

Eagle Mountain City Council Minutes 2000

Dates of City Council Meetings:

- January 4, 2000
- January 12, 2000
- January 18, 2000
- February 9, 2000
- February 15, 2000
- March 7, 2000
- March 21, 2000
- April 4, 2000
- April 18, 2000
- May 2, 2000
- May 23, 2000
- June 6, 2000
- June 20, 2000
- July 5, 2000
- July 18, 2000
- July 19, 2000
- August 1, 2000
- August 15, 2000
- August 29, 2000
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- September 19, 2000
- October 3, 2000
- October 17, 2000
- November 7, 2000
- November 21, 2000
- December 5, 2000
- December 21, 2000

MINUTES OF THE SPECIALTOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
January 4, 2000

POLICY SESSION – 7:00 P.M.

Roll Call:

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Pro tem Dave Albrecht, Greg Kehl, Brigham Morgan and Dan Valentine.

Town Staff:

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

Others present: Josh Elledge, resident; Mark Lofgren, resident; Janae Wahnschaffe, resident; Bob Lynds, The Ranches; Russ Rossander, Eagle Mountain Properties (EMP); Rob Nielson, Lehi Free Press; Mike Wren, MCM Engineering; Rob Bateman, resident; Bill Chipman, resident; Jeff Love, resident, Jonathan Boyd, resident; Robert DeKorver, Eagle Mountain fire Dept.; Ray Carter and Glen M. Smith, Lehi City Arts Council. Deputy Sheriff Joe Murphy.

2. Pledge of Allegiance:

Brigham Morgan led the town in the pledge of allegiance.

3. Approval of Agenda:

MOTION *Dan Valentine moved to approve the agenda as amended. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

4. Approval of Minutes:

November 30, 1999

MOTION *David Albrecht moved to approve the minutes of November 30, 1999 as amended. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

5. General Discussion/Questions/Announcements:

a. Lehi City Arts Council/Ray Carter.

Ray Carter extended an invitation to Eagle Mountain to use the new 1800 seat facility that was under construction south of Thanksgiving Point. Mr. Carter stated that they intended bringing in Broadway plays not only for entertainment but to elevate the art level of those who were interested in pursuing a career in the arts. Scholarships would also be available to those who qualified.

Members of the Arts Council could use the theatre to perform and receive revenues from any performance they put on. Mr. Carter said that Lehi City had sent out mailers to the residents of Lehi requesting donations from those interested in promoting the arts. Mr. Carter asked if the Town of Eagle Mountain would be willing to do the same. The Councilors referred Mr. Carter to the Eagle Mountain Arts Council.

6. Appointments:

Board of Adjustments:

Bert Ankrom and Carl Faulkner were appointed to the Board of Adjustments.

MOTION *Brigham Morgan moved to approve the appointment of Bert Ankrom and Carl Faulkner to the Board of Adjustments. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Telecommunications Board:

Mayor Bond appointed Rob Smith, Mark Lofgren, Rob Bateman and Dan Valentine to the Board of Telecommunications. Dan Valentine was appointed the liaison from the Town Council.

MOTION *David Albrecht moved to approve Rob Smith, Mark Lofgren, Rob Bateman and Dan Valentine to the Board of Telecommunications. Dan Valentine was appointed the liaison from the Town Council. Mayor Bond would be allowed to set the terms for the appointments. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6.1 Town Council elects a member of the Council to serve as Mayor Pro Tem in the Mayor's absence:

Dan Valentine stated a conflict of interest concerning the position of Mayor Pro Tem, as his wife is the Eagle Mountain Town Clerk.

Council members voted on the issue of appointing a Mayor Pro Tem.

MOTION *Brigham Morgan moved to approve Dave Albrecht as Mayor Pro Tem. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

7. Public Notices:

Janet Valentine, Town Clerk announced a Protest Hearing concerning the Natural Gas S.I.D. Mrs. Valentine stated that a special meeting would be held Wednesday, January 12, 2000 at 7:00 P.M.

8. Public Comment:

Vincent Liddiard, Eagle Park resident, inquired concerning obtaining a public mail box in the Town. Town Staff recommended that Mr. Liddiard contact the Lehi post office regarding the issue.

Bill Chipman, Cedar Pass resident, inquired about the status of the impact fee credits and EMP.

Jerry Kinghorn said that he had a telephone conference with EMP attorney and Eric Jones concerning the language of the proposed changes made by EMP, which were unacceptable to the Town. Mr. Kinghorn said that they were working on an agreement and intended presenting EMP with a draft the following day. Mr. Kinghorn added that EMP was willing to sign a funding commitment letter without any language modifications. EMP was also in the process of looking over the chart of improvements, which Mr. Kinghorn believed they would sign. EMP had expressed a willingness to sign and wanted to get it done as soon as possible.

9. Set the Town Council Meetings for the year 2000:

The Council voted to maintain the same meeting schedule as in 1999.

MOTION *Dan Valentine moved to adopt a schedule of Council Meetings for the 1st and 3rd Tuesday of the month, with the exception of July 4th unless a special meeting is called. Meetings will be held @ 7:00 P.M. at the Community Center. A work session will be held prior to each meeting @ 4:30 P.M. in the Town Office conference room. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10. Mayor's Town Council Liaison Assignments:

Mayor Paul Bond	Representative of Town General Administration Personnel Finances Newsletter	
Dave Albrecht	Arts Council Pony Express Days Library Board Member Beautification Parks and Trails Recreation	Youth Sports Youth Council Economic Development Police Neighborhood Watch Fire
Greg Kehl	Public Works -Gas -Electric -Sewer -Water -Streets	
Brigham Morgan	Planning Commission Building Inspection Planning and Zoning	
Dan Valentine	Telecommunications	

MOTION *Brigham Morgan moved to appoint Dave Albrecht as the Council Liaison to sit on the Library Board. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Dan Valentine moved to appoint Greg Kehl as the Council Liaison for the Public Works Board. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Greg Kehl moved to appoint Brigham Morgan as the Council Liaison to the Planning Commission. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. Authorize Town Engineer on Well # 1 Pump Upgrade:

Korey Walker discussed the two water projects concerning Well # 1 upgrade and North Water Tank Upgrade that were needed to prepare the water system for the upcoming summer. Mr. Walker stated that with the upgrades, well # 2 could service the southern end of town. Once alterations are made to the tanks, well # 1 would be shut down and the existing deep well pump replaced. This would allow the system to provide for the summer peak. Both wells would meet the drinking water requirements, as two sources are required. Both proposals were reviewed and approved by the Public Works Board. The projects would be funded out of the 98 RBANS. Mr. Walker stated that the north well would be on line first so there would be a water source for the south service area; this well would be operational prior to taking well # 2 off line.

Robert DeCorver, Fire Department asked whether the new pump would increase the water pressure. Mr. Walker said that it would help and that a new reservoir would be placed on the north side. This would also benefit the south service area. Both projects would be completed by the first part of May.

Brigham Morgan asked whether the town had assumed ownership of the well. Mr. Kinghorn replied that the Town has a 50% ownership of the well; the additional amount was being acquired from Cedar Valley Water Company. All improvements to upgrade to a municipal well were paid for in 1997, so the Town is in control of the well.

MOTION *Dan Valentine moved to authorize the Town Engineer to proceed with engineering the Well # 1 Upgrade Project; Authorization is given to the Town Engineer to cover engineering. The project is to be put out to bid and all received bids are to be brought before the Council for award. The Public Works Board is to recommend a course of action before the project is returned to the Council for their review. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

12. Authorize Town Engineer on North Water Tank Upgrade:

MOTION *Dan Valentine moved to authorize the Town Engineer to proceed with engineering the North Water Tank Upgrade Project; Authorization is given to the Town Engineer to cover engineering. The project is to be put out to bid and all received bids are to be brought before the Council for award. The Public Works Board is to recommend a course of action before the project is returned to the Council for their review. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. Mayor Developments:

- a. Eagle Mountain Convenience Store, Site Plan Review.
Mike Wren, MCM Engineering, presented the Site Plan Review for EMP Convenience Store stating that the Planning Commission had previously

approved the Plan. Mr. Wren added that once they had received approval from the Council the manufactures advised that it would take approximately 30 days to get the building constructed. With time added to stock the store EMP believed it would expect the store to be open for business in mid February.

Dan Valentine asked if the Public Works Board had reviewed the plan. John Newman responded that because the project had been pushed through, as per Mayor and Council, the Public Works Board had not reviewed it. Bill Chipman commented that all hook ups were available; the Planning Commission had discussed this issue.

Dan Valentine was concerned that members of the Public Works Board would be troubled, as they had not reviewed the project. John Newman said that in this situation, the Public Works Board wouldn't have any input regarding the project. Mr. Newman recommended that the Planning Commission incorporate, in their condition use review, consultation with the Public Works Board. Jerry Kinghorn added that a development agreement was needed to incorporate conditions for the temporary nature of the project.

John Newman advised that the previous Council had requested placing a priority on getting a church, school and c-store built in the Town; priority would also be given to these projects concerning utility capacity.

Discussion ensued concerning parking for the C-Store.

MOTION *Dan Valentine moved to approve Eagle Mountain Convenience Store and Real Estate Office Site Plan Review subject to the following conditions:*

- 1. The Developer provides the usage calculations for all utilities (i.e.: water & sewer) to determine the demands on the utility system.*
- 2. The site plan approval is valid for one year from the date of approval and that the real estate office be limited to a six month time period.*
- 3. That the modular building is never vacant for longer than 30 days and that a bond is posted for its removal.*
- 4. Verification of the correct fee payments for site plan review and any utility connections.*
- 5. That signage allowed for the convenience store be limited to one site identification sign, not to exceed four feet in height and four square feet of copy area. The design of the sign should be consistent with the signage approved in the master signage plan.*
- 6. That a secondary access be constructed of at least four - inch road base that connects the unpaved parking area to Heritage Drive and extend north to an asphalted road in the Cedar Trail Development.*
- 7. That the building and site are in compliance with all of the requirements of the Americans with Disabilities Act and the Uniform Building Code.*
- 8. That the landscaping consists of at least eight trees, three shrubs, groundcover, and irrigation system.*
- 9. That a streetlight be installed within the parking area.*
- 10. That EMP provide a structure or landscaping to screen the outside cooling equipment from public view.*
- 11. That the Development Agreement needs to be*

completed, approved and signed and water rights need to be identified and provided to the Town. All water rights can be assigned to other developments when the conditional use permit is no longer valid.

Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion approved.

b. Eagle Point Plat I, Preliminary Plat.

Discussion ensued between Council members and Wayne Patterson concerning the number of lots in the plat. Brigham Morgan was concerned that the number of lots had increased since last reviewed. The item had been tabled at a previous Town Council meeting due to a dispute regarding an unpaid water bill.

Greg Kehl was uncomfortable approving the plat without knowing all the background; the Council had just received the packet information prior to the meeting. Mr. Kehl also stated his concern regarding the utility capacity problem.

Dan Valentine questioned the Town's obligations to the developer as the Public Works Board, prior to identification of the problem, had recommended approval of the plat.

Jerry Kinghorn stated that if the development were approved, it would go on record with the development agreement disclaiming any responsibility for the utilities unless EMP built the facilities that were necessary to provide core infrastructure. Mr. Kinghorn added that because the application was received, processed and approved by the Planning Commission and Public Works Board, according to those rules, the Town was bound.

John Newman recommended approving the plat if there was nothing wrong with it. However, Mr. Newman added that if the Council was uncomfortable making the decision, then they should wait. Mr. Kinghorn agreed and stated that the Council could justify tabling the item as it was received on short notice.

MOTION *Brigham Morgan moved to approved Eagle Point Plat I, Preliminary Plat application, subject to the Town Engineer verifying that the number of lots represented in the initial Planning Commission approval be validated and verified as represented to the Town Council by the Map marked as Exhibit 1. Also, on the condition that the DRC and Planning Commission recommendations be completed. They are as follows:*

- 1. The developers and lot owners/builder 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. Two 20' accesses are constructed on the west side of the subdivision to allow access to the surrounding space.*
- 4. The lots 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. The intention of the Planning Commission is to create a centrally located park for both Plats I & J. Lot numbers that use to indicate the lots dedicated to the Town for a park are to be represented according to Exhibit 1, as lots*

874,875,891 & 890.

5. *A bond is required for the park improvements that the Town will use if the park in Plat J is not constructed within 2 years. Due to the short notice regarding the plat, special attention will be given to ensure that all conditions have been met prior to final approval. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Mr. Kehl and Mr. Albrecht abstained from voting. Motion passed.*

Mayor Bond directed the Staff to be firm in the future regarding items placed on the agenda. Anything that is not in John Newman's possession by noon on the Wednesday prior to Town Council Meeting will not be considered. Both major developers were present to hear the Mayor's statement.

14. Motion to approve Consent Agenda items as follows:

- a. Warrant Register.
- b. Partial Bond Releases.

MOTION *Greg Kehl moved to approve the Consent Agenda items. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Impact Fee Reduction - Extension Request from The Ranches:

Bob Lynds requested that the Council extend the Impact Fee Reduction.

MOTION *Brigham Morgan moved amend the previous Impact Fee abatement agreement changing the expiration date to midnight January 18, 2000. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Russ Rossander addressed the Council and stated that EMP was working on getting the agreements with the Town signed and they hoped to have everything in order by January 18, 2000.

Brigham Morgan recommended that the Staff "plug the loop hole" that was identified for payment of impact fees under the new ordinance.

16. Gas Connection Payment Resolution:

Jerry Kinghorn presented Gas Connection Payment Resolution # 01-00 and stated that the resolution gas allowed Town residents who wanted to connect to the Natural Gas System a choice on how they paid their connection fee. Payment could be made in a lump sum or on monthly payments with interest accruing at 6 1/2 %. Discussion ensued regarding interest fees that would be charged..

MOTION *Dave Albrecht moved to approve Gas Connection Payment Resolution # 01-00 with payment of the connection fee, in not more than 12 equal monthly payments, with interest accruing on the unpaid balance at 6 1/2 % per annum the first year. There after, at the rate received by the Town at the Utah Public Treasure Investment Fund, as of January 1st of each successive year. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. Public Facilities Resolution:

Jerry Kinghorn discussed the Public Facilities Resolution and said that it was to restate the resolve of the Town to direct the Public Works Board to not recommend approval of additional subdivision plats until adequate financial arrangements are in place to fund the improvements that each master developer committed to fund that are identified in the 1999 Capital Facilities Plan.

MOTION *Greg Kehl moved to adopt the Public Facilities Resolution # 02-00 for the Town of Eagle Mountain, Utah concerning utility requirements for development approval based the stipulation that in section 1, the information be properly planted into paragraph 1 by the Town Recorder. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

MOTION *Dave Albrecht moved to adjourn into a Closed Executive Session @ 9:55 p.m. for the purpose of discussing personnel issues and potential litigation. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. Motion to adjourn the Closed Executive Session and return to Open Session:

MOTION *Dan Valentine moved to adjourn the Closed Executive Session @ 10:05 p.m. and return to Open Session. Ayes: 5, Nays: 0. Motion passed.*

20. Any Action from the Closed Executive Session:

There was no action.

Brigham Morgan requested that Staff look into placing more directional signs on the round a bouts.

21. Adjournment:

MOTION *Dan Valentine moved to adjourn the meeting @ 10:15 p.m.*

APPROVAL: *David A. Albrecht* DATE: 3-16-00
David A. Albrecht, Mayor Pro tem

This certifies that the minutes of
1-04-2000 are a true, full and
correct copy as approved by the
City Council on 1-18-2000
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
January 12, 2000**

Mayor Paul Bond called the meeting to order at 7:05 p.m.

1. Roll Call:

Council Members present: Dave Albrecht, Greg Kehl, Brigham Morgan and Dan Valentine.

Town Staff:

Town Administrator:	John Newman
Town Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Town Recorder:	Janet Valentine
Recording Secretary:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy

Others present: Josh Elledge, resident; Mark Lofgren, resident; Rob Nielson, Lehi Free Press; Rob and Candy Bateman, residents; Scott Hazard, resident; Roxanne Clark, resident; David Lifferth, resident; Glen Zaugg, resident; John Jacob, resident; William & Jana Neathery, resident; David Tomsick, resident; Mike Boyd, resident; Mark Sovine, resident; Lou Carroll, resident; Danny Hooge, resident; Jeff Quinn, resident; Scott Weber, resident; Randy Johnson, resident; Kelvin Bailey, resident; Russell Taylor, resident; Sheri Grant, American Fork; Larry Christensen, resident; Bill Knight, resident; Lyn Farnsworth, resident; Doug & Jolayne Wood, residents; Rob Butler, resident; Doug Jenkins, Orem; Brian Gardner, resident; Dan & Susan McDavid, residents.

2. Pledge of Allegiance:

Mark Lofgren led the town in the pledge of allegiance.

3. Approval of Agenda:

MOTION *Dan Valentine moved to approve the agenda as amended. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

4. Presentation by the Eagle Mountain Community Arts:

Jennifer Morgan announced that the organization met at the Eagle Mountain Community Center every second and fourth Wednesday of the month. Rob Nielson and Jana Cox invited the community to get involved in the Eagle Mountain Community Arts. They announced that they had received a donation from the Ranches and they were working on getting a musical performance going.

5: Protest Hearing regarding the creation of Eagle Mountain, Utah, Special Improvement District 99-1 (Cedar Pass Ranch & North Ranch):

Janet Valentine addressed the Council and stated that there were 143 lots in Cedar Pass Ranch and 93 lots in North Ranch, a total of 236 lots proposed in the S.I.D. Mrs. Valentine stated that the Town had received 159 protests, 3 of which were voided, as they were faxed copies (only originals could be accepted). A Total of 65% had protested the S.I.D. This was calculated by using one vote per lot.

Mayor Bond opened the meeting to the public at 7:20 P.M.

Dave Lifferth was opposed to the S.I.D. as it was his opinion that a municipality owning their own utilities was a bad idea. Liability was also a concern in regards to a disaster occurring. The financial burden would have to be shared among the community. Mr. Lifferth was also concerned about the division that was created between residents in Eagle Mountain due to the S.I.D. Mr. Lifferth requested that if the S.I.D. failed, that the Town not revisit the issue in the future.

Danny Hooge, Cedar Pass Ranch Resident, said that he had proposed in a previous Town Council meeting that the Town Council revisits the possibility of creating a S.I.D. to allow residents to hook up to the Town's gas system. Mr. Hooge was in favor of natural gas, as it would benefit both the Town and it's residents.

Mark Sovine, Cedar Pass Ranch resident, was in favor of having natural gas if possible.

Jeff Quinn, Cedar Pass Ranch resident, was opposed to the S.I.D. Mr. Quinn was in favor of natural gas but only if it was provided by an outside source. Mr. Quinn believed that it would be an injustice if the Town approved the S.I.D. based on the percent of residents who were opposed to it.

Candy Bateman, Cedar Pass Ranch resident, stated that she was a member of the Cedar Pass Home Owners Association Board and that the Board had voted to bring up the issue of providing natural gas to residents in the area. Mrs. Bateman said that they had done this out of the goodness of their hearts and that the City providing service to its residents was a matter of faith in the good for all. Mrs. Bateman apologized to the Council stating that the Home Owners Association hadn't done their job, as she felt that the residents in the area were not properly informed concerning the natural gas issue. Mrs. Bateman was in favor of natural gas and if the Town could provide that service it would benefit the Town and the residents.

Lou Carroll, Cedar Pass Ranch resident, wanted a more economical heating option and was in favor of natural gas. Mr. Carroll added that there was no other viable alternative and the S.I.D. was a good idea.

Rob Bateman, Cedar Pass Ranch resident, said that having been involved with the Council when the issue was introduced, there were several reasons why the Council decided to reconsider the issue. Mr. Bateman stated that the last time the issue had been voted on 1/3 of the residents were opposed, 1/3 in favor and 1/3 were undecided. Mr. Bateman added that natural gas was safer, cheaper and that there were a number of people who wanted be a part of the Town and wanted what they were paying in utilities to contribute to building the Town rather than building a private company. Mr. Bateman believed that economics played a role in the opposition of the S.I.D. The cost had increased substantially but it was not likely to go down. People had concerns with the Town's utility service as it was a small service and didn't have a track record, and that was a valid concern; however, these were not reasons for people to be upset with each other. Mr. Bateman passed copies of Exhibits 1 & 2 to the Council showing three areas within the proposed S.I.D. where the majority of residents were in favor of natural gas services from the Town. Mr. Bateman

encouraged the Council to consider the voices of those individuals who formed a majority in the area and find a way to provide the service for them, leaving out those opposed the S.I.D equitably.

William Neathery, North Ranch resident, requested that on behalf of residents in North Ranch and Cedar Pass Ranch who opposed S.I.D. 99-1, that the Council adopts a resolution to abandon the S.I.D. Mr. Neathery stated that there were four major reasons why the residents were in opposition, they are as follows: the history of Eagle Mountain utilities; financial aspects; safety; and conduct of the Town Council. Mr. Neathery questioned the timing of the S.I.D. and that people were preoccupied with the holidays and family to give the issue their proper attention. In closing, Mr. Neathery stated that the residents he represented believed that the S.I.D. did not represent the value it purported and that it was not an improvement.

Dave Tomsick, North Ranch resident, was opposed to the S.I.D. and stated that it was the perception of some of the resident that the Town Council had tried to sneak the issue by them. Mr. Tomsick added that he had not received a copy of the letter announcing the proposed S.I.D. and knew of others who too had not received it. Mr. Tomsick said that he had contacted Questar and inquired concerning the cost of hooking residents up to their services. The comparison was made using prices Cedar Fort residents had been charged. The cost was cheaper than what The Town of Eagle Mountain had proposed with the S.I.D.

Glen Zaugg, resident, commented that he had opposed the S.I.D.; however, he requested that his vote be rescinded, as there was clearly no alternative at this point. Mr. Zaugg wanted the S.I.D. to move to the next stage so the cost could be determined.

John Jacob, Cedar Pass Ranch resident, stated that it bothered him to hear people complaining about the Town. Mr. Jacob added that people moving into the area should be aware that they are moving into a new town and that there were problems associated with that, whether it be municipalities or an electrical system. Mr. Jacob said that Utah Power and Light provided his electricity and they still had outages. Questar was not an option for residents of Eagle Mountain and people had been misled into believing that it was. Mr. Jacob believed that with or without the S.I.D., people should have the opportunity to hook up to the Town's gas system, and he intended to do so at his own cost.

Scott Hazard, North Ranch resident, commented that he sold homes in the area and believed that he was fair and honest in his dealing and assumed that those he had dealt with in the community trusted him. Mr. Hazard was in favor of the S.I.D. based on the safety issue. He added that people tend to focus on negative issues rather than instances where the Town has been stellar in their timing and handling of situations. Mr. Hazard added that he felt much safer having the Town handle the natural gas system than having many different propane companies scattered throughout the two neighborhoods. Mr. Hazard related an instance where he had problems with his propane tank. The service representative called him eight hours after the reported problem and didn't show up to fix the problem until the next day. This concerned Mr. Hazard, as propane tanks are susceptible to exploding. Mr. Hazard also addressed the financial aspect and said that gas was far cheaper. He ended his comments by saying that he commended the Town with the handling of utilities, as he understood what was involved with it and asked resident to offer solutions rather than presenting the problems.

Roxanne Clark, Cedar Pass Ranch resident, expressed to the Town Council that they understood the issues and were not misled regarding the S.I.D. The residents didn't want to have the Town's gas system and theirs was a valid protest. Mrs. Clark stated that there were rumors circulating that the issue had divided the community, she did not believe this but felt that it had united the residents. Mrs. Clark said that they opposed the S.I.D. before, now, and would continue to do so if the Council revisited it in the future.

Mayor Bond closed the Public Comment of the Hearing @ 7:40 P.M.

Dan Valentine stated that the Council had no option to allow Questar to provide services to the Town until the RBANs are paid off. Even if the Town were to go bankrupt the receivers wouldn't allow Questar to come in.

Mayor Bond said that when the Town was set up bonds were used to fund the system. The bond company set the rules and as the Town grows the bond is repaid. Questar is not an option unless the system is sold and the cost of the debt is covered. Questar made an offer last year but it wasn't sufficient to cover the debt.

Greg Kehl stated that even if residents wanted to hook up to Questar they couldn't, as Questar couldn't access the easements and utility right of ways in Eagle Mountain until the bonds were paid off.

Discussion ensued among the Council concerning alternative options related to the S.I.D.

Dave Albrecht asked whether the homeowners outlined in Exhibits 1 & 2 could receive the gas without involving those in opposition. John Newman said that it couldn't be determined that night, as the Town Engineer would have to review the situation. Mr. Newman added that the Council had two options, either to kill the S.I.D. or to have the Staff look into the alternative of providing gas to those who wanted it while respecting the vote of the S.I.D.

Brigham Morgan stated that it was a fact that Questar was not an option and, furthermore, in his opinion shouldn't be an option, and that a ceiling had been set on the S.I.D. as to what the assessment would be. If the S.I.D. failed and was an option in the future, the cost would be significantly higher; this would be unfortunate for the residents who want natural gas, and also for the Town.

Brigham Morgan reminded those in opposition to the S.I.D., that they had until midnight that night to rescind their vote.

Dan Valentine asked whether the deadline to rescind a vote could be extended. Jerry Kinghorn replied that the law provides that the protests have to be withdrawn before the conclusion of the hearing, so if the hearing was adjourned to a later date, then the extension could be made.

John Newman recommended giving the Town Staff some time to come up with some alternatives that would attempt to benefit those that want natural gas while protecting those who don't.

Mayor Bond questioned whether to extend the time to rescind the vote. Dave Albrecht asked whether there was a published date stating the time to rescind. It was established that midnight of January 12, 2000 was the published time. Mr. Kinghorn stated that the withdrawal date published was based on the assumption that the hearing was concluded on January 12, 2000.

John Newman recommended that the Council not extend the withdrawal deadline. Mayor Bond favored that idea.

Dan Valentine suggested offering an opportunity to anyone at the meeting to rescind his or her vote before public hearing was closed. Mayor Bond asked if anyone wanted to partake of the opportunity to rescind his or her vote before the close of the public hearing. There were no takers.


Mayor Bond closed the public hearing @ 8:15 P.M.

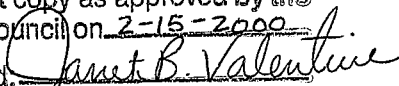
MOTION *Greg Kehl moved to table S.I.D. 99-1 (Cedar Pass Ranch & North Ranch) until February 15th, 2000 Town Council meeting. Also to direct Staff to advise the Council for possibilities of accessing natural gas to the pockets presented in Exhibits 1 & 2, and that the Staff would have recommendation for Council review available on February 1st, 2000. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. **MOTION** *Brigham Morgan moved to adjourn into a Closed Executive Session @ 8:30 P.M., for the purpose of discussing personnel issues and potential litigation. Dave Albrecht seconded that motion. Ayes: 5, Nays: 0. Motion passed.*

7. **Adjourn Closed Executive Session and return to Open Session:**

MOTION *Greg Kehl moved to adjourn the meeting @ 9:05 P.M.*

APPROVAL:  **DATE:** 3/14/00
Mayor Paul R. Bond, Jr.

This certifies that the minutes of
1-12-2000 are a true, full and
correct copy as approved by the
City Council on 2-15-2000.
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
January 18, 2000**

Mayor Pro Tem, Dave Albrecht, called the meeting to order at 7:00 p.m.

1. **Roll Call:**

Council Members present: Greg Kehl, Brigham Morgan and Dan Valentine. Mayor Paul Bond was excused.

Town Staff:

Town Administrator: John Newman
Town Recorder: Janet Valentine
Recording Secretary: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy

Others present: Josh Elledge, resident; Mark Lofgren, resident; Rob Nielson, Lehi Free Press; Rob Bateman, resident; Robert DeKorver, Eagle Mountain fire Dept; Jennifer Morgan, resident; Eldon Fletcher, resident; Wendy Swain, Eagle Mountain Library Board Secretary.

2. **Pledge of Allegiance:**

Mark Lofgren led the town in the pledge of allegiance.

3. **Approval of Agenda:**

MOTION *Greg Kehl moved to approve the agenda as amended, eliminating the approval of the agenda from this time forward. Also, eliminating from future agendas, The Ranches and Eagle Mountain Properties updates unless needed at which time the item will be included on the agenda. Adding to future agendas a category classified as, "Other Business". Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

4. **Approval of Minutes:**

January 4, 2000

MOTION *Brigham Morgan moved to approve the minutes of January 4, 2000 as amended, allowing him to make an addition to a section of the minutes for clarification, at a later time. Also allowing the recorder to make typographical corrections. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

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

Mayor Pro Tem, Dave Albrecht, announced that the light at the entrance to Eagle Mountain Boulevard would be operational within a couple of days.

6. **Appointments:**

Eagle Mountain Public Library, Librarian Appointment:

MOTION *Brigham Morgan moved to appoint Liisa Nusz as the Eagle Mountain Public Library Librarian subject to the receipt of her written resignation from the Library Board. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

7. **Public Notices:**

Janet Valentine briefly discussed the issue with the 99-1 S.I.D. and that a decision was scheduled to be made February 15, 2000. Town Staff said that they would be ready to report on the possibility of providing natural gas to the pockets that were established during the Special Town Council Meeting held January 12, 2000. Mayor Pro Tem, Dave Albrecht, directed the Town Clerk to have the preliminary report scheduled for the agenda of February 1, 2000.

8. **Public Comment:**

Fionnuala Kofoed, resident, requested that the Town Council look into the issue regarding dogs in the community defecating on other homeowner's lawns etc. John Newman said he would look into the matter and have a report for the Council on February 1, 2000.

Eldon Fletcher, resident, inquired concerning reflectors for the islands on Eagle Mountain Boulevard. John Newman said that reflectors had been ordered and they would be installed within the next week.

Josh Elledge, resident, asked for an update on Eagle Mountain Properties concerning the reduction of impact fees. John Newman replied that they anticipated that the papers would have been signed that day, however, that was not the case. Mr. Newman didn't have any more information regarding the matter.

9. **Town Council's consideration to allow the Eagle Mountain L.D.S. Ward to scheduler activities in the Eagle Mountain Community Center:**

Bishop Doug Gwilliam addressed the Council stating that when the Community Center first arrived in Eagle Mountain, the Church was allowed to schedule meetings in the building. However, since the Town has taken control of the facility, it is no longer available for religious meetings. Bishop Gwilliam requested that the Town reconsider the situation taking into account the distance people had to travel to the assigned church in Lehi. Bishop Gwilliam added that other communities allow the use of their facilities for church meetings; Cedar Fort, for example.

Mayor Pro Tem, Dave Albrecht, advised Bishop Gwilliam that the Town had not yet taken ownership of the building and that the shift would probably take place in March.

John Newman said that it was still up to Eagle Mountain Properties to make the decision of who uses the building. Mr. Newman recommended that the Town Clerk write a letter to Jerry Kinghorn asking what his recommendation is regarding this issue.

Mayor Pro Tem, Dave Albrecht, requested that the Town Clerk to follow through on John Newman's recommendation to write a letter to Jerry Kinghorn. Brigham Morgan requested that Jerry Kinghorn add to his recommendation, precedence set in other communities.

10. **Items 10, 11, 12 & 13 were removed from the agenda.**

14. Consent Agenda Items:

MOTION *Dan Valentine moved to approve the Consent Agenda as stated in the Warrant Register. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

15. Closed Executive Session:

MOTION *Greg Kehl moved to adjourn into a Closed Executive Session @ 7:50 P.M. for the purpose of discussing personnel issues and potential litigation. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

16. Actions from the Closed Executive Session:

There was no action.

17. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting @ 8:20 P.M.*

APPROVAL: Paul R. Bond, Jr. DATE: 3/14/00
Mayor Paul R. Bond, Jr.

This certifies that the minutes of
1-18-2000 are a true, full and
correct copy as approved by the
City Council on 2-15-2000

Signed: Janet B. Valentine
City Recorder

**MINUTES OF THE SPECIAL JOINT TOWN COUNCIL MEETING
AND THE PUBLIC WORKS BOARD
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Town Offices
1680 E. Heritage Dr
Eagle Mountain, UT 84043
February 9, 2000**

Mayor Paul Bond called the meeting to order at 4:10 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Greg Kehl and Brigham Morgan and Dan Valentine.

Public Works Board present: Reed Fischer and Chris Kemp. Mark Sovine was excused.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Recorder: Janet Valentine

Fionnuala Kofoed was excused.

2. Pledge of Allegiance:

None

3. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications) and potential litigation.

MOTION *Dan Valentine moved to adjourn in to a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications) and potential litigation. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, Jerry Kinghorn, Brigham Morgan, John Newman, Janet Valentine and Dan Valentine. Korey Walker was invited to join in the Closed Session at 4:15 p.m.

4. Motion to adjourn Closed Executive Session and return to Open Session:

MOTION *Dan Valentine moved to adjourn the Closed Executive Session at 6:00 p.m. and return in to Open Session. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

5. Any Actions from the Closed Executive Session:

None

6. Other Business:

None

7. **Adjournment:**

MOTION

Greg Kehl moved to adjourn the meeting at 6:00 p.m.

This certifies that the minutes of
2-9-00 are a true, full and
correct copy as approved by the
City Council on 4-3-01
Signed: Janet B. Valentine, CMC
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
February 15, 2000**

Mayor Paul Bond called the meeting to order at 7:00 p.m. The meeting proceeded in the order as follows, as Jerry Kinghorn needed to be excused from the meeting early; specific items needed to be discussed while he was present.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, Brigham Morgan and Dan Valentine.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Recorder: Janet Valentine
Recording Secretary: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy

Others present: Josh Elledge, resident; Mark Lofgren, resident; Rob Nielson, Lehi Free Press; Candy Bateman, residents; Eldon Fletcher, resident; Charles Buechhauser, resident; Jim Kelley, resident; Daniel Burton, resident; James Dahl, MCM Engineering; Darrin Brandt, resident; Kelvin Bailey, resident; Steve Wood, LDS church; Randy Johnson, resident; Eric Jones & Russ Rossander, EMP (Eagle Mountain Properties); Glen Zaugg, resident; James Mooring, resident; John Wallace, resident; Marla Jessop, resident; Dwaine Wobber, resident, Vincent Liddiard, resident; Sherry Kerbo, resident, Ken Leetham, Town Planner.

2. Pledge of Allegiance:

Darrin Brandt led the town in the pledge of allegiance.

6. Public Notices:

There were no notices.

12. Approval of an Ordinance Enacting Provisions for the Expansion of the Natural Gas System and Enacting a project Cost Sharing Requirement in Certain Areas of the Town Eagle Mountain, Utah:

Jerry Kinghorn stated that the Ordinance was drafted in response to the request for natural gas by residents of the Town in approved subdivisions. It would allow residents to sponsor a line extension of natural gas to their homes. Mr. Kinghorn added that this was something that some of the residents in Cedar Pass Ranch and North Ranch wanted to take advantage of and wouldn't be forced upon any resident. This service would be made available under the inspection and supervision of the Town. People interested in the service would be required to fill out an application. A personal surety bond would also be needed as evidence of financial security. There was also a provision for project cost

sharing for individuals who wanted to hook up at a later time to a line extension. Financing would be available over a five-year period for payment of material costs incurred for the project. Mayor Bond asked for public comment. There were no comments.

Mayor Bond asked what would happen if an individual installed the gas then moved. Jerry Kinghorn responded that the Town would control who tapped into the system then allocate any project benefits back to the property.

Dan Valentine discussed the possibility of an individual moving into a home that had hooked into the system and still had a surcharge on the gas bill. Mr. Valentine wanted to know if the Town could have a notice that would show up at a title company in such a situation. Jerry Kinghorn said it was something that could be looked into.

Danny Hooge, resident, asked if there was any up front cost to the resident for the surety bond. Mr. Kinghorn responded that there would be no premium. Mr. Hooge asked if trenching for the mains was included in the financing of the material costs. Mr. Kinghorn stated that the trenching would be an additional cost to be paid by the homeowner. Mr. Hooge asked whether the \$575 connection fee could be financed. Mr. Kinghorn said that the \$575 connection fee, the meter, the service lateral and the main materials could be financed up to five years.

Kelvin Bailey, resident, said that it would be prudent to look into the possibility of getting out of the utility business. Mr. Bailey commented that he had presented some facts to the Town Clerk that he had collected regarding the costs of utilities and reasons to get out of the utility business. Mr. Bailey was concerned with burdening homeowners with the cost of installing gas through the Town's system when there may be an alternative solution, like selling the system. Mr. Bailey believed that selling the system was the smart thing to do and asked for some reasons why not to sell.

Mayor Bond stated that the Town was not actively seeking to sell the utilities and he hadn't reviewed the information Mr. Bailey had submitted. He added that offers to purchase the utilities had been made in the past and offers would be entertained, however, this didn't mean that they would be accepted. Mayor Bond commented that he had received phone calls from utility companies stating that individuals had contacted them informing them that the Town was ready to sell. He wanted to make it clear that that no one had the right to speak on behalf of the Town other than himself, he added that the Councilors and John Newman had some latitude in that regards. Mayor Bond said that the Council would consider an offer, however, he was not interested in selling.

Greg Kehl stated that he could see Mr. Bailey's point, yet he believed that the ordinance would facilitate those who wanted natural gas without burdening those who didn't.

Dave Albrecht was in favor of the ordinance. Brigham Morgan was in agreement. Dan Valentine believed that it was the best possible solution.

MOTION *Greg Kehl moved to approve Ordinance 00-01, an Ordinance enacting provisions for the expansion of the natural gas system and enacting a project cost sharing requirement in certain areas of the Town of Eagle Mountain, Utah. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

3. Approval of Minutes:

January 12, 2000

MOTION *Dan Valentine moved to approve the Minutes of January 12, 2000 as stated. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

January 18, 2000

MOTION *Brigham Morgan moved to approve the Minutes of January 18, 2000 as amended. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

a. Economic Development Report to the Town Council.

This item was tabled.

b. 911 Report to the Council.

Dan Valentine reported that he was able to successfully route all 911 calls to a separate line as suggested by Robert DeKorver, Fire Department. Mr. Valentine said that a letter would be circulated explaining what was happening with the telephone system. The new switch was expected to be up and running May 1, 2000; residents would have the option of choosing their long distance carriers and would have most services available to them with the new switch. He added that the situation with the T-1 lines involving U.S. West was still being negotiated.

Glen Zaugg asked about tariffs that were originally filed by the city. John Newman stated that the Town had never filed tariffs; the Town was not under the jurisdiction of the PFC as the utilities were under the jurisdiction of a local elected body. When the original developers put in the switch and began services, they requested approximately 600 lines to service the fire station. Mr. Newman wasn't aware of how they received 600 lines for the fire station; this was the issue the Town was disputing with U.S. West. Mr. Newman added that the Town had requested a hearing before the PSC demanding that U.S. West allow the Town access.

Daniel Burton, resident, discussed an article in the Tribune regarding Eagle Mountain's phone system. Mr. Burton inquired whether the Town would mandate residents with other phone services to switch to Eagle Mountain services. John Newman stated that there was a petition before the PSC, which would allow the Town to be the incumbent carrier to the area outside of where U.S. West served. What the Town was requesting was that they be certified as a carrier of last resort in Eagle Mountain where the Town served, not where U.S. West served.

Randy Johnson asked if the Town would force people to switch to the Town's phone and power system. He stated that Utah Power & Light (UP &L) rates were currently .587/khr in comparison to the Town's power rate .7/khr. Mr. Newman stated that he would like to review the figures and that didn't foresee the Town forcing anyone to switch. Mr. Newman discussed the floating rate approved by the PSC used by Pacific Corp. The Town's power rate was a flat and not a market rate.

John Newman explained the franchising of other utility companies in Eagle Mountain.

8. Public Hearing - Proposed Amendment of the Impact Fee Ordinance: 7:45P.M.

Jerry Kinghorn gave some background information regarding the original Ordinance that was enacted in December 1999. Mr. Kinghorn stated that Ordinance 99-28 never went into effect, as it was contingent on an agreement from the two master developers. While The Ranches executed a commitment letter to fund, further negotiations were needed with Eagle Mountain Properties. The Town Council and Staff believed that the amendments to the Ordinance were in the best interest of the public. Mr. Kinghorn stated that the major change in the Ordinance was to continue the automatic pass through for payments that were required, and impact fees that were collected for the Property Transfer Agreement with EMP. It would only allow credits against impact fees to those property owners who paid assessments prior to the effective date of the Ordinance. The Town would automatically pass through credits to

property owners who paid assessments after the effective date of the Ordinance. All impact fees would be collected at final approval except for two; an impact fee would be collected for the use of the well in the south service area, the other for transportation.

Mayor Bond opened the Public Hearing @ 7:50 P.M.

Mark Lofgren, resident, asked if the impact fee credits would be passed onto individuals purchasing the homes. Jerry Kinghorn responded that the developer would pay the impact fees when they propose the subdivision. People who bought land outside of the boundaries of the special improvement districts and wanted to use the facilities would pay the impact fees.

Nick Berg, EMP, asked for a break down in the fees. He asked for an explanation of connection fees, impact fees, building fees and transportation fees. Mr. Berg also asked Mr. Kinghorn to discuss the difference between residential, nonresidential and commercial rates for the benefit of individuals in the audience. Jerry Kinghorn gave an explanation.

Mayor Bond closed the Public Hearing @ 8:05 P.M.

The Councilors were all pleased that an agreement had been reached with EMP and were eager to have the Ordinance go into effect.

MOTION *Brigham Morgan moved to approve Ordinance 00-02, an Ordinance of the Town of Eagle Mountain, Utah repealing Ordinance 99-28 and 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 Construction of Non-Funded Required Public Facilities. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Jerry Kinghorn discussed section 4 of the Ordinance, Development of Required Improvements and how the Town would proceed with the developers in the construction of the needed improvements. Mr. Kinghorn added that there was a new special conditions exhibit that goes along with the Development Agreement requiring developers to notify property buyers concerning the Town's utility disclosure. Potential buyers should check with the Town to see that the capacity is available before they purchase property.

10. Property Transfer Agreement with Eagle Mountain Properties:

Jerry Kinghorn stated that the Property Transfer Agreement was one of the documents that the Town required EMP to sign before the impact fee Ordinance could go into effect. Mr. Kinghorn said that the Town had received land from EMP in 1997 without payment. The land was used to build core infrastructure facilities. Since other property owners would benefit from the facilities it was negotiated that the Town would collect impact fees from third parties to compensate EMP. There would be no interest and the price of the real estate would not increase.

MOTION *Dan Valentine moved to approve the Property Transfer Agreement with Eagle Mountain Properties and authorize the Mayor to sign the agreement upon his satisfaction that all the exhibits are in place. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. Town Well # 1 Capacity Purchase Agreement and Cedar Valley Water Company:

Jerry Kinghorn stated that the Capacity Purchase Agreement would abrogate and set aside the agreement that the Town entered into in 1997. It was negotiated that the Town would reimburse Cedar Valley Water Company for the value of the capacity the company owned in the well. People, who

donated water rights to the Town, that used the well as a point of diversion, would have to pay impact fees. The Town would also receive a deed to Cedar Valley Water Company's 50% interest in the well leaving the Town in complete control of the well.

MOTION *Greg Kehl moved to approve the Town of Eagle Mountain and Cedar Valley Water Company 2000 Well #1 Capacity Purchase Agreement and authorize the Mayor to sign the agreement. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

5. **Appointments:**

b. **Consulting Electrical Engineer Appointment.**

Greg Kehl discussed the Public Works Board's recommendation for a consulting electrical engineer appointment. Mr. Kehl stated that they had met with three firms, Intermountain Consumer Professional Engineering, Bath Engineering and Spectrum Professional Services. The Public Works Board recommended Intermountain Consumer Professional Engineering for the appointment based on their qualifications. Mr. Kehl added that they had received a packet from Tasco Engineering, however the application was rejected, as it was incomplete.

Jerry Kinghorn commented that the Town had a contract with Tasco to perform Engineering services. The contract stated that the Town would negotiate a fee with Tasco in the future. Mr. Kinghorn commented that the Town was willing to do this but it was his understanding that Tasco had refused to participate in the process of negotiating for the appointment by submitting an incomplete packet.

Korey Walker stated that the appointed company would assist in subdivision review, subdivision inspection in relation to electrical work and evaluations of master plan electrical needs.

MOTION *Dave Albrecht moved to appoint Intermountain Professional Engineering as an Electrical Consultant to the Town of Eagle Mountain. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

7. **Public Comment:**

Candy Bateman discussed Pony Express Days scheduled for June 11-17, 2000 and gave an overview of the scheduled events. Eldon Fletcher was planning an historic site car tour. Also scheduled was a Junior Miss pageant, a BBQ, a rodeo, a 1, 5 & 10k race with prizes for all children who entered the 1k race. Mrs. Bateman stated that they were trying to organize a state fair on a small scale, a parade, balloonists, parachutes, and an antique car show. The committee encouraged members of the community to set up booths to make a little money and provide a service to those in attendance. The future installation of a pavilion was briefly discussed and a fireworks display for the grand finale was also in the works.

Jerry Kinghorn was excused from the meeting @ 8:30 P.M.

13. **Public Hearing - Agricultural Protection Area to be located within the Town of Eagle Mountain:**

This item was deleted.

14. **Approval of the placement of the Town logo and The Ranches logo on the street name signs throughout The Ranches subdivisions:**

Bill Adams, Vice President of Construction The Ranches, addressed the Council and requested that they consider the placement of combination logos, for the Town of Eagle Mountain and The Ranches, on the street name signs throughout The Ranches. Mr. Adams presented an example of what the signs

would look like to the Council. The sign would consist of a 6x6 cedar post that would be placed in cement with a pole for a breakaway.

Korey Walker recommended that the base of the post be treated to extend the life of the post, which would be approximately 15 - 20 years. Mr. Walker discussed the issue of allowing other developers to use the Town logo on their signs and asked what the Town was willing to allow as advertising on public property.

John Newman commented on the replacement of the signs when they were damaged. Mr. Newman asked whether The Ranches would be willing to replace the signs once they were still active in the community. Dave Albrecht recommended that the Ranches maintain the signs for a period of time.

Brigham Morgan liked the idea of the signs, however, he was concerned that other developers would be annoyed as they were forced to install an approved street sign and didn't have the opportunity to have a sign similar to the proposed Ranches sign. Mr. Morgan was also concerned with the association of the Town logo with private enterprises as had been previously discussed.

Mayor Bond didn't want the Town to pay for the replacement of any sign in The Ranches with The Ranches logo on it.

Greg Kehl recommended that The Ranches supply extra posts and blank signs to replace any signs that were damaged in the future.

Dave Albrecht discussed the need of a sign ordinance for future situations that would cover all the stipulations the Councilors were concerned with.

John Newman recommended that the Council approve or disapprove the proposed sign then direct the Staff to prepare a sign ordinance for future considerations.

MOTION *Dan Valentine moved to accept the proposed street signs for The Ranches as presented with the stipulation that The Ranches provide a minimum of five blank signs and posts for future use. That the pretreatment of the base of the posts be turned over to The Town Engineer and allow the Staff to make recommendation agreeable to The Ranches so they may proceed with installation. Greg Kehl seconded the motion. Ayes 5, Nays: 0. Motion passed.*

15. Major Development Approvals:

a. Eagle Point, Plat E.

James Dahl presented Eagle Point, Plat E. Discussion ensued regarding unpaid bills owed by Patterson Construction.

John Newman recommended approval of Plat E, subject to the Staff comments and payments for the smashed pedestals and utility design for the plat.

Greg Kehl discussed the playground equipment for the park and requested that the picnic tables not be made from yellow pine. Mr. Kehl also wanted to avoid any splinter and maintenance problems and recommended they use materials other than wood in the playground equipment. Mr. Kehl inquired whether the utility capacity was available for the plat. Korey Walker responded that there wouldn't be a problem with the utility capacity.

MOTION *Greg Kehl moved to approve Eagle Point, Plat E with the conditions, as recommended by Staff as follows:*
1. Striking "the Public Works Board recommends" in item 5 to read, "all new subdivisions shall install conduit to each home for future fiber optic installation".

2. *In reference to the playground equipment, all equipment including the freestanding globe be made of maintenance free material as recommended by Staff.*
3. *The picnic tables can be made of any of the selected choices except for the treated southern yellow pine.*
4. *The Town Council review the proposed park improvements for Eagle Point, Plats A, B, C, D & E.*
5. *Eagle Mountain Properties financing the improvements for the needed off-site capital facilities.*
6. *Bonding for the widening of Eagle Mountain Boulevard.*
7. *Developers and lot owners/builders sign an agreement acknowledging potential utility problems.*
8. *All park and open space improvements must be completed within one year of recordation of the plat or begin when 50% occupancy of the subdivision is reached, whichever occurs first.*

Brigham Morgan seconded the motion.

Discussion Mayor Bond was concerned that the park requirement was too stringent. Korey Walker stated that they were in compliance with the Town Code requirements.

MOTION *Ayes: 5, Nays: 0. Motion passed.*

b. Castle Rock, Plat A (R1 N11).

There were no major changes in the plat. It was noted that the easement needed to be clarified.

MOTION *Brigham Morgan moved to approve Castle Rock, Plat A (R1 N11) Plat Amendment subject to Staff recommendations and that lots 26 & 27 of the proposed plat amendments only be accessed from Castle Cary Circle and that the utility easement along the front is 10 ft. That a privacy fence be installed along Golden Eagle Road. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

16. Consent Agenda Items:

MOTION *Greg Kehl moved to approve the Consent Agenda items a, b, d and e, the final payment for Eagle Mountain Properties 6 inch Steel Gas Line. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Item C was tabled and item E, 1999 Landscaping Improvements was not included in the motion.

17. Other Business:

There was no business to discuss.

18. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications) and potential litigation: 9:35 P.M.

MOTION *Greg Kehl moved to adjourn into a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications), potential litigation and public safety/security. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

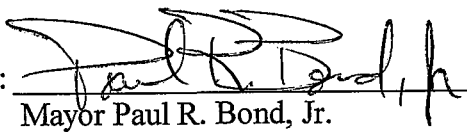
Present: Mayor Bond, Dave Albrecht, Brigham Morgan, John Newman, Greg Kehl, Fionnuala Kofoed, and Janet Valentine. Deputy Jo Murphy was present for a portion of the closed meeting.

19. Adjournment:

MOTION *Dave Albrecht moved to adjourn the Closed Executive Session @ 10.10 P.M. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

There was no action from the Closed Executive Session.

MOTION *Greg Kehl moved to adjourn the meeting @ 10:15 P.M.*

APPROVAL:  DATE: 12-13-00
Mayor Paul R. Bond, Jr.

This certifies that the minutes of
FEB. 15, 2000 are a true, full and
correct copy as approved by the
City Council on MAR. 7, 2000

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
March 7, 2000

Mayor Paul Bond called the meeting to order at 7:00 p.m. Item 3 was discussed after item 5, as Dan Valentine joined the meeting at 7:10 p.m. and needed to be present to approve the minutes of December 7, 1999.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, Brigham Morgan and Dan Valentine.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Recording Secretary: Fionnuala Kofoed

Others present: Josh Elledge, resident; Mark Lofgren, resident; Rob Nielson, Lehi Free Press; Rob Bateman, resident; Eldon Fletcher, resident; James Dahl, MCM Engineering; Darrin Brandt & Vincent Liddiard, Economic Development Board; Kelvin Bailey, resident; Russ Rossander, EMP (Eagle Mountain Properties); Dave & Sheila Curtis, residents; Robert Smith, resident; Wayne Patterson, Patterson construction; Danny Jessop, resident.

2. Pledge of Allegiance:

Juanita Christiansen led the town in the pledge of allegiance.

4. General Discussion/Questions/Announcements:

Juanita Christiansen announced the Spring Soccer signup scheduled for Friday March 10, 2000 from 6 p.m. - 9 p.m. for the Cedar Valley, Eagle Mountain Youth Sports Program. Enrollment for the program was cheaper than last year because of the generosity of contractors in the area who had made donations to the program. A sod laying party was being planned in The Ranches area for a baseball field; the field was scheduled to be completed for little league baseball in June 2000.

5. Approval of an Ordinance establishing the Eagle Mountain Economic Development Board:

MOTION *Dave Albrecht moved to approve Ordinance # 00-03, an Ordinance creating a Town of Eagle Mountain Economic Development Board as an advisory board to the Town Council to be known as the Town of Eagle Mountain Economic Development Board and*

defining certain responsibilities concerning economic development within the Town of Eagle Mountain Utah. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Dan Valentine abstained from voting, as he wasn't present for the discussion.

3. Approval of Minutes:

December 28, 1999

MOTION *Dan Valentine moved to approve the Minutes of December 28, 1999 as amended. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

February 1, 2000

MOTION *Brigham Morgan moved to approve the Minutes of February 1, 2000 as amended. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

February 15, 2000

MOTION *Greg Kehl moved to approve the Minutes of February 15, 2000 as amended. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

The December 7, 1999 minutes were tabled and the Council directed Fionnuala Kofoed, Recording Secretary, to review minutes that Gary Tassainer, Tasco Engineering, had submitted, and to incorporate to the official minutes any pertinent information. The Council could then review any amendments.

25. Tasco Engineering, Inc., Payments for outstanding invoices:

John Newman discussed billing issues with regards to Tasco Engineering. Mr. Newman requested the Council review three items.

1. A letter from Mr. Newman to Mr. Tassainer outlining his recommendations to the Town Council.
2. An attachment to the letter summarizing various types of bills.
3. An activity summary of corrected bills. It was indicated that the work for invoice # 253 & 635 was not done.

Mr. Tassainer's response to Mr. Newman's letter was included in the Councilor's packets. The previous Town Council had directed the Town Staff not to pay bills until the developers had paid for the work. This issue was before the Council to see whether that policy would be changed to allow payment.

Gary Tassainer stated, concerning unauthorized work, that it was his opinion that he had never received written requests from the Town administration for work to be completed. Offsite work was completed and construction contracts were always separate from the negotiated onsite contracts. The work in question had been completed and Mr. Tassainer believed it was payable. 75 % of the work was billed out when the first invoice was submitted based upon design. 25% was billed out upon completion of the work. Mr. Tassainer discussed interest on the money owed to him by the Town; he was paying interest on money he had borrowed to sustain his company and believed that the money owed to him should also be subject to interest. Mr. Tassainer discussed the history of timely payment and said that it had evolved since the Town was started.

Mr. Tassainer discussed Spring Meadow subdivision and guaranteed the Council that Eldon Roberts had visited his office and made several requests to complete work on the project. After the work was completed, it was determined that Spring Meadows would not be recorded. Mr. Tassainer was surprised that Mr. Roberts was now denying any contact with Tasco Engineering. However, Mr. Tassainer wanted to be paid \$61,000 for the work his company had completed. Mr. Tassainer was unaware if he could lien the property or whether he had any legal recourse.

Mr. Newman stated that the Spring Meadow development was only discussed in concept at the DRC meeting and never went to the Town Council for approval. Mayor Bond added that the Town was in a difficult position as there was no record of a contract and he didn't know how to respond to Mr. Tassainer's situation.

Dave Albrecht stated that, as per Mr. Tassainer, Mr. Roberts not the Town had requested the work. Mr. Tassainer responded that there weren't many written requests for work to be completed.

Greg Kehl asked whether Mr. Tassainer had contact with the Town during the time the work was being completed. Mr. Tassainer stated that he did have contact.

It was Mr. Tassainer's opinion that the project had gone before the Public Works Board. Mr. Newman stated that there was no record of that and added that the proposed project was unique and the DRC had struggled with it for weeks realigning roads etc., trying to make it work. Mr. Newman believed that the project was never brought before a public body, as the DRC was never comfortable with it.

Mr. Kehl commented that the Council wasn't in a position to authorize the payment of \$61,800, as they had no evidence that the Town authorized work to be completed.

Jerry Kinghorn asked what number of lots and street configurations Mr. Tassainer used to design the utilities. Mr. Kinghorn didn't know how this could be completed without a preliminary plat being presented to the Planning Commission. Mr. Tassainer said that Mr. Roberts had provided him with a plat, however he didn't know who had approved it.

John Newman recommended putting this bill aside and treating it differently at a later time. Mr. Newman believed that Mr. Roberts had approached Mr. Tassainer to do the work. Mr. Tassainer had taken him at his word that the plat had been properly processed and under that assumption had completed the work.

John Newman recommended that the Council direct the Town Engineer to review the receivables that the Town had for offsite work and negotiate with the developer and Mr. Tassainer an amount that the Town Engineer believed, in his professional opinion, was a correct amount. Then, when the developers had an opportunity to review the amounts, bring it before the Town Council for approval. Corey Walker, Town Engineer, said that he would have the information to present at the next Town Council meeting.

Gary Tassainer requested that if Mr. Walker could have the negotiations completed sooner than the next meeting, would the Council allow a transfer of payment without waiting for their approval.

Mayor Bond asked whether it was legal for Mr. Roberts to request Tasco to do the work and incur debt for the Town. Jerry Kinghorn responded that it should not have been done without confirmation from the Town that it was recognized as an approved plat. Mr. Kinghorn said that his understanding of the process was that when the DRC could recommend the plat to the Planning Commission, then the developer's engineer, or the Town said that they need the utility designs. The Town then would authorize Tasco to do the design at a point when the configuration and number of lots was decided. Mr. Tassainer asked how the authorization was generally given. Mr. Kinghorn responded that it was his understanding that it was a verbal authorization.

Greg Kehl asked whether the Town could recapture the funds if Tasco was paid. John Newman questioned if the Town was under legal standing in requiring the funds to be paid before the plats were processed. Mr. Kinghorn stated that under Resolution # 16-99, as part of the Consolidated Fee Schedule that was enacted October 1999, it's clear that the Town has the right to collect the funds. However, there were some problems, for example, Sage Valley, Plat A had been recorded without paying the \$6300 utility design fee.

Mayor Bond asked the Council if they were comfortable directing Staff to negotiate with the developers and Mr. Tassainer, and then disburse funds once it is worked out. Dan Valentine was uncomfortable paying the bills until the developers had paid. It was his opinion that the Town shouldn't take the hit.

Jerry Kinghorn stated that there were design fees for offsite improvements that were not paid for unrecorded plats; if the developers wanted to record the plats then the Town should require them to pay the offsite design fees before the plats were recorded.

Discussion ensued regarding the lot splits in Overland Trails. Mayor Bond asked whether the Town had tried to collect on the bills. John Newman stated that the issue was between Tasco and the developer and Tasco should bill the developer directly.

Garry Tassainer said that he could produce Eagle Point Condos and Eagle Point, Plat E drawings. Mr. Tassainer requested approval on these items based upon being submitted to Corey Walker. John Newman stated that the developer had to approve them first.

John Newman recommended authorization of payment of items listed under the apparent correct bills upon receipt of all necessary receivables.

Mayor Bond said that he had read over the contracts between the Town and Tasco and he didn't find anywhere that Mr. Tassainer had to wait for his money. Mayor Bond recommended approval of the payment of the activities summary of apparent correct bills, contingent upon the remainder of items in Mr. Tassainer's possession that were discussed, being given to the developer and a copy to the Town.

Dan Valentine was uncomfortable with the approval of the payment. He believed that this was the reason the Town got into the situation it was in with Tasco. The Town ended up being the bill collectors and when the developers don't pay the Town, its citizens are stuck with it. Mr. Valentine asked how the Town could fund the \$208,000. Mr. Newman said that the Town signed the contract and therefore should honor it. Mr. Newman said that the money was available to pay the bill.

Brigham Morgan requested that invoice # 253 & 365 be removed from the agenda and not be approved that night. Dave Albrecht agreed.

John Newman stated that as soon as the Town was paid, Tasco would be paid.

MOTION *Brigham Morgan moved to add the Activities Summary of Apparent Correct Bills, minus invoice # 253 & 365 for a total amount of \$152,600 to the Warrant Register. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

7. Appointments:

a. Town Treasurer.

Mayor Bond appointed Stephan Gabrielson to the office of Treasurer for the Town of Eagle Mountain.

MOTION *Dave Albrecht moved to appoint Stephan Gabrielson to the office of Treasurer for the Town of Eagle Mountain. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

b. Economic Development Board Members.

Mayor Bond appointed Darrin Brandt for a three-year term as Chairman to the Economic Board and as members of the Board, Jamie Mooring for a two-year term and Vincent Liddiard for a one-year term.

MOTION *Brigham Morgan moved to approve the Mayor's appointment of Darrin Brandt as Chairman of the Economic Development Board serving three-years, Jamie Mooring as a Board Member serving for two-years and Vincent Liddiard as a Board Member serving for one-year. Darrin Brandt was approved as a Board Member and appointed as the first Chairman recognizing that ordinance# 00-03 reflects in the future that the Board Members select the Chairman. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

c. Council member assignment as liaison to the Telecommunication Board.

Mayor Bond appointed himself as a liaison to the Telecommunication Board.

MOTION *Greg Kehl moved to appoint Mayor Paul Bond as the liaison to the Telecommunication Board. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

d. Public Safety.

Mayor Bond appointed Dan Valentine as liaison over Public Safety.

MOTION *Greg Kehl moved to appoint Dan Valentine as liaison over Public Safety. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

e. Mayor Bond recommended Greg Kehl as a member of the Utah County Solid Waste Special Service District.

MOTION *Dave Albrecht moved to recommend Greg Kehl as a member of the Board. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. Economic Development Board report to the Council:

Chairman, Darrin Brandt addressed the Council and gave an account of the progress of the Economic Board. The Board had been actively involved with both the Ranches and Eagle Mountain Properties and was planning some radio spots on KSL to promote growth in Eagle Mountain. Both master developers had agreed to match the Board's funds for advertising. There were plans to hire a Public Relations firm on a short-term base to deal with some positive stories about the Town. Activities were in the works for the summer that involved the Ranches and Eagle Mountain Properties with the intent of bringing attention to Eagle Mountain. The Board was organizing a survey of the residents to have better representation of the Town as they approached potential business owners that could move into the Town. A web site had been purchased to better promote growth and provide individual information about the Town. The web address is EMTOWN.com. The Board meets every 3rd Wednesday at 7:00 p.m. and the 1st Saturday at 7:30 p.m. of the month.

8. Public Notices:

There were no notices.

9. Public Comment:

Darrin Brandt discussed the use of ATV's and other off road vehicles within the subdivisions and on the roads within the Town. Juanita Christiansen added that it was not only a safety issue but the offenders had also torn up the ball field at the Pony Express Park.

Dan Valentine recommended designating an area for ATV use. Mr. Valentine added that he would work with Dave Albrecht to find a solution. Brigham Morgan recommended that signs be posted noting no use of ATV's within city limits except within designated areas.

Jerry Kinghorn stated that signs needed to be posted, as it was difficult to prosecute individuals without signs. John Newman said that he would work on the issue and order the signs.

11. SID 98-1 Landscaping Budget Reimbursement (Pony Express Parkway and Ranches Parkway:

Korey Walker discussed the landscaping reimbursement stating that the Ranches had requested an evaluation concerning the issue. The Staff had evaluated the improvements and recommended a portion of the items be included within the Ranches SID. There was a concern regarding what was left in the budget and whether it would cover both projects that had been constructed and the proposed items that were now being requested. It was recommended that the Treasurer be given time to evaluate the budget so see that there was adequate funds available.

MOTION *Brigham Morgan moved to table SID 98-1 Landscaping Budget Reimbursement until the first Town Council meeting in April with the understanding that, at that time the Staff would have a defined budget expenditure and SID intent. Dave Albrecht seconded the*

motion. Ayes 5, Nays: 0. Motion passed.

12. Approval of a Resolution Approving the Public Works Facilities Funding:

Jerry Kinghorn discussed the resolution and commented that if the Council adopted it, it would provide notice to both master developers advising them to make the necessary arrangements to fund the proposed schedule of necessary improvements. Both master developers were present in the Public Works Meeting when the resolution was discussed.

MOTION *Greg Kehl moved to approve Resolution # 04-00, a Facilities Funding Resolution along with Exhibit 1, Utility Improvements and Timing Costs for the north and south service area. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion Passed.*

13. Special Improvements District Funding Proposals:

It was noted that this proposal had been received.

14. Eagle Mountain Properties Update:

This item was removed from the agenda.

15. Approval of a Development Agreement including CC&R's between Patterson Construction and the Town of Eagle Mountain for Eagle Point, Plat D:

Jerry Kinghorn stated that the necessary fees had been paid to allow the Development Agreement to be considered for approval. The Subdivision had already received final approval and everything was in order except for an issue involving Mr. Alt using a dedicated trail portion as a road to access his property. Mr. Kinghorn said that he and Corey Walker needed to meet with Mr. Alt to figure out an alternative access to his property.

MOTION *Brigham Morgan moved to authorize the Mayor to enter into a Development Agreement with Patterson Construction Inc., for Eagle Point, Plat D. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

16. Approval of a Development Agreement including CC&R's between Patterson Construction and the Town of Eagle Mountain for Eagle Point, Plat G:

Discussion ensued between Wayne Patterson and the Town Council concerning unpaid fees by the developer. Mr. Kinghorn stated that he wasn't aware that the fees hadn't been paid when items 16-18 were placed on the agenda. Mr. Kinghorn added that he couldn't recommend approval at this time, as under provisions of the Consolidated Fee Schedule Resolution #16-99, it states that if a developer was delinquent in payment of fees then all processing of applications should be tabled until the developer's fees and charges were current. Mr. Patterson was disputing some of the bills. John Newman recommended that Mr. Patterson meet with Jalaire Taylor, Accounts Payable Clerk, to resolve any billing issues. The Council discussed the approval of the Development Agreements based on contingencies; it was agreed that approving the Agreement in that manner was not an option.

MOTION *Dan Valentine moved to table items 16, 17 & 18 the Development Agreement for Eagle Point Subdivision, Plat G, H and Eagle Point Condominiums until Staff places them back on the agenda. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. Street Lights, Trail Improvements and Street Trees for Patterson Construction:

Wayne Patterson discussed his concern with planting trees in subdivisions without having homeowners to care for them.

Korey Walker stated that the developer was requesting that rather than bonding for the trees, he wanted to place the burden on the builder or homeowner. Mr. Walker added that it was a Development Code issue and the Council could make that decision.

Mr. Kinghorn stated that it wasn't practical to plant the trees when there was no one to care for them; it was an issue of security and timing. If the developer was willing to allow the Town to hold the collateral there was adequate security.

Greg Kehl agreed that the trees shouldn't be planted before occupancy. His only concern was that there were no trees in the area and he would only be comfortable if money was held in escrow to insure the trees would be planted.

Jerry Kinghorn said that a deadline and specific amount of money needed to be established.

Dan Valentine suggested making two separate recommendations. He suggested that in the future a time mechanism be put in place and funds be held in escrow as security that the trees would be planted.

John Newman recommended that the burden be placed on the home builder and make it part of a cash bond in the future and that the Council allow the Staff to refine the solution and bring it to the next meeting for their review.

Brigham Morgan requested that all the homes that were currently occupied and built be incorporated into the solution.

Greg Kehl wanted to make sure that all cost be taken into consideration so that the Town wouldn't be out of pocket.

20. Approval of a Resolution Amending and Reinstating Resolution # 21-98 Adopting Current Additions of the Various State, National and International Standards and Codes

Jerry Kinghorn stated that the Town Building Inspector had requested that this change be made to keep up with the current codes. John Newman added that the wrong nomenclature had been used in the original Resolution and it needed to be amended.

This item was tabled.

MOTION *Greg Kehl moved to table the Resolution Amending and Reinstating Resolution # 21-98. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed*

21. Additional lighting at the intersection of SR-73 and Eagle Mountain Boulevard:

Korey Walker discussed several options with regards to additional lighting at the Eagle Monument.

MOTION *Dan Valentine moved to approve option three, the addition of two 120-volt lights to reflect on the Eagle. Greg Kehl seconded the motion.*

Discussion Robert Smith, resident commented that it was a safety issue not having the entrance illuminated. Mr. Roberts asked if there were any plans to light the strip of landscaping beyond the Eagle. Mr. Newman responded that there were no plans. Mr. Roberts believed it was pointless to have the trees there without additional lighting.

Mayor Bond was not in agreement with the motion and wanted to discuss the options. Greg Kehl called for the question. The Councilors had to vote or table the item. Council Voted; *Ayes: 3, Nays: 2. Motion passed.*

22. Amendment to Meadow Ranch Development Agreement:

This item was removed from the agenda.

23. Approval of Engineering Services for Equipment for Well # 2 and designing transmission line:

John Newman requested that the Council approve the design proposal for Well # 2 and authorize Epic Engineering to get plans and specifications created. Mr. Newman added that the Ranches would pay for the project.

MOTION *Brigham Morgan moved to approve Epic Engineering design proposal for Well # 2 and the related transmission line. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

24. Evans Wash Repair:

Korey Walker discussed the Evans wash repair and stated that they had an emergency issue the previous week. Traffic couldn't continue to use the west side of the road. Due to the weather, there was a concern with the continued saturation of the soil. Based on the emergency situation, Mr. Walker discussed the issue with the administration and it was decided that a contractor was needed to rectify the situation. Staff was now seeking ratification for their actions.

MOTION *Greg Kehl moved to ratify the agreement with R.A. McKell Excavation for the sum of \$6554.25 for the repair of the Ranches Parkway North Wash Culvert repair. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

26. Consent Agenda Items:

MOTION *Dave Albrecht moved to approve the Consent Agenda as amended. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

27. Adjournment:

MOTION *Greg Kehl moved to adjourn @ 10:30 p.m.*

APPROVAL: Paul R. Bond, Jr. DATE: 5/8/00
Mayor Paul R. Bond, Jr.

This certifies that the minutes of
Mar. 7, 2000 are a true, full and
correct copy as approved by the
City Council on April 4, 2000

Signed: Janet B. Valentine
City Recorder

DA GK (5)
Approved as Amended
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MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
March 21, 2000

FK will provide clean copy

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, and Brigham Morgan. Dan Valentine was excused. Mr. Valentine arrived @ 8:50 p.m.

Town Staff:

Town Administrator:	John Newman
Town Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Recording Secretary:	Fionnuala Kofoed

Others present: Josh Elledge, resident; Eldon Fletcher, resident; Russ Rossander, EMP (Eagle Mountain Properties); Dave & Sheila Curtis, residents; Scott Price, resident; Allen Mathias, resident; Rob Smith, resident; Juanita Christiansen resident; Trish Austin, resident.

2. Pledge of Allegiance:

Allen Mathias led the town in the pledge of allegiance.

3. Approval of Minutes:

December 7, 1999

MOTION *Dave Albrecht moved to approve the Minutes of December 7, 1999 as amended. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

Greg Kehl asked who was responsible for the bails of straw that had been left on the lawn outside the community center. Brigham Morgan responded that they were left there after the Library funded Halloween Extravaganza. Dave Albrecht said that he would talk to the Library Board concerning the clean up. Mr. Kehl also discussed the debris and mud caused by the construction of the Telecommunications building. Korey Walker stated that the cleanup was included in the contract specifications.

Brigham Morgan asked Korey Walker whether it was possible to paint no parking signs on the curbs in the Town Center rather than erecting actual signs, as it would be more cost effective. Mr. Walker responded that they were in the process of

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getting someone to paint signs on the curbs. Mayor Bond added that the no parking signs were posted in the area, as it was impossible for the fire trucks to navigate through the area if cars were parked on both sides of the road.

Brigham Morgan discussed people driving from the City Offices through the backyards of unoccupied houses to access the Landing. John Newman said that a berm should have been placed at the rear of the offices, however the dirt was leveled. Mr. Newman said he would look into it.

5. Appointments:

There were no appointments.

6. Public Notices:

There were no notices.

7. Public Comment:

Juanita Christiansen commented that the sports program was going well. Brigham Morgan inquired whether there would be adult sports. Mrs. Christiansen responded that there was no backstop at the ball field and due to the liability involved there would be no adult baseball or softball until the issue was resolved. Mrs. Christiansen added that it was a State regulation. Dave Albrecht said that he would look into the issue and suggested that Mrs. Christiansen submit a written proposal to the Town requesting funding for a backstop.

Scott Price, homebuilder, discussed the street signs in Overland Trails and said that one was missing on Sweet Water Road. ^{MEADOWS TRAIL} Corey Walker said that he would check into it. Mr. Price also asked about streetlights in Overland Trails, Phase I. Mayor Bond explained that there was no bonding for streetlights in several subdivisions in the Town; at this time he didn't know how lights in the particular subdivisions could be funded for.

Ben Nailer, resident, asked how residents could enforce the subdivision's CC&R's. Jerry Kinghorn advised that it could be done through a Homeowners Association organized by residents. Mr. Kinghorn added that it was hard to enforce the CC&R's and the Town played no role in it.

Mr. Nailer was concerned with the development of smaller homes in Eagle Point and that it would have a negative effect on property values. Mr. Kinghorn said that there was no minimum square footage in the Development Code, however he was aware of the home in question and that the plans were initially for a larger home. Mr. Kinghorn said that he would have the building inspector look into it. The Council recommended that Mr. Nailer discuss any issues that he believed were in violation of the Town Code with Shawn Wanke or Ken Leetham, the Town Planners.

Trish Austin, resident, asked for an update on the c-store. Mayor Bond stated that there was a holdup due to a dispute regarding the use of the parking lot owned by Ray Morley. EMP was negotiating with Mr. Morley and an agreement was in the works.

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8. Approval of an Ordinance of the Town of Eagle Mountain, Utah Providing for Alternative Street Name Signs, Sponsorship, Maintenance and Replacement:

Discussion ensued regarding the Ordinance. The item was tabled in order to allow revision.

MOTION *Greg Kehl moved to table the ordinance for the Alternative Street Name Signs in order to have verbiage changed as directed. Dave Albrecht seconded the motion. Ayes 5, Nays: 0. Motion passed.*

9. Approval of a Resolution of the Town of Eagle Mountain, Utah to Define Hours for Inspection of Utility Installation Work:

This item was ^{tabled} ~~deleted~~ from the agenda.

10. Sponsorship of Eagle Mountain Boulevard Cleanup and Request for Signage:

Josh Elledge, EMEV web master, addressed the Council concerning the sponsorship of Eagle Mountain Boulevard cleanup and signage. Mr. Elledge was concerned that the maintenance of Eagle Mountain Boulevard could easily be overlooked and he was interested in sponsoring the cleanup. He proposed to clean the boulevard approximately twice a year and asked for the Town's assistance with the removal of large debris. Mr. Elledge was planning to reside in Eagle Mountain for the long term and was interested in adopting the boulevard as long as the Town allowed him to.

John Newman stated that the Town was not in possession of a dump truck to assist with the removal of heavy debris. Mr. Elledge said that he could work out the removal of heavy items with the developers in the area if the need arose.

The Council favored the proposal and recognized Mr. Elledge for his commitment to the Town and the hours he had dedicated to the web site. Greg Kehl directed Mr. Elledge to work with Corey Walker regarding the signs and recommended that the Town cover the cost of the signs. Discussion ensued regarding an interchangeable sign at the Eagle.

MOTION *Brigham Morgan moved to approve the concept of the adoption and instructed the Staff to come back with a proposal and recommendation for an ordinance. Also, that Josh Elledge be granted the adoption of Eagle Mountain Boulevard from SR 73 to Lake Mountain Road. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

11. EMP Capital Facilities Plan:

This item was deleted from the agenda.

12. Approval of a Resolution Amending and Reinstating Resolution # 21-98, Adopting Current Additions of the Various State, National and International Standards and Codes:

MOTION *Brigham Morgan moved to approve resolution #06-00, a Resolution Amending and Reinstating Resolution # 21-98, Adopting Current Additions of the Various State, National and*

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International Standards and Codes. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.

13. The Ranches request for consideration of condominium/multi-family housing application fee:

This item was ~~deleted~~ ^{tabled} from the agenda.

- 14 Motion to approve the Consent Agenda items:

- a. Warrant Register.
- b. Contract Change Order.
- c. Partial Bond Releases.
- d. Final Bond Releases.

MOTION *Dave Albrecht moved to remove all items from the Consent Agenda. Greg Kehl seconded the motion. Ayes: 4, Nays: 0.*

MOTION *Greg Kehl moved to add John Newman's reimbursement expenses to the Warrant Register and approve the Warrant Register as stated. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Dave Albrecht moved to approve the Contract Change Order #6, which allowed additional work on the telephone building amounting to \$1966. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed. ~~Brigham Morgan did not vote, as he was not present for the discussion in the work session.~~*

MOTION *Dave Albrecht moved to approve the purchase of a Spectrum 49 KW. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed*

MOTION *Greg Kehl moved to approve a Partial Bond Release for Eagle Park, Phase I. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Greg Kehl moved to approve a Partial Bond Release for Eagle Park, Phase II, as submitted. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Greg Kehl moved to approve the Landscape Park Bond Release for Meadow Ranch, formerly known as Cedar Meadows Phases I, II & III as submitted. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Dave Albrecht moved to approve the Partial Bond Release, as submitted for Meadow Ranch Plat IV subdivision Reduced Guarantee Bond. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Dave Albrecht moved to approve the Final Escrow Bond Release for Eagle Point Phase B, retaining \$50,000 for completion of the telecommunications work making the total bond release \$203,664. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

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MOTION *Greg Kehl moved to approve the final Escrow Bond Release for Eagle Point Plat C, with the retention of \$30,000 held for telephone improvements making the total bond release \$63,810. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

15. Other Business:

There was no other business to discuss.

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

MOTION *Brigham Morgan moved to adjourn into a Closed Executive Session @ 8:45 p.m. for the purpose of discussing personnel and safety issues and potential litigation. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, John Newman, Dan & Janet Valentine.

MOTION *Brigham Morgan moved to adjourn to regular session @ 9:45 p.m. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

27. Adjournment:

MOTION *Greg Kehl moved to adjourn @ 9:45 p.m.*

APPROVAL: _____ DATE: _____
Mayor Paul R. Bond, Jr.

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
April 4, 2000**

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, Brigham Morgan and Dan Valentine.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Shawn Warnke
Town Clerk: Janet Valentine
Recording Secretary: Fionnuala Kofoed

Others present: Laird Smith, Lehi Free Press; Dave & Sheila Curtis, residents; Robert Smith, resident; Gary Tassainer, Tasco Engineering; Randy Rimmen, Dakota homes; Carl Allred, Scott Kirkland & Phil Nolan, The Ranches; Juanita Christiansen, Sports Program; Mel McQuirrie, M&J Development, Bert Ankrom, resident.

2. Pledge of Allegiance:

Shawn Warnke led the town in the pledge of allegiance.

3. Approval of Minutes:

March 7, 2000

MOTION *Dan Valentine moved to approve the minutes of March 7, 2000 as amended. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

March 21, 2000

MOTION *Dave Albrecht moved to approve the minutes of March 21, 2000 as amended. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

Dan Valentine noted that the 98-1 Landscaping Budget Reimbursement schedule was not on the agenda. John Newman advised the Council that the information had just been received that day and there wasn't enough time to have it put on the agenda.

5. Appointments:

There were no appointments.

6. **Public Notices:**

There were no Public Notices.

7. **Public Comment:**

Juanita Christiansen discussed the poor condition of Pony Express Park and asked whether the Town was responsible for its maintenance. The Council advised Mrs. Christiansen that Eagle Mountain Properties (EMP) still owned the park and suggested that she meet with them to discuss any issues regarding the park. John Newman added that he had discussed the condition of the park including a broken water line during the DRC meeting, and said that he would follow up on the broken water line.

8. **EMP Capital Facilities Plan:**

Nick Berg addressed the Council and gave an update on the progression of the C-Store and the trail from the Landing to Pony Express Park. The store was expected to be up and running by May 1st, 2000. EMP was still negotiating with Ray Morley concerning the use of the parking lot in front of the store. Eric Jones added that they were confident they could come to an agreement. Mayor Bond advised EMP that if they were considering an alternative parking arrangement they would have to present the concept to the Planning Commission for their approval. The trail to the park was scheduled to be paved the following week weather permitting.

Nick Berg commented on the vacancies on the Airport Advisory Board; Mr. Berg was eager to fill these positions. A group of planes was scheduled to land at the airport that weekend.

Mr. Berg briefly discussed the SID that EMP was working on. One of the challenges they faced were individuals not wanting to be involved with the SID then gaining from the benefits once things were constructed. Eric Jones added that he had met with MCM and worked out the district boundaries for the SID. Mr. Jones was anxious to present the utility oriented portion of the proposal to the Town Council in the near future. Two districts were planned, one utilities the other roads. It was necessary to discuss these items in order to accommodate the CFP (Capital Facilities Plan).

9. **Supplemental Warrant Register:**

The Town Council and Engineer discussed the Supplemental Warrant Register with regards to payment of bills to Tasco Engineering and Weston Engineering. John Newman recommended payment of all items except invoice numbers 455, 456 & 457. Korey Walker stated that since Tasco had done the inspection on those subdivisions, an acceptance letter needed to be submitted to the Town indicating that all items were constructed as per Town standards. Mr. Newman added that if any inspection had been completed on the subdivisions he wanted the records; this would provide a history of the particular construction product, i.e. the original construction drawings, the inspections and the as-builts. Mr. Walker commented that he had received as-builts for Chimney Rock, however he didn't have time to review them prior to the meeting.

MOTION *Brigham Morgan moved to approve payment for invoices numbers 253, 359, 365, 366, 408, 427, PC 99115, FC45, FC46, FC51, FC51, FC59 and FC60 for a total payment of \$98,516.45 and that it be added to the Warrant Register. All are Tasco invoice numbers except for PC99115, which is a Weston invoice. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10. **Fire Department Member Parking Only Request:**

The Eagle Mountain Fire Department requested three designated parking spaces behind the new telephone building to better accommodate volunteers to access the Fire Station; this would assist the firefighters getting enroute more expeditiously during emergency situations.

Staff recommended maintaining the original parking spots in front of the Fire Station by the flagpole.

Greg Kehl suggested using a stencil to paint the words "EMERGENCY VEHICLE PARKING ONLY" on the curbs where the Fire Department parks. Mr. Kehl wanted to avoid the use of posted signs and only use them if the painted curbing was not sufficient. John Newman stated that they needed an area for the department to park when they were on an emergency call, not for every day use. Mr. Newman said that the Staff would work on a recommendation regarding the terminology for the signs. Mayor Bond recommended painting the curbs yellow to avoid confusion with the red no parking zones.

MOTION *Greg Kehl moved to designate a specific parking area for emergency response Fire Department personnel as per submitted plan, Exhibit I, and that the color and verbiage be decided by John Newman and he be authorized to execute. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. Approval of an Ordinance of the Town of Eagle Mountain, Utah Providing for Alternative Street Name Signs, Sponsorship, Maintenance and Replacement:

This item had been tabled from the previous Town Council meeting. Discussion ensued regarding the street name signs that had been approved by the Council to be placed in the Ranches subdivisions. The Ranches stated that they had changed the size of the street signpost that had been approved by the Town Council. The Council requested to see the new post that The Ranches intended using before they would approve the change. Later in the meeting Phil Nolan, The Ranches, presented the new post they intended using.

MOTION *Greg Kehl moved to adopt Ordinance # 00-04, an Ordinance of the Town of Eagle Mountain, Utah providing for Alternative Street Name Signs, Sponsorship, Maintenance and Replacement. Dave Albrecht seconded the motion. Ayes 5, Nays: 0. Motion passed.*

12. Approval of a Resolution Approving the Town of Eagle Mountain, Utah to Define Hours for Inspection of Utility Installation Work:

This item was tabled from the previous meeting so the language could be revised.

MOTION *Brigham Morgan moved to approve Resolution # 07-00, a Resolution of the Town of Eagle Mountain, Utah to Define Hours for Inspection of Utility Installation Work, as amended. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion Passed.*

13. Amendments to The Ranches Design Guidelines:

The Ranches made a request to amend their Design Guidelines with regards to the orientation of garages and porches. The current code allows "a minimum of 1/3 of the houses on any group of six (or less) adjacent lots shall be of either front-loaded garage design with the garage located at the rear of the lot (set back 50 feet or more) or side loaded garage design." The Ranches believed that these guidelines created a mixture of designs that was not appealing; therefore, they requested that the requirements be imposed on an entire "Ranch" as apposed to any six houses.

The current porch requirement demands that 1/2 of the houses in any group of six shall have a porch. The Ranches proposed that the same ratio of porches be required, but again allowed on a "Ranch" wide basis.

Discussion ensued regarding the minimum square footage of the houses being built.

Shawn Warnke, Town Planner, commented on the possibility of having a street with one design element. Brigham Morgan stated that he had discussed that prospect with Carl Allred. Mr. Allred advised him that if this were to occur the street would have something that varies it. Scott Kirkland added that the Ranches Design guidelines require that a home can't be repeated until three lots later.

MOTION *Brigham Morgan moved to approve the amended Ranches Design Guidelines, replacing section 6.4.1.4 - B (pg 35) with the amendment as stated, Exhibit I, and replacing section 6.4.1.4 - C (pg 36) as recommended in Exhibit I. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. PWB recommendation to complete the Black & Veatch Report without a specified monthly building permit number:

MOTION *Greg Kehl moved to approve the Public Work Board's recommendation that Black & Veatch furnish their report based on their professional judgment, and conditions as they have changed from September 1999, to March 2000. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Adjustment to EMP's C-Store Connection Fees:

John Newman requested that the Council approve the Town Engineer's recommended connection fees.

MOTION *Dan Valentine moved to approve the actual cost connection fees for the C-Store in the amount of \$1867.75. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

23. Utility Disclosure Clause in the Development Agreements:

John Newman requested that this item be discussed prior to discussing the proposed Development Agreements, as it would influence voting on related issues.

Jerry Kinghorn addressed a special condition that was added to the Development Agreement after the new impact fee ordinance was adopted. The previous Town Council wanted a disclosure added that would advise potential buyers and builders of the utility capacity problem and that those individuals should contact the Town before they purchase any property.

Mr. Kinghorn stated that prior to the meeting The Ranches had asked who in the city would be contacted regarding the disclosure, and what kind of answer would be given regarding the capacity problem. John Newman stated that the disclosure had always been in the agreement in one form or another, it had just been rearticulated in a different manner. Mr. Newman stated that the prospect of people calling the Town with regards to the disclosure was minimal. However, Mr. Newman said that that he, or Corey Walker could be contacted to discuss the utility capacity problem with those who called.

Mr. Kinghorn suggested that the two service areas should be tailored to reflect the utility problems endemic to those areas and modify the disclosure accordingly.

Several of the developers were concerned with the language in the disclosure and requested that it be altered so it wasn't so punitive. Brigham Morgan made a recommendation regarding the verbiage of the disclosure. His proposal would relinquish the Town of any liability while informing the buyer of the potential utility predicament.

John Newman commented that getting the needed infrastructure built to accommodate both service areas would make the difference. He stated that the Town had just received funding from developers to get the pre engineering started on some of the needed infrastructure. Greg Kehl commented that if the funding continued then the disclosure would go away.

Discussion ensued regarding the needed facilities; Staff commented on the status on the utility capacity.

The Council turned over the new disclosure to the Town Attorney, Jerry Kinghorn. Mr. Kinghorn

stated that he would review the draft and circulate a revised disclosure to the developers.

Based on this information, items 18, 21 and 22 were tabled.

16. Approval of a Development Agreement and CCR's for Castle Rock:

Mayor Bond stated that he had discussed Castle Rock CCR's and Development Agreement with the Town Attorney and Administrator and believed everything was in order.

Greg Kehl discussed the size of the homes that were being built in Eagle Mountain and stated that residents were concerned with the number of smaller homes that were being developed, especially those located near larger homes. Scott Kirkland commented that The Ranches had a balanced development plan with approximately 30-40% entry-level homes with the remainder being custom and semi custom homes. Mr. Kehl suggested that the Planning Commission look into adding a minimum square footage requirement to the Development Code.

MOTION *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and The Ranches LC for Castle Rock at Red Hawk Ranch, as stated. Dave Albrecht seconded the motion. Ayes: 4, Nay: 1. Motion passed. Mayor Bond opposed.*

17. Approval of a Development Agreement for The Ranches Business Park, Plat A:

Discussion ensued regarding an Exhibit in the Development agreement that showed the architectural drawings were missing from the packet.

MOTION *Greg Kehl moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and The Ranches LC for The Ranches Business Park, Plat A, with section 2.3 to read as "architectural review and approval of site plans and buildings is required for all additional and future construction in the subdivision. Dan Valentine seconded the motion. Ayes: 3, Nays: 2. Motion passed. Mayor Bond and Brigham Morgan opposed.*

18. Approval of a Development Agreement & CCR's for Threes Crossing, Plat A:

This item was tabled.

19. Approval of a Development Agreement & CCR's for Ruby Valley:

This item was tabled to correct the document.

MOTION *Dave Albrecht moved to table the Development Agreement & CCR's for Ruby Valley, Plat A. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

20. Approval of a Development Agreement & CCR's for Simpson Springs:

This item was tabled.

21. Approval of a Development Agreement & CCR's for Saddleback, Plat B:

This item was tabled.

22. Approval of a Development Agreement & CCR's for Cedar Trails Villages, Phases 1 & 2:

This item was tabled

26. Other Business:

Phil Nolan presented the new street signs that The Ranches intended using in their subdivisions. The Council was satisfied with the change once the lettering on the signs met the Town Code.

24. Blue Stakes Contract:

John Newman recommended entering into a contract with both Stake Center and STS. It was Mr. Newman's opinion that Stake Center was more reputable than STS, however, having service from both companies would accommodate the Town in case of an emergency.

MOTION *Greg Kehl moved to approve the following contractor's services for Blue Stake locating, STS INC. and Stake Center Locating INC. That Staff first negotiate a contract with Stake Center Locating INC. as a prime contractor, and STS INC. as a backup. Then, if unable to negotiate a contract with Stake Center, contract with STS INC. as a prime contractor. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

25. Consent Agenda Items:

MOTION *Dave Albrecht moved to approve the Consent Agenda as amended. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

26.1 Other Business:

Greg Kehl discussed the possibility of the Town Staff recommending to the Planning Commission to investigate amending the Development Code to incorporate a minimum guideline with regards to house sizes.

MOTION *Greg Kehl moved to direct Town Staff to direct the Planning Commission to investigate and give suggestions for minimum square footage for finished living space for the Development Code in the Town of Eagle Mountain, Utah. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

27. Adjournment:

MOTION *Greg Kehl moved to adjourn @ 11:10 p.m.*

APPROVAL: _____

Mayor Paul R. Bond, Jr.

DATE: _____

3/19/01

This certifies that the minutes of
Apr. 4, 2000 are a true, full and
correct copy as approved by the
City Council on May 2, 2000

Signed: Paul B. Valentine, CMC
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
April 18, 2000**

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. **Roll Call:**

Council Members present: Mayor Paul Bond, Greg Kehl, Brigham Morgan and Dan Valentine. Dave Albrecht was excused.

Town Staff:

Town Administrator:	John Newman
Town Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Town Planner:	Ken Leetham
Town Clerk:	Janet Valentine
Recording Secretary:	Fionnuala Kofoed

Others present: Dave & Sheila Curtis, residents; Carl Allred & Scott Kirkland, The Ranches; Becky Oakley, resident; Jody Hooley, resident; Trish Austin, resident; Cassidy Cook, resident; Kelvin Bailey, resident; Dave Tomsick, resident; Frank Ivory, Salisbury Homes; Josh & Jenny Elledge, residents; JoAnn Benson, Lions Club; David & Jodie Blackburn, residents; Scot Hazard, The Ranches; Nick Berg, Eric Jones & Russ Rossander Eagle Mountain Properties (EMP).

2. **Pledge of Allegiance:**

Greg Kehl led the town in the pledge of allegiance.

3. **Approval of Minutes:**

This Item was tabled.

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

Greg Kehl asked for a follow up regarding a motion that the Council made at the previous Town Council meeting. The intent of the motion was to direct the Planning Commission to investigate and give suggestions for minimum square footage for finished living space for the Development Code in the Town of Eagle Mountain. John Newman stated that the Planning Commission had not yet submitted any suggestions. Ken Leetham added that the Planning Commission had discussed the issue and that the Staff was working on some recommendations and expected to present them at the next Town Council meeting.

5. Eagle Mountain Emergency Program:

Mayor Bond briefly discussed the appointment of a Voluntary Emergency Program Coordinator.

MOTION *Brigham Morgan moved to appoint Shelia Curtis as a Voluntary Emergency Program Coordinator for the Town of Eagle Mountain, Utah. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

6. Appointments:

A. Appointments to the Library Board.

John Newman recommended that Mayor Bond first interview the individuals the Library Board had selected as board members before he made any appointments. Mayor Bond requested that the appointments be scheduled for the next Town Council meeting.

7. Public Notices:

Janet Valentine, Town Recorder, announced a Public Hearing May 16, 2000 regarding the Budget for the new fiscal year 2000 - 2001.

8. Public Comment:

Trish Austin, resident, submitted a proposal for an Easter egg hunt for Eagle Mountain residents. Mrs. Austin requested a budget of \$1000. Donations had been received from local developers and several businesses in Lehi. This had reduced the total amount that was needed to make the hunt successful. Mrs. Austin stated that if the Town was willing to fund the difference, then anything that was left over would be returned to the Town. Mayor Bond stated that if the Town made a donation the money would have to come from either the Youth Sports Program or the Library Fund. Becky Oakley, Library Board Chair, commented that the Library could donate some small prizes that were left over from an earlier event. Mayor Bond recommended that Mrs. Austin meet with Town Administrator John Newman to see what finances could be arranged.

MOTION *Brigham Morgan moved to authorize Mayor Bond and John Newman to investigate the possibility of reallocating \$300 from the recreation fund for the purpose of sponsoring a City-wide Easter egg hunt. In the event that the money cannot be allocated the Town will not be held liable. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

9. Presentation to the Town by the Lions Club:

JoAnn Benson addressed the Council and explained the fundamentals of the Lions Club. One of the functions of the club was to raise money for community events and also to purchase eyeglasses for children who could not afford them. Twenty-two residents were required to establish the club in a new location. Mrs. Benson encouraged those interested to sign up for the club.

10. Presentation to the Town Council regarding the Eagle Mountain Library:

Becky Oakley made a presentation to the Council regarding the Eagle Mountain Library. Mrs. Oakley commented that their latest donation to the library was a check for \$1000 received from an attorney in Florida in the late Ken Nusz's name. The Council received a packet containing the policies and procedures for the library; it also discussed the role of The Friends of Eagle Mountain Library stating that it was a not for profit organization formed to promote the library in Eagle Mountain through fund raising and literacy efforts. Mrs. Oakley discussed the need of having a paid employee for the library until a paid librarian was provided for by the new budget in July. They submitted a two-option proposal for payment (see attachment). Mrs. Oakley added that grants totaling over \$75,000 had been applied for; however, they were rejected because the library was considered a voluntary organization. Having a paid librarian would rectify this issue.

John Newman commented that a decision could not be made that night regarding a paid librarian because the item wasn't on the agenda. Mayor Bond didn't want to rush into anything and instructed John Newman to review the proposal submitted by the Library Board and have a recommendation for the next Town Council meeting.

11. Library Budget:

This item was tabled.

12. Overland Trails, Phase 1 - Final Acceptance:

This item was tabled.

13. Resolution establishing protocol for the potential sale of a city owned utility:

Jerry Kinghorn stated that Councilman Dave Albrecht originated the draft to protect the Town from incurring any debt generated by the potential sale of the Town utilities. Prospective buyers would reimburse those expenses back to the Town. The resolution would direct the Public Works Board to be open to hear issues concerning the utility system's rates and conditions for service.

Discussion ensued regarding fare market value of the Town's utilities.

John Newman added that because the resolution was still in draft form it was subject to change. The resolution would be adopted May 2, 2000.

Greg Kehl requested that in the event of an appraisal the Town would select the appraiser.

14. Clean up of Construction Sites:

This item was tabled.

15. SID 98-1 Landscaping Budget Reimbursement:

This item was tabled.

16. Approval of an Ordinance Enacting Changes in Water Rights:

Jerry Kinghorn stated that currently the Town has two different water right requirements in the two service areas of the Town. The north water right requirement was set counting on returns to Utah Lake of water used indoors. The requirement in the south was higher because the State Engineer, under the premise that the water in this area would evaporate, set the water right approval. A reuse program was being designed to use wastewater from the lagoon for limited irrigation purposes. The Ordinance would allow the Town to operate under one water right requirement.

MOTION *Greg Kehl moved to approve Ordinance # 00-05, An Ordinance Enacting Changes in Water Right Requirements for the Developments within the Town of Eagle Mountain, Utah as submitted. Ayes: 4, Nays: 0. Motion passed.*

17a. Development Agreement & CCR's for Three Crossings, Plat A (Salisbury Homes):

Greg Kehl voiced his concerns regarding the approval of the development agreement as there were still unpaid bills owed to the Town by the developer. Mr. Kehl didn't appreciate the position the Town was in and wanted all delinquent bills paid prior to any items being placed on the agenda. Mr. Kehl stated that he was looking out for the best interests of the Town and wanted the developers to understand that it wasn't a pick and choose situation. Brigham Morgan agreed with Mr. Kehl and didn't want to compromise.

Steve Gabrielson, Town Treasurer, advised that they were old utility design bills related to Tasco and they would eventually be resolved. Mr. Gabrielson stated that they had an agreement that the bills would be paid May 1, 2000.

John Newman commented that The Ranches had negotiated the payment of the bills and to his knowledge had never defaulted on an agreement. He was confident the developers would honor their commitment. Mr. Newman stated that each developer had tried to work their bills out in their own way.

Jerry Kinghorn added that the developers had been told that they could negotiate payment of bills outside of Council meetings and then the Staff could continue to make recommendations to the Council on behalf of the developers.

Mayor Bond was concerned that the Council had just received the proposed agreement and hadn't had sufficient time to consider it. Mayor Bond acknowledged the confusion between the Staff and Town Council regarding the payment agreement and requested that in the future all information be available with sufficient time to review it.

John Newman stated that the Staff had been directed to reduce the accounts receivable. The accounts had been reduced by approximately 80%. The Staff was getting the job done by making agreements with the developers, as they understood they were delegated to do. The Council had never asked to see agreements in the past so it appeared that they were getting last minute information when they requested to see the agreement in question.

Mayor Bond recommended approval of the Development Agreement based upon the payment arrangements that The Ranches had made with the Staff. Brigham Morgan agreed, however, he didn't want to set a precedent for this happening in the future.

Greg Kehl opposed the approval of any item on the agenda involving developers with delinquent accounts with the Town of Eagle Mountain.

MOTION *Brigham Morgan moved to approve the Development Agreement & CCR's for Three Crossings, Plat A.*

Motion died for lack of a second.

Discussion ensued between the Council and Staff regarding the payment agreement the Staff had arranged with the developers.

John Newman stated that if the bills were not paid by May 1, 2000 no other items involving The Ranches would be placed on the agenda.

Jalaire Taylor, Accounts Payable Clerk, stated that the Staff had informed the developer that these bills were not due until recordation of the Plat.

Mayor Bond said that if the payment wasn't made the Town could hold up recordation of the Plat and since they were old Tasco bills he was comfortable with the approval. Mayor Bond was concerned with holding things up for another two weeks. The Ranches had a good credit history with the Town and believed they would make good on the agreement.

Brigham Morgan commented that the Development Agreement should be considered for approval as the agreement for the Ranches bills are to be made current by May 1, 2000. This would take the developer out of default. However, whether the Development Agreement was approved or not the Town would be paid the amount due on May 1, 2000.

MOTION *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and Salisbury Homes for Three Crossings, Plat A. Dan Valentine seconded the motion. Ayes: 3, Nays: 1. Greg Kehl voted nay. Motion passed.*

17b. Development Agreement & CCR's for Saddleback, Plat B (Trophy Homes):

MOTION *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and Trophy Homes for Saddleback, Plat B with an agreement that if Trophy Homes was not current on all bills by the next Town Council meeting no more building permits would be issued for Plat A. The agreement would be in writing by the end of the business day May 19, 2000 or the motion would be considered null and void. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion Passed. Greg Kehl abstained from voting.*

17c. Development Agreement & CCR's for Ruby Valley, Plat A (LDS Stake Center):

MOTION *Greg Kehl moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and the Church of Jesus Christ of Latter Day Saints for the Ruby Valley, Plat A LDS Church Stake Center. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

17d. Development Agreement & CCR's for Ruby Valley, Plat B (The Ranches):

MOTION *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and the Ranches LC for Ruby Valley, Plat B at Saddlerock Ranch with the Knowledge that The Ranches has entered into an agreement to bring their fee payments current as of May 1, 2000 as specified by the specific payments outlined in the agreement dated 4/18/00, and that all payments will be current at time of recordation. Should the situation arise before recordation where The Ranches defaults on any payments of fees the Development agreement will become null and void. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed. Greg Kehl abstained from voting.*

17e. Development Agreement & CCR's for Simpson Springs (The Ranches):

MOTION *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and the Ranches LC for Simpson Springs with the Knowledge that The Ranches has entered into an agreement to bring their fee payments current as of May 1, 2000 as specified by the specific payments outlined in the agreement dated 4/18/00, and that all payments will be current at time of recordation. Should the situation arise before recordation where The Ranches defaults on any payments of fees the Development agreement will become null and void. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed. Greg Kehl abstained from voting.*

17f. Development Agreement & CCR's for Cedar Trails Villages, Phases 1 & 2 (M&J Development):

MOTION *Dan Valentine moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and M&J Development for Cedar Trails Villages, Phases 1 & 2. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

17g. Final Plat Approval (includes Development Agreement & CCR's) for Kennekuk, Plat A:

MOTION *Brigham Morgan moved to approve the Final Plat for Kennekuk, (R-1 N-13 & N-15s) subject to Staff's recommendations as follows:*

- 1. That the slope easement from the Rogers is recorded (see engineer's report and attachments).*
- 2. That the lot owners/builders sign an agreement acknowledging potential utility capacity problems.*
- 3. That the developer shall install conduits to each lot for future fiber optic lines.*
- 4. That landscaping begins when 50% of building permits have been issued or within one year of recordation, whichever occurs first.*
- 5. That safety signage for traffic, as approved by the Town Engineer, to be installed alerting drivers to a sight distance problem.*

Also, that the Town Council approves the Development Agreement

between the Town of Eagle Mountain, Utah and The Ranches LC for Kennekuk at Red Hawk Ranch. Included in this approval is the understanding that this is part of the agreement reached between the Town and The Ranches to bring all fee payments current as of May 1, 2000. The agreement is dated 4/18/00. All fees and payments shall be current at the time of recordation. In the event that The Ranches defaults between this approval and the recordation, the approval shall become null and void. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed. Greg Kehl abstained from voting.

17h. Development Agreement & CCR's for Liberty Farm (Dakota Homes):

MOTION *Greg Kehl moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and Dakota Homes for Liberty Farms at Smith Ranch under the conditions that the bonding letter is reviewed by Town Attorney Jerry Kinghorn and found satisfactory. Ayes: 4, Nays:0. Motion passed.*

17i. Revised Final Plat Approval for Porter's Crossings, Plats A, B & C:

Jerry Kinghorn stated that this subdivision was previously approved but since has shifted west, as The Ranches couldn't obtain the land. Nine lots were eliminated but the lot configuration remained the same. The Planning Commission has approved the amendments.

Dan Valentine asked whether the amendment would affect the lift station design. Korey Walker stated that it would not.

Korey Walker commented that the developer had provided a warranty deed for the location of a lift station. Mr. Walker commented that there were some items that should have been on the construction plan that he noted in his report. There was also some phasing that was responsible for the subdivision. Mr. Walker stated that the lift station had to be constructed, also that the approval was contingent on Three Crossings being constructed to provide loops in the utilities and second accesses.

Jerry Kinghorn added that the Development Agreement needed to be reviewed to insure that it was in compliance.

Brigham Morgan asked what items were not included in the construction report. Korey Walker responded that there was a median on Allred Street to prevent cars from making a left hand turn. Also, a left hand turn could not be made on Clark Road.

MOTION *Dan Valentine moved to approve the amendment to the Final Plat Approval for Porter's Crossing (R-6 N-4, 5) Plats A, B & C subject to the DRC recommendations and the Town Engineer's report.*

- 1. That the applicant makes the requested changes and updates to the amended final plats and construction drawings as noted in the Town Engineer's staff report.*
- 2. That the developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem.*
- 3. That the Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic*

installation.

4. *That an updated electronic file of the final plats and the utility drawings be provided.*
5. *That an engineer's estimate is provided showing the reduced quantities.*
6. *That the development of Three Crossing's infrastructure be completed prior to the construction of Porter's Crossings.*
7. *That all applicable conditions made in the motion for approval of Porter's Crossing also be required in the approval of the amended plat.*

Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed. Greg Kehl abstained from voting.

17j. Proposed Amendment to Friday's Station:

Jerry Kinghorn stated that The Ranches had requested to amend the CCR's for Friday's Station. The Ranches were requesting the setbacks be amended from 10' one side, 5' feet one side or 7 1/2 each side to 5' each side.

Dan Valentine asked whether it would be a fire safety issue. Korey Walker responded that the fire chief had reviewed the issue and was comfortable with the 5' side setback.

Greg Kehl asked if Friday's Station was on the golf course. Carl Allred stated that it was and the purpose for the smaller side set backs was to avoid any homeowners from parking recreational vehicles in side yards. It was not uncommon for homes in golf course communities to have smaller lots.

MOTION *Dan Valentine moved to approve the amendment to Friday's Station CCR's. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed. Greg Kehl abstained from voting.*

17k. Amendment to Development Agreement for Castle Rock at Red Hawk Ranch and the Business Park:

MOTION *Brigham Morgan moved to approve the amendment of the Special Conditions in the Development Agreement for Castle Rock and the Business Park. Dan Valentine seconded the motion. Ayes: 3, Nay: 0. Motion passed. Greg Kehl abstained from voting.*

17l. Proposed Amendments to The Ranches Design Guidelines:

The Proposed amendments to The Ranches Design Guidelines would eliminate any confusion in interpreting the requirements for the developments. The Ranches were requesting that a minimum building footprint of 900 square feet of which 400 square feet may be a garage, be established for all housing categories. Also, an increase in the size of houses in the Entry-Level Category and a separation in the Move-Up category into First and Second Time Move-Ups. The First Time Move ups would be a minimum living space of 1000 sq. ft. above ground and vinyl siding not to exceed 75% of exterior materials. The Second Time Move-Up would be 1200 sq. ft. minimum living space above ground and vinyl siding as an exterior material would be prohibited.

Discussion ensued regarding the minimum square footage of homes being built in Eagle Mountain. Some residents in the Town had complained about smaller

homes being built next to their larger homes and reducing the property value. Greg Kehl suggested an addition to the Development Code restricting the quantity of entry-level homes being built in Eagle Mountain. Dan Valentine didn't want Eagle Mountain to be known only as an affordable housing community and believed that it would be prudent to have a mechanism in place to prevent that from happening. Mr. Kehl requested that the Planning Commission review the issue and return some recommendations to the Council. Mr. Kehl's intent was to ensure that resident's property values weren't being hurt because of the large number of entry-level homes that were being built. Scott Kirkland, The Ranches, stated that what needed to be practiced was good compatibility. Ken Leetham said that the Staff and Planning Commission were working on some recommendations. Jerry Kinghorn stated that it was a complicated matter that required a lot of research and wasn't something that should be rushed.

MOTION *Dan Valentine moved to approve the Amendments to The Ranches Design Guidelines. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed. Greg Kehl abstained from voting.*

19. Revised Parking Plan for Town Center East Convenience Store:

Ken Leetham presented the revised parking plan for the Town Center East Convenience Store. Mr. Leetham stated that the Planning Commission had approved the site plan for the C-Store in December 1999. Since that time, Eagle Mountain Properties (EMP) was now unable to provide the parking as approved. Before the store could open EMP needed to provide at least 15 parking spaces; based upon this EMP provided a revised parking plan that the Planning Commission had approved. However, Mr. Leetham commented that the Staff didn't have sufficient information submitted to them enabling them to determine whether the improvements to the parking lot areas would be acceptable.

Discussion ensued between the Town Council and EMP regarding the revised plan. Mayor Bond believed that all aspects had not been covered concerning the revision to the parking plan and the Planning Commission approval had been rushed through. He stated that the Planning Commission hadn't had sufficient time to review the information and because of this too many items had been overlooked. The Council was in agreement.

MOTION *Greg Kehl moved to table the Revised Parking Plan for Town Center East Convenience Store and required that the plan be returned to the Planning Commission with revisions and a list offered by the Mayor and Staff, and that it be put on the next agenda for Town Council approval. The Planning Commission needed to understand the direction of the Council and the reasons why the item was returned. The reasons are as follows:*

- 1. Lighting*
 - 2. Pavement in handicapped areas*
 - 3. Pavement and or gravel for access walkways*
 - 4. Bonding to remove the pavement*
 - 5. Grading plan*
 - 6. What mechanisms will be in place to keep gravel from Heritage Drive*
 - 7. A soil test is recommended but not required*
 - 8. The use of crushed lime stone rather than road base*
- Dan Valentine seconded the motion. Ayes: 4, Nay: 0. Motion passed.*

20. Special Event Temporary Archery Range:

The Ranches submitted an application for a temporary archery range to host an NFAA event May 6 & 7, 2000. It was estimated that the event would attract approximately 500 visitors.

Deputy Jo Murphy stated that Fire Chief, Eric Taylor, had been working with The Ranches regarding safety issues and that he was comfortable with the arrangements. Scot Hazard, The Ranches, added that there was no need for traffic control and that the members of the club follow a protocol of safety standards and ethics. The public would not participate in the archery event, however, as part of the promotion the public may participate in a recreational shoot for prizes using a 5lb bow.

MOTION *Greg Kehl moved to approve a single event permit to the Ranches to host a Dedicated Archer True Utah Sportsman Archery Golf Tournament on May 6 & 7, 2000. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

21. Approval to purchase a Park & Recreational Roadside Mower:

This item was tabled.

22. Eagle Mountain Properties Request for Utility Services - 1st Phase Airport Construction:

Nick Berg addressed the Council stating that EMP was ready to start the construction of the airport in June. The USDA packet needed a few more documents before it was complete. One of the conditions of the guaranteed loan was that utilities were available. The Public Works Board approved the request for the utilities; however, the Town Council's approval was also needed. EMP was requesting a letter stating that the utilities were available to satisfy the USDA requirement.

Discussion ensued regarding a time stipulation on the ERU's. Greg Kehl recommended guaranteeing the ERU's for one year. Jerry Kinghorn stated that all that was needed was a letter advising that the utilities were available.

MOTION *Greg Kehl moved to direct John Newman to draft a letter stating that utility services are available from the Town of Eagle Mountain at this time and note the approval of the airport in the minutes of the Town Council Meeting. This motion is made recognizing the need for industrial and commercial development in the Town. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed*

23. Blasting Specifications:

Korey Walker commented that the present Construction Specifications and Drawings did not included a component that discussed rock removal blasting. The sewer extension in Meadow Ranch required blasting to get the job underway. Based upon this need the Public Works Board recommended incorporating Blasting Specifications with suggested changes and references into the Town of Eagle Mountain Standard Construction and Development Specifications. Mr. Walker recommended that Jerry Kinghorn, Town Attorney, draft an ordinance to

adopt this into the towns Construction and Development Specifications.

The Council directed Jerry Kinghorn to draft the ordinance then return it to the Council for their approval.

24. Recommended Changes to Exhibit 1 of the Public Works Board Facilities Funding:

Korey Walker discussed the recommended changes to Exhibit 1 of the Capital Facilities items.

MOTION *Dan Valentine moved to approve the Public Works Board's recommendation concerning the Capital Facilities Funding. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

25. Letter Regarding Refund of Impact Fees to Patterson Construction W/attachments:

MOTION *Greg Kehl moved to approve the Patterson Construction refund application in the amount of \$32,760.00. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

26. Consent Agenda Items:

MOTION *Dan Valentine moved to approve the Consent Agenda items as stated. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

27. Other Business:


Tickville Wash culvert replacement.

MOTION *Brigham Morgan moved to approve Mutual Excavation Inc. to perform the replacement and repair work in Tick Ville Wash subject to a bid amount totaling \$44,678.00 of which The Ranches LC will pay \$15,181. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

28. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting at 12:40 p.m.*

APPROVAL:


Mayor Paul R. Bond, Jr.

DATE:

5/25/00

This certifies that the minutes of
April 18, 2000 are a true, full and
correct copy as approved by the
City Council on May 23, 2000

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
May 2, 2000**

POLICY SESSION 7:00 p.m.

Mayor pro tempore Dave Albrecht called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, Brigham Morgan, and Dan Valentine.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Ken Leetham
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed

Others present: Rick Pierce, resident; Candy Bateman, resident; Keith Callen, resident; Cody Herbert, resident; Mark Madsen, resident; Jody Hooley, resident; Dave Thomsick, resident; Bill Neathery, resident; Dan Valentine, resident; Juanita Christiansen, Youth Sports; Nick Berg, Eric Jones & Russ Rossander, EMP; Scott Kirkland, The Ranches.

2. Pledge of Allegiance:

Brigham Morgan led the town in the pledge of allegiance.

3. Approval of Minutes:

MOTION *Greg Kehl moved to approve the minutes of April 4, 2000 as amended.
Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed,*

The April 18, 2000 minutes were tabled.

4. General Discussion/Questions/Announcements:

There were no announcements.

5. Appointments:

Appointment of Karen Larsen and Brenda Park to the Library Board.

MOTION *Dave Albrecht approved the Mayor's Appointment of Karen Larsen and Brenda Park to the Library Board. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. Public Notices:

The Public Notice for May 16, 2000 was cancelled and rescheduled for a Special Town Council Meeting May 23, 2000.

7. Public Comment:

Juanita Christiansen, Youth Sports, discussed the need for a port-a-potty and a trashcan at Pony Express Park. Mrs. Christiansen also commented on the poor shape of the soccer field. Mayor Bond directed John Newman to look into the issue.

Residents Darrin and Ruth Brandt, Cassidy Lock, Dianna and Brittany Monson, Rob Nielson and Becky Oakley voiced their support for the Library and commented on the positive aspects of having it available in the Town. Furthermore, they believed that the Library was especially beneficial to the youth of Eagle Mountain and encouraged the Town Council to find the means to support a paid librarian. Deputy Sheriff Jo Murphy echoed the resident's opinions regarding the impact the library had on children and the importance of being proactive in the community.

Rick Pierce, resident, commented that it was his opinion that some of the homes in Overland Trails were not in compliance regarding porch requirements. Mr. Pierce expressed that the addition of a porch to his home cost him \$1000 and he expected the Town to hold other potential residents to the same standards. Mr. Pierce also commented that the Art Council's sign was not in compliance and should have been removed, as was the sign for the Community Easter-Egg Hunt. Mr. Pierce was concerned with the lack of consistency.

Ray Morley addressed the Town Council and residents of Eagle Mountain with respect to the parking lot issue at the proposed Morco Store and explained the controversy between himself and EMP. Mr. Morley refused to permit parking in his parking lot west of the Morco store until EMP honored an agreement he had with them.

Marianne Liddiard, resident briefly discussed the poor condition of the parks and trails in Eagle Park and wanted to know whether the developers bond had been released. Korey Walker stated that a letter had been sent to the developer advising him of the items that were not in compliance within the subdivision.

Mickey Hill, resident, commented on the condition of the roundabout in the Mountain View subdivision. The bond had been released and the developer was no longer building in Eagle Mountain. Mayor Bond responded that the developer was still responsible to finish the improvements and the bond was no longer available to the Town. The Town was doing all they could to rectify the situation.

8. Utah County Association of Realtors presentation to the Town Council:

Mrs. Jackson, Utah County Association of Realtors, made a presentation to the Town council regarding urban sprawl within the State of Utah.

9. Revised Parking Plan for Town Center East Convenience Store:

The Town Council discussed the revised parking plan for the Town Center East Convenience Store.

Ken Leetham commented on the DRC and the Planning Commission requirements for the revised parking plan.

Korey Walker added an additional recommendation that a 4" road base to handle weather and traffic needed to be placed on the parking area north of the Town Offices.

Ray Morley stated that EMP had defaulted on two agreements. Mr. Morley understood that the parking issue didn't include the Town, however, he realized the impact it had on the residents.

Eric Jones, EMP, stated that he wanted to get things resolved, as he didn't want patrons of the Morco store to park in the gravel for the next few years.

Discussion ensued.

MOTION *Greg Kehl moved to approve the revised parking for the Town Center East C-Store based upon all 11 conditions set forth on Exhibit A; a letter from Epic Engineering dated April 26, 2000. On Exhibit A, item 10 and Exhibit B, items 1-5 of the Staff Report dated May 2, 2000 and the Planning Commission recommendations 1-8 (recommendations noted below). Also that a \$2,500 cash escrow be placed for the maintenance of the parking area, and that a bond be placed in conjunction with item # 11 for the placement of the asphalt in the event that it does not take place. This would allow the storeowner to continue business. Associated with # 11, a recordable notice is required for the Town. Brigham Morgan seconded the motion. Ayes: 3, Nays: 2. Motion Passed.*

Engineers Recommendations:

1. Expand railroad ties around the entire parking area.
2. Pave Heritage Drive to the northern limits of the parking area.
3. More defined structural section in parking areas.
4. Bond for the removal of the south parking area.
5. Pave the entire south parking area.
6. Agreement to keep aggregate and gravel off the asphalt.
7. An agreement to allow parking in the proposed areas with the Town.
8. Signs should be installed identifying C-store entrance locations.
9. Direction signs should be installed identifying C-store locations.
10. More defined maintenance agreement for parking lot and Heritage Drive.
11. An additional 4" road base to be placed on the parking lot north of the Town Offices.

DRC Recommendations:

1. That the temporary parking area expires on January 4, 2001, which is the same expiration date for the convenience store permit.
2. That a bond is posted for the restoration of curbing along Heritage Drive where there is a proposed curb for the south parking lot.
3. That the temporary parking areas be maintained and that the paved surfaces of Heritage Drive remain free from gravel.
4. That Eagle Mountain Properties provide a title report or proof of ownership of the land proposed for temporary parking areas.
5. That a land use agreement be prepared and signed by the applicant dedicating the use of the land as parking lots for as long as the convenience store is open and committing to maintain the parking lots.

Planning Commission Recommendations:

1. The DRC and Town Engineer's recommendations.
2. The plan being amended to include railroad ties bordering the entire north parking lot area.
3. The entire handicapped parking area being paved.
4. The road improvements for Heritage Drive being extended to the northern boundary of the parking lot as adopted in the "rural street section."
5. The lighting of the parking lot being worked out with the Town Staff.
6. The parking lot surface materials (north parking lot) meet the satisfaction of the Town Engineer and that the materials can withstand heavy rain and mud.
7. The shared parking agreement being provided for mutual parking (for Town and store).

8. The placement of a bond for the removal of the south parking lot after the temporary use has expired.

10. **Wayne Patterson requests to address the Town Council:**

This item was deleted.

11. **Consideration and approval of a Resolution Enacting Revised Water Rates for Water Use:**

The Council considered a resolution Enacting Revised Water Rates for Water Use.

MOTION *Brigham Morgan moved to approve Resolution # 08-00, a Resolution of the Town Council of Town of Eagle Mountain, Utah Enacting Revised Water Rates. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

12. **Adoption of a Tentative Budget for the Fiscal Year 2000-2001:**

The Council considered the adoption of a Tentative Budget for the Fiscal Year 2000-2001.

MOTION *Dave Albrecht moved to adopt the Tentative Budget for the Fiscal Year 2000-2001 as submitted. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. **Resolution Establishing a Protocol for the Potential Sale of a City Owned Utility:**

The Council considered a Resolution Establishing a Protocol for the Potential Sale of a City Owned Utility.

MOTION *Dan Valentine moved to adopt Resolution #09-00, a Resolution Establishing a Protocol for the Potential Sale of a City Owned Utility. Dave Albrecht seconded the motion. Ayes: 5, nays: 0. Motion passed.*

14. **Ordinance Adopting Application for Permit for Blasting Work:**

The Council considered an Ordinance Adopting Application for Permit for Blasting Work.

MOTION *Greg Kehl moved to adopt Ordinance #00-06, an Ordinance of the Town of Eagle Mountain, Utah regulating the use of explosives within the Town of Eagle Mountain and supplementing section 7703 of the 1997 Edition of the Uniform Fire Code. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. **Ordinance Amending Nuisance Definitions and Provisions:**

The Council considered an Ordinance Amending Nuisance Definitions and Provisions that would repeal the existing ordinance.

MOTION *Dave Albrecht moved to adopt Ordinance #00-07, an Ordinance amending nuisance definitions and provisions regulating the storage of junk cars and trash and requiring the use of trash containers for construction sites and providing for other trash, debris control and litter abatement in the Town of Eagle Mountain, Utah with section 1 being revised to include "fully out of public view behind an opaque screening fence." Also, that the clerk insert the ordinance # that is being repealed. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

16. **Ordinance Prohibiting the Use of Off-Highway Vehicles on the Public Trails, Parks and Other Private Property in the Town of Eagle Mountain:**

The Council discussed an ordinance that would prohibit the use of ATV's and other off road vehicles within the Town. The Council noted that off road vehicles would be allowed in marked areas.

MOTION *Brigham Morgan moved to adopt Ordinance #00-08, an Ordinance Prohibiting the Use of Off-Highway Vehicles on the Public Trails, Parks and other Private Property in the Town of Eagle Mountain, Utah. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. **Condominium /Multi-family Housing Application Fees Amendment:**

The Council considered the approval of the fees allowing the Town Staff to process the applications. The fees would be formally adopted as part of the Consolidated Fee Schedule June 6, 2000.

MOTION *Brigham Morgan moved to approve the Condominium/multi-family housing application fee amendment as outlined in Exhibit A, of the Planning Department Staff Report dated 4-24-00, and Exhibit B, Epic Engineering Report dated 4-26-00. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

18. **Overland Trails, Phase 1 – Final Acceptance:**

Korey Walker discussed the several items that had not been completed for final acceptance for Overland Trails, Phase 1. This was not an action item. Mr. Walker wanted to bring the Council up to date regarding the Overland Trails, Phase 1 development.

Engineer's Report:

1. Adequate gravel in swales to control erosion and provide adequate shoulders.
2. Landscaping in open spaces and trail areas.
3. Native vegetation of disrupted or damaged native open spaces.
4. Electrical boxes and telephones pedestals relocated out of drainage swales.
5. Telephone conformance tests.
6. Additional work needs to be provided to transition newly rip rapped inlet boxes with swale areas.
7. Speed limit signs need to be installed.
8. A section of curb and some asphalt should be repaired at the easterly entrance where storm water is pooling.
9. As built for all utilities including sewer, water, gas, telephone, and electrical.

Chris Kemp, resident, gave a brief situation of the parks history in Overland Trails. Mr. Kemp stated that he had organized a group of residents who were willing to work together and install a park and do some additional landscaping. Mr. Kemp requested that the Town work with the residents to get things moving.

John Newman stated that a park was required, in the manner of an ordinance, to be installed by the developers and the Town still expected EMP to follow through with their responsibility. Mr. Newman was concerned with residents installing a park, as it was a safety issue. Mr. Newman encouraged Mr. Kemp to make sure what the residents had planned would not become a safety hazard to the children. The Town Staff should review all playground equipment before it is purchased to make sure it is acceptable to the Town.

Discussion ensued.

Greg Kehl requested that a time frame be placed on the completion of the park. If the park is not completed then the bond should be ceased.

John Newman explained that he had reached an agreement with EMP to come up with a proposal within two weeks addressing some of the items in the Engineer's report that had not been completed. If the proposed alternatives were not satisfactory to the Town, then the bond would be called.

Eric Jones, EMP, believed that two weeks was adequate time. Greg Kehl stated that if a resolution wasn't reached by June 6, 2000 the bond would be ceased.

19. Eagle Mountain Properties Master Signage Amendments:

The Council considered Eagle Mountain Properties Master Signage Amendments.

Brigham Morgan expressed his concern regarding the size of the sign at the entrance to Eagle Mountain Boulevard. Additionally, the signs would be on the boundaries of the Town.

Dave Albrecht stated that the size of the sign was a welcomed changed and presented a professional design that could be read.

- MOTION** *Dan Valentine moved to approve the amendments to Eagle Mountain Properties Master Signage Plan with all of the conditions in the Staff Report dated 5-2-00 as follows:*
- DRC Recommendations*
1. *That the design, shape, lettering, and colors be as those exhibited in the Pony Express Memorial Park signage.*
 2. *That all the proposed signs are located outside of the right of way on private property and that written permission allowing the placement of signs on property be provided to the Town.*
 3. *That The Ranches grant permission to Eagle Mountain Properties to use their logo on the proposed signs.*
 4. *That the Town Council approves the use for the Town's logo on the proposed signs.*
 5. *That the proposed sign copy be changeable for the sign announcing the dated of Pony Express Days.*
 6. *That the advertising text "See the Stars, Hear the night." Be deleted on the third sign.*
- Planning Commission Recommendations*
1. *All the Staff's recommendations.*
 2. *That the sign copy for sign # 2 be amended to center The Ranches logo on the sign.*
 3. *That sign # 1 be presented with a plan to improve the aesthetics of the base of the sign (the Commission discussed the use of rock or a xeriscape around the base of the sign).*
- Town Council Recommendation*
1. *That sign # 1 for the Pony Express Days has a removable placard.*

20. Streets & Parks Large Commercial Duty Mower Purchase:

The Council considered the purchase of a commercial duty mower.

- MOTION** *Brigham Morgan moved to approve the purchase of a Snapper 25HP, 61" deck with a catcher for the purchase price of \$9108. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

21. Public Works Department Trailer Purchase:

The Council considered the purchase of a trailer for the Public Works Department.

- MOTION** *Dave Albrecht moved to approve the purchase of a Lone Peak, Big TEX, 35SV trailer for \$1,260.00. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

22. Approval to Enact Adopt-a-Street Sign Ordinance, Agreement, Application and Related Forms:

The Council considered Ordinance # 00-09.

MOTION *Brigham Morgan moved to adopt Ordinance # 00-09, an ordinance adopting an adopt-a-street program for public participation in litter removal from streets, trails, and other public property in the Town of Eagle Mountain, Utah as amended. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

23. Major Final Plat Approval:

A. Consideration and approval of a Development Agreement including CC&R's between Saddleback Property, LC and the Town of Eagle Mountain for Saddleback Plat C.

This item was tabled.

24. Settlement Agreement and Mutual General Release with Central Industrial Construction, Inc:

The Council considered the settlement agreement.

MOTION *Greg Kehl moved to approve the Settlement Agreement and Mutual General Release Central Industrial Construction, Inc. as submitted authorizing the Mayor to sign the Agreement after the Council has an agreement with the bonding company. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

25. Amendment No. 1 Revised Supplemental Distribution Interconnection Agreement Between Pacificorp and the Town of Eagle Mountain:

The Council considered the Interconnect Agreement with Pacificorp.

MOTION *Brigham Morgan moved to approve amendment No. 1 to the Revised Supplemental Distribution Interconnection Agreement between Pacificorp and the Town of Eagle Mountain as submitted. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

26. Motion to approve the Consent Agenda Items:

A. Warrant Register.

MOTION *Dave Albrecht moved to approve the Consent Agenda. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

27. Other Business:

Mayor Bond announced the resignation of Councilman Dan Valentine effective that evening. The Council thanked Mr. Valentine for his many hours of service.

The cutoff date for applications to fill the vacated position was May 24, 2000. The new appointment would be made on June 6, 2000.

28. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security.

MOTION *Dave Albrecht moved to adjourn into a Closed Executive Session @ 10:00 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Greg Kehl seconded the motion. Ayes: 5. Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, John Newman and Dan Valentine.

29. Motion to adjourn the Closed Executive Session and return to Open Session:

MOTION *Brigham Morgan moved to adjourn the Closed Executive Session @ 10:25 p.m. and return to Open Session. Greg Kehl seconded the motion. Ayes: 5. Nays: 0. Motion passed.*

30. Action from the Closed Executive Session:

There was no action.

31. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting @ 10:25 p.m.*

APPROVAL: _____

Mayor Paul R. Bond, Jr.

DATE: 3/21/01

This certifies that the minutes of May 2, 2000 are a true, full and correct copy as approved by the City Council on Mar. 20, 2001

Signed: Janet B. Valentine, CSC
City Recorder

APPROVED
6-20-00

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corrected
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**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
May 23, 2000**

Mayor Paul Bond called the meeting to order at 7:20 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Engineer: Korey Walker
Town Recorder: Janet Valentine
Recording Secretary: Chris Kofoed
Deputy Sheriff: Jo Murphy
Town Treasurer: Stephan Gabrielson

Others present: Shelia Curtis, resident; Darrin Brandt, resident; Rob Smith, resident; Adam Ferre, resident; Kim Brown, resident; Shelly Anderson, resident; Bert Ankrom, resident; Becky Oakley, resident; Jennifer Morgan, Arts Council; Fawn & Charles Jenkins, residents; Jana Cox, Arts Council; Wendy Swain, resident; Miki Hill, resident; Leland Dixon, resident; Trish Austin, resident; Bruce & Angie Winch, residents; Gaylord & Dee Seatt, residents; Juanita Christiansen, Youth Sports; Rick Pierce, resident; Eric Carper, resident; Rod & Lori Wirthlin, residents; Brandee Chatwin, resident; Sam & Tiffany Shippro, residents.

2. Pledge of Allegiance:

Robert Smith led the town in the pledge of allegiance.

3. Approval of Minutes:

April 18, 2000

MOTION *Dave Albrecht moved to approve the Minutes of April 18, 2000 as amended. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

There were no announcements.

5. Item 5 was moved to after item 12.

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6. **Public Notices:**

There were no public notices.

Janet Valentine announced the vacancy in the Town Council created by Dan Valentine's resignation May 2, 2000. Mrs. Valentine stated that the vacancy had been published in the paper and on the web. Applicants needed to submit their letter of intention to be received at the Records Office no later than 5 p.m. May 24, 2000.

7. **Public Comment:**

Mr. Brandt commented on his position as the Chair of the Economic Development Committee and the difficulties the Committee faced. Mr. Brandt's comment was directed to the Council, developers, and residents of Eagle Mountain when he stated that it was necessary for everyone to work together. He encouraged the Council to support the Planning Commission in their decision-making. Mr. Brandt suggested that a Builder's Council be organized consisting of developers, contractors, the Town Building Inspector, and possibly the Town Engineer and Town Planner. Mr. Brandt believed that this would help offer solutions and alternatives to the problems the Town was faced with in a more positive environment. It was Mr. Brandt's opinion that the Town should create an Engineering Department and have an in-house engineer. Another suggestion was to create districts within the Town Council. This would unite The Ranches and the Town and would avoid future competition for Council seats between the two locations. Lastly, Mr. Brandt encouraged everyone to support Morco, the new grocery store in Town Center East.

Rob Smith, resident, commented on a speed limit sign that had been knocked down at least two months ago. Mr. Smith said that he had spoken to Korey Walker concerning the replacement of the sign when it was knocked down and wanted to remind Mr. Walker it had not yet been replaced.

Becky Oakley, resident, posed a question to the Town Council inquiring, "who is the customer of the Town Council" and "what is your mission for customer satisfaction"?

8. **Presentation of Award from Governor Leavitt (presented by the Mountain Land Association of Governments) to the Town of Eagle Mountain for the Town's participation in the 21st Century Communities Program:**

Andrew Jackson, Mountain Land Association of Governments, presented a plaque to the Town of Eagle Mountain for the participation in the 21st Century Communities Programs.

Eric Taylor, Eagle Mountain Fire Chief, recognized Lisa Allen with a Citizen's Award for calling 911 for a baby in distress and providing care for additional infants in the home while the baby was transported to the hospital.

Fire Chief Taylor presented a Hero's award to Tori Ferris for her quick response in getting the necessary help for her mother when she collapsed March 30, 2000.

9. **Public Hearing FY Budget for July 1, 2000 to June 30, 2001:**

Mayor Bond opened the Public Hearing for the Budget @ 7:20 p.m.

The meeting was opened to receive public comment.

Rob Nielson, Arts Council, discussed the need for additional funds for the Arts Council, as the proposed \$1000 was insufficient to meet the needs of the Arts Council. A budget of at least \$5,500 was what they believed they needed to allow the Arts Council to be successful.

Doug Gwilliam, resident, was interested in seeing an earlier budget for a comparison. Mr. Gwilliam

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asked that the term "Capital Outlay" be explained. Mr. Gwilliam also inquired concerning the Engineer's fees and why they were so high. Mayor Bond stated that he would be happy to get the information to Mr. Gwilliam. It was Mr. Gwilliam's opinion that there was a discrepancy in the Town staff's salaries regarding allocated and actual funds. Mayor Bond stated that the additional funds were for pay raises and hiring new employees. Mr. Gwilliam echoed Darrin Brandt's earlier remarks regarding an in-house engineering and legal department.

Juanita Christiansen commented on the Youth and Adult Sports Program and the status of each sport. A committee had been organized with approximately 15 residents from Eagle Mountain, Fairfield, and Cedar Fort.

Miki Hill, resident, discussed the salaries of the Town Staff and a bond that had been released without the Town's consent. John Newman discussed the allocation of the Engineer's fund in the proposed budget.

Tiffany Shapiro, resident, commented on the necessity of an ambulance service and the importance of the Youth Programs and the Arts council.

Josh Elledge, resident, inquired regarding staffing for the police service. Mayor Bond explained that the Town received a grant for the Town's police services and stated that the Town would have a part time deputy added to the force within the near future.

Darrin Brandt stated that he supported John Newman, Town Administrator and believed him to be a competent individual. Mr. Brandt commented on the need to have the Town Planner more available to builders and contractors. He suggested that the Town hire an additional Building Inspector to keep up with the rapid growth within the community.

Shelly Anderson thanked the Council for their efforts. Mrs. Anderson commented on the volunteer efforts from the residents and how the Town had accomplished so much and could continue to do so with the help from the many volunteers.

Commissioner Grover, Utah County, commented on the budget.

Jennifer Wright-Thulin encouraged residents to come to the Planning Commission meetings. Mrs. Thulin commented on the importance of funding the EMS and the Fire Department. Mrs. Thulin stated that it was the role of the public officials to keep the citizens of Eagle Mountain happy.

Karen Larsen, resident, asked when residents would get the answers to Doug Gwilliam's questions. John Newman stated that he could provide that information after the Public Hearing.

Jana Cox, Arts Council, requested additional funds for the Arts Council.

David Loper, resident, commented on the Arts Council production "Into the Woods Jr."

Rod Worthlin, resident, encouraged the Council to support the Fire Department and Law Enforcement services.

Marci Taylor, resident, discussed the importance of attending Town Council and Planning Commission meetings.

Dave Lee, resident stressed the necessity of finding funds to support the Fire Department and EMS.

Brandi Chatwin, resident, expressed her concern regarding the need for additional law enforcement.

Mayor Bond closed the Public Hearing @ 8:20 p.m.

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John Newman addressed some of the issues that the residents had raised. Mr. Newman stated that it would be possible to hire an in-house Engineer for a little less than what the Town was currently paying. However, the Town was planning to continue to contract with an Engineering company for another year. This would avoid having to lay individuals off if this didn't go as planned for the Town. If the economy remained stable, then the Town would look into hiring an in-house engineer. Mr. Newman added that the \$450,000 was used to pay for many engineering services as well as inspection services within the Town. Mr. Newman commented that the county was seriously considering a grant the Town had submitted for an additional deputy. Mr. Newman commented that the Town had a full-time Planner and part-time planner that met the needs of the Town.

Mayor Bond announced that the Budget would be reviewed and adopted June 6, 2000.

10. Eagle Mountain Consolidated Fee Schedule Discussion:

John Newman stated that the Consolidated Fee Schedule was on the agenda for review and would be adopted June 6, 2000.

11. Final Acceptance – Eagle Point Plats A, B & C:

This item was tabled.

12. Part-time Paid Librarian Position:

Discussion ensued regarding a paid Librarian. Becky Oakley, Wendy Swain, Shelly Anderson, Darrin Brandt, Josh Elledge and Trish Austin expressed their support for a part-time paid Librarian.

Discussion ensued between Council and residents concerning payment of the Librarian.

MOTION *Dave Albrecht moved to approve the position of a paid Librarian in the Town of Eagle Mountain, Utah. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to establish an entry-level wage for the Librarian position @ \$8 per hour.*

Motion died for a lack of a second

MOTION *Dave Albrecht moved to establish an entry-level wage @ \$10 per hour for the Librarian position. Greg Kehl seconded the motion. Ayes: 2, Nays: 2. Motion failed.*

Eric Jones, EMP, offered to pay the \$2 difference for the fiscal year 2000-2001. The Town Council extended a vote of gratitude to EMP for their offer.

MOTION *Dave Albrecht moved to accept the offer rendered to the Town of Eagle Mountain by Eagle Mountain Properties, that they would pay the extra \$2 needed to bring the Librarian's hourly wage to \$10 per hour. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Dave Albrecht moved to approve the payment of \$10 per hour for a Librarian for the remainder of the fiscal year 2000-2001. Ayes: 4 Nays: 0. Motion passed.*

6. Appointment:

MOTION *Greg Kehl moved to approve the appointment of a paid Librarian. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

DRAFT

13. Approval of a Development Agreement including CC&R's between Patterson Construction and the Town of Eagle Mountain for Eagle Point, Plat E:

Greg Kehl recommended adding new language to the document with regards to the special conditions.

MOTION *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and Patterson Construction for Eagle Point Plat E, replacing Special Exhibit 4, "The Disclosure and Warning Statement" with "The Revised Warning and Disclosure Statement" as approved by the Town Attorney. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

14. Approval of a Development Agreement including CC&R's between Patterson Construction and the Town of Eagle Mountain for Eagle Point, Plat G:

MOTION *Dave Albrecht moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and Patterson Construction Inc., for Eagle Point Plat G, replacing Special Exhibit 4, "The Disclosure and Warning Statement" with The Revised Warning and Disclosure Statement" as approved by the Town Attorney. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

15. Approval of a Development Agreement including CC&R's between Patterson Construction and the Town of Eagle Mountain for Eagle Point, Plat H:

MOTION *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and Patterson Construction Inc., for Eagle Point Plat H, replacing Special Exhibit 4, "The Disclosure and Warning Statement" with "The Revised Warning and Disclosure Statement" as approved by the Town Attorney. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

16. Approval of a Development Agreement/including CC&R's between Patterson Construction and the Town of Eagle Mountain for Eagle Point Condominiums, Phase I:

MOTION *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and Patterson Construction Inc., for Eagle Point Condominiums Phase 1, replacing Special Exhibit 4, "The Disclosure and Warning Statement" with "The Revised Warning and Disclosure Statement" as approved by the Town Attorney. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

17. Telecommunication Rates:

MOTION *Greg Kehl moved to adopt the submitted Telephone Features and Services and their associated rates, adding No. 19 "Unlisted Line @ \$2.50". Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

18. Janitorial Services FY 00-01:

MOTION *Dave Albrecht moved to approve the One Horse System bid for the Town of Eagle Mountain cleaning service, with the latitude for John Newman as City Administrator to have the flexibility to decided which services are to be provided. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

19. Motion to approve Consent Agenda items as follows:

MOTION *Brigham Morgan moved to approve the Consent Agenda items as outlined. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

DRAFT

20. **Other Business:**

There was no other business.

21. **Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security:**

MOTION *Brigham Morgan moved to adjourn into a Closed Executive Session @ 9:53 for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Dave Albrecht seconded the motion. Ayes: 4. Nays: 0. Motion passed.*

Present: Mayor Bond, Brigham Morgan, Dave Albrecht, Greg Kehl, John Newman, Janet Valentine, Deputy Jo Murphy, and Chris Kofoed. Deputy Murphy left @ 10:02 p.m.
Fire Chief Eric Taylor and Deputy Chiefs Robert DeKorver and Kevin McCarthy were present @ 10:30 p.m.

22. **Motion to close the closed executive session and return to open session:**

MOTION *Dave Albrecht moved to adjourn the closed executive session and return to open session @ 10:06 p.m. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

23. **Any Actions from the Closed Executive Session:**

There was no action.

24. **Adjournment:**

MOTION *Brigham Morgan moved to adjourn the meeting @ 10:06 p.m. Dave Albrecht seconded the motion.*

APPROVAL: _____ DATE: _____
Mayor Paul Bond

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
June 6, 2000**

POLICY SESSION 6:05 p.m.

Mayor Paul Bond called the meeting to order at 6:05 p.m. at the Conference Room in the Town Office Building.

1a. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Greg Kehl and Brigham Morgan.

Town Staff:

Town Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Town Planners:	Ken Leetham
Town Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy
Fire Chief:	Eric Taylor

1b. Closed Executive Session:

MOTION: *Brigham Morgan moved to adjourn in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, John Newman and Janet Valentine.

MOTION: *Greg Kehl moved to adjourn the Closed Executive Session and return to the Open Session at 6:45 p.m. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

The Open Session was recessed until 7: 00 p.m. –MOVE TO THE COMMUNITY CENTER FOR THE REMAINDER OF THE MEETING.

Others present: Bert Ankrom, resident; Shelly Anderson, resident; Marcie Taylor, resident, John Stohlton, resident; Greg Jeppson, resident,; Darrin and Ruth Brandt, residents; Lee Dixon, resident; Eutona Dixon, resident; Wendy Swain, resident; Phil Nolan, resident; Danny Hooge, resident; Jana Cox, Arts Council; Rob Smith, resident; Rob Balter, resident; Josh and Jenny Elledge, residents; Eric Jones, Eagle Mountain Properties (EMP); Juanita Christiansen, Sports; Vincent Liddiard, resident; Monica Boyd, resident.

2. Pledge of Allegiance:

Mayor Paul Bond led the Pledge of Allegiance.

3. Approval of Minutes:

There were no minutes to approve.

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

Town Recorder Janet Valentine noted that the Primary Elections would be held in the Conference Room at the Town Offices on June 27, 2000 from 7am-8pm.

5. **Presentation to the Town Council by Christine R. Fox-Finlinson with the Central Utah Water Conservancy District:**

Tabled.

6. **Public Interviews with Town Residents interested in filling the vacant Council position:**

a. Town Council Member to fill the seat vacated by Daniel Valentine.

Mayor Bond stated that the Council had received three letters of intent to fill the Town Council position. One applicant did not qualify. The two remaining applicants were Bert Ankrom and Darrin Brandt, both residents of the Town Center. Mr. Ankrom and Mr. Brandt introduced themselves and briefly discussed their intentions. The Council voted and the decision was unanimous in favor of Bert Ankrom.

7. **Appointments:**

MOTION: *Brigham Morgan moved to approve the appointment of Bert Ankrom to the Town Council to fill the vacancy created by the Dan Valentine. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Councilman Ankrom was invited to sit with the Council. Town Recorder Janet Valentine administered the Oath of Office later in the meeting. Mr. Ankrom could not vote until he took the oath.

8. **Public Notices:**

None.

9. **Public Comment:**

Mayor Bond advised the audience that there was a three-minute time limit for each comment, for a total of 30 minutes.

John Stulton, resident, commented on Eagle Point Plats A, B & C and whether any parks or walkways were included in their approval. Mr. Stulton also asked who was responsible for the easement. Korey Walker stated that, until the warranty had expired, Wayne Patterson was responsible for the upkeep of the easement. Mr. Walker also stated that if Patterson Construction did not fulfill all required improvements, the Town would use a bond to complete any unfinished work.

10. **Waiver of Temporary Business License Fee for Vendors with booths selling goods at Pony Express Days:**

John Newman recommended that the Town Council approve a multi-year waiver of a Temporary Business License for the Pony Express Days. The Council decided to approve the waiver for a period of two years.

MOTION: *Brigham Morgan moved to approve a Waiver of Temporary Business License Fees for Vendors with booths selling goods at the Pony Express Days for a period of two years, 2000-2001. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

11. Approval of an Ordinance Adopting the Eagle Mountain Budget for the Fiscal Year 2000-2001:

Mayor Bond noted that the Arts Council had submitted their budget late due to a transition on their Board. Because of this, the Arts Council's budget was minimal. However, there was \$3000 available from the Sports Program because Eagle Mountain Properties had paid for a backstop that had been budgeted for. An additional amount of \$1500 was taken from the General Fund, for a total amount of \$5500. The Arts Council agreed to funds for the community Easter Egg Hunt. Brigham Morgan noted that \$3328 had been freed up in the budget, as EMP had committed to pay \$2 per hour for the paid librarian. Mr. Morgan proposed that these funds be transferred to the Arts Council. Youth Sports would be reduced to \$13,940 and the final budget for the Arts Council, adding \$3328, would be \$7328. Jennifer Morgan, Arts Council, stated that the additional funds would be used for a musical the following year.

MOTION: *Brigham Morgan moved to adopt Ordinance No. 00-10, an Ordinance adopting the Eagle Mountain Town Fiscal Year 2000-2001 Annual Budget as amended. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

12. Approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule:

Town Attorney Gerald Kinghorn stated that the revenue collected from property tax was the revenue that was set in the adopted budget. The fees would not be increased.

MOTION: *Greg Kehl moved to adopt Resolution No. 10-00, a Resolution approving and adopting a property tax rate for the fiscal year 2000-2001 for the Town of Eagle Mountain authorizing the Mayor to sign the documents to execute the Resolution. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

7b. Oath of Office:

Town Recorder Janet Valentine administered the Oath of Office to Bert Ankrom. Mr. Ankrom was permitted to vote on the remaining items on the agenda.

13. Approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule:

The Council considered Resolution No. 11-00.

MOTION: *Dave Albrecht moved to adopt Resolution No. 11-00, a Resolution of the Governing Body of the Town of Eagle Mountain Establishing a Consolidated Fee Schedule. The approved Fee Schedule will reflect the Telecommunication rates that were adopted at the previous Town Council Meeting, May 23, 2000; also, approving an amendment to the Concept Plan Fees that will be \$300. Projects with more than 40 ERU's will be charged an additional \$5 per ERU. This will be in effect 12:01 a.m. June 12, 2000 and not June the 6th, 2000. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

14. Claim for Refund of Impact Fees from Doug Jessop Construction, Inc:

Mayor Bond stated that Mr. Jessop had been charged Impact Fees on two lots rather than one. Mr. Jessop requested a refund for a total of \$1638.

MOTION: *Brigham Morgan moved to approve the refund of an Impact Fee to Doug Jessop for a total amount of \$1638 for lot 191 in Eagle Park. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

15. **Refund of Patterson Construction Company Building Permit Deposits for lots 20, 51, 52, 78, 153, 155 and 195:**

MOTION: *Dave Albrecht moved to approve the refund for Building Permit Deposits to Patterson Construction for lots 20, 51, 52, 78, 153, 155 and 195 in Eagle Point, Plat A. \$1000 will be refunded for each lot for a total of \$7000. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

16. **Patterson's Construction Appeal of the Planning Commission Decision to Amend the Development Code:**

This item was tabled.

17. **Vehicle-Building Inspector:**

This item was tabled.

18. **Animal Control Agreement with Utah County:**

The Council considered the Agreement with Utah County regarding Animal Control in Eagle Mountain.

MOTION: *Greg Kehl moved to adopt the Animal Licensing, Transportation, Enforcement and Shelter Service Agreement between the Town of Eagle Mountain, Utah and Utah County; authorizing the Mayor to execute the Agreement showing that the Council's recommendation in section 7 is included in Section 1. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

19. **License Agreement with UDOT:**

Discussion ensued regarding the Agreement with UDOT. The Council was uncomfortable approving the agreement as there were several issues that were unresolved. The Council agreed to table the item until their concerns were addressed.

MOTION: *Greg Kehl moved to table the Agreement between the Town of Eagle Mountain and UDOT until the responsible party is identified and all the developers' fees are paid and the developer is in compliance, and that the developer concedes to the indemnification agreement associated with the project. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

Dave Albrecht recommended that a letter be sent to the developer stating the Council's concerns and that Tasco Engineering also receive a copy of the letter.

20. **Awarding of the SCADA project:**

Korey Walker discussed the award of the bid and recommended signing the notice to proceed. The Council discussed several issues of arbitration, identification of dates, titles, specification and the total cost of the project. It was estimated that the project would take three months to complete. John Newman expressed the importance of getting the project underway as soon as possible as the Town runs the risk of running out of water without any prior warning.

MOTION: *Brigham Morgan moved to approve the notice of award to Remote Control Systems, Inc. and authorized the Mayor to execute the proposed agreement, once tabulation was completed, with the stipulation in Article 2 that the date be added indicating the order to proceed and that all bonding be fulfilled. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

5a. **Presentation to the Town Council by Christine R. Fox-Finlinson with the Central Utah Water Conservancy District:**

Christine Fox-Finlinson addressed the Council and invited the Town of Eagle Mountain to participate in a water study of municipal water requirements and facility planning in North Utah County. The cost for the Town to take part in the study was \$900, which would be billed at a later time. Mayor Bond recommended that Mrs. Finlinson contact Town Administrator John Newman. The Council was not prepared to comment on the project, as they had not received sufficient time to review the document.

21. **Motion to approve the Consent Agenda Items:**

- a. **Warrant Register.**
- b. **Contract Change Orders.**
- c. **Partial Bond Releases.**

MOTION: *Greg Kehl moved to separate the Consent Agenda Items. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

MOTION: *Dave Albrecht moved to approve the Contract Change Order for Tickville Wash. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

MOTION: *Brigham Morgan moved to approve the Partial Bond Release for Friday's Station for a total amount of \$203,313. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

Discussion ensued regarding the Partial Bond Release for Eagle Point, Plats B & C.

MOTION: *Greg Kehl moved to approve the release of escrow in reference to Eagle Point, Plats B & C, withholding \$76,250 for Plat C, and \$ 56,375 for Plat B for the bonding and placement of trees. Motion failed for lack of second.*

Discussion ensued.

MOTION: *Brigham Morgan moved to table the Partial Bond Release for Eagle Point, Plats B & C. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

22. **Other Business:**

None.

23. **Any Actions from the Closed Executive Session:**

None

24. **Adjournment:**

MOTION: *Greg Kehl moved to adjourn the meeting at 9:30 p.m.*

This certifies that the minutes of
6-6-00 are a true, full and
correct copy as approved by the
City Council on 4-3-01

Signed: *Jan B. Valentine, cmc*
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
June 20, 2000**

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:10 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Shawn Warnke
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed

Others present: Jody Hooley, resident; Bonnie Jeppson, landowner; Brian Larsen, resident; Becky Oakley, Library Board; Nick Berg, Eagle Mountain Properties (EMP); Rick Pierce, resident.

2. Pledge of Allegiance:

Shawn Warnke led the town in the Pledge of Allegiance.

3. Approval of Minutes:

MOTION *Greg Kehl moved to approve the minutes of May 23, 2000 as amended. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

Candy Bateman commented on the success of the Pony Express Days and thanked all those who had participated.

5. Appointments:

A. Board of Adjustments.

MOTION *Dave Albrecht moved to approve the Mayors appointment of Brian Larsen to the Board of Adjustments. Brigham Morgan seconded the motion. Ayes: 5. Nays: 0. Motion passed.*

B. Airport Board.

MOTION *Brigham Morgan moved to approve the Mayor's reappointment of Carl Allred and the appointment of Bert Ankrom to the Airport Board. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. **Public Notices:**

There were no public notices.

7. **Public Comment:**

Bonnie Jeppson, Lake Mountain Road property owner, discussed what she believed to be a conflict with a future road next to her property.

Town Attorney, Gerry Kinghorn explained the Town's position regarding the property. The site had been sold by John Jacob but wasn't zoned as a residential area. Mr. Kinghorn stated that the Town needed to do some additional research regarding the issue.

Dave Albrecht advised Mrs. Jeppson to get with John Jacob to try and resolve the land use issue.

Rick Pierce, resident, commented on Pony Express Days. Mr. Pierce also discussed the weed problem within the subdivisions.

Becky Oakley announced the Summer Reading Program that was underway and encouraged all children to participate.

8. **Public Hearing/Open FY 1999-00 Budget:**

Mayor Bond opened the Public Hearing @ 8:00 p.m.

There were no public comments.

The Hearing closed @ 8:02 p.m.

9. **Approval of Ordinance # 11-00, an Ordinance Amending the Town of Eagle Mountain FY 1999-00 Budget Ordinance #99-24:**

The Council considered Ordinance # 11-00.

MOTION *Dave Albrecht moved to enact ordinance # 11-00, an Ordinance Amending the Eagle Mountain Town Fiscal Year 1999-2000 Annual Budget as amended. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10. **Notice of Intention to Create an SID 2000-1**

MOTION *Greg Kehl moved to approve Resolution 12-00, as Resolution Declaring the intention of the Town Council of Eagle Mountain, Utah County, Utah to acquire, construct and install irrigation, landscaping, trails, wells, fencing, utilities, curb and gutter, roads, a gas regulator station and a water storage tank and other related improvements and all other miscellaneous work necessary to complete said improvements in a proper workmanlike manner; to create Eagle Mountain, Utah Special District No. 2000-1; to defray the cost and expenses of said improvement district by special assessments to be levied against the property benefited by such improvements; to provide notice of intention to authorize such improvements and to fix a time and place for protests against such improvements or the creation of said district; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and related matters. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. **Central Utah Water Conservancy District, Water and Facility Study:**

Chris Finlinsen addressed the Council and invited them to participate in a water and facility study. The Council discussed the benefits that the study would offer Eagle Mountain.

MOTION *Brigham Morgan moved to approve to take part in the Central Utah Water Conservancy District, Water and Facility Study and authorized the Mayor to participate up to \$1000. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

The Council recommended that Greg Kehl would alternate with John Newman as a representative from Eagle Mountain.

12. **Patterson Construction's Appeal of the Planning Commission's Decision to Amend the Eagle Mountain Development Code:**

This item was stricken from the agenda.

13. **Patterson Construction, Offsite Utility Capacities, Design Fees, and Reimbursement:**

The Council considered Patterson Construction's appeal for the Reimbursement for the Offsite Utility Capacities and Design Fees.

MOTION *Brigham Morgan moved to deny Patterson Construction, Offsite Utility Capacities, Design Fees, and Reimbursement and directed the Town Clerk to notify Patterson Construction, in writing, regarding the Town Council's decision. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. **Major Development Approvals:**

A. Approval of a Development Agreement including CC&R's between Trophy Homes, LC for Saddleback, Plat C.

MOTION *Greg Kehl moved to approve the Development Agreement between the Town of Eagle Mountain Utah and Saddleback Property, LC for Saddleback, Plat C. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

B. Landscaping Plan for Saddleback Park.

Brigham Morgan noted that the park had some significant changes including the trail through the park, the location of the playground equipment, the number and types of trees. The sidewalk around the park was removed and the trail width was expanded to 6ft.

The Council stated that they had requested that the curb was a high back style in the center roundabout section at the park. The developer stated that the curb had already been completed. Greg Kehl commented that in the future they would require the high back curb as it acted as a deterrent from having cars etc. drive up on the grass. It would also be easier in the case of snow removal.

MOTION *Dave Albrecht moved to approve the Saddleback Park Landscaping Plan as amended. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

C. Overland Trails, Phase 11B-extension of approved plat.

MOTION *Dave Albrecht moved to table the request for Overland Trails, Phase 11B to receive an extension of approval of the plat. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

D. Willow Springs, Phase 1 Final Plat.

MOTION *Brigham Morgan moved to approve the Final Plat for Willow Springs Phase 1 including the Development Agreement and Condominium Declaration, subject to the DRC recommendations including the change to condition # 5 stating that the "Town Council requires that all new subdivisions install conduit to each lot for future fiber optic installation."*

DRC Recommendations:

1. *That the park and open space improvements be completed within one year of recordation or at 50% occupancy of Phase 1, with the swimming pool and club house being constructed in Phase 11. Also the tot lot and other landscaping improvements are still required in Phase 1.*
2. *That a traffic analysis be completed and submitted for the future commercial areas showing accesses to major roads, etc.*
3. *That the master developer provide water right documentation showing sufficient water right capacity or proposed water rights to be turned over to the Town.*
4. *That no occupancy for the subdivision is allowed until there is sufficient capacity available in the utility systems; and that the developer and lot owners/builder sign an agreement acknowledging a potential utility capacity problem.*
5. *The Town Council requires that all new subdivisions install conduit to each lot for future fiber optic installations.*

Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.

15. **Vehicle for the Building/Planning Departments:**

MOTION *Bert Ankrom moved to approve the purchase of a 2000 Ford Focus SE 4-door sedan with AC for the purchase price of \$13,342.00 plus the additional cost for the air conditioning not to exceed the stated bid. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

16. **Review & Possible Award of Bid for the Booster Station and Well No. 2:**

Korey Walker recommended that the Town Council award the bid to Nielson Brothers Construction Company. Mr. Walker stated that there were two issues that needed to be considered.

1. A lien waiver needed to be submitted by the contractor who drilled the well.
2. The total project cost exceeded what was originally identified out of the Capital Facilities Plan. The additional included the piping and the booster pump.

Mr. Walker recommended that the Council acknowledge the receipt of the bids and authorize the Staff to move forward with what is identified in the specifications and documents, receiving a schedule of values, a list of suppliers from the lowest most responsive bidder, evaluating the bids and returning a recommendation for a notice of award and a notice to proceed.

Greg Kehl requested to look into the schedule of values to make sure that the bidder was aware of everything that would be required in the project. Mr. Kehl's concern was the Nielson Brothers had overlook something in the contract.

MOTION *Brigham Morgan moved to acknowledge a receipt of bids and instructed the town staff to move forward on the requirements and specifications specifically, receiving the schedule of values, a list of suppliers from the lowest most responsive bidder and the receipt of a lien waiver from Lane Drilling. Upon recommendation from the staff and Greg Kehl that the Mayor is authorized to sign the required documents with the recommendation. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. **Review & Possible Award of Bid for the Cedar Pass Ranch Gas Line Extension:**

This item was removed from the Agenda.

18. **Review & Possible Award of Bid for Chip Seal and Roadway Improvements:**

Korey Walker recommended that the Town Council award the bid for the Chip Seal and Roadway Improvements to Valley Asphalt.

MOTION *Greg Kehl moved to enter into a contract with Valley Asphalt Inc. for Chip Seal and Roadway Improvements as submitted, including the base bid \$10,465.62, alternative # 2 \$6,127.89, and alternative #3 \$2,213.03 for a total amount of \$18,807. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Greg Kehl moved to extend authorization of funds up to \$30,000 in road repairs at unit prices to be consistent with the bid. This is to be authorized through change orders. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. **Consent Agenda Items:**

- A. Warrant Register.
- B. Contract Change Order.
- C. Partial Payment Requests.
- D. Final Escrow Bond Release.
- E. Annual Audit.

MOTION *Brigham Morgan moved to approve the Consent Agenda Items removing item C. Greg Kehl seconded the motion. Ayes: 5. Motion passed.*

20. **Approval of "Release & Discharge of Special Assessment District Lien Form":**

Jerry Kinghorn stated that the staff was requesting an authorization for the Town Treasurer, or the designee of the Town Treasurer, in writing, to execute and file a release and discharge SID's whenever he receives payment in full of an assessment. This would apply to Special Assessment District 97-1, 98-1, 98-3. It would release the lien of assessment for properties that had paid their fees in full.

MOTION *Bert Ankrom moved to authorize the Town Treasurer, or individual designated by the Treasurer in writing, to use the form to release the lien of the assessment when the assessment is paid in full. Dave Albrecht seconded the motion. Ayes: 5. Motion passed.*

21. **Other Business:**

There was no other business to discuss.

Brian Haskell, The Ranches, asked why item C of the Consent Agenda was removed. John Newman stated that some information had just been brought to his attention and he wasn't prepared to discuss the issue until he had been properly briefed.

22. **Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security:**

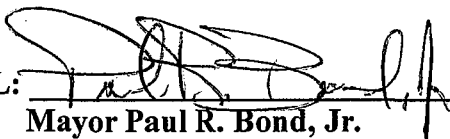
MOTION *Greg Kehl moved to adjourn into a Closed Executive Session @ 9:55 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Brigham Morgan seconded the motion. Ayes: 5. Motion passed.*

Present: Mayor Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, Deputy Jo Murphy, John Newman, Janet Valentine and Korey Walker.

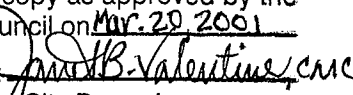
23. Motion to adjourn the Closed Executive and return to Open Session:

MOTION *Brigham Morgan moved to adjourn the Closed Executive Session and return to Open Session. Bert Ankrom seconded the motion. Ayes: 5. Motion passed.*

MOTION *Greg Kehl moved to adjourn the meeting @ 10:30 p.m.*

APPROVAL:  **DATE:** 3/21/01
Mayor Paul R. Bond, Jr.

This certifies that the minutes of June 20, 2000 are a true, full and correct copy as approved by the City Council on Mar. 29, 2001

Signed: 
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
July 5, 2000**

POLICY SESSION 5:00 p.m.

Mayor pro tempore Dave Albrecht called the meeting to order at 5:00 p.m.

1. Roll Call:

Council Members present: Dave Albrecht, Bert Ankrom and Greg Kehl. Mayor Bond and Brigham Morgan were excused.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Deputy Town Clerk: Fionnuala Kofoed

Others present: Diane & John Williams, residents; Mark Sovine, resident; Danny Hooge, resident; rob Bateman, resident; Wayne Young, First Equity Mortgage; Scot Kirkland, The Ranches; Jalaire Taylor, Eagle Mountain Finance Department.

2. Pledge of Allegiance:

Bert Ankrom led the town in the Pledge of Allegiance.

3. Approval of Agenda:

There were no changes made to the agenda.

4. Appointments:

There were no appointments.

5. The Ranches SID Disbursement:

The Council discussed The Ranches SID Disbursement.

MOTION *Greg Kehl to moved to approve the reimbursement the 98-1 SID giving John Newman the authority to disburse funds upon satisfaction of completion, with the exception of the \$295,638 in conjunction with The Ranches Parkway and Pony Express Parkway overlay, Leaving and amount of \$243,972,06 to be dealt with by Mr. Newman. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

7. **Cedar Pass Ranch Line Extension Request:**

Rob Bateman, resident, summarized the proposal for the Gas Line Extension Request for the Cedar Pass residents who were interested in hooking into the Town's gas line. Residents Mark Sovine and Danny Hooge spoke in favor of the extension that would provide residents the opportunity to tie into the Town's natural gas system.

Discussion ensued regarding the costs and fees associated with the extension.

MOTION *Greg Kehl moved to recognize Neils Fugal's proposal in the amount of \$ 65,890.00 for the natural gas extension for Cedar Pass Ranch 1st Phase, accepting and approving that the project commence. Also approving the projects sponsors with the 16 signed applications for gas installation in The Ranches area with the provision that other applicants, or residents, would be permitted to join in with the project as long as it is applicable within the construction timeframe which would be allotted by the Town Engineer. During the time period of construction residents can sign on at the same rate. After this time, residents would pay the same interest rate as those financing the project, as the project incrementally increases. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

6. **Santec:**

Korey Walker briefly discussed the bid tabulations for the Santec project. RA Makell Construction was the low bidder on the contract for a total of \$83,132.00. Mr. Walker recommended that the Council award the bid to RA Makell Construction.

MOTION *Bert Ankrom moved to approve the bid for the Santec Project to RA Makell Construction for the amount of \$83,123.00. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Bert Ankrom moved to authorize the Town Engineer to move forward with the project once all the performance payment bonds are in place. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

8. **GVNW Contracts for Services:**

The Council considered the contracts for service with GVNW. The Town would receive its own NXX number, which was obtained through a lottery. The new prefix for Eagle Mountain would be 789.

MOTION *Bert Ankrom moved to approve the Administrative Operating Company Number (ACON) Agreement for Service with GVNW Consulting, INC., authorizing the Mayor to execute the agreement. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

10. **Motion to adjourn into a Closed Executive Session with the purpose of discussing personnel issues (professional qualifications) and potential litigation:**

MOTION *Greg Kehl moved to adjourn into a Closed Executive Session @ 6:10 p.m. with the purpose of discussing personnel issues (professional qualifications) and potential litigation. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Present: Mayor pro tempore Dave Albrecht, Bert Ankrom, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, John Newman and Korey Walker.

MOTION *Greg Kehl moved to adjourn the Closed Executive Session and resume the Open Session @ 7:10 p.m. Bert Ankrom seconded the motion. Ayes: 3, Nays:0. Motion passed.*

9. Discussion of the Capital Facility Funding Budget for the North Service Area:

The Council discussed the need to amend the Capital Facility Funding Budget for the North Service Area of Eagle Mountain.

MOTION *Greg Kehl moved to approve the amendment to the Capital Facilities Funding and authorized the disbursement to Lang Drilling upon the receipt and acknowledgment of payment and release liens. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

John Newman stated for the record that the Town Staff was uncomfortable with the funding. The Staff would work on a probable funding package and bring it back to the Town Council for their review.

11. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting @ 7:15 p.m.*

APPROVAL: _____

Paul R. Bond, Jr.
Mayor Paul R. Bond, Jr.

DATE: 3/21/01

This certifies that the minutes of July 5, 2000 are a true, full and correct copy as approved by the City Council on Mar. 20, 2001

Signed: *Janet B. Valentine, cmc*
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
July 18, 2000**

POLICY SESSION 7:00 p.m.

Mayor pro tempore Dave Albrecht called the meeting to order at 7:05 p.m.

1. Roll Call:

Council Members present: Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan. Mayor Bond was excused.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Ken Leetham
Deputy Town Clerk: Fionnuala Kofoed

Others present: Diane & John Williams, residents; Mark Sovine, resident; Danny Hooge, resident; Rob Bateman, resident; Wayne Young, First Equity Mortgage; Scot Kirkland, The Ranches; Jalair Taylor, Eagle Mountain Finance Department.

2. Pledge of Allegiance:

Josh Elledge led the Pledge of Allegiance.

3. Approval of Minutes:

There were no minutes to approve.

4. General Discussion/Announcements:

None.

5. Appointments:

Appointment of Jody Hooley to the Planning Commission.

MOTION *Greg Kehl moved to approve the Mayor's appointment of Jody Hooley to the Planning Commission. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

6. Public Notices:

None.

7. **Public Comment:**

Diane Jacob, Planning Commissioner, commented on the need for an alternate planning commission member. Mayor pro tempore Dave Albrecht stated that her concern would be addressed with the Mayor when he was back in town. Jennifer Wright Thulin echoed Mrs. Jacob's concern regarding an alternate commissioner. Mrs. Thulin also expressed her support for the fire department and suggested that the town reimburse Fire Chief Eric Taylor for some of his expenses for lunches and traveling costs to and from the town. Resident John Jacob concurred with Mrs. Thulin with regards to the Fire Chief's reimbursement.

Nick Berg, EMP, asked why Overland Trails, Phase IIB had been removed from the agenda. Jerry Kinghorn explained that Eric Jones, EMP, had not submitted the proposal on time. The deadline for submitting materials was Wednesday at noon.

Gordon Nielson, resident, believed that the Town Council needed to make some changes that would promote commercial and residential growth within Eagle Mountain. It was his opinion that the town had too many restrictions and wasn't developer friendly. Mayor pro tempore Dave Albrecht recommended that Mr. Nielson meet with the Town Planner to discuss his concerns. Mr. Albrecht stressed that the Town Council was also aware of the need to bring commercial development to Eagle Mountain and were continually working to accomplish that goal.

Melba Carter, resident, commented on the need to provide EMS services in the Town. Resident Marcie Taylor also supported the idea of acquiring an ambulance to better facilitate the growing needs of the community.

Cindy Routson, resident, stated that she had been waiting for two months for a phone line and she was extremely frustrated. Mrs. Routson relied on a phone service to accommodate her business that she ran from her home.

Diane Bradshaw, resident, commented on the apathy that was present among the residents of the Town. Mrs. Bradshaw was concerned with continuing problems with the phone service and the general perception that things were not functioning to their potential within the Town.

Mayor pro tempore Dave Albrecht acknowledged the residents frustrations but encouraged everyone to be patient while the Town worked through some growing pains. Eagle Mountain had great potential and the Council was dedicated in their efforts to improve the general systems in the Town.

8. **Major Development Approvals:**

a. Ruby Valley LDS Stake Center Site Plan Approval.

Ken Leetham presented the DRC recommendations for the Ruby Valley LDS Stake Center.

The Council discussed the concerns with the traffic flow and questioned the possibilities of failure, identified by the Town Engineer, Korey Walker, during peak times. Mr. Walker suggested adding an alternate access to the parking lot to alleviate the potential congestion.

MOTION *Greg Kehl moved to approve the Ruby Valley LDS Stake Center Site Plan Approval subject to the DRC and Town Engineer's recommendations as submitted.*

DRC Recommendations:

- 1. That the traffic analysis showing the queues formed at the Pony Express and Saddle Rock Intersection is submitted.***
- 2. That an updated storm drain plan showing adequate capacity for the required storm intensities is submitted (completed).***
- 3. A final set of plans being submitted that conforms to Staff and the developer's consultant's recommendation (completed).***
- 4. Sprinkling plans to be submitted and approved.***

5. *That no occupancy be allowed until sufficient capacity is available in all the utility systems.*

Engineer's Recommendations:

1. *Traffic analysis showing the queues formed at the Pony Express and Saddle Rock Intersection.*
2. *An updated storm drain plan showing adequate capacity for the required storm intensities.*
3. *A final set of plans being submitted that conform to Staff and the developer's consultant's recommendations.*
4. *Sprinkling plan to be submitted.*

Additional Recommendation:

1. *That a workable solution to the potential traffic hazard at the intersection of Pony Express Parkway and Saddle Rock Road be negotiated between the Town Engineer and the Church representatives and that authorization be given for the building permit submittal.*

Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.

9. **The Ranches, LC Protest on Service Calls:**

This item was tabled.

10. **UAMPS Resolution concerning breaching dams or draining reservoirs in the Colorado River Storage Project:**

John Newman explained that the Utah Associated Municipal Power Systems (UAMPS) had requested that all its members adopt this resolution, which would enable them (UAPMS) to use it in their campaign to educate the public concerning breaching dams or draining reservoirs in the Colorado River Storage Project.

The Council considered Resolution #

MOTION *Brigham Morgan moved to approved Resolution # 13-00, a Resolution of the Utah Associated Municipal Power Systems, as amended and approved by the Town Attorney. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

11. **Engineering Proposal to Create Plans and Specifications for a New Power Generation Unit:**

Korey Walker briefly discussed the proposal received from 2 engineering companies, Intermountain Consumer Professional Engineers, Inc, (ICPE), and Tasco Engineering.

Mark Sovine, Public Works Board, stated that he had reviewed the proposals and his only concerns were the cost and whether the Town would be getting their monies worth for the project. Mr. Sovine recommended that the Town negotiate the cost for the proposal with ICPE as his # 1 recommendation.

John Newman recommended that the Council give the Staff the authorization to negotiate a price and then return to the Town Council for final approval.

MOTION *Bert Ankrom moved to authorize the Town Staff to negotiate the price with Intermountain Consumer Professional Engineer's, Inc, for the proposed project. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

12. **Fire Department Pay:**

Mayor pro tempore Dave Albrecht stated that he was uncomfortable approving the Fire Department's pay proposal except for \$8/call for Emergency Response.

MOTION *Greg Kehl moved to approve the recommendation from Fire Chief Eric Taylor for \$8/call for the Emergency Response as compensation for the volunteers. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

13. Good Faith Estimate of Entitlement Share for the Resource 2000 Project:

John Newman stated for the record that he, as a representative of the Town, solicited input from the Town Engineer regarding how much the Town would need in terms of power in the year 2003. The figure was estimated as 5700kW, which was submitted to UAMPS. This was not an action item.

14. Motion to approve the Consent Agenda items as follows:

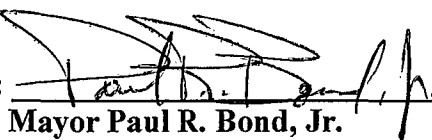
- a. Warrant Register
- b. Partial Bond Release
- c. Final Payment Requests

MOTION *Brigham Morgan moved to approve the Consent Agenda as stated. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

15. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting @ 8:30 p.m.*

APPROVAL:



Mayor Paul R. Bond, Jr.

DATE: 3/21/01

This certifies that the minutes of July 18, 2000 are a true, full and correct copy as approved by the City Council on Mar 20, 2001

Signed: 

City Recorder

**MINUTES OF THE COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
September 19, 2000**

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Ken Leetham
Town Recorder: Janet Valentine
Deputy Town Clerk: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy

Others present: David & Jodie Blackburn, residents; Eric & Charlotte Ducos, residents; Lark Erickson, resident; Shelia & Dave Curtis, residents; Dave Tomsik, resident; Bill Neathery, resident; Miriam Bond, resident; Richard Anderson, JMK Investments; Mark & Katherine Westra, residents; Vincent & Mariann Liddiard, residents; Brenda Park, Library Board; Jana Cox; Arts Council; Becky Oakley, Library Board; Juanita Christiansen, Friends of Eagle Mountain Library; Rob Nielson, Lehi Free Press.

2. Pledge of Allegiance:

Shelia Curtis led the town in the Pledge of Allegiance.

3. Approval of Minutes:

MOTION *Brigham Morgan moved to approve the minutes of September 5, 2000 as amended. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

- A. Notice of a Possible Town Council Meeting on 11/14/00 @ 6:00 p.m. to approve a "Bond Purchase Agreement."
- B. Mayor Bond announced that there had been some concerns regarding high water bills that some residents had received. Residents could call Angie Ferre at the Town and have their bill reviewed. Most residents who had experienced a problem would be charged the minimum rate for water.
- C. Mayor Paul Bond announced that Town Recorder, Janet Valentine had received her Certified Municipal Clerk designation.

5. Appointments:

- A. The Town Council announced that Justin Sprague had been appointed as Fire Marshal for the Fire Department.

B. Appointment of Michele Graves as a Librarian.

MOTION *Dave Albrecht moved to approve Michele Graves as the Librarian, as recommended by the Library Board, for the Town of Eagle Mountain, Utah. Greg Kehl seconded the motion. Ayes: 5. Nays: 0. Motion passed.*

6. **Public Notices:**

Possible Public notice for the Special Town Council meeting 11/14/00.

7. **Public Comment:**

- Shelia Curtis discussed Youth City Council. Youth from grades 9-12 are organized within committees with a mayor, councils members, Fire Chief, Clerk, etc. The youth work in their various roles and learn how the government should function.
- David Blackburn, resident, commented on the fencing problems that residents were facing over in The Ranches. Because of the clear vision triangle requirement when installing fences, residents living on alley lots with small driveways have difficulty meeting the requirement without loosing backyard space.

Jerry Kinghorn stated that the staff would make a recommendation and bring it to the Town Council for their review.

- Juanita Christiansen, resident, on behalf of residents in the community presented Liisa Nusz with a scrapbook in remembrance of her time spent in Eagle Mountain. Mrs. Christiansen expressed thanks from all those who had benefited from Mrs. Nusz's efforts regarding the Library in Eagle Mountain. Mrs. Nusz had formed the library and had worked there since it had been opened.
- Becky Oakley presented Liisa Nusz with a gift from the Library Board. Mrs. Oakley commented on the great impact that Mrs. Nusz had on the community and she would be greatly missed by those she influenced.
- The Town Council presented Mrs. Nusz with a plaque in commemoration of her serving on the Planning Commission and as a Librarian in the Town.

8. **LtC Ted Frandsen/ Camp Williams – Information Briefing the Town Council on activities taking place at Camp Williams:**

This item was tabled.

9. **Eric & Charlotte Ducos/ North Ranch resident, lot 23, requests an audience with the Town Council regarding telephone service in Eagle Mountain:**

Eric Ducos, resident, addressed the Council and requested that they provided him with telephone service. Mr. Ducos was a new resident and due to rapid growth in Eagle Mountain the projected wait for phone hook ups was approximately 3 weeks. Mr. Ducos worked from home and was scheduled to begin work the following week. There were no offices located in Utah and the only place that he could work from was his home. However, it was necessary to have a phone line to conduct business and for this reason Mr. Ducos was requesting that the Council consider his appeal.

Dan Valentine, Eagle Mountain Telecom, explained the process for phone installation. Mr. Valentine stated that their first responsibility was to provide all residents with one phone line and take care of trouble calls. If residents required a second line for business they needed to provide the Town with a letter from their employers stating the need for the additional line. If an individual was self-employed then they would need to provide a business license. The monthly cost for a business line was \$30. The expected wait for a phone line was 3.2

weeks. Eagle Mountain wasn't unlike other communities in Utah experiencing growth where the wait for new phone lines was comparable.

Greg Kehl stated that he understood the problem and the Council was sympathetic, however, Mr. Ducos would have to wait three weeks before the problem could be solved.

Dave Albrecht discussed the possibility of giving one of his lines to the Ducos family. Mr. Albrecht lived next door to Mr. & Mrs. Ducos and had two lines.

Dan Valentine said that they could run a line from Mr. Albrecht's house to Mr. Ducos' house and just assign a new number.

11. **Consideration of a resolution approving the form and authorizing the extension of a Power Sales Contract with Utah Associated Municipal Power Systems for the Resource 2000 Project and related matters:**

MOTION *Bert Ankrom moved to approve Resolution # 21-00, as Resolution authorizing the execution and delivery of Resource 2000 Project Power Sales Project with Utah Associated Municipal Power Systems in connection with the Resource 2000 Project of UAMPS and related matters. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

13. **Approval of a Resolution expressing support for the establishment of an Elementary School in the Town and authorizing the Mayor and Town Professional Staff to negotiate appropriate methods to obtain schools in Eagle Mountain:**

MOTION *Brigham Morgan moved to approve Resolution # 22-00, 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 methods to obtain schools in Eagle Mountain. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. **Major Development Approval:**

- a. Extension of Approval for Overland Trails, Phase 2B.

This item was tabled.

- b. The Landing, Phase 3 Development Agreement and CC&R's.

Mayor Bond stated that JMK had taken over the property at the Landing when Touchstone defaulted on the loan.

Richard Anderson, JMK, stated they were in negotiations with the Town. They had a Development Agreement and CC&R's that had been approved and had fulfilled the bonding requirement. The only issue that was outstanding was an amount due that Touchstone had incurred. JMK had agreed to pay approximately \$31,000 to cover the debt. There was also an issue regarding the excess water shares that could be transferred back to EMP. JMK had also agreed to pay EMP an amount that was owed from Touchstone. EMP would sign the plat map with JMK allowing them to record it.

Gerry Kinghorn stated that the Development Agreement was before the Town Council for their approval. The \$31,000 that JMK agreed to pay was for Utility Design Fees in Phases 1 & 2 and for a charge for moving a transformer. There were additional items that needed to be resolved. A list had been sent to JMK's attorney. Mr. Kinghorn requested that the Council authorize the Staff to select the items from the list of most significance in terms of public health and safety and require them to be completed.

Mayor Bond inquired whether EMP had any unresolved concerns in relation to JMK.

Eric Jones, EMP, stated that he had several discussions with JMK and they had not yet entered into a final agreement with the company. There were still some concerns that needed to be resolved and he believed that they were close to working things out. Mr. Jones understood that the water rights needed to remain in the Town and that they could be moved from one project to another. The intent was that some of the shares would be booked for Cedar Valley Company.

Mr. Anderson stated that the 38 lots in the Landing had been sold and the builder had planned to build 3 houses/month to get the project finished. Three lots in Phase 2 had been sold and would be under construction immediately. The homes will be the same size and similar design.

MOTION *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah, and JMK Investment for the Landing at Eagle Mountain Phase 3, and authorize the Town Staff to negotiate the warranties and improvements that were required in the previous phases. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Ordinance creating a Town of Eagle Mountain Community Arts Board:

Dave Loper addressed the Council and briefly discussed their packet information which included the following:

1. List of recently elected Board Members.
2. Eagle Mountain Community Arts Mission Statement.
3. One Year Plan.
4. Three Year Plan.
5. Five Year Plan.
6. Statement on nudity.

Mayor Bond asked why the Arts Council had chosen the 1900's regarding nudity when considering art that would be displayed. It was his opinion that nudity was nudity regardless of the era and he was opposed to it.

Mr. Loper stated that the turn of the century gives a strong definitive view as to what is considered as art worldwide. Anything post 1900 would be taken under special consideration including plays.

MOTION *Bert Ankrom moved to approve Ordinance # 00-11, an Ordinance creating a Town of Eagle Mountain Community Arts Board as an Advisory Board to the Town Council to be known as the "Town of Eagle Mountain Community Arts Board" and defining certain responsibilities concerning Community Arts Programs in the Town of Eagle Mountain, Utah. Brigham Morgan seconded the motion. Ayes: 4, Nays: 1. Motion passed.*

16. Eagle Mountain Fire Department proposed incentive plan for the remainder of FY 2000/2001:

Interim Fire Chief, Robert DeKorver, commented on the incentive plan for the voluntary fighters in Eagle Mountain. The plan was intended to give the fire fighters an incentive to be on call. It would hold the fire fighters to a higher level requiring them to remain in town when they sign up for a shift thus providing the Town with the necessary coverage.

MOTION *Dave Albrecht moved to approve the Eagle Mountain Fire Department proposed incentive plan for the remainder of FY 2000-2001 as submitted. Greg Kehl seconded the motion. Ayes: 5, Nays 0. Motion passed.*

17. GWNW Report "Telecommunications Feasibility Report."

Mayor Bond stated that the Town had received the Telecommunications Feasibility Report and that it had been accepted by the Mayor and Council.

18. Telecommunications Department: Authorize Secretary and Technician positions:

John Newman stated that due to the rapid growth the Town had to hire individuals on a temporary basis for a short period of time. It was now necessary to hire create permanent positions within the Telecommunications Department for a secretary and technician.

MOTION *Greg Kehl moved to authorize John Newman to create two positions within the Telecommunications department, a secretary and a technician position, and give authorization for the secretary position to be advertised to the public for hiring. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. Eagle Mountain Boulevard Maintenance:

Mayor Bond stated that an idea had been discussed regarding an interchangeable monument sign designating identifying certain groups responsible for the clean up of Eagle Mountain Boulevard.

Brigham Morgan requested a cost estimate proposal for the next Town Council Meeting.

Korey Walker stated that if the Council had any comments they could contact him and he would have an estimate for the next meeting.

20. Consent Agenda Items:

MOTION *Greg Kehl moved to approve the Consent Agenda Items. Brigham Morgan seconded the Motion. Ayes: 5, Nays: 0. Motion passed.*

12. Sunrise Development Gas Line Dig Appeal:

Mayor Bond stated that this was an appeal from Sunrise regarding 2 gas line cuts and asked if there was anyone present to represent the developer. There was no one present.

Sunrise Development was appealing fees related to two gas line cuts. John Newman recommended that the developer pay \$305.96 for the materials and labor for the first cut. Mr. Newman in good faith waived the \$2000 fee, as the gas lines should not have been in the area the developer was digging in.

Mayor Bond stated that evidence (pictures) presented by the Town Staff clearly identified that both cuts were within the easements with Blue Staking. Based on this information Mayor Bond recommended that the bills stand as submitted. It was noted that a representative from Sunrise was present when Blue Stakes returned to the excavation sight identified that the areas where the cuts had been made were within the easement.

John Newman requested that the pictures showing the location of the cuts be entered in as evidence to the Town Clerk.

Gerry Kinghorn stated that the Staff had made an error in recommending the reduced fees when the developer first appealed the fees. The information that had been presented to the Council that night justified the denial of the appeal.

MOTION *Greg Kehl moved to deny the Sunrise Gas Line Appeal including the photographs as an Exhibit, and that the original invoices are reinstated as follows:
Bill # 1 3/1/00*

1. *Cost of time and materials - \$97.38*
 2. *Infrastructure damage charge - \$97.38*
 3. *No Blue Staking charge - \$2000*
- Total Charge - \$2194.76*

Bill #2 3/10/00

1. *Cost of time and materials - \$305.96*

**2. Infrastructure Damage charges - \$305.96
Total Charge \$611.92**

Dave Albrecht seconded the motion. Ayes: 4, Nays: 1. Motion passed.

10. North Ranch CC&R's Architectural Design Amendments – Final Approval:

Ken Leetham addressed the proposed North Ranch CC&R's and identified the changes the Home Owners Association was requesting. A paragraph was added on page 5 establishing the yard setbacks for accessory, or out buildings. Additionally, the paragraph on the bottom of page 5 was amended stating that the pitch or slope on outbuildings shall be a minimum of 2:12. The Planning Commission had recommended approval to the Town Council.

Mark Madsen, North Ranch Resident, stated that the will of the community should be considered. The Home Owners Association had collected signatures in excess of 75% of the community who favored the changes.

Greg Kehl believed that a 2:12 roof pitch would come back to haunt the residents. He believed that the proposed roof pitch cheapened the look of the subdivision.

Mayor Bond agreed with Mr. Kehl.

Dave Albrecht commented that the people in North Ranch had voiced their support and he had no problem with their request.

Brigham Morgan was opposed to the changes and stated that his opinion was that he didn't think the snow level would allow for a 2:12 roof pitch. The Town had been built on a premise of compatibility of a unique architectural style and the proposed roof pitch didn't fit in with the contrast of 6:12 homes. A 4:12 roof pitch would be more compatible.

Bert Ankrom was indecisive. Mr. Ankrom stated that he could appreciate the position of the residents in North Ranch who were requesting the change. Mr. Ankrom compared the look of other areas in the Ranches that had complied with the design guidelines in reference to outbuildings and they added to the cohesiveness of the Town.

Mayor Bond was concerned that the CC&R's would be less stringent than the Development Code.

Gerry Kinghorn stated that the request was before the Council that they be considered as alternate design guidelines. A provision in the Development Code allows for groups or developers to propose alternate design guidelines for developments. Mr. Kinghorn stated that the snow load issue is not something that the Council should be concerned with. That was the job and duty of the building inspector to assure that the building is structurally safe and will not collapse.

Mayor Bond asked if Mr. Madsen had a list of the individuals who had signed the petition. Mr. Madsen stated that he would provide Mr. Kinghorn with a copy.

Greg Kehl asked if the Home Owners had considered a 4:12 pitch. Mr. Madsen stated that he and the North Ranch HOA would consider it.

Dave Albrecht stated that the rights of the people was a higher principal than the beauty of a roof pitch and virtually every homeowner in North Ranch had consented to the amendments. It was his opinion that the Council had no right to override the voice of the citizens.

Mr. Madsen commented that a planning commissioner had stated that she was tired of telling people what the can and can't do with their property. Mr. Madsen believed that the will of the people should be respected.

Mayor Bond agreed, however, he wanted to approach the issue cautiously.

MOTION *Dave Albrecht moved to approve North Ranch Home Owners Association's request to amend their CC&R's relating to alternate design guidelines; specifically page 5, the added paragraph addressing setbacks for auxiliary or out buildings: front 50 feet; side 10 feet noting that if the height of the building exceeds 10 feet, the setback has to equal that; rear 20 feet. Also addressing roof pitches for an out building, the minimum pitch can be 2:12. Greg Kehl seconded the motion. Ayes: 2, Nays: 2. Greg Kehl abstained. Motion failed.*

MOTION *Dave Albrecht moved to approve the previous motion except for the roof pitch changing from 2:12 to 4:12 & the setback standards to remain as proposed (in previous motion). Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Brigham Morgan abstained. Motion passed.*

21. **Other Business:**

There was no other business.

22. **Motion to adjourn into a Closed Executive Session for the Purpose of discussion personnel issues, potential litigation and/or public safety/security:**

MOTION *Greg Kehl moved to adjourn into a Closed Executive Session @ 9:10 p.m. for the purpose of discussing Personnel issues, potential litigation and/or public safety/security. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present: Mayor Bond; Dave Albrecht, Bert Ankrom, Greg Kehl, Gerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, John Newman and Janet Valentine.

MOTION *Bert Ankrom moved to adjourn the Closed Executive session @ 9:35 p.m.*

MOTION *Bert Ankrom moved to adjourn the meeting at 9:35 p.m.*

APPROVAL: *Paul R. Bond, Jr.* DATE: *10/26/00*
Mayor Paul R. Bond, Jr.

This certifies that the minutes of
09-19-2000 are a true, full and
correct copy as approved by the
City Council on 10-03-2000.

Signed: *Janet B. Valentine, CMC*
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
August 1, 2000

WORK SESSION 4 p.m. – 6 p.m. Town Office Conference Room 1680 East Heritage Dr. Eagle Mountain.

Roll Call:

Mayor pro tempore Dave Albrecht, Bert Ankrom, Greg Kehl, Brigham Morgan, John Newman, Stephan Gabrielson, Jalaire Taylor, Ken Leetham, Eric Taylor, Kevin McCarthy, Robert DeKorver, Korey Walker, Jerry Kinghorn & Janet Valentine. Mayor Paul Bond and Fionnuala Kofoed were excused.

Others present: Russ Rossander & Nick Berg, Eagle Mountain Properties (EMP); Mike Wren, MCM.

MOTION *Brigham Morgan moved to adjourn into a Closed Executive Session @ 6:15 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Present for the Closed Session: Mayor pro tempore Dave Albrecht; Brigham Morgan; Greg Kehl; Bert Ankrom; John Newman; Jerry Kinghorn & Janet Valentine.

MOTION *Greg Kehl moved to return into Open Session @ 6:35 p.m. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

POLICY SESSION 7 p.m.

Mayor pro tempore Dave Albrecht called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor pro tem Dave Albrecht, Greg Kehl, Brigham Morgan and Bert Ankrom. Mayor Paul Bond and Fionnuala Kofoed were excused.

Town Staff:

Town Administrator:	John Newman
Town Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Town Planner:	Ken Leetham
Town Clerk:	Janet Valentine

Others present: Rick Pierce, resident; Candy Bateman, resident; Keith Callen, resident; Cody Herbert, resident; Mark Madsen, resident; Jody Hooley, resident; Dave Thomsick, resident; Bill Neathery, resident; Dan Valentine, resident; Juanita Christiansen, Youth Sports; Nick Berg, Eric Jones & Russ Rossander, EMP; Scott Kirkland, The Ranches.

2. Pledge of Allegiance:

Rick Pierce led the town in the pledge of allegiance.

3. Approval of Minutes:

There were no minutes to approve.

4. General Discussion/Questions/Announcements:

Candy Bateman expressed her appreciation to the Town Council, police and fire department for their support at the Pony Express Days events. There were 15 main events, which helped generate a great community spirit. Mrs. Bateman stated that in the future the committee wanted to focus on historical events more pioneer type activities.

Mayor pro tempore Dave Albrecht presented Mrs. Bateman with a plaque to commemorate Pony Express Days, 2000 and thanked her for her efforts.

5. Appointments:

Appointment of Keith Cowen to the Public Works Board.

MOTION *Brigham Morgan moved to appoint Keith Cowen to the Public Works Board as a lay member. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

6. Public Notices:

There were no public notices.

7. Public Comment:

Dave Thomsick, resident, commented on the difficulties that new residents of Eagle Mountain face getting phone service.

Dan Valentine gave a report on the status of the telephones system. Mr. Valentine acknowledged that the Town was behind on hookup. He stated that the reason the Town was waiting until a certificate of occupancy was issued before they hooked up new residents was to avoid any homeowners who were illegally occupying a home from getting a telephone line. Mr. Valentine also commented on the problems in unfinished subdivision where the developer was responsible for installing the phone system. Residents who had paid their deposit had to wait until the phone system was finished, tested and approved by the engineer before the Town could get them hooked up. Mr. Valentine said that the Town Council had the authority to direct him how to approach the problems that they faced. One of the major issues the Town faced was keeping up with the rapid growth.

Rick Pierce, resident, discussed the poor condition of Pony Express Park from lack of water and questioned whether the grass could be salvaged. Flag football and youth soccer were scheduled to begin and the park was unfit for use. Mayor pro tem Dave Albrecht stated that Eagle Mountain Properties was responsible to water the park and they could address the issue.

Russ Rossander, EMP, said that the water was turned off for Pony Express Days and never turned back on. EMP was not aware that the water had been turned off until it was too late. A water meter was currently being installed and as soon as installation was complete, EMP would turn the park over to the Town. Mr. Rossander apologized for the condition of park and said that it was due to lack of communication.

Juanita Christiansen, Youth Sports, discussed an alternative park in Eagle Park that could be used for the sports program, however there was a parking problem. Mrs. Christiansen said that they didn't have the money to refund to those who had signed up and was at a loss of what to do. Bert Ankrom said that there was a park in good condition in Eagle Point that could be used.

Mayor pro tem Dave Albrecht recognized Mrs. Christiansen for her contribution to the Sports Program. Mr. Albrecht said that he would confer with John Newman regarding the grass in the park and contact her.

8. ***Protest Hearing: To receive public comments regarding the creation of Eagle Mountain, Utah Special Improvement District 2000-1 (The Ranches, LC) (Installation of asphalt trails; Installation of irrigation and landscaping; Seal coat and striping of road; Well engineering, drilling, piping, pump, connections, equipment, housing, testing, etc.; Installation of fencing)***

Public Hearing opened @ 7:30 p.m.

There were no protests received by the Town Clerk.

Jody Hooley, resident commented that she was concerned with landscaping hilly areas, as it took more water than flat areas.

Town Attorney Jerry Kinghorn addressed the public and explained the SID. Mr. Kinghorn stated only property that that was owned by The Ranches, LC would be assessed. The Resolution to be adopted would create the district and would not encumber the Town in any way. It would start the process necessary to make the improvements.

Bill Neathery, resident, asked whether The Ranches had a history with SIDs and how would the Town benefit from this one. Jerry Kinghorn stated that The Ranches was ahead of schedule for the repayment of their assessments for the bonds for SID 98-1. Mr. Kinghorn also said that the Town would benefit from the SID in terms of improvements that are installed to its specifications. The overall benefit is the infrastructure and the expansion of the utility systems to help repay the indebtedness that the Town incurred in 1997-98.

Dave Thomsick, resident, asked what kind of guarantee was there that the money would be spent correctly. Mr. Kinghorn stated that all the contracts are done through the Town insuring that things will be completed in a timely way.

Dan Valentine, resident, asked about assessments. Jerry Kinghorn responded that it was the Town's policy that the assessment would not exceed 30% of the appraised value.

Mayor pro tempore Dave Albrecht closed the Public Hearing @ 7:45 p.m.

9. Approval of a Resolution to create Eagle Mountain, Utah Special Improvement District No. 2000-1 (Installation of asphalt trails; Installation of irrigation and landscaping; seal coat and striping of road; Well engineering, drilling, piping, pump, connections, equipment, housing, testing, etc.; Installation of fencing):

MOTION *Greg Kehl moved to adopt Resolution # 14-00 to create Eagle Mountain, Utah Special Improvement District No. 2000-1 described in the Notice of Intention concerning the district and authorizing the Town Officials to provide to make improvements as set forth in the Notice of Intention to create the District; Authorizing the City Engineer to prepare a Notice to Contractors for Sealed Bids with respect to the construction of the improvements; and related matters. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

10. Minor Development Approvals:

- a. Waiver of roof pitch & setback for Lot 92 in North Ranch Subdivision.

Ken Leetham addressed the Council and discussed Cody Herbert's request for a waiver of the roof pitch on his lot in North Ranch. Mr. Leetham stated that the Town Council was only considering the request for the waiver of the roof pitch. He further stated that only the Board of adjustment has authority to grant variances such as setbacks. Mr. Herbert and Mark Madsen, president of the homeowners' association in North Ranch, had brought the issue before the North Ranch residents on May 13, 2000 who agreed to have the CC&R's amended to allow a 2/12 roof pitch for accessory buildings. Mr. Herbert and Mr. Madsen requested that the Town Council follow the recommendation of the Planning Commission.

Bert Ankrom and Brigham Morgan were not in favor of the request, as they believed that the CC&R's couldn't be less restrictive than the Town Code.

The Council discussed the roof pitch, it was determined that the most efficient way to resolve this issue was to have the CC&R's amended for the entire North Ranch neighborhood.

Mr. Newman instructed Mr. Herbert and Mr. Madsen to submit:

1. A copy of the existing CC&R's.
2. A copy of the proposed CC&R's.
3. Evidence that the residents have approved the proposed CC&R's.

The Town Council further instructed that the proposed CCR'S would have to be approved by the Planning Commission. Mr. Madsen then indicated that the Planning Commission had already recommended approval of the new CC&R's. Mr. Leetham indicated that the Planning Commission had only acted on the waiver for Mr. Herbert's property and not the CC&R's. It was agreed that the Planning Commission minutes and tape would be reviewed in order to clarify the Planning Commission's action.

11. Major Development Approvals:

- a. Overland Trails, Phase II B-Extension of approved plat.
- b. Overland Trails, Phases I II & II-B relating to the park and landscaping requirements.

These two items were discussed simultaneously.

Ken Leetham addressed the Council and discussed some issues that he believed were relevant to this situation and the project. The request was for an extension of an approval of a previously approved plat, Overland Trails, Phase IIB.

First, the Town Standards and Specifications for public infrastructure improvements have changed since this plat was approved as a preliminary plat. This project should meet the Town's current standards and not the previous standards.

Second, the Town's requirements for park improvements have been updated. This development should meet the Town's current parks & recreation plan for the neighborhood park.

Third, this phase should comply with the new Capital Facilities Plan and impact fee ordinance.

Fourth, the project should be in compliance with the current Town Code. There are some changes related to bonding and public improvements that have changed since the original approval.

Finally, a development agreement should be prepared and approved prior to recording of the final plat document.

Additionally Mr. Leetham requested that if the extension were granted that it not exceed more than 3 months and that the Plat be recorded within 90 days of the Town Council's approval. Also, that a plan for the neighborhood park be presented and approved by the Town Staff and be completed within the 3 month time period.

Another condition that was discussed was that the neighborhood park improvements (upon approval of the plan) be placed in the performance bond for the subdivision.

Nick Berg, EMP, agreed with all the conditions except the 3-month time period. Both he and Eric Jones, EMP, requested 6 months to bring the project into compliance.

Eric Jones discussed the park improvements and requirements. EMP was contemplating doing a park for 121 lots. This would leave a 49 excess lot park capacity that they would use in the future for some other development adjacent to the park within a ¼ mile.

Greg Kehl recommended a 4month extension.

John Newman suggested that the installation of the park be left to the discretion of the Town Engineer. This would give some latitude if the installation were held up due to inclement weather etc.

Brigham Morgan was excused from the meeting.

- MOTION** *Bert Ankrom moved to approve the request for an extension of time for the Overland Trails, Phase II B subdivision subject to the following conditions:*
- 1. That the approval be valid for a period not to exceed 4 months. If the plat is not recorded within 4 months of this approval then the approval will expire and the plat will have to be resubmitted and processed as a new subdivision.*
 - 2. That a plan for the neighborhood park proposed in the letter from Eagle Mountain Properties dated July 18, 2000 be submitted and approved within 30 days of the date of this approval and that construction of the park be completed in accordance with the recommendation of the Town Engineer. The Town staff is authorized to approve this plan.*
 - 3. That the developer be subject to any adjusted funding requirements to the Town's Capital Facilities Plan as a result of this project.*
 - 4. That this project complies with the current impact fee ordinance, Town Code and Town Standards and Specifications.*
 - 5. That a development agreement be prepared and presented in complete form for approval by the Town Council prior to recordation of the final plat.*
 - 6. That the park improvements be placed in the performance bond for the subdivision.*
- Greg Kehl seconded the motion.*

Discussion Eric Jones asked why the Council couldn't approve the final plat that night. Jerry Kinghorn stated that the Development Code requires that an extension of time of the type be done in a development agreement. John Newman stated that the extension wouldn't become a formal extension until the developer and the Town sign the Development Agreement and it is in place.

MOTION *The extension would be 4 months from the approval of the plat. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Jerry Kinghorn recommended that the 4 month clock begin after the August 15, 2000 Town Council meeting when the Development Agreement is approved.

Korey Walker was excused from the meeting.

11c. Approval of the Development Agreement for Overland Trails, Phase III, Plats A & B:

Ken Leetham addressed the Development Agreement for Overland Trails, Phase III, Plats A & B. The Agreement was originally submitted as one plat. The only change is that it was split into two Plats, A & B.

Jerry Kinghorn stated that EMP would like the Town to work with the developer to identify an avigation easement on the plat. Eric Jones proposed that the avigation easement be identified in the CC&R's for the subdivision and not the plat. Jerry Kinghorn commented that it needed to be on the plat, as it doesn't create a property interest in the CC&R's.

MOTION *Greg Kehl moved to approve the Development Agreement for Overland Trails, Phase III, Plats A & B subject to the insertion of the Avigation easement. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

12. Approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule:

MOTION *Bert Ankrom moved to approve Resolution # 15-00 Amending the Eagle Mountain Consolidated Fee Schedule. Greg Kehl seconded the motion. Ayes: 3. Nays: 0. Motion passed.*

13. License Agreement with UDOT:

This item was removed from the agenda.

14. Consent Agenda:

MOTION *Greg Kehl moved to approve the Consent Agenda Items. Bert Ankrom seconded the motion. Ayes: 3. Nays: 0. Motion passed.*

15. Vehicle Purchases:

MOTION *Greg Kehl moved to approve the purchase of a 2000 Ford Focus not to exceed \$16,000. In addition, the purchase a 2000 F150 not to exceed the purchase price of \$26,000. Bert Ankrom seconded the motion. Ayes: 3. Nays: 0. Motion passed.*

Mayor pro tem Dave Albrecht stated that the purchase of the vehicles was included in the budget. John Newman added that there were funds in the budget to purchase additional vehicles when they were needed.

16. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security.

MOTION *Greg Kehl moved to adjourn into a Closed Executive Session @ 9:05 p.m. for the purpose of discussion personnel issues, potential litigation and/or public safety/security. Bert Ankrom seconded the motion. Ayes: 3. Nays: 0. Motion passed.*

Present: Mayor pro tem Dave Albrecht, Bert Ankrom, Greg Kehl, Jerry Kinghorn, John Newman, Janet Valentine.

17. Motion to adjourn the Closed Executive Session and return to Open Session:

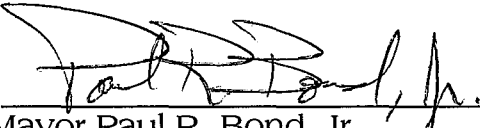
MOTION *Bert Ankrom moved to adjourn the Closed Executive Session @ 9:25 p.m. and return to Open Session. Greg Kehl seconded the motion. Ayes: 3. Nays: 0. Motion passed.*

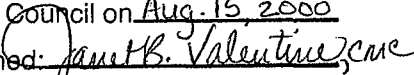
18. Action from the Closed Executive Session:

There was no action.

19. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting @ 9:25 p.m.*

APPROVAL:  DATE: 12/11/00
Mayor Paul R. Bond, Jr.

This certifies that the minutes of
Aug. 1 are a true, full and
correct copy as approved by the
City Council on Aug. 15, 2000
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
August 15, 2000**

WORK SESSION 4 p.m. – 6 p.m. Town Office Conference Room 1680 East Heritage Dr. Eagle Mountain.

Roll Call:

Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, John Newman, Stephan Gabrielson, Jalaire Taylor, Ken Leetham, Kevin McCarthy, Robert DeKorver, Korey Walker, Jerry Kinghorn and Fionnuala Kofoed. Brigham Morgan and Janet Valentine were excused. Laura Lewis arrived @ 5:40 p.m.

MOTION *Bert Ankrom moved to adjourn into a Closed Executive Session @ 4:05 p.m. for the purpose of discussing negotiations and acquisition of property. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Present for the Closed Session: Mayor Paul Bond; Dave Albrecht; Bert Ankrom; Greg Kehl; John Newman; Jerry Kinghorn; Robert Dekorver; Jalaire Taylor; Stephan Gabrielson; Korey Walker; Ken Leetham and Fionnuala Kofoed.

MOTION *Greg Kehl moved to return into Open Work Session @ 5:35 p.m. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

POLICY SESSION 7 p.m.

Mayor pro tempore Dave Albrecht called the meeting to order at 7:20 p.m.

1. **Roll Call:**

Council Members present: Mayor pro tempore Dave Albrecht, Greg Kehl, Bert Ankrom. Mayor Paul Bond arrived at 7:25 p.m. Brigham Morgan and Janet Valentine were excused.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Ken Leetham
Deputy Town Clerk: Fionnuala Kofoed

Others present: Jody Hooley, resident; Marcie Taylor, resident; Dan Valentine, resident; Eric Jones, Eagle Mountain Properties, (EMP); Jessa Schalic & Carl Allred, The Ranches; Jeff love, resident; Josh & Jenny Elledge, residents; Rob Nielson, resident; Trish Austin, resident; Mark Lofgren, resident; Rick Pierce, resident.

2. **Pledge of Allegiance:**

Rob Neilson led the town in the pledge of allegiance.

Mayor Paul Bond resumed control of the meeting.

3. **Approval of Minutes:**

MOTION *Greg Kehl moved to approve the minutes of August 1, 2000 as stated. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

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

There was nothing to discuss.

5. **Appointments:**

Appointment of Diane Bradshaw to the Planning Commission.

MOTION *Dave Albrecht moved to appoint Diane Bradshaw to the Planning Commission. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

6. **Public Notices:**

There were no public notices.

7. **Public Comment:**

Josh Elledge expressed his appreciation to the Council for their consideration of the resolution for a low power F.M. radio station license.

8. **Approval of a Resolution authorizing a low power F.M. Radio Station License within the Town of Eagle Mountain for the benefit of its Citizens:**

MOTION *Greg Kehl moved to approve Resolution # 16-00, a Resolution between the Town of Eagle Mountain, Utah Authorizing a Low Power F.M. Radio Station License within the Town of Eagle Mountain for the Benefit of its Citizens. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

9. **Mountain View Subdivision, Plats 3 & 4 Design Fee Appeal:**

Eric Jones, EMP, addressed the Council regarding design fees for Mountain View Subdivision, Plats 3 & 4. Mr. Jones stated that Tasco had done the original design for the plats and since that time the plans had been modified. EMP was requesting an adjustment on the payment and an extension to the date the fees were due.

Discussion ensued.

MOTION *Greg Kehl moved to authorize John Newman to discount invoice # 5001 to EMP by the amount that Tasco requires to upgrade the plan not to exceed \$1,700. Payment is required within 15 days from this the 15th day of August 2000. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

10. **Kern River Transmission Capacity:**

This item was tabled

11. **Approval of a Resolution authorizing the issuance and sale of not more than \$6,000,000 aggregate principle amount of Telecommunications Revenue Bonds, series 2000, of the Town of Eagle Mountain, Utah County, Utah:**

MOTION *Bert Ankrom moved to approve Resolution # 17-00, a Resolution authorizing the issuance and sale of not more than \$6,000,000 aggregate principal amount of Telecommunications Revenue Bonds, Series 2000, of the Town of Eagle Mountain, Utah County, Utah; fixing the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; providing for the publication of a notice of bonds to be issued; providing for the running of a contest period; and related matters. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

12. **Summary Recommendation for Underwriting Team for upcoming Water/Sewer & Gas/Electric Revenue Bonds:**

MOTION *Dave Albrecht moved to accept the recommendation that Seattle Northwest serve as Senior Manager with responsibility to sell 55% of the bonds, and AG Edwards act as co-manager with responsibility to sell 45% of the bonds. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

13. **Major Development Approvals/Extension Agreement for Overland Trails, Phase II B:**

John Newman requested to table the item, as the Staff had not received the parks plan for the project. Jerry Kinghorn recommended not extending the time limit that had been placed on the Extension Agreement.

Mayor Bond tabled the item.

14. **The Ranches SID 2000-1 - Landscaping Design Services:**

MOTION *Greg Kehl moved to approve Nuszer Kopatz, Urban Design Associates, as an acceptable firm for design in reference to The Ranches SID 2000-1. The Town will oversee the work and will negotiate the fees for the associated design. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

15. **Capital Facility Payments:**

A. Revised Eagle Mountain Properties Land Application Construction Cost.

Korey Walker stated that the first phase of EMP's land application had been evaluated. The estimated construction cost for this phase is proposed to be reduced from \$119,000 to approximately \$86,000. The Public Works board recommended approval of this item contingent upon the developer providing a bond for the construction for the first phase of the land application. The construction would begin upon the issuance of the 50th building permit after September 1, 2000 or if the treatment plant began to fail prior to that time.

Greg Kehl stated that the Public Works Board believed that this was a reasonable approach as there would be a bond in place, which would guarantee that in the event that the system began to fail immediate steps could be taken to get the work under way.

Mayor Bond requested using a cash escrow.

Eric Jones, EMP, discussed the amendment of the funding requirement from \$119,000 to \$86,000. Mr. Jones believed that the Public Works Board's recommendation was that EMP would have an opportunity to obtain a contract and present it to the Town along with a bond not a cash escrow.

Furthermore, the \$86,000 was an estimate and Mr. Jones thought that the work could be completed for less than that. Mr. Jones also inquired regarding the completion of the work. Greg Kehl stated that it was not the case.

Discussion ensued.

The Councilors expressed their concerns regarding the Capital Facility Funding payments not being met. An exception was made to extend the deadline to September 19, 2000. Mayor Bond stated that he was willing make the extension this time, however he wouldn't be so willing in the future.

MOTION *Dave Albrecht moved to extend the Capital Facility Funding deadline from August 1, 2000 to September 19, 2000 for the first phase of the Land Application Approval. Greg Kehl seconded the motion. Ayes: 3, Nays: 1. Motion passed.*

Item #17 was combined with Supplemental Agenda item #1.

Approval of Resource 2000 Power Sales Contract with Utah Associated Municipal Power Systems (UAMPS) for Purchase of Electric Power and Acquisition of Project Entitlement:

John Newman stated regarding power that the Town went to the spot market and purchased what was available. The price of the power was subject to change based upon supply and demand and during the peak periods the price is excessive. The Town would enter into a contract with UAMPS, which would enable the Town to secure power. The power would then be wheeled to the Town through Utah Power to Eagle Mountain for a fee.

MOTION *Dave Albrecht moved to authorize the Mayor to execute the Resource 2000 Project Power Sales Contract with Utah Municipal Power Systems and the Town of Eagle Mountain upon the presentation of an appropriate resolution and the final document approved by the Town Council. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

18. Consent Agenda:

MOTION *Greg Kehl moved to approve the Consent Agenda Items. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

19. Pony Express Park Completion:

This item was tabled.

SUPPLEMENTAL AGENDA ITEM

2. Consideration of Ranches Default Request:

Carl Allred, The Ranches, stated that The Ranches was attempting to solve several problems while still satisfying the Town requirements concerning payment of fees. The Ranches were in default of their payments to the Town and were requesting that their projects could be processed up until final approval to avoid any "bottlenecking" once fees were paid and the projects received final approval. Mr. Allred commented that the Town could delay the recordation of the plats until fees were paid. Mr. Allred stated that it was imperative that the developers be allowed to move forward understanding also the need for the fees to be paid to the Town. An agreement needed to be meet to satisfy both parties.

Discussion ensued regarding adding contingencies to approvals.

The Councilors were interested in getting projects going but more importantly they wanted projects completed and agreements kept.

Bert Ankrom was concerned that approval was being given to projects when there wasn't sufficient capacity available.

Mayor Bond asked for input from the residents present at the meeting.

Jody Hooley, resident, stated that she understood the developers need to make money, however, the Town looked like an atypical unfinished development. Residents had bought into the "vision" in Eagle Mountain and were still waiting for commitments to be implemented.

Marcie Taylor, resident, asked where the money was to finish and beautify the developments that should have been completed. Mrs. Taylor discussed the mound of dirt in Eagle Point subdivision that has been there for two years. Mrs. Taylor realized that developers need to sell property for cash flow but why did we still have unfinished developments and unfulfilled obligations?

Mark Lofgren, resident, commented that the developers fought to have the Impact Fees lowered so they could fulfill their obligations for the needed Capital Facilities funding, which was not happening.

Eric Jones, EMP, stated that he believed there was an inherent problem with the process. Developers had faced many challenges and were learning from their experiences. Dialogue between the Staff and developers were necessary to solve the issues they faced.

Mayor Bond commented that there were things that could be taken care of right away like moving the dirt in Eagle Point and the completion of Pony Express Park.

Rob Nielson, resident, discussed the pioneer spirit that once existed within the community. Spirits had diminished, as developers' promises of parks and trails had been broken. The trails, in reality, were lengths of asphalt that separated weeds. Furthermore, what has been presented as parks in reality amounted to dead grass and trees.

Greg Kehl was anxious to negotiate with the developers to get things moving again but he expected that, in return, original agreements would be completed.

Rob Smith, resident, asked how the Town could make developers live up to their obligations. Mr. Smith believed that the Town should not negotiate with the developers or make any amendments.

Discussion ensued

John Newman stated that things needed to be equalized to establish a win-win situation. Mr. Newman went on to say that the Staff had the ability to negotiate with the developers in DRC meetings, however; too many parameters would hinder the process. The Staff could work on a proposal and present it to the Council for their review. If the requirements were kept simple individuals would be more apt to remember them.

Bert Ankrom wanted to make sure all items were followed up on and wanted to be kept up to date.

Mayor Bond requested that Ken Leetham provide the Town Council with an update of items discussed in DRC meetings.

MOTION *Dave Albrecht moved to authorize the Town Staff to negotiate with the developers through DRC meetings and bring back to the Councilors any solution or arrangements for their consideration. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

20. Other Business:

There was no other business to discuss.

21. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security.

MOTION *Dave Albrecht moved to adjourn into a Closed Executive Session @ 10:10 p.m. for the purpose of discussion personnel issues, potential litigation and/or public safety/security. Greg Kehl seconded the motion. Ayes: 4. Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Jerry Kinghorn, John Newman, Korey Walker & Fionnuala Kofoed.

22. Motion to adjourn the Closed Executive Session and return to Open Session:

MOTION *Bert Ankrom moved to adjourn the Closed Executive Session @ 10:45 p.m. and return to Open Session. Greg Kehl seconded the motion. Ayes: 4. Nays: 0. Motion passed.*

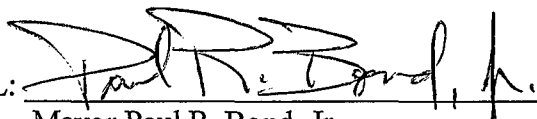
23. Action from the Closed Executive Session:

There was no action.

24. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting @ 10:45 p.m.*

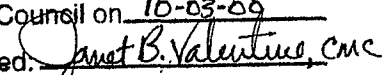
APPROVAL:

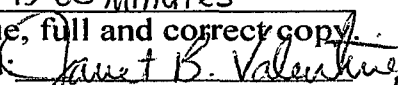

Mayor Paul R. Bond, Jr.

DATE:

10/26/00

This certifies that the minutes of 8-15-00 are a true, full and correct copy as approved by the City Council on 10-03-00

Signed: 
City Recorder

This certifies that the copy of 08-15-00 Minutes is a true, full and correct copy.
Signed: 
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
August 29, 2000**

POLICY SESSION 6:00 p.m.

Mayor Paul Bond called the meeting to order at 6:00 p.m.

1. **Roll Call:**

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Recorder: Janet Valentine
Deputy Town Clerk: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy

Others present: Jody Hooley, resident; Russ Rosander & Nick Berg, Eagle Mountain Properties, (EMP); Josh Elledge, resident; Rob Nielson, resident.

2. **Pledge of Allegiance:**

Mayor Paul Bond led the town in the Pledge of Allegiance.

3. **Consideration for Adoption of a Resolution of The Town of Eagle Mountain, Utah County, Utah Authorizing the Issuance of Electrical Revenue Bonds:**

Town Attorney Gerry Kinghorn stated that this Resolution was part of the interim purchase package for equipment needed for electrical generation and the electrical line transmission project. The intent was to order some of the equipment early to avoid any delays when the project got under way. The Revenue Bond Anticipation Note would eventually be paid off when the Gas and Electric Revenue Bonds were issued. It was an interim funding where the Town would be borrowing \$574,174 from First National Bank. The funds would be used to pay for the transmission line design and to acquire a right of way.

Financial consultant Laura Lewis explained the loan procedure to the Councilors. The interest rate would be fixed at 9 1/2% and the bank would assess a \$10,000 fee for the loan. The note would be due December 28, 2000. It was anticipated that all of this debt in addition to the outstanding revenue bonds, would be taken out with the long-term take out financing of the revenue bonds. The long-term financing was due to be completed by late October or early November.

Discussion ensued.

MOTION *Greg Kehl moved to adopt Resolution #18-00, a Resolution of the Town Council of the Town of Eagle Mountain, Utah County, Utah (the "Issuer") Authorizing the Issuance by the Issuer of its Subordinated Electric Revenue Bond Anticipation Notes, Series 2000 (the Notes) in Anticipation of the Issuance by the Issuer of Gas and Electric Revenue Bonds; Prescribing the Form of Notes; Providing for the Manner of Execution and Delivery of the Notes; Approving the Form and*

Authorizing the Execution of a Note Purchase Contract; Providing how the Proceeds of the Notes will be used and how Payment of the Notes will be made; Authorizing the Taking of all other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution; and Related Matters for the amount of \$574,172. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.

4. **Consideration for Adoption of a Resolution of the Town of Eagle Mountain, Utah County, Utah Authorizing the Execution and Delivery of an Equipment Lease Purchase Agreement:**

Gerry Kinghorn discussed the Equipment Lease Purchase Agreement. Financing was underway and closing was scheduled for August 31, 2000, however, the equipment vendors had yet to be selected. The bank would lease the equipment to the Town with the option to purchase with no prepayment penalties or a lease cost. It was the Town's intention to purchase the equipment when permanent financing was established.

Korey Walker commented on the Interim Funding Budget (see attachment) stating that the Public Works Board recommended the purchase of one 1100 kV Generation Unit. The Ranches had already contributed approximately \$530,000 for permanent generation fulfilling their requirement. The difference between the actual costs of the 1100 kV unit was \$162,010. The Control Instrumentation was the cost for updating the existing control system to accommodate the new unit. The 138 kV Line Equipment represented the primary long lead time items that would be needed to complete the project prior to the Town's peak in electricity next summer.

Brigham Morgan asked if the new generators would cause an air quality problem. John Newman stated that it was unknown whether the unit would exceed the air quality. However, an additional unit would be needed, possibly a third, in the near future and the air quality would need to be amended. Mr. Newman added that the power was needed now and this was the most cost effective way to do it.

Greg Kehl stated that the Public works Board had looked at all options and this appeared to be the best solution.

Discussion ensued regarding Capital Facilities payments. Mayor Bond requested that Town Treasurer Stephan Gabrielson provide the Town Council with an update in Capital Facilities payments the following day.

MOTION *Dave Albrecht moved to adopt Resolution #19-00 a Resolution of the Town of Eagle Mountain, Utah County, Utah Authorizing the Execution and Delivery of an Equipment Lease Purchase Agreement with First National Bank for the Purpose of Financing the Acquisition of one Electric Generator and Transformers: and other Related Equipment in the amount of \$1,393,604. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

5. **Consideration for Adoption of a Resolution Authorizing the Issuance and Sale of not more than \$7,500,000 Aggregate Principal Amount of Telecommunications Revenue Bonds, Series 2000, of the Town of Eagle Mountain, Utah, Utah County:**

Gerry Kinghorn commented that on August 15, 2000 the Council had approved a similar resolution for the sale of Revenue Bonds totaling \$6,000,000. Based on changes in the Construction Budget it was necessary to adopt a new Resolution as a substitute to the previously approved Resolution for the sale of not more than \$7,500,000 in Revenue Bonds. The Revenue Bonds would be used to pay off existing RBANS and cover construction costs. Repairs to existing lines and expansion of the telecommunications system to accommodate growth would also be covered. Mr. Kinghorn stated that the only differences to this resolution were the date, the dollar amount and the people present. The previous Resolution would eventually expire; however, if the Council believed it was necessary they could have it repealed at a later date.

Discussion ensued.

MOTION *Brigham Morgan moved to adopt Resolution #20-00, a Resolution Authorizing the Issuance and Sale of not more than \$7,500,000 Aggregate Principal Amount of Telecommunications Revenue Bonds, Series 2000, of the Town of Eagle Mountain, Utah county, Utah; Fixing the Maximum Aggregate Principal Amount of the Bonds, The Maximum Number of Years Over Which the Bonds May Mature, The Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount From Par at Which the Bonds May be Sold; Providing for the Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. Authorize Engineering on the Electrical Transmission Project:

Korey Walker discussed the procurement of long lead time materials/equipment for Utah Power interconnection. Mr. Walker requested authorization for Intermountain Consumer Professional Engineers, Inc. (ICEP) to proceed with creating the specifications and going out and receiving proposals for the identified items that were needed for the project. Also to allow ICEP to proceed with their negotiations in performing the engineering for the remainder of the transmission line design.

Discussion ensued

MOTION *Bert Ankrom moved to authorize the Staff to give Intermountain Consumer Professional Engineers Inc. the additional information needed to proceed with the design of the 138 kV Transmission Line. Also to authorize the issuance of a task order for \$12,500 for the long lead time items. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

7. Authorize Purchase of Electric Generation:

Korey Walker discussed the request for authorization for the purchase of an 1100 kV electric generation unit. The total approximate cost for the unit was \$650,000. Because of the fast pace of the item a proposal had been received from Simpover to use a generation unit. Negotiations were ongoing.

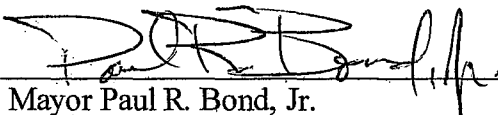
Discussion ensued.

MOTION *Brigham Morgan moved to authorize the Mayor to suggest vendors to the Bank as recommended by the Public Work Board. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

8. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting @ 7:20 p.m.*

APPROVAL:


Mayor Paul R. Bond, Jr.

DATE: 12-13-00

This certifies that the minutes of
Aug. 29 2000 are a true, full and
correct copy as approved by the
City Council on 9-5-00

Signed:  - Secretary³
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
September 5, 2000**

WORK SESSION 4 p.m. – 6 p.m. Town Office Conference Room 1680 East Heritage Dr. Eagle Mountain.

Roll Call:

Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, John Newman, Stephan Gabrielson, Jalaire Taylor, Ken Leetham, Eric Taylor, Kevin McCarthy, Korey Walker, Jerry Kinghorn, Brigham Morgan, Janet Valentine and Fionnuala Kofoed.

MOTION *Bert Ankrom moved to adjourn into a Closed Executive Session @ 5:30 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present for the Closed Session: Mayor Paul Bond; Dave Albrecht; Bert Ankrom; Greg Kehl; John Newman; Brigham Morgan; Jerry Kinghorn; Korey Walker; Ken Leetham and Janet Valentine.

The Closed Session recessed @ 6:15 p.m. and reconvened @ 6:45 p.m. All attendees of the earlier portion of the meeting were present for the latter except for Korey Walker.

MOTION *Dave Albrecht moved to close the Executive Session @ 7:00 p.m. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:15 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Ken Leetham
Town Recorder: Janet Valentine
Deputy Clerk: Fionnuala Kofoed
Deputy Sheriffs: Jo Murphy & Dale Lea

Others present: Becky Oakley, Library Board; Juanita Christiansen, Sports Program; Rob Nielson, Lehi Free Press; Jessa Schalich, The Ranches; Jody Hooley, resident; Kevin McCarthy & Kim Brown, Fire Department; Chris Kemp, resident; Nick Berg, Eagle Mountain Properties, (EMP); Josh Elledge, resident; Scott Kirkland & Scot Hazard, The Ranches.

2. **Pledge of Allegiance:**

Korey Walker led the town in the Pledge of Allegiance.

3. **Approval of Minutes:**

The minutes for August 15, 2000 were tabled.

MOTION *Brigham Morgan moved to approve the minutes of August 29, 2000 as amended. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

Mayor Bond announced the addition of a new deputy sheriff to Eagle Mountain. Deputy Dale Lea was hired to assist Deputy Jo Murphy in providing service to the Town. The Town would receive 80-hours/week coverage between the two deputies. Mayor Bond introduced Deputy Sheriff Lea to the residents later on in the meeting.

5. **Appointments:**

There were no appointments.

6. **Public Notices:**

There were no public notices.

7. **Public Comment:**

- Becky Oakley commented on the school bus situation. Apparently there was a shortage of buses and children were being crowded onto the school buses destined for Lehi. Due to the shortage, the kindergarten children were scheduled to leave an hour and forty minutes before school began as the bus had a large area to cover. The bus ride to Lehi took approximately half an hour.

Mrs. Oakley also stated that the percentage of children from Eagle Mountain attending Snow Springs Elementary appeared to exceed that of any other area and it was unfortunate that Eagle Mountain was without a school to accommodate its children. The school district had not yet released the statistics regarding enrollment. Mrs. Oakley inquired about any future plans to build a school in Eagle Mountain.

Mayor Bond stated that at this time there were no plans for a school. However, the mayor said that he would schedule to meet with the district to discuss the issue. The Council also discussed the need of getting on the School Board Agenda to address the subject. Greg Kehl suggested that a letter be drafted to the Department of Transportation (DOT) regarding the safety issues involving the buses.

Mayor Bond recommended that Mrs. Oakley meet with Councilor Ankrom to formulate a plan and attend the upcoming School Board meeting.

- Mrs. Oakley commented that the Town Librarian, Liisa Nusz, had accepted an offer on her home and would soon be moving on. The Library Board had started the process of finding a replacement for Mrs. Nusz's position. Interviews would take place September 16, 2000. Mayor Bond requested that Dave Albrecht, the liaison to the Library Board, be involved in the selection process.
- Nick Berg discussed Overland Trails Phase II park. Mr. Berg stated that EMP had submitted the park plan to Epic Engineering within the 30-day time period outlined by the Town Council. However, Epic Engineering had not had sufficient time to review the plan. Mr. Berg wanted to know if EMP could proceed with the park based upon their submittal. Mr. Berg also wanted to know the intent of the motion that the Council had made in a previous meeting regarding the park. Greg Kehl stated that the 30 day extension for Overland Trails Phase II was an incentive to get the park plan submitted and get the development finished. Furthermore, the item wasn't

on the agenda and no decision would be made that night regarding the issue. The Town Engineer would review the plan and make a recommendation at later time.

- Nick Berg briefly discussed the possibility of using municipal bonds to fund a school in Eagle Mountain. Mr. Berg also commented that EMP currently didn't have the financing for the proposed LDS church site in the Town Center, however, EMP was willing to donate a piece of property on the southwest corner of the roundabout in Overland Trails to the church.

8. The Ranches Proposed Parking Requirement:

Ken Leetham recommended that the Town Council initiate an amendment to the Town's office parking requirement from 5 spaces per 1,000 square feet of gross floor area (GFA) to 4 spaces per 1,000 square feet of GFA with a mandatory individual determination of each land use proposal at the time of site plan review.

The staff reviewed ordinances from surrounding cities and towns in an effort to determine typical parking requirements and needs for offices. Additional research was based upon the Rutgers University Center for Urban Policy Research. Mr. Leetham believed that the Town's current office requirement of 5 spaces per 1,000 square feet was too high for average office use.

The Planning Commission reviewed the request on July 25, 2000 and recommended a standard of 3.5 parking spaces per 1,000 square feet. The staff believed that the Planning Commission's recommendation was inadequate and would only result in congested parking lots and people parking on the streets.

Discussion ensued.

MOTION *Greg Kehl moved to approve that the Office Building Parking Standard in the Development Code be amended to require 4 parking spaces per 1,000 square feet of GFA, and that the Council draft an appropriate ordinance for office standard only. Dave Albrecht seconded the motion. Ayes: 3, Nays: 2. Motion passed.*

9. Capital Facilities Amendment:

Korey Walker commented on the amendment to the Capital Facility Plan. The due date of the payments needed to be changed to accommodate the purchase of the second and third generation units for next spring. Because of the long lead time it would be necessary to purchase the units by December 1, 2000 so that they could be delivered by April 1, 2000. The total construction cost would be \$241,500.

MOTION *Brigham Morgan moved to approve the extension of the due date for payment of Electrical Generation until December 1, 2000 for a total of \$241,500. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10. Fire Department reallocation of salary budget for fiscal year 2000-2001:

The Eagle Mountain Fire Department proposed the redistribution of the \$31,000 approved in the budget for fiscal year 2000-2001. The only change in the proposal was the separation of the previously combined Fire Chief/Fire Marshal position with separate pay. This would allow the Fire Chief to delegate more responsibilities and tasks to the Fire Marshal while also providing the Town with a more efficient Fire Department.

MOTION *Brigham Morgan moved to approve the position of a Fire Marshal as proposed in Exhibit A. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

(See attachment for Exhibit A)

11. **Approval of an Ordinance creating a Town of Eagle Mountain Community Arts Board:**

This item was tabled.

12. **Consent Agenda Items:**

MOTION *Dave Albrecht moved to approve the Consent Agenda items including the Supplementary Agenda. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. **Processing of Applications when in default:**

Scott Kirkland, The Ranches, discussed the ordinance the Council implemented when developers were in default. The ordinance required that all developers be out of default before any additional projects were processed. Mr. Kirkland added that they had paid most of their expenditures yet they still owed in excess of \$200,000. Halting their projects also halted their cash flow. The Ranches was looking for a compromise, a balance that would allow them to process their projects while accommodating the cities needs.

Mayor Bond stated that he was willing to work with The Ranches as long as they kept their end of the bargain. Scott Kirkland said that The Ranches hadn't welched on an agreement yet.

Dave Albrecht commented on a letter that John Newman had written to both Master Developers. Mr. Albrecht believed that the Town needed a protocol that worked for both the developers and the Town. If the protocol wasn't followed then the developers couldn't have items placed on the agenda for review.

Greg Kehl stated that it was his hope that there could be better communications between the developers and the Town.

Bert Ankrom stated that he wanted to work out an agreement with the developers. Mr. Ankrom added that the developers would only have one chance and that he didn't want the same problem to develop in the future.

Brigham Morgan commented that it was the deficit in the utilities that had caused the Council to enact the default ordinance. Mr. Morgan was concerned that unless the Council adopted strict guidelines the problem would arise again for future Councils. Mr. Morgan was not in favor of any exceptions unless there was a plan in place to bring the developer out of default.

John Newman stated that the Town has shown commitment and dedication to progression. Mr. Newman also stated that if the Council wanted to change the procedure for processing developers' accounts that were in default they could do it by reversing the process or changing it by vote of Council, then amend the Consolidated Fee Schedule.

Mayor Bond was reluctant to change the Consolidated Fee Schedule.

John Newman recommended implementing items 1 and 3 of the letter he had drafted and then modifying #2. Also, that the Public Works Board work with the Town Engineer in the approval process.

MOTION *Dave Albrecht moved to approve that the Town Staff amend the Consolidated Fee Schedule based upon the "Newman Letter." Also that the Town Staff and Public Works Board approve a project before it is placed on the Town Council Agenda. This amendment only applies to Capital Facilities Funding and the developer must provide a funding plan to cure the default. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Dave Albrecht moved that the developers must be out of default in Accounts Receivable to have items placed on the Planning Commission Agenda. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

Discussion **The \$295,000 owed to the Town for SID 98 could be worked out with the staff.**

14. UDOT License Agreement and Indemnification Agreement:

MOTION *Greg Kehl moved to approve the License Agreement and Indemnification Agreement between the Town of Eagle Mountain and UDOT including the attachment, as submitted. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Other Business:

John Newman announced that the Town had recently hired Shawn Warnke as a full time employee and that there was money available in the budget to accommodate his wages.

MOTION *Greg Kehl moved to adjourn the meeting at 10:55 p.m.*

APPROVAL: Paul R. Bond, Jr. DATE: 11/6/00
Mayor Paul R. Bond, Jr.

This certifies that the minutes of
09-05-2000 are a true, full and
correct copy as approved by the
City Council on 09-19-2000
Signed: James B. Valentine
City Recorder

**MINUTES OF THE COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
September 19, 2000**

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Ken Leetham
Town Recorder: Janet Valentine
Deputy Town Clerk: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy

Others present: David & Jodie Blackburn, residents; Eric & Charlotte Ducos, residents; Lark Erickson, resident; Shelia & Dave Curtis, residents; Dave Tomsik, resident; Bill Neathery, resident; Miriam Bond, resident; Richard Anderson, JMK Investments; Mark & Katherine Westra, residents; Vincent & Mariann Liddiard, residents; Brenda Park, Library Board; Jana Cox; Arts Council; Becky Oakley, Library Board; Juanita Christiansen, Friends of Eagle Mountain Library; Rob Nielson, Lehi Free Press.

2. Pledge of Allegiance:

Shelia Curtis led the town in the Pledge of Allegiance.

3. Approval of Minutes:

MOTION *Brigham Morgan moved to approve the minutes of September 5, 2000 as amended. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

- A. Notice of a Possible Town Council Meeting on 11/14/00 @ 6:00 p.m. to approve a "Bond Purchase Agreement."
- B. Mayor Bond announced that there had been some concerns regarding high water bills that some residents had received. Residents could call Angie Ferre at the Town and have their bill reviewed. Most residents who had experienced a problem would be charged the minimum rate for water.
- C. Mayor Paul Bond announced that Town Recorder, Janet Valentine had received her Certified Municipal Clerk designation.

5. Appointments:

- A. The Town Council announced that Justin Sprague had been appointed as Fire Marshal for the Fire Department.

B. Appointment of Michele Graves as a Librarian.

MOTION *Dave Albrecht moved to approve Michele Graves as the Librarian, as recommended by the Library Board, for the Town of Eagle Mountain, Utah. Greg Kehl seconded the motion. Ayes: 5. Nays: 0. Motion passed.*

6. **Public Notices:**

Possible Public notice for the Special Town Council meeting 11/14/00.

7. **Public Comment:**

- Shelia Curtis discussed Youth City Council. Youth from grades 9-12 are organized within committees with a mayor, councils members, Fire Chief, Clerk, etc. The youth work in their various roles and learn how the government should function.
- David Blackburn, resident, commented on the fencing problems that residents were facing over in The Ranches. Because of the clear vision triangle requirement when installing fences, residents living on alley lots with small driveways have difficulty meeting the requirement without losing backyard space.

Jerry Kinghorn stated that the staff would make a recommendation and bring it to the Town Council for their review.

- Juanita Christiansen, resident, on behalf of residents in the community presented Liisa Nusz with a scrapbook in remembrance of her time spent in Eagle Mountain. Mrs. Christiansen expressed thanks from all those who had benefited from Mrs. Nusz's efforts regarding the Library in Eagle Mountain. Mrs. Nusz had formed the library and had worked there since it had been opened.
- Becky Oakley presented Liisa Nusz with a gift from the Library Board. Mrs. Oakley commented on the great impact that Mrs. Nusz had on the community and she would be greatly missed by those she influenced.
- The Town Council presented Mrs. Nusz with a plaque in commemoration of her serving on the Planning Commission and as a Librarian in the Town.

8. **LtC Ted Frandsen/ Camp Williams – Information Briefing the Town Council on activities taking place at Camp Williams:**

This item was tabled.

9. **Eric & Charlotte Ducos/ North Ranch resident, lot 23, requests an audience with the Town Council regarding telephone service in Eagle Mountain:**

Eric Ducos, resident, addressed the Council and requested that they provided him with telephone service. Mr. Ducos was a new resident and due to rapid growth in Eagle Mountain the projected wait for phone hook ups was approximately 3 weeks. Mr. Ducos worked from home and was scheduled to begin work the following week. There were no offices located in Utah and the only place that he could work from was his home. However, it was necessary to have a phone line to conduct business and for this reason Mr. Ducos was requesting that the Council consider his appeal.

Dan Valentine, Eagle Mountain Telecom, explained the process for phone installation. Mr. Valentine stated that their first responsibility was to provide all residents with one phone line and take care of trouble calls. If residents required a second line for business they needed to provide the Town with a letter from their employers stating the need for the additional line. If an individual was self-employed then they would need to provide a business license. The monthly cost for a business line was \$30. The expected wait for a phone line was 3.2

weeks. Eagle Mountain wasn't unlike other communities in Utah experiencing growth where the wait for new phone lines was comparable.

Greg Kehl stated that he understood the problem and the Council was sympathetic, however, Mr. Ducos would have to wait three weeks before the problem could be solved.

Dave Albrecht discussed the possibility of giving one of his lines to the Ducos family. Mr. Albrecht lived next door to Mr. & Mrs. Ducos and had two lines.

Dan Valentine said that they could run a line from Mr. Albrecht's house to Mr. Ducos' house and just assign a new number.

11. **Consideration of a resolution approving the form and authorizing the extension of a Power Sales Contract with Utah Associated Municipal Power Systems for the Resource 2000 Project and related matters:**

MOTION *Bert Ankrom moved to approve Resolution # 21-00, as Resolution authorizing the execution and delivery of Resource 2000 Project Power Sales Project with Utah Associated Municipal Power Systems in connection with the Resource 2000 Project of UAMPS and related matters. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

13. **Approval of a Resolution expressing support for the establishment of an Elementary School in the Town and authorizing the Mayor and Town Professional Staff to negotiate appropriate methods to obtain schools in Eagle Mountain:**

MOTION *Brigham Morgan moved to approve Resolution # 22-00, 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 methods to obtain schools in Eagle Mountain. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

14. **Major Development Approval:**

- a. Extension of Approval for Overland Trails, Phase 2B.

This item was tabled.

- b. The Landing, Phase 3 Development Agreement and CC&R's.

Mayor Bond stated that JMK had taken over the property at the Landing when Touchstone defaulted on the loan.

Richard Anderson, JMK, stated they were in negotiations with the Town. They had a Development Agreement and CC&R's that had been approved and had fulfilled the bonding requirement. The only issue that was outstanding was an amount due that Touchstone had incurred. JMK had agreed to pay approximately \$31,000 to cover the debt. There was also an issue regarding the excess water shares that could be transferred back to EMP. JMK had also agreed to pay EMP an amount that was owed from Touchstone. EMP would sign the plat map with JMK allowing them to record it.

Gerry Kinghorn stated that the Development Agreement was before the Town Council for their approval. The \$31,000 that JMK agreed to pay was for Utility Design Fees in Phases 1 & 2 and for a charge for moving a transformer. There were additional items that needed to be resolved. A list had been sent to JMK's attorney. Mr. Kinghorn requested that the Council authorize the Staff to select the items from the list of most significance in terms of public health and safety and require them to be completed.

Mayor Bond inquired whether EMP had any unresolved concerns in relation to JMK.

Eric Jones, EMP, stated that he had several discussions with JMK and they had not yet entered into a final agreement with the company. There were still some concerns that needed to be resolved and he believed that they were close to working things out. Mr. Jones understood that the water rights needed to remain in the Town and that they could be moved from one project to another. The intent was that some of the shares would be booked for Cedar Valley Company.

Mr. Anderson stated that the 38 lots in the Landing had been sold and the builder had planned to build 3 houses/month to get the project finished. Three lots in Phase 2 had been sold and would be under construction immediately. The homes will be the same size and similar design.

MOTION *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah, and JMK Investment for the Landing at Eagle Mountain Phase 3, and authorize the Town Staff to negotiate the warranties and improvements that were required in the previous phases. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Ordinance creating a Town of Eagle Mountain Community Arts Board:

Dave Loper addressed the Council and briefly discussed their packet information which included the following:

1. List of recently elected Board Members.
2. Eagle Mountain Community Arts Mission Statement.
3. One Year Plan.
4. Three Year Plan.
5. Five Year Plan.
6. Statement on nudity.

Mayor Bond asked why the Arts Council had chosen the 1900's regarding nudity when considering art that would be displayed. It was his opinion that nudity was nudity regardless of the era and he was opposed to it.

Mr. Loper stated that the turn of the century gives a strong definitive view as to what is considered as art worldwide. Anything post 1900 would be taken under special consideration including plays.

MOTION *Bert Ankrom moved to approve Ordinance # 00-11, an Ordinance creating a Town of Eagle Mountain Community Arts Board as an Advisory Board to the Town Council to be known as the "Town of Eagle Mountain Community Arts Board" and defining certain responsibilities concerning Community Arts Programs in the Town of Eagle Mountain, Utah. Brigham Morgan seconded the motion. Ayes: 4, Nays: 1. Motion passed.*

16. Eagle Mountain Fire Department proposed incentive plan for the remainder of FY 2000/2001:

Interim Fire Chief, Robert DeKorver, commented on the incentive plan for the voluntary fighters in Eagle Mountain. The plan was intended to give the fire fighters an incentive to be on call. It would hold the fire fighters to a higher level requiring them to remain in town when they sign up for a shift thus providing the Town with the necessary coverage.

MOTION *Dave Albrecht moved to approve the Eagle Mountain Fire Department proposed incentive plan for the remainder of FY 2000-2001 as submitted. Greg Kehl seconded the motion. Ayes: 5, Nays 0. Motion passed.*

17. GVNW Report "Telecommunications Feasibility Report."

Mayor Bond stated that the Town had received the Telecommunications Feasibility Report and that it had been accepted by the Mayor and Council.

18. **Telecommunications Department: Authorize Secretary and Technician positions:**

John Newman stated that due to the rapid growth the Town had to hire individuals on a temporary basis for a short period of time. It was now necessary to hire create permanent positions within the Telecommunications Department for a secretary and technician.

MOTION *Greg Kehl moved to authorize John Newman to create two positions within the Telecommunications department, a secretary and a technician position, and give authorization for the secretary position to be advertised to the public for hiring. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. **Eagle Mountain Boulevard Maintenance:**

Mayor Bond stated that an idea had been discussed regarding an interchangeable monument sign designating identifying certain groups responsible for the clean up of Eagle Mountain Boulevard.

Brigham Morgan requested a cost estimate proposal for the next Town Council Meeting.

Korey Walker stated that if the Council had any comments they could contact him and he would have an estimate for the next meeting.

20. **Consent Agenda Items:**

MOTION *Greg Kehl moved to approve the Consent Agenda Items. Brigham Morgan seconded the Motion. Ayes: 5, Nays: 0. Motion passed.*

12. **Sunrise Development Gas Line Dig Appeal:**

Mayor Bond stated that this was an appeal from Sunrise regarding 2 gas line cuts and asked if there was anyone present to represent the developer. There was no one present.

Sunrise Development was appealing fees related to two gas line cuts. John Newman recommended that the developer pay \$305.96 for the materials and labor for the first cut. Mr. Newman in good faith waived the \$2000 fee, as the gas lines should not have been in the area the developer was digging in.

Mayor Bond stated that evidence (pictures) presented by the Town Staff clearly identified that both cuts were within the easements with Blue Staking. Based on this information Mayor Bond recommended that the bills stand as submitted. It was noted that a representative from Sunrise was present when Blue Stakes returned to the excavation sight identified that the areas where the cuts had been made were within the easement.

John Newman requested that the pictures showing the location of the cuts be entered in as evidence to the Town Clerk.

Gerry Kinghorn stated that the Staff had made an error in recommending the reduced fees when the developer first appealed the fees. The information that had been presented to the Council that night justified the denial of the appeal.

MOTION *Greg Kehl moved to deny the Sunrise Gas Line Appeal including the photographs as an Exhibit, and that the original invoices are reinstated as follows:
Bill # 1 3/1/00*

1. *Cost of time and materials - \$97.38*
2. *Infrastructure damage charge - \$97.38*
3. *No Blue Staking charge - \$2000*

Total Charge - \$2194.76

Bill #2 3/10/00

1. *Cost of time and materials - \$305.96*

**2. Infrastructure Damage charges - \$305.96
Total Charge \$611.92**

Dave Albrecht seconded the motion. Ayes: 4, Nays: 1. Motion passed.

10. North Ranch CC&R's Architectural Design Amendments – Final Approval:

Ken Leetham addressed the proposed North Ranch CC&R's and identified the changes the Home Owners Association was requesting. A paragraph was added on page 5 establishing the yard setbacks for accessory, or out buildings. Additionally, the paragraph on the bottom of page 5 was amended stating that the pitch or slope on outbuildings shall be a minimum of 2:12. The Planning Commission had recommended approval to the Town Council.

Mark Madsen, North Ranch Resident, stated that the will of the community should be considered. The Home Owners Association had collected signatures in excess of 75% of the community who favored the changes.

Greg Kehl believed that a 2:12 roof pitch would come back to haunt the residents. He believed that the proposed roof pitch cheapened the look of the subdivision.

Mayor Bond agreed with Mr. Kehl.

Dave Albrecht commented that the people in North Ranch had voiced their support and he had no problem with their request.

Brigham Morgan was opposed to the changes and stated that his opinion was that he didn't think the snow level would allow for a 2:12 roof pitch. The Town had been built on a premise of compatibility of a unique architectural style and the proposed roof pitch didn't fit in with the contrast of 6:12 homes. A 4:12 roof pitch would be more compatible.

Bert Ankrom was indecisive. Mr. Ankrom stated that he could appreciate the position of the residents in North Ranch who were requesting the change. Mr. Ankrom compared the look of other areas in the Ranches that had complied with the design guidelines in reference to outbuildings and they added to the cohesiveness of the Town.

Mayor Bond was concerned that the CC&R's would be less stringent than the Development Code.

Gerry Kinghorn stated that the request was before the Council that they be considered as alternate design guidelines. A provision in the Development Code allows for groups or developers to propose alternate design guidelines for developments. Mr. Kinghorn stated that the snow load issue is not something that the Council should be concerned with. That was the job and duty of the building inspector to assure that the building is structurally safe and will not collapse.

Mayor Bond asked if Mr. Madsen had a list of the individuals who had signed the petition. Mr. Madsen stated that he would provide Mr. Kinghorn with a copy.

Greg Kehl asked if the Home Owners had considered a 4:12 pitch. Mr. Madsen stated that he and the North Ranch HOA would consider it.

Dave Albrecht stated that the rights of the people was a higher principal than the beauty of a roof pitch and virtually every homeowner in North Ranch had consented to the amendments. It was his opinion that the Council had no right to override the voice of the citizens.

Mr. Madsen commented that a planning commissioner had stated that she was tired of telling people what the can and can't do with their property. Mr. Madsen believed that the will of the people should be respected.

Mayor Bond agreed, however, he wanted to approach the issue cautiously.

MOTION *Dave Albrecht moved to approve North Ranch Home Owners Association's request to amend their CC&R's relating to alternate design guidelines; specifically page 5, the added paragraph addressing setbacks for auxiliary or out buildings: front 50 feet; side 10 feet noting that if the height of the building exceeds 10 feet, the setback has to equal that; rear 20 feet. Also addressing roof pitches for an out building, the minimum pitch can be 2:12. Greg Kehl seconded the motion. Ayes: 2, Nays: 2. Greg Kehl abstained. Motion failed.*

MOTION *Dave Albrecht moved to approve the previous motion except for the roof pitch changing from 2:12 to 4:12 & the setback standards to remain as proposed (in previous motion). Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Brigham Morgan abstained. Motion passed.*

21. Other Business:

There was no other business.

22. Motion to adjourn into a Closed Executive Session for the Purpose of discussion personnel issues, potential litigation and/or public safety/security:

MOTION *Greg Kehl moved to adjourn into a Closed Executive Session @ 9:10 p.m. for the purpose of discussing Personnel issues, potential litigation and/or public safety/security. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present: Mayor Bond; Dave Albrecht, Bert Ankrom, Greg Kehl, Gerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, John Newman and Janet Valentine.

MOTION *Bert Ankrom moved to adjourn the Closed Executive session @ 9:35 p.m.*

MOTION *Bert Ankrom moved to adjourn the meeting at 9:35 p.m.*

APPROVAL: *Paul R. Bond, Jr.* DATE: *10/26/00*
Mayor Paul R. Bond, Jr.

This certifies that the minutes of
09-19-2000 are a true, full and
correct copy as approved by the
City Council on 10-03-2000

Signed: *Janet B. Valentine, emc*
City Recorder

**MINUTES OF THE COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
October 3, 2000**

WORK SESSION 4 p.m. – 6 p.m. Town Office Conference Room 1680 East Heritage Dr. Eagle Mountain.

Roll Call:

Council: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, and Brigham Morgan.

Staff: Robert DeKorver, Stephan Gabrielson, Jerry Kinghorn, Fionnuala Kofoed, Ken Leetham, Jo Murphy, John Newman, Jalaire Taylor, Janet Valentine and Korey Walker.

MOTION *Brigham Morgan moved to adjourn into a Closed Executive Session @ 6:00 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present for the Closed Session: Mayor Paul Bond; Dave Albrecht; Bert Ankrom; Greg Kehl; John Newman; Brigham Morgan; Jerry Kinghorn and Janet Valentine.

MOTION *Brigham Morgan moved to close the Executive Session @ 6:50 p.m. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

POLICY SESSION -7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:05 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Ken Leetham
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy
Fire Chief: Robert Dekorver

Others present: Dave & Shelia Curtis, residents; Jody Hooley, resident; Scott Kirkland & Carl Allred, The Ranches; Marcie Taylor, resident; Carol Boyd, resident.

2. Pledge of Allegiance:

Carl Allred led the town in the Pledge of Allegiance.

3. **Approval of Minutes:**

August 15, 2000.

MOTION *Bert Ankrom moved to approve the minutes of August 15, 2000 and September 19, 2000 as amended. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

- Mayor Bond thanked Chris Kemp in his absence for his time served on the Public Works Board.
- Janet Valentine announced that the Voter Registration Forms needed to be mailed into Utah County Elections Office not later than Tuesday, October 17th, 2000.
- General Election Day was scheduled for Tuesday, November 7, 2000, at the Eagle Mountain Town Offices Conference Room. Polls would be open from 7:00 am to 8:00 pm.

5. **Appointments:**

A. Confirmation of Eagle Mountain Fire Chief Appointment.

MOTION *Bert Ankrom moved to confirm Mayor Bond's appointment of Robert DeKorver as Eagle Mountain Fire Chief. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. **Public Notices:**

There were no public notices.

7. **Public Comment:**

There were no comments from the public.

8. **Lt. Col. Ted Frandsen/ Camp Williams – Information Briefing the Town Council on activities taking place at Camp Williams:**

Lt. Col. Ted Frandsen was not present.

Eric Jones, EMP, stated that Lt. Col. Frandsen, on behalf of Camp Williams, had requested to use the Jake Garn Airport for shoot jumping. Mr. Jones said that Nick Berg, EMP, had discussed the military's use of the airport with John Newman.

Mr. Newman stated that he couldn't come up with any regulatory responsibility that the Town had in making that decision. EMP would have to make the decision whether to allow the military to use the airport. It was a private airport and the liability would be on the owners. Mr. Newman added that if EMP did allow the activity it would be good publicity for the Town.

Carl Allred stated that it would be necessary to regulate activities of this nature in the future. Mr. Newman agreed.

9. **Consideration of a Resolution Amending The Eagle Mountain Consolidated Fee Schedule:**

It was necessary to amend the Consolidated Fee Schedule to cover the cost of utility hook ups and to allow developers in default of Capital Facility Payment to continue processing applications to final approval. The Council would hear the application but would not vote on it. The developers would sign an agreement stating

that they agree that they would not be vesting at preliminary approval if they decided to proceed through the process.

MOTION *Greg Kehl moved to adopt Resolution 23-00, a resolution amending the Eagle Mountain Consolidated Fee Schedule as submitted. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10. Sunrise Development Dig In Rehearing Request (Mountain View Subdivision):

John Newman requested that Korey Walker discuss a proposal before the Council acted on items 10 & 11.

Korey Walker discussed a proposal regarding a trail between Mountain View and The Landing subdivisions. Currently there was bonding for a section of a trail on either side of Mountain View subdivision leaving two unusable sections of trails.

Sunrise Development had negotiated with Mr. Walker prior to the meeting and proposed what they believed to be a win-win situation. They would take the two sections of trails and make one trail between Mountain View and The Landing. Furthermore, they would take the value of the dig in and extend the trail to the top of the berm.

Sunrise Development was willing to do the work if the Council would waive the half trail requirement on the east side of Mountain View and also the \$2,805 that they owed the Town for the utility cut-ins.

There was a potential liability for the Town in the future when plats G & H were developed. The Town would be responsible to find funding for the section of trail on the east side of Mountain View subdivision.

Discussion ensued.

Greg Kehl stated that he expected the developers to comply with the blue stake requirements in the future.

Mr. Walker stated that the improvements were estimated at approximately \$13,000. The actual bonding for the trail was \$7,800 so the Town would benefit from the improvements.

MOTION *Dave Albrecht moved to accept the proposal as negotiated between the Sunrise Building Company and Town Engineer as follows:*

- 1. To finish the trail from the interior connector street, between The Landing and Mountain View, to the top of the berm at Eagle Mountain Boulevard.*
- 2. That items 10 & 11 on the agenda be tabled until the project is completed and accepted.*
- 3. If the trail were completed to The Town specifications then items 10 & 11 would be abated.*

Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.

12. Major Development Approval:

A. Amendment to The Ranches Community Design Guidelines.

Carl Allred stated that the revised language regarding garages (in addition to a paragraph on page 35 of The Ranches Community Guidelines) read "that the DRC may waive this requirement when the garage door opening is more than 24 feet".

MOTION *Brigham Morgan moved to approve the proposed amendments to The Ranches Community Guidelines as submitted. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Discussion ensued regarding the removal of the term "vernacular" from The Ranches Community Guidelines. (FYI, the word vernacular is synonymous with dialect.)

The Council and Town Staff discussed recommended guidelines for processing plat extensions.

- MOTION** *Brigham Morgan moved to adopt the recommended guidelines for a plat extension as submitted by the Town Engineer dated October 3, 2000 as follows:*
1. *Evaluate Present Utility Capacity.*
 - *Evaluate the utility demands of the subdivisions and determine if there is adequate capacity available.*
 - *Determine if the existing capital facility plan will provide the required capacity.*
 - *Determine if the funding schedule should be amended to meet the additional demands.*
 2. *Evaluate whether the subdivision meets the existing Development Code.*
 - *Ensure that the development meets any changes in the Development Code.*
 - *Ensure the development meets any changes in the Standards Specifications and Drawings.*
 3. *Evaluate whether the Developer is current with all existing subdivision obligations.*
 - *Evaluate whether the Developer is current with the existing subdivision improvements.*
 - *Evaluate whether the Developer is current with all existing financial obligations with the Town.*
 - *Evaluate the need for the Development to pay present impact fees*
 4. *Evaluate the surrounding development or development approvals that may have changed the conditions or circumstances that the original approval was based on.*
- Dave Albrecht seconded the motion. Ayes: 5, Nays: 0.*

B. Extension of Approval for Overland Trails, Phase 2B.

This item was tabled. Brigham Morgan stated that The Extension for Overland Trails was tabled until the Extension Development Agreement was returned to the Council including the necessary exhibits. The extension of Overland Trails phase IIB was being tabled until such point that the extension agreement came back in complete form with the necessary exhibits. The default status of EMP was not an issue that should hold the plat approval since they were in compliance when the process began. The Council postponed action on EMP's request.

John Newman added that when EMP started the process for the extension of Overland Trails, Phase IIB they were not in default. The Council chose not to make a decision right then but to table the application for information purposes. During that process they went into default so it could be alleged by the developer that the Town caused them to go into default because of inaction on their extension.

Korey Walker commented that the construction drawings were part of the development agreement not the extension agreement.

C. Eagle Point Plat I.

This item was tabled.

D. Eagle Point Plat J.

This item was tabled.

13. Amendment to the Ground Lease Agreement with Eagle Mountain Properties to change the legal description of property:

- MOTION** *Greg Kehl moved to approve the Amendment to the Ground Lease Agreement with Eagle Mountain Properties LLC and the Monte Vista Ranch LC as submitted. Brigham Morgan seconded the motion. Ayes: 5. Nays: 0. Motion passed.*

14. Eagle Mountain Blvd. Maintenance Monument Estimated Cost:

Discussion ensued regarding the cost of a monument sign. Korey Walker stated that the approximate size of the sign was 5' x 3' and would be used on major collector roads within the Town. They discussed the use of smaller signs on residential roads.

There was no money set aside in the budget for the sign. The Council discussed alternate methods for funding the project. No action would be taken until funding was available, however, the Council approved the conceptual plan.

Korey Walker was excused from the meeting.

MOTION *Dave Albrecht moved to approve the conceptual sign as presented to the Town Council contingent upon finances being available prior to construction. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Consent Agenda Items:

MOTION *Brigham Morgan moved to approve the Warrant Register. Dave Albrecht seconded the Motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Bert Ankrom moved to approve the Partial Payment Request as submitted. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Discussion ensued regarding the Escrow Bond Final Release in the amount of \$16,205 for Eagle Point Plat A. Bert Ankrom believed that the money shouldn't be released because the gravel trails surrounding the subdivision were covered in weeds. The other Councilors were sympathetic to Mr. Ankrom's concern. However, the developer had completed the trails to the Town's specifications that had been negotiated and was entitled to have the bond released.

The Town had accepted the trail in June 1999 and was responsible for its maintenance and upkeep.

MOTION *Bert Ankrom moved to approve the Escrow Bond Final Release for Eagle Point Plat A with the exception of \$16,205 until such point that Korey Walker could verify that the trail was completed as negotiated. Brigham Morgan seconded the motion. Ayes: 2, Nays: 3. Motion failed.*

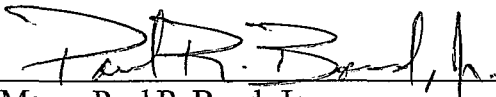
MOTION *Brigham Morgan moved to approve the Escrow Bond Release as submitted. Greg Kehl seconded the motion. Ayes: 4, Nays: 1. Motion passed.*

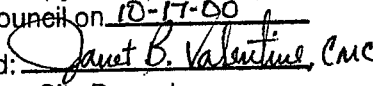
16. Other Business:

John Newman requested Ken Leetham to arrange a joint meeting between the Town Council and the Planning Commission for either November 7 or 21, 2000 and report their decision to the Council.

17. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting at 8:55 p.m.*

APPROVAL:  DATE: 10/26/00
Mayor Paul R. Bond, Jr.

This certifies that the minutes of
10-03-00 are a true, full and
correct copy as approved by the
City Council on 10-17-00
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
October 17, 2000**

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:10 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Ken Leetham
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed
Fire Chief: Robert DeKorver

Others present: Jody Hooley, resident; Diane Jacob, resident; Trish Austin, resident; Rob Smith, resident; Rick Pierce, resident; Bonnie & Greg Jeppson, landowners; Ruth Brandt, resident; Darrin Brandt & Vincent Liddiard, Economic Development Board; Carl Allred, The Ranches; Josh Elledge, resident; Richard Erickson, resident; Mark & Beth Elmer, residents; Candice Pratt, resident; Mr. & Mrs. Larson, residents; Arlene Erickson, resident; Brad & Sabrina Cowan, residents; Stacie Dalton, resident.

2. Pledge of Allegiance:

Shelia Curtis led the town in the Pledge of Allegiance.

3. Approval of Minutes:

MOTION *Greg Kehl to approve the minutes of October 3, 2000 as amended. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed. Bert Ankrom abstained.*

4. General Discussion/Questions/Announcements:

Bert Ankrom announced the October Fest scheduled for October 30, 2000 at 5:00 p.m. at the Community Center.

5. Appointments:

A. Telecommunications Board Members.

MOTION *Greg Kehl moved to approve the Mayors appointment of James Skinner and Richard Erickson to the Telecommunication Board. Dave Albrecht seconded the motion. Ayes: 5. Nays: 0. Motion passed.*

6. **Public Notices:**

There were no public notices.

7. **Public Comment:**

Darrin Brandt, Economic Development Board, commented on conditional use permits for temporary facilities in the Town. Mr. Brandt also mentioned the possibility of bonding for a school in Eagle Mountain.

Ruth Brandt, resident, discussed the need for a school in Eagle Mountain. Mrs. Brandt was willing to do the legwork and poll the community regarding the possibility of bonding for a school in Eagle Mountain.

Vincent Liddiard, Economic Development Board, suggested that residents should be involved in policy making for small home businesses within the community.

Rick Pierce commented on the use of temporary facilities in the Town. Mr. Pierce believed it was necessary to keep an open mind with respect to commercial business. In order to promote commercial growth the Town needed to be more flexible and allow the use of temporary facilities.

8. **Town Office Hours:**

Mayor Bond announced that the Town Offices would be adjusting their office hours. The new schedule would be Monday-Thursday 7:30 a.m. to 5:30. It was anticipated that the new hours would better serve the needs of the community.

MOTION *Brigham Morgan moved to approve the new Town Office Hours as presented for a six-month trial period. Mayor Bond would decide the date when the new hours would be implemented. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

9. **Consideration of Resolution #24-00, a Resolution of the Town of Eagle Mountain, Utah County, Utah Authorizing the Issuance of Sale of its Telecommunications Revenue Bonds, Series 2000; Authorizing the Execution by the Town of a Telecommunications General Indenture of Trust and First Supplemental Telecommunications Indenture of Trust (Collectively, The "Indenture"), a Bond Purchase Contract, an Official Statement and Other Documents Required in Connection Therewith; and Authorizing the Taking of all Other Actions necessary to the Consummation of the Transactions contemplated by this Resolution, the Indenture, the Bond Purchase Contract and The Official Statement ; Providing a Severability Clause; Repealing Resolution in Conflict; Providing an Effective Date; and Related Matters:**

The Council considered Resolution #24-00 for approval.

MOTION *Dave Albrecht moved to approve Resolution #24-00, a Resolution of the Town of Eagle Mountain, Utah County, Utah Authorizing the Issuance of Sale of its Telecommunications Revenue Bonds, Series 2000; Authorizing the Execution by the Town of a Telecommunications General Indenture of Trust and First Supplemental Telecommunications Indenture of Trust (Collectively, The "Indenture"), a Bond Purchase Contract, an Official Statement and Other Documents Required in Connection Therewith; and Authorizing the Taking of all Other Actions necessary to the Consummation of the Transactions contemplated by this Resolution, the Indenture, the Bond Purchase Contract and The Official Statement ; Providing a Severability Clause; Repealing Resolution in Conflict; Providing an Effective Date; and Related Matters. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10. Consideration of Resolution #25-00 a Resolution Authorizing the Issuance and Sale of not more than \$21,000,000 Aggregate Principal amount of Gas and Electric Revenue bonds, Series 2000, of the Town of Eagle Mountain, Utah County, Utah; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount From Par at Which the Bonds May be Sold; Providing of the Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters

The Council considered Resolution #25-00 for approval.

MOTION *Greg Kehl moved to approve Resolution #25-00, a Resolution Authorizing the Issuance and Sale of not more than \$21,000,000 Aggregate Principal amount of Gas and Electric Revenue bonds, Series 2000, of the Town of Eagle Mountain, Utah County, Utah; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount From Par at Which the Bonds May be Sold; Providing of the Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. Approval of Resolution #26-00, a Resolution Authorizing the Issuance and Sale of Not More Than \$9,500,000 aggregate Principal Amount of Water and Sewer Revenue Bonds, Series 2000, of the Town of Eagle Mountain, Utah County, Utah; Fixing the Maximum Aggregate Principal amount of the Bonds, The Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount From Par at Which the Bonds May be Sold; Providing for the Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters:

The Council considered Resolution #26-00 for approval.

MOTION *Bert Ankrom moved to approve Resolution #26-00, a Resolution Authorizing the Issuance and Sale of Not More Than \$9,500,000 aggregate Principal Amount of Water and Sewer Revenue Bonds, Series 2000, of the Town of Eagle Mountain, Utah County, Utah; Fixing the Maximum Aggregate Principal amount of the Bonds, The Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount From Par at Which the Bonds May be Sold; Providing for the Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters. Dave Albrecht seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

12. Consideration of a Resolution Authorizing the Town of Eagle Mountain to Issue Interim Warrant for SID 2000-1:

This item was tabled for lack of materials.

13. Approval of a Resolution Establishing Standards for the Consideration of Requests to Extend Development Approvals:

MOTION *Brigham Morgan moved to approve Resolution #27-00, a Resolution of the Town Council of the Town of Eagle Mountain, Utah to Establish Standards for the Consideration of Requests to Extend Development Approval. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. **Streetlights at Eagle Mountain Boulevard:**

This was not an action item.

15. **South Service Area Developer Funding Requirements:**

MOTION *Brigham Morgan moved to approve the South Service Area Developer Funding Requirement as amended. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

16. **Major Development Approvals:**

A. Final Plat Approval including Development Agreement & CC&R's for Rush Valley, Plat A.

MOTION *Dave Albrecht moved to table Rush Valley, Plat A until the developer is out of Capital Facility Default. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0.*

Items B, C & E were discussed after item 18.

D. Extension of Meadow Ranch, Phase 6.

MOTION *Brigham Morgan moved to direct the Staff to come back at the next Town Council Meeting with a Development Agreement outlining the conditions as specified in the Town Planner and Town Engineer's reports to extend the approval of Meadow Ranch, Phase 6, for one year. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. **Mobile Telephone Service Revenue Act:**

Utah League of Cities and Towns had developed a resolution that Towns and Cities could enact to collect revenue from the use of cell phones in their communities. Every cell phone would be assessed \$1/month. The tax would be collected through the cell phone companies who had stated that the tax would not be passed onto their customers.

MOTION *Greg Kehl moved to strike the Mobile Telephone Service Revenue Act. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

18. **Consent Agenda Items:**

MOTION *Dave Albrecht moved to approve the Consent Agenda Items. Brigham Morgan seconded the Motion. Ayes: 5, Nays: 0. Motion passed.*

16E. **Major Development Approvals:**

E. Discussion of the Revised Final Plat, Eagle Point, Plat E

Ken Leetham presented a revised Phasing Plan for Final Plat, Eagle Point Plat E. The developer proposed two specific phases, which would now include a site for a church and 17 lots in Phase I. Phase II would be the remainder of the subdivision. The applicant requested that if the Plat were approved that it be accepted with no changes to the original approval with respect to impact fees, the vested status would be maintained.

Wayne Patterson, Patterson Construction, expressed his concerns with regards to maintaining his vested rights.

Residents Allen Anderson, Trish Austin, Alan Jackson, Tim Jones, Tim Richards and Brad Callan commented on the need for a church within the for a church in the Town Center and requested that the Council do whatever they could to expedite the process.

The Council discussed their concerns regarding the Plat specifically the roundabout, the pedestrian trail access, the loss of open space and the traffic impacts generated by the church on the local street system. The Town Council instructed that the proposed phasing plan be reviewed the Planning Commission and be returned to the Council for final action. Additionally, the Town Council directed the Town Attorney to draft a resolution

B. Final Plat Approval Eagle Point Plat I.

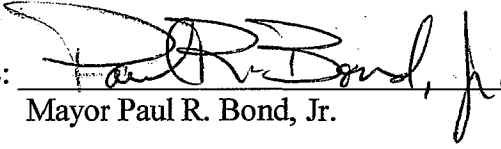
This item was tabled.

C. Final Plat Approval Eagle Point Plat J.

This item was tabled.

19. **Adjournment:**

MOTION *Greg Kehl moved to adjourn the meeting @ 10:07 p.m.*

APPROVAL:  DATE: 11/16/00
Mayor Paul R. Bond, Jr.

This certifies that the minutes of
OCT. 17, 2000 are a true, full and
correct copy as approved by the
City Council on Nov. 7, 2000
Signed: Janet B. Valentine, c.m.c.
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 7, 2000**

TOWN COUNCIL/PLANNING COMMISSION JOINT SESSION – 5:30 to 7:00 p.m. – Eagle Mountain Community Center

Roll Call: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Diane Bradshaw, Bill Chipman, Steve Gabrielson, Doug Gwilliam, Jody Hooley, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, Ken Leetham, Brigham Morgan, John Newman, Korey Walker, Jennifer Wright-Thulin & Janet Valentine.

Others present: Nick Berg, Eagle Mountain Properties (EMP); Dan Valentine, Eagle Mountain Telecom; Carl Allred, The Ranches.

Mayor Bond called the meeting to order at 5:40 p.m.

1. Pledge of Allegiance:

Doug Gwilliam led the Pledge of Allegiance.

2. Discussion Items:

- c. Discussion of Town Goals & Implementation.**
- d. Development Standards, lot widths, home sizes, compatibility.**
(Discussed simultaneously)

The Planning Commission discussed the Town Council's expectations of the Commissioners and wanted to know whether they were assisting the Council to their best ability. The Council was confident that the Planning Commission was doing a good job and encouraged them to stick to the policies that have been established and work together even though they were two separate bodies.

The Commissioners asked if the Council was interested in assigning the Commissioners to certain areas of expertise with respect to planning to better assist the Town Council. They also requested that they receive the minutes of the Town Council meetings in their packets to stay better informed regarding the Town Council's approvals. An additional request was that the Town Council states, for the record, the reasons they abstain from voting and why they vote nay on issues and that it be included in the minutes.

Also discussed was the need to amend the Development Code, revision of the General Plan, alleyways, phasing and lot size compatibility. One of the main concerns was density and building on lot widths 60 feet or less. The Planning Commission wanted to know what action the Town could take to limit building on small lots.

Korey Walker recommended that the developers submit to the Town where they stand regarding density.

Greg Kehl suggested taking a field trip with the Planning Commission to evaluate development projects within Eagle Mountain.

a. Possible Revisions of the General Plan.

Committees were organized to research revisions to the General Plan. Council member Brigham Morgan and Commissioner Diane Bradshaw were assigned to the General Plan.

b. Possible Revisions of the Development Code.

Jerry Kinghorn stated that Ken Leetham had submitted a proposal regarding the Development Code and recommended that the Planning Commission review and comment on it. Upon review, the Town could give notice for a Public Hearing. Bill Chipman believed it was necessary to give fair notice to the developers that they would be making comprehensive changes to the Code.

The Town Council and Planning Commission agreed to meet on a quarterly basis for joint meetings and scheduled their next meeting for February 6th, 2000.

c. Bylaws for the Planning Commission-Discussion of Alternative Planning Commissioner.

John Newman recommended that the Council adopt an amendment to add an alternate member to the Planning Commission. Mayor Bond requested that the Planning Commission formulate an idea on how they would like the alternate member to work and bring a recommendation back to the Council for approval. Jerry Kinghorn would be directed to draft an ordinance once the Council approved the recommendation.

The Commissioners requested a list identifying the length of their terms. Mayor Bond commented that Diane Jacob had expressed an interest in serving an additional term, as hers was due to expire at the beginning of the New Year, 2001.

d. Development Standards, lot widths, home sizes, compatibility.

Greg Kehl and Jennifer Wright-Thulin were assigned to research the issue regarding zero lot lines, widths and compatibility.

3. General Discussion/Questions/Announcements:

There were none.

4. Adjourn:

The meeting adjourned at 7:05 p.m.

- CHANGE OF VENUE -

TOWN COUNCIL POLICY SESSION – 7:00 TO 10:00 p.m. – Eagle Mountain Community Center

Mayor Bond called the meeting to order at 7:10 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Recorder: Janet Valentine
Deputy Town Clerk: Fionnuala Kofoed

Others present: Sheila & Dave Curtis, residents; Rob Smith, resident; Chris Thompson, resident; Mark Lofgren, resident.

2. Pledge of Allegiance:

Mayor Paul Bond led the pledge of Allegiance.

3. Approval of Minutes (Oct. 17, 2000):

MOTION *Dave Albrecht moved to approve the minutes of October 17, 2000 as amended. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

- The Town's new office hours were scheduled from 7:30 a.m.-5:30 p.m. Monday through Thursday.
- Polls for the Presidential Election would be open until 8:00 p.m. that night.
- A spay and neuter clinic was open to the public in Pleasant Grove.
- The new format for public comments at Town Council meeting announced. A 3 x 5 card must be filled out in order to comment. The specific topic of conversation, name and address must be included on the card. Time would be limited to 3 minutes per person for a total of 30 minutes. Line item comments would be limited to 2 minutes per person for a total of 10 minutes. All participants must speak at the microphone.

a. **Notification of Award for Robert Bateman.**

Mayor Bond thanked Rob Bateman (not present) for his time served on the Telecommunications Board and had a plaque that he intended to forward to Mr. Bateman.

5. Appointments:

None

6. Public Notices:

A Public Hearing for the Public Works Board regarding raising utility rates was scheduled for November 8, 2000 @ 6:00 p.m. at the Community Center.

7. **Public Comment:**

None

8. **Camp Williams - Information Briefing the Town Council on activities taking place at Camp Williams:**

Major Neil Hansen, representing Camp Williams, addressed the Council and residents of Eagle Mountain and stated that the mission of Camp Williams was to identify the camps ranges and boundaries and educate the public regarding safety issues. With continued growth in Eagle Mountain and surrounding areas public safety was a big concern to camp officials. Because of the encroachment Camp Williams Officials were forced to consider using fences around the boundaries.

The only impact that the firing ranges would have on Eagle Mountain residents was the noise as all weapons were aimed in a northerly direction away from the Town. The ranges are located north of SR73 where the National Guard and police practice with small firearms up to a 40-millimeter round. Soldiers train at night during the summer until 11:55 p.m., however, if there is cloud cover, training ceases at 10:00p.m. Local youth groups and the LDS church also use the Camp's facilities.

Major Bob Dutton commented on several environmental issues.

9. **Major Development Approval:**

a. **Final Plat Approval (Includes Dev. Agree & CC&R's) Eagle Point, Plat I**

b. **Final Plat Eagle Point, Plat E Phasing and L.D.S Church Site Proposal**

Ken Leetham noted that the developer was not present.

This item was tabled.

10. **Consideration to Approve an Integrated Municipal Finance Software System:**

A Committee comprised of Treasure Stephan Gabrielson, Councilman Greg Kehl and Town Clerk Janet Valentine researched both Caselle and Springbrook Integrated Municipal Finance Software Systems and reported to the Council regarding the software. Based on the information presented the Council recommended that the Town choose Springbrook as first option.

MOTION *Brigham Morgan moved to approve Springbrook as a first option, if negotiations are unsuccessful that the Council would approve Caselle as a second option, and authorize John Newman to negotiate with those companies. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. **Eagle Mountain Fire Department 1st Response/Ambulance Funding:**

John Newman discussed the need for an ambulance for the Fire Department. The Fire Department proposed the purchase of two vehicles to service Eagle Mountain. The money to purchase the vehicles wasn't available in this years budget, however, the Council directed John Newman to find the financing for the upcoming year. The first payment wouldn't be due until 2001 and would be spread over four years. The vehicles would be housed at the volunteer's residence until a permanent facility was available. The projected revenue collected from the ambulance service would eventually pay for the vehicles. Once the vehicles were purchased the Fire Department could operate as an intermediate level response team. The estimated response for Eagle Mountain residents would be between 4-6 minutes as opposed to waiting approximately 20 minutes for EMS from Lehi.

MOTION *Bert Ankrom moved to approve the acquisition to go out to bid for an ambulance and a first response vehicle, as outlined in the proposal. Also, to direct the Town Administrator to put*

in the budget, when it's open, the necessary funding mechanisms for current year operations. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.

12. Letter re: Town of Eagle Mountain v. Tasco Engineering (Mediation):

This item was discussed with item 22.

13. Consideration & Approval of the Interconnect Agreement with Qwest Corporation:

Dan Valentine, Eagle Mountain Telecommunication, explained how the Interconnect Agreement would affect the Town's telecom service. Once things were in place the residents would be able to choose their long distance carriers and other features with respect to phone service.

MOTION *Brigham Morgan moved to approve the Agreement for Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunications Services Provided by Qwest Corporation in the State of Utah for The Town of Eagle Mountain and authorized the Mayor to sign the document. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. Black & Veach Report:

The Mayor announced that the Black & Veach report is completed and available to the public at the Town Offices.

15. Ranches/Interim Warrant for SID 2000-1:

This item was tabled.

16. Awarding of Bid to Kay General Contracting for Concrete Pads for New Generating Unit and Step-up Transformer:

Korey Walker recommended awarding the bid for Concrete Pads for a New Generating Unit and Step-up transformer to Kay General Contracting. Mr. Walker was confident with their ability to perform.

MOTION *Brigham Morgan moved to award the Contract for Concrete Pads for a New Generating Unit and Step-up Transformer to Kay General Contracting in the amount \$11,900. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. Proposed Fee for Temporary Site Plan:

The Council approved the proposed fee for a Temporary Site Fee and requested Gerry Kinghorn to embody it into the Consolidated Fee Schedule Amendment and bring it back for review at a future date. The proposed fee was \$1580.

MOTION *Greg Kehl moved to approve the proposed break down of cost fee to process a Temporary Site Plan for the amount of \$1580, and incorporate it in the Consolidated Fee Schedule by a resolution prepared by staff. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

18. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Order
- c. Partial Payment Request
- d. Partial Bond Releases

MOTION *Brigham Morgan moved to approved the Consent Agenda items with the exception of Change Order #3, dated 10-13-00 for the Booster Pump Station and Well NO. 2 in the amount of \$5462.50. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Greg Kehl moved to approve Contract Change Order # 3 for the Booster Pump Station and Well # 2 upon proper signature from The Ranches. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. Other Business:

None

20. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security:

MOTION *Bert Ankrom moved to adjourn into a Closed Executive Session @ 8:31 p.m. for the purpose of discussion personnel issues, potential litigation and/or public safety/security. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Bert Ankrom, Dave Albrecht, Greg Kehl, Brigham Morgan, John Newman, Gerry Kinghorn, Korey Walker, Janet Valentine and Fionnuala Kofoed. Fionnuala Kofoed and Janet Valentine were excused at 9:20 p.m.

21. Motion to adjourn the Closed Executive Session and Return to Open Session:

MOTION *Greg Kehl moved to adjourn the Closed Executive Session and return to Open Session @ 9:45 p.m. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

22. Any Actions from the Closed Executive Session:

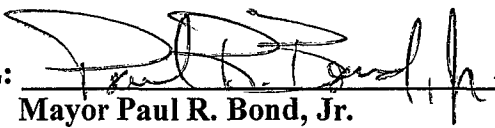
Letter re: Town of Eagle Mountain v. Tasco Engineering (Mediation):

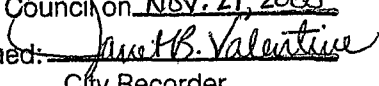
Gerry Kinghorn recommended that the Council approve to enter into a Mediation Agreement between Tasco and the Town. Also, that the Town would agree to pay fees to Craig Coburn, Richards Brandt Miller & Nelson, at \$175/hour and that the Town deposit \$1000 into the firm's trust account to compensate Mr. Coburn. Mr. Coburn's fees would be shared equally with Tasco would also pay \$175/hour.

MOTION *Dave Albrecht moved to authorize the Mayor to execute the Mediation Agreement with Richards Brandt Miller & Nelson, between the Town of Eagle Mountain and Tasco Engineering, and expend \$1000 to execute the Agreement. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

23. Adjournment:

MOTION *Brigham Morgan moved to adjourn the meeting @ 9:51 p.m.*

APPROVAL:  **DATE:** 12-13-00
Mayor Paul R. Bond, Jr.

This certifies that the minutes of Nov. 7, 2000 are a true, full and correct copy as approved by the City Council on Nov. 21, 2000
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 21, 2000**

TOWN COUNCIL/PLANNING COMMISSION JOINT SESSION – 5:30 to 7:00 p.m. – Eagle Mountain Community Center

1. Roll Call

Mayor Bond called the meeting to order @ 7:05 p.m.

Council Members present: Mayor Paul Bond, Bert Ankrom, Greg Kehl and Brigham Morgan. Dave Albrecht was excused.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Recorder: Janet Valentine
Town Planner: Ken Leetham
Deputy Town Clerk: Fionnuala Kofoed

Others present: Jim Bolser, Mountainland Association of Governments (AOG); Vincent Liddiard, Economic Development Board; Rob Smith, resident; Jody Hooley, resident; Mark Lofgren, resident.

2. Pledge of Allegiance:

Greg Kehl led the Pledge of Allegiance.

3. Approval of Minutes (November 7, 2000):

MOTION *Brigham Morgan moved to approve the minutes of November 7, 2000 as amended. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

Mayor Bond commented on the Town office's new business hours.

Janet Valentine announced that the Town offices would be closed November 24 for Thanksgiving.

5. Appointments:

- a. **Airport Board Member – Doug Gwilliam**
- b. **Planning Commission – Diane Jacob**

MOTION *Brigham Morgan moved to approve the appointment of Doug Gwilliam to the Airport Board. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to approve the appointment of Diane Jacob to the Planning Commission to fill the vacancy that will be created when her term expires. The length of the term will be as per the ordinance. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

6. Public Notices:

There were no public notices.

7. **Public Comment (7:10 p.m.; 3 minute limit per person, overall time allotted 30 minutes)**
(Items listed on agenda – 2 minutes per person; overall time – 10 minutes):

Rob Smith, resident, requested that the Town draft an ordinance that would prohibit cars from parking on the streets during the snow season. This would enable the snowploughs to keep the streets clear of the snow.

Mayor Bond was not inclined to draft such an ordinance, as it was his opinion that Eagle Mountain didn't receive the snowfall to justify it.

8. **Awarding of the 21st Century Bronze Plaque to the Town of Eagle Mountain/Jim Bolser, Mountainland Association of Governments:**

Jim Bolser, Mountainland AOG, addressed the Town Council stating that the Town of Eagle Mountain had achieved its first step in certification. Mr. Bolser presented the Town Council with a plaque indicating the Town's bronze level achievement.

9. **Major Developments/Ken Leetham, Shawn Warnke:**

a. **Development Agreement for the extension of the development approval for Meadow Ranch, Phase 6.**

MOTION *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and Meadow Ranch, L.C. for the Extension of the Development Approval for Meadow Ranch Subdivision Phase 6. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

c. **Three Crossings, Plat C Development Agreement & CC&R's Approval.**

Gerry Kinghorn commented that Public Works Board approved Three Crossings Plat C prior to when the Town changed the requirements with respect to impact fees. Consequently there were no facilities funding requirements.

Bert Ankrom expressed his concern regarding 45- foot lot widths within the development..

MOTION *Greg Kehl moved to approve Three Crossings, Plat C Development Agreement & CC&R's as submitted. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

10. **North-end Fire Station:**

Fire Chief Robert DeKorver discussed his concerns regarding adequate fire coverage to the North Service Area of Eagle Mountain. The expected response time was approximately 20 minutes. Furthermore, the Fire Department didn't have a ladder truck to protect the condos in Willow Springs, which also affected the ISO ratings. The Town Center was rated at 6 while The Ranches was rated at 9. The Fire Department believed that it was important to discuss the need to provide service to the residents in The Ranches

The Town Council advised that they were working towards a solution, funding of the needed equipment and station was the real issue.

Planning Commissioner Jody Hooley asked the Town Council for direction as how to proceed with the approval of additional plats in The Ranches. John Newman stated that when they had a concrete recommendation they would direct the Planning Commission accordingly.

11. **Consideration and Approval of a Resolution Amending the Consolidated Fee Schedule in regards to Gas, Electric & Temporary Site Plan Review Fees:**

Discussion ensued concerning the need to increase the Town's utility rates. With the increase in raw energy the rate changes were necessary to cover the Town's cost. The Town would not profit from the amendment. Eagle Mountain was not exclusive to the problem and had no control over the hike in energy prices. The Town would revisit and monitor the issue closely. While the Town Council was aware of the anxiety the increase would cause to residents the Town was also obligated to pay their bills.

MOTION *Greg Kehl moved to adopt Resolution #28-00, a Resolution of the Governing Body of the Town of Eagle Mountain Amending the Town of Eagle Mountain Consolidated Fee Schedule adopting the following:*

- 1. Temporary Commercial Site Plan Review Fees in the amount of \$1580.*
 - 2. Changing Natural Gas Usage Rates to a \$16 Base Rate.*
 - 3. Charging the actual gas cost per Decatherm for Natural Gas.*
 - 4. Changing the Electrical Power Usage Rate to a \$5 Base Rate plus .0911/kW.*
- These changes would be effective November 1, 2000. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

12. Notice of Award to Tycon, Inc. for NSA Water Line, Design 2000:

Gerry Kinghorn stated that The Town Engineer had recommended the Notice of Award to Tycon, Inc. for NSA Water that would connect well #2 at The Ranches to the remainder of the water system. The Staff recommended the water line construction contract for the amount of \$191,671.20. The Town would be authorized to give Tycon Inc. notice to proceed after they had posted a Performance Payment Bond required by the contract.

MOTION *Bert Ankrom moved to approve the Notice of Award to Tycon, Inc. for NSA Water Line, Design 2000 and instruct them to proceed in the amount of \$191,671.20 for the North Area Service Line. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

13. Consideration of motion to reconsider appointment of Seattle-Northwest Securities as managing underwriter for Water and Sewer and Gas and Electric Revenue Bonds/John Newman:

The Council considered the appointment of Seattle-Northwest Securities as managing underwriter for Water, Sewer, Gas and Electric Revenue Bonds.

MOTION *Brigham Morgan moved to reconsider the appointment of Seattle-Northwest Securities as managing underwriter for Water, Sewer, Gas and Electric Revenue Bonds. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

14. Consideration of motion to appoint A.G. Edwards and Company as managing underwriter for Water and Sewer and Gas and Electric Revenue Bonds/John Newman:

The Council considered the appointment of A.G. Edwards and Company as managing underwriter for Water, Sewer, Gas and Electric Revenue Bonds.

MOTION *Greg Kehl moved to appoint A.G. Edwards and Company as managing underwriter, and Seattle-Northwest as co-managers for Water, Sewer, Gas and Electric Revenue Bonds. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

15. Ambulance Purchase:

The Council discussed the purchase of a Braun Chief XL, Type III 1999 Ford E- 450 Super Duty Demo Ambulance for the Fire Department. John Newman stated that he had reviewed 4 bids that were submitted and was satisfied with the Fire Departments recommendation. It was estimated that if the call load remained constant the collected revenue would pay for the ambulance.

MOTION *Bert Ankrom moved to approve the purchase of a Braun Chief XL, Type III, 1999 Ford E-450 Super Duty Demo Ambulance as identified. Also, the additional ambulance equipment and the expendable EMS supply equipment for a total approved expenditure of \$111,614 of which \$107,991 would be financed. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

16. Motion to approve Consent Agenda items as follows:

- a. **Warrant Register**

MOTION *Brigham Morgan moved to approve the Consent Agenda as submitted. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

18. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security:

MOTION *Greg Kehl moved to adjourn into a Closed Executive Session @ 8:40 p.m. for the purpose of discussing personnel issues, potential litigation/and or public safety/security issues. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Present: Bert Ankrom, Greg Kehl, Gerry Kinghorn, Brigham Morgan and John Newman. Fionnuala Kofoed and Janet Valentine were excused.

19. Motion to adjourn closed executive session and return to open session:

MOTION *Bert Ankrom moved to adjourn the Closed Executive session @9:50 p.m. and return to Open Session. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

20. Actions from the Closed Executive Session:

There was no action from the Closed Executive Session.

17. Other Business:

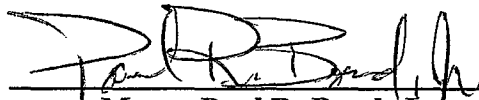
John Newman advised the Council of a UAMPS meeting December 19, 2000 and recommended that the Council members attend the meeting and training session. This would cause the regularly scheduled Town Council meeting to be canceled. The Council directed Janet Valentine to send a letter to the two major developers stating that there was a conflict with scheduling for the December 19, 2000 meeting. The Council would be willing to meet if the developers had anything pressing that needed immediate attention. There was also a possibility of meeting in December to deal with the bonding issue. This item would be reconsidered at the December 5, 2000 meeting.

MOTION *Bert Ankrom moved to cancel the meeting scheduled for December 19, 2000 with the possibility of having a Special Town Council meeting sometime in December. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

21. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting @ 9:50 p.m.*

APPROVAL: _____


Mayor Paul R. Bond, Jr.

DATE: 12-13-00

This certifies that the minutes of NOV. 21, 2000 are a true, full and correct copy as approved by the City Council on DEC. 5, 2000

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
December 5, 2000**

POLICY SESSION – 7:00 TO 10:30 p.m. – Eagle Mtn. Community, 1668 E. Heritage Dr., Eagle Mtn.

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

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Planner: Ken Leetham
Deputy Recorder: Fionnuala Kofoed

Others Present: Robert Smith, resident; Rob Nielson, The Interactive; Mark Lofgren, resident; Spencer & Traci Johnson, residents; Jim Watkins, Sundance Homes; Josh Elledge, resident.

2. Pledge of Allegiance:

Brigham Morgan led the Pledge of Allegiance.

3. Approval of Minutes (November 21, 2000):

MOTION: *Bert Ankrom moved to approve the minutes of November 21, 2000 as amended. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed. Dave Albrecht abstained as he was excused from the November 21, 2000 meeting*

4. General Discussion/Questions/Announcements:

John Newman announced to the Town Council the Town had received a BB investment grade rating on the Gas, Electric, Water and Sewer Bonds from Standard and Poors. There were no comments.

5. Appointments:

There were no appointments.

6. Public Notices:

None

7. Public Comment:

None

8. Notice of Award for the Installation of the Generation Units:

Korey Walker explained that the Town received three bids to install the Generation Units, Tasco Engineering, Kay General Construction & Lamb Engineering. All bids were lower than the Engineer's estimate and there were problems with some of the bid tabulations. Lamb Engineering was the only bid that met the licensing criteria. It was Korey Walker's opinion that there was not sufficient time to re-bid for the installation of the generation units. The Town was running out of capacity and it was necessary to get the project underway immediately. Based upon the time constraints, Mr. Walker recommended that the Council award the bid to Lamb Engineering subject to Mr. Walker evaluating the company's ability to complete the project within the three-week time frame. Additionally, Mr. Walker wanted to discuss the bid units to make sure they were correct. If there was a problem, the Staff recommended that the Council authorize them to proceed with re-bidding the project and finding suitable bids to act upon as quickly as possible in order to complete the project.

MOTION: *Brigham Morgan moved to approve a conditional award to Lamb Engineering for the Installation of the Generation Units for the bid price not to exceed \$122,487 and that the bid be subject to the Engineers Recommendations as follows: 1) Evaluation of Lamb Engineering's ability to complete the project within the three-week time frame; and 2) Discussion of the bid units with Lamb Engineering to make sure they are correct. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed*

9. Set the Town Council Meeting Schedule for 2001:

The Town Council discussed the meeting schedule for 2001 and recommended maintaining the same schedule of the first and third Tuesday of each month. Also, the Council discussed holding a Town meeting on the fifth Tuesday in January 2001. If the meeting was successful the Council would consider holding a Town meeting (not a business meeting) on months that had a fifth Tuesday.

MOTION: *Dave Albrecht moved to approve the Town Council meeting schedule for 2001. Meetings would be scheduled for the 1st and 3rd Tuesday of each month throughout the year of 2001. A Town meeting was scheduled for the 5th Tuesday in January. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10. Consideration and Approval of the Fire Service Inter-Local Cooperation Agreement with Utah County:

The Town Council considered the Fire Service Inter-Local Cooperation Agreement with Utah County. Gerald Kinghorn stated that the Agreement would allow the Town to respond to fires in the unincorporated part of Utah County outside the Town's boundaries and receive compensation for the service.

The cost of equipment and labor for the use of the backhoe and loader was discussed. Staff recommended that the cost of the equipment, including labor, be billed at \$85 per hour.

MOTION: *Bert Ankrom moved to authorize the Mayor to execute the agreement and approve the Fire Service Inter-Local Cooperation Agreement with Utah County. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10.1 Amendment to Developers Capital Facilities Funding Requirements:

Korey Walker discussed the Amendment to the Developers Capital Facilities Funding Requirements. Mr. Walker recommended the following:

1. Right of Way (Construction)
 - a. 138 kV Sub Station Site \$30,000 January 1, 2001
 - b. 138 kV Right of Way Easement \$40,000 January 1, 2001
 - c. Fire Station Property \$80,000 January 1, 2001
 - d. Fire Station (Construction) \$250,000 May 1, 2001
2. 2 MG Reservoir and Associated Piping (Design)
 - a. \$43,920 January 31, 2001

Dave Albrecht asked about the estimated completion of the reservoir. Korey Walker stated that it was anticipated that the project would be completed before the summer of 2001.

MOTION: *Brigham Morgan moved to approve the Amendments to the Developers Capital Facilities Funding Requirements in the North Service Area as submitted. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed. Bert Ankrom abstained.*

11. Major Development Approvals:

a. Final Plat Approval for Rush Valley, Plat A (Includes Development Agreement & CC&R's)

MOTION: *Dave Albrecht moved to approve the Final Plat for Rush Valley, Plat A, subject to the DRC recommendations as follows.*

- 1. That the planting and landscaping along arterials and collectors be completed during the first phase of the subdivision.*
- 2. No building permits are issued until adequate looping of the utility system is completed and all offsite improvements are completed.*
- 3. The Public Works Board recommends that no occupancy be allowed in the subdivision until there is adequate capacity in the utility systems.*
- 4. The developers and lot owners/builders must sign an agreement acknowledging a potential utility capacity problem.*
- 5. The Public Works Board requires that all new subdivisions install a conduit to each lot for future fiber optic installation.*
- 6. That all the conditions of approval of the preliminary plat are met.*
- 7. That bonding be placed for rotomilling and overlaying disturbed section of Smith Ranch Road prior to completion of the two-year warranty period.*
- 8. That the connection of the water line to Pony Express Parkway is made at Pony Express Entrance or other means of providing the required water line looping for Plat A.*

Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed

b. The time of construction of the Saddleback Subdivision Park

Ken Leatham explained that the DRC recommended that the construction of Saddleback Park be delayed as The Ranches had requested. The recommendation was subject to the park being completed by June 1, 2001 and that that a bond be placed and retained until the completion of the park.

Greg Kehl commented that the agreement for the completion of the park was set at 50% occupancy that it should be completed in that time frame.

Discussion ensued.

MOTION: *Brigham Morgan moved to approve the construction of the Saddleback Subdivision Park as submitted, subject to both Red Hawk Ranch and Saddleback Parks being completed by June 1, 2001. Also, that the bond for the construction of the Saddleback Park be retained until Engineer authorizes its release. Dave Albrecht seconded the motion. Ayes: 4, Nays: 1. Motion passed.*

c. Morco Express Market Extension of Temporary site Plan Approval

Ken Leatham discussed the extension for the Temporary Site Plan approval for the Morco store. The original approval was given in January 2000 and was due to expire January 4, 2001.

Greg Kehl asked whether it was possible to track the feasibility for Gerry Gaskin, Morco, to build a permanent facility. Mr. Kehl was concerned with setting a precedent for other businesses moving into temporary facilities within the Town. Mr. Kehl requested that Gerry Gaskin present the numbers to the Council showing where he needs to be, in terms of revenue, before he could get the funding for a permanent store.

Josh Elledge, resident, suggested that the Council approve temporary facilities on a case-by-case base. Mr. Elledge believed that the population should set the standard.

Discussion ensued.

The Town Council requested that the Planning Department extend an invitation to Mr. Gaskin to come to the January 2, 2001 meeting to discuss the situation.

MOTION: *Brigham Morgan moved to approve the Morco Extension of Time for the Temporary Site Plan subject to Staff recommendations as follows:*

- 1. That the extension of time be limited to one year as requested.*
- 2. That the Fire Department performs an annual inspection and that the structure is in compliance with all fire codes.*

Additional Council Recommendation:

- 1. That the owner provides information as to the timing of building a permanent facility.*
- Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

d. Little Ranches Business Park Temporary Site Plan

Ken Leetham commented on the Little Ranches Business Park Temporary Site Plan. Mr. Leetham advised the Council that Gerry Gaskin, Morco, had pulled out of the plan.

Discussion ensued regarding the approval of the LDS Church Office in the business park.

MOTION: *Brigham Morgan moved to approve the Little Ranches Business Park Temporary Site Plan subject to the DRC recommendations as follows:*

- 1. That the twelve-month duration of the approval begin from either sixty days from the date of approval or from the date of installation of any building, whichever occurs first.*
- 2. That any signage complies with the Town's adopted sign ordinance.*
- 3. That a lighting plan for the buildings be approved by Staff prior to building being approved.*

Additional Recommendations:

- 1. This recommendation is made with the understanding that two temporary building sites are being approved. The first site will be a dentist office as submitted, and the second site is intended for the LDS Church Site use.*
- 2. Any other proposed uses must come before the Town Staff for approval.*
- 3. If the intended site is for church use, it must meet the applicable Fire and Building Codes Standards.*
- 4. A bond will be placed for removal of the building (30 days of vacancy or the expiration date).*

Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.

e. Chimney Rock, Plat A, Amended Plat Approval

Ken Leetham discussed the amendments to Chimney Rock, Plat A. Upon surveying the lot lines for lot 35, it was determined that a portion of the structure on lot 35 was constructed on lot 36. The only acceptable option to rectify the situation was to amend the Plat by redrawing the boundaries and allowing a zero lot line subdivision to be created for lots 35 & 36. Mr. Leetham stated that the Staff has since put measures in place to minimize such an occurrence in the future. This was an example of what can happen with smaller side-yard set backs.

MOTION: *Brigham Morgan moved to approve the Amended Plat for Chimney Rock, Plat A as submitted, removing lots 35 & 36 subject to the following condition:*

1. *That the call out listed in the remarks section of the boundary description be corrected as specified by the Town Engineer. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

f. **Chimney Rock, Plat C, Final Plat Approval (Including Development Agreement & CC&R's)**

MOTION: *Greg Kehl moved to approve Plat C, as submitted including the CC&R's and the Development Agreement. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

12. **Consideration of the Resolution authorizing the execution of a Telecommunications Lease Agreement in an amount not to exceed \$1.3 million dollars bearing interest at a rate of not to exceed 12% per annum and maturing in not more than 6 months:**

The Council considered Resolution #29-00 authorizing the execution of a telecommunications lease agreement.

MOTION: *Bert Ankrom moved to approve Resolution # 29-00, a resolution of the Town Council of the Town of Eagle Mountain, Utah County, Utah authorizing the execution and delivery of a Telecommunications Equipment Lease and other documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution, and the telecommunications equipment lease; providing a severability clause; repealing resolutions in conflict; providing an effective date; and related matters. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. **Consideration to Approve a Parameters Resolution Preserving Certain Maximums with Respect to a Series of Gas & Electric Revenue Bonds:**

The Council considered Resolution #30-00 Preserving Certain Maximums with Respect to a Series of Gas & Electric Revenue Bonds.

MOTION: *Dave Albrecht moved to approve Resolution # 30-00, a Resolution authorizing the issuance and sale of not more than \$23,000,000 aggregate principal amount of gas and electric revenue bonds, series 2000, of the Town of Eagle Mountain, Utah County, Utah; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; providing for the publication of a notice of bonds to be issued; providing for the running of a contest period; an related matters. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. **Motion to approve Consent Agenda items as follows: (Refer to Work Session):**

- a. Warrant Register
- b. Partial Bond Releases

MOTION: *Brigham Morgan moved to remove the Warrant Register from the Consent Agenda. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION: *Brigham Morgan moved to approve the Consent Agenda Items. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION: *Brigham Morgan moved to approve the Warrant Register with the addition of the following costs:*

1. *\$185.40 Charged to the Economic Development Board's budget for a two paged add in Eagle Mountain Interactive.*
2. *\$97,960 for the Simpower.*
3. *\$122,487 for the Lamb Engineering Bid.*

Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed. Bert Ankrom abstained.

16. **Other Business:**

Mayor Bond announced that the Town Council planned on using laptops for future Town Council meetings. Several laptops had been purchased through private funds with the intent of selling them at a later date to the Town. The cost of paper had been compared to the use of laptop computers, and it was determined that there would be significant savings in the long run using computers.

17. **Adjournment:**

MOTION: *Greg Kehl moved to adjourn the meeting @ 8:50 p.m.*

This certifies that the minutes of
12-5-00 are a true, full and
correct copy as approved by the
City Council on 1-6-01

Signed: [Signature]
City Recorder

**MINUTES OF THE SPECIAL
TOWN COUNCIL MEETING
December 21, 2000
Eagle Mountain Community Center, 1668 East Heritage Drive
Eagle Mountain, Utah 84043**

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Mayor pro tempore Dave Albrecht called the meeting to order at 4:05 p.m.

1. **Roll Call:** Mayor pro tempore Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan. Mayor Bond was excused.

Town Staff:

Town Administrator:	John Newman
Town Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Town Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Town Treasurer:	Stephan Gabrielson
Telecommunications:	Dan Valentine
Fire Chief:	Robert DeKorver

Others Present: Laura Lewis, Jalaire Taylor, and Mark Sovine.

2. **Pledge of Allegiance:**

Dan Valentine led the Pledge of Allegiance.

(The Council reviewed the Warrant Register While waiting for Laura Lewis to arrive.)

3. **Consideration and Approval of an Agreement with Intermountain Municipal Gas Agency and/or CIG Resources Company for pipeline capacity.**

John Newman addressed the issues regarding additional accesses to natural gas. All capacity was locked up with the Kern River pipeline and it was necessary to find an alternate access. Mr. Newman recommended the Council approve an agreement with Intermountain Municipal Gas Agency and CIG Resources Company for pipeline capacity. Questar had agreed to construct a new 1440 p.s.i.g. 24-inch pipeline. This would provide the Town with firm transportation capacity. Payment obligations would begin once the product was flowing. The line was expected to be completed by January 2002.

MOTION *Greg Kehl moved to authorize the Mayor pro tempore to execute a letter of intent with Intermountain Gas Agency for firm transportation capacity on M.L. 140 for natural gas. If Intermountain Gas Agency cannot execute the contract authorization is given to enter into an agreement with CIG Resources Company as an alternative. Approval is not to exceed 3000 decatherm on a take and pay basis. Bert Ankrom seconded the motion. Ayes: 4, Nays:0. Motion passed.*

4. Consideration for Approval of a Resolution of the Town of Eagle Mountain, Utah County, Utah authorizing the issuance and sale of its Water and Sewer Revenue Bonds, Series 2000 in a Total Principal Amount of \$ 8,700,000.00; authorizing the execution by the Town of a Water and Sewer General Indenture of Trust (The "General Indenture"), a First Supplemental Water and Sewer Indenture of Trust (The "First Supplemental Indenture"), a Bond Purchase Agreement, an Official Statement and other documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution, the General Indenture, the First Supplemental Indenture, the Bond Purchase Agreement and the Official Statement; providing a Severability clause; repealing Resolutions in conflict; providing an effective date; and related matters:

Laura Lewis and Jerry Kinghorn discussed the Bond Purchase Agreement and related items in connection with the Resolution. The Council considered Resolution #31-00.

MOTION *Greg Kehl moved to adopt resolution #31-00 a Resolution of the Town of Eagle Mountain, Utah County, Utah authorizing the issuance and sale of its Water and Sewer Revenue Bonds, Series 2000 in a Total Principal Amount of \$ 8,700,000.00; authorizing the execution by the Town of a Water and Sewer General Indenture of Trust (The "General Indenture"), a First Supplemental Water and Sewer Indenture of Trust (The "First Supplemental Indenture"), a Bond Purchase Agreement, an Official Statement and other documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution, the General Indenture, the First Supplemental Indenture, the Bond Purchase Agreement and the Official Statement; providing a Severability clause; repealing Resolutions in conflict; providing an effective date; and related matters. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

5. Consideration for Approval of a Resolution authorizing the extension or the termination date of the Equipment-Lease Purchase Agreement dated as of September 1, 2000 between the Town of Eagle Mountain and First National Bank of Layton relating to certain electrical power equipment; and related matters:

The Council considered Resolution #32-00.

MOTION *Brigham Morgan moved to approve Resolution #32-00, a Resolution of the Town Council of the Town of Eagle Mountain, Utah County, Utah authorizing the execution and delivery of an Amendment of an Equipment Lease-Purchase Agreement (The "Agreement") with First National Bank of Layton for the purpose of extending the termination date of the agreement; and related matters. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

6. Consideration for Approval of a Resolution authorizing the extension of the maturity date of the Town's \$348,348.00 Subordinated Electric Revenue Bond Anticipation Notes, Series, 2000:

The Council considered the Resolution #33-00.

MOTION *Bert Ankrom moved to approve Resolution # 33-00, a Resolution of the Town Council of the Town of Eagle Mountain, Utah County, Utah (The "Issuer") authorizing the extension of maturity of its Subordinated Electric Revenue Bond Anticipation Notes Series 2000, (The "Notes"); authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Item 10 was discussed next.

10. **Consideration and Ratification of Commitment to Issue a Bond Insurance Policy by American Capital Access Corporation in connection with the Water & Sewer Revenue Bonds:**

Jerry Kinghorn requested that the Council ratify the execution of the commitment to issue the Bond Insurance Policy that was signed by John Newman and sent to ACA.

MOTION *Brigham Morgan moved to ratify the execution of the commitment to issue the Bond Insurance Policy dated December 12, 2000 not to exceed \$8,965,000 for the Town of Eagle Mountain, Utah County, Utah Water and Sewer Revenue Bonds. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Laura Lewis and Brigham Morgan were excused from the meeting @ 5:35 p.m.

7. **Motion to approve Agenda items as follows:**

a. Warrant Register

MOTION *Bert Ankrom moved to approve the Warrant Register. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed. Brigham Morgan was excused.*

b. Partial Bond Releases

1. Smith Ranch Sewer Lift Station, the Ranches, LC

MOTION *Greg Kehl moved to approve the Smith Ranch Sewer Lift Station Escrow Bond Release as submitted. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed. Brigham Morgan was excused.*

c. Final Payment Requests

1. Wastewater Treatment Expansion 2000, R.A. McKell Excavating, Inc.

Brigham Morgan returned to the meeting.

MOTION *Bert Ankrom moved to approve the Final Payment request for the Wastewater Treatment Expansion 2000 to R.A. McKell Excavating, Inc. in the amount of \$16,896.00. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

8. **Telecom Accounting System:**

Dan Valentine discussed the current billing system used by the Telecommunications Department and the need to upgrade the accounting software. The Town received bids from Computer Technology, Inc. (CTI), Communications Data Group, Quintrex Data system and National Information Solutions Cooperative. Mr. Valentine recommended that the Council award the bid to CTI, based upon the relative value of the different proposals.

MOTION *Brigham Morgan moved to award the bid to Computer Technology Inc., for a total upfront cost of \$112,415.00 and any additional training costs or support costs, as necessary not to exceed the \$125,000 previously approved. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

9. **Purchase of 1100 kW Generator:**

Korey Walker discussed the need to purchase an additional generator to provide the Town with sufficient power. Based upon the projected growth within the Town, the existing electrical sources would be deficient and the purchase of the 1100kW Generator would supply the necessary electrical capacity until the new transmission line is completed.

Mark Sovine, resident, commented on the current rates and demands for electricity.

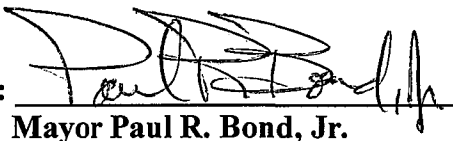
Discussion ensued.

MOTION Greg Kehl moved to approve the purchase of a second 1100kW Generator not to exceed \$390,000. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.

11. **Adjournment:**

MOTION Greg Kehl moved to adjourn the meeting @ 6:35 p.m.

APPROVAL: _____



Mayor Paul R. Bond, Jr.

DATE: _____

1/3/01

This certifies that the minutes of
12-21-00 are a true, full and
correct copy as approved by the
City Council on 01-02-01.

Signed: _____


City Recorder