

**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