

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
April 17, 2001**

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 pro tempore Dave Albrecht, Greg Kehl and Brigham Morgan.
Mayor Bond and Bert Ankrom were excused.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Planners: Ken Leetham
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy
Fire Chief: Robert DeKorver

Others present: David Blackburn, resident; Jon Biesinger, resident; Kim Southworth, resident; Katherine Faulkner, resident; David & Ann Watson, residents; David Lifferth, resident; Steve & Janet Cattani, residents; Tracy & Rob Durrant, residents; Matt Stocks, residents; Lee & Eutona Dixon, residents; Michael & Shari Davis, residents; Louis Weinberg, resident; Media Burton, resident; Rob Smith, resident; Mark Lofgren, resident; Michelle Jones, resident; Devin & Danette Stone, residents; Vincent Liddiard, resident; Suzanne Lindsay, resident; Becky Kehl, resident; Sam Garith, resident; Wendy Sigmler, resident; Scott Kirkland & Jessa Schalich, The Ranches.

2. Pledge of Allegiance:

Mark Lofgren led the Pledge of Allegiance.

3. Approval of Minutes:

MOTION *Greg Kehl moved to approve the minutes of April 3, 2001 as amended. Brigham Morgan Seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

None.

5. Appointments:

None.

6. **Public Notices:**

None.

7. **Public Comment:**

None.

8. **Public Hearing: Plat Amendment for Ruby Valley, Plat B, The Ranches, L.C.:**

a. **Open Public Hearing (7:15 p.m.)**

Ken Leetham presented The Ranches proposed amendment for Ruby Valley, Plat B and briefly discussed the DRC Recommendations. Mr. Leetham noted that the changes to the plat included the addition of 22 lots, some larger lots sizes and modification of some streets, specifically Ruby Valley Drive. Mr. Leetham advised the Planning Commission to consider the compatibility of the respective lots and whether it was an appropriate level of transition.

Jessa Schalich, The Ranches, commented on the two major changes to the plat: Ruby Valley Drive and the changes in lot sizes. It was the position of The Ranches that the new lot sizes would provide a more effective transition with the entry-level lots. Ms. Schalich stated that the road was originally approved in The Ranches Master Development Plan.

b. **Receive Public Comment**

Michele Jones; Matt Stocks; Matt Cattani; Tracy Durant; David Lifferth; David Blackburn; Jonathon Biesinger; Nathan Yates; Shari Davis; Wendy Sigmiller and David Watson, all residents of The Ranches, commented on the amendments for Ruby Valley. The residents were opposed to the slope grade, the lack of buffering and incompatibility of the lot sizes. Several residents commented that they had been promised that no development would occur at the proposed Ruby Valley location. The access road was also a major concern to the residents as it would be, in their opinion, an imposition and a safety issue with the additional traffic that would be generated. The homeowners requested that The Ranches fulfill their commitments before they started another project.

Scott Kirkland, The Ranches, stated that the homes on the hilltop and the access road were included in the approval of the original Master Plan. The Ranches had plans to complete several parks and trails, including seeding the golf course, which was scheduled to be open for business in the spring of 2002. The Ranches would have to comply with the Town standard of 25% or less than with respect to grading.

Greg Kehl asked whether the Council should even consider the approval as the applicant was in capital facilities default. John Newman recommended tabling the item until the Public Works Board made a recommendation.

Brigham Morgan suggested that the increased traffic was just a facet of living in a subdivision. It was common in most subdivisions and somewhat unavoidable. Mr. Morgan stated that the previously approved subdivision provided a more effective lot transition and phasing plan. While Mr. Morgan was sympathetic to the residents' concerns regarding the grade of the lots the Town was bound to approve the grading if The Ranches complied with the 25% standard enacted by a previous Council.

Mayor pro tempore Dave Albrecht thanked the public for voicing their concerns, which, in his opinion, would have an impact on the Council's decision. Mr. Albrecht stated that it was a no win situation, however, a decision wouldn't be made that night.

MOTION *Brigham Morgan moved to table Ruby Valley subject to a recommendation from the Public Works Board. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

9. **Consideration and Approval of an Ordinance Amending Ruby Valley, Plat B Subdivision:**

This item was tabled.

10. **Consideration of a Resolution of Intent to Create Special Improvement District 2001-1; to Finance Certain Infrastructure Improvements and Related Matters:**

This item was stricken from the agenda.

11. **Consideration and approval of Remarketing Agreement with A.G. Edwards and Company:**

Items 11, 12, 13 and 14 were discussed and approved simultaneously as agenda item #13.

12. **Consideration and approval of Letter of Credit Reimbursement Agreement between the Town of Eagle Mountain and BNP Paribas (ISDA Master Agreement):**

Discussed as item #13.

13. **Consideration And Approval of a Resolution Of The Town Of Eagle Mountain, Utah (The "Issuer") Authorizing The Execution And Delivery By The Issuer Of A Gas And Electric General Indenture Of Trust And A First Supplemental Gas And Electric Indenture Of Trust (Collectively, The "Indenture") Each Dated As Of May 1, 2001, By And Between The Issuer And U.S. Bank National Association; Authorizing The Issuance And Confirming The Sale Pursuant To The Indenture Of The Issuer's Gas And Electric Revenue Bonds, Series 2001; Authorizing The Execution And Delivery By The Issuer Of A Bond Purchase Agreement, An Official Statement, A Remarketing Agreement, A Letter Of Credit Reimbursement Agreement, And Other Documents Required In Connection With The Issuance Of Said Bonds; Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transactions Contemplated By This Resolution; And Related Matters: (Official Statement) (General Indenture of Trust) (First Supplemental Indenture of Trust) (Resolution authorizing the execution and delivery by the issuer of a gas & electric general indenture of trust, etc.):**

Jerry Kinghorn discussed the agreement that was presented to the Council and recommend its approval. The Council considered Resolution # R 11-2001.

MOTION *Greg Kehl moved to adopt Resolution # R 11-2001, a Resolution Of The Town Of Eagle Mountain, Utah (The "Issuer") Authorizing The Execution And Delivery By The Issuer Of A Gas And Electric General Indenture Of Trust And A First Supplemental Gas And Electric Indenture Of Trust (Collectively, The "Indenture") Each Dated As Of May 1, 2001, By And Between The Issuer And U.S. Bank National Association; Authorizing The Issuance And Confirming The Sale Pursuant To The Indenture Of The Issuer's Gas And Electric Revenue Bonds, Series 2001; Authorizing The Execution And Delivery By The Issuer Of A Bond Purchase Agreement, An Official Statement, A Remarketing Agreement, A Letter Of Credit, Reimbursement Agreement, And Other Documents Required In Connection With The Issuance Of Said Bonds; Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transactions Contemplated By This Resolution; And Related Matters and authorize the Mayor to execute the document. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

14. Consideration and approval of Bond Purchase Agreement between the Town of Eagle Mountain and A.G. Edwards, Inc:

Approved as part of item #13.

15. Major Development Approvals: (Discussed after item #6)

a. Consideration and Approval of Rush Valley, Plat A Development Agreement including CC&R's

Ken Leetham recommended approval of the Development Agreement and CC&R's for Rush Valley, Plat A. The Agreement required the Town Council's approval, as there was a change in the developers. The subdivision plats and CC&R's would remain the same. The change would only reflect that Sundance Homes had taken over the development.

MOTION *Greg Kehl moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and Sundance Homes for Rush Valley, Plat A at Smith Ranch. The only change in the Agreement refers to the Developer noted in the motion. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

16. Motion to approve Consent Agenda items as follows: (Discussed after item 7)

- a. **Warrant Register**
- b. **Final Payment Requests**

MOTION *Brigham Morgan moved to approve the Consent Agreement as submitted. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

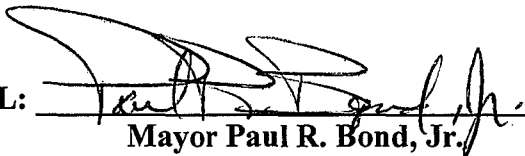
17. Other Business:

There was no other business to discuss.

18. Adjournment:

MOTION *Brigham Morgan moved to adjourn the meeting at 8:00 p.m.*

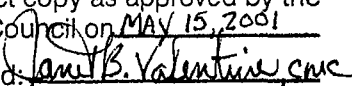
APPROVAL: _____


Mayor Paul R. Bond, Jr.

DATE: _____

5/31/01

This certifies that the minutes of April 17, 2001 are a true, full and correct copy as approved by the City Council on MAY 15, 2001

Signed: 
City Recorder