

**MINUTES OF THE SPECIALTOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
January 12, 2000**

Mayor Paul Bond called the meeting to order at 7:05 p.m.

**1. Roll Call:**

Council Members present: 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
Deputy Sheriff:	Jo Murphy

Others present: Josh Elledge, resident; Mark Lofgren, resident; Rob Nielson, Lehi Free Press; Rob and Candy Bateman, residents; Scott Hazard, resident; Roxanne Clark, resident; David Lifferth, resident; Glen Zaugg, resident; John Jacob, resident; William & Jana Neathery, resident; David Tomsick, resident; Mike Boyd, resident; Mark Sovine, resident; Lou Carroll, resident; Danny Hooge, resident; Jeff Quinn, resident; Scott Weber, resident; Randy Johnson, resident; Kelvin Bailey, resident; Russell Taylor, resident; Sheri Grant, American Fork; Larry Christensen, resident; Bill Knight, resident; Lyn Farnsworth, resident; Doug & Jolayne Wood, residents; Rob Butler, resident; Doug Jenkins, Orem; Brian Gardner, resident; Dan & Susan McDavid, residents.

**2. Pledge of Allegiance:**

Mark Lofgren 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. Presentation by the Eagle Mountain Community Arts:**

Jennifer Morgan announced that the organization met at the Eagle Mountain Community Center every second and fourth Wednesday of the month. Rob Nielson and Jana Cox invited the community to get involved in the Eagle Mountain Community Arts. They announced that they had received a donation from the Ranches and they were working on getting a musical performance going.

**5: Protest Hearing regarding the creation of Eagle Mountain, Utah, Special Improvement District 99-1 (Cedar Pass Ranch & North Ranch):**

Janet Valentine addressed the Council and stated that there were 143 lots in Cedar Pass Ranch and 93 lots in North Ranch, a total of 236 lots proposed in the S.I.D. Mrs. Valentine stated that the Town had received 159 protests, 3 of which were voided, as they were faxed copies (only originals could be accepted). A Total of 65% had protested the S.I.D. This was calculated by using one vote per lot.

**Mayor Bond opened the meeting to the public at 7:20 P.M.**

Dave Lifferth was opposed to the S.I.D. as it was his opinion that a municipality owning their own utilities was a bad idea. Liability was also a concern in regards to a disaster occurring. The financial burden would have to be shared among the community. Mr. Lifferth was also concerned about the division that was created between residents in Eagle Mountain due to the S.I.D. Mr. Lifferth requested that if the S.I.D. failed, that the Town not revisit the issue in the future.

Danny Hooge, Cedar Pass Ranch Resident, said that he had proposed in a previous Town Council meeting that the Town Council revisits the possibility of creating a S.I.D. to allow residents to hook up to the Town's gas system. Mr. Hooge was in favor of natural gas, as it would benefit both the Town and it's residents.

Mark Sovine, Cedar Pass Ranch resident, was in favor of having natural gas if possible.

Jeff Quinn, Cedar Pass Ranch resident, was opposed to the S.I.D. Mr. Quinn was in favor of natural gas but only if it was provided by an outside source. Mr. Quinn believed that it would be an injustice if the Town approved the S.I.D. based on the percent of residents who were opposed to it.

Candy Bateman, Cedar Pass Ranch resident, stated that she was a member of the Cedar Pass Home Owners Association Board and that the Board had voted to bring up the issue of providing natural gas to residents in the area. Mrs. Bateman said that they had done this out of the goodness of their hearts and that the City providing service to its residents was a matter of faith in the good for all. Mrs. Bateman apologized to the Council stating that the Home Owners Association hadn't done their job, as she felt that the residents in the area were not properly informed concerning the natural gas issue. Mrs. Bateman was in favor of natural gas and if the Town could provide that service it would benefit the Town and the residents.

Lou Carroll, Cedar Pass Ranch resident, wanted a more economical heating option and was in favor of natural gas. Mr. Carroll added that there was no other viable alternative and the S.I.D. was a good idea.

Rob Bateman, Cedar Pass Ranch resident, said that having been involved with the Council when the issue was introduced, there were several reasons why the Council decided to reconsider the issue. Mr. Bateman stated that the last time the issue had been voted on 1/3 of the residents were opposed, 1/3 in favor and 1/3 were undecided. Mr. Bateman added that natural gas was safer, cheaper and that there were a number of people who wanted be a part of the Town and wanted what they were paying in utilities to contribute to building the Town rather than building a private company. Mr. Bateman believed that economics played a role in the opposition of the S.I.D. The cost had increased substantially but it was not likely to go down. People had concerns with the Town's utility service as it was a small service and didn't have a track record, and that was a valid concern; however, these were not reasons for people to be upset with each other. Mr. Bateman passed copies of Exhibits 1 & 2 to the Council showing three areas within the proposed S.I.D. where the majority of residents were in favor of natural gas services from the Town. Mr. Bateman

encouraged the Council to consider the voices of those individuals who formed a majority in the area and find a way to provide the service for them, leaving out those opposed the S.I.D equitably.

William Neathery, North Ranch resident, requested that on behalf of residents in North Ranch and Cedar Pass Ranch who opposed S.I.D. 99-1, that the Council adopts a resolution to abandon the S.I.D. Mr. Neathery stated that there were four major reasons why the residents were in opposition, they are as follows: the history of Eagle Mountain utilities; financial aspects; safety; and conduct of the Town Council. Mr. Neathery questioned the timing of the S.I.D. and that people were preoccupied with the holidays and family to give the issue their proper attention. In closing, Mr. Neathery stated that the residents he represented believed that the S.I.D. did not represent the value it purported and that it was not an improvement.

Dave Tomsick, North Ranch resident, was opposed to the S.I.D. and stated that it was the perception of some of the resident that the Town Council had tried to sneak the issue by them. Mr. Tomsick added that he had not received a copy of the letter announcing the proposed S.I.D. and knew of others who too had not received it. Mr. Tomsick said that he had contacted Questar and inquired concerning the cost of hooking residents up to their services. The comparison was made using prices Cedar Fort residents had been charged. The cost was cheaper than what The Town of Eagle Mountain had proposed with the S.I.D.

Glen Zaugg, resident, commented that he had opposed the S.I.D.; however, he requested that his vote be rescinded, as there was clearly no alternative at this point. Mr. Zaugg wanted the S.I.D. to move to the next stage so the cost could be determined.

John Jacob, Cedar Pass Ranch resident, stated that it bothered him to hear people complaining about the Town. Mr. Jacob added that people moving into the area should be aware that they are moving into a new town and that there were problems associated with that, whether it be municipalities or an electrical system. Mr. Jacob said that Utah Power and Light provided his electricity and they still had outages. Questar was not an option for residents of Eagle Mountain and people had been misled into believing that it was. Mr. Jacob believed that with or without the S.I.D., people should have the opportunity to hook up to the Town's gas system, and he intended to do so at his own cost.

Scott Hazard, North Ranch resident, commented that he sold homes in the area and believed that he was fair and honest in his dealing and assumed that those he had dealt with in the community trusted him. Mr. Hazard was in favor of the S.I.D. based on the safety issue. He added that people tend to focus on negative issues rather than instances where the Town has been stellar in their timing and handling of situations. Mr. Hazard added that he felt much safer having the Town handle the natural gas system than having many different propane companies scattered throughout the two neighborhoods. Mr. Hazard related an instance where he had problems with his propane tank. The service representative called him eight hours after the reported problem and didn't show up to fix the problem until the next day. This concerned Mr. Hazard, as propane tanks are susceptible to exploding. Mr. Hazard also addressed the financial aspect and said that gas was far cheaper. He ended his comments by saying that he commended the Town with the handling of utilities, as he understood what was involved with it and asked resident to offer solutions rather than presenting the problems.

Roxanne Clark, Cedar Pass Ranch resident, expressed to the Town Council that they understood the issues and were not misled regarding the S.I.D. The residents didn't want to have the Town's gas system and theirs was a valid protest. Mrs. Clark stated that there were rumors circulating that the issue had divided the community, she did not believe this but felt that it had united the residents. Mrs. Clark said that they opposed the S.I.D. before, now, and would continue to do so if the Council revisited it in the future.

**Mayor Bond closed the Public Comment of the Hearing @ 7:40 P.M.**

Dan Valentine stated that the Council had no option to allow Questar to provide services to the Town until the RBANs are paid off. Even if the Town were to go bankrupt the receivers wouldn't allow Questar to come in.

Mayor Bond said that when the Town was set up bonds were used to fund the system. The bond company set the rules and as the Town grows the bond is repaid. Questar is not an option unless the system is sold and the cost of the debt is covered. Questar made an offer last year but it wasn't sufficient to cover the debt.

Greg Kehl stated that even if residents wanted to hook up to Questar they couldn't, as Questar couldn't access the easements and utility right of ways in Eagle Mountain until the bonds were paid off.

Discussion ensued among the Council concerning alternative options related to the S.I.D.

Dave Albrecht asked whether the homeowners outlined in Exhibits 1 & 2 could receive the gas without involving those in opposition. John Newman said that it couldn't be determined that night, as the Town Engineer would have to review the situation. Mr. Newman added that the Council had two options, either to kill the S.I.D. or to have the Staff look into the alternative of providing gas to those who wanted it while respecting the vote of the S.I.D.

Brigham Morgan stated that it was a fact that Questar was not an option and, furthermore, in his opinion shouldn't be an option, and that a ceiling had been set on the S.I.D. as to what the assessment would be. If the S.I.D. failed and was an option in the future, the cost would be significantly higher; this would be unfortunate for the residents who want natural gas, and also for the Town.

Brigham Morgan reminded those in opposition to the S.I.D., that they had until midnight that night to rescind their vote.

Dan Valentine asked whether the deadline to rescind a vote could be extended. Jerry Kinghorn replied that the law provides that the protests have to be withdrawn before the conclusion of the hearing, so if the hearing was adjourned to a later date, then the extension could be made.

John Newman recommended giving the Town Staff some time to come up with some alternatives that would attempt to benefit those that want natural gas while protecting those who don't.

Mayor Bond questioned whether to extend the time to rescind the vote. Dave Albrecht asked whether there was a published date stating the time to rescind. It was established that midnight of January 12, 2000 was the published time. Mr. Kinghorn stated that the withdrawal date published was based on the assumption that the hearing was concluded on January 12, 2000.

John Newman recommended that the Council not extend the withdrawal deadline. Mayor Bond favored that idea.

Dan Valentine suggested offering an opportunity to anyone at the meeting to rescind his or her vote before public hearing was closed. Mayor Bond asked if anyone wanted to partake of the opportunity to rescind his or her vote before the close of the public hearing. There were no takers.


**Mayor Bond closed the public hearing @ 8:15 P.M.**

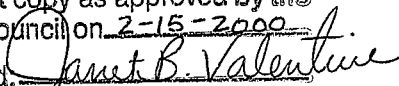
**MOTION** *Greg Kehl moved to table S.I.D. 99-1 (Cedar Pass Ranch & North Ranch) until February 15<sup>th</sup>, 2000 Town Council meeting. Also to direct Staff to advise the Council for possibilities of accessing natural gas to the pockets presented in Exhibits 1 & 2, and that the Staff would have recommendation for Council review available on February 1<sup>st</sup>, 2000. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. **MOTION** *Brigham Morgan moved to adjourn into a Closed Executive Session @ 8:30 P.M., for the purpose of discussing personnel issues and potential litigation. Dave Albrecht seconded that motion. Ayes: 5, Nays: 0. Motion passed.*

7. **Adjourn Closed Executive Session and return to Open Session:**

**MOTION** *Greg Kehl moved to adjourn the meeting @ 9:05 P.M.*

**APPROVAL:**  **DATE:** 3/14/00  
**Mayor Paul R. Bond, Jr.**

This certifies that the minutes of  
1-12-2000 are a true, full and  
correct copy as approved by the  
City Council on 2-15-2000.  
Signed:   
City Recorder