

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN
1680 E. Heritage Dr.
Eagle Mountain, UT 84043
January 5, 1999**

1. Roll Call:

Mayor Robert Bateman called the meeting to order at 7:05 p.m.

Councilmembers present: Mayor Robert E. Bateman
Dan Valentine, Diane Bradshaw, Bill Chipman
Cyril Watt arrived at 7:20 p.m.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Recorder: Janet Valentine
Recording Secretary: Vada Hunter

Also present: Gary Lamb; Bob Erickson; Wanda Miller; Jan Rohan; Jim Peterson, Egale Mountain Properties; Jack Maddox, EG&G; Paul Bond; Charles & Fawn Jenkins; M. Miller; Peter Bell, Utah County Sheriff; Brigham & Jennifer Morgan; David Lifferth; Josh & Jenny Elledge; Phillip & Candice Pratt; David & Valorie Taylor; Tom Swan, Swan Homes; Claus Nielsen, Swan Homes; Tim Thomas, Deseret Chemical Depot; Col. Huber, Tooele Army Depot; James Dahl, MCM Engineering; Ross Hansen, MCM Engineering; Lyle Vance, Tasco Engineereing

2. Pledge of Allegiance:

John Newman, Town Administrator, led the Town in the Pledge of Allegiance.

3. Approval of Agenda:

Mayor Bateman requested that they strike item 18A and item 19. He also asked to move item 21 to after item 23.

MOTION

Bill Chipman moved to approve the agenda as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Cyril Watt not present yet. Motion passed.

4. Approval of Minutes (Mar. 4, 1998, & Dec. 15, 1998):

MOTION

Diane Bradshaw moved to approve the minutes of March 24, 1998, as amended. Dan Valentine seconded. Ayes: 3, Nays: 0. Bill Chipman abstained. Cyril Watt not present yet. Motion passed.

Diane Bradshaw asked the Town if they were still interested in doing a Neighborhood Watch Program. Deputy Joanne Murphy from the Utah County Sheriff's Department said she would do the classes and the training for those who were interested.

MOTION

Bill Chipman moved to approve the minutes of December 15, 1998, as amended. Dan Valentine seconded. Ayes: 4, Nays: 0. Cyril Watt not present yet. Motion passed.

5. General Discussion/Questions/Announcements:

Mayor Bateman announced the Public Meeting to be held Wednesday, January 6, 1999, at 7:00 p.m. He also announced the "Envision Utah" meeting on January 14th at the Fire Station at 7:00 p.m. He encouraged the town residents to attend.

Mayor Bateman encouraged the residents of Eagle Mountain to advertise in the Town newsletter. He said they needed to get any items of interest to Fawn Jenkins by the 25th of each month.

6. Warrant Register:

Bill Chipman had some questions about the new constructions costs to Tasco Engineering on page three and four. The items had been billed under three separate utilities with the amount being the same under each one. John Newman, Town Administrator, responded and clarified why they were entered this way.

Cyril Watt arrived at 7: 20 pm.

There was a discussion about money owed to the Town by contractors.

MOTION

Bill Chipman moved to approve the Warrant Register subject to reviewing any money owed by contractors and that they not pay any engineering fees for subdivisions whose developer may have an accounts receivable more than 60 days old. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

7. Consideration and Approval of a Contract with TelAmerica for Long-Distance Service:

There was some discussion about setting up a contract with TelAmerica on the long-distance service. The contract was not clear about the 15% reimbursement fee. Phillip Pratt, 3908 N. Winter Way, said he was not comfortable with having long-distance fees being locked in for a year. He said he owned his own fiber optic company and felt like the Town could tie into the line that follows the Kern River easement.

MOTION

Diane Bradshaw moved to table item 7 until further study and clarification. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.

8. Appointments:

Mayor Bateman appointed Chris Kemp to the Public Works Board as the Citizen at Large.

9. Public Notices:

Mayor Bateman announced once again the Public Meeting for January 6, 1999. Janet Valentine, Town Recorder, said that all of the notices had been sent for the White Ranch Annexation. She said she had not received any protests as of this date.

10. Public Comment:

Gary Lamb, South Jordan, voiced his frustration on not getting some answers about his building permit. He is planning on building a home in Eagle Mountain. Jerry Kinghorn, Town Attorney, said

he had no record of any exemptions for him. John Newman, Town Administrator, said he would help Gary find out where he stands at the present time.

11. Discussion of Town Council Priorities for 1999:

MOTION

Diane Bradshaw moved to have this item moved to after item 14 on the agenda. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.

12. Tooele Chemical Agent Disposal Update/Tim Thomas, Col. Huber, UT County:

Tim Thomas and Col. Huber gave a slide presentation about the Tooele Army Depot and the Deseret Chemical Weapons Facility. They talked about the safety record of the facilities. They gave figures of what has been disposed of to date and how much is left to dispose of. They then opened it up to questions. There were a lot of people interested in how quickly the Town would be notified if there was a chemical leak of some kind. There were two gentlemen from the Utah County Sheriff's Department that joined in the discussion. A phone number was given to those interested in going to the depot for a tour or to get more information.

13. Wanda Miller – Garden & Arbour Club:

Wanda Miller, Murray, announced that she was starting the Eagle Mountain Garden and Arbour Club. She said she would be building a home in Overland Park. She is very interested in having beautiful vegetation in the town. She asked if the Town could adopt the lilac as the flower, the cedar (juniper) as the evergreen, and the Bradford pear as the tree.

Mayor Bateman asked her to put some literature together about the natural vegetation that would work in this area especially with there being less water in this area.

Jerry Kinghorn, Town Attorney, said he would draft a proposal. He said they needed to get some input from the people in the Town.

It was mentioned that this could be put on the website.

14. Internet Web Page Proposal – Josh Elledge:

Josh Elledge gave a brief presentation about the Town of Eagle Mountain website.

Mayor Bateman said there were two proposals. He said that the first proposal would allow people to advertise on the website.

Bill Chipman had questions about the ownership of the Town of Eagle Mountain domain.

Mayor Bateman said they could keep this as an open contract to review each year.

The Council agreed on Option 1 which reads:

In an effort to support local businesses, advertising space on www.eaglemountainonline.com can be made available to such establishments in exchange for compensation to supplement costs of hosting and maintenance. Advertising rates are included on appendix A. I will handle such administration as attracting advertisers and handling all financial dealings with them.

\$250 per month compensation from city.

MOTION

Bill Chipman proposed to approve Proposal 1 as long as the Town of Eagle Mountain owns the domain. Diane Bradshaw seconded.

Jerry Kinghorn, Town Attorney, said he would draft an agreement. Mayor Bateman asked that it be a contract that would be reviewed every year.

Bill Chipman amended his motion that the City Attorney draft an agreement that would be satisfactory with the Mayor. Diane Bradshaw seconded the amendment. Ayes: 5, Nays: 0. Motion passed.

Discussion of Town Council Priorities for 1999 (Item 11):

Mayor Bateman: He wanted to see the Town involved in having a say in the General Plan. He also would like to see the Development Code refined.

Bill Chipman: He would like to see the utilities improved especially the power. He also wants the town to watch closely any future annexations because of the water situation.

Dan Valentine: His top priority was the water situation. He would like to see a Master Plan about the water. Mayor Bateman said he has requested a water study.

Diane Bradshaw: She wants the Town to carefully look at the building and developing. She said she would like to see the flow of the building permits run smoother. She wants to see better communication with developers, citizens and neighboring towns. She would like to see adequate space for the staff and adequate staffing. She wants to work closer as a Council. She would like to see an Emergency Preparedness Plan put in place. She was concerned about the schools.

Jim Peterson, Eagle Mountain Properties, said he was communicating with Stephen Baugh of the Alpine School District about the schooling problems.

Diane said she wanted shorter agendas at the Town Council Meetings.

John Newman: He wants to see work sessions so that they can have shorter agendas. He wants to see quarterly Town meetings to have more communication with the citizens of the Town. He said he would like to see Public Safety meetings.

Korey Walker: He would like to see the Development Code refined and to have a good Utility Ordinance.

Janet Valentine: She would like access to more information about the town. She gets a lot of questions and doesn't know the answers because of the nature of the questions. She would like to see more information on the Website that she could have ready-access to.

Cyril Watt: He would like to see UTA out at Eagle Mountain.

Mayor Bateman then turned the remainder of the time to input from the citizens of the Town.

The question was asked about a grocery store and gas station coming to Eagle Mountain. Mayor Bateman said there were issues to settle on this. Many of the citizens said they wanted to keep the Town free of big development. That was why they moved out here.

There was some discussion with Joanne Murphy, Deputy Sheriff, about the ATV and Motor Cross vehicles being ridden through some of the developments.

Another resident asked that the Town adopt an Arts Council.

The question was brought up about whether or not there were going to be any churches in Eagle Mountain. Mayor Bateman said there would be in the future.

15. Class II Final Plat Approval for Eagle Point, Plat G:

James Dahl, MCM Engineering, gave a brief presentation. This phase contains 144 building lots on 41.33 acres. The average size is 6,000 square feet.

Korey Walker, Town Engineer, said they had met the requirements given them. Jerry Kinghorn said he needed to see the water requirements and water deeds.

MOTION

Diane Bradshaw moved to approve the Final Plat Approval for Eagle Point, Plat G, subject to the following conditions:

- 1. A development and maintenance plan for the open space and park must be approved.*
- 2. A development agreement and CC&R's need to be approved.*

Also, that the Storm Water System not be included in future SID's; and that the water rights be received by the Town prior to recordation; that there be a standard utility clause approved by Jerry Kinghorn, Town Attorney. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

Mayor Bateman had some concerns about open space use. There was some discussion about having a meeting with Jim Peterson, Eagle Mountain Properties, to discuss revisions to the pod concept in the Eagle Mountain Properties Master Development Plan. The meeting was set for January 22nd at 2:00 p.m.

16. Class II Final Plat Approval for Mountain View, Phase 2:

Ross Hansen, MCM Engineering, gave a brief presentation. He was representing Fred Woods. There was some discussion about where the park would be. This phase includes 34 lots.

MOTION

Dan Valentine moved to approve the Final Plat Approve for Mountain View, Phase 2, subject to the following:

- 1. Bonding for ½ the improvements for the shared trail east of the project.*
- 2. A development agreement should be completed that contains requirements to bond for the neighborhood park to be located in the northeast corner of the project.*

Bill chipman seconded.

Dan Valentine amended his motion on the second item to read:

A development agreement should be completed that contains requirements to bond for the neighborhood park improvements and purchase of land to be located in the northeast corner of the project.

Bill Chipman accepted the amendment. Ayes: 5, Nays: 0. Motion passed.

17. Bond Releases:

The first bond release was for Eagle Point Phase B. There was some discrepancy about the amount to be released. Korey Walker, Town Engineer, said he would fix the spreadsheet to reflect the correct amount.

MOTION *Diane Bradshaw moved to approve the Escrow Bond Release for Eagle Point Phase B with the amount to be determined by Korey Walker, Town Engineer. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Dan Valentine moved to approve the Escrow Bond Release for Sundance at Red Hawk Ranch Plat A in the amount of \$80,924.00. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

18. Change Order Requests:

B. CSI on the Six-Inch Gas Line:

MOTION *Dan Valentine moved to approve the Contract Change Order 1 to CSI for Eagle Mountain Properties 6" Steel Gas Line in the amount of \$20,625.00. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

19. Community Center:

Item stricken.

20. Expansion of the Eagle Mountain Telephone Switching System:

Lyle Vance, Tasco Engineering, gave a brief explanation concerning this project. The growth of the Town of Eagle Mountain requires expansion of the telephone switching system. Dan Valentine asked that Tasco provide some costs of installing equipment on a as needed basis to show whether it would be cost effective to install a larger updated system now rather than doing smaller amounts when needed. Lyle said he would do this.

MOTION *Diane Bradshaw moved to approve \$15,000 for the switch expansion and \$4,905.00 for the trunking electronics to update the existing telephone switching system. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

21. Item moved to after item 23.

22. Ratifying Consent to Transfer the LNG Contract:

Jerry Kinghorn gave a brief explanation for the reason for this consent. Mayor Bateman needed to sign the agreement before January 1, 1999.

MOTION *Dan Valentine moved to ratify the Consent and Agreement between LNG Energy, Inc., and Applied LNG Technologies USA, L.L.C Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

23. Consideration to Approve a Temporary Occupancy Resolution:

MOTION *Diane Bradshaw moved to accept as policy and begin using immediately a Temporary Occupancy Resolution and instruct the Town Attorney to draft an ordinance form to ratify in next Town Council Meeting. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

24. Motion to adjourn to a Closed Executive Session for the purpose of discussing personnel issues and potential litigation:

MOTION

Diane Bradshaw moved to adjourn to a Closed Executive Session for the purpose of discussing personnel issues and potential litigation. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

Adjourned to Closed Session at 10:25 p.m.

Those in attendance: Mayor Bateman, Dan Valentine, Cyril Watt, Diane Bradshaw, Bill Chipman, Jerry Kinghorn, Vada Hunter

MOTION

Dan Valentine moved to go back to an Open Session. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

25. Action from the Closed Executive Session:

MOTION

Diane Bradshaw moved to approve the amended and restated reimbursement agreement between the Town of Eagle Mountain and Eagle Mountain Properties L.C. and its RBAN Guarantors. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.

MOTION

Cyril Watt moved to adjourn. Dan Valentine seconded.

The Town Council Meeting of January 5, 1999, adjourned at 11:00 p.m.

Approval: *Robert E. Bateman* Date: 28 Jan 99
Mayor Robert E. Bateman