

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
March 20, 2001**

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 Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Town Planners:	Ken Leetham Shawn Warnke
Town Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy
Fire Chief:	Robert DeKorver

John Newman was excused.

Others present: Jody Hooley, resident; Jim Bolser, Mountainland AOG; Terry Johnson, resident; Charles Bruchhauser, resident; Lee & Eutona Dixon, residents; Janae Wahnschaffe, Library Board; Robert Smith, resident; Tom & Carolina Herrin, residents.

2. Pledge of Allegiance:

Mark Lofgren led the Pledge of Allegiance.

3. Approval of Minutes (May 2, 2000, June 20, 2000, July 5, 2000, July 18, 2000, & March 6, 2001):

MOTION *Brigham Morgan moved to approve the minutes of May 2, 2000, as amended. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed. Bert Ankrom abstained.*

MOTION *Greg Kehl moved to approve the minutes of June 20, 2000, as stated. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

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

MOTION *Greg Kehl moved to approve the minutes of March 6, 2001 as amended. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

Mayor Bond announced the resignation of Doug Gwilliam from the Planning Commission. Jeff Love was appointed to carry out Mr. Gwilliam's term.

Open burn permits would be available the following week at the Town Offices. The open burn season would run from April 7- May 6, 2001.

5. **Appointments:**

None

6. **Public Notices:**

None

7. **Public Comment:**

Josh Elledge, resident, discussed the Take Pride in Utah Month that spans from April 7, May 12, 2001. Many LDS wards would participate in cleaning subdivisions and roads in Eagle Mountain. Mr. Elledge asked the Council if they would approve a Take Pride in Eagle Mountain Day during the Take Pride in Utah Month. Mayor Bond stated that the Town had already arranged to have a clean up in preparation for the Pony Express Days and couldn't give an answer that night. Mayor Bond stated that they would discuss the issue at the next Town Council meeting.

8. **Recycling Program proposed by the Lehi High School, Mrs. Russell's Biology Class:**

Gretchen Jacob and Ryan Miller, on behalf of their biology class, requested permission to go ahead with a trial run recycling program through Waste Management Utah. The associated cost for a residential collection bin was estimated at \$3 per month, per household. Waste Management would cover the cost for the first three months.

While the class didn't need permission for the program, Town Attorney, Jerry Kinghorn stated that he would draft a resolution encouraging residents to participate in the program. The resolution would be placed on the next Town Council Agenda for review.

9. **Award presentation of the Puck for the 21st Century Communities by Mountainland Association of Governments:**

Jim Boulser, Mountainlands of Local Government 21st Century Program, presented the Mayor and Town Council with a silver puck from Governor Mike Leavitt for completion of the second step in the 21st Century Communities program.

10. **Award of Bid - North Substation Grading, Foundations and Fence to Intermountain Consumer Professional Engineers, Inc:**

Discussed after item 11.

Korey Walker discussed the recommendation for a bid for the North Substation at The Ranches for the 138 kV transmission line. Timing of the bid was estimated at 21 days and it was necessary to have the site prepared for the transformers that would be delivered. One item that needed to be addressed was payment of the contract. The Gas and Electric Revenue Bonds that would pay for the construction were not scheduled to fund until the end of April. Because of the timing of the funding, Mr. Walker requested approval of the award of the bid contingent upon identifying alternate funds for payment of the contract.

MOTION *Brigham Morgan move to award the bid for the North Substation Grading, Foundation and Fence to Even Grade Construction subject to funding through the Gas and Electric Revenue Bonds, or alternate funding being identified. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. Terry Johnson's appeal for the removal of a stop sign:

Discussed before item 10.

Terry Johnson discussed his appeal for the removal of a stop sign located at the front of his home. The request to move the sign to the other side of the street resulted as the sign was placed directly in front of Mr. Johnson's front door. It was his opinion that the sign obstructed his view and ruined the aesthetics of his home.

Korey Walker stated that he had taken some traffic counts on a Friday and Saturday by Mr. Johnson's home. Based upon the layout of the subdivision, Mr. Walker recommended that the sign should remain in that location. Deputy Jo Murphy concurred with Mr. Walker, as it was a public safety issue.

The Council discussed several options regarding the placement of the sign. The item was tabled and Mayor Bond requested that the Councilors drive by the location before a formal decision was made.

12. Temporary Dentist Office Trailer (The Ranches Little Business Park)-Impact Fees and TSSD Facility Fee:

John Jacob, developer, discussed the fees paid by local dentist Bart Gardiner for his temporary facility. Mr. Jacob requested, on behalf of Dr. Gardiner, that the Town credit or refund some of the fees paid by the doctor.

Dave Albrecht stated that impact fees were waived for Gerry Gaskin, owner of Morco grocery store, and a similar waiver should be given to the dentist.

Brigham Morgan stated that there were other common fees that could be duplicated, and therefore, could be carried over to a permanent facility. Mr. Morgan recommended refunding the Impact Fees.

Greg Kehl stated that any future applicants should be shown the cost of processing a temporary facility and the associated Impact Fees. Furthermore, because of the unique situation, the Town would consider the waiver of Impact Fees for future commercial developments upon request.

Ken Leetham stated that the Planning Department had amended the applicant's fees and that the Staff and Council had been sensitive to reducing fees, however, there was no formal application process. This was something that the Planning Commission could work on.

MOTION *Brigham Morgan moved to refund Impact Fees to Dr. Bart Gardiner in the amount of \$2503.32. Also, that the Planning Department identifies any remaining fees that could be credited to the new structure. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. Consideration and Approval of the Sewer Treatment Services Contract with Timpanogos Special Service District:

Town Attorney Jerry Kinghorn stated that a contract had been approved in 1999 with the Timpanogos Special Service District. Recently, however, the Timpanogos Special Service District proposed some modifications to the contract, which, upon review, were acceptable to the Town. Their bond financing required the changes that were proposed.

MOTION *Dave Albrecht moved to authorize the Mayor to execute the Sewer Treatment Service Contract between Timpanogos Special Service District and the Town of Eagle Mountain. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. Dump Passes for Spring Cleanup:

Mayor Bond briefly commented on the dump passes that would be issued by the Town for residents to remove any junk or debris and take it to the county landfill. Jerry Kinghorn stated that the Town would only pay for the passes that were actually used.

MOTION *Bert Ankrom moved to authorize John Newman to obtain the dump passes and implement the program, and that the cost shall not exceed \$2500.00. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Consideration and Approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule to include the following:

- a. **Illegal use of Water**
- b. **Telecommunication Rates**
- c. **Burn Permits**

The Council considered the amendments to the Consolidated Fee Schedule.

MOTION *Greg Kehl moved to approve Resolution # R 05-2001, a Resolution of the Governing Body of the Town of Eagle Mountain Consolidated Fee Schedule, as amended, also including the following changes:*

1. *Page 1 of the proposed rate changes on Residential First Line Installation Fee, amending it from \$25 to \$20. The Residential Second line is also \$20.*
2. *Approval to submit the PSC for information purposes only for the Telecommunication Rates.*
3. *That the Staff, Council and a representative from the Telecommunications Board, preferably Mr. Lofgren, review the changes before they are published.*

Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.

15.1 Proposal to change the Eagle Mountain Fire Department's Logo:

Fire Chief Robert Dekorver presented a proposal for a new Eagle Mountain Fire Department logo. The Fire Department believed that the current logo was generic and they wanted to implement a logo that was unique to Eagle Mountain. The logo would be placed on the new fire apparatus. Window stickers with the logo would identify fire fighters vehicles permitting them to park in the emergency-parking zone.

The Council discussed the new logo and the cost associated with its implementation. It was an appropriate time to change the logo, as the Fire Department had made no significant purchases that displayed the old logo.

Brigham Morgan liked the logo, however, he believed that the additional mountains detracted from the original "Town logo". Mayor Bond agreed with Mr. Morgan.

MOTION *Bert Ankrom moved to authorize the Fire Department to modify their logo as submitted. The cost of the logo needs to be covered by the existing Fire Department budget. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Brigham Morgan abstained. Motion passed.*

16. **Credit Card Payment Capability/Bank Merchant Services:**

The Council considered the purchase of a credit card bank merchant service that would provide customers with the option of credit card payments. The service would be provided through the Bank of American Fork.

MOTION *Greg Kehl moved to approve the implementation of the Credit Card Payment Capability/Bank Merchant Services and authorize the purchase of a terminal for a total cost of \$450. Also, that the Staff and Council established a fee to handle the surcharges that will be associated with the service, and that the Staff will research the additional cost for the use of Discover Card, American Express and a Debit Card. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. **Resolution Authorizing the Extension of the Termination Date and Increasing the Principal Amount of the Equipment-Lease Purchase Agreement Dated as of December 1, 2000 Between the Town of Eagle Mountain and First National Bank of Layton Relating to Certain Telecommunications Equipment; and Related Matters/Jerry Kinghorn:**

The Council considered Resolution # R 06-2001, an extension of a lease agreement with First National Bank.

MOTION *Bert Ankrom moved to approve Resolution # R 06-2001, a resolution of the Town Council of the Town of Eagle Mountain, Utah County, Utah Authorizing the Execution and Delivery of an Amendment to 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 Increasing the Principle Amount of the Lease; and Related Matters. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

18. **Consideration and Approval of a Resolution Authorizing the Issuance and Sale of Not More Than \$22,000,000 Aggregate Principal Amount of Gas and Electric Revenue Bonds, Series 2001, 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 the Resolution # R 07-2001, a Resolution that addressed the issuance of the Gas and Electric Revenue Bonds.

MOTION *Greg Kehl moved to approve Resolution # R 07-2001, a resolution Authorizing the Issuance and Sale of not more than \$22,000,000 Aggregate Principal amount of Gas and Electric Revenue Bonds, Series 2001, 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. Also, the authorization to accept a letter of credit from BNP Parabus, and that the Mayor is authorized to execute the document to be submitted on Friday March 23, 2001. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Partial Payment Request
 - 1. Installation of Two New Generating Units (Partial Payment 1), Lamb Engineering & Construction Company.
 - 2. Installation of Two New Generating Units (Partial Payment 2), Lamb Engineering & Construction Company.
- c. Bond Release
 - 1. Three Crossings, Plat B – M&T Mortgage Corporation Bond Release; "Recommendation and Acceptance of the Employers Mutual Casualty Company Replacement Bond, Sundance Homes.

MOTION *Brigham Morgan moved to approve the Consent Agenda items as submitted. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

20. Other Business:

None.

21. 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 at 8:45 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Dave Albrecht seconded the motion. Ayes: 5, Nay: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, Corey Walker and Janet Valentine.

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

MOTION *Bert Ankrom moved to adjourn the Closed Executive Session at 9:15 p.m. and return into Open Session. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

23. Any Actions from the Closed Executive Session:

There was no action from the Closed Executive Session.

24. Adjournment:

MOTION *Dave Albrecht moved to adjourn the meeting at 9:15 p.m.*

APPROVAL: _____ DATE: _____

Mayor Paul R. Bond, Jr.

This certifies that the minutes of
20-Mar-2001 are a true, full and
correct copy as approved by the
City Council on 3-APR-2001

Signed: Janet B. Valentine, *car*

City Recorder

Deputy Recorder [Signature]