

**MINUTES OF THE SPECIAL TOWN 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 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the month, with the exception of July 4<sup>th</sup> 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 1<sup>st</sup> 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