

**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.*

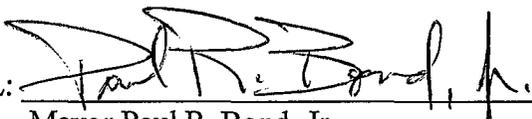
23. Action from the Closed Executive Session:

There was no action.

24. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting @ 10:45 p.m.*

APPROVAL:

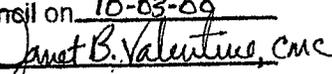

Mayor Paul R. Bond, Jr.

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

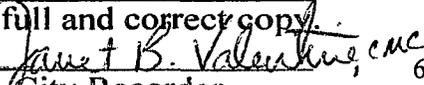
Signed:


City Recorder

This certifies that the copy of 08-15-00 Minutes

is a true, full and correct copy.

Signed:


City Recorder