as they put this proposal together, they realized that it would not be financially feasible for the Town to accomplish the proposed parks and recreation facilities as outlined in the first presentation given to the Planning Commission. He said they went through and made changes in the plan. He said all of the plans included the land, the improvements and the water associated with the parks.

Scott Kirkland, The Ranches, asked about the costs. He wanted to know if this included the land and the water.

Korey Walker responded that it covered everything.

Bob Lynds, The Ranches LC, said with these costs the impact fee would be \$5,032 per unit.

John Jacob, Cedar Pass Ranch, said the costs could be cut some with putting in less asphalt for the trails. He also suggested work stations along the trails.

Mayor Bateman suggested there be something where developers could offer alternatives.

John Jacob felt like these standards were too high for a new community. He felt like there were too many parks.

Tricia Austin, Town resident, said she would rather see small parks in the subdivisions for their children to play in.

Mayor Bateman felt like there were too many regional parks per ERU. He asked if maybe they could create more recreational functions in the parks and not have so many.

John Jacob suggested they put in a 4-diamond ball park that would be back-to-back.

Fawn Jenkins, Town resident; asked about sharing fields with schools.

Mayor Bateman said when possible this could be done.

Scott Kirkland talked about the small park concept.

Mayor Bateman suggested a committee be created to talk about this.

Diane D. Bradshaw said when they started talking about this 10 months ago it looked good on paper. But now that it has come down to reality, it is a little overwhelming.

Mayor Bateman said that with the number of neighborhood parks planned, the Town needs larger and fewer regional parks.

Harry Bonnell, Town resident, asked about having picnic tables and barbeque areas.

Randy Oakley, Town resident, commented about the facilities in Lehi.

Carol Guthrie, Town resident, commented about park sizes.

Darrin Brandt, Town resident, said the Town needs to consider the kinds of parks that are needed for the future when all of the young children grown up and become teenagers.

Juanita Christiansen, Town resident, gave a short presentation on youth soccer and little league programs. She talked about how to reduce cost and fees, and she asked about getting the word out in asking people to donate any kind of equipment they might not be using anymore. She asked that parents volunteer as much as possible.

Diane D. Bradshaw and William E. Chipman asked how much she needed from the budget to get the programs going.

Juanita said she would need \$8,000 to get everything up and going. She said it would take at least three years to break even.

John Newman said he had not figured this in the budget.

John Newman said that what the Town needed to do at this point is Master Plan everything not regarding what has been given to the Town. Once the Town Master Plans what is needed, then the next exercise is to put together the Capital Facilities Plan. This is what will make that Master Plan element happen. Then the next exercise is to put together a funding mechanism.

William E. Chipman commented about the financial difference if land and water rights are donated for the parks.

Tricia Austin, Town resident, asked where she could obtain information about the specific requirements for the items that are to be in the parks in the neighborhood.

Korey Walker responded about the amount of parks for multi-age children and what type of equipment that should be built. He talked about the amount of parks per children in the development.

John Jacob commented about putting in soccer parks.

Scott Kirkland, The Ranches, talked about bonus densities.

Mayor Bateman closed the Public Hearing on this issue.

Jerry Kinghorn asked that he have the opportunity to talk with Korey Walker about playground equipment standards.

**10. Water Rate Schedules:**

Korey Walker discussed this briefly. He said the recommendation made by the Public Works Board is suggesting the existing culinary water rate, which is \$20.00 for the first 10,000 gallons, \$1.00 from 10,000 to 30,000, and \$3.00 for 30,000 gallons and up, be changed to \$20.00 for the base rate of 10,000 gallons, \$1.00 from 10,000 to 60,000 gallons, \$1.50 from 60,000 to 100,000, \$2.00 from 100,000 to 150,000 gallons, and \$3.00 for 150,000 gallons on up.

Korey stated that the Public Works Board, with this recommendation, was concerned about two items. First, that the water rights be evaluated to determine that the Town is getting sufficient water rights from the developers or a more conservative rate. He said they need to evaluate how to use those water rights. The Town's present requirements are based on the agreement and signing with the bondholders. If the rate is reduced then the revenue is reduced. This might call for standby fees.

John Jacob talked the benefits of the RBANS is Town verses in Cedar Pass Ranch. He talked about the amount of water used in Town verses out in Cedar Pass Ranch.

There was a discussion about hooking up to the water or drilling your own well.

Harry Bonnell, Town resident, said he was quite shocked when he got his first water bill. He waters a ¼ acre of landscaping. He talked about his sprinkling system.

John Jacob said that in the recommendation of the Public Works Board, it was his understanding that if people used more water than they were supposed for two years, that after the second year they would be penalized somehow that they would be required to provide more water for the city.

Bert Ankrom, Town resident, commented that there are tests out there to use on your lawn that will show good watering ways.

Harry Bonnell said a lot of the watering depends on the amount of wind.

Brigham Morgan, Town resident, wanted to know what the proposed change was.

Mayor Bateman gave the changes.

Brigham Morgan said he was concerned about people not conserving water if the rate was lowered. He said there are ways to work with the system.

Fawn Jenkins, Town resident, said she used to live in Reno and they learned ways to have green lawns with very little water. It all has to do with education.

Juanita Christiansen, Town resident, asked about the gray water system.

Mayor Bateman said that system was not set up yet.

John Jacob said the people in Town have enough water to water their lawns because they don't have as much lawn as people in Cedar Pass Ranch.

Mayor Bateman asked the Council Members to comment.

William E. Chipman said he would like to see the water rates as \$20.00 for the first 10,000 gallons, \$1.00 per 1,000 gallons for 10,000 to 50,000 gallons, \$2.00 per 1,000 gallons for 50,000 to 100,000 gallons, and \$3.00 per 1,000 gallons for 100,000 and over.

Mayor Bateman asked Korey Walker if his projections would show that this would generate sufficient revenue for the RBANS; if not, is he ~~are~~ recommending standby fees?

Korey Walker explained what standby fees are: as soon as a lot receives final approval or recordation, they obtain some commitment from the Town that the Town has capacity to save the lot capacity. The standby fees put a monthly fee on that lot for binding or holding that to save the lot capacity the system as they are approved.

Mayor Bateman summarized the discussion that to make up this difference in the revenue if we went with this option one alternative would be to put the standby fee into effect which could affect people who have already built a home and are using ~~the~~ well but do have the Town system available so they would have to pay a monthly fee.

John Newman said it affected another group, that for whatever reason has purchased more than one lot.

John Jacob asked how many people would rather dig their own well instead of hooking up to the Town's system.

Scott Kirkland talked about the water system they installed in Cedar Pass North. He said that most of the homes have not connected on to the system.

Mayor Bateman ended the Public Hearing for the Water Rate Schedule.

Jerry Kinghorn asked the Mayor if he could talk to Korey Walker before the Council acted on the intersection road grade.

11. **Any Action on Water Rate Schedule:**

John Newman, Town Administrator, said they were having a consultant looking at the rates and the incomes received from the various utilities and have them do a quick turnaround on their recommendations.



Mayor Bateman said the recommendation from some of the staff is that the Town not enact on a rate change until the recommendations from the consultants are in. The Mayor also felt like those people who were led to believe that when they donated their water rights to the Town they would be getting the water they needed to handle a quarter of an acre of landscaping for a reasonable rate, that the Town should make good on that and adopt some kind of reduction in the rate structure. He said the Town should not encourage water use because of the dry climate area of the Town.

Bill Chipman said he would be in favor of the \$20.00 for the first 10,000 gallons, \$1.00 per 1,000 gallons from 10,000 to 60,000 gallons, \$2.00 per 1,000 gallons from 60,000 to 100,000 gallons, and \$3.00 per 1,000 gallons for 100,000 gallons and up.

Dan Valentine said he was comfortable with that rate.

Diane Bradshaw asked about the RBANS.

John Jacob commented to Diane Bradshaw that he hoped people would sign up for the water instead of drilling a well.

John Newman said the RBANS are not being repaid, just the interest; and the Town is paying the interest.

Mayor Bateman said that while there is a guarantee on the RBANS, the Town is still liable.

Diane Bradshaw said people are not putting in wells just because of the water rates. Some people just want to have their own well.

John Jacob said Cedar Pass Ranch is being penalized because they have to use more water. He liked the rates that Bill Chipman suggested.

Mayor Bateman agreed with the rates suggested. He asked that Jerry Kinghorn draft up the Resolution; have Korey Walker look at the RBANS and see where this puts the Town, and then look at the study.

John Newman recommended that the Council prepare a rate schedule for the next meeting.

Mayor Bateman suggested that Korey Walker do a pro-forma, prepare the resolution, and then with those pro-forma numbers, fix the resolution.

Korey Walkey asked that the Town take another look at the water right requirements to make sure everything is in order.

12. **Consideration to conduct a Public Hearing for the purpose of amending the Town's Fencing Standards in Residential Zones:**

Mayor Bateman said the proposal was drafted from the recommendations of the Planning Commission.

Daniel A. Valentine said he liked the language that was proposed. He said he would like the height to be lowered to five (5) foot maximum and to not allow slats on the chain link fence.

Diane D. Bradshaw asked about a verification on the size. It was verified that chain link fencing comes in four (4) foot or six (6) foot.

Daniel A. Valentine then asked if the side fencing could be six (6) foot and the back by the alley four (4) foot.

William E. Chipman said he would go along with six (6) foot on the side and four (4) on the front where it comes to the side of the house, and he did not want slats.

Diane D. Bradshaw said she would recommend four (4) foot all the way around and no slats.

Jim Peterson, Eagle Mountain Properties, talked about chain link fencing. He talked about the community being an open community. He talked about the need for fencing depending on the needs of the family. He does not want to lose the integrity of the Town.

Mayor Bateman talked about how a community looks when everyone has six (6) foot fencing around their houses. He likes the idea of four (4) foot fences.

William E. Chipman asked about people who already had fences up. He felt like they should be able to keep those fences up and then go from there.

Juanita Christiansen talked about why they are putting up a six (6) foot cedar fence behind their house. She said the Town Center is behind their house and they need to block that out because of headlights and other activity.

Brigham and Jennifer Morgan commented about fencing.

John Newman told a story about fencing. He said fencing is a personal issue.

Mayor Bateman suggested the following: In residential zones, fencing is allowed subject to the following provisions:

- a. Four (4) foot maximum height
- b. Inside and rear yards only
- c. In front yards only as such fence is not closer to the street in any portion of the house or garage structure
- d. Allowable materials will be chain link, cedar, vinyl, cedar, wrought iron, etc.

Jerry Kinghorn stated that the existing Development Code states that fences shall be constructed with materials in styles and colors that are compatible with the buildings to which they are accessory.

Mayor Bateman then said that in Residential Zones, fencing, including chain link, is allowed, subject to the following (mentioned above).

Scott Kirkland said that this is a personal issue. He said some people want privacy and some people don't. He said he doesn't believe in fencing in the front yard.

Mayor Bateman said he does not like to see a six (6) foot chain link fence.

Bert Ankrom, Town resident, asked why they were even changing anything at all.

Jennifer Morgan, Town resident, said this needs to go along with the spirit of the Development Code.

John Newman said the Council needs to get back to the issue which is chain link fencing and whether it is going to be allowed or not.

John Newman said a Public Hearing is advertised for the next Town Council Meeting on this issue. The Council wants an ordinance prepared for this meeting. The height is to be four (4) foot, no slats allowed, and barbs down, and subject to CC&R's.

13. Report on Weight Limit Issues on Roads in Eagle Mountain:

Jerry Kinghorn said the Utah Legislature had preempted setting weight limits and basically withdrawn setting the weight limits from local governments except in very narrow, specialized circumstances. The Town can impose weight limits if an engineering inspection concludes that due to deterioration caused by climatic conditions and the highway is damaged or destroyed then certain vehicles are restricted or prohibited and then it can only be done for 90 days.

Mayor Bateman asked when The Ranches Parkway was going to be paved.

Korey Walker said they would be seeing asphalt in about two weeks.

Mayor Bateman asked when the road would be available for truck traffic.

Korey Walker said it would be three or four weeks.

Mayor Bateman voiced his concern about the gravel trucks speeding through residential areas in Cedar Pass Ranch and there are children out there riding their bikes. He said this needs to stop now before someone is killed. He asked for any recommendations to take care of this.

Jerry Kinghorn said the cement trucks are coming in with their rear axle wheels down and then lifting them when they enter the subdivision. This is against the law. The Highway Patrol is going to set up some scales to weigh some of the trucks and then they would be issuing tickets. Jerry said there were provisions in The Ranches Development Agreement stating that the trucks are not to go through the subdivisions, but they are not following this agreement.

Daniel A. Valentine asked Scott Kirkland, The Ranches, if there was anything he could do.

Scott said once a lot is sold, the builder is using their own contractor and those are the trucks coming through the subdivision. He suggested closing a portion of the road so that the trucks would have to go back and come in on Fairfield Road. This could be done with concrete barriers.

Mayor Bateman asked how long it would take to draft a resolution for this to be done.

Jerry Kinghorn said it would require a special meeting and it would take 24 hours. He also needed a specific point where the road would close.

Scott Kirkland said it would be Fort Hill Road and Cedar Drive.

It was decided this would be on the next Town Council Meeting agenda.

14. Consent Agenda Items:

**MOTION**

*William E. Chipman moved to approve the Consent Agenda Items with the provision that John Newman be instructed to review with Daniel A. Valentine the items on page seven (7), referring to Tasco bills for electrical risers, and page eight (8), the US West bills. Diane D. Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

15. Consideration to Approve an Ordinance Amending the Minimum Standards for Intersection Road Grades:

ORDINANCE NO. 99-09

AN ORDINANCE AMENDING CERTAIN STANDARDS FOR COLLECTOR ROADS AND ESTABLISHING PROVISIONS FOR MAXIMUM ROAD GRADES FOR INTERSECTIONS OF PUBLIC STREETS

1. Amendment To Road Grade Provisions of the Development Code. This ordinance amends the provisions of the Development Code of the Town of Eagle Mountain relating to maximum road grades. Appendix E, 4 ©, Town Development Code is hereby amended to read as follows:

- e. The maximum grade in the 100 feet before an intersection shall be 4%; provided, however that where no traffic signal or traffic control device is required, collector roads shall maintain a grade at intersections not to exceed 6%. Streets intersecting with collector roads shall maintain a maximum of 4% with detailed storm water and street profile design and construction standards approved by the Town Engineer.

MOTION

*Diane D. Bradshaw moved to approve Ordinance 99-09, Consideration to Approve an Ordinance Amending the Minimum Standards for Intersection Road Grades. D. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

16. Class II Preliminary Plat Approvals:

A. Preliminary Plat Approval for 3 Crossings & Prairie Gate (R-6 N-4 & 5):

DRC Recommendations:

- 1. Make the requested changes as noted in the Town Engineer's staff report.
- 2. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.
- 3. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.

Town Engineer Recommendations:

Submitted Material:

- 1. Changes and updates to the preliminary plans:
  - a. Intersection grades exceed the present code requirements. The Planning Commission requested the Town Staff create an acceptable recommendation to be adopted into the Town's Development Code and will be presented to the Town Council at this same meeting on the first Tuesday in June regarding this issue.
  - b. Addition of an all weather turn-around at the east end of Clark Road and extending the proposed utility lines into the turn-around. A temporary blow off valve needs to be placed at the east end of Clark Road.
  - c. Fulfillment of Planning Commission requests on May 25, 1999. (taken care of)

2. Water right documentation is in the process for approval of application by the State of Utah.
3. Developer and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
4. The Public Works Board recommends all new subdivision install conduit to each home for future fiber optic installation.

**MOTION**

*Daniel A. Valentine moved to approve the Class II Preliminary Plat Approval for 3 Crossings and Prairie Gate (R-6 N-4 & 5) subject to the recommendations of the Town Staff and the Town Engineer. William E. Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**B. Preliminary Plat Approval/Site Plans for Town Center West:**

There was some discussion about how Eagle Mountain Properties was going to handle the landscaping on the area between Eagle Mountain Boulevard and Town Center West.

Jerry Kinghorn said there was no provision in the Development Agreement for this problem.

**DRC Recommendations:**

1. Prior to (concurrent with) final approval of this project, a set of architectural design guidelines should be approved that establishes the basic design theme for the building and landscaping that will be created in TC West.
2. An open space plan for TC West must be approved prior to (concurrent with) final approval. This plan should address open space within TC West and in the areas between Eagle Mountain Boulevard and the Town Centers.

**Town Engineer Recommendations:**

1. An agreement and plan should be submitted from the developer in conjunction with the master developer for the Eagle Mountain Boulevard buffer area.
2. Temporary access road should be maintained to Eagle Park.
3. Include all easements that may apply with county book and page number references.
4. Include table of total acreage in subdivision, total acreage of lots, average lot size, acreage of streets, and acreage of open space.
5. Include location and description of all monuments and street monuments set during survey.
6. Label open space that will be deeded to the Town.
7. Delete Board of Health signature block and add block for Town Attorney.
8. Final plat does not show names of streets, street widths, sidewalks, and trail system.
9. Final plat does not show north arrow, graphic and written scale.

**MOTION**

*Diane D. Bradshaw moved to approve the Preliminary Plat Approval/Site Plans for Town Center West with the understanding that the Town convey to Eagle Mountain Properties that this is going ahead based on their representation that landscaping would be provided in those two areas within 120 days as represented in the letter from Mr. Jones dated May 25, 1999, and subject to receipt of the architectural guidelines; and subject to the recommendations of the Town Staff and the Town Engineer. William E. Chipman seconded.*

Rich Morley asked for some clarification. He said the meantime it had been recommended that they work with Eagle Mountain Properties to get the design guidelines and the CC&R's that would govern all of the Town Centers and be binding on all commercial properties. In the interim, it was his understanding that for them to proceed, until those have been recorded or until they have been accepted by the Town, they would still have to come back and get a Class I.

Mayor Bateman said his understanding was that it would have to be in place by the time the development agreement was finalized and the plats recorded.

Korey Walker was under the impression that the Town would plat the subdivision and then Morleys would come back with Class I.

Mayor Bateman said that the understanding is that the architectural guidelines would be submitted before any site plan approvals.

*Ayes: 5, Nays: 0. Motion passed.*

17. Class II Final Plat Approvals:

A. Final Plat Approval for Eagle's Gate (R-1 N-<sup>26, 27?</sup>13 & 15):

**DRC Recommendations:**

1. Approval of development agreement and CC&R's.
2. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.
3. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.
4. An engineer's bond estimate must be submitted.

**Town Engineer Recommendations:**

1. Changes and updates to the construction drawings:
  - a. Developer and lot owner/builders should sign an agreement acknowledging potential utility capacity problem.
  - b. The Public Works Board recommends all new subdivision install conduit to each home for future fiber optic installation.
  - c. Approval of Development Agreement and CC&R's.
  - d. UDOT Access Permit Approval.
  - e. Intersection grades exceed the present code requirements. The Planning Commission requested the Town Staff create an acceptable recommendation to be adopted in the Town's Development Code and will be presented to the Town Council at this same meeting on the first Tuesday in June regarding this issue.

**MOTION**

*William E. Chipman moved to approve the Class II Final Plat Approval for Eagle's Gate (R-1 N-26 & 27) subject to the recommendations of the Town Staff and the Town Engineer. D. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

B. Final Plat Approval for Horseshoe Station South (R-1 N-13 & 15):

**MOTION**

*Diane D. Bradshaw moved to approve the Class II Final Plat Approval for Horseshoe Station South (R-1 N-13 & 15) subject to all the previous conditions that were placed on the original final and the landscaping plans. D. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**C. Final Plat Approval for the Business Park located on Sweetwater Road South, Ray Morley applicant:**

Mayor Bateman asked Jerry Kinghorn if it was possible to do a process now in which the Town Council could give final approval now and review the design guidelines on the first site plan that comes in and review the design guidelines to the extent that they change for any other site plans.

Jerry Kinghorn said that guidelines, theoretically, would apply to all of the buildings within the area that is approved, so if you approve the architecture for a building and you use that building as a guideline for the rest, depending on how they submit it, you could probably document something like that. He does worry about things like that, however. He said the cleanest way to handle it would be to provide a Class I by the council so that you get a look at the architecture.

William E. Chipman commented that he thought the Planning Commission was to see all of the designs.

Rich Morley asked the Town Council to make it contingent upon final approval that they get the design guidelines to the Town Council prior to coming in for a building permit and that way it will put the pressure on Eagle Mountain Properties to get these things done.

William E. Chipman didn't like that idea. He wants to see all of the building plans.

**DRC Recommendations:**

1. **Prior to (concurrent with) final approval of this project, a set of architectural design guidelines should be approved that establishes the basic design theme for the buildings and landscaping that will be created in the Business Park.**
2. **The corrections made to the plat and construction drawings outlined in the attached Engineering Department report.**

**Town Engineer Recommendations:**

**A preliminary review of the Business Park (Morley Development) Final Plat has been completed. A Class I Review will be done after approval of the final plat.**

**MOTION**

*William E. Chipman moved to approve the Class II Final Plat Approval for the Business Park located on Sweetwater Road South subject to Jerry Kinghorn drafting a suitable development agreement that each individual site plan would come back to the Planning Commission for review of the landscaping and the design guidelines. D. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**18. Any action regarding the Proposed Parks & Recreation Element of the Eagle Mountain General Plan:**

Mayor Bateman asked that Corey Walker have a chance to work on this more to show fewer parks but having larger parks with more facilities on each park. For example, ten to fifteen parks instead of thirty parks on 300 acres.

Mayor Bateman stated the Town would need more ball fields.

Mayor Bateman mentioned needing provisions for community activities.

Korey Walker asked when the Council would like to see a revision. He was told just as soon as possible.

19. **Approval of an Ordinance Adopting the Eagle Mountain Budget for the Fiscal Year 1999-2000:**

John Newman talked about some of the changes in the budget.

The budget is based on 600 building permits per year.

Mayor Bateman asked that this item be postponed so that it can be studied further.

John Newman said it would have to be taken care of at the next Town Council Meeting.

It was agreed to table the following items:

**Approval of an Ordinance Adopting the Eagle Mountain Budget for the Fiscal Year 1999-2000**

**Approval of a Resolution Setting Property Tax Rate for Fiscal Year 1999-2000**

20. **Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and/or possible litigation:**

**MOTION**

*Diane D. Bradshaw moved to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and/or possible litigation. D. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**MOTION**

*William E. Chipman moved adjourn the Closed Executive Session and go back into open session. D. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

Diane Bradshaw moved to adjourn at 11:35 p.m.

Approved: \_\_\_\_\_

Mayor Robert E. Bateman

Date: \_\_\_\_\_

6/23/99



**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr.  
Eagle Mountain, UT 84043  
June 15, 1999**

**WORK SESSION – No Action or Minutes Taken – 4:30 to 6:30 p.m. – 2218 E. Valley Dr., Eagle Mtn.**

1. **FY 1999-2000 Budget**
- 1.1 **FY 1998-99 Budget Amendment**
2. **Warrant Register/Jeri Wilson**
3. **Contract Change Orders/Korey Walker**
  - A. **CIC, Change Order #6 – Ranches Parkway:**
    1. **Lower 2 storm drain pipes to allow minimal fill on Ranches. 180 L.F. @ \$16.50 per L.F. – Increase of \$2,970.00 – paid by Eagle Mountain SID**
    2. **Re-excavate 3 storm drain ponds @ \$1,595.54 ea. – Increase of \$4,786.62 – paid by The Ranches L.C.**
    3. **Remobilization – Increase of \$10,000.00 – paid by The Ranches L.C.**
    4. **Fire Hydrant for Flushing Line (Materials Only) – Increase of \$1,875.00 – paid by The Ranches L.C.**
  - B. **Tasco Engineering, Change Order #2 – Distributed Generation Project**
    1. **Eagle Mountain 2 X 500kW Distributed Generation Project No. 9841 – Increase of \$19,270.36**
4. **Partial Payment Requests/Korey Walker**
  - A. **CIC for the Ranches Parkway Road, Water, and Sewer Construction - \$152,437.80**
  - B. **Valley Asphalt for Sweet Water South Road Extension - \$143,067.93**
  - C. **Condie Construction Company for TSSD Sewer Outfall Line - \$102,399.37**
  - D. **Niels Fugal Sons Company for The Ranches 6" Steel Gas Line - \$301,515.49**
5. **Partial Bond Releases/Korey Walker**
  - A. **Crittenden Corner (R1-N7) - \$322,447.00**
  - B. **Rockwell Village (R1-N8) - \$55,380.00**
  - C. **Chimney Rock (R1-N12) - \$239,333.00**
6. **Fencing in Eagle Mountain**
7. **Water Rate Schedule**
8. **Parks and Recreation Facilities Plan 1998-2020 including establishing recreation playground equipment standards**
9. **Consolidated Fee Schedule for the Town of Eagle Mountain/John Newman**
10. **Temporary closure of road in Cedar Pass Ranch to through traffic – Closure would be located at the intersection of Cedar Drive and Fort Hill Road**
11. **Sage Valley Master Development Agreement**
12. **Sage Valley Plat A Development Agreement**
13. **Selection of Consultant, Financial Feasibility Study**
14. **Utility Disclosure Warning and Recommended Conditions for Review of New Subdivision**

## INTERMISSION - CHANGE OF VENUE

**POLICY SESSION – 7:00 – 10:30 P.M. – Eagle Mountain Community Center, 1668 E. Heritage Dr.**

**1. Roll Call:**

Mayor Bateman called the meeting to order at 7:03 p.m.

Councilmembers present: Mayor Robert E. Bateman  
Diane Bradshaw, Dan Valentine, Bill Chipman  
Cyril Watt arrived late

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Recording Secretary: Vada Hunter

Others present: Nick Berg, Eagle Mountain Properties; Jim Peterson, Eagle Mountain Properties; Juanita Christiansen, resident; Tricia Austin, resident; Chuck & Fawn Jenkins, residents; Brigham & Jennifer Morgan, residents; Dale Davis, resident; Mark Lofgren, resident; Brian & Karen Larsen, residents; Liisa Nusz, resident; Mark Sovine, resident; Mary Lynn Christensen, resident, Becky Jones, resident; Mr. & Mrs. Harry Bonnell, residents

**2. Pledge of Allegiance:**

Diane Bradshaw led the Town in the Pledge of Allegiance.

**3. Approval of Agenda:**

Mayor Bateman asked that items 21, 23, 26, 27, and 28 be removed from the agenda.

**MOTION**

*Bill Chipman moved to approve the agenda with the removal of items 21, 23, 26, 27, and 28. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Cyril Watt had not arrived yet. Motion passed.*

**4. Approval of Minutes of 6-1-99:**

**MOTION**

*Dan Valentine moved to approve the minutes of the Town Council Meeting of June 1, 1999, as amended. Bill Chipman seconded. Ayes: 4, Nays: 0. Cyril Watt had not arrived yet. Motion passed.*

**5. General Discussion/Questions/Announcements:**

Mayor Bateman reminded the Town of the Pony Express Days on June 18<sup>th</sup> and 19<sup>th</sup>. He asked that they please RSVP for the breakfast so that they have an accurate count.

Janet Valentine announced that the time had been changed to 12:00 noon for the sky divers on Saturday, June 19<sup>th</sup>.

Ruth Brandt, resident, announced the people who would be in the booth set up to talk about schools in Eagle Mountain.

It was announced that there was a calendar available showing the programs and activities for June, and it was listed by age groups.

Mayor Bateman stated that the frustration over the school situation is with the Alpine School District and not Meadow Elementary School. Neither should be treated as an enemy..

Jennifer Morgan, resident, announced the Arts & Crafts will be held in the Community Center for Pony Express Days.

Mayor Bateman asked anyone that had a booth needed to get their paperwork turned in.

Janet Valentine said the Town Offices would be open on Saturday for Town residents to tour through. She said there would be information there for people to register to vote.

Mayor Bateman said the Town vehicles have the new Town logo on them.

6. **Appointments:**

Mayor Bateman said there were no appointments at this time.

7. **Public Notices:**

There were no public notices.

8. **Public Comment:**

Mayor Bateman asked for the status on the light at the entrance on SR73. Jim Peterson said they were still waiting for parts.

Mark Lofgren, resident, said there was construction traffic going through the Landing. He said he had visited with Maxim Homes about this situation. He said the trucks were coming in the construction entrance but going out through the neighborhoods where the children are playing.

Korey Walker said he would see what he could do to take care of this.

Becky Jones, resident, asked for clarification on the speed limit going north and south on Eagle Mountain Boulevard. One way says 55 mph and the other way says 50mph.

Korey Walker said he has been working with the County to take care of this. The correct speed limit is 55 mph.

Jenny Elledge asked about a walkway between Mountain View and the Landing.

9. **Consideration to approve an ordinance adopting the Eagle Mountain Town Fiscal Year 1999-2000 for Eagle Mountain Town:**

Jennifer Morgan, resident, asked if the Arts Council was still going to get \$1,750.00.

Juanita Christensen asked if there would be any money allotted for sports programs.

Mayor Bateman said there would be some money transferred for this.

Mayor Bateman expressed concern as to whether or not there would be any fields ready to play any kind of sports on.

**MOTION**

*Dan Valentine moved to approve Ordinance No. 99-08, AN ORDINANCE ADOPTING THE EAGLE MOUNTAIN TOWN FISCAL YEAR 1999-2000 ANNUAL BUDGET, with the amendment transferring \$3,500.00 from the Streets Department Capital Outlay – Capital Improvements Fund to Recreation. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Cyril Watt was not present yet. Motion passed.*

**10. Consideration to approve a Resolution approving and adopting the Property Tax Rate for Fiscal Year 1999-2000 for Eagle Mountain Town:**

Jerry Kinghorn gave a brief explanation for this Resolution. He said this resolution would authorize the Town to adopt the tax rate referred by the Utah State Tax Commission for Utah County.

**MOTION**

*Diane Bradshaw moved to approve Resolution No. 06-99, A RESOLUTION APPROVING AND ADOPTING THE PROPERTY TAX RATE FOR FISCAL YEAR 1999-2000 FOR EAGLE MOUNTAIN TOWN.. Bill Chipman seconded. Ayes: 4, Nays: 0. Cyril Watt was not present yet. Motion passed.*

**11. Public Hearing:**

**A. Amending the Town's Fencing Standards in Residential Zones:**

Jim Peterson, Eagle Mountain Properties, asked that Mayor Bateman read the proposed amendments.

Mayor Bateman said there are two different proposals. Ordinance No. 99-11 he read as follows:

**ORDINANCE NO. 99-11**

**AN ORDINANCE ESTABLISHING PROVISIONS FOR FENCING IN RESIDENTIAL NEIGHBORHOODS IN THE TOWN OF EAGLE MOUNTAIN, UTAH**

***PREAMBLE***

The Town Council of Eaagle Mountain finds that it is in the public interest to allow chain link fencing in residential neighborhoods under certain conditions.

**BE IT ORDAINED** by the Town Council of the Town of Eagle Mountain, Utah:

**Section 1. Amendment to Fencing Provisions of the Town Development Code. This ordinance amends the provisions of Chapter X1 H to enact paragraph X1 H3 as follows:**

**2. Chain link fencing is permitted in residential zones subject to compliance with the following requirements:**

- a. Fence height: Not to exceed four (4) feet.
- b. Location: Permissible in rear yards and in side yards only if no part of the fence is closer to the street than the front wall of the house or garage structure (excluding porches.)
- c. A top rail bar is required on all chain link fencing.

- d. Slats are not allowed.
- e. Fencing may not obstruct traffic visibility on corner lots.
- f. Fences must meet all other standards for fence construction in the Development Code.
- g. Fences may not be constructed where covenants, conditions and restrictions prohibit chain link fencing.
- h. Fencing must be constructed with the open cut of fence mesh down to the ground.

**Section 2. Effective Date.** This ordinance shall take effect upon its first posting by the Town Clerk at the customary place of posting established by the Town Council.

**ORDINANCE NO. 99-12**

**AN ORDINANCE AMENDING ARCHITECTURAL  
GUIDELINES TO PROHIBIT CHAIN LINK FENCING  
IN RESIDENTIAL NEIGHBORHOODS  
THE TOWN OF EAGLE MOUNTAIN, UTAH**

***PREAMBLE***

The Town Council of the Town of Eagle Mountain finds that it is in the public interest to prohibit chain link fencing in residential neighborhoods consistent with approved architectural standards.

**BE IT ORDAINED** by the Town Council of the Town of Eagle Mountain, Utah:

**Section 1. Amendment to Architectural Design Standards Provisions of the Town Development Code.** This ordinance amends the provisions of Chapter XII K.2. to add a new section 1. As follows:

- 1. Chain link fencing is prohibited in residential zones.

**Section 2. Effective Date.** This ordinance shall take effect upon its first posting by the Town Clerk at the customary place of posting established by the Town Council.

Mark Lofgren, resident, asked for a clarification.

Mayor Bateman said Ordinance No. 99-12 amended the architectural design standards so that the chain links fences would not be allowed unless there are architectural design standards that are accepted for the subdivision that allows chain link fencing.

Mark then said that either way the CC&R's will determine whether or not you can have chain link fencing.

Mayor Bateman responded that there are some subdivisions that do not have CC&R's.

Brian Larsen, resident, asked why the size was four feet and not six feet.

Karen Larsen, resident, asked about the Mayor visiting people and talking about chain link fencing.

Jennifer Morgan, resident, asked what the Mayor talked about.

Mayor Bateman said he spent two or three hours in the Patterson subdivision asking people what they thought. Some people talked about the Town's vision, and others talked about specific fencing, and some were not concerned either way.

Nick Berg, Eagle Mountain Properties, said his concern was over changing the Development Code so quickly. He said he would like to see the Town grow some more, especially in the landscaping, to see how things look. He said he would like to see it reviewed at a later date.

Mayor Bateman said that although the original intent when the Code was written was that there would be no chain link fencing, the wording in the present Development Code is not clear.

Fawn Jenkins, resident, said the Town Council has stood its ground on other issues, why are they not sticking to this issue.

Chuck Jenkins, resident, asked what the Town Council would do when other people come in and say this person has a chain link fence, why can't we.

Brigham Morgan, resident, said the Development Code specifically states where it is allowed and that it shouldn't be changed.

Dale Davis, resident, asked who would enforce the CC&R's.

Jerry Kinghorn, Town Attorney, said the CC&R's are a contract within the homeowners. The Town can enforce architectural guidelines but are not a police power. If the subdivisions do not have any CC&R's then the guidelines fall to the Town Code.

Bill Chipman stated that if a subdivision did have CC&R's that prohibited chain link fencing, then you cannot have chain link fencing. If it is not stated or there are not CC&R's, then it would revert to the Development Code with the proposed amendment conditions. Any new subdivisions would not be allowed to have chain link fences under this ordinance unless the developer comes back to the Town Council and said they wanted to have chain link fencing and then it would have to be approved by the Town Council.

Jerry Kinghorn explained the steps The Ranches took develop to their own architectural guidelines.

Liisa Nusz, resident, said the CC&R's can be stricter than the Town Code but not less strict.

Mark Sovine, resident, talked about the affordability of chain link fencing. He also stated that chain link fences have a longer life span.

Cyril Watt arrived at 8:10 p.m.

Tricia Austin, resident, commented that children can get over four-foot fencing very easily. She said the Development Code was written by a person in Idaho. She said the Code can be changed when needed and done in the right way. She talked about landscaping being in front of the visible part of the front by the house. She talked about not being informed properly about the last Town Council Meeting when they discussed fencing.

Tiffany Shapiro, resident, talked about hearing the voice of the people.

Mayor Bateman talked about the original writer of the Development Code who was employed by Eagle Mountain Properties. He said it was written with the original vision of the Town. He said people who have read the General Plan like the vision of the future.

Becky Jones, resident, commented about her cedar fence and the cost. She also felt like anyone with a six-foot chain link fence would have children trying to climb over it and they would have farther to fall.

Mary Lynn Christensen asked that the wording be as such so that everyone can understand the decision.

Another resident said he had made it a point to check out the CC&R's and the Town Code, and the fact that chain link fencing was not allowed was a drawing point for him to move out there because of the vision he had about the Town.

Tricia Austin, resident, said she had not searched out the Development Code.

Mayor Bateman closed the Public Hearing.

Bill Chipman said personally he does not like chain link fencing. But because of the way the Development Code is worded this could be challenged in court. He felt like the ordinance that allows for chain link fencing for subdivisions that allow it in their current CC&R's should stand. He says that the new wording makes the Development Code clear.

Diane Bradshaw concurred with Bill Chipman and said that she felt like the Development Code does need to be more clear in some areas so as to not come up against this kind of situation again.

Dan Valentine said that although he does not like chain link fences, he felt like this would be the best way to go. He had questions about one of the ordinances that would allow a developer to want to have chain link fencing in his CC&R's.

Mayor Bateman said that if both of the ordinances are passed, what it would mean is that chain link fences are not allowed unless the CC&R's of the subdivision specifically allow them and they are made part of the design guidelines of the subdivision.

Jerry Kinghorn said that was correct. That the only way they would be allowed is if they were part of the CC&R's of the subdivision and part of the design guidelines. Then they would have to fit within the standards written in the ordinance.

Cyril Watt concurred with Dan Valentine. He wanted to know what the argument was about having four feet verses six feet.

Mayor Bateman asked if anyone had any knowledge of the vinyl chain link fencing. He had seen a fence in Patterson with that material.

Nick Berg commented about the design guidelines Eagle Mountain Properties was finalizing at the present time. He said their design guidelines prohibit chain link fencing.

Bill Chipman clarified for a member of the audience what the two ordinances covered.

Mayor Bateman said anything new would have to have it in their CC&R's. If any of the existing subdivisions do not have any CC&R's then they could put up chain link fencing but it would have to be within the guidelines of the new ordinances.

There was a discussion amongst the Town Council.

Dan Valentine made a chart showing the "allowed" and "not allowed" under the new ordinances. It was then put up on the board for the audience to see so that they could understand it better.

Some of the Town residents were concerned about the uncertainty of members of the Town Council and asked that the vote be postponed until everything was clear.

Nick Berg, EMP, said Overland Trails was going to have a meeting with their subdivision to make sure there was a clear understanding of their CC&R's.

Jennifer Morgan, resident, felt like the some of the members of the Town Council really don't understand the ordinances.

Juanita Christiansen, resident, talked about policies and compliance with the policies.

Mayor Bateman said that if the two ordinances are passed, in a new subdivision, chain link will not be allowed unless there are alternate design guidelines approved by the Planning Commission and the Town Council and those guidelines would have to allow chain link fences. In an existing subdivision with CC&R's that do not allow chain link,, it will not be allowed. In an existing subdivision with no CC&R's then it would be allowed with the restrictions on the ordinance.

12. **Consideration to approve an Ordinance amending the Town's Fencing Standards in Residential Zones in the Eagle Mountain Development Code:**

**MOTION** *Bill Chipman moved to approve Ordinance No. 99-11, AN ORDINANCE ESTABLISHING PROVISIONS FOR FENCING IN RESIDENTIAL NEIGHBORHOODS IN THE TOWN OF EAGLE MOUNTAIN, UTAH, as stated in Section 1, Amendment to Fencing Provision of the Town Development Code. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**MOTION** *Bill Chipman moved to approve Ordinance No. 99-12, AN ORDINANCE AMENDING ARCHITECTURAL GUIDELINES TO PROHIBIT CHAIN LINK FENCING IN RESIDENTIAL NEIGHBORHOODS IN THE TOWN OF EAGLE MOUNTAIN, UTAH. Cyril Watt seconded. Ayes: 4, Nays: 1. Mayor Bateman voted Nay. Motion passed.*

13. **Consideration to approve the Proposed Parks & Recreation Facilities Plan, 1998-2020 and to approve a Resolution Establishing Recreation Playground Equipment Standards:**

Korey Walker gave a summary on this item. He said he had found some alternatives on the proposed parks. He had a handout on two different kinds of playground equipment. He explained how the funding would be figured in the Capital Facility Plan. He talked about incorporating these with schools and churches in the future.

Mayor Bateman said this was a plan figured over 20 years. He said he would like to review it every five years.

**MOTION** *Diane Bradshaw moved to approve the Proposed Parks and Recreation Facilities Plan, 1998-2020, using a 1,000 ERU's ratio per 600 and also accepting parks definition from page 1, 2, and 3 of the letter dated June 11, 1999, from Epic Engineering. Bill Chipman Seconded.*

*Mayor Bateman recommended an amendment to the Motion that a small percentage of this be for public art and parks and recreation facilities, 1 per cent. Diane Bradshaw and*



*Bill Chipman accepted the amendment. Ayes: 5, Nays: 0.  
Motion passed.*

Diane Bradshaw had questions about the amount of the pavilions. Korey Walker said it depended on the amount of homes in the subdivision.

Diane Bradshaw commented on the types of trees that would be put in the parks. She said she met with the State Parks people and she was going to have an ordinance passed in the Town stating what types of trees would need to be in the parks.

Dan Valentine asked about the playground equipment.

Korey Walker stated there were only two age groups considered for playground equipment.

**MOTION**

*Diane Bradshaw moved to approve Resolution No. 07-99, A  
RESOLUTION ESTABLISHING RECREATION  
PLAYGROUND EQUIPMENT STANDARDS. Bill  
Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**14. Consideration to approve a revised water rates schedule:**

Korey Walker said he took the recommendations from the last Town Council Meeting and came up with a new water rate schedule. He said that with the current water rate schedule they would be under the estimated amount needed to break even.

His new proposal would be a minimum monthly charge of \$20.00 with a \$1.00 per 1,000 gallons from 10,001 to 30,000; \$2.00 per 1,000 gallons from 30,001 to 60,000 gallons; \$3.00 per 1,000 gallons from 60,000 gallons and up.

Becky Jones, resident, said that her meter is not being read monthly.

John Newman, Town Administrator, said he would look into this.

Harry Bonnell, resident, said he feels like his water meter is either being read wrong or not being read monthly.

Bill Chipman commented there needs to be consistency in the reading of the water meters to prevent problems like last year.

Harry Bonnell, resident, commented about conservation and also about people using water from their own wells.

Dan Valentine talked about the cost of running the water system.

Mayor Bateman said the rate structure was needed to meet the Town's obligations. He said this could be reviewed later to see if any adjustments could be made.

Mark Lofgren, resident, asked what would happen if the Town did not meet the payments.

Mayor Bateman said that Eagle Mountain Properties had put up property on that debt. They would have to sell that property to pay the debt but the Town would still be obligated to pay back their debt and would probably have to raise the rates.

Jerry Kinghorn said a third party would be appointed to be a receiver and would control the rates and collection of the revenue.

There was a discussion about when the date would become effective. It was decided that anything billed from this day on would be affected.

**MOTION**

*Diane Bradshaw moved to approve Resolution No. 08-99, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE MOUNTAIN, UTAH, ENACTING WATER RATES SCHEDULE, including Exhibit 1, Water Service Charges. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

15. **The Ranches Update/Bob Lynds:**

This item was cancelled.

16. **Eagle Mountain Properties Update/Jim Peterson:**

Jim Peterson said the flags were taken down at the entrance.

It was mentioned that more flags were put up in the Landing.

17. **Motion to approve Consent Agenda Items as follows: (Refer to Work Session):**

- A. Warrant Register
- B. Contract Change Order
- C. Partial Payment Requests
- D. Partial Bond Releases/Korey Walker

**MOTION**

*Dan Valentine moved to approve the Consent Agenda Items. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

18. **Public Hearing:**

A. **FY 1998-99 Budget Opening:**

Mayor Bateman said this had been open for public viewing and comment. There was no member of the public wishing to comment.

B. **Close Public Hearing:**

Mayor Bateman closed the Public Hearing.

19. **Consideration to approve an Ordinance to Adopt FY 98-99 Budget Amendment:**

**MOTION**

*Bill Chipman moved to approve Ordinance No. 99-10, AN ORDINANCE AMENDING THE EAGLE MOUNTAIN TOWN FISCAL YEAR 1998-1999 ANNUAL BUDGET. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

21. **Consideration to approve a Resolution Establishing a Consolidated Fee Schedule for the Town:**

John Newman talked briefly about this resolution. He said this is a public document, and anyone could get this information from Janet Valentine.

John explained the changes made to several of the items. They are as follows:

Page 1: 1.B.4. Add Redemption fees – As per Utah County Animal Control Shelter Fee Schedule plus associated pick up and impound costs

Page 2: 1.F.4.g.

(1) \$1.00 to \$50,000.....	5%
(2) \$50,001 to \$250,000.....\$2,500 for first \$50,000 plus.....	2 ½%
(3) \$250,001 to \$500,000.....\$7,500 for first \$250,000 plus.....	2%
(4) \$500,001 to \$750,000..... \$12,500 for first \$500,000 plus.....	1 ½%
(5) over \$750,000.....\$16,250 for first \$750,000 plus.....	1%

Page 3: 1.G.3. Water Rates

- c. Usage Rate for 10,001 to 30,000 gallons
- d. Usage Rate for 30,000 to 60,000 gallons

**MOTION**

*Cyril Watt moved to approve Resolution No. R99-09, A RESOLUTION OF THE GOVERNING BODY OF EAGLE MOUNTAIN ESTABLISHING A CONSOLIDATED FEE SCHEDULE as amended. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**21. Consideration to approve temporary closure of a road in Cedar Pass Ranch to through traffic closure is located at the intersection of Cedar Drive and Fort Hill Road:**

This item was removed from tonight's agenda.

**22. Consideration to approve Sage Valley Master Development Agreement:**

Jerry Kinghorn said Mr. Smith had asked that this item be taken from the agenda as there are some items that need to be taken care of before he can go forward with this agreement.

**23. Consideration to approve Sage Valley Plat A Development Agreement:**

This item was removed from the agenda.

**24. Selection of Consultant, Financial Feasibility Study:**

John Newman said the committee that was selected to review the electric, gas, water and sewer systems had chosen the consultants Black and Veatch to do the study. The committee was unanimous in this choice.

**MOTION**

*Dan Valentine moved to approve the selection of the consulting firm of Black & Veatch for the Financial Feasibility Study, and authorize John Newman to contact Black and Veatch, and ask them to submit three items: (1) scope of work (2) a ceiling on the fee schedule (3) project timeline; and to authorize the Mayor to sign a contract that meets the Town Attorney's approval. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**25. Utility Disclosure Warning and Recommended Conditions for Review of New Subdivisions:**

Mayor Bateman explained that when the Planning Commission and the Town Council approve a subdivision, one of the things that are said in the approval is that the Town has sufficient utility capacity to serve that development. In many cases, there have been subdivisions approved for which there has not been available utility capacity. The issue has not become urgent as yet because many of the subdivisions have not been recorded yet. He said there needs to be some kind of funding from the developers for specific improvements.

Jerry Kinghorn said the letter in the packet was the letter to the Public Works Board listing the recommendations and improvements. He said this resolution needs to be formalized. He said that was not ready tonight but he wanted the Town Council to look this over and offer ideas and solutions. He asked that they bring this back to the next Town Council Meeting.

Jerry said the Town does not want to be in the reimbursement business any longer. He said Corey Walker has drawn up a chart showing various ideas. He said the Public Works Board is going to attach this condition to any further subdivisions that come before them.

**MOTION**

*Dan Valentine moved that the Town Council approve the recommendation of the Public Works Board in principle and direct the Staff to come back with a more detailed resolution. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**26. Consideration to approve the purchase of a dump truck for the Town of Eagle Mountain:**

This item was removed from the agenda.

**27. Consideration to approve a Dog License Ordinance:**

This item was removed from the agenda.

**28. Consideration to approve an Inter-local Agreement with Utah County for Animal Shelter Services:**

This item was removed from the agenda.

**29. Department Reports:**

**A. Administration/Airport Advisory Board/Mayor Robert Bateman:**

Mayor Bateman did not have any items of administration. He said the Airport Advisory Board met last week and would meet again in August.

**B. Parks and Recreation/Youth Council/Arts Council/Diane Bradshaw:**

Diane stressed the importance of Pony Express Days. She confirmed the location of the bonfire. She touched briefly on the various activities. She said there would be changes on the Youth Council.

**C. Planning Commission/William Chipman:**

Bill Chipman reported the training session was a success and thanked the Mayor for his part in the training.

Mayor Bateman said there would be a joint Planning Commission and Town Council Meeting on August 31<sup>st</sup> to review the Development Code.

**D. Public Works Board/Dan Valentine:**

Dan Valentine said the biggest item was the difference in the number of homes being approved and the utility capacity for these homes.

Mayor Bateman said they had approved about 4,000 lots and would be running out of electrical and telecommunication capacity soon.

Dan Valentine said a telecommunication study would be available on July 17<sup>th</sup>.

**E. Public Safety/Cyril Watt:**

Cyril thanked Eric and his workers for getting things ready for Pony Express Days. Cyril said he was working on getting a speaker to come out and talk about emergency preparedness.

**30. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and potential litigation:**

**MOTION**

*Cyril Watt moved to move into Executive Session at 10:00 p.m. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

Approved: Robert E. Bateman Date: 7/23/99

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
July 6, 1999**

**WORK SESSION – No Action or Minutes Taken – 4:40-6:30 p.m. – 2218 E. Valley Dr, Eagle Mtn.**

1. Warrant Register/Jeri Wilson
2. Contract Change Orders/Korey Walker
  - A. Change Order #6 – TSSD Outfall Line – decrease in price of (\$33,363.75) from the deletion of item 18, 4" PIP pipe, 2.625 L.F. @ \$12.71 per l.f.; and increase of \$2,284.13 to repair 18 inch irrigation line at the Church Farm to mitigate crop damage.
3. Partial Bond Releases/Korey Walker
  - A. Mountain View, Phase I - \$15,500
  - B. Rockwell Village @ Red Hawk Ranch, Plat A - \$138,980
  - C. Diamond Springs @ Red Hawk Ranch, Plat A - \$210,761
  - D. Sundance @ Red Hawk Ranch, Plat A - \$95,008
4. Final Payments – Final Acceptance/Korey Walker
  - A. WW Clyde – Sweetwater North Retainage (98-3 SID) - \$38,396.67
  - B. TSSD Outfall Line Final Acceptance - \$200,454.56
5. Class II Final Plat Approval/Ken Leetham
  - A. Autumn Ridge, Phase III Final Plat
6. Animal License Ordinance
7. Animal Licensing, Transportation, Enforcement & Shelter Services Agreement with Utah County
8. Sage Valley Master Development Agreement
9. Sage Valley Plat A Development Agreement
10. Improvement Escrow Fund Agreement
11. Overland Trails Phase II Development Agreement
12. Mountain View Phase II Development Agreement
13. Restrict Fireworks in Eagle Mountain/Eric Taylor
14. Salaries and Per Diem Policy/John Newman

**INTERMISSION - Change of Venue**

**POLICY SESSION – 7:00 TO 10:30 P.M. Eagle Mountain Community Center**

1. **Roll Call:**

Mayor Robert E Bateman called the meeting to order at 7:00 p.m.

Council Members present: Mayor Robert E. Bateman  
Diane Bradshaw, Dan Valentine, Bill Chipman  
Cyril Watt arrived late

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Recorder: Janet Valentine  
Recording Secretary: Vada Hunter

Others present: D. Palfreyman, Sunrise Buying Co; Robert Palfreyman, Sunrise Building Co.; John Sump, Sunrise Building Co.; James Dahl, MCM Engineering; Paul Bond, resident; Bert & Becky Ankrom, residents; Jeff Love, resident; Juanita Christiansen, resident; Ed Christiansen, resident; Carolyn Royce, resident; Mark Lofgren, resident; Josh & Jenny Elledge; residents; Delwin Davis, resident

2. Pledge of Allegiance:

Paul Bond led the Town in the Pledge of Allegiance.

3. Approval of Agenda:

Mayor Bateman asked that item 13, Consideration to approve an Improvement Escrow Fund Agreement, be removed.

**MOTION**

*Bill Chipman moved to approve the agenda as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed. Cyril Watt not present yet.*

4. Approval of Minutes of June 15, 1999:

**MOTION**

*Dan Valentine moved to approve the minutes of June 15, 1999, as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed. Cyril Watt not present yet.*

5. General Discussion/Questions/Announcements:

**A. Youth Council Presentation:**

Jenny Nash from the Town of Eagle Mountain Youth Council talked about a conference she and several other youths had attended. She said they really learned a lot from attending this conference. They had received a State grant in order to attend. She said they were a lot better off for having attended this conference.

She said the name the council had chosen for themselves was YUKAN. This stands for Youth United in Keeping America Noble.

Juanita Christiansen spoke for a few minutes about the Youth Council. She praised them for their efforts and for the visions and goals they have set.

**B. Suggestion by Carolyn Royce for a phone number designated as Eagle Mountain Information Line (events, meetings time & place/town offices/library hours, employment opportunities, etc.):**

Carolyn talked about how hard it is to get information to all of the Town residents because of how the homes are quite wide spread. She stated that everyone does not have a computer to access the information.

She said she would like to have a telephone hotline that people could dial in and get a recording telling of any events going on.

She said she would maintain the upkeep of the recording. She also said she would check into the cost and installation of the equipment that would be involved.

Mayor Bateman said he would have Jason check the present telephone equipment the town has to see if the Town could utilize the current equipment.

Janet Valentine announced that there would be three seats available for the upcoming election in November. The Mayoral seat would be a two-year position and the two Town Council seats would be four-year positions. If anyone is interested, the process to declare you intention of being a candidate would need to be done between July 15, 1999, and August 16, 1999.

Janet also announced that she had received a petition for annexation for three parcels of land by North Ranch and Meadow Ranch. This involves multiple owners and is being petitioned by The Ranches.

Mayor Bateman asked Janet to put this on the agenda for the next Town Council meeting.

6. Appointments:

Mayor Bateman did not have any appointments at this time.

7. Public Comment:

Paul Bond, resident, asked what the code was in the Town for having flags around a business. Mayor Bateman explained there was an ordinance disallowing flags and certain signs. Maxum Development apparently has flags around their model home.

Jeff Love, resident, asked how CC&R's are established for a subdivision. He wanted to know if you could get CC&R's after a subdivision was already established.

Jerry Kinghorn, Town Attorney, advised that this was very hard to do. He said they would have to have a signed agreement from every property owner, including owners of lots that have not built yet. He said they should seek private counsel if they wanted to do this.

Carolyn Royce, resident, asked who was responsible for the berms in the subdivision that previously belonged to Fred Woods. Jim Peterson, Eagle Mountain Properties, said Sunrise Construction would now be responsible and there was a bond to cover this.

Paul Bond, resident, commented about the construction trucks going down their street in The Landing.

John Palfreyman, Sunrise Construction, asked about the bond that Jim Peterson referred to.

Jenny Elledge, resident, inquired about an article in the newspaper and whether or not it had any negative influence on the community.

Carolyn Royce, resident, responded that she didn't think it hurt the Town.

Josh Elledge, resident, asked the Mayor if he cared to comment about the issue of a member of the Town Council not in accordance with the given laws.

Mayor Bateman asked Josh who determined that a member of the Town Council was in violation of the law. He said he did not know of any member of the Town Council who had been charged and convicted of anything.



8. Motion to approve Consent Agenda Items as follows: (refer to work session)

- A. Warrant Register
- B. Contract Change Orders
- C. Partial Bond Releases
- D. Final Payments
- E. Final Acceptance of Projects

**MOTION** *Diane Bradshaw moved to approve the Consent Agenda. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion passed.*

9. Consideration to approve an ordinance establishing provisions for animal control, licensing and disposition of animals in Eagle Mountain:

Jerry Kinghorn said the department that the ordinance refers to in the ordinance draft is the Utah County Animal Control. He said the County needed an ordinance from the Town of Eagle Mountain in order to handle situations as they happened in order to help the Town and stay within the law.

John Newman, Town Administrator, said this ordinance is needed now that the Town has grown to its current size. This would also mean that Janet Valentine would be taking on the responsibility of issuing dog licenses.

Please see Item 10 for the motion.

10. Consideration to approve an animal, licensing, transportation, enforcement and shelter services agreement with Utah County:

**MOTION** *Bill Chipman moved to table items 9 and 10 and instruct the Town Attorney and Town Administrator to do further studies on these items before approving an ordinance. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

11. Consideration to approve a Master Development Agreement between the Town of Eagle Mountain and Stanley R. Smith and Steven G. Smith (Developer):

Jerry Kinghorn passed out a map showing the area and the trails. He said they were prepared tonight to recommend to the Town Council the approval of the Master Development Agreement. He said all of the exhibits were available tonight showing any improvements that needed to be made. The Exhibit List included: Master Development Plan (Map); Town's Zoning and General Plan (Development Code); Town Capital Facilities Plan; Schedule of Required Improvements (Master Trails Plan Map and Park and Open Space Dedication and Park Development Map); and Special Conditions.

Cyril Watt arrived at 8:00.

**MOTION** *Dan Valentine moved to approve a Master Development Agreement between the Town of Eagle Mountain and Stanley R. Smith and Steven G. Smith (Developer) for the Sage Valley Subdivision. Bill Chipman seconded. Ayes: 4, Nays: 0. Cyril Watt abstained. Motion passed.*

12. Consideration to approve a Development Agreement for Sage Valley Subdivision Plat A, Stanley R. and Steven G. Smith:

There was a brief discussion about the location of the park and also the equipment that would go in the park. Jerry Kinghorn said the equipment would meet the requirements of the Town Code.

Jerry Kinghorn recommended that the approval with a condition that it would not be recorded until there were construction drawings on the park. The diagram was only a sketch.

**MOTION**

*Bill Chipman moved to approve the Development Agreement between the Town of Eagle Mountain, Utah, and Stanley R. Smith and Steven G. Smith for Sage Valley Subdivision Plat A subject to this not being recorded until there were construction drawings that are acceptable to the Town Attorney and Town Engineer for the park. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**13. Consideration to approve an Improvement Escrow Fund Agreement:**

This item was removed from the agenda.

**14. Consideration to approve a Development Agreement for Overland Trails Phase II, Eagle Mountain Properties, LC:**

Jerry Kinghorn advised that he did not have enough supporting material for this agreement to be approved and asked that it be tabled.

**MOTION**

*Diane Bradshaw moved to table item 14, Consideration to approve a Development Agreement for Overland Trails Phase II, Eagle Mountain Properties, LC, until the next meeting. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

**15. Consideration to approve a Development Agreement for Mountain View Subdivision Phase II:**

Jerry Kinghorn did not have enough supporting material for this item to recommend approval. There were some misunderstandings between Sunrise Builders and the Town as to items that still needed to be taken care of before this could be approved.

Bill Chipman asked if they could approve this subject to certain conditions.

John Newman said he wanted the Council to remember that they must be fair to everyone. He felt like this item should not have been on the agenda.

Jerry Kinghorn said he did not get paperwork in a timely matter.

Mr. Palfreyman, Sunrise Builders, said he was given a lot of misinformation from the Town Offices.

John Newman said that because of this he would like this item to be tabled until he can determine what kind of misinformation came from the Town Offices.

**MOTION**

*Diane Bradshaw moved to table item 15, A Consideration to approve a Development Agreement for Mountain View Subdivision Phase II until the next Town Council Meeting. Dan Valentine seconded. Ayes 4, Nays: 0. Bill Chipman abstained. Motion passed.*

**16. Class II Final Plat Approval for Autumn Ridge, Phase III:**

James Dahl, MCM Engineering, gave a presentation. He said one of the conditions from the Planning Commission was to come up with a park improvement schedule. He said there was a copy of a letter from Michael Wren, MCM Engineering, in each packet covering the park issue.

Bill Chipman stated there was not a clear agreement for the building of the park.

John Newman said he felt like it was too early to approve the park along the top of Phase III because of the nature of the open space. He talked about the legal requirements and the practical requirements.

Jim Peterson asked James Dahl to explain how a portion of that area would be developed.

James Dahl said the park at the bottom would be completed before Phase II started.

**DRC Recommendations:**

1. Make the requested changes as noted in the Town Engineer's staff report.
2. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem
3. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.

**Facts Discussed regarding the park issue:**

1. All required improvements fall under the general requirement for inclusion in a performance bond, including landscaping.
2. All bonded improvements are to be completed in the first twelve (12) month period immediately following recording of the plat.
3. The developer's feel that the need for the neighborhood parks does not occur necessarily within the first twelve months; rather, the park improvements should be tied to the number of persons occupying the project, e.g., 40% occupancy or some other percentage; or prior to recordation of Phase III.

**MOTION**

*Bill Chipman moved to approve the Class II Final Plat for Autumn Ridge, Phase III, subject to the DRC Recommendations, with exception of number three (3) on the bottom list, subject to the park in the lower quadrant of the plat and the left open spaces of the plat be finished before recordation of Phase III; that the northern park of the plat in the open space be finished upon 50% of the lots being sold and or one year whichever is sooner and that it be bonded for those improvements. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**17. Consideration to approve a Resolution to Restrict Fireworks in Eagle Mountain:**

There was some discussion about what kind of ordinances the County might already have with regards to fireworks.

Paul Bond, resident, commented about the good work the Fire Department is doing. He also talked about people out in the Town of Eagle Mountain using some illegal fireworks.

Jerry Kinghorn talked about Class III fireworks. He said the Town can prohibit the use of those fireworks in the Town. He said it is a big problem to try and enforce.

Jim Peterson commented about not having emergency personnel available at all times and perhaps this could influence being able to prohibit fireworks.

Jerry talked about Class III fireworks. He said the Town would need to carefully discuss what they would want to prohibit in the Town.

John Newman commented about his feelings towards fireworks. He said it is the illegal fireworks that need to be looked at and not the small ones that people would use outside on their driveway or on the road.

The Mayor instructed the staff to come back with recommendations at the next Council meeting.

**18. Salaries and Per Diem Policy:**

John Newman explained that this is a resolution that allows Town employees to designate methods of compensation.

**MOTION**

*Cyril Watt moved to adopt Resolution No. 10-99, A Resolution of the Town of Eagle Mountain, Utah, providing for alternative compensation payment to elected officials. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

**19. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, contracts, and/or possible litigation:**

**MOTION**

*Dan Valentine moved to adjourn into a Closed Executive Session at 9:00 p.m. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**MOTION**

*Dan Valentine moved to go out of Executive Session at 10:50 p.m.. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed*

**Diane Bradshaw moved to adjourn.**

Approved:

  
Mayor Robert E. Bateman

Date:

8/10/99

This certifies that the minutes of July 6, 1999 are a true, full and correct copy as approved by the City Council on July 20, 1999

Signed:

  
City Recorder

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
EAGLE MOUNTAIN COMMUNITY CENTER  
1668 E. Heritage Dr.  
Eagle Mountain, UT 84043  
July 20, 1999**

**1. Roll Call:**

Mayor Robert E. Bateman called the meeting to order at 7:00 p.m.

Council Members present: Mayor Robert E. Bateman  
Dan Valentine, Diane Bradshaw  
Cyril Watt arrived late  
Bill Chipman excused

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Recording Secretary: Vada Hunter

Others present: Havana Goldstone, The Daily Herald; Ann Potempa, The Daily Herald; Glade Berry, Resident; James Dahl, MCM Engineering; Carol Guthrie, resident; Liisa Nusz, resident; Paul Bond, resident; Mark & Anjonette Lofgren, residents; Jeff Love, resident; Brigham Morgan, resident; John Sump, Sunrise Building Co, Derk Palfreyman, Sunrise Building Co.; Robert Palfreyman, Sunrise Building Co.; Joshua & Jenny Elledge, residents; Juanita Christiansen, resident; Bert Ankrom, resident; Bob Lynds, The Ranches

**2. Pledge of Allegiance:**

Carol Guthrie led the Town in the Pledge of Allegiance.

**3. Approval of Agenda:**

Mayor Bateman asked that they strike item 22 from the regular agenda and item 2B from the Work Session.

**MOTION** *Dan Valentine moved to approve the agenda as amended. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Cyril Watt not present yet. Motion passed.*

**4. Approval of Minutes of July 6, 1999:**

**MOTION** *Diane Bradshaw moved to approve the Minutes of July 6, 1999, as amended. Dan Valentine seconded. Ayes: 3, Nays: 0. Cyril Watt not present yet. Motion passed.*

**5. General Discussion/Questions/Announcements:**

Fran Watt was not present to give a summary of the Pony Express Days.

Mayor Bateman gave an update on the school situation. He asked that residents get their children registered for the upcoming school year so that the Alpine School District knows how many students will be enrolled. He said people would be out to Eagle Mountain on July 22<sup>nd</sup> to help register the children.

Carol Guthrie asked what the status was on the service station situation.

Jim Peterson, Eagle Mountain Properties said they were negotiating with the Morleys.

**6. Appointments:**

Mayor Bateman stated he had no appointments at this time.

**7. Public Notices:**

Mayor Bateman said there would be a Public Hearing at the Planning Commission Meeting on July 27<sup>th</sup> to discuss the amendments to the General Plan.

**8. Public Comment:**

Mike Wren, MCM Engineering, asked why he was not on the agenda for Trailhead Project.

Jerry Kinghorn, Town Attorney, said he had not received the Development Agreement and asked that they send a copy of the document to him.

Mark Lofgren, Town resident, said he was concerned about the lack of businesses coming to Eagle Mountain.

Mayor Bateman responded that business is driven by a customer base, which they do not have enough of yet in Eagle Mountain. He stated that Mr. Morley was still working with Eagle Mountain Properties on some issues. He said they wanted some incentives.

Jerry Kinghorn responded that some of the incentives they wanted to adopt were illegal and unrealistic. He said the Town offered him some lower rates for natural gas.

Brigham Morgan, Town resident, asked if he could have an opportunity to ask questions during the discussion of item 16. Mayor Bateman said he could.

Mayor Bateman announced that the deadline for declaration of candidacy for the Mayor's position and the two Council positions must be done by August 16<sup>th</sup>. The applicant is required to be a resident at least one year prior to November 2<sup>nd</sup>.

Mayor Bateman spoke briefly about the sky diving accident at the airport. A sky diving instructor was killed.

Juanita Christiansen announced that the Youth Soccer program would be up and running by mid-August. She said there would be flyers coming around to the homes.

**9. Consideration to approve a Development Agreement for Mountain View Subdivision, Phase II:**

Jerry Kinghorn, Town Attorney, said this matter was on the agenda two weeks ago and the developer just handed in the development agreement and CC&R's and he had reviewed those. He said there was

one minor item to take care of. He said the Town had the option of purchasing the park, bonding for the amount of the purchase so that the Town can exercise that option if the developer doesn't do that in time. The Town needs to add to the improvement bond the SID assessment and it needs to be released from the park if the Town purchases it, and the Town needs to add the agriculture rollback taxes that will be payable, which are probably under \$200.

Jerry said he had verified that they have the ability to supply the Town with the water rights. He recommended approval of this agreement.

Dan Valentine asked if they allowed chain link fencing. Jerry said they do not specifically allow chain link fencing.

**MOTION**

*Dan Valentine moved to approve the Development Agreement between Sunrise Building Company and the Town of Eagle Mountain, for Mountain View Subdivision, Phase II, subject to inclusion of the SID Assessment, agricultural roll taxes, and the improvement bond requirements. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt not present yet.*

**10. Consideration to approve Legal Services for Telecommunications between David R. Irvine, Esquire and the Town of Eagle Mountain:**

Mayor Bateman had a question from paragraph 7. Disputes.

Jerry Kinghorn, Town Attorney, advised that the second sentence in that paragraph be stricken from the agreement.

**MOTION**

*Diane Bradshaw moved to approve the contract for Legal Services for Telecommunications between David R. Irvine, Esquire, and the Town of Eagle Mountain as amended. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt was not present yet.*

**11. Consideration to approve Technical Services for Telecommunications between Ray Hendershot, GVNW, Consulting, Inc. and the Town of Eagle Mountain:**

Mayor Bateman asked that item 11 be tabled until the next meeting.

**MOTION**

*Diane Bradshaw moved to table item 11 until the next Town Council Meeting. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt not present yet.*

**12. Consideration to approve an agreement between Timpanogos Special Service District and the Town of Eagle Mountain for Sewer Treatment Services:**

Mayor Bateman explained that the Town already had one agreement, which covers the north end of the Town. He said one of the alternatives being considered rather than expanding the Santek unit was to go with TSSD and add a sewer line.

**MOTION**

*Dan Valentine moved to approve the agreement between the Town of Eagle Mountain and Timpanogos Special Service District. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt was not present yet.*

**13. The Ranches Update:**

Bob Lynds invited the Town to stop by their trailer and see what activities are going on. He said the golf course is moving ahead on schedule.

**14. Eagle Mountain Properties Update:**

Jim Peterson announced that Eagle Mountain Properties would have a tent at the golf tournament at Park Meadows in Park City.

**15. Motion to approve Consent Agenda Items as follows: (Refer to Work Session for details):**

- A. Warrant Register**
- B. Partial Payment Requests – Releases**
- C. Final Payment Requests – Releases**
- D. Partial Bond Releases**
- E. Contract Change Orders**

Mayor Bateman asked that item 2B be removed, Tasco Engineering for Distributed Generation Project, and include it in the Warrant Register, thereby removing the Warrant Register from the Consent Agenda.

**MOTION**

*Dan Valentine moved to approve the Consent Agenda as amended. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt just arrived so did not vote on this motion.*

There was a discussion about the Warrant Register. Mayor Bateman proposed that the following items be changed:

**Page 8: Strike 53-40-570-000 – Electric Fund – 324 – Tasco Engineering - \$54,920.12**

**Page 11: - Strike 71-40-570-000 – Special Improvement District 98-1- Tasco Engineering – the last two items for \$20,970.77 and \$34,413.38.**

**Page 11: Change 71-40-570-000 – Special Improvement District 98-1 – Tasco Engineering, MAT&INSTAL ELEC&TELE LINES-RNC – Should be \$11,443.00 instead of \$6,318.90**

**MOTION**

*Diane Bradshaw moved to approve the Warrant Register as amended. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

**16. Report to Town Council regarding the Ranches Annexation Petition:**

Janet Valentine explained that this annexation involves three parcels of land. The Ranches submitted one petition. The County wrote back and explained that the parcels of land need to be done as three separate petitions. The Ranches is aware of this and they are working on it.

There was a discussion about the location of the three pieces of land.

Brigham Morgan, Town resident, asked why The Ranches wanted to annex these three pieces of land.

Bob Lynds explained that these three pieces bordered their existing land and they wanted to be able to develop all of the land under their existing Development Agreement.



**17. Consideration to approve an Ordinance establishing provisions for animal control, licensing and disposition of animals in Eagle Mountain:**

Jerry Kinghorn explained that this Ordinance explains what Utah County requires in order to have Eagle Mountain contract with them. He said the agreement is before Utah County being reviewed.

Jerry Kinghorn asked Officer Murphy of the County Sheriff's Department if Utah County would honor this agreement without a signed contract and she said they would.

Mayor Bateman said this ordinance requires dogs to be vaccinated every two years. If the dog has a license when it is picked up, the owner has five days to pick it up. If it does not have a license, the owner has three days to pick it up.

**MOTION**

*Diane Bradshaw moved to approve Ordinance No 99-13, AN ORDINANCE ESTABLISHING PROVISIONS FOR ANIMAL CONTROL, LICENSING OF DOGS AND DISPOSITION AND CONTROL OF SPECIFIED ANIMALS, FOR THE TOWN OF EAGLE MOUNTAIN, UTAH. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

**18. Class II Preliminary Plat Approvals:**

**A. Rush Valley (R-6 N-1)**

Jerry Kinghorn said that until the Public Works Board passes these on with their approval the Council cannot approve the Class II Preliminary Permit.

Bob Lynds explained that this is holding up their development. He said he worked up a proposal and gave it to Blaine Carlton.

Jerry Kinghorn said he needed a condominium plan submitted.

John Newman, Town Administrator, explained that the Public Works Board tabled this until there is capacity.

Jerry Kinghorn explained that The Ranches would get vesting at Preliminary approval. He asked Bob Lynds to get the information from Blaine Carlton with his proposal.

Dan Valentine said the Public Works Board is not comfortable making any more recommendations for approval without the utility capacity.

Jerry Kinghorn advised that they not make any decisions that would go against the Town's Development Code.

Mayor Bateman asked about the recreational facilities.

Korey Walker commented about the difference between submitting plans for a subdivision verses a condominium project.

**DRC Recommendations:**

**The Development Review Committee recommended that this item be TABLED until:**

- 1. The infrastructure required to insure utility capacity to this project is completed; OR,**

2. An approved financing plan is in place that provides for the completion of the infrastructure required to insure utility capacity to this project; and,
3. Public Works Board approval must be granted.

**Town Engineer's Recommendations:**

1. Indicate land that will be deeded to the Town and label as Open Space and who will maintain this open space.
2. An agreement acknowledging a potential utility capacity problem should be signed.
3. Conduit should be installed to each lot for future fiber optic installation.

**MOTION**                    *Dan Valentine moved to table Rush Valley R-6 N-1 until submission is complete. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**B. Eagles Gate II R-1 N-22, 23, & 24**

The Development "Eagles Gate II R-1 N-22, 23 & 24 was discussed and the Council decided to table this because it didn't have park plans and Covenants, Conditions & Restrictions (CC&R's).

**MOTION**                    *Dan Valentine moved to table Eagles Gate II, R-1 N-22, 23, & 24. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**19. Class II Final Plat Approvals:**

**A. Overland Trails, Phases 4 & 5**

James Dahl, MCM Engineering, gave the presentation for Overland Trails, Phases 4 and 5. He pointed out the commercial lots on the map. He showed the property affected by the noise ordinance.

Mayor Bateman asked what was happening in the area between the subdivision on Sweetwater.

James Dahl said that was commercial.

There was a discussion about which lots on the map would be commercial.

John Newman said the preliminary plan was approved with the commercial lots being approved on the south. This was made because of a noise problem. This is referred to as the cone of influence. He said there would be avigation easements. John also commented about removing some roads in the commercial area.

Mayor Bateman expressed his concern about the size of the commercial businesses being up against residential lots.

Mike Wren, MCM Engineering, talked about the commercial lots.

There was some discussion as to how much of this was discussed about at the Planning Commission Meeting. Korey Walker said he couldn't recall if they talked about the change.

Jerry Kinghorn said these issues should have been resolved in the preliminary process.

There was a discussion about the size of the commercial lots.

Jim Peterson talked about the noise cone.

Diane Bradshaw had concerns about what the trellis would look like. She wanted more detailed information.

Jerry Kinghorn recommended it go back to the Planning Commission

Jim Peterson recommended eliminating the commercial area from the approval and approve the residential area only and then have the cone commercial area come back separately.

**MOTION**

*Diane Bradshaw moved to remand the Class II Final Approval of Overland Trails, Phases 4 & 5, back to the Planning Commission to review the trellises in the central park area, aviation issues, and also the overall layout of the commercial areas. Dan Valentine seconded.*

*Diane Bradshaw amended her motion to include the review the Development Agreement and CC&R's. Dan accepted the amendment. Ayes: 4, Nays: 0. Motion passed.*

**B. Ruby Valley R-5 N-1-4**

Mayor Bateman said that they liked the overall plan and the size of the lots.

**DRC Recommendations:**

1. All Changes noted in the Town Engineer's report.
2. Special Improvement District (SID) information including amount to be paid upon recordation.
3. Water right documentation.

**Town Engineer Recommendations:**

1. Planning Commission recommended the developer to dedicate the park area to the Town and the water rights for the landscaping of the park.
2. Development and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
3. The Public Works Board recommends all new subdivisions install conduit to each home for future fiber optic installation.

Jerry Kinghorn said each common driveway needs a separate parcel number. That enables the identification of each lot.

John Newman commented that The Ranches could divide the key interest of the roads into separate roads and has cross easements.

Diane Bradshaw asked about the cul-de-sacs and how they were changed.

**MOTION**

*Cyril Watt moved to approve Ruby Valley, R-5 N-1 thru 4, subject to the following requirements:*

1. *That the plat be amended to designate specific parcel numbers for the lots that are intended to serve as common driveways;*
2. *That the Developers submit for the review and approval of the Town Attorney as part of the development agreement process a notation to be written on the plat indicating that each of the common driveways is owned in a 50 % cotenant status by the lot owners benefited by the driveways;*
3. *That the park be constructed no later than a date concurrent with 50% occupancy of the residences, or within one year of recordation, whichever comes first; and*
4. *That all development review recommendations, water right documentation and improvement bonds are in place prior to recording.*

*The motion was seconded by Diane Bradshaw. Ayes: 4, Nays: 0. Motion passed.*

**C. Simpson Springs R-1 N-1 & 2w:**

Bob Lynds said this used to be part of Kennekuk.

**DRC Recommendations:**

1. All items noted in the Town Engineer's report.
2. Special Improvement District (SID) information including amount to be paid upon recordation.
3. Water right documentation and limiting irrigable acreage to 0.25 acres.

**Town Engineer's Recommendations:**

1. Changes and updates to the construction drawings:
  - a. Construction of Half Mile Road to provide a second access.
2. Submitted Engineer's Estimate needs to be updated to include the offsite improvements of the Entry Road from Pony Express Parkway.
3. Provide an updated electronic file with the offsite improvement of the Pony Express Entry Road.
4. Development and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
5. The Public Works Board recommends all new subdivisions install conduit to each home for future fiber optic installation.

**MOTION**

*Diane Bradshaw moved to approve Simpson Springs R1 N1, 2w Class II Final Plat contingent upon receiving an improvement bond, amending the CC&R's limiting irrigable land to 0.25 acres; also, subject to the approval of the Town Engineer of constructing a half mile road to Eagle Mountain Blvd.; and subject to the DRC recommendations. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

**D. Saddleback R-6 N-4 & 5, Phase I, Plats A & B**

**DRC Recommendations:**

1. All changes noted in the Town Engineer's report.
2. Special Improvement District (SID) information including amount to be paid upon recordation.
3. Water right documentation.

**Town Engineer Recommendations:**

1. An agreement should be signed acknowledging a potential utility capacity problem.
2. Conduit should be installed for future fiber optic installation.

**MOTION**

*Dan Valentine moved to approve the Class II Final for Saddleback, R-6 N-4 & 5, Phase I, Plats A & B, subject to the DRC report and the Town Engineer's letter dated July 15, 1999, and specifically, that the park is improved at 50% occupancy of residences or completed within one year of recordation whichever comes first. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

## 20. Department Reports:

### A. Administration/Airport Advisory Board/Mayor Robert Bateman

Mayor Bateman gave out the phone number for the new Public Information Hotline. The new number is 766-3300. He also said that most of the Town Staff that are on call have cell phones so they can be reached in a timely matter.

### B. Parks and Recreation/Youth Council/Arts Council/Diane Bradshaw

Diane did not have any issues to discuss.

### C. Planning Commission

Mayor Bateman said the Planning Commission recently had a meeting on amending the Development Code that would make Final Approvals good for one year.

### D. Public Works Board/Dan Valentine

Dan announced that the Public Works Board would now be meeting once a month instead of twice a month.

### E. Public Safety/Cyril Watt

Cyril Watt said he was working on setting up an evening with a guest speaker to discuss evacuation proceedings if the need ever came about.

## 21. Consideration to approve an Ordinance Restricting Fireworks from certain areas in Eagle Mountain:

Mayor Bateman read Section 1 and 2 of the proposed ordinance:

**Section 1. It shall be unlawful for any person to discharge any class of fireworks in any area zoned for agriculture or in any unimproved residential or commercial area within the Town of Eagle Mountain, provided however, that Class C fireworks may be discharged by persons owning and residing in agricultural areas within the Town where the discharge of fireworks is limited to an area or areas cleared of all flammable vegetation or other flammable materials.**

**Section 2. The discharge of fireworks in residential areas of the Town of Eagle Mountain shall be limited to residential irrigated yards cleared of flammable vegetation or other flammable materials and the hard surface street area or alley adjacent to residential yards. A person shall not discharge fireworks in manner that threatens the personal safety or property of any person.**

There was a discussion about various aspects of the ordinance.

Mayor Bateman said he did not like the idea of fireworks in an agriculture area where there is a lot of dry vegetation. He said he was okay with designated areas where a fire truck would be nearby.

Paul Bond, Town resident, strongly opposes the use of fireworks in Eagle Mountain.

Mark Lofgren, Town resident, also opposes the use of fireworks in Eagle Mountain.

Jerry Kinghorn said that Class C fireworks are the only fireworks allowed in the State of Utah. He said you can't prohibit their sale, but you can prohibit their use. He said he had visited with Eric Taylor, Town Fire Chief, and he felt like these designated areas would be okay.

Mayor Bateman commented that if you have an out-and-out ban, people would not comply with it.

Paul Bond, Town resident, felt like it was too late this year to do anything about it. He asked that it be taken care of for next year.

Mayor Bateman said he would try to get the word out to the Town the next day.

Jerry Kinghorn said he would change Section 2 to read: The discharge of fireworks in residential areas of the Town of Eagle Mountain shall be limited to an area designated by the Fire Chief

**MOTION**

*Cyril Watt moved to direct the Town Attorney to modify the language in Ordinance 99-14 to indicate that, It shall be unlawful for any person to discharge any class of fireworks in any area zoned agricultural or in any unimproved residential or commercial area within the Town of Eagle Mountain. Also, the discharge of fireworks in residential areas of the Town of Eagle Mountain shall be limited to an area designated by the Fire Chief. A person shall not discharge fireworks in an area not designated by the Fire Chief. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

**23. Animal Licensing, Transportation, Enforcement & Shelter Services Agreement with Utah County:**

This item was removed from the agenda.

**24. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and potential litigation:**

**MOTION**

*Diane Bradshaw moved to adjourn into a Closed Executive Session at 10:15 p.m. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

**MOTION**

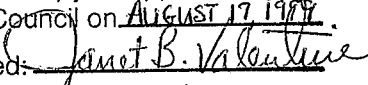
*Dan Valentine moved to go back into an Open Session at 10:27 p.m. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

Diane Bradshaw moved to adjourn the Town Council Meeting at 10:27 p.m.

Approved:   
Diane D. Bradshaw, Mayor Pro Tem

Date: 8/24/99

This certifies that the minutes of  
July 20, 1999 are a true, full and  
correct copy as approved by the  
City Council on AUGUST 17, 1999.

Signed:   
City Recorder

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Drive  
Eagle Mountain, UT 84043  
August 3, 1999**

**WORK SESSION – No action or Minutes taken – 4:30 to 6:30 p.m. – 2218 E. Valley Dr, Eagle Mtn.**

1. **Warrant Register/Jeri Wilson**
2. **Class II Final Plat Approvals/Ken Leetham**
  - A. **Saddleback, Plat C (R-6 N-4 & 5)**
  - B. **Three Crossings, Plats A & B (R-6 N-4 & 5)**
  - C. **Cedar Trail Villages, Phases 1 & 2**
  - D. **Trailhead Condominiums**
  - E. **Overland Trails, Phases 4 & 5**
3. **Revisions to the Development Code relating to expiration of permits & approvals.**
4. **Building Permit Rebates**
5. **Copier Purchase for the Town Offices**
6. **Road Right-of-Way and Easement Dedication Agreement with the State School & Institutional Trust Lands Administration.**
7. **School in Eagle Mountain.**
8. **Eagle Mountain General Plan**
9. **Medical First Response**
10. **UAMPS Agreements**
11. **Engagement Letter with GVNW Consulting, Inc. – Telecommunications Project**

**INTERMISSION - Change of Venue**

**POLICY SESSION – 7:00 TO 10:30 P.M. Eagle Mountain Community Center:**

1. **Roll Call:**

Mayor Bateman called the meeting to order at 7:00 p.m.

Council Members Present: Mayor Robert E. Bateman  
Bill Chipman, Diane Bradshaw  
Dan Valentine was excused.  
Cyril Watt arrived late

**Town Staff:**

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Asst. Town Recorder: Dana Neth  
Recording Secretary: Vada Hunter

Others present: Bob Lynds, The Ranches LC; Jim Peterson, Eagle Mountain Properties; Carol Guthrie, resident; Mark Lofgren, resident; Brigham & Jennifer Morgan, residents; Tiffany Shapiro, resident; Karen Sirolla, Patterson Construction; Havalah Gholdston, The Daily Herald; Jeff Love, resident; Paul Bond, resident; Eric Harman, resident; George Holmes, resident; Rob Nielson, resident; James Dahl, MCM Engineering; Bert Ankrom, resident; Josh & Jenny Elledge, residents; Ross Hansen, MCM Engineering; Eric Taylor, Fire Chief; Jo Murphy, Utah County Deputy.

2. **Pledge of Allegiance:**

Bob Lynds led the Town in the Pledge of Allegiance.

3. **Approval of Agenda:**

Mayor Bateman asked that item 10, Consideration to approve a Resolution regarding a School in Eagle Mountain, be moved to after item 19. He also asked them item 16E, Overland Trails, Phases 4 & 5, be removed from the agenda.

MOTION

*Bill Chipman moved to approve the agenda as amended.  
Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.*

4. **Approval of Minutes:**

MOTION

*Diane Bradshaw moved to table the approval of the minutes of July 20, 1999, for further review. Ayes: 3, Nays: 0. Motion passed.*

5. **General Discussion/Questions/Announcements:**

Carol Guthrie, resident, announced that even though some of the coupons in the Welcome Wagon packets were expired, the vendors would honor them. She said the new packets that will be given out in the future would have good dates. She also asked for some help in delivering packets in The Ranches.

Bert Ankrom, resident, asked for the support of the Town at the School Board Meeting for the Alpine School District on August 10<sup>th</sup>. The meeting starts at 6:00 p.m. There would be car-pooling available for those who needed a ride. They are to meet at the Town Center at 5:30 p.m.

Mayor Bateman asked that people get the word out to their neighbors that ATV's are not legal on the street, or on private property and that it is also illegal to ride them on private property without permission. He said the County Sheriff Department would issue a warning the first time and then issue a ticket thereafter. He also advised that shooting in the hills is also illegal.

Paul Bond, resident, mentioned an incident in his neighborhood of a resident shooting with a bow and arrow right in the neighborhood.

Jerry Kinghorn advised anyone that witnesses such an incident needs to report it to the Utah County Sheriff's Department.

6. **Appointments:**

Mayor Bateman said there were no appointments.

7. **Public Comment:**

Carol Guthrie, resident, asked if cats needed to be licensed.

Jerry Kinghorn said the new ordinance only covers dogs.

Brigham Morgan, resident, asked if the RBANS were being paid back and what the current status was on them.

John Newman responded with a brief explanation.

Jenny Elledge, resident, asked if there was going to be a dog park.

Mayor Bateman said this was a possibility but it is not planned for at this time.

8. **Public Hearing:**

**A. Proposed revisions to the Eagle Mountain Development Code relating to the expiration of development permits and approvals.**

Bill Chipman gave a brief explanation of this proposed change. He stated that developers will come in and get final approvals and the Town is required to put in improvements to accommodate those lots. What has happened is that developers have come in for final approval and then not record a final plat for a long time.



He explained further that they wanted to change the expiration date from three years down to one year.

Korey Walker stated that there were 2900 approved lots and only 1100 recorded.

Mayor Bateman explained that what happens is that once a subdivision is approved, then the Town is committed to provide the utilities for that subdivision. If it is not recorded then the Town does not get any money.

Mayor Bateman said the Town is running up against the utility cap just with the amount of building that is going on. He further stated that what is happening is that developers are getting approvals for the plats and then selling them to builders. This allows the developer to sit on them for up to three years

Bob Lynds commented about the lag time in getting fees, etc., that sometimes puts extra time on getting a plat recorded.

Mark Lofgren asked if there was a plan getting the utilities in order to accommodate the building. Bill Chipman and Mayor Bateman both said they were working with Korey Walker to come up with the right solution.

Karen Sirolla, attorney for Patterson Construction, commented. She said that the Town (Eagle Mountain Properties) had approached Patterson Construction initially and asked them to be part of the growth of Eagle Mountain. She said the Town had an expectation of an X number of homes by the year 2000 and Eagle Mountain Properties wanted them to be part of this growth by building a quality home that people could afford. She said times have changed, Town Councils have changed and people have changed; and it has become more difficult to build these affordable homes.

What has happened is a dramatic increase in fees to the point that what they could build homes for before they can no longer do. The number of building permits issued to Patterson Construction a year ago is dramatically higher than what can be sold now. She said they have built two plats, A and B, in Eagle Point Subdivision, put hundreds of thousands of dollars in improvements in Plat C and it is not even recorded and they cannot even sell those lots. To try and limit the recordation to one year now will take away what they have already put into Eagle Mountain. She said as far as the economy goes in selling lots, having a one-year ordinance is something Patterson is very much against. To reduce this from three years to one is unfair. She said the way the developer is treated in Eagle Mountain limits the growth out here. Things that they see on the Web site about policing the homeowners, people are not going to want to come out here. Things they want to do out here are being strangled by the Town. Patterson is terribly against this limitation of a one-year restriction. She didn't even know if it was constitutional. She said that having this approved immediately before even giving a developer a chance to get anything in is patently unfair.

Bill Chipman said that the ordinance says that unless the Development Agreement extends the expiration date. This means that the developer would have to come back in.

Karen said that their experience with Development Agreements is that the Town holds the cards. The Town gets to write the Development Agreement and if the developer does not sign it then the Town holds the cards. And if the developer does not sign, then there is no agreement. It is not like a two-way street. There is no negotiation.

Diane Bradshaw commented about the utility capacity being strangled

Mayor Bateman said they have 1800 lots to have to provide utilities to.

Karen said that if the lots are not sold then there is no income.

Bill Chipman said this action would apply from this point on.

Karen said that's okay for anyone coming in now that does not have an investment in the Town like Patterson does.

Mayor Bateman asked John Newman what the time frame was for surrounding Towns. He replied that it was anywhere from six months to a year and some eighteen months. Highland is one year and so is Alpine.

Karen said this is a different situation in being a new Town.

Mark Lofgren said he wants to see the utility problem fixed.

Karen said that means the Town needs to stop growing.

Mayor Bateman said they are issuing a lot of building permits. He said this is a real balancing issue. He said the utilities need to be fixed.

Jerry Kinghorn said he had never seen this kind of ordinance to have a three-year limit. He said most of them are from six months to a year.

Cyril Watt arrived.

Jerry said the Town needs to get on track with the utilities. He said that originally the three-year time limit was okay, but not anymore. He said the Town is in a liability position as far as furnishing utilities on approved subdivisions.

Bill Chipman said he felt like six months was too short and that is why the Planning Commission went with a one-year limit.

Bob Lynds, The Ranches, said he supported this ordinance.

Mayor Bateman closed the Public Hearing.

9. **Consideration to approve an Ordinance Revising the Eagle Mountain Development Code relating to the Expiration of Development Permits and Approvals:**

**MOTION**

*Bill Chipman moved to approve Ordinance No. 99-15, AN ORDINANCE ESTABLISHING PROVISIONS FOR EXPIRATION OF SUBDIVISION PLAT APPROVALS PRIOR TO RECORDATION, THE TOWN OF EAGLE MOUNTAIN, UTAH. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Cyril Watt abstained. Motion passed.*

10. **Consideration to approve a Resolution regarding a School in Eagle Mountain:**

This item was moved.

11. **Consideration to approve Building Permit Rebates:**

Mayor Bateman said this involved about 11 permits.

Jerry Kinghorn said there needs to be a list given to the Council with all the people eligible for this rebate and then have an ordinance written up.

12. **Consideration to approve an engagement letter between GVNW Consulting, Inc. and the Town of Eagle Mountain for a Telecommunications Project:**

Mayor Bateman said that after months of searching for a telephone systems expert, the Town decided on GVNW for putting together a plan to help the Town get their phone system in order.

John Newman stated that the results of the draft report presented by GVNW would become available to the public as soon as the corrections on the report have been made and the document is final. He also said that the Town now needs to start collecting Federal Excise Tax so that the Town is legal.

Jerry Kinghorn said GVNW was waiting for some information from Tasco Engineering.

Mark Lofgren, Town resident, wanted to know who was going to be making the changes.

Jerry Kinghorn said the Town had engaged special legal counsel to work with GVNW.

Mayor Bateman said there were three important items they are moving on right away.

1. Collecting Federal Excise Tax.
2. Obtaining legal status with local independent exchange carrier.
3. Technical upgrade.

Mayor Bateman said the Town is trying to get out of the mode of using the same company to do everything and start looking at other options.

Mark Lofgren, Town resident, stated that by law he had the right to choose the long distance carrier he wanted.

Jerry Kinghorn said that when the Town bought the exchange they have they were told that this would happen. However, this has proved to be wrong.

Mark Sovine, Town resident, commented.

John Newman talked about ILEC and bringing utilities to the Town on their lines.

**MOTION**

*Bill Chipman moved to approve the engagement letter between GVNW Consulting, Inc., and the Town of Eagle Mountain subject to receiving a schedule of consulting rates. Cyril Watt seconded. Ayes: 3, Nays: 0. Diane Bradshaw was excused from the meeting before the vote was taken. Motion passed.*

**13. Consideration to approve the purchase of a copier for the Town Offices of Eagle Mountain:**

John Newman explained that there was three bid. The copier he decided on was the Sharp AR-335 Digital Copier for the amount of \$9,419.00, and not as a lease.

**MOTION**

*Bill Chipman moved to approve the purchase of the Sharp AR-335 Digital Copier in the amount of \$9,419.00, plus the maintenance contract as approved. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.*

**14. Motion to approve Consent Agenda Items:**

**MOTION**

*Bill Chipman moved to approve the Warrant Register of July 30, 1999, with the addition of \$7,513.96 for Utah Associated Municipal Power Systems. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.*

**15. Consideration to approve a "Road Right-of-Way" and Easement Dedication Agreement with the State of Utah School and Institutional Trust Lands Administration:**

Jerry Kinghorn explained this item. He said this involved Sweetwater North and Lehi/Fairfield Road. He said it also involved an area along Lake Mountain Road. The total value of the right-of-way is \$60,000. The Ranches paid \$30,000. The balance comes from SITLA credits.

The price of agreement provides the following:

1. The purchase price.
2. Dedication of the two easements.
3. The impact fee credits
4. That SITLA will pay their share of the cost of improvements.

**MOTION**

*Bill Chipman moved to approve the "Road Right-of-Way" and Easement Dedication Agreement between the State of Utah School and Institutional Trust Lands Administration and the Town of Eagle Mountain. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.*

**16. Class II Final Plat Approvals:**

**A. Saddleback, Plat C (R-6 N-4 & 5):**

Bob Lynds, The Ranches, gave this presentation.

**DRC Recommendations:**

1. Make the requested changes as noted in the Town Engineer's staff report.
2. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.
3. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.

**Town Engineer Recommendations:**

1. General concern with lot layout problems involving retaining walls on steep slopes with shared back property lines.
2. Development and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
3. The Public Works Board recommends all new subdivisions install conduit to each home for future fiber optic installation.
4. An updated electronic file of the final plats and the utility drawings need to be provided.

Korey Walker said that four of the lots were affected by the retaining wall.

**MOTION**

*Bill Chipman moved to approve the Class II Final Plat Approval for Saddleback, Plat C (R-6 N-4&5) subject to the recommendations of the Town Staff and the Town Engineer; and subject to the Three Crossings Plat A & B be recorded in sequence before Saddleback Plat C. Cyril Watt seconded.  
Ayes: 3, Nays: 0. Motion passed.*

**B. Three Crossings, Plats A & B (R-6 N-4&5):**

**DRC Recommendations:**

Same as Saddleback.

**Town Engineer's Recommendations:**

Same as Saddleback but with three additional recommendations:

1. Provide easements for temporary all weather turn-around on streets that will tie into future phases that will not be constructed at this time.
2. Relocate Ault Alley II and sewer on the West side of Lot 104.
3. Relocate Holmes Alley somewhere between Lots 110-114.

Bob Lynds, The Ranches, said he was working with Korey Walker to take care of these recommendations.

Korey commented about the three additional recommendations, and he said he had talked with The Ranches' engineer and has worked out a solution to take care of the three items.

Bill Chipman was a concerned about not having a final drawing with all of the recommendations taken care of before coming to Town Council.

Bob Lynds said he had been working with Korey Walker the past ten days. He said he would like approval subject to the final drawing being submitted.

Korey said the engineer said he would have the final drawing to him by Thursday.

Bill Chipman asked that there be a time limit be put on this final drawing.

Brigham Morgan, Town resident, said that the Town Council and the Planning Commission have been setting a precedent by accepting some things and not accepting others.

Mark Lofgren, Town resident, asked who was checking up on the "subjects to" that are in the motions.

Mayor Bateman said that Jerry Kinghorn checked these on these items to make sure they were completed.

**MOTION**

*Cyril Watt moved to approve the Class II Final Plat Approval for Three Crossings, Plats A & B (R-6 N-4&5), subject to the recommendations of the Town Staff and the Town Engineer. Bill Chipman seconded.*

*Bill Chipman amended the motion that the two right-of-ways as indicated and approved by the developer and the Town Engineer be recorded on the plat and submitted to the Town Engineer by Friday, August 6, 1999, and if not, then it must go back to the Planning Commission. Cyril Watt accepted the amendment. Ayes: 3, Nays: 0. Motion passed.*

**C. Cedar Trail Villages, Phases 1 & 2:**

**Phase I:**

**DRC Recommendations:**

1. Make the requested changes as noted in the Town Engineer's Staff report.
2. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.
3. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.

**Town Engineer's Recommendations:**

1. Development and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.
2. The Public Works Board recommends all new subdivisions install conduit to each home for future fiber optic installation.
3. See Special Conditions as to be required in Developers Agreement.

**Special Conditions:**

**THESE PROPOSED SUBDIVISIONS ARE PART OF THE TOWN PRELIMINARY APPROVED COMBINED CEDAR TRAILS I AND II. THE DEVELOPER HAS REQUESTED FINAL APPROVAL IN SEPARATE PHASES. THIS COULD CREATE A PROBLEM WITH THE CONNECTIVITY OF THESE SEPARATE PHASES TO THE PRESENT CONSTRUCTED CITY ACCESSES (i.e. ASCENSION STREET INTO THE TRAILHEAD). A MEMO HAS BEEN PROVIDED PROPOSING A PHASING PLAN. ATTACHED IS A COPY BUT IN SUMMARY THE DEVELOPER WILL PURSUE ADEQUATE ACCESS BY DEVELOPING BOTH PHASES SIMULTANEOUSLY. IF THE FIRST PHASE IS DEVELOPED PRIOR TO THE SECOND IT IS UNDERSTOOD THAT THE SECONDARY ACCESS, THROUGH THE MOUNTAIN VIEW SUBDIVISION WILL BE COMPLETED WITH ROAD BASE SURFACE. THESE PHASES NEED TO BE ABLE TO PROVIDE A SECONDARY ACCESS AND THEREFORE THE STREETS THAT PROVIDE THE CONNECTIVITY THROUGH THE OVERALL APPROVED CEDAR TRAILS SHOULD BE DEEDED AND CONSTRUCTED WITH THESE PROPOSED PHASES.**

**Phase II**

**DRC Recommendations:**

Same as Phase I.

**Town Engineer's Recommendations:**

1. Developer needs to provide a list of the proposed park and landscaping improvement and associated schedule stating when various improvements will be commenced and completed as noted on the park and landscaping schedule of improvements.
2. Development and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.

3. **The Public Works Board recommends all new subdivisions install conduit to each home for future fiber optic installation.**
4. **See special conditions as to be required in Developers Agreement.**

Ross Hansen represented this development.

Korey Walker said this project went through a Public Hearing. He said there were a number of conditions given at the Public Hearing. He said all of the conditions had a remedy. He said Phase II did not have a timing plan for the park. The timing is listed on the Park and Landscaping Drawing.

Korey said most of the park amenities are in Phase I.

Ross Hansen read part of the park agreement:

**“Phase I park improvements will begin at 50% occupancy and will include one playground equipment unit and 15 trees and the grass and sprinkling system for the entire north park. Phase II finishes all of the other amenities that are required for the park.”**

Korey Walker read a letter from Mike Wren at MCM Engineering (attached to filed minutes).

Mayor Bateman wanted to know if a road base would work okay and Korey Walker said the way the access roads were being constructed the proposed roads would work.

Jerry Kinghorn said there was a conflict with the CC&R's. He said they needed a comprehensive set of guidelines.

#### **MOTION**

***Bill Chipman moved to approve the Class II Final Plat Approval, Cedar Trail Villages, Phases I and II, subject to the recommendations of the Town Staff and the Town Engineer, and specifically the following items:***

1. ***A second hard surface access is required and should be worked out with the Town Engineer (i.e. a hard surface access from Sweetwater Road).***
2. ***That roundabouts be used at the entrances to other neighborhoods and as needed to slow traffic.***
3. ***A trail access should be provided along the east side of the subdivision.***
4. ***The Town Attorney should be consulted as to the possibility of limiting the rental of single-family attached dwellings.***
5. ***Adequate project lighting should be provided to insure safety in single-family attached dwelling neighborhoods.***
6. ***There should be no front loaded garages in single-family attached dwellings.***
7. ***The single-family attached dwelling architecture shall be compatible with the single-family neighborhood.***

***On the park timing that the construction of the park improvements begin no later than 50% building permit issuance and be completed within one year of recordation; and defer approval of the CC&R's until the Development Agreement is approved or present an alternative plan that would be acceptable to the Planning Commission, if an alternative is so desired. Cyril Watt seconded.***

There was a discussion about the access road through Mountain View Subdivision.

Ross Hansen was concerned about the expense of doing a hard surface road.

John Newman clarified that road base is not a paved road but a gravel road.

*Bill Chipman amended his motion that the road can be road base only provided there is a secondary construction access that will not access through Mountain View. Cyril Watt accepted the amendment. Ayes: 3, Nays: 0. Motion passed.*

**D. Trailhead Condominiums:**

James Dahl, MCM Engineering, gave this presentation.

**DRC Recommendations:**

1. The widening of Sweetwater Road should include the bonding for this project.
2. A development agreement should be submitted and approved.
3. A maintenance plan for open space and utilities within the development must be submitted and approved.
4. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.
5. Park is approved in accordance with the new park standards that have been adopted since the Planning Commission recommended final approval.
6. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.

**Town Engineer's Recommendations:**

1. Bonding for the widening of Sweetwater Road.
2. Maintenance plan for open space, including trails and utilities within the development need to be submitted and approved.
3. The developer should sign an agreement acknowledging potential utility capacity problem.
4. The Public Works Board recommends that all new subdivisions install conduit to each home/unit for future fiber optic installation.

**Special Condition:**

**THE DEVELOPER NEEDS TO PROVIDE A MAINTENANCE PLAN FOR THE TRAILS AND OPEN SPACE., THERE IS A CERTAIN AMOUNT OF TRAIL SYSTEMS THAT ARE DECLARED IN OPEN SPACE TO BE DEDICATED TO THE TOWN AND THERE IS A NUMBER OF TRAILS AROUND THE DEVELOPMENT THAT ARE NOT LOCATED IN DECLARED OPEN SPACE. THE MAINTENANCE OF THESE TRAILS AND OPEN SPACES NEED TO BE AGREED UPON AND INCLUDED IN THE TRAILHEAD CONDOS DEVELOPMENT AGREEMENT.**

Korey Walker said that two of the primary issues is the widening of Sweetwater Road and provide the right of way.

John Newman asked that it be in the minutes that it was the developer that requested that the impact fees be increased to accommodate that item.

Korey Walker said the second issue is that the open space and recreation trail plan identifies the trail that meanders in and out of the right of way. He wanted the Town Attorney to identify a release of liability of this trail system so that the Town is not liable for this.

He said the developer wants to develop this in phases of units so parking and utilities need to be constructed to meet the needs.

Jerry Kinghorn said the Declaration of Condominium and it is Exhibit Three and takes place of the CC&R's. He reviewed it and said it was set up for Seven Peaks Development.

Jerry asked the Council to look at the Development Agreement, paragraph 2.6, Special Conditions, in treating the Architectural Guidelines issue by including the elevations of the buildings as an exhibit and the architecture be as depicted and approved by the Planning Commission in the architectural design. The building permit needs to show the same architectural guidelines as the plans the Planning Commission approves. He also said one of the issues was whether or not the

Town would allow one building to be built without any amenities being built with the first phase. There would be a lot of construction traffic. He suggested that a phasing structure be planned.

**MOTION**

*Bill Chipman moved to approve the Class II Final Approval for the Trailhead Condominium Project, subject to the recommendations by the Town Staff and the Town Engineer; subject that rather than having a bond to widen Sweetwater Road the Town would have the Developer dedicate the land and get Impact Fee credits and pay for it that way as identified in the Capital Facilities Plan; subject to a final Development Agreement being submitted and approved including phasing of the recreation facilities and park improvements and providing a maintenance plan for those improvements and all of the other DRC Recommendations; that the park should be finished one year after recordation; that the trails be open to the public and that they be maintained and be the exclusive responsibility of the owners association. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.*

17. Medical First Response:

Eric Taylor, Town Fire Chief, said he has been setting up a first responder program to train people in first aid in case of an emergency and they are waiting for further medical help to arrive.

He said there would not be a cost to the taxpayers. There is a lot of grant money out there to support this program. He said they already had some EMT trained people in Eagle Mountain.

John Newman said the only costs would be in outfitting the first responder vehicle with basic equipment and it shouldn't be much.

**MOTION**

*Bill Chipman moved to support the Medical First Response. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.*

18. UAMPS Agreements:

John Newman discussed this item. He said UAMPS is an association of municipalities that are power cities buying electrical powers. UAMPS goes out and buys power and makes it available for resale. He said there are 40 or 50 members of this association. This agreement will make Eagle Mountain a member of the association and give a voice in how the association is run. He is very impressed with their ability to buy and sell power.

Jerry Kinghorn said there were three agreements in the package.

There was a discussion on power.

**MOTION**

*Cyril Watt moved that the resolution to adopt the UAMPS Agreement is hereby approved giving also the Town Attorney the ability to make technical changes to the document as long the original intent of the document is not violated; and that before the Mayor sign that document, he review it to see if it was the intent that the Council adopted. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.*

*Cyril Watt moved to appoint John Newman as the member representative to UAMPS> Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed.*

19. Revisions and Update to the Eagle Mountain General Plan:



Mayor Bateman said this was an attempt to clean up the original General Plan. He said where it changed substantially was in the areas of density incentives, transfer of development rights, agriculture land preservation, and the history of the formation of the Town.

20. Consideration to approve a Resolution regarding a school in Eagle Mountain: (was #10 on agenda)

Mayor Bateman announced there would be a meeting on August 10<sup>th</sup> at the Alpine School District offices in American Fork at 6: 00 pm.

Mayor Bateman read the resolution:

**A RESOLUTION OF THE TOWN COUNCIL OF EAGLE MOUNTAIN, UTAH, EXPRESSING SUPPORT FOR THE ESTABLISHMENT OF AN ELEMENTARY SCHOOL IN THE TOWN AND AUTHORIZING THE MAYOR AND TOWN PROFESSIONAL STAFF TO NEGOTIATE APPROPRIATE INCENTIVES FOR SCHOOL SITES IN EAGLE MOUNTAIN.**

**MOTION**

*Bill Chipman moved to approve Resolution 11-99. Cyril Watt seconded. Ayes: 3. Nays: 0. Motion passed.*

20. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and/or possible litigation:

**MOTION**

*Cyril Watt moved to move into Executive Session for the purpose of discussing personnel issues and or possible litigation. Bill Chipman seconded. Motion passed.*

Went into executive session at 10:00 pm.

**MOTION**

*Cyril Watt closed the executive session and return to open session at 10:53 p.m. Bill Chipman seconded. Ayes: 5 Nays: 0. Motion Passed.*

21. Any action from the Closed Executive Session:

Bill Chipman declared after returning to open session that he might have a potential conflict of interest regarding the Automated Meter Reading System (AMR) issue.

**MOTION**

*Dan Valentine moved to cancel the contract with World Wireless because of non-performance and to direct the Town Attorney to notify World Wireless that the contract is terminated. Diane Bradshaw seconded. Ayes: 4. Nay: 0. Abstained: 1 (Bill Chipman because of a potential conflict of interest). Motion Passed*

22. Adjournment:

**MOTION**

*Dan Valentine moved to adjourn the Town Council Meeting at 10:55 p.m. Cyril Watt seconded.*

Approved: \_\_\_\_\_

*Robert E. Bateman*  
Mayor Robert E. Bateman

Date: \_\_\_\_\_

*11/15/99*

This certifies that the minutes of  
AUG. 3, 1999 are a true, full and  
correct copy as approved by the  
City Council on SEPT. 21, 1999.

Signed: \_\_\_\_\_

*Janet B. Valentine*  
City Recorder

Minutes of Town Council Meeting  
Town of Eagle Mountain, Utah  
Eagle Mountain Community Center  
1668 E. Heritage Dr.  
Eagle Mountain, Ut.84043  
August 17,1999

1. Roll Call:

Mayor Pro Tem Diane Bradshaw called the meeting to order at 7:10 p.m.

Council members present: Bill Chipman, Dan Valentine  
Mayor Robert E. Bateman and  
Cyril Watt were excused.

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Recording Secretary: Fionnuala Kofoed

Others present: Tiffany Shapiro, New Utah Paper, Rob Nielson, resident, Carol Guthrie, resident, Kevin McCarthy, resident, Bert and Becky Ankrom, resident, Josh and Jenny Elledge, resident, Jeff Love, resident, Ruth and Darrin Brandt, resident, Paul Bond, resident.

2. Pledge of Allegiance:

Dan Valentine led the Town in the Pledge of Allegiance.

3. Approval of Agenda:

**MOTION** *Bill Chipman moved to table item 20 and delete item 16, Consent Agenda item B. Contract Change Orders. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

4. Approval of Minutes of July 20<sup>th</sup>, 1999

**MOTION** *Dan Valentine moved to approve the Minutes of July 20<sup>th</sup>, 1999, as amended and that the Town Attorney corrects the language concerning driveways under Item 19 B and submit them to the recorder. Bill Chipman seconded. Ayes: 3. Nays: 0. Motion passed.*

5. **General Discussion:**

Janet Valentine announced Fionnuala Kofoed as the new Recording Secretary.

Diane Bradshaw announced the candidates running for the four-year term as council members. Juanita Christiansen, Greg Kehl, Mark Lofgren, James Moring and Brigham Morgan. Primaries will be held October 5<sup>th</sup>, which will reduce the candidates to five. There are two Council seats up for election.

Paul Bond and Bill Chipman are running for the two-year term as Mayor.

Ruth Brandt, resident, introduced The Cedar Valley Association for the Benefit of Children. Ruth gave the organization's mission statement and a brief overview of the structure. She requested an umbrella non-profit status from the Town. The Town Attorney, Jerry Kinghorn advised that the Town had no legal authority to do so and suggested Ruth meet with John Newman to help the organization obtain an independent status. John requested the item be tabled to the agenda on July 24<sup>th</sup>.

Rob Neilson, resident, asked how long it takes to obtain the non-profit status from the IRS.

Jerry Kinghorn said approximately 90 days.

6. **Appointments:**

Melba and Kendall Carter were appointed as Eagle Mountain Historians.

7. **Public Notices:**

There were no notices.

8. **Public Comment:**

Mayor Pro Tem Diane Bradshaw opened the Public Comment.

Carol Guthrie, resident, stated her concern about the utility capacity, mainly phone and electricity.

Dan Valentine said a study of the phone lines is in progress to bring the system up to the Incumbent Local Exchange Carrier, (ILEC) status.

Bill Chipman stated they have no concerns regarding sewer and water. Electricity is the only concern. This is being investigated and should not hinder growth in the short term. Bill said it was his opinion that there will be the capacity to provide for all buildings that have been approved over time. The Public Works Board, of which Dan Valentine is a member, will not approve any new development without the capacity in house. These problems are solvable within a year.

9. **Public Hearing:**

**A. Revision to the Eagle Mountain General Plan**

Mayor Pro Tem Diane Bradshaw opened the Public Hearing.

Grant Gifford, Sundance Home, questioned the requirement of rear alleys and porches in the Development Plan. Grant felt that the homeowner should be the one to decide whether or not they should have a porch and that the City should not impose it.

Bill Chipman invited Grant to attend a joint meeting with the Planning Commission and Town Council, Tuesday August 24<sup>th</sup>, where these issues would be discussed.

Dan Valentine asked if anyone had read the Eagle Mountain General Plan. No one responded that they had.

Carol Guthrie, resident, said she loves her porch and that those that didn't get one wish they had one.

Kevin Holland, resident, said he built here for affordability; the porch was an unexpected added expense.

Jim Peterson, Eagle Mountain Properties, mentioned that the porch is just one symbol of the Town. People moved here to have identity with their neighbors. Jim loves his porch, and if others don't like it, there are plenty of other places to build where life has been given up to the automobile.

Melba Carter, resident, said that the porches are a great way to socialize. Melba stated she is handicapped and asked if she could use a golf cart to drive to town once everything is set up.

Deputy Sheriff, Jo Murphy replied, the cart must meet the required safety features to be used on public streets.

Deputy Jo commended the Town on the low crime rate and attributed it to the Neighborhood Watch program, back alleys, and porch designs that encourage people to be out. Jo said the community has built-in safety features that aid in crime prevention.

Jerry Kinghorn said the issue of golf carts in the Town needs to be looked into.

Diane Bradshaw said they would look into the golf cart issue at the next meeting.

Darrin Brandt, resident, suggested that builders use the porch issue as a selling point.

Jeff Love, resident, said when he first started building he was anti porch, now that he has moved in he loves his porch.

**10. Fire Chief's report regarding Medical First response:**

Kevin McCarthy, Emergency Medical Service (EMS) Coordinator for Eagle Mountain Fire Department, gave a presentation regarding the current status of the Department.

Bill Chipman advised that the EMS and Fire Department answer to the Town Council and the Mayor. Bill said that protocol is not being followed and things are being done without approval.

John Newman said he did not receive the Sample Third Party Agreement that was required to obtain EMS status.

Kevin said it was put in John's box two weeks ago.

John said the only thing he saw was protocols that he sent to the attorney to review.

Bill Chipman said there needs to be more communication.

Diane Bradshaw asked about the cost of equipment and training.

Kevin said they have all things in place to get started regarding equipment and training. Consent won't be given to go ahead until Lehi City gets a copy of the Third Party Agreement.

Diane Bradshaw told Kevin to give the necessary documents to Jerry Kinghorn to make sure everything is in order.

John Newman said he would meet with Kevin to discuss all items needing attention.

Jim Petersen, Eagle Mountain properties, asked how many medical emergencies did Lehi respond to this year.

Kevin responded it wasn't on the records but approximately 20.

Jim questioned the liability of Eagle Mountain Properties starting a town without the availability of medical emergency services.

**11. The Ranches Annexation Report to the Council:**

Janet Valentine discussed the non-approval of the annexation of the Ranches, by the County Engineer, as the land was not contiguous. Janet requested approval to certify the annexation when the Revised Version is submitted.

Jerry Kinghorn advised to wait and run it all at the same time.

**12. Consideration to approve a Development Agreement between the Town of Eagle Mountain and Ray Morley:**

Jerry Kinghorn recommended any motion to approve the Development Agreement be subject to the following: paragraph 2.3 be substituted for a paragraph which refers to Exhibit 3, in the diagrams of the approved architecture or the two buildings that are already approved. Also a sentence be added to paragraph 2.5 to read: each class one permit shall be subject to architectural review and approval of the structure by the Planning Commission.

**MOTION**

*Dan Valentine moved to approve the Development Agreement between the Town of Eagle Mountain and Ray Morley subject to the following: a paragraph be substituted for paragraph 2.3 to refer to Exhibit 3 and a sentence be added to paragraph 2.5 to read; each class one permit shall be subject to architectural review and approval of the structure by the planning commission. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion Passed.*

**13. Consideration to approve a Resolution agreeing to the provisions of 21<sup>st</sup> Century Communities Program:**

Andrew Jackson of Mountain Land Association of Government gave a presentation regarding the 21<sup>st</sup> Century Communities Program. He said that they offer help in writing grants and other areas of city planning at no cost.

**MOTION**

*Bill Chipman moved to approve Resolution #12-99 Agreeing to the Provision of 21<sup>st</sup> Century Communities Program. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion Passed.*

14. Ranches Update:

Bob Lynds discussed four separate Master Plans that the Ranches intend to present to the Town Council within the next three months. These plans are contingent on the approval of the annexation request already submitted by the Ranches. Bob also talked about the Hidden Valley Master Plan that is in the works.

15. Eagle Mountain Properties:

Jim Peterson announced the opening of a nine-hole putting green located by the house, owned by E. M. P. at Overland Trails. Jim spoke of plans, submitted to Korey Walker, concerning the use of the SID funds to improve the City landscaping. The bermed areas by Overland Trails Park are not included in these plans. A separate budget is currently being approved for these areas. Jim also mentioned the application of poison to control the Voles.

16. Motion to approve Consent Agenda Items: (Refer to Work Session)

MOTION

*Bill Chipman moved to approve the Consent Agenda Items with exceptions to the following items on the Warrant Register. 1) Account # 10-55-450 Logos on Fire Trucks \$268.00. 2) Account # 10-61-300 Valley Asphalt \$1,680.00. 3) Account # 55-40-500 Tasco Engineering, Inc. \$22,200.00. 4) Account # 56-40-500 Tasco Engineering, Inc. \$900.00. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

MOTION

*Dan Valentine moved to return and approve Item B) Contract Change Orders to the Agenda. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion Passed.*

17. Class II Final Plat Approvals:

MOTION

*Bill Chipman moved to table Class II Final Plat Approvals for Kennnekuk (R-1 N-13 & N-15s), until the easement is in hand. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion Passed.*

18. Consideration to Approve a Resolution on Building Permit Rebates:

MOTION

*Bill Chipman moved to approve Resolution #13-99 on Building Permit Rebates. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion Passed.*

19. Department Reports:

There will be a joint Planning Commission and Town Council meeting 6:00pm August 24<sup>th</sup>, 1999.

20. Consideration to approve the purchase of a vehicle for the Public Works Department:

This item was tabled because of lack of information.

21. Motion to adjourn into a Closed Executive session for the purpose of discussing personal issues and potential litigation:

MOTION

*Bill Chipman moved to adjourn into a Closed*

*Executive Session at 9:35pm, for the purpose of discussing personal issues and potential litigation. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

22. Any Actions from the Closed Executive Session:

There were no actions from the Closed Executive Session.

20. Consideration to approve the purchase of a vehicle for the Public Works Department:

MOTION

*Bill Chipman moved to amend the agenda and return item 20, the purchase of a Ford Super Duty F250 Truck. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

MOTION

*Bill Chipman moved to approve the purchase of a Ford Super Duty F250 for the total price, not to exceed, \$25,000 for the Public Works Department. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

23. Adjourn:

MOTION

*Bill Chipman moved to adjourn the meeting @ 10:40pm. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

APPROVAL: \_\_\_\_\_

*Robert E. Bales*

DATE: \_\_\_\_\_

*9/10/99*

This certifies that the minutes of  
AUG. 17, 1999 are a true, full and  
correct copy as approved by the  
City Council on SEPT. 7, 1999

Signed: \_\_\_\_\_

*Janet B. Valentine*  
City Recorder

**MINUTES OF SPECIAL TOWN COUNCIL MEETING POLICY SESSION  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr.  
Eagle Mountain, Utah  
August 24, 1999**

**SPECIAL TOWN COUNCIL MEETING POLICY SESSION  
Eagle Mountain Community Center, 1668 East Heritage Drive, Eagle Mountain.**

1. **Roll Call:** Mayor Robert Bateman called the meeting to order at 9:40 p.m.

Council members present: Diane Bradshaw; Bill Chipman; Dan Valentine: Cyril Watt arrived late.

Planning Commissioners present: Chairman Bill Chipman; Carl Allred; Maureen Anderton; Doug Gwilliams; Diane Jacobs; Liisa Nusz and Jennifer Wright-Thulin.

**Town Staff:**

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Planners: Ken Letham and Shawn Warnke  
Town Recorder: Janet Valentine  
Recording Secretary: Fionnuala Kofoed

Others present: Debbie Hooge and Bob Lynds, the Ranches; Jim Peterson, Eagle Mountain Properties; Jim Walkins, Sundance Homes; James Walkins and Mike Wren, MCM Engineering; John Walden; Juanita and Ed Christiansen, residents; Mark Lofgren, resident; Carol Guthrie, resident; Brigham Morgan, resident; Jim Peterson, Eagle Mountain Properties.

2. **Consideration to approve An Ordinance enacting Nuisance Definitions and Provisions Regulating the Storage of Junk Cars and Trash in the Town of Eagle Mountain, Utah**

Mayor Robert Bateman read Ordinance 99-15.

Mayor Bateman asked if there were any questions.

Carol Guthrie, resident, asked who would enforce the ordinance.

The Mayor replied the Sheriff would be responsible for enforcing the ordinance.

Jennifer Sharpe, resident, asked if the ordinance would cover landscaping.

Mayor Bateman advised that it would not.

Dan Valentine asked if Mr. Fitzgerald's lot would be affected by this ordinance, as it would create a problem for Mr. Fitzgerald.

**MOTION**      *Bill Chipman moved to approve Ordinance 99-15 enacting Nuisance Definitions and Provisions Regulating the Storage of Junk Cars and Trash in*



*the Town of Eagle Mountain. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion Passed.*

3. Consideration to approve An Ordinance amending Ordinance 98-12 and allowing Impact Fee Incentives for Commercial Development in Eagle Mountain

Mayor Bateman asked for any Public comment.

Peter Sholtz, resident, asked if the reason no businesses are coming to the area is because of building permits.

Mayor Bateman said that commercial development is largely driven by more population base or number of homes.

Jennifer Sharp, resident, said we didn't need a grocery store, we need a convenience store first.

Mark Iofgren, resident, said we need smaller businesses that will encourage growth.

Rich Morley, resident, said concerning commercial growth, it's a matter of economics. Rich said that there are investors waiting to move in but the impact fees are too high for them to finance. Rich said that lowering the impact fees would be a step in the right direction.

John Benson, resident, suggested just getting something small to start with.

Rich Morley said it is important for us to protect the guidelines and maintain the uniqueness of the City.

Peter Sholtz questioned the double standard between the guidelines and the modular the City uses.

Bill Chipman said the Council needed to provide a partial or complete Impact Fee Incentive. Bill also said we need the tax bases to support the Town.

Cyril Watt agreed.

Dan Valentine questioned if that would really make the difference.

Diane Bradshaw suggested the Council look at it case by case.

John Newman said this is what the Staff is struggling with, who gets what. John suggested adopting the ordinance as a tool to benefit the Town.

Mayor Bateman suggested the word "unique" be added to section 3.9 of ordinance 99-16 to read:

The Town Council may upon application of a non-residential development applicant, provide for a partial or complete waiver of the impact fees imposed hereby provided that the applicant demonstrate to the satisfaction of the Town Council that unique, important cultural, educational, or social benefits are provided by the applicant's non-residential development land use within the Town;

**MOTION**

*Bill Chipman moved to approve ordinance # 99-16, Amending ordinance # 98-12, allowing Impact Fee Incentives for Commercial Development in Eagle Mountain. The word "unique" will be added to ordinance # 99-16. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

4. Temporary Occupancy Permits

Mayor Bateman said that Kent Partridge was only to issue Temporary Permits with weather related issues.

John Newman said the Town needed to take legal action when people move in to their homes illegally.

Mayor Bateman requested Jerry Kinghorn update the Town Council on the Temporary Permit situation.

5. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and/or possible litigation:

MOTION *Diane D. Bradshaw moved to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and/or possible litigation. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Bill Chipman moved adjourn the Closed Executive Session and go back into open session. D. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

Diane Bradshaw moved to adjourn at 11:35 p.m.

Approved: *Robert E. Bateman* Date: *11/15/99*  
Mayor Robert E. Bateman

This certifies that the minutes of  
AUG. 24, 1999 are a true, full and  
correct copy as approved by the  
City Council on SEPT. 21, 1999

Signed: *Janet B. Valentine*  
City Recorder

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
September 7th, 1999**

**WORK SESSION – No Action Taken – 4:30-5:30 p.m. – 2218 E. Valley Dr, Eagle Mountain Utah.**

Present: Mayor Robert Bateman; Dan Valentine; Korey Walker; Jerry Kinghorn; Ken Leetham; John Newman; Eric Taylor; Janet Valentine; Jerri Wilson. Bill Chipman arrived late.

Others present: Bob Lynds, the Ranches; Gary Tassainer, Tasco Engineering; Russ Rossander, Eagle Mountain Properties; Jim Peterson arrived late.

The following items were discussed between Mayor Bateman, Council and Staff. No action was taken.

1. **Warrant Register**  
Items on the Warrant Register were discussed between Staff
2. **Partial Bond Release**
  - A. Mountain View Phase 2 - Bond Release for \$93,660
  - B. Chimney Rock (R1, N12) at Red Hawk Ranch, Plat A for \$16,800
3. **Telecommunications and Electrical**  
Telecommunications and Electrical lines passed the final inspection. Funding came from Systems Improvement District (SID) 98-1.
4. **Final Class II Approval**  
Mt. Airey R1 N-26 & 27 (previously called Eagle's Gate). The subdivision consists of 67 lots that average approximately 12,000Sq. Ft
5. **Pony Express Memorial Park.**  
This Item wasn't discussed; it was referred to the Policy Session.
6. **Public Hearing amending FY 99-2000 Budget**
7. **Ordinance Revising the General Plan**
8. **Federal Surplus Property Program**
9. **Formation of a Public Safety District**
10. **Certified Tax Rate Letter**
11. **Meadow Ranch Plat 4 Development Agreement**
12. **Black & Veatch Report.**  
Discussion was held for the policy Session

**INTERMISSION - Change of Venue**

**JOINT WORK SESSION WITH THE PLANNING COMMISSION  
No Action Taken -6:00p.m. To 7:00p.m. - Eagle Mountain Community Center,  
1688 E. Heritage Dr., Eagle Mountain**

Mayor Robert Bateman called the meeting to order at 6:00 p.m.

**Roll Call:**

Planning Commissioners present: Chairman Bill Chipman; Carl Allred; Maureen Anderton; Doug Gwilliams; Diane Jacobs; Liisa Nusz. Jennifer Wright-Thule was absent.

Council Members present: Dan Valentine; Bill Chipman; Diane Bradshaw. Cyril Watt was absent.

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Planners: Ken Leetham and Shawn Warnke  
Town Recorder: Janet Valentine  
Recording Secretary: Fionnuala Kofoed

Others present: Paul Bond, resident; Bert & Becky Ankrom, residents; Mark Lofgren, resident; Josh & Jenny Elledge, residents; Carol Guthrie, resident; Nick Berg, Eagle Mountain Properties (EMP); Bob Lynds, the Ranches; James Taylor, resident; Garry Tassiner, Tasco Engineering; Russ Rosander, EMP.

1. Discussion of changes to the Eagle Mountain Development Code

Ken Leetham discussed the Changes to the Eagle Mountain Development Code. Ken's general proposal was to decrease the design regulations as lot sizes increase. This would allow for greater flexibility for larger lots. Smaller lots would be held to stricter requirements, particularly alley lots and lots 70Ft or less in width. This would help maintain a unique neighborhood character since homes would be closer together.

**Changes proposed for Standard Lots less than 8,000 Sq ft**

- A. 5 foot side setback on non-alley lots
- B. 25 foot rear setback on non-alley lots
- C. Detached garages would be allowed
- D. Zero side lot line, or greater, for lots on alleys
- E. Exterior Materials on all lots would remain the same except on side elevations where zero lot lines may place a portion of building in neighbor's backyard.

**Changes proposed for Standard Lots 8,000 & 21,000 Sq ft**

- A. 25 ft front setback
- B. 7 ft side setback
- C. 25 ft rear setback
- D. Exterior Materials; side elevation may wrap front materials for a two foot distance

**Changes proposed for Standard Lots over 21,000 Sq ft**

- A. No requirement for garages
- B. No porch or covered entry required

**Discussion**

Mayor Bateman said he didn't care for front facing garages and asked for comments on the subject.

Karl Allred said the only problem with side-loaded garages is it creates tiny lots.

Mayor Bateman said he thought the Development Code should outline a standard requiring alleyways for smaller lots.

Ken said he hesitated to make that a requirement because he saw problems with lot sizes less than 70 ft in width, which is where he recommends the standard be set.

Ken recommended a zero lot line for smaller lots with rear loading or detached garages. This would allow for more recreational space for the homeowner.

Liisa Nusz questioned the detached garage with a 5 ft set back but was in favor of the zero lot lines.

Mayor Bateman asked Korey Walker if he had any problems with the zero lot lines.

Korey stated it was a utility issue and this would involve giving up one side of the PUE, but any problems could be avoided by planning ahead. One potential problem Korey saw with the detached garages was insufficient sight distance pulling out on the alley.

Ken suggested fewer homes on the alley to reduce traffic.

Karl Allred asked about regulations concerning runoff with zero lot lines.

Ken said there is requirements, such as eaves, in place to limit run off.

John Newman said the Building Code governs zero lot lines extensively.

Mayor Bateman asked if anyone was opposed to requiring alleyways with lot sizes less than 70 sq ft. No one was opposed.

Mayor Bateman requested Ken make that change. The mayor said he was in favor of zero lot lines but requested a 15ft setback from the alley concerning detached garage.

Ken said he was concerned with making a blanket requirement for an alleyway with lots 70sft in width or less.

Doug Gwilliams said he didn't mind front loading garages provided there was a variety of side and front. Doug also said this would be too difficult to regulate.

Nick Berg, Eagle Mountain Properties, said the major reason rear loading garages were part of the Development Code was a safety issue. He said the developers wanted to create a safe environment for children and this is lost when front driveways are cluttered with vehicles.

Carol Guthrie, resident, agreed with Nick Berg. Carol said the homes in her neighborhood that have front loading garages are packed with cars. We need to have an all or none policy as it would be difficult to police.

Mayor Bateman asked if anyone was opposed to front-loaded garages. There was no opposition. The mayor requested a 15ft setback from the front of the house with front loaded garages.

Mayor Bateman said he was not in favor of deep front setbacks on small lots. Mayor Bateman made reference to the Landing and how the smaller setbacks gave the subdivision a greater sense of community.

Liisa Nusz said she didn't think the setbacks needed to be 25ft

Mayor Bateman asked Ken what they were trying to achieve with the 25ft front setback.

Ken said that it was a traditional style.

After the discussion it was recommended to amend some of the proposed changes.

**Standards for Lots 8,000 - 21,000 Sq ft**

- A. 15 ft front setback
- B. 20 ft rear setback
- C. Exterior Materials; Side elevations may wrap front materials to a side corner

### **Standards for Lots over 21,000**

- A. Garage requirements to remain the same
- B. Porch requirements to remain the same

Ken said another change was the addition of a Site Plan Review Process in Chapter 3. Also a sentence was added to Chapter 3.8 stating the Planning Commission could table an item for no more than three consecutive meetings.

Mayor Bateman requested the substitution of the word "approval" for "recommendation" in Chapter 3:10 item 6.

Mayor Bateman recommended the language be changed in Chapter 16.6 concerning Lot Splits. The Mayor said the definition needed to incorporate something from the statutory language.

Mayor Bateman also requested the word "three" be omitted from the first line of the definition of "Subdivision" in Chapter 16:11.

Ken Leetham discussed the changes in Appendix B regarding the increase in signage area and in some cases, signage height.

Bill Chipman asked if the Ranches had an opportunity to review this.

Bob Lynds said they had not.

Mayor Bateman requested, in the interest of time, that the Council Members review Appendix A themselves.

Mayor Bateman said that there was a Public Hearing September 21<sup>st</sup>, 1999, regarding the Development Code Revision. The Mayor invited those interested to read the proposal.

## **2. Discussion of changes to the Eagle Mountain General Plan**

Mayor Bateman discussed the changes to the Eagle Mountain General Plan. They are as follows:

- Appendix A contains the History of Cedar Valley.
- Appendix B contains Eagle Mountain's approach to the arts and some additional information about the Arts Council. (Page 36)
- Appendix C contains information concerning Parks, Trails and Recreation (Page 26).

Mayor Bateman said copies of the General Plan are available to the Public for the cost of copying. Those interested should see Janet Valentine at the Town Offices.

## **3. Distribution of Black & Veatch Report to the Planning Commission**

John Newman said that the purpose of this report was to determine the financial feasibility of issuance of Revenue Bonds. It would be the intent of the Town to use proceeds from the Bonds to refund the 1997 & 1998 Bond Anticipation Notes of the water/sewer and gas /electric utilities. This would also finance certain improvements to further expand the Town's utility system. John said the document was officially distributed to the Town and was, therefore, a Public document.

John said the Report was purposely intended to be recommendations from an independent agency concerning the marketability of the Bonds.

Mayor Bateman asked if there were any more questions or comments. There were none.

Mayor Bateman adjourned the meeting.

## Intermission Change of Venue

### 1. Roll Call:

Council Members present: Mayor Robert Bateman; Dan Valentine; Bill Chipman; Diane Bradshaw. Cyril Watt arrived at 9p.m.

#### Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Planners: Ken Leetham and Shawn Warnke  
Town Recorder: Janet Valentine  
Recording Secretary: Fionnuala Kofoed

Others present: Paul Bond, resident; Bert & Becky Ankrom, residents; Mark Lofgren, resident; Josh & Jenny Elledge, residents; Carol Guthrie, resident; Nick Berg, Eagle Mountain Properties (EMP); Bob Lynds, the Ranches; James Taylor, resident; Garry Tassiner, Tasco Engineering; Russ Rosander, EMP.

### 2. Pledge of Allegiance:

Nick Berg led the Pledge of Allegiance.

### 3. Approval of Agenda:

Mayor Bateman asked that item 21, Certified Tax Rate and item 22, Black and Veatch Report be moved to after item 18. EMP requested that item 15 be tabled.

**MOTION** *Dan Valentine moved to approve the agenda as amended.  
Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion Passed.*

### 4. Approval of Minutes: August 17, 1999

**MOTION** *Diane Bradshaw moved to approve the minutes of August 17, 1999, as amended. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion passed.*

### 5. General Discussion/Questions/Announcements:

Mayor Bateman announced that Patrick Overton would be at the Community Center Wednesday, September 9 at 7p.m. to discuss front porch designs. The Mayor said there was also a meeting on Wednesday night concerning bussing issues with Alpine School District.

Carol Guthrie, resident, asked if anyone had any suggestions regarding the Welcome Wagon.

Mayor Bateman said that he formulated a welcome letter that would be distributed.

### 6. Appointments:

Mayor Bateman proposed the Appointment of Election Judges

1. Maureen Anderton, Head Judge
2. Karen Bradshaw
3. Liisa Nusz
4. Leland Fitzgerald, Alternate Election Judge

**MOTION**

*Bill Chipman moved to appoint the following Election Judges: Maureen Anderton, Head Judge, Karen Bradshaw, Liisa Nusz and Leland Fitzgerald, Alternate Election Judge. Diane Bradshaw Seconded. Ayes: 4, Nays: 0. Motion Passed.*

**7. Public Notices:**

There is a Public Notice for the Public Hearing September 21, 1999.

**8. Public Comment:**

Carol Gutherie, resident, asked if IPP supplied power to Utah or just to California.

Jerry Kinghorn said it supplies power to some small Utah municipalities.

**9. Public Hearing:**

**A. Fiscal Year 1999-2000 Budget Opening**

John Newman said there were two major reasons that required the Town to open the Budget and make some adjustments; they are as follows:

1. The Town received the Certified Tax Rate. The amount received is different than anticipated.
2. The State is requiring the Town to depreciate the infrastructure in the Utility Funds. The Town elected not to do this last year but the State is requiring it this year.

Bob Lynds said he was concerned about some of the changes and questioned why the Town couldn't wait and incorporate the information from the Black & Veatch report in the budget.

According to John, the state advised the Town not to wait for the final figures from the Black & Veatch report. It was recommended by Mr. Moon, of the state, that the Town proceed with the budget.

Bob Lynds commented there were substantial increases to Capital Outlays under the General Fund.

John Newman said that Eagle Mountain Properties gave him an estimated amount of growth for the next year. It was John's opinion that this number was high. The estimated growth from Eagle Mountain Properties was used to calculate the budget. John stated that if the Town grows to that capacity, it would create a surplus. If the Town doesn't increase to that number then taxes would have to be raised.

Bill Chipman commented the budget would be opened again this year.

John Newman said that it usually opens up around December or January then again towards the end of the year.

Bill Chipman said when they open the Budget in the future the numbers would be more accurate because of greater history. Bill wanted to emphasize it was a requirement of the state to make the amendment.

John Newman said that he requested an extension for an additional month from the state and was declined.

Diane Bradshaw asked where the number came from in the depreciation expenses that required the budget to be revised.

John Newman replied that it was the depreciation on the infrastructure. Working with the Auditors, the Town came up with the numbers.

Mayor Bateman closed the Public Hearing.



10. Consideration to approve an Ordinance to Adopt FY 1999-2000 Budget Amendment

MOTION

*Dan Valentine moved to approve Ordinance # 99-18 to Adopt FY 1999-2000 Budget Amendment. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion Passed.*

11. Consideration to approve an Ordinance to Revise the Eagle Mountain General Plan

Bill Chipman complimented the Mayor on the Eagle Mountain General Plan.

MOTION

*Bill Chipman moved to approve ordinance # 99-19, Revision of the Eagle Mountain General Plan. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

12. Tasco Engineering Inc., Requested Items:

- A. Payment of Invoices
- B. Operation & Maintenance Contract
- C. Engineering Contracts
- D. General Discussion regarding on-going professional relationships
- E. Generation Contracts

\* See attachment.

Mayor Bateman was reluctant to pay some of the bills as the Town has not yet been paid by some of the developers.

13. Motion to approve Consent Agenda Items as follows:

- A. Warrant Register
- B. Partial Bond Releases
- C. Final Payment requests

MOTION

*Bill Chipman moved to approve the Consent Agenda Items as follows: Warrant Register; Partial Bond Releases; Final Payment requests. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

14. Class II Final Plat Approvals:

- A. Mt. Airey R-1 N-26& 27

John Newman wanted it on the record that Garry Tassianer designed the subdivision under the old lot configurations; this will require some adjustments. Any additional costs will be the burden of the developer.

Mayor Bateman made a motion to approve the Final Plat for Mt. Airey Subdivision subject to the following conditions:

- Items 2 - 4 of the DOC recommendations need to be complied with.
- The developer signs an agreement acknowledging the utilities capacity problem.
- The Public Work Board will require conduit installation
- Provide an Engineering Bond estimate

Mayor Bateman added that the Developer would agree to reimburse any change in the fees involved in the redesign or reconfiguration of the utility system. The standard guidelines for the Ranches also apply to this. Mayor Bateman approved the Development Agreement and CC & R's, provided that the staff supplied a copy to the Council Members by the end of the week and that there were no adverse comments from the Council by Monday.

**MOTION** *Bill Chipman moved to approve Class II Final Plat Approvals. Diane Bradshaw seconded. Ayes: 4, Nays: 0 Motion Passed.*

Dan Valentine asked for clarification regarding the old standard guidelines.

Bill Chipman stated that the exceptions to the CC & R's for the Ranches Master Development Plan are null and void.

Jerry Kinghorn, Town Attorney, said it should be clear that Eagle's Gate application for this site has been withdrawn together with the approved architectural guidelines. Mt. Airey has been filed and processed and the standard architectural guideline of the Ranches will apply to it

Diane Bradshaw suggested that Bob Lynds set the residents at the Ranches straight concerning the proposed community center and it's location.

**15. Pony Express Memorial Park:**

Eagle Mountain Properties requested that this item be tabled.

**MOTION** *Bill Chipman Moved to table Pony Express Memorial Park. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion Passed.*

**16. Consideration to approve the Town of Eagle Mountain Joining the Federal Surplus Property:**

John Newman requested the Mayor's authorization for the Town's participation in the Federal Surplus Property program.

Bill Chipman said it was a good idea.

Brigham Morgan, resident asked for an explanation of the program.

Mayor Bateman briefly discussed the advantages of purchasing surplus property such as used equipment, furniture etc., at a good price, under the program. This would help stretch the tax dollars.

**MOTION** *Dan Valentine moved to authorize the Mayor to sign the application for eligibility for the Federal Surplus Property Program. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion Passed.*

**17. Consideration of intent to form a Public Safety District:**

Mayor Bateman gave some background information concerning the way fires were previously handled. If a fire occurred in Cedar Valley, the county had to send someone to assess whether they needed the assistance of local firefighters. Meanwhile, the local fire department has to sit and wait while the fire burned before they got the go ahead to assist. The county has enacted a new policy allowing the fire department to respond immediately if the need arises. The intent to form a Public Safety District between the Town of Eagle Mountain and Cedar Fort would provide Cedar Valley with a stronger fire fighting force. Lehi is currently contracted with Utah County as Cedar Valley's first response team.

**MOTION** *Diane Bradshaw moved to support the creation of a Public Safety District including the Town of Eagle Mountain and Cedar Fort. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion passed.*

18. Consideration to approve the Development Agreement for Meadow Ranch Plat 4:

**MOTION**

*Bill Chipman moved to approve the Development Agreement between the Town of Eagle Mountain and Meadow Ranch LC, for Meadow Ranch Plat 4. Dan Valentine seconded.  
Ayes: 4, Nays: 0. Motion Passed.*

21. Certified Tax Rate:

Jerry Kinghorn stated the State Tax Commission had overestimated the revenue the State would generate from Motor Vehicles. The State plans to make up the deficit with property taxes. Because of this, the State wants to delay any of the Truth in Taxation Hearings until they figure out how much they need to raise the Property Taxes. The State will then adjust the Certified Tax Rate.

22. Black & Veatch Report:

John Newman said that the purpose of this report was to determine the financial feasibility of issuance of Revenue Bonds. It would be the intent of the Town to use proceeds from the Bonds to refund the 1997 & 1998 Bond Anticipation Notes of the water/sewer and gas /electric utilities. This would also finance certain improvements to further expand the Town's utility system. John said the document was officially distributed to the Town and therefore became a Public document.

Jerry Kinghorn recommended the Financial Consultant, Laura Lewis, and the Underwriters that the Town worked with receive a copy of the report. Jerry felt it was necessary to have their feedback concerning the proposals of the report and if they can be supported. Jerry recommended having something in writing.

John Newman said that a copy had been sent to Laura and to Seattle Northwest; they should have received a copy at the same time he did.

Nick Berg, Eagle Mountain Properties, asked that the council revisit the issue on Impact Fees and consider reducing them a few thousand dollars. Nick was concerned that growth was down and suggested that this was due to the elevated impact fees.

James Taylor, resident, said the high impact fees shocked him. Mr. Taylor said that people moved out here for affordability and having to pay a \$10,000 impact fee really hurts.

Dan Valentine said that the current impact fee was part of other fees before so the net increase is actually less than \$10,000.

Mayor Bateman said he understood Mr. Taylor's concern and that he too was sensitive to the amount of the impact fee. The Mayor said the Town, being a new community starting from scratch, borrowed a lot of money for the infrastructure. It is understandable that the impact fees are higher than an established city like Lehi. Mayor Bateman said that the Town is looking at revising the Capital Facilities Plan and revisiting the Impact Fees to see what can be done to reduce them.

John Newman said that it was Laura Lewis' recommendation not to count the Impact Fees in the debt reduction.

Mayor Bateman said the Black and Veatch report was probably created as much for investors as it was for the Town. The report is complex and depends on a number of factors, namely growth rate and utility rates. The report will allow the Town to see where it is financially and how much can feasibly be borrowed without increasing utility rates etc.

John Newman added that this is a third party report and should be used as a tool and not changed, it is critical that the report maintains its individuality.

Bob Lynds, the Ranches, said that he felt that there were flaws going into the report with Black & Veatch. It was his opinion that the Town should have counted the impact fees towards debt reduction. He said he would like the opportunity to review the new report and have an opportunity to comment on it.

19. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, contracts, and/or possible litigation:

MOTION Diane Bradshaw moved to adjourn into a Closed Executive Session at 9:05 p.m. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.

MOTION Bill Chipman moved to go out of Executive Session at 10:20 p.m. Cyril Watts seconded. Ayes: 5, Nays: 0. Motion passed

Diane Bradshaw moved to adjourn the Town Council Meeting at 10:25 p.m.

Approved: Robert E. Bateman Date: 11/15/99  
Mayor Robert E. Bateman

This certifies that the minutes of  
SEPT. 7, 1999 are a true, full and  
correct copy as approved by the  
City Council on SEPT. 21, 1999.

Signed: Janet B. Valentine  
City Recorder



**TASCO**  
**ENGINEERING**  
**INC**

887 North 100 East, Suite 4, Lehi, Utah 84043  
Phone (801) 766-9500 Fax (801) 766-9100  
Salt Lake (801) 565-1800

September 7, 1999

Town of Eagle Mountain  
1680 East Heritage Drive  
Eagle Mountain, Utah 84043


**Subject:** City Council Meeting, September 7, 1999  
**RE:** A. Payment of Invoices  
B. Operation and Maintenance Contract  
C. Engineering Contacts  
D. General Discussion regarding on-going professional relationship  
E. Generation Contract

**Attn:** Mayor Robert E. Bateman and City Councilors

In regards to the outlined topics, Tasco Engineering, Inc. (Tasco) would like to communicate the following to the Mayor and Town Council:

- A. Payment of invoices: We have been willing to work with the Town of Eagle Mountain (Town) regarding the payment of invoices for engineering work done for the developers by waiting until the Town receives payment, then the Town pays us. This seems to be working as long as the Town invoices the developers promptly, and we are notified if there are problems in prompt payment. This is a deviation from the contract, but as long as the Town is in a cash flow problem, we are willing to accept this method of payment.
- B. Operation and Maintenance Contract: The operation and maintenance contracts, entered into to operate and maintain the Town's natural gas and telecommunication systems have been negated by mutual consent and cooperation. The Town's electrical system operation and maintenance contract with Tasco is still in force, but the Town is looking into other possibilities. We request ample notice for any changes in this contract.
- C. Engineering Contracts: We are pleased to do the work and plan on performing our duties to the best of our abilities.
- D. General Discussion regarding on-going professional relationship: Tasco has regarded our relationship with the Town to be most significant and beneficial to all parties concerned. We plan to do our best to keep ourselves on a professional level at all times.
- E. Generation Contract: Tasco has completed the requirements of the contract documents as of today. We are extremely pleased with the performance. We are working with Epic Engineering to modify the control systems to accommodate an auto dialing system if the plant has problems.

Tasco Engineering, Inc. and me personally have not knowingly transgressed any of the laws of man or of God. If any of the people in my employ or myself have created an offense to you or the others in the community, we ask your forgiveness and understanding. Thank you.

  
Gary D. Tassainer, P.E.

**MINUTES OF TOWN COUNCIL WORK SESSION  
TOWN OF EAGLE MOUNTAIN, UTAH**

2218 East Valley Drive  
Eagle Mountain, Utah  
September 21, 1999

**W O R K   S E S S I O N   -   N o   A c t i o n   T a k e n   -  
4 : 3 0   t o   6 : 3 0   p . m .**

Staff members present: Mayor Robert Bateman; Bill Chipman; Dan Valentine; John Newman; Ken Leetham; Korey Walker; Shawn Warnke; Janet Valentine and Fionnuala Kofoed. Jerri Wilson arrived at 4:45 p.m.; Cyril Watt arrived at 4:55 p.m. and Diane Bradshaw arrived at 5:05 p.m.

Others Present: Bob Lynds; Jim Peterson; James Dahl and Russ Rosander.

**ALL ITEMS WERE DISCUSSION ONLY.....NO DECISIONS OR ACTION WAS TAKEN**

**1.   Warrant Register:**

The Warrant Register was briefly discussed at the end of the Work Session Mtg.

**2.   Partial Bond Releases:**

- A.   Crittenden Corner
- B.   Chimney Rock
- C.   Rockwell Village
- D.   Mountain View, Phase II
- E.   Meadow Ranch, Plat 4

There were no questions concerning these items.

**3.   Release of monies to Utah Power from the Ranches SID 98-1, for conversion of Utah Power line along the Lehi /Fairfield Road from overhead to underground:**

Korey Walker briefly discussed the release of these funds

**4.   Bid Award for Landscaping Project - Eagle Mountain Properties, SID 98-3:**

This item was stricken from the Agenda

**5.   Preliminary Class II Approvals:**

- A.   O'Fallon's Bluff - The Town Council was informed that this is an amended Preliminary that is part of Three Crossing Subdivision in the Ranches Development

**6.   Final Class II Approvals:**

- A.   Overland Trails, Phase IV & V - This item was briefly discussed & the Town Council was informed that this development had previously been presented to the Council and the developer removed the Commercial Site as requested.
- B.   Eagle Point, Plats G & H - Ken Leetham said that Plats G & H were previously approved but will be before them again at this evening's Policy Session because they have been amended

**7.   Eagle Mountain Development Plan Public Hearing:**

**8.   Wayne Patterson request for Bond Release:**

This item was stricken from the Agenda

**9.   Overland Trails, Phase II Development Agreement:**

This item had a Preliminary Approval in 1997.

*Eagle Mountain, Utah*

10. **Capital Facility Plan:**  
This information is only to update the Council; a public hearing will be set to revise the Capital Facility Plan.
- 10.1 **Impact Fee Reduction:**  
This item was stricken from the Agenda
11. **Temporary Occupancies:**
12. **Eagle Mountain Blvd. Trail System Project Proposal:**  
Jim Peterson would like the Town to assume all maintenance for the trail if Eagle Mountain Properties installs it
13. **Bonding Considerations:**
14. **Lot Split Requirements:**  
The meeting ended @ 5.35 p.m.

# *Eagle Mountain, Utah*

Approved: *Robert E. Bateman*  
**Mayor Robert E. Bateman**

Date: 10-19-99

Work Session This certifies that the minutes of  
Sept. 21, 1999 are a true, full and  
correct copy as approved by the  
City Council on Oct. 19, 1999.  
Signed: *Janet B. Valentine*  
City Recorder

**MINUTES OF TOWN COUNCIL MEETING POLICY SESSION**  
**TOWN OF EAGLE MOUNTAIN, UTAH**  
Eagle Mountain Community Center  
1668 E. Heritage Dr.  
Eagle Mountain, Utah  
September 21, 1999

**TOWN COUNCIL MEETING POLICY SESSION**  
Eagle Mountain Community Center, 1668 East Heritage Drive, Eagle Mountain.

1. **Roll Call:** Mayor Robert Bateman called the meeting to order at 7:00 p.m.

Council members present: Diane Bradshaw, Bill Chipman; Dan Valentine. Cyril Watt arrived at 8:45 p.m.

**Town Staff:**

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Planner: Shawn Warnke  
Town Recorder: Janet Valentine  
Recording Secretary: Fionnuala Kofoed

Others present: Bob Lynds, the Ranches; Jim Peterson, Eagle Mountain Properties; James Walkins and Mike Wren, MCM Engineering; John Walden; Mark Lofgren, resident; Brigham Morgan, resident; Eldon Fletcher, resident; Greg Kehl, resident; Tiffany Shapiro, resident; Jenny Elledge, resident; Jim Peterson, Eagle Mountain Properties (EMP).

2. **Pledge of Allegiance:**

Deputy Jo Murphy led the Town in the Pledge of Allegiance.

3. **Approval of Agenda:**

**MOTION** *Bill Chipman moved to approve the Agenda. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

4. **Approval of Minutes:**

August 3, 1999 **MOTION** *Bill Chipman moved to approve the minutes of August 3, 1999 as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion Passed.*

August 24<sup>th</sup>, 1999 **MOTION** *Diane Bradshaw moved to approve the minutes of August 24<sup>th</sup>, 1999 as amended. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion Passed.*

September 7<sup>th</sup>, 1999 **MOTION** *Diane Bradshaw moved to approve the minutes of September 3<sup>rd</sup>, 1999 as amended. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion Passed.*



5. **General Discussion/Questions/Announcements:**

- Arts Council will meet September 22, 1999, 7 p.m. @ the Community Center
- ABC meeting with the Alpine School District to discuss bussing issues, September 22, 1999, 7pm @ the Community Center
- Public Works Board meeting, September 22, 1999, 6 p.m. @ the Community Center
- Meet the Candidates Night, September 29, 1999, 7 p.m. @ the Community Center

6. **Appointments:**

There were no Appointments

7. **Public Notices:**

There were no Public Notices

8. **Bid Award:**

This Item was stricken from the agenda

9. **Public Comment:**

Paul Bond, resident, had two items; the first item was a safety issues regarding people passing on a double yellow line on State Road 73. Mr. Bond inquired about the jurisdiction and if the Town was in a position to do anything about it. Mayor Bateman advised that because it is a state road, the state calls the shots. Jerry Kinghorn added that the Town could have Deputy Murphy write tickets but the state is the primary law enforcement on State Road 73.

Mr. Bond's second comment concerned the progress of the First Responder. Mr. Kinghorn said that the Town is waiting for the o.k. from Lehi City, before the First Responder can be activated

Greg Kehl, resident asked the Council if they would consider allowing candidate signs, for the upcoming Town elections, to be placed on Eagle Mountain Boulevard. Mayor Bateman said that the Town Code doesn't allow the signs to be placed on Eagle Mountain Boulevard but the signs could be put on private property with resident's permission. The Mayor stated that any candidate was welcome to place a campaign sign on his property along S.R. 73.

Eldon Fletcher, 4473 North Osprey Way, expressed concerns about construction equipment that was being stored by Silver Tip Construction, north of his home. Mr. Fletcher said there are safety issues to consider with the children in the area. Korey Walker said that he would contact the company and ask them to move the equipment to a better location.

10. **Public Hearing:**

**A. Revisions to the Eagle Mountain Development Code:**

Mayor Bateman opened the Public Hearing at 7:25 p.m.

Tiffany Shapiro asked what were the standards regarding chimney flues for a wood burning stove and whether they needed to be bricked. Mayor Bateman asked Jim Peterson for his view concerning the placement of the flue and if it needed to be bricked if on the rear side of the house. Jim Peterson said that it couldn't be front facing and if it was placed on the side it needed to be bricked.

Brigham Morgan, resident, asked what was the percentage of Open Space required in the General Plan. Brigham added that Eagle Mountain Properties had stated on the Internet that it was 40%. Mayor Bateman said that it was 20%; the 40% included yards. Jenny Elledge, resident inquired whether the Open Spaces will be developed or remain natural and who is responsible for

landscaping. Jenny was concerned about the areas that are being destroyed by construction. Mayor Bateman said that the development of Open Spaces depends on zoning and that the developers get credit in three areas:

1. Developed Open Space
2. Natural Open Space
3. Agricultural Open Space

Korey Walker said that it is bonded for the developers to reseed the area with natural vegetation after the construction is completed.

Bill Chipman wanted to review areas not being looked at in the Development Code.

Mayor Bateman referred to the Development Code as follows:

- Page 3.17, the language needed to be amended concerning the Planning commission tabling items.
- Page 11.1 discussed Zero Lot Lines, which would allow people to build up against lot lines.
- Page 12.3 B, Material Treatments, should large lot have different standards than smaller ones

Jerry Kinghorn expressed his concerns regarding the involvement of the Town in architectural taste; he recommended simpler, uncomplicated guidelines that would be easier to enforce. Nick Berg, EMP, recommended leaving things as they are, maintain the benchmark until it is challenged. Brigham Morgan, resident, was also in favor of maintaining the benchmark of design guidelines in the Code. Paul Bond, resident, said he thought we were clarifying items in the Code but it appeared things were being changed. Mayor Bateman maintained that items were being clarified but some specifics were difficult to enforce and thus, need to be changed. Bob Lynds said the City has ultimate control through the CC & Rs.

Mayor Bateman made reference to page 12.3; it was his opinion that we should not allow front loaded garages. John Newman said that this was a safety issue and was in agreement with the Mayor.

Mayor Bateman moved on to the subject of porches, which he requested working with the Planning Commission to come to a resolution. Dan Valentine said pertaining to porches, that we needed to follow procedures and accept the Planning Commission's recommendations unless a council member had a major issue with it. John Newman agreed with Dan and added that the Planning Commission needed to refine this section of the Code.

Mayor Bateman went on to say that chapter 14.1 - Country Residential, needed to be moved to the Master Development Plan section or the Zone Change section.

The Council briefly discussed the densities allowed in zones.

Dan Valentine said he would like the lot splits reviewed. Mayor Bateman said that it was a large enough issue and needed to go through the entire process.

Jerry Kinghorn advised to recess the Public Hearing until September 29<sup>th</sup>, 1999 at 7:00 p.m. The Mayor recessed the Public Hearing at 8:30 p.m. and said it is to be reconvened on September 29<sup>th</sup>, 1999 at 7:00 p.m.

#### 11. Preliminary Class II Approvals:

##### A. O'Fallon's Bluff (R-6 N-4 & 5)

Bob Lynd's briefly discussed O'Fallons Bluff and said that this was the amended Preliminary Approval with some topography changes and a road re-alignment.

Korey Walker felt comfortable with the new changes.

**MOTION**

*Bill Chipman moved to approve O'Fallon's Bluff Preliminary Approval subject to the following:*

1. *That a vest pocket be constructed for Lot 288 to provide safer access to the property.*
2. *That the easement behind Lot 296, 297, 298, 299 & 300 should be removed at final plat.*
3. *That no occupancy of the subdivision be allowed until sufficient capacity is available in all the utility systems.*
4. *A conduit for each lot being installed for future fiber optics.*
5. *That the Final Plat will show natural open space dedicated to the Town.*

*Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

12. **Final Class II Approvals:**

**A. Overland Trails, Phase IV & V**

James Dahl presented Overland Trails IV & V, plats that were sent back to the Planning Commission for comment regarding the commercial uses proposed in the southwest corner of Phase 5. Phase 5 has since been revised and now excludes the area previously shown as commercial.

Jerry Kinghorn said there was a special condition with the trellis design.

Mayor Bateman advised that the parking spaces shown needed to be deleted on the plats for phases IV & V.

Diane Bradshaw expressed her concern about the maintenance of the redwood pavilion in the park. Bill Chipman said that the Planning Commission didn't approve the design of the pavilion, what they had approved was the need for a shaded area in the park. Brigham Morgan, resident, thought the idea of wood was great and it could be maintained by the youth in the area for services projects. The wood added variety and beauty to the location. Brigham grew up in California and they never had issues with the wood in the parks there. Diane Bradshaw said that it was recommended by the Salt Lake County Parks and Recreation Department that the Town should not use wood structures in the parks. Dan Valentine said that the climate is different here in Utah and that within a few years there would be a maintenance issue.

Jim Peterson, Eagle Mountain Properties, requested the Council accept this park without the pavilion concept. This park was intended to be a see through park rather than a neighborhood park. Paul Bond, resident, suggested trying the idea and if it doesn't work then don't do it in the future. Bill Chipman said that the pavilion was required in order to provide shade and if there are other suggestions that will accommodate this requirement, the Council would hear them. Dan Valentine recommended planting trees at least 5" in diameter to provide shade.

*Eagle Mountain, Utah*

Mayor Bateman liked the idea of the trellis and was willing to try it; he added that Eagle Mountain Properties would maintain it.

**MOTION**

*Diane Bradshaw moved to approve the Final Plat Approval For Overland Trails Phase IV & V subject to the following conditions:*

1. *Delete parking space on the two plats.*
2. *Delete the trellis design.*
3. *Require 8 (eight) 4" to 5" caliber shade trees.*
4. *All weather 2<sup>nd</sup> access to Blue Water Road.*
5. *CC&Rs reviewed by town attorney.*
6. *Proposed park equipment reviewed by Diane Bradshaw.*

*Dan Valentine seconded. Ayes: 4, Nays: 0. Cyril Watt abstained since he arrived in the middle of the discussion. Motion passed.*

**B. Eagle Point Plats G & H.**

**MOTION**

*Bill Chipman moved to approve the final plat of Eagle Pointe G & H subject to the following Town Staff and Town Engineer recommendations:*

1. *The developer and lot owner signing an agreement acknowledging a potential utility capacity problem.*
2. *A conduit for each lot being installed for future fiber optics.*
3. *Compliance with Town Staff and Town Engineer Conditions.*
4. *A Neighborhood Park shall be installed at least .5 acre in size, within the power corridor.*
5. *A budget of not less than \$10,000. shall be provided for the equipment to be installed in the neighborhood park.*
6. *The park size in Eagle Point, Plats I & J may be reduced by an amount equal to the neighborhood park for this phase.*

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

**13. Eagle Mountain Properties Update\Jim Peterson:**

This item was tabled as requested by Jim Peterson.

**14. The Ranches Update\Bob Lynds:**

Mr. Lynds offered to take anyone on a tour of the golf course. The sod will be laid and finished within six weeks. He introduced Friday's Station. These homes will range from \$250,000 to \$350,000 thousand.

**15. Wayne Patterson, Patterson Construction--Request for Bond Releases:**

James Dahl addressed the Council on behalf of Wayne Patterson.

*Eagle Mountain, Utah*

16. **Overland Trails, Phase II Development Agreement Approval:**

Jerry Kinghorn addressed the Council stating that after reviewing the Development Agreement Approval for this phase to insure that it was in compliance with the standard format, he found some punctuation and spelling errors and a deviation from the Code. He recommended the Approval subject to these corrections.

**MOTION** *Dan Valentine moved to approve Overland Trails, Phase II Development Agreement subject to the editing of punctuation and spelling in both paragraph 2.3 and the eighth line down in 2.4, and striking the last line in paragraph 2.5 replacing it with the standard partial release provision of the Development Code. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

17. **Eagle Mountain Capital Facility Plan:**

Korey gave an update on the Capital Facility Plan. He said the goal of updating the Capital Facility Plan is to amend the duration from five years to ten. He will present comments from yesterday's meeting to the Public Works Board tomorrow evening.

**MOTION** *Dan Valentine moved to set a public hearing on October 19, 1999, on Capital Facility Plan. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

17.1 **Discussion of Possible Impact Fees Reduction for Commercial Development in Town Center:**

This item was deleted from the agenda.

18. **Temporary Occupancies:**

Jerry Kinghorn said there were two major issues:

A. ***The Landing:*** The Town still has the thousand-dollar deposits for homes built in The Landing and would like to use the monies to ensure code compliance on the homes. He also recommended that any excess funds be given to the homeowners for warranty repair work.

B. ***Other Areas:*** There are fourteen temporary permits, eight of which have just been finalized. One home in Cedar Pass Ranch is not in compliance.

Discussion ensued between the Council and Town Attorney. A recommendation was made to have Kent Partridge schedule a meeting with homeowners in The Landing.

19. **Eagle Mountain Blvd. Trail System Project Proposal:**

Jim Peterson gave a brief history behind the Pony Express Regional Park. He said there was a safety issue regarding pedestrian access to the park. He proposed to create a trail from the downtown area to Pony Express Park rather than paving the parking lot as per town requirement. It was Eagle Mountain Properties' (EMP) opinion that they never agreed to pave the parking lot in the first place. Once the trail is in place, EMP requests the Town accept the Pony Express Park. John Walden suggested that the Town and EMP could team together and do something that would benefit the town citizens.

Mr. Walden was concerned about the liability of owning the park. Dan Valentine asked what the issues were. Jim Peterson responded that because of various reasons the park could not be placed

in its original position (some of the land was owned by the L.D.S. Church). Bill Chipman said that EMP had included the park that size in their Master Development Plan. Jerry Kinghorn said that if we talk about this park we need all the facts. Jerry continued that the trail is a great idea and gift to the Town; however, we need diagrams and the design and alignment of the trail and clarifications on right-of-ways. John Newman recommended the plan needed to be reviewed by the Town.

**MOTION** *Diane Bradshaw moved to direct Korey Walker to work with EMP on the Eagle Mountain Blvd Trail System Project Proposal. Bill seconded. Ayes: 5, Nays: 0. Motion passed.*

Mayor Bateman excused John Newman and Jerry Kinghorn from the meeting.

20. **Bonding Considerations:**

This item was deleted.

20.1 **Lot Split Requirement:**

This item was deleted.

21. **Motion to Approve Consent Agenda Items as Follows:**

- A. Warrant Register.
- B. Partial Bond Releases/Korey Walker.
- C. Monies released from the Ranches SID 98-1 to Utah Power/PacifiCorp.

**MOTION** *Diane Bradshaw moved to approve the Consent Agenda as amended. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

22. **Department Reports:**

- A. Administration/Airport Advisory Board/Mayor Robert Bateman
  - 1. Consideration to approve a contract with the Bank of American Fork for direct deposit for the Town's employees.

**MOTION** *Bill Chipman moved to approve the contract with the Bank of American Fork for direct deposit for the Town's employees. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

- B. Parks and Recreation/Youth Council/Arts Council/Diane Bradshaw  
No reports.
- C. Planning Commission/William Chipman  
There will be a joint meeting with the Town Council September 28, 1999 at 7:00 p.m. at the Community Center.
- D. Public Works Board/Daniel Valentine  
There will be a Public Works Board Meeting September 22, 1999 at 6:00 p.m. at the Community Center.
- E. Public Safety/Cyril Watt  
The Fire Department received an award and Cyril Watt commended Eric Taylor, Eagle Mountain Fire Chief, for a job well done. He said the Fire Department received several awards including the Life Safety Award.

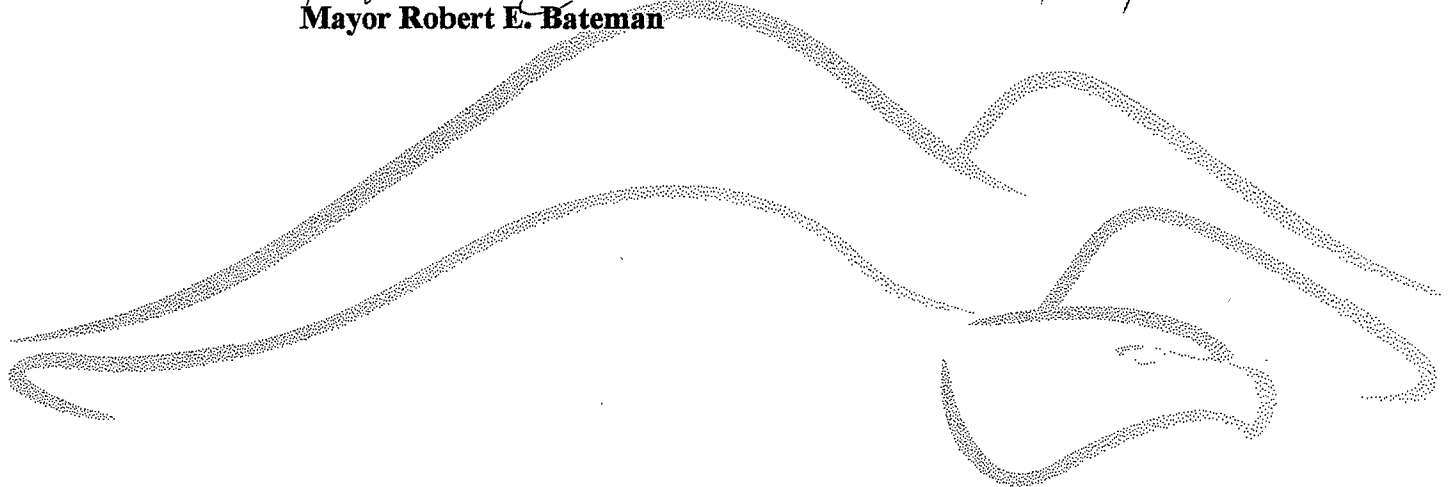
*Eagle Mountain, Utah*

23. Motion to Adjourn into a Closed Executive Session for the Purpose of Discussing Personnel Issued and Potential Litigation:

**MOTION**

*Cyril Watt moved to adjourn into a closed executive session at 9:30 p.m. for the purpose of discussing personnel issues without resuming an open session. There will be no action taken. Dianne Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

Approved: *Robert E. Bateman* Date: 10/30/99  
Mayor Robert E. Bateman



*Eagle Mountain, Utah*

This certifies that the minutes of  
SEPT. 21, 1999 are a true, full and  
correct copy as approved by the  
City Council on OCT. 5, 1999.

Signed: *Janet B. Valentine*  
City Recorder

Minutes of the Special Joint Town Council and  
Planning Commission Meeting  
of the Town of Eagle Mountain, Utah  
Eagle Mountain Community Center  
1668 E. Heritage Dr.  
Eagle Mountain, Ut. 84043  
September 28, 1999

1. **Roll Call:**

Mayor Robert Bateman called the meeting to order at 7:40 p.m.

**Council members present:**

Bill Chipman; Dan Valentine. Diane Bradshaw was excused.  
Cyril Watt arrived @ 8:40 p.m.

**Planning Commissioners Present:**

Carl Allred; Maureen Anderton; Doug Gwilliams,  
Liisa Nusz, Jennifer Wright-Thule. Diane Jacob was  
excused.

**Town Staff:**

Town Administrator:	John Newman
Town Attorney:	Jerry Kinghorn
Town Planners:	Ken Leetham and Shawn Warnke
Town Engineer:	Korey Walker
Town Recorder:	Janet Valentine
Recording Secretary:	Fionnuala Kofoed

Others present: Nick Berg, Eagle Mountain Properties (EMP); Bert and Becky Ankrom, resident; Josh and Jenny Elledge, resident; Jeff Love, resident; Paul Bond, resident; Brigham Morgan, resident; Mark Lofgren, resident; John Walden, EMP; Eldon Fletcher, resident; Tiffany Shapiro, Lehi Free Press; Chris Malovich, Maxim Homes; Robert Decorver, Eagle Mountain Fire Dept; Mel McQuarrie, MCM; Rick Pierce, resident.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was said earlier at the Planning Commission meeting.

3. **Approval of Agenda:**

**MOTION**

*Bill Chipman moved to approve the agenda. Doug Gilliam seconded. Ayes: 8, Nays: 0. Motion passed.*

4. **Continuation of Public Hearing-Revision to Eagle Mountain Development Code:**

A. Mayor Bateman opened the Public Hearing @ 7:45 p.m.

Brigham Morgan referred to chapter 11, section 2, H. Mr. Morgan wanted to know why there was no ordinance number attached to the fencing ordinance since it had clearly been adopted. Mayor Bateman responded that there were actually two ordinances that would need to be inserted.

Brigham also raised a concern about front-loading garages and that they were still included in the code. Another concern was porches and whether there should be a minimum standard requirement



included in the code. Mayor Bateman said that they were both valid points, however, the items needed to be discussed with the Planning Commission before they were changed.

Bob Lynds, the Ranches, inquired about the direct and indirect reimbursements, he asked what costs would the Town bare (page 3.7). Ken Leetham responded that the developer would be responsible for the mailing cost after submitting a list and a copy of the public hearing to the Town for their records.

Mr. Lynds also asked about page 3.9, Site Plan review Process and whether there was an application for it. Ken Leetham said that there would be an application form that would reflect the requirements of appendix B. Mr. Leetham later added that, a Site Plan was considered a major development application.

Mr. Lynds asked Korey Walker, Town Engineer to clarify section 4.1 of the code, "Required Improvements Defined". Mr. Lynds wanted to know in what circumstances was it required to restore native plants and species. Korey replied that it referred primarily to the native material in open spaces and not in landscaped subdivisions. Mayor Bateman said it was necessary to clarify page 4.1, by adding "in natural open space areas" to the sentence in section 4.9.

Mr. Lynds final concern was signage in Appendix A, page 6. He wanted clarification regarding the height allowance of the sign once mounted. Mayor Bateman said that the overall height was not to exceed 12'.

Brigham Morgan, resident, asked that the term "manufactured home" and "lot" be defined. Mayor Bateman responded that a lot was a platted land in a subdivision. Ken Leetham went on to say that the definition of a manufactured home was found on page 16.6.

Mr. Morgan wanted to know why there was a reduced standard for porches in manufactured homes. Ken Leetham said that it was his opinion that there was a deviation from the code concerning manufactured homes and porches because they were a different type of home. Mayor Bateman said he didn't think manufactured homes came with porches. Mr. Morgan said that it was possible to get modified designs that included porches and he felt that they should comply with the standard requirements.

Mayor Bateman said that the big draw to manufactured homes was adorability and that the original thinking was to allow for some relaxed requirements while maintaining a certain level of standards to insure a nice looking development. Mayor Bateman said that they would have to discuss it further before they made any decisions.

Nick Berg, EMP, referred to 16.1, Airport Advisory Board and whether all three airports should be included in the statement. John Newman, Town Administrator said that it had not yet been decided that the airport would be municipal and suggested amending the definition to read, "the administration of airport activity". Jerry Kinghorn recommended striking the definition and insert the following: The Board created under the provision of ordinance number, etc.

Mayor Bateman turned the time over to Ken Leetham for a slide show presentation including porches, garages exterior materials and setbacks in Eagle Mountain and other areas.

Carl Allred suggested hearing from the public concerning porches, garages, setbacks and exterior materials.

Bert Ankrom, Eagle Point resident, was in favor of side entry garages; 8' porches, 100 Sq Ft; if the home has wrap-a-round porch it shouldn't be required to be 8' deep. Exterior materials should be extended at the corners. Mr. Ankrom said he had to pay an additional \$1000 to bring his home into compliance concerning this issue.

Mark Lofgren, The Landing, didn't want the configuration of the porches to be changed; porches should be required on all homes except on those that are set back on larger lots as they lose their functionality; there should only be side and rear facing garages; Mr. Lofgren didn't have an opinion on the subject of exterior materials.

Brigham Morgan, The Landing, said he liked rear or side loading garages especially on larger lots for aesthetics and safety issues; porches should be required on all homes; continuity should be required in material treatments; porches should be 8' deep, minimum 100 Sq Ft.

Rick Pierce, Eagle Point, didn't have strong feelings about the garages; exterior materials need continuity; porches should be 8' deep, 100 Sq Ft maximum to deter people from using the area as storage.

Jeff Love, Eagle Point, thought it necessary to limit the porch to 100 Sq Ft with depth allowance for bay window areas; no front facing garages.

Robert Decorver, Eagle Point, like the continuity of exterior materials; front facing garages are acceptable if they are setback from the front of the house; side entry garages pose a problem for entrance and exit with large vehicles. Mr. Decorver said that he had a 6' porch and that it served him well, he had no problem with the depth. He added that he did have a concern with residents parking on alleyways, as it was a safety issue. If an alley is blocked and someone has a garage fire, the fire department has no access to extinguish the fire.

Jennifer Morgan, The Landing, thought the porches should be 8' deep, 100 Sq Ft but not limited; no front facing garages; exterior materials should extend around the corners of the house.

Josh Elledge, The Landing, said he thought it was necessary to require railings on all porches; consistency is necessary with setbacks.

Mayor Bateman asked if there were any more comments. There were none.

**B. Close Public Hearing.**

Mayor Bateman closed the Public Hearing of the Revisions to the Eagle Mountain Development Code.

**5. Discussion on Revisions to The Eagle Mountain Development Code between the Planning Commission and the Town Council:**

The following is a compilation of proposed revisions that were discussed by the Town Council and Planning Commissioners.

- Chapter III – changes made that redefined development types and established new review and approval processes. Commercial site plan review criteria were added to this section.
- Chapter IV – changes made to bonding percentages and warranty periods and further clarification was added regarding maintenance responsibilities for new improvements.
- Chapter XI – this section changed to include a “zero lot line” provision and additional lot setback clarification.
- Chapter XII – major changes were made to exterior materials requirement and porch requirements in this chapter. New minimum porch sizes and widths were added.
- Chapter XVI – several definitions were added to this chapter including; Building Official, Town Engineer, Lot Split, Town Planner and Site Plan Review.
- Chapter XVII – porch size for manufactured housing was increased to be consistent with chapter XII

- Appendix A (Signage) – amended to clarify development signs and definitions regarding pole signs.
- Appendix B (Development application submittal items) – final plats should now show building envelopes on each lot.

A complete list of the approved changes to the Development Code will be added as an attachment, for the record.

**MOTION** *Bill Chipman moved to approve ordinance # 99-20 revising, amending and enacting the Development Code of the Town of Eagle Mountain, with Exhibit I containing the changes that were discussed, also instructing Town Staff to reformat the Code to a decimal format. Also, including the amendments to amend Chapter I and Section I. Chapter XIV to be added stating; Appendix G of the Development Code of Eagle Mountain was amended to repeal paragraphs IV, V & VI; Chapter XIV to be renumbered as XV. This Ordinance will be effective @ 12:01 a.m. on the day of 1<sup>st</sup> posting. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion Passed.*

The Planning Commissioners were excused @ 11:30 p.m.

**7. Discussion on Revisions to the Capital Facility Plan – No action taken:**

Korey Walker, Town Engineer, handed out a proposed revision to the Capital Facility Plan. Mayor Bateman advised the Council that this proposal was for their review and that there would be a Public Hearing on the Capital Facility Plan October 19<sup>th</sup>, 1999. Mr. Walker said there was four issues related to the Capital Facility Plan that he wanted to address, they are as follows:  
Timing of the transmission line was still being evaluated.

1. Treatment options for the waste water treatment.
2. Recommendations for over sizing in off site facilities were in progress.
3. Sweet Water connection road was being evaluated based on the economic analysis.

**8. Consideration to approve an Ordinance Providing for the Establishment of Agricultural Protection Areas Within The Town Of Eagle Mountain, Utah:**

Jerry Kinghorn, Town Attorney, recommended sending a letter to the applicant requiring additional information, it was his opinion that the application needed to be amended because of the new requirements in the ordinance. Mr. Kinghorn suggested using 80 acres for the minimum continuous acreage, he said it could be larger than this but didn't recommend using anything smaller.

**MOTION** *Cyril Watt moved to approve Ordinance # 99-2, Providing for the Establishment of Agricultural Protection Areas within The Town Of Eagle Mountain, Utah. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion Passed.*

**8. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and potential litigation:**

There were no items to discuss.

9. Motion to Adjourn:

**MOTION**

*Bill Chipman moved to adjourn the meeting @ 11:45 p.m.  
Dan Valentine seconded.  
Ayes: 4, Nays: 0. Motion Passed.*



*Eagle Mountain, Utah*

APPROVAL: *Robert E. Bateman* DATE: 10-19-99  
Mayor Robert E. Bateman

This certifies that the minutes of  
~~Sept. 28, 1999~~ are a true, full and  
correct copy as approved by the  
City Council on OCT. 19, 1999  
Signed: *Janet B. Valentine*  
City Recorder

9. Motion to Adjourn:

**MOTION**

*Bill Chipman moved to adjourn the meeting @ 11:45 p.m.  
Dan Valentine seconded.  
Ayes: 4, Nays: 0. Motion Passed.*

APPROVAL: \_\_\_\_\_

*Robert E. Bateman*

Mayor Robert E. Bateman

DATE: \_\_\_\_\_

*10/19/99*

This certifies that the minutes of  
~~SEPT. 28, 1999~~ are a true, full and  
correct copy as approved by the  
City Council on ~~OCT. 19, 1999~~

Signed: \_\_\_\_\_

*Janet B. Valentine*  
City Recorder

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
October 5, 1999**

**POLICY SESSION – 7:00 to 10:30 p.m.**

Mayor Pro Tem Diane Bradshaw called the meeting to order at 7:00 p.m.

**1. Roll Call:**

Council Members present: Dan Valentine & Bill Chipman. Mayor Robert Bateman and Cyril Watt were excused.

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn was excused  
Town Engineer: Korey Walker  
Town Planners: Ken Leetham and Shawn Warnke  
Town Recorder: Janet Valentine  
Recording Secretary: Fionnuala Kofoed

Others present: Paul Bond, resident; Mark Lofgren, resident; Josh & Jenny Elledge, residents; Nick Berg, Eagle Mountain Properties (EMP); Bob Lynds, the Ranches; Chris Melovich, Maxim Homes; Tiffany Shapiro, Lehi Free Press; Vincent Liddiard, resident; Gail Gibson & Jennifer Morgan, Eagle Mountain Arts Council.

**2. Pledge of Allegiance:**

Korey Walker led the town in the pledge of allegiance.

**3. Approval of Agenda:**

Items 9, 11, 15, & 16 were tabled.

**MOTION**      *Bill Chipman moved to approve the agenda as amended.  
Dan Valentine seconded the motion. Ayes: 3; Nays: 0.  
Motion passed.*

**4. Approval of Minutes:**

September 21, 1999                      **MOTION**      *Bill Chipman moved to approve the minutes of  
September 21, 1999 as amended. Dan Valentine  
seconded the motion. Ayes: 3; Nays: 0. Motion  
passed.*

The work session minutes for September 21, 1999 were tabled.

**5. General Discussion/Questions/Announcements:**

There were no items to discuss.

**6. Appointments:**

There were no appointments.

7. **Public Notices: Public Hearing on Capital Facilities Plan**

Janet Valentine, Town Recorder, announced the public hearing for the Capital Facility Plan scheduled for October 19, 1999.

Mrs. Valentine also explained the process for requesting official records. She invited the public to visit the city offices and get a copy of the master development plan, which was available for .10 cents per page.

8. **Public Comment:**

Mayor Pro Tempore, Diane Bradshaw, opened the floor to public comment at 7:25 p.m.

The Eagle Mountain Arts Council announced that they would be sponsoring a pumpkin fest October 23, 1999 on the grounds by the community center.

Nick Berg, EMP, discussed the airport runway. He said he had contacted the G.E.O. and was informed that the weight for the runway needs to be certified. Mr. Berg asked if it was possible to do this in the form of a letter. Korey Walker, Town Engineer, indicated that it shouldn't be a problem depending on the contents of the letter. However, Mr. Walker said he might have to get a second opinion.

Mr. Berg expressed that he was anxious to get the airport running. It was Mr. Berg's opinion that the airport would help boost growth in Eagle Mountain.

Paul Bond, resident, inquired about streetlights in Eagle Mountain and when the residents could expect to see them. Korey Walker, Town Engineer, said that the topic of lighting would be discussed at the next Planning Commission meeting. Mr. Walker said that some subdivisions would not have streetlights; therefore, the cost would go to the town unless a Special Improvement District was created. This would place the cost on the residents located within the Special Improvement District.

Josh Elledge, resident, also had concerns about the street lighting. He felt that the lack of lighting was a safety issue.

Mark Lofgren, resident, discussed his concerns about lighting in the town center parking lots. John Newman, Town Administrator, said that town center lighting was a separate issue from lighting in the subdivisions. Mr. Newman asked Korey Walker to obtain the price for lighting and installation in the town center.

Chris Melovich, Maxim Homes, said there was little information concerning electrical wiring for the Landing in Phases I and II. He said that Phases III and IV would have street lighting.

Bill Chipman invited everyone to attend the public hearing on the Capital Facility Plan and voice their concerns about the street lighting.

Vincent Liddiard, Eagle Park resident, advised the Council that the location where the school children load and unload from the school bus is absent a sidewalk and requested that the developer be asked to finish the sidewalk to save the children from having to walk through the mud. Korey Walker, Town Engineer, said he would discuss it with the developer.

9. **Consideration to Approve the Ranches Well Agreement:**

This item was tabled.

10. **Status on Occupancies in The Landing:**

John Newman addressed the issue of Occupancies in The Landing. Mr. Newman handed out a document to the Town Council showing homes that have passed final inspection and those homes that do not have a

final inspection in The Landing. Mr. Newman advised the Council that Kent Partridge, Town Building Inspector, was working with residents of The Landing to conclude the Occupancy Permit problem. Mr. Newman discussed the \$1,000 bond that the homeowners could use toward warranty work. He said that the money could be used to cover the cost of items required in the building code but could not be used for any up-grades the homeowner wanted to make. It was Mr. Newman's opinion that it will take some time to get the homes into compliance and the Town was anxious to help the homeowners obtain the final inspection.

Chris Melovich, Maxim Homes, said that they were willing to help by getting subcontractors to do the warranty work and other items, to bring the homes to standard. He suggested going through the inspection reports to see what needed to be done. Mr. Melovich said he was waiting for a list from Mr. Partridge so he could get going on the project.

Dan Valentine asked if any of the homes were unsafe to reside in. Mr. Newman said that the Building Inspector is uncomfortable with some of the homes but the homeowners are working towards a solution to rectify their problems and he felt satisfied with that.

11. **Award of Bid: 1999 Landscaping Plan**  
This item was tabled.

12. **Class II Preliminary Plat Approvals:**

A. Autumn Ridge, Phase 4, Revised.

James Dahl presented the Revised version of Autumn Ridge, Phase 4. James said that the alleys had been removed; the number of lots reduced and the streets had been reconfigured. Mr. Dahl said that the lot sizes ranged from 8,100 to 17,000 Sq FT.

Dan Valentine asked why the alleys had been taken out of the Plan. James said that the demand for alleyways just wasn't there.

Korey Walker said that he thought the overall design was more pleasing with the mixed use and fewer lots.

Discussion ensued between the Council, Town Staff and Mr. Dahl.

John Newman voiced his opinion about the mixed uses and the general design of Autumn Ridge; he said that this subdivision appeared to be moving away from the "cookie cutter" design with larger lots and changes in the road configuration. This pleased Mr. Newman, however, he felt that it could be improved even more.

**MOTION**

*Bill Chipman moved to approve Autumn Ridge, Phase 4, Revised, subject to Town Planner, Town Engineer and Planning Commission's recommendations. They are as follows:*

1. *The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.*
2. *The Public Work Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.*
3. *A 20-foot trail access being constructed from the subdivision to the trail along Eagle Mountain Boulevard.*

*Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*



12. B. Eagle Point, Plat I.

James Dahl presented Eagle Point, Plat I.

Dan Valentine voiced his concerns about Eagle Point, Plat I after reading the Background material presented by the Town Planner. Ken Leetham stated the Staff's concerns regarding the approved neighborhoods and future neighborhoods with lot sizes ranging from 7,500 to 9,000 Sq Ft that would contain only starter homes. It was the Staff's opinion that the Town needed a mixture of home sizes and this issue deserved more consideration in future planning.

**MOTION**

*Bill Chipman moved to approve Eagle Point, Plat I subject to Town Staff and Engineer's recommendations as follows:*

1. *The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.*
2. *The Public Work Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.*
3. *Two 20-foot accesses are constructed on the west side of the subdivision to allow access to the surrounding open space.*
4. *Lots 876, 877, 892, & 893 are deeded to the Town with the understanding that once the park in Plat J is constructed, the Town will deed those lots back to the developer.*
5. *A bond is required for park improvements that the Town will use if the park in Plat J is not constructed within two years of recording Plat I.*

*Dan Valentine seconded.*

**Discussion:**

John Newman addressed the Council and advised them of a letter he had received earlier that day. The content of the letter was to inform the Town that Wayne Patterson, Patterson Construction, refused to pay the water bill to maintain the parks in the subdivision. A discussion ensued and it was decided that this item should be tabled until the water issue was resolved. Mr. Newman recommended putting all plots involving Mr. Patterson, on hold until the Town Attorney could look into the potential litigation. Based on this information, Bill Chipman withdrew the motion.

*Eagle Mountain*

**MOTION**

*Bill Chipman moved to table Eagle Point, Plat I. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion Passed.*

13. **Class II Final Plat Approvals:**

A. School/LDS Church Site.

There was a discussion between the Staff and Town Council concerning the impact fees for this project.

**MOTION**

*Bill Chipman moved to approve the Class II Final Plat, Cedar Trail Villages, School & LDS Church Site subject to Town Staff and Engineer's recommendations as follows:*

1. *The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.*

2. *The Public Work Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.*
  3. *All Impact Fees be paid at Building Permits bodied in Development Agreement.*
- Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

14. **Warrant Register:**

The Council members went through the Warrant register. Discussion ensued.

**MOTION**

*Bill Chipman moved to approve the Warrant Register as Amended, with items noted, as "reimbursement" may not be paid until the Town receives monies from the developers. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

15. **Adjourn:**

**MOTION**

*Bill Chipman moved to adjourn the meeting @ 9:20 p.m.*

*Eagle Mountain, Utah*

Approved: *Diane D. Bradshaw*  
Diane D. Bradshaw, Mayor Pro tem

Date: *10/24/00*

**MINUTES OF TOWN COUNCIL MEETING**  
**TOWN OF EAGLE MOUNTAIN, UTAH**  
**Eagle Mountain Community Center**  
**1668 E. Heritage Dr**  
**Eagle Mountain, UT 84043**  
**October 19, 1999**

**POLICY SESSION – 7:00 to 10:30 p.m.**

Mayor Robert Bateman called the meeting to order at 7:00 p.m.

**1. Roll Call:**

Council Members present: Diane Bradshaw; Dan Valentine & Bill Chipman. Cyril Watt was excused

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Recording Secretary: Fionnuala Kofoed

Others present: Paul Bond, resident; Mark Lofgren, resident; Josh & Jenny Elledge, residents; Bert and Becky Ankrom, residents, Brigham Morgan, resident; Nick Berg, Eagle Mountain Properties (EMP); Bob Lynds, Debbie Hooge and Scott Kirkland, the Ranches; Tiffany Shapiro, Lehi Free Press.

**2. Pledge of Allegiance:**

Korey Walker led the town in the pledge of allegiance.

**3. Approval of Agenda:**

Item 11 was deleted.

**MOTION**      *Bill Chipman moved to approve the agenda as amended. Diane Bradshaw seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

**4. Approval of Minutes:**

September 21, 1999      **MOTION**      *Diane Bradshaw moved to approve the minutes of (Work Session)      September 21, 1999 Work Session as amended. Bill Chipman seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

September 28, 1999      **MOTION**      *Dan Valentine moved to approve the minutes of September 28, 1999 as amended. Bill Chipman seconded the motion. Ayes: 3; Nays: 0. Motion passed.*

Diane Bradshaw abstained from voting as she was excused from the September 28<sup>th</sup>, 1999 meeting.

**5. General Discussion/Questions/Announcements:**

Brigham Morgan announced the Pumpkin Fest scheduled for October 23, 1999.  
Janet Valentine advised everyone that the last day to register to vote was Monday, October 25, 1999.

Mrs. Valentine also announced that Eagle Mountain residents would vote in the Town Office on November 2, 1999, between 7:00 a.m. and 8:00 p.m.

6. **Appointments:**

There were no appointments.

7. **Public Notices:**

There were no Public Notices.

8. **Public Comment:**

Rich Olsen, resident of Overland Trails, addressed the Council concerning the improvements that have not been completed by the developer in the subdivision. The residents of Overland Trails wanted to know how to get the improvements completed and asked the Council whether there was bonding available.

Korey Walker, Town Engineer, advised the residents of Overland Trails that a letter was sent to EMP outlining the items needing completion, prior to recordation. Mr. Walker added that, to date, the improvements have not yet been completed. Mr. Walker said that EMP had a plan to reconcile and they are looking for paperwork before they can resolve the situation. Nick Berg, EMP, reserved to comment, as he wanted to look into the resident's concern.

Paul Bond, resident, inquired about the First Response services and wanted to know when to expect them. Mayor Bateman responded that the Town and Fire Department had done their part and it was now up to Lehi City to get things going from here.

Mark Lofgren asked about lights in the subdivisions. Korey Walker said that the issue of lighting had been presented to the Planning Commission and would be discussed in the Capital Facility Plan. Mr. Walker also stated that the remainder of street signs were being installed by Epic Engineering. Mayor Bateman Closed the Public Comment @ 7:50 p.m.

9. **Action, if any, from Closed Executive Session:**

There was no action taken.

10. **Presentation on Mountainlands Association of Governments:**

There was no presentation given.

11. **Consideration of Resolution to Join Mountainlands:**

Mayor Bateman gave a brief summary with regards to joining Mountainlands Association of Governments. He said that there are currently 34 communities in Utah that participate in the Association who receive aide in obtaining federal funding, recreation planning etc.

**MOTION**

*Diane Bradshaw moved to approve Resolution # 15-99 to join Mountainlands Association of Governments. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion Passed.*

12. **Consideration and Enactment of Crossbow and Archery Regulation Ordinance:**

Mayor Bateman stated that it was illegal to discharge a crossbow within City Limits and, if caught, would result in a Class B misdemeanor. Mayor Bateman added that if people were interested in having a range in a designated area, it could be arranged.

**MOTION** *Bill Chipman moved to approve Ordinance # 99-22, Enactment of Crossbow and Archery Regulation. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

**14. Library Status on becoming a Department of the Town:**

Liisa Nusz gave a brief update on the status of the Library and said it would be on the agenda for the next Town Council meeting. Mrs. Nusz said that, to date, the total dollar amount of the books collected for the Library was in excess of \$20,000, she added that she had requested a modular from the Church of Jesus Christ of Latter Day Saints (LDS) that had been previously used as a seminary building.

**15. Consideration to Approve an Animal Control and Licensing Agreement with Utah County:**

There were no changes to the proposed contract between the Town of Eagle Mountain and Utah County.

**MOTION** *Bill Chipman moved to approve an Animal Control and Licensing Agreement between the Town of Eagle Mountain and Utah County. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion Passed.*

**16. Public Hearing:**

**A. Revisions to Capital Facility Plan:**

Korey Walker, Epic Engineering, gave a brief overview of the Capital Facility Plan. Mr. Walker stated that the Capital Facility Plan provides a logical manner of extending capital facilities from existing facilities through development, so that future facilities have sufficient capacity. Mr. Walker added that a draft of the Capital Facility Plan was submitted to the Town Council and the public for review. It was noted that, on submittal, there were some problems with population projections, this was updated and resubmitted. Mr. Walker said that there were three items that needed to be discussed, they are as follows:

1. Items that Eagle Mountain Properties had submitted to the Council and requested they be added to the Capital Facility Plan.
2. Processing of wastewater.
3. Temporary generation and the transmission line.

Based upon the information, Mr. Walker discussed an economic analysis that would determine how the Capital Facility Plan would be paid for.

Discussion ensued between the Council, Mr. Walker, and developers.

Major Bateman opened Hearing for public comment @ 8:40 p.m.

Cyril Watt arrived at 8:45 p.m.

Brigham Morgan resident, questioned the construction of Sweet Water Rd in 2006, it was his opinion that the road would help bridge the gap between the Ranches and the Town. Mayor Bateman agreed that the construction of Sweet Water Rd. needed to be sooner than 2006. The Town Council agreed that the construction date of Sweet Water Rd. should be moved to 2003.

Nick Berg and Scott Geddings, EMP, addressed the Council and presented some charts that they felt showed the decline in growth since Impact Fees had been raised; they requested that the Impact Fees be reduced by two thirds that night. It was their opinion that the high Impact Fees had slowed the growth in the Town center. They said that they had not sold anything in the past

year and had contracts pending the reduction of the fees. The developers also stated that one of the contracts was a C-Store.

Wendy Swain, resident, requested the lowering of Impact Fees, as she said that it was driving developers out of the Town. Mrs. Swain spoke specifically of Maxim Homes.

Bob Lynds, The Ranches, asked if the Council could take action that night on the Impact Fees Without giving a Public Hearing Notice. Jerry Kinghorn, Town Attorney stated, that in an emergency situation, action could be taken without the public notice.

Bill Chipman said that the Council would like to lower the fees, however they needed to review the effects on the bond issue, so they couldn't make a decision based on not having the figures to direct them.

Mayor Bateman referred to EMP's charts and said that there were many variables that could affect the growth curves; one in particular was Greenspan's interest rate increase. Mayor Bateman said that the rate of permit issuance was growing by 4 % per month and that the Town was in fact growing. Mayor Bateman pointed out that the Council was interested in lowering Impact fees however; he didn't want the burden of repaying the Town's debt to be placed on the residents of Eagle Mountain.

It was the opinion of the Council that lowering the Impact fees by 2/3, without the financial analysis, was not something they were prepared to do. Bill Chipman called for a special meeting to discuss the reduction of impact fees, the meeting was scheduled for October 25, 1999.

**A. Mayor Bateman closed the Public Hearing @ 10:20 p.m.**

**B. Town Council Consideration to Amend Capital Facility Plan:**

Discussion ensued between Emp and the Town Council members concerning items included in the Capital Facility Plan.

**MOTION** *Bill Chipman moved to amend the Capital Facility Plan as follows:*

- 1. Anything regarding the sewer plant in 2011 would be included in the Capital Facility Plan but not included in the financial analysis.*
- 2. The paving of Sweet Water Road to Pony Express Parkway be moved up to 2003.*
- 3. Include the Town Engineer's suggested items from the list provided by Eagle Mountain Properties*
- 4. Inclusion of the fence along Eagle Mountain Boulevard and to include Grant Smith's land if it's not already included*

*Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

**Bill Chipman wanted it on the record, that if Grant Smith's land was included in the Capital Facility Plan, he would receive the credit.**

John Walden addressed the Council stating that if the Council didn't reduce the impact fees by 2/3 that night, Emp would loose a contract on a C-store and 50 lots. Mr. Walden told the Council that there would be no risk to the Town, as he would take the full burden. He added that EMP would fund whatever infrastructure was needed for the houses they were building and that they were not looking to the Town for anything.

Mayor Bateman responded that to make a decision like that with less than 24 hours notice was unrealistic. The Council Members were also not in favor of granting Mr. Walden's request and wanted to discuss the issue at a special meeting they had scheduled.

Bill Chipman reminded Mr. Walden that he could request a complete waiver of impact fees for the

C-store, as there was an ordinance previously passed stating that the Town Council had the ability to do so.

Mayor Bateman proposed to schedule a Public Hearing on the Financial Analysis November 16, 1999.

John Newman addressed the Council and requested they consider abating the impact fees on gas and telephones. Mayor Bateman asked by how much would the fees be reduced. Jerry Kinghorn said the fees would be reduced by \$432 in the south and \$131 in the north.

**MOTION** *Bill Chipman moved to direct the Town Staff to eliminate impact fees for gas and telecommunications for the whole Town of Eagle Mountain. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

Discussion ensued between the Town Council and the developers.

John Newman addressed the Council and proposed a zero impact for 30 days on the condition that the developers "belly up to the bar" and pay for telecommunications and electrical utilities capacities that are needed now. John Walden didn't accept the proposal.

**17. Discussion of Operation and Maintenance of Town Electrical System:**

The Council agreed to table this item pending an approval from the Public Works Board.

**MOTION** *Dan Valentine moved to table item 17 pending a recommendation from the Public Works Board. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**18. Discuss GNVW Report on Telecommunications Switch:**

Mayor Bateman discussed the issue concerning the limit on the phone system. He recommended that the Public Works Board invite the three vendors (Nortel, Northern Telecom and Icon Technology) to give presentations on the culpability of their switches before the Council can come to a determination. The Council was in agreement.

**19. Contract and Specifications for 1999 Landscaping:**

Korey Walker briefly discussed the landscaping bid and recommended awarding the bid to Mountain West Landscape and Sprinkler. It was decided that the sod for the landscaping at the entrance to Eagle Mountain Boulevard would be laid in the spring, as there was a water source issue at that site. The Bid, \$79,683 was funded from the 98-3 SID. The contract was to be completed within 30 days and included a warranty in the contract.

**MOTION** *Bill Chipman moved to approve the award for the 1999 Landscaping contract bid to Mountain West Landscape and Sprinkler. The landscaping improvements to the entrance of Eagle Mountain Boulevard are to be completed in the spring due to a water source issue. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**20. Amend and Restate Consolidated Fee Schedule:**

Jerry Kinghorn addressed the Fee Schedule and stated that text had been added to pages 4, 5 & 6. It was his opinion that there were inadequacies in the documentation of the policies in relation to collections on delinquent utility accounts. Mr. Kinghorn said that he also revised and updated the reimbursement policy fees to developers that now spell out procedures to follow.

**MOTION** *Cyril Watt moved to approve the Amended and Restated Consolidated Fee Schedule, Resolution 16-99. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

21. **Eagle Mountain Properties update/Jim Peterson:**

There were no updates.

22. **The Ranches/Scott Kirkland:**

Mr. Kirkland said that things were going well at The Ranches, they were pleased to announce the sale of 23 lots to Carter Construction, who intend to build homes in the range of \$300,000-\$450,000.

23. **Review Policy on Subdivision Utility Design Contracts:**

Mayor Bateman spoke briefly about the Town's involvement in the design of subdivisions. It was the feeling of both the Mayor and the Town Council that the Town should no longer be caught up in the design of subdivisions. Mayor Bateman stated that the Town was having problems collecting money from developers. The developers took exception to the designs and were disputing the costs, as they were too pricey.

Garry Tassigner, Tasco Engineering, was concerned about the contract Tasco had with the Town. Jerry Kinghorn advised Mr. Tassigner that it was not the Town's intention to break the contract with Tasco but was merely changing the way it did business. Mr. Kinghorn added that there was no intent not to pay Tasco the money owed to the company by the Town.

Mr. Tassigner asked Mayor Bateman if there was a major discrepancy with the subdivisions that Tasco had designed. Mayor Bateman responded that the Town had received information from two independent consultants stating that there were problems, for example, in telecommunications. The cables were incorrectly spliced and parts of the system were not grounded properly. Mayor Bateman added that although the problems had been brought to his attention, this information was made available to him in written form three days prior to the Town Council Meeting. He had also just received written information detailing problems with the gas system.

**MOTION** *Bill Chipman moved to have the Town of Eagle Mountain discontinue its utility design of subdivisions and hire someone to review the design and directed Mayor Bateman and Jerry Kinghorn to prepare a letter for Garry Tassigner detailing construction and design concerns. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

24. **Warrant Register:**

**MOTION** *Bill Chipman moved to approve the warrant register dated 10/15-10/19 as amended, omitting, until the next Town Council Meeting, a \$30,000 bill for Tasco Engineering, labeled SID 98-1 gas. Also, authorization of payment of the Generation Facility billing, to Tasco Engineering, pending recommendation by the Town Engineer. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

25. **Contract Change Order:**

CIC for the Ranches Parkway.

Korey Walker explained that the original contract didn't include a section of road that needed to be extended. The Ranches will pay the Town for this; it will not come out of the SID. Mr. Walker recommended that the Town withhold payment until a check had been received from the Ranches.

**MOTION** *Diane Bradshaw moved to approve Contract Change Order # 9 for the Ranches Parkway, with the check not to be released until the Town receives a check from the Ranches. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*



26. **Partial Payment Requests:**

CIC for the Ranches Parkway Road, Water and Sewer Construction.

Korey Walker summarized this item stating, a final punch list had been created for the Ranches, and all items were completed except for Tick Ville Wash.

**MOTION** *Bill Chipman moved to approve Partial Payment Request for the Ranches Parkway Road, Water and Sewer Construction in the amount of \$336,064.04. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

27. **Partial Bond Releases:**

- A. Chimney Rock, Plat A (R-1 N-12) @ Red Hawk Ranch.
- B. Crittenden Corner, Plat A (R-1 N-7) @ Red Hawk Ranch.
- C. Diamond Springs Plat A (R-1 N-9) @ Red Hawk Ranch.
- D. Diamond Springs, Plat B (R-1 N-9) @ Red Hawk Ranch.
- E. Rockwell Village, Plat A (R-1 N-8) @ Red Hawk Ranch.
- F. Sundance, Plat A (R-1 N-6) @ Red Hawk Ranch.

**MOTION** *Bill Chipman moved to approve Partial Bond Release for the following Plats:*  
A. *Chimney Rock, Plat A (R-1 N-12) @ Red Hawk Ranch.*  
B. *Crittenden Corner, Plat A (R-1 N-7) @ Red Hawk Ranch.*  
C. *Diamond Springs Plat A (R-1 N-9) @ Red Hawk Ranch.*  
D. *Diamond Springs, Plat B (R-1 N-9) @ Red Hawk Ranch.*  
E. *Rockwell Village, Plat A (R-1 N-8) @ Red Hawk Ranch.*  
F. *Sundance, Plat A (R-1 N-6) @ Red Hawk Ranch*  
*Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

28. **Department Reports:**

**MOTION** *Cyril Watt moved to dispense with Department Reports and adjourn. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

The meeting was adjourned @ 1:10 p.m.

Approved: \_\_\_\_\_

Mayor Robert E. Bateman

Date: 11-16-99

This certifies that the minutes of  
OCT. 19, 1999 are a true, full and  
correct copy as approved by the  
City Council on Nov. 16, 1999.

Signed: \_\_\_\_\_

City Recorder

**MINUTES OF SPECIAL TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
October 25, 1999**

Mayor Robert Bateman called the meeting to order at 5:00 p.m.

**1. Roll Call:**

Council Members present: Dan Valentine; Bill Chipman & Cyril Watt. Diane Bradshaw arrived at 5:40 p.m.

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Recording Secretary: Fionnuala Kofoed

Others present: Attached is a list of others who attended the meeting.

**2. Pledge of Allegiance:**

Joshua Elledge led the pledge of allegiance.

**3. Approval of Agenda:**

**MOTION** *Bill Chipman moved to approve the agenda. Dan Valentine seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

**4. Consideration to approve a temporary reduction of impact fees:**

Mayor Bateman gave a brief summary of what had transpired at the Town Council meeting October 19, 1999 concerning impact fees. Mayor Bateman stated that some of the developers in the Town were concerned with the high impact fees and blamed that for the slow growth of the Town. Mayor Bateman added that a public hearing had been set for November 16, 1999 to discuss the Capital Facility Plan, at which time there would be more insight into how much impact fees could be reduced without becoming a future burden to the Town or its residents.

**Mayor Bateman opened up the meeting for public comment @ 5:10 p.m.**

The following is a list of residents and developers who commented:

Boyd Curtis, resident; Darin and Ruth Brandt, residents; Vincent Liddiard, resident; Dirk Palfreyman, developer; Joshua Elledge, resident; Grant Gifford, developer; Tiffany Shapiro, resident; Kerry Johnson, resident; Scott Kirkland, Debbie Hooge and Bob Lynds, The Ranches; Brigham Morgan, resident; Rob Neilson, resident; Greg Kehl, resident; Tracy Laws, resident; Jason Smith, developer; Ben Nailer, resident; Dave Whimpy, resident; Juanita Christensen, resident; Bret Olsen, resident; Delton Davis, resident; John Jacob, resident; Angie Dondel, resident; Jo Hill, resident; Andy Fallon, resident; Eric Carver, developer; David Oakles, potential resident; Jerry Gaskin, grocery business man.

It was the general feeling of those that commented, that the slow growth in the south of Town was directly related to high impact fees. Developers were concerned that the sale of homes had declined and

perspective buyers had no incentive to move to the south of Town as prices of the homes were greatly affected by high impact fees. The developers were concerned about their future ability to build and sell homes in the south end of Town and feared having to pull out as other developers had previously done.

Residents of the Town center were discouraged by how poorly things looked in their surroundings especially when compared to the Ranches where landscaping was being completed and things looked attractive. Residents were also angry that required parks and trails had not been completed and there was no sign of any commercial development. Residents felt deceived, as they had bought into a vision that had not been fulfilled by the developers, they wanted to know what had happened to the C-store, church and school they had been promised.

Most residents understood that they had already paid their impact fees and didn't want to be faced with higher utilities in the future if the impact fees were reduced but they believed that reducing the fees would encourage growth.

Mayor Bateman discussed an Ordinance that had been previously passed allowing for reduced or zero impact fees for commercial businesses in the Town.

Eagle Mountain Properties stated that they wanted a 2/3 reduction or zero impact fees for their developments and if the Town couldn't accommodate them, they would be forced to withdraw.

Jerry Gaskin, an entrepreneur, offered to work with both the Ranches and EMP to open a C-store and have it running by Thanksgiving, 1999. Scott Kirkland said that the Ranches had property zoned for commercial use and that with a conditional use permit they would be willing to do that. Mr. Kirkland said that they would have a plan for a C-store ready to present to the Planning Commission by November 23, 1999.

**MOTION**

*Bill Chipman moved to abate \$2500 in impact fees in the south area of the Town of Eagle Mountain, \$2192 at building permit submittal and the remainder at plat recordation. This would take effect when the Town receives a signed partial impact fee abatement agreement from Eagle Mountain Properties (EMP), subject to the following conditions, and continue through December 31, 1999.*

- 1. That the conditions of that agreement would include a waiver from the three principles of EMP stating that they favor an impact fee reduction and would not hold the Town responsible should it cause a future conflict in payment of the RBANS.*
- 2. That all impact fee credits would be required to be passed through to the builder or homeowner at the time of building permit and plat recordation.*
- 3. That EMP would agree to provide bonding for a trail and landscaping between Maxim Homes and Pony Express Parkway. A trail plan would have to be submitted with the fore mentioned agreement and completed no later than June 30, 2000.*
- 4. That a Master Signage Plan would be submitted approved and comply with the Master Signage Plan that meets the signage requirements in the Town Development Code.*
- 5. That payment would be made on any fees overdue or outstanding to the Town in accordance with the dispute resolution provisions in the consolidated fee schedule. Also, that EMP agrees to pay half of the upfront cost for an improved telecommunications switch with the total contribution amount not to exceed \$375,000.*

*All these conditions are subject to sufficient utility capacity being available in accordance with the provisions by which these subdivisions were approved. Cyril Watt seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

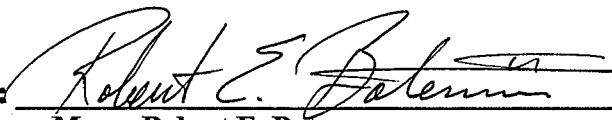
**MOTION**

*Bill Chipman moved to abate \$2500 in impact fees in the north service area of the Town of Eagle Mountain applying \$1297 at the time of building submittal and applying the remainder at the time of recordation of the Plat. This would take effect when the Town receives a signed partial impact fee abatement agreement from The Ranches, subject to the following conditions and continue through December 31, 1999.*

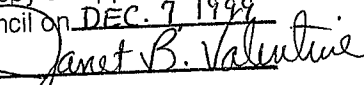
1. *That the Ranches provide an acceptable plan to the Planning Commission by November 23, 1999 for the construction of a convenience store.*
2. *That the developer provide a waiver on the non-capacity of the Capital Facility Plan.*
3. *Payment of any overdue bills owed to the Town.*
4. *Agreement to pay for half of the telecommunications switch not to exceed \$375,000 assuming that EMP pays their portion to provide the switch.*
5. *All impact fee credits are passed through to the builder or homeowner.*

*Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**Diane Bradshaw moved to adjourn the meeting @ 9:30 p.m.**

Approved:  Date: 12/15/99  
Mayor Robert E. Bateman

This certifies that the minutes of  
OCT. 25, 1999 are a true, full and  
correct copy as approved by the  
City Council on DEC. 7, 1999

Signed:   
City Recorder

**MINUTES OF THE JOINT TOWN COUNCIL MEETING  
WITH THE PUBLIC WORKS BOARD  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
November 2, 1999**

Mayor Pro Tem Diane Bradshaw called the meeting to order at 7:00 p.m.

1. **Roll Call:**

Council Members present: Bill Chipman & Dan Valentine. Mayor Bateman & Cyril Watt were excused.

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Recording Secretary: Fionnuala Kofoed

**Public Works Board:**

Reed Fischer; Chris Kemp and Mark Sovine.

Others present: Russ Rossander, Eagle Mountain Properties (EMP); Brian Haskell and Bob Lynds, The Ranches; Juanita Christensen, resident; Paul Bond, resident; Rob Nielson, resident; Ray Hendershot, GVNW.

2. **Discussion - Recommended Purchase of a new Telecom Switch.**

John Newman summarized the proposal of purchasing a new Telecom Switch for the Town of Eagle Mountain. He said that the Town had procured three proposals for the Switch and the company that met the needs of the Town was Nortel. Mr. Newman stated that the total cost of the Switch was \$395,500. Mr. Newman recommended removing voice mail from the package, which would reduce the bid by \$50,000, and buy it from another vendor for approximately \$20,000.

Ray Hendershot, GVNW, discussed the features of the Switch, which include caller ID, call forward and high speed Internet. The Switch would make the Town capable of becoming an ILEC.

John Newman recommended that the Council authorize the Staff to find a suitable location for the system. Mr. Newman added that the Town would fund the cost of the new Switch, which would be less complicated than having the cost paid by the developers. Mr. Newman said that there were monies available to fund partial payment of the switch. It was suggested that a bridge loan could be arranged to pay off the additional amount over a period of time. The Switch would consist of three phases, the first of which would be installed no later than January 15, 2000; this would consist of 180 lines.

3. **Adjourn:**

The meeting was adjourned @7:30 p.m.

## CHANGE OF VENUE - POLICY SESSION

Mayor Pro Tem Diane Bradshaw called the meeting to order at 7:35 p.m.

1. **Roll Call:**

Council Members present: Bill Chipman & Dan Valentine. Mayor Bateman & Cyril Watt were excused.

**Town Staff:**

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Recording Secretary: Fionnuala Kofoed

**Public Works Board:**

Reed Fischer; Chris Kemp and Mark Sovine.

Others present: Russ Rossander, Eagle Mountain Properties (EMP); Brian Haskell and Bob Lynds, The Ranches; Juanita Christensen, resident; Paul Bond, resident; Rob Nielson, resident, Ray Hendershot, Nortel; Tiffany Shapiro, New Utah; Brigham Morgan.

1. **Approval of Agenda:**

Bill Chipman requested to add item 4, discussion of the Capital Facility Plan and item 5a, General Discussion, to the agenda.

**MOTION** *Bill Chipman moved to approve the agenda as amended. Dan Valentine seconded the motion. Ayes: 3; Nays: 0. Motion passed.*

2. **Consideration to approve the purchase of a Telecom Switch:**

Jerry Kinghorn discussed the purchase of a Telecom Switch from Nortel. He suggested pursuing the purchase of the Switch from Nortel as recommended by the Public Works Board and GNVW consultant. Mr. Kinghorn stated it was necessary to obtain a Switch that was legally compliant and would qualify for ILEC status.

**MOTION** *Dan Valentine moved to authorize the Public Works Director to purchase a Telecom Switch from Nortel Communications deleting the voice mail option at a savings of \$50,000 and purchasing a third party voice mail at approximately \$20,000. The resulting amount would be approximately \$365,000 and could not exceed \$395,000. It would be understood that the Switch would be installed and in operation no later than January 15, 2000. The Public Works Director would be authorized to negotiate with an appropriate bank for financing and the Staff would bring, back at a later time, a recommendation for the site location for the switch. Bill Chipman seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

3. **Partial Bond Release for Mountain View:**

**MOTION** *Bill Chipman moved to approve the Partial Bond Release for Mountain View Phase II in the amount of \$41,469. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

4. **Discussion - Reopening the Capital Facility Plan:**

Bill Chipman requested reopening the Capital Facility Plan and reviewing certain items that may affect the financial analysis. They are as follows:

1. Eagle Mountain Properties pulling out of town.
2. Review items included in the Capital Facility Plan for EMP.
3. Mayor Bateman's concern with items in the Capital Facility Plan involving water flow and retention basins.
4. Street lighting for subdivisions that were not bonded for and lighting at the entrance to Eagle Mountain Blvd.

Mr. Chipman suggested that these items be discussed at a Public Hearing and that it be set for Tuesday November 23, after the Planning Commission Meeting.

John Newman recommended canceling the Public Hearing November 16, 1999 and withholding the Economic Analysis from the Public until the changes are complete.

**MOTION**      *Bill Chipman moved to open the Capital Facility Plan, cancel the Public Hearing for Impact Fees November 16, 1999 and set a Public Hearing for November 30, 1999. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

5. **General Discussion/Announcements:**

The Council set a meeting for The Election Canvas on Tuesday, November 9, 1999 @ 5:30 p.m. at the Community Center before the Planning Commission Meeting.

The meeting was adjourned @ 8:00 p.m.

Approved: Robert E. Bateman Date: 12/15/99  
Mayor Robert E. Bateman

This certifies that the minutes of  
Nov. 2, 1999 are a true, full and  
correct copy as approved by the  
City Council on DEC. 7, 1999

Signed: Janet B. Valentine  
City Recorder

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING  
AND ELECTION CANVAS  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
November 9, 1999**

Mayor Robert Bateman called the meeting to order at 5:30 p.m.

**1. Roll Call:**

Council Members present: Diane Bradshaw; Bill Chipman & Dan Valentine. Cyril Watt was excused.

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Planner: Shawn Warnke  
Town Clerk: Janet Valentine  
Recording Secretary: Fionnuala Kofoed

Others present: Maureen Anderton, resident; Liisa Nusz, resident.

**2. Pledge of Allegiance:**

Janet Valentine led the Pledge of Allegiance.

**3. Approval of Agenda:**

The order of the agenda was changed to read 6, 5 & 4.

**MOTION** *Dan Valentine moved to approve the agenda as amended. Bill Chipman seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

**6. Consideration of Book Mobile Contract with Utah County:**

Discussion ensued concerning the Town of Eagle Mountain entering into a Book Mobile Contract with Utah County. It was decided that if the money could be allocated it should be used to purchase books for the Eagle Mountain Library. Residents wanting to use the Book Mobile could still do so at Saratoga Springs.

**MOTION** *Diane Bradshaw moved to direct the Town Staff to notify and advise Utah County that the Town of Eagle Mountain will be discontinuing the Book Mobil service as of the year 2000. Also, to direct John Newman to allocate \$1250 from next years budget for the Library. Bill Chipman seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

**5. Discussion of Eagle Mountain Capital Facility Plan:**

Bill Chipman explained the rationale for canceling the Public Hearing for the Financial Analysis of the Capital Facility Plan on November 16, 1999. It was Mr. Chipman's opinion that the Capital Facility Plan should be revisited since Eagle Mountain Properties had pulled out of town. Mr. Chipman also wanted to look into adding street lighting into the Plan for subdivisions that had not been bonded for. Jerry Kinghorn



stated that street lighting could not be added to the Capital Facility Plan, he said that, even as a safety issue it would not be eligible for impact fees. Mr. Kinghorn added that if the Public wanted streetlights in the subdivisions the Town would find a way to provide them. The issue of debris basins was also briefly discussed, John Newman recommended leaving the debris basin for the annexation because impact fees laws would not encumber an annexation. Korey Walker stated his concern about stripping the Capital Facility Plan of items that would be needed for growth as sub developers still wanted to develop. Mr. Walker felt that the Town needed to provide a way for these developers to fund their projects and then be reimbursed through impact fees in the future. Mr. Walker added that any excess growth could be revisited at a later time and that the population figure could be adjusted for now, this would prevent the Town from having to front the cost of growth.

**MOTION** *Bill Chipman moved to direct Janet Valentine re-notice the Public Hearing for November 30, 1999 to set Impact Fees based on the Capital Facility Plan. Diane Bradshaw seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

**4. Canvass of Election held on Tuesday, November 2, 1999:**

Janet Valentine presented the official canvass to the Town Council, which was as follows: There was a total of 1,390 Ballots received (1,330 Ballots & 60 Absent-Voter Ballots); 425 Voted (410 Voters + 15 Absent-Voters); 965 Ballots not used. All Absent-Voter Ballots were received before or on November 2, 1999.

Janet Valentine showed to Mayor Bateman and the Council the "Tally Sheet", the "Poll Book", the "Applications for Absentee Voters", the "Statement of Disposition of Ballots" and the "Electors Ballot". Mrs. Valentine added that the ballots were sealed in a corrugated cardboard box to be stored in the Town Clerks office for 22 months at which time they would be destroyed.

The Official Vote Count was as Follows:

**Mayor two-year term:**

*Paul Bond	received 315 votes
Troy Baldwin (write-in candidate)	received 96 votes
William Chipman (write-in candidate)	received 5 votes
(Name was marked through on ballot Mr. Chipman withdrew on November 1, 1999)	
John Walden (write-in candidate)	received 1 vote
Nick Berg (write-in candidate)	received 1 vote

**Council Member four-year term: (two seats)**

*Greg Kehl	received 293 votes
*Brigham Morgan	received 266 votes
Juanita Christiansen	received 175 votes
Heather Jackson (write-in candidate)	received 43 votes
Mark Lofgren (write-in candidate)	received 7 votes
Tommy Royce (write-in candidate)	received 1 vote
Randy Raymond (write-in candidate)	received 1 vote
Heather Jenkins (write-in candidate)	received 1 vote

<b>Total Registered Voters:</b>	<b>608</b>
<b>Total Ballots Received:</b>	<b>425</b>
<b>Difference:</b>	<b>183</b>
<b>Percentage of Turnout:</b>	<b>71.31%</b>

Janet Valentine returned all the items to the envelope and resealed witnessed by those present.

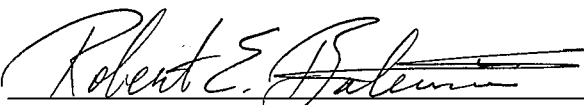
**MOTION** *Diane Bradshaw moved to accept the Canvass of the Election results. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Mayor Bateman announced he had received a letter from the State indicating that they had reviewed the Budget submitted by the Town of Eagle Mountain for the fiscal year ending June 30, 2000 and that the Budget was in substantial compliance with the Utah Code. Mayor Bateman congratulated the staff on a job well done.

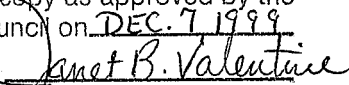
7. **Motion to adjourn into a Closed Executive Session for the purpose of discussing potential litigation:**

**MOTION** *Diane Bradshaw moved to adjourn the meeting @ 6:20 p.m. into a Closed Executive Session for the purpose of discussing potential litigation. Bill Chipman seconded the motion. Ayes: 4, Nays:0. Motion passed.*

**CHANGE OF VENUE at 6:30 p.m. MEETING MOVED TO EAGLE MOUNTAIN TOWN OFFICES CONFERENCE ROOM, 1680 E. Heritage Drive, Eagle Mountain.**

Approved:  Date: 12/15/99  
Mayor Robert E. Bateman

This certifies that the minutes of  
Nov. 9, 1999 are a true, full and  
correct copy as approved by the  
City Council on DEC. 7, 1999

Signed:   
City Recorder

**MINUTES OF THE TOWN COUNCIL MEETING**  
**TOWN OF EAGLE MOUNTAIN, UTAH**  
**Eagle Mountain Community Center**  
**1668 E. Heritage Dr**  
**Eagle Mountain, UT 84043**  
**November 16, 1999**

**WORK SESSION – 4:30 to 6:30 p.m. - 2218 E. Valley Dr., Eagle Mountain.**

**Roll Call:**

Mayor Robert Bateman; Diane Bradshaw; Dan Valentine; John Newman; Jerry Kinghorn; Ken Leetham; Korey Walker; Jeri Wilson; Janet Valentine arrived @ 5 p.m.; Paul Bond (Mayor Elect), and Bill Chipman arrived @ 5:10 p.m.

Others Present: Russ Rossander & Bob Lynds,

**NO ACTION TAKEN**

**Items Discussed:**

1. Warrant Register.
2. Partial Payments Requests.
  - A. Mountain West Landscaping.
  - B. CIC for Ranches Parkway.
3. Contract Change Orders.
  - A. Mountain West Landscaping.
  - B. CIC for Ranches Parkway - **this item was stricken from the agenda.**
4. Partial Bond Releases.
  - A. Mountain View Phase 2.
5. Major Development Finals.
  - A. Jake Garn Airport, Phase 1.
  - B. Three Crossings (R-6 N-4 & 5), Plat C Final Plat.
  - C. Porter's Crossing (R-6 N-4 & 5), Plats A, B & C Final Plats.
6. Eagle Mountain Boulevard Trail.
7. Sewer System Connection Waiver.
8. Irrigation Water Rates.
9. Irrigation Lease with Eagle Mountain Properties.
10. Ordinance to form a Library Department.
11. Mutual Aid Agreement with Cedar Fort Fire Department.
12. EMS Agreement with Lehi City.
13. Resolution Authorizing Execution and Delivery of a Power Supply Agreement with Utah Associated Municipal Power System.
14. Cedar Pass Ranch Homeowners Association requests an audience with the Town Council during the Policy Session of the Town Council Meeting.
15. Telephone Systems and Building.
16. Standard Specification.
17. Agricultural Protection Area Application.

**- CHANGE OF VENUE -**

Mayor Robert Bateman called the meeting to order at 7:00 p.m.

**1. Roll Call:**

Council Members present: Diane Bradshaw; Dan Valentine & Bill Chipman. Cyril Watt arrived at 9:00 p.m.

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Recording Secretary: Fionnuala Kofoed

Others present: Paul Bond, resident; Greg Kehl, resident; Josh & Jenny Elledge, residents; Brigham Morgan, resident; Danny Hooge, resident; Darrin Brandt, resident; Mark Lofgren, resident; Carl and Cathie Faulkner, residents; Ken Carter, resident; Bob and Cameron Egbert, residents; John Jacob, resident; Dana Neth, Town Staff; Eldon Fletcher, Sunshine Homes; Jason Well, resident; James Dahl, MCM Engineering; Janae Wahnschaffe, resident, Becky Oakley, resident; Ross Hansen, resident; Larry and Terry Christensen, residents; Bob Lynds, The Ranches; Nick Berg, Eric Jones & Russ Rossander, Eagle Mountain Properties (EMP); Tiffany Shapiro, Lehi Free Press; Mike Wren, MCM Engineering & Chris Melovich, Maxim Homes.

**2. Pledge of Allegiance:**

Korey Walker led the town in the pledge of allegiance.

**3. Approval of Agenda:**

**MOTION** *Bill Chipman moved to approve the agenda as amended. Diane Bradshaw seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

**4. Approval of Minutes:**

**October 5, 1999**                      **MOTION**                      *Diane Bradshaw moved to approve the Minutes of October 5, 1999 as amended. Bill Chipman seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

**October 19, 1999**                      **MOTION**                      *Dan Valentine moved to approve the Minutes of October 19, 1999 as amended. Bill Chipman seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

**5. General Discussion/Questions/Announcements:**

Janet Valentine announced a Public Hearing on Impact Fees set for November 30, 1999 @ 6 p.m. Mrs. Valentine also stated that the Budget would be revisited and opened on December 7, 1999.

6. **Appointments:**

Fionnuala Kofoed - Deputy Clerk.

**MOTION** *Bill Chipman moved to appoint Fionnuala Kofoed as Deputy Clerk. Diane Bradshaw seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

7. **Public Notices:**

There were no Public Notices.

8. **Public Comment:**

There were no public comments.

9. **Irrigation Water Rates:**

Korey Walker discussed the Irrigation Water Rates and stated that the Staff had evaluated the existing culinary water rate to determine the lowest rate that could be charged for water in open space and recreational areas. They determined a straight rate of \$1.15/1000 gallons for water used in recreational areas and open spaces. The Staff recommended that the rate be retroactive from the beginning of this budget year.

**MOTION** *Diane Bradshaw moved to direct the Town Attorney to prepare a resolution providing a culinary water rate of \$1.15/1000 gallons to be applied in park areas and common use landscaped open areas associated with thoroughfares and other open areas that are maintained by homeowners associations. This would be applied retroactive to the beginning of this fiscal year. Bill Chipman seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

This rate would not be extended to golf courses or other moneymaking businesses.

10. **Consideration and Approval of an Irrigation Lease with Eagle Mountain Properties, LLC:**

Jerry Kinghorn discussed the Irrigation Lease with Eagle Mountain Properties and stated that they had been working with EMP to determine the use of the Santec units. Mr. Kinghorn said that they had been negotiating the lease, which provides for the Town to use three separate parcels of land, which he presented to the Council. Payment for the lease would be \$100/year, the Town would pay taxes once the land is kept in agricultural green belt status and there would be an option to purchase the land at a future date.

**MOTION** *Bill Chipman moved to approve the Irrigation Lease with Eagle Mountain Properties, instructing the Town Attorney to amend paragraph 11.7 to indicate the maximum cost to the Town would be \$5000 total, over the period of the lease, on any cost of substitution. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

11. **Consideration to Approve an Ordinance Forming a Library Department:**

Liisa Nusz stated that there was a liability issue that was preventing the Library from opening its doors. Becoming a department under city would eliminate the problem. The Library would operate under the Town but continue to raise funds privately as the Town was not in a position to support it. Mrs. Nusz recognized those who had participated in getting the Library to this point. and added that the library needed a liaison from the Town Council as it was a state requirement. Bill Chipman recommended giving ample consideration to those who had been involved with the library as members of the board and then fill any additional positions with people from the

community. Mayor Bateman said that it had been agreed that Diane Bradshaw would be the representative from the Town Council and then another would be appointed when the new Council is in place at the beginning of the New Year. Mayor Bateman commended Liisa Nusz and the Library Board for their efforts.

**MOTION** *Diane Bradshaw moved to approve Ordinance 99-23. Bill Chipman seconded the motion. Ayes: 4, Nays: 0. Motion Passed.*

**12. Cedar Pass Ranch Homeowners Association requested an audience with the Council regarding the following:**

- A. Cedar Pass Ranch Park
- B. Water Rates for common areas - this item was previously discussed.
- C. Road Repair.
- D. Costs associated with repairs on drainpipe for Larry Christensen, resident in CPR.
- E. Natural Gas Status.

Danny Hooge addressed the Council concerning the aforementioned items. Discussion ensued between Council members and residents in CPR.

**A. Cedar Pass Ranch Parks:**

**MOTION** *Bill Chipman moved to accept the dedication of the two parks in Cedar Pass Ranch as Town parks subject to the following conditions:*

1. *A bollard or similar structure is placed to prevent contact with the hinges in the riding arena in the equestrian park.*
2. *That curbing be repaired in the other park so that it does not intrude within six feet of the play structure and that any existing cracks be repaired*
3. *That an appropriate ground medium be provided for cushioning any impact.*
4. *That the exposed electrical pedestal be modified to be protected from access by children.*
5. *That the watering system be checked to determine that it is delivering the proper amount of water.*
6. *That the appropriate number of water rights to supply the two parks be dedicated to the Town.*
7. *That as built drawings is to be provided.*

*Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

**C. Road Repair:**

Mayor Bateman stated that the Town had a contract with the county for road repair. Corey Walker said that he had spoken to the county concerning road repair. Mr. Walker was concerned with doing major repairs as the weather was cooling off. He stated he had requested the areas needing immediate attention be taken care of then, any other repairs could be scheduled for the spring. Greg Kehl said that there was a section of road by the Hooge's home, another by the Johnson's, which needs to be repaired right away. Corey Walker said that he would follow up on the issue.

**D. Costs associated with repairs on drainpipe for Larry Christensen, resident in CPR:**

Mayor Bateman gave some background concerning the drainpipe that was causing flooding at the Christensen's home. Mayor Bateman directed Corey Walker to work with the Ranches and Mr. Christensen to resolve the problem.

**E. Natural Gas status:**

Danny Hooge asked the Council members whether it would be possible for homeowners to get natural gas piped to areas in Cedar Pass Ranch. Bill Chipman suggested a straw pole be taken in the area then present it to the Council.

**MOTION** *Bill Chipman moved to direct Korey Walker, Town Engineer, to update the engineering cost. Also, to direct Jerry Kinghorn, Town Attorney, to work with Blain Carlton to update a notice of intent for an S.I.D. proposal and to provide a report for action on November 30, 1999. Diane Bradshaw seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

**13. Consideration to Approve a Mutual Aid Agreement Between Eagle Mountain Town and Cedar Fort Fire Department:**

**MOTION** *Diane Bradshaw moved to approve a Mutual Aid Agreement between Eagle Mountain Town and Cedar Fort Fire Department with the inclusion of two paragraphs that have been provided by Jerry Kinghorn, Town Attorney, concerning notice of claim and indemnification. Bill Chipman seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

**14. Consideration to Approve an EMS Agreement with Lehi City:**

Mayor Bateman gave some background information regarding the agreement that would allow the Town to provide first responder service. Lehi City would continue to provide ambulance service. Eric Taylor, Fire Chief, added that there were 16 EMT's and 4 paramedics and that services would be run from the fire station. Dan Valentine asked about future services in the north end of Town. Eric Taylor said that they were working on having services in the Ranches in the near future.

**MOTION** *Diane Bradshaw moved to approve an EMS Agreement between the Town of Eagle Mountain and Lehi City Utah County. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion Passed.*

Cyril Watt arrived @ 9 p.m.

**15. Resolution Authorizing Execution and Delivery of a Power Supply Agreement with Utah Associated Municipal Power System:**

**MOTION** *Bill Chipman moved to approve Resolution #17-99 Authorizing Execution and Delivery of a Power Supply Agreement with Utah Associated Municipal Power System.*

**16. Consideration to Approve a Resolution Referring Application for an Agricultural Protection Area to the Planning Commission and Agricultural Advisory Board:**

**MOTION** *Bill Chipman moved to approve a Resolution Referring Application for an Agricultural Protection Area to the Planning Commission and Agricultural Advisory Board. Diane Bradshaw seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

**17. Telephone Systems and Building:**

John Newman advised the Council that the Town Staff was looking for authorization to build a facility on the east side of the fire station to house the new telephone switch. Korey Walker stated that the building would be approximately 1200 Sq feet on the main floor to accommodate the switch, a small office and a restroom.

**MOTION** *Dan Valentine moved to direct the Staff to put out to bid the design/build contract for the telecommunication building addition to the fire station with an add alternate for the second floor. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**18. Adoption of the Town of Eagle Mountain Standard Specifications:**

Korey Walker gave an overview of the Standard Specifications that would allow developers to design their systems while maintaining one standard unit. Mr. Walker recommended submitting the Standards to the Council and for public review and then request it be placed on the agenda for discussion November 30, 1999.

**MOTION** *Diane Bradshaw moved to table item 18 until November 30, 1999. Bill Chipman seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**19. Class II Development Approvals:**

**A. Jake Garn Airport.**

Jerry Kinghorn stated that the CC & R's and Development Agreement were in compliance with the Town's standards.

John Newman recommended removing item 5 from the Staff recommendations.

Discussion ensued between Council members, Town Staff, Nick Berg and Eric Jones.

**MOTION** *Bill Chipman moved to approve Class II Final Approval of Jake Garn Airport, Airpark Phase I subject to the following conditions:*

- 1. That water rights sufficient for residential lots in the subdivision would be provided during the time of recordation.*
- 2. That water rights for commercial, industrial or other resort lots would be provided at the time of site plan review.*
- 3. All recommendations noted in the Town Engineer's report.*
- 4. Developers and lot owners/builders signing an agreement acknowledging potential utility capacity problems.*
- 5. The Public Works Board has recommended that all new subdivisions install conduit for future fiber optic installation.*
- 6. That any commercial, resort or industrial site plans be reviewed by the Airport Advisory Board prior to Town Council Approval and must go through a site review process.*
- 7. Resolution to the Town Engineer's satisfaction of any remaining issues on the engineering and design of the lift station.*
- 8. Also specifying that this would allow no regularly scheduled air service and once the Airport Advisory Board is constituted a recommendation would be given regarding charter service. In no case would that include aircraft larger than 100 passenger capacity.*

*All conditions are subject to the Town Council's review of the CC&R's and the Development agreement and getting any objections back to Mayor Bateman within 7 days. Diane Bradshaw seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**19. B. Three Crossings (R-6 N-4 & 5), Plat C Final Plat.**



Korey Walker presented Three Crossings Plat C Final Plat stating that one of the main issues had been the finalization of the lift station. Mr. Walker recommended that the Town Council leave some leeway to wrap up some last items concerning verification of telemetry and electrical on the system.

**MOTION** *Bill Chipman moved to approve the Major Final Plat, Three Crossings (R-6 N-4 & 5), Plat C subject to Town Staff and Engineer's recommendations including the approval of the Development Agreement and CC&R's and the following:*

- 1. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.*
- 2. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.*
- 3. An updated engineer's estimate needs to be provided with sewer lift station changes. Final lift station plans to be approved by the Town Engineer.*
- 4. That a park be constructed within one year of recordation for the adjoining Plat A & B.*

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

**C. Porter's Crossings (R-6 N-4 & 5), Plats A, B & C.**

Korey Walker stated that this subdivision was also waiting for the lift station. Mr. Walker added that one of the issues they had encountered with this subdivision was staging problems with regards to having utilities run to the edge of the subdivision. Mr. Walker stated that it was necessary to watch for this in future developments.

**MOTION** *Bill Chipman moved to approve the Major Final Plat, Porter's Crossings (R-6 N-4 & 5), Plats A, B & C subject to Town Staff and Engineer's recommendations including the approval of the Development Agreement and CC&R's and the following:*

- 1. The applicant makes the requested changes and updates to the final plat and construction drawings as noted in the Town Engineer's staff report.*
- 2. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.*
- 3. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.*
- 4. An updated electronic file of the final plats and the utility drawings needs to be provided.*
- 5. The construction improvements for Three Crossings Plats A, B & C are completed before the construction of Porter's Crossing Subdivision can begin.*
- 6. An engineer's estimate must be provided including the required park improvements.*
- 7. The developer will provide the park and equipment for Plats A, B & C as per the park recreation plan and be completed within one year of recordation of the first plat.*

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

20. **Eagle Mountain Boulevard Trail:**

James Dahl presented the Eagle Mountain Boulevard Trail adding that this project was a separate item from paving the car park at Pony Express Park. Bill Chipman stated that John Walden had committed to landscape the trail then turn it over to the Town to maintain. The trail was not submitted with any landscaping, as it was EMP's intent to get the trail in before the weather got bad. Jerry Kinghorn stated that construction of the trail was subject to landscaping as recommended by the DRC.

**MOTION** *Diane Bradshaw moved to approve the construction of the Eagle Mountain Boulevard Trail as shown in the design, also including excavation, grading and removal of the dirt. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Bill Chipman abstained from voting. Motion passed.*

21. **The Ranches Update:**

Bob Lynds addressed the Council and advised that the Ranches would be presenting a plan for a C-store at the next DRC meeting. Mr. Lynds added that the store would be located off State Road 73 near the entrance to Meadow Ranch. Mr. Lynds said that because they would be building a permanent facility, the store would be completed in June 2000. Mayor Bateman recommended that the design needed to be clearly separated from State road 73 as required in the Development Code.

22. **Eagle Mountain Properties Update:**

Russ Rossander discussed the situation relating to EMP and stated that the company had scaled back and changed courses, retaining himself, Nick Berg and Eric Jones. Nick Berg was working on the airport; Eric Jones was involved with water issues and the construction of a C-store and Mr. Rossander was working on the Capital Facility Plan. It was Mr. Rossander's opinion that if impact fees were lowered EMP could resume operations. Mr. Rossander expressed appreciation to Mayor Bateman and Staff for resolving the issue with bills owed to the Town by EMP.

23. **Consent Agenda Items:**

- A. Warrant Register.
- B. Partial Payment Requests.
- C. Contract Change Orders.
- D. Partial Bond Releases.

**MOTION** *Dan Valentine moved to approve the Consent Agenda. Diane Bradshaw seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

24. **Department Reports:**

There were no reports.

25. **Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and potential litigation:**

**MOTION** *Cyril Watt moved to adjourn into a Closed Executive Session @ 10:25 p.m. for the purpose of discussing personnel issues and potential litigation. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

26. **Motion to adjourn the Closed Executive Session and return to Open Session:**

**MOTION** *Dan Valentine moved to adjourn the Closed Executive Session @*

*10:45 p.m. and return to Open Session. Ayes: 5, Nays: 0. Motion passed.*

27. Any Action from the Closed Executive Session:

The meeting reconvened @ 10:50 p.m.

Mayor Bateman announced that Council Member Cyril Watt was resigning from his position due to a work schedule that prohibited him from attending all the Town Council meetings. Mayor Bateman thanked Mr. Watt for his time served as a Council Member.

Mayor Bateman stated that there would be a Public Notice indicating December 3, 1999 as a deadline for those interested in submitting their name for the appointment as Council Member. The individual chosen for the position would be appointed December 7, 1999.

28. Adjournment:

MOTION *Dan Valentine moved to adjourn the meeting @ 11:00 p.m.*

APPROVAL: *Robert E. Bateman* DATE: *12/15/99*  
Mayor Robert E. Bateman

This certifies that the minutes of  
Nov. 16, 1999 are a true, full and  
correct copy as approved by the  
City Council on DEC. 7, 1999  
Signed: *Janet B. Valentine*  
City Recorder

**MINUTES OF THE SPECIALTOWN COUNCIL MEETING**  
**TOWN OF EAGLE MOUNTAIN, UTAH**  
**Eagle Mountain Community Center**  
**1668 E. Heritage Dr**  
**Eagle Mountain, UT 84043**  
**November 30, 1999**

**POLICY SESSION – 6:00 P.M.**

Roll Call:

Mayor Robert Bateman called the meeting to order at 6:00 p.m.

**1. Roll Call:**

Council Members present: Diane Bradshaw; Dan Valentine & Bill Chipman.  
Cyril Watt arrived a 9:00 p.m.

Town Staff:

Town Administrator:	John Newman
Town Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Town Recorder:	Janet Valentine
Recording Secretary:	Fionnuala Kofoed

Others present: Paul Bond, resident; Greg Kehl, resident; Josh & Jenny Elledge, residents; Brigham Morgan, resident; Darrin Brandt, resident; Mark Lofgren, resident; Janae Wahnschaffe, resident, Becky Oakley, resident; Liisa Nusz, resident; Carolyn Royce, resident; Bob Lynds, Scott Kirkland, Debbie Hooge, The Ranches; Nick Berg, Eric Jones & Russ Rossander, Eagle Mountain Properties (EMP); Tiffany Shapiro, Lehi Free Press; Mike Wren, MCM Engineering.

**2. Pledge of Allegiance:**

Rob Nielson led the town in the pledge of allegiance.

**3. Approval of Agenda:**

**MOTION** *Bill Chipman moved to approve the agenda. Diane Bradshaw seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

**4. Appointments:**

**A.** Eagle Mountain Library Board.  
Members of the Board are as follows:  
Liisa Nusz, Becky Oakley, Carolyn Royce and Janae Wahnschaffe.

MOTION *Diane Bradshaw moved to confirm the appointments of the Eagle Mountain Library Board. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

5. Consideration and Approval of a Sewer System Connection Waiver:

Korey Walker addressed the Council concerning the sewer system connection waiver to homeowners in the Ranches. Mr. Walker stated that the topic had been discussed in the Public Works meeting and the Board had made a recommendation stating that the utility ordinance could be amended allowing the Town to grant a waiver in the case of hardship. If a homeowner had already spent money on a septic tank and it was in working order, the homeowner wouldn't have to connect to the system. However, when the homeowner's tank does need repair they would be responsible to connect to the sewer system and pay the associated fees. Mr. Walker added that there were nine homes in question.

Discussion ensued between council and staff concerning the wording of the ordinance. It was agreed that the item would be tabled until the next meeting so the wording could be amended and the names of the homeowners and lots in question could be identified.

MOTION *Diane Bradshaw moved to table the Approval of a Sewer System Connection Waiver until the next Town Council meeting. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion Passed.*

6. Consideration to instruct the Town Clerk to begin the process of notice of intent to create a Special Improvement District with the boundaries of said district to include Cedar Pass Ranch Subdivision and North Ranch Subdivision for the purpose of installing a natural gas line:

Mayor Bateman gave a brief background on the intent to create a Special Improvement District for the purpose of installing a natural gas line...

Mayor Bateman opened the floor to public comment @ 7:20 P.M.

Mark Sovine, resident, asked what boundaries would the S.I.D. include. Mayor Bateman stated that it would include all of Cedar Pass Ranch and all of the North Ranch.

Mayor Bateman added that the Town would provide notice to everyone in Cedar Pass Ranch and North Ranch and depending on the protest, the Town would then define the boundaries.

Jerry Kinghorn said that the Town couldn't speculate on where the boundaries would be. It was the intent of the Town to exclude those who protested so they would not be burdened by the assessment that is required for the project.

Brigham Morgan, resident, questioned if homeowners who are now opposed to the S.I.D., but at a later time may wish to connect to the gas line would pay a lower fee? Mr. Kinghorn replied that if that did happen the Town would have those residents sign a line extension agreement that would capture their share of the total cost as not to encourage individuals to hold out.

**MOTION** *Bill Chipman moved to instruct the Town Clerk to begin the process of notice of intent to create a Special Improvement District with the boundaries of said district to include Cedar Pass Ranch Subdivision and North Ranch Subdivision for the purpose of installing a natural gas line. Diane Bradshaw seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

7. Adoption of the Town of Eagle Mountain Standard Specifications:

Mayor Bateman gave some background on the Standard Specifications stating that they were Town requirements and Specifications for how utility systems within subdivisions are constructed.

Korey Walker addressed the Council adding that when the Town develops standard trends, updates will need to be made on a regular basis for the gas, electricity and phone systems. Specifications are usually updated yearly and these standards will be required to be used throughout the Town to maintain continuity. Mr. Walker stated that there were some grammatical errors that needed to be corrected and section 19 needed to be added. This section states that all telephone system will be constructed as per the RUS specifications or the old REA specifications. All copies for these specifications are readily available and standard in the industry.

Dan Valentine recommended adding a table of contents so it would be easier to find specific information.

John Newman recommended putting the standards in place as soon as possible then sending the document it to the Public Works Board for their review then return it to the Town Council for approval.

**MOTION** *Dan Valentine moved to approve the Town of Eagle Mountain Standard Specifications with a recommendation that the Public Works Board reviews it and that any changes they recommend would be resubmitted to the Council. Also, that section 19 is added to include the conditions of the RUS. Diane Bradshaw seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

8. Public Hearing: Financial Analysis of the Capital Facilities Plan (CPF) and proposed Impact Fee Ordinance:

Korey Walker presented the Financial Analysis of the CPF to the Council stating that it was a process where the Town had worked with the developers to identify how improvements were going to be phased over the next five years. Once the facilities were identified the CFP was brought to the Town Council and a public hearing was held. Upon approval of the CFP the Town met again with the developers and identified the improvements that would be constructed over the next five years to meet their projections and demands.

It was determined by the developers that they would pay for the construction of the transmission line and Sweet Water Road. These two items would not be included in the Impact Fee Analysis and there would be no credit for them. Based upon this information, an Impact Fee was identified on the existing system and the future system.

Mr. Walker presented the CFP Impact Fee Summary Fee and identified the cost/ERU for the north service area (NSA), and the south service area (SSA).

See attachment.

Mr. Walker stated that the Town incurs the obligation to serve it's residents when it approves building lots, and thus recommended collecting impact fees for residential lots at the time of plat recordation. Fees for commercial and institutional uses will be collected with the building permit. This will insure that the Town will be in a position to meet their obligation when needed.

Jerry Kinghorn said that there were a large number of improvements that were needed and were not funded for in the economic analysis because a master developer said they didn't want impact fees and that they would build the projects themselves. Mr. Kinghorn added that it was necessary to have some financial assurance that the projects mentioned in the economic analysis would be constructed. One of the problems the Town was faced with was it had a number of lots that were approved and recorded but there was no facilities for them. Mr. Kinghorn said that the Town would have to send out a notice to all landowners advising them that there is no utility capacity for their lots.

Mayor Bateman opened the public hearing @ 7:20 P.M.

Mark Lofgren, resident, asked whether the Town had any recourse because the developers hadn't provided the improvements and utility capacity. Mayor Bateman responded that the Town wouldn't approve any more plats.

Mark Sovine voiced his concern regarding potential homeowners purchasing lots that the Town will not have the utility capacity to provide.

Mr. Kinghorn stated that the Town would try to provide a notice that would show up at the title company advising prospective landowners of the utility capacity problem.

Scott Kirkland, The Ranches, asked what would it take to remove the notice. Mr. Kinghorn replied that having the facilities constructed or having adequate securities under the Town's control that the facilities would be built.

Darrin Brandt, resident, stated that it was necessary to have some security in place; otherwise we were leaving the destiny of our Town once again to promises.

Rob Neilson, resident, asked whether the agreement made by the developers to provide the capacity was a written agreement or a gentleman's agreement. Mayor Bateman responded that in the past, a notice was attached to each plat stating that approval was based on the understanding that the Town didn't have the utility capacity. Dan Valentine added that there was no prior written agreement.

Eric Jones, EMP, stated that there were more homes in the SSA than in the NSA. Mr. Jones asked why were the user rates in the CFP allocated at a 50% ratio. Mr. Walker replied that the advantage of reducing the interest rates would benefit both service areas equally in the future, so for that reason the user rates were treated the same. This also applied to the water rates.

Discussion ensued between Mr. Jones and Mr. Walker regarding water rights and the equity buy-in associated with the water.

Mr. Kirkland asked Dan Valentine whether he would be interested in pursuing any more SIDs in the future to help fund the needed developments. It was Mr. Kirkland's opinion that it would be financially burdensome for the developers to be responsible for the needed infrastructure. Mr. Valentine replied that if the Town Staff recommended the use of SIDs in the future he would consider it.

Mayor Bateman stated that the State Constitution prohibits public bodies from encumbering their credit for private commercial enterprises. Mayor Bateman added that it was his opinion, that when a Town allows a SID to go forward the Town does encumber their credit for private commercial enterprises. Mayor Bateman said that the Town was in a difficult position, as he didn't think the developers individually could come up with the funds needed for the improvements. Mayor Bateman felt that The Town didn't have much choice other than to go ahead with the plans, however he didn't like the idea.

Discussion ensued between the master developers, Town Council and Town Staff concerning Revenue Bonds.

Mayor Bateman closed the public hearing @ 8:45 P.M.

Mayor Bateman said it was important to remember that one area that hadn't been discussed was parks and recreation. Mayor Bateman stated that the future council would have to look into the issue, as a financial analysis of this capacity had not been done on parks and recreation. Mayor Bateman said that timing is based on need and not necessarily on the year it is identified in the CFP.

**MOTION**

*Bill Chipman moved to direct the Town Attorney to draft a revised Impact Fee Ordinance containing the following language:*

- 1. Stipulating time periods based on the need for utility services, which will be a function of the number of lots that have received final approval.*
- 2. The Town Engineer will be directed to develop a determination of the portion that may be applied to the revenue bond payments, applying 15% and using a growth rate of 30 ERUs/month. Credits would be based on ERUs not lots.*
- 3. The obligation to provide utility services will be incurred by the Town when lots receive final approval. Impact Fees will be collected with final approval.*
- 4. Impact Fees for non-residential uses would be collected when the building permit is issued.*
- 5. Notice will be included on plats showing that there is a utility capacity issue, which must be satisfied before the lot is buildable.*
- 6. That automatic pass through for impact fee credits identified in the CFP and Financial Analysis will be provided for each piece of property contributing to the payment of the cost for the relevant facilities.*
- 7. This ordinance becomes effective upon completion of the following conditions:*



- *The deed of the Right of Way for Eagle Mountain Boulevard, the property agreement.*
  - *The completion of the irrigation lease.*
  - *Conclusion of the water agreement, which would supercede the previous agreement with Cedar Valley Water Company.*
  - *Receipt from The Ranches and EMP a letter of commitment prepared by the Town Attorney showing which improvements in the CFP they have agreed to fund, specifying that until the utility capacity is available for existing lots that have received final approval, further plats will not be processed and development will stop if the commitments are not met.*
8. *The new Impact Fee Ordinance would take effect immediately upon completion of the conditions the service area. Assuming that all these things are signed, this would take effect on January 1, 2000 in The Ranches services area, at their request.*
9. *That the Staff will direct the Public Works Board to give a recommendation on what kind of guarantee would be acceptable in order to allow development approvals to proceed.*
- Dan Valentine seconded the motion. Ayes: 5, Nays: 0.  
Motion passed.*

MOTION *Bill Chipman moved to adjourn the meeting @ 10:10 P.M.*

APPROVAL:

  
Mayor Paul Bond

DATE: 3/3/00

This certifies that the minutes of Nov. 30, 1999 are a true, full and correct copy as approved by the City Council on JANUARY 4, 2000

Signed:   
City Recorder

**MINUTES OF TOWN COUNCIL MEETING**  
**TOWN OF EAGLE MOUNTAIN, UTAH**  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
December 7, 1999

\*Due to Diane Bradshaw's absence, the agenda items were discussed out of order. Mrs. Bradshaw arrived at 8:15 p.m.

Mayor Robert Bateman called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Robert Bateman, Dan Valentine, and Bill Chipman. Diane Bradshaw arrived at 8:15 p.m. Dave Albrecht joined the Council during the meeting as a newly appointed Council Member.

Town Staff:

Town Administrator:	John Newman
Town Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Town Recorder:	Janet Valentine
Recording Secretary:	Fionnuala Kofoed

Others present: Ruth & Darrin Brandt, residents; Fran Watt, resident; Eldon Fletcher, resident; Mark & Anjanette Lofgren, residents; Juanita Christiansen, resident; Garry Tassainer, Tasco; Mark Sovine, resident; Danny Hooge, resident; Rick Pierce, resident; Brain Larson, resident, Jeff Love, resident; Robert Dekorver, Eagle Mountain Fire Dept; Marion Bingham, resident; Bob Lynds, The Ranches; Eric Jones, Eagle Mountain Properties (EMP); Chris Kemp, resident; Greg Kehl, resident; Brigham Morgan, resident, Troy Baldwin, resident; Shelly Anderson, resident; Heather Jackson, resident; Paul Bond, resident.

2. Pledge of Allegiance:

Janet Valentine led the Pledge of Allegiance.

3. Approval of Agenda:

MOTION *Bill Chipman moved to approve the agenda. Dan Valentine seconded the motion. Ayes: 3; Nays: 0. Motion passed.*

4. Approval of Minutes:

October 25, 1999 MOTION *Dan Valentine moved to approve the minutes of October 25, 1999 as amended. Bill Chipman seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

November 2, 1999 MOTION *Bill Chipman moved to approve the minutes of November 2, 1999 as amended. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

November 9, 1999 MOTION *Dan Valentine moved to approve the minutes of November 9, 1999 as amended. Bill Chipman seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

5. General Discussion/Questions/Announcements:

Mayor Bateman announced that the Eagle Mountain Library was now open. The Library hours will be from 2 P.M. - 6 P.M. Monday - Friday. 10 P.M. - 2 P.M. Saturday.

Mayor Bateman mentioned that the Town had received complaints regarding junk cars on lots and wanted to remind residents that a car in inoperative condition or not currently registered may not be stored on lots in Eagle Mountain.

Ruth Brandt announced that the Cedar Valley ABC had great success with the Halloween movie night and they had scheduled another movie night December 17, 1999 @ The Ranches. Santa was expected to show up for photos with the children.

Juanita Christiansen discussed the Youth Council Santa Secret Workshop Friday December 17, 1999.

Robert DeKorver, Eagle Mountain Fire Department, announced that the Fire Department had scheduled live burns in the south end of Town. This was a training exercise for the department.

8. Public Notices:

Janet Valentine gave an update on The Ranches annexation. Mrs. Valentine noted that there were four separate annexations in the process and the protest period ended December 14, 1999. At this time Mrs. Valentine had not received any protests.

Mrs. Valentine announced to the newly elected officials that they would begin their term of office the first Monday in January 2000. The term would officially begin @ 12:00 p.m. January 3, 2000.

9. Public Comment:

Darrin Brandt discussed the problem with people shooting rabbits in the neighborhood. Mr. Brandt added that the individuals responsible were actually construction workers that were staying in trailers in Eagle Park. Mayor Bateman stated that the trailers should have been moved that day. John Newman stated that they had not yet been moved and had been extended a few more days, as they hadn't received the notice on time.

Mark Lofgren, resident, thanked the Town for filling in the foundation holes in the Landing left by the developers.

Robert DeKorver, Fire Department, discussed the rubbish on Sweet Water Road. John Newman said that he had talked to EMP regarding the issue and it had not yet been determined.

10. Public Hearing:

Mayor Bateman opened the Public Hearing @ 7:40 P.M.

John Newman stated that it was traditional that Town Council review the Town Budget a couple of times per year to see that things are tracking as expected. Mr.

Newman commented that there were some major changes to the budget that needed to be considered. Mr. Newman briefly discussed the following amendments:

1. The budgeted amount for income for licenses and permits had been reduced.
2. The addition of the new Telecom Switch.
3. The electrical transmission line.

Mr. Newman noted that the budget had been available for public review for two weeks and he had received no requests from the public to review it.

Mayor Bateman asked for public comment regarding the budget. There were no comments.

Mayor Bateman recommended keeping the full \$5000 for Planning and Zoning in the General Fund and \$2500 into Miscellaneous Revenues.

Gary Tassainer, Tasco, asked what the major development fees were and who paid them. John Newman responded that they were the same number and that the developers paid the fees.

Mayor Bateman closed the Public Hearing @ 8:00 P.M.

**MOTION** *Bill Chipman moved to approve Ordinance # 99-24, an ordinance amending the Town of Eagle Mountain Fiscal year 1999-2000 Annual Budget as corrected in item 1.2 for fiscal. Also, schedule A, attached would be amended to reflect an increase of \$2500 for the Planning and Zoning item 1056420. Also, 1036900, Other Income would be increased by \$2500. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion Passed.*

11. Telecommunications:

a. Telecommunication Department Ordinance.

John Newman explained the purpose of the Telecommunications ordinance #99-25 stating that there was a need to identify telecommunications as a separate department. Mr. Newman stated that it needed to have an expanded focal point in terms of people who could be professional helpers in the area separate from the Public Works Board.

Jerry Kinghorn read the ordinance.

**MOTION** *Dan Valentine moved to approve Ordinance # 99-25, an Ordinance of the Town of Eagle Mountain Utah, creating a Municipal Telecommunications Department, an Advisory Board describing and defining the duties of the director of the department, defining rules for the operation and use of the Telecommunications Utility of the Town of Eagle Mountain Utah and providing criminal penalties for the violation of the rules and regulations established in this Ordinance as presented. Bill Chipman seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

b. Request for Proposals Opened for Engineering & Construction Services for the Addition of a Telephone Building in the Town of Eagle Mountain.

Mayor Bateman stated that the response for the contract had been limited and said that it had been recommended that the RFP be extended until 4:00 P.M. December 14, 1999.

**MOTION** *Bill Chipman moved to approve the request for proposals in soliciting the quality design for firms to provide engineering and construction*

*services for the addition of the telephone building. Dan valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

12. Request for Proposals for Solid Waste Collection and Disposal:

MOTION *Bill Chipman moved to assign solid waste collection and disposal to the Public Works Board and pass on to the Public Works Board a request to put out for bid the solid waste collection and disposal for the Town of Eagle Mountain. Ayes: 3, Nays: 0. Motion passed.*

13. Consideration and Approval of an Impact Fee Ordinance:

Jerry Kinghorn gave some background information regarding the Impact Fee Ordinance and stated that it was in the final stage of the process of enacting the fees. The Economic Analysis had been edited and revised and was before the Council for approval. The ordinance breaks the Town into two sub service areas. It adopts by reference a list of facilities that are characterized as non-funded facilities for master developers to construct. The Capital Facilities Plan identifies those facilities. The Impact Fee Ordinance resolves certain claims against the Town that have been pending by EMP and Cedar Valley Water Company. The Town would take sole responsibility in the management of the water system under the new agreement. Mr. Kinghorn said that the Town would begin collecting impact fees from developers who use well # 1 on a base of \$720/residential unit. Cedar Valley Water Company and Eagle Mountain Properties could transfer credit to a third party under the agreement. Mr. Kinghorn went through the new draft and addressed some of the provisions. The only substantial fees that the Town would collect would be for electrical power, which the Town would use to repay revenue bonds. Also fees for streets, which would be used to construct the extension of Sweet Water Road to Pony Express Parkway. The Ordinance would take effect 12:01am the first business day after certification to the Mayor by the Town Clerk and the Town Attorney and that certain documents were executed and on file with the Town Clerk.

Bill Chipman referred to page 15 and said that the \$7000 was not in the original Impact Fee Analysis. Jerry Kinghorn said that the Ranches had given the number to them in the past; this amount needed to be checked, as Mr. Kinghorn believed it was now \$5000. Mr. Kinghorn said that it represented the cost to Cedar Pass Ranch residents to bring the water distribution system to the area. This would be an impact fee only payable by those who wanted to use the Town's water system.

Mayor Bateman discussed the individual fees and credits in the ordinance.

Mayor Bateman asked whether an individual could buy a recorded subdivision thinking that the utility capacity was available where the developer had not funded the improvements and then believe that the Town owed them an obligation to know that the capacity was not available. Mr. Kinghorn stated that if the Council followed the recommendations starting with the Public Works Board, identifying the facilities, putting the developers on notice and passing the resolution, this would eventually diminish the possibility of this happening in the future.

Mayor Bateman stated that the ordinance would reduce Impact Fees to a fraction of what they were. This was based on the idea that the developers were committed to funding certain improvements. Mayor Bateman added that before the ordinance went into effect that a commitment letter would be signed by each of the developers saying that they agreed to fund the developments. Mr. Kinghorn referred to the due process in section 4. that covered this issue.

Dan Valentine asked for clarification regarding the new facilities funded by impact fees. Korey Walker responded that Sweet Water Road north connection and 15% of expected annual revenue bond payment were the new facilities that were being

funded. Mr. Walker added that the transmission line and transformer and engineering would be paid for by the revenue bonds. All other items in the Impact Fee Ordinance were equity buy-ins.

Dan Valentine referred to section 1.5 and inquired whether the impact fees could be payable within six months of final approval. Mr. Valentine stated that the developers were concerned with the fees they had to pay.

Bob Lynds, The Ranches, discussed the issues that the Ranches had with the impact fees and requested that the fees be due at final approval and not recordation. Discussion ensued.

Nick Berg, EMP, stated that the critical issue was that everybody needed to work together to figure out how to finance the needed infrastructure. Mr. Berg discussed the use of revenue bonds, RBANs. Discussion ensued.

**MOTION**      *Dan Valentine moved to approve Ordinance # 99-28, an Ordinance of the Town of Eagle Mountain Utah, repealing and reenacting Ordinance # 98-12 adopting an Impact Fee Analysis requiring the payment of impact fees for certain public facilities and providing for certain development restrictions and constructions of non-funded required public facilities as amended. Diane Bradshaw seconded the motion. Ayes: 5, Nays: 0. Motion passed*

Korey Walker stated that he would make the updates that had been discussed in the Impact Fee Analysis so things would correspond.

14.      Consideration of a Resolution Approving a Sewer Hook-Up Waiver:

Mayor Bateman stated that the purpose of this resolution was to grant a waiver to the Town Utility Ordinance that requires people within 300 feet of a sewer system to hook up. This would allow those who had recently built and installed a septic tank system not to have to hook into the Town system. However, the homeowners would be required to hook up to the Towns system once their septic tank system needed to be replaced. Thirteen homes in Meadow Ranch had been identified.

**MOTION**      *Dan Valentine moved to approve Resolution # 18-99, a Resolution of the Town of Eagle Mountain Utah, to grant certain waivers of wastewater connection requirements. Bill Chipman seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

15.      Approval of Cedar Trail Villages Development Agreement for Phases I & II:

**MOTION**      *Bill Chipman moved to table the Approval of Cedar Trail Villages Development Agreement for Phases I & II. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

16.      Fire Department:

Eric Taylor discussed the final draft of the Operation Procedures.

**MOTION**      *Bill Chipman moved to approve the Operating procedures for the Eagle Mountain Fire Department. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Mayor Bateman said that item b. Organization, would be discussed at the next meeting.

17. Drug Testing Policy:

Mayor Bateman briefly discussed the drug testing policy stating that it was an amendment to the Town Employee Handbook policy, this one being more stringent.

MOTION *Dan Valentine moved to approve the Drug and Alcohol Testing Policy as originally stated without any amendments. Bill Chipman seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

18. Approval of an Ordinance Adopting the Standard Specifications:

This item was discussed at a previous meeting.

MOTION *Bill Chipman moved to approve Ordinance # 99-26, an Ordinance enacting specifications for Public Works Facilities and Utilities operated, owned, managed and maintained by the Town to publish and approve such specifications for construction of public utilities and public works facilities of the Town of Eagle Mountain. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion Passed.*

6. Approval of a Resolution declaring the intent of the Town to Create Special Improvement District 99-1 and to finance the construction of a natural gas line through North Ranch and Cedar Pass Ranch; and related matters:

Mayor Bateman stated that the Council was reviewing the issue of the natural gas SID at the request of the Cedar Pass Ranch Home Owners Association. Mayor Bateman asked for questions from the community and the Council. There were no questions. Jerry Kinghorn read the entire Resolution to the Council. Korey Walker noted that the cost per lot in Cedar Pass Ranch was actually \$2709, and Cedar Pass North should be changed to North Ranch (page 5).

MOTION *Diane Bradshaw moved to approve Resolution # 99-1, a Resolution declaring the intention of the Town Council of Eagle Mountain, Utah County of the State of Utah to acquire and install natural gas utility improvements and all other miscellaneous work necessary to complete said improvements in a proper workman like manner. To create Eagle Mountain Utah Special Improvement District # 99-1 Cedar Pass to defray 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 affix a time and place for protest against such improvements for 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 area and district, natural gas improvements would be stricken; Cedar Pass North instead inserted North Ranch. This should be entered into the records as read. Bill Chipman seconded the motion. Ayes: 4, Nays: 0. Motion Passed.*

7. Appointments:

a. Town Council Appointment.

Mayor Bateman commented that the Town Council had an opportunity to interview the individuals who had expressed interest in filling the Town Council position vacated by Cyril Watt. Mayor Bateman invited the individuals to introduce themselves. Once the candidates had done so the Council voted in the new Councilor. The following is a list of those who were interviewed:

Dave Albrecht; Shelly Anderson; Troy Baldwin; Darrin Brandt; Heather Jackson; Mark Lofgren; Mark Sovine; Fran Watt.

MOTION *Dan Valentine moved to appoint Dave Albrecht as a replacement Council Member to fill the Term vacated by Cyril Watt. Bill Chipman seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Janet Valentine swore in Dave Albrecht as the new Council Member. Mr. Albrecht took his seat with the Council.

b. Other Appointments.

Mayor Bateman discussed the position being vacated by Carl Allred on Planning Commission and recommended that Bill Chipman fill the position with a term of six years.

MOTION *Diane Bradshaw moved to appoint Bill Chipman as a member on the Planning Commission for a six-year term. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Mayor Bateman discussed the appointment of Darrin Brandt as the head of a committee with the specific duty of promoting economic development in the Town of Eagle Mountain. Mayor Bateman requested that Mr. Brandt work with the Town Attorney to consider what kind resolution or ordinance needed to be passed to organize a committee. Mayor Bateman added that the Town had \$5000 budgeted for the purpose of promoting economic development and that it would be the position of the board to recommend to the Town Council how the money should be used.

MOTION *Bill Chipman moved to appoint Darrin Brandt as the Head of the Economic Development Advisory Committee. Diane Bradshaw seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. Public Works Name Change Ordinance:

Mayor Bateman discussed the need to change the name of the Public Works.

MOTION *Bill Chipman moved to approve Ordinance # 99-27, an Ordinance of the Town of Eagle Mountain Utah amending the Municipal Utility Department Ordinance to change the name of the Department to the Public Works Department, deleting the Telecommunications division, redefining various duties of the department employees and providing criminal penalties for the violation of rules and regulations established in this ordinance. Dan Valentine seconded the motion. Ayes 5, Nays: 0. Motion passed.*

20. Approval of an Operations & Maintenance Agreement between the Town of Eagle Mountain and Utah Power:

John Newman stated that the Town had negotiated an agreement with Utah Power to provide the on going maintenance of the Town system. The Public Works Department had reviewed this contract. It was recommended by Staff that the Mayor be authorized to sign the amended agreement.

Jerry Kinghorn stated that it was not a contract that qualified Utah Power and Light as the only source for construction; a separate agreement would have to be reached regarding construction. Construction would have to be bid out to competitors

MOTION *Bill Chipman moved to authorize the Mayor to sign a contract between Utah Power & Light and the Town of Eagle Mountain for electrical and*



*utility services as amended. Dan Valentine seconded the motion.  
Ayes 5, Nays: 0. Motion passed.*

21. Consent Agenda Items:

MOTION *Diane Bradshaw moved to approve the Consent Agenda Items. Bill Chipman seconded the motion.*

Discussion Discussion ensued between Gary Tassainer and the Council regarding bills owed to Mr. Tassainer that he believed were in excess of \$300,000. Mr. Tassainer stated that the Town had singled him out and it was jeopardizing his business. John Newman requested the specifics from Mr. Tassainer so he could understand the situation. It was established that Tasco hadn't been paid for some of the projects as the developers involved with the projects had not paid up to date. Mr. Newman stated that the direction from the Council was that contractors would not be paid until the developers were up to date on their bills. Mr. Newman said that he would check with Jeri Wilson, Treasurer regarding the bills. Mayor Bateman directed Town Treasurer to put out notices stating that there would be no more action on any projects until bills are brought up to date by the developers. Bill Chipman asked Jerry Kinghorn whether the Town was obligated to pay Tasco for the work they had done and then litigate? Mr. Kinghorn stated that the Town had ordered the work to be done and therefore, was obligated to pay Tasco. Jerry Kinghorn stated that the only way the Town could collect from developers like Maxim Homes would be litigation.

MOTION *Ayes: 5, Nays: 0. Motion passed.*

Mayor Bateman directed the Town Attorney to begin enforcement proceedings to get payment from Maxim for the amount they owe and to direct the Town Staff to begin a process of aggressively pursuing payment of these invoice. The Council requested a report on the status of the other outstanding bills. Dan Valentine requested a report to see if other professional contract staff had been paid when they shouldn't. John Newman acknowledged that he would follow up on the issue.

MOTION *Bill Chipman moved to adjourn the meeting @ 10:50 p.m.*

Approved: Paul R. Bond, Jr. Date: 3/21/00  
Mayor Paul R. Bond, Jr.

This certifies that the minutes of  
12-07-99 are a true, full and  
correct copy as approved by the  
City Council on 3-21-2000

Signed: Janet B. Valentine  
City Recorder

MINUTES OF THE SPECIALTOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
December 28, 1999

**POLICY SESSION - 5:30 P.M.**

**Roll Call:**

Mayor Rob Bateman called the meeting to order at 5:30 p.m.

1. **Roll Call:**

Council Members present: Mayor Rob Bateman, Dave Albrecht, Bill Chipman & Dan Valentine. Diane Bradshaw was excused.

**Town Staff:**

Town Administrator:	John Newman
Town Engineer:	Korey Walker
Town Recorder:	Janet Valentine
Recording Secretary:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy

Others present: Mark Lofgren, resident; Rob Nielson, Lehi Free Press; Brigham Morgan, resident; Paul Bond, resident.

2. **Pledge of Allegiance:**

Fionnuala Kofoed led the town in the pledge of allegiance.

3. **Approval of Agenda:**

MOTION *Bill Chipman moved to approve the agenda as amended. Dave Albrecht seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

4. **Warrant Register:**

Council discussed the Warrant register.

5. **Gas Connection Payments:**

Mayor Bateman discussed the possibility of residents paying for the gas connection over a period of time. Mayor Bateman believed that the payment \$575 for the connection could be paid for over a period of 12 months with a 6 1/2% interest rate. The homeowner would be responsible for making a trench from the roadway to the house.

Discussion ensued and it was proposed that the item be tabled until the next meeting

MOTION *Bill Chipman moved to table Gas Connection Payments until the next meeting. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

5. Telecommunications Building Bid:

Korey Walker addressed the Council and stated that he had received two bids in regards to the Telecommunications Building Bid. The two contractors were CRC and Paulsen Construction.

John Newman and Mr. Walker recommended the Town accept the bid from Paulsen Construction based on the information presented.

Bill Chipman suggested that the Town construct both phases of the building at once based on the cost per square foot (\$26/Sq Foot). Mr. Newman stated that there was a budget of \$233,500 for the first phase and second phase. Mr. Newman recommended that the Council direct him to make changes in the budget to allocate the money to fund the project.

MOTION *Bill Chipman moved to accept the Paulsen Construction bid for \$272,300 and instruct the Town Administrator to reevaluate the budget and allocate the monies needed for the overage. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

6. Announcement:

Mayor Bateman recognized Deputy Jo Murphy for her response to a 911 call at the Carter residence in Eagle Mountain. Mayor Bateman stated that due to Deputy Jo's quick response and emergency care she was instrumental in saving the elderly woman's life. Mayor Bateman intended presenting Deputy Jo with a Certificate of Commendation at a later time.

7. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications) and potential litigation:

Mayor Bateman stated that there would be no action following the Closed Executive session and recommended that the Council adjourn directly after that meeting.

MOTION *Dan Valentine moved to adjourn into a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications) and potential litigation @ the Town office. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

APPROVAL: \_\_\_\_\_

*Paul R. Bond, Jr.*  
\_\_\_\_\_  
Mayor Paul R. Bond, Jr.

DATE: \_\_\_\_\_

*3/15/00*

This certifies that the minutes of  
12-28-99 are a true, full and  
correct copy as approved by the  
City Council on 3-7-2000.

Signed: \_\_\_\_\_

*Dan B. Valentine*  
\_\_\_\_\_  
City Recorder