

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
January 16, 2001**

POLICY SESSION – 7:00 TO 10:30 p.m. – Eagle Mtn. Community Center, 1668 E. Heritage Dr., Eagle Mtn.

1. Roll Call:

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

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
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed
Fire Chief: Robert DeKorver
Deputy Fire Chief: Kevin McCarthy

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:

Shelia Curtis led the pledge of Allegiance.

3. Approval of Minutes (December 5, 2000 & January 2, 2001):

MOTION *Dave Albrecht moved to approve the minutes of December 5, 2000 as stated. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to approve the minutes of January 2, 2001 as amended. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

Mayor Bond announced that the Town Council would hold a special meeting at 7 p.m. January 30, 2001. This meeting was scheduled to provide residents of Eagle Mountain an opportunity to discuss any items of concern.

5. Appointments:

There were no appointments.

6. Public Notices:

None

7. **Public Comment (7:10 p.m.; 3 minute limit per person, overall time allotted 30 minutes)**
(Items listed on agenda – 2 minutes per person; overall time – 10 minutes):

There were no comments from the public.

8. **Tasco Engineering Representative Request to Address the Town Council:**

Gary Tassainer, Tasco Engineering, addressed the Council with respect to a lawsuit the Town had filed against Tasco Engineering. Mr. Tassainer was anxious to get into mediation with the Town concerning the suit in order to find some resolution, however, he had yet to hear from the Town Attorney Jerry Kinghorn.

Mr. Tassainer also discussed payments that he believed the Town owed Tasco three of which had already been approved, Crittenden Corner, Mount Aire and Chimney Rock.

Mr. Tassainer mentioned that he had married children in the community who had been approached by Town employees regarding unfinished Tasco projects. Mr. Tassainer stated that he was unaware of any unfinished work that involved his company.

Mayor Bond stated that he would look into Mr. Tassainer's claims.

9. **Sunrise Development Dig In Rehearing Request:**

Tabled

10. **Sunrise Development Trail Amendment Request:**

Tabled

11. **Public Works Board recommendation to the Town Council regarding Amendment to the 138 Kv Transmission Line Alignment:**

MOTION *Brigham Morgan moved to approve the Public Works Board recommendation for an alternate alignment for the Transmission Line, including an additional 3400 linear feet of transmission line and a potential increase cost of \$85,000 for right-of-way construction. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

12. **Amendment to Developer's Capital Facility Funding Requirements/Korey Walker:**

Korey Walker explained the amendments to the Developer's Capital Facility Funding Requirements. The following changes were recommended:

1. Land transfer for substation site, transmission line easement, and fire station property be extended to February 28, 2001.
2. Construction funding for a 2 million gallon reservoir be extended until February 15, 2001.

MOTION *Greg Kehl moved to approve the extension of time for the Capital Facility Funding as submitted by Epic Engineering dated January 11, 2001. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. **EMS Vehicle Purchase Proposal:**

Fire Chief Robert DeKorver explained the proposal to purchase an additional Brush Truck for First Response under the lease agreement that was approved in November 1999. The vehicle would allow EMS response as well as Fire Response within the Town. The vehicle is a 1997 Chevrolet C/K 3500 pickup with 1,481 miles and a purchase price of \$30,849.

MOTION *Bert Ankrom moved to approve the purchase of a 1997 Chevrolet C/K 3500 Brush Truck for the purchase price not to exceed \$30,849, with the stipulation that the vehicle is checked for solvency by an independent mechanic, and that the service and maintenance records also be reviewed. The vehicle is to be purchased under the previously approved lease purchase agreement. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. **Consideration of an Ordinance of the Town of Eagle Mountain, Utah adopting the 1997 Uniform Fire Code and to enact more restrictive hydrant placement requirements for fire department connections and more restrictive minimum requirements for installing fire suppression systems in the Town of Eagle Mountain, Utah (tabled at TC Mtg on 01-02-01):**

The Council considered Ordinance # O-02-01.

MOTION *Bert Ankrom moved to adopt Ordinance # O 02-2001, an Ordinance of the Town of Eagle Mountain, Utah adopting the 1997 Uniform Fire Code and To enact more restrictive Hydrant Placement requirements for Fire Department Connections and more restrictive minimum requirements for installing fire suppression systems in the Town of Eagle Mountain. Brigham Morgan seconded the motion.*

Discussion ensued.

Mark Lofgren, resident, expressed his concern that this ordinance would make it more difficult for developers to build in Eagle Mountain.

Josh Elledge, resident, also believed that if the ordinance were adopted it would curtail commercial development.

Jerry Kinghorn stated that the fire sprinkler requirement was the issue and it was necessary to find realistic ways to protect buildings from fire.

Scot Hazard, The Ranches, explained that the cost of his building would be significantly higher if they had to install a sprinkler system. It was his opinion that occupants of the office building would have sufficient time to safely exit in the event of a fire; therefore, sprinklers weren't necessary. It would be more cost effective for him to rebuild the building if it burned than install sprinklers. Mr. Hazard wasn't ignoring the fire safety issue with regards to his project, however, he would much rather help fund a fire impact fee than install a sprinkler system in a building that he believed didn't need it.

Greg Kehl commented that the ordinance needed to be refined and that the use of buildings needed to be considered with respect to fire safety requirements. It was also his opinion that the developer needed to have the freedom to decide what their loss would be in the case of a fire.

Dave Albrecht was inclined to weigh in favor of safety by requiring the installation of the sprinklers.

Brigham Morgan believed that it was a good ordinance and that it would protect the Town in the future. It was his opinion that the ordinance wouldn't have the negative impact on commercial development that some individuals anticipated. Bert Ankrom agreed with Mr. Morgan.

Greg Kehl recommended adopting the fire code and tabling the ordinance, as there were issues that had not yet been addressed.

MOTION *Ayes: 1, Nays: 2. Mayor Bond and Bert Ankrom abstained. Motion failed.*

MOTION *Dave Albrecht moved to approve Ordinance # O-02-2001 (removing section 3) an Ordinance of the Town of Eagle Mountain, Utah Adopting the 1997 Uniform Fire Code and to Enact More Restrictive Hydrant Placement Requirements for Fire Department Connections. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Brigham Morgan abstained, as he was opposed to the removal of section three. Motion passed.*

Mayor Bond requested that Mr. Hazard work with the Fire Chief to find a solution for the sprinkler solution by the next Town Council Meeting. Mayor Bond stated that the ordinance would be presented and approved in three weeks time unless Mr. Hazard could convince the Council and Fire Chief that it wasn't necessary.

15. DSL BETA Test:

John Newman stated that there had been several requests for the Town to conduct a DSL BETA test. Until now, time and cost had prevented the Town from scheduling the test. The DSL is a component of the Nortel system and the test would allow several residents to experiment with the product before the Town offered it as a service. The Telecom Board recommended conducting the test which would cost approximately \$7500-\$10,000 over a three month period. The funds for the project were available in the budget.

MOTION *Brigham moved to approve the DSL BETA test not to exceed \$10,000 over a 3-month period. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

16. Major Development Approvals:

a. Willow Springs Condo, Phase II Final Approval (Includes Development Agreement & Declaration of CC&R's).

MOTION *Brigham Morgan moved to approve the Final Approval for Willow Springs Condos, Phase 2, subject to the DRC recommendations and amending item 5 to include a reference to a memo from Fire Chief Robert Dekorver to Zane Powell dated January 16, 2001 items I-4 deleting item #5.*

DRC Recommendations:

1. *That the swimming pool and clubhouse be completed when 48 units in Phase 11 are completed and occupied.*
2. *That the light poles meet the approved Ranches model and requirements of the Town Engineer.*
3. *That bicycle racks that can accommodate 10 bicycles be added to the site.*
4. *That all parking stalls be 20' in length and that a 24' distance be maintained between the parking rows.*
5. *That the buildings of Phase 11 be constructed with fire protection measures required by the Fire Chief.*
6. *That the project meets all requirements of the Town Engineer.*
7. *That the master developer provide water right documentation showing sufficient water right capacity or proposed water rights to be turned over to the Town.*
8. *That no occupancy for the subdivision is allowed until there is sufficient capacity available in the utility systems; and that the developers and lot owners/builders sign an agreement acknowledging a potential utility capacity problem.*
9. *The Public Works Board requires that all new subdivisions install conduit to each lot for future fiber optic installation.*

Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.

b. Chimney Rock, Plat B (L.D.S. Church Site) Development Agreement.

MOTION *Greg Kehl moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and the presiding Bishop of the Church of Jesus Christ of Latter-Day Saints for Chimney Rock, Plat B Church Site. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

a. Prairie Gate Professional Center Final Site Plan Review.

Discussion ensued.

Jerry Kinghorn recommended that the building permit not be issued until the easement in the parking lot is recorded.

Fire Chief Robert Dekorver was concerned with the lack of adequate fire protection for the building. The Council suggested that Scot Hazard, the applicant, work with the Fire Chief and Kent Partridge to resolve the fire safety issues.

The Council discussed the DRC requirements with the applicant and proposed that item 7 be amended and an agreement be drafted and signed by the developer stating that the building be constructed consistent with the fire flow requirement of 2000 gpm or below. Mr. Hazard stated that if the requirement couldn't be met then he would install sprinklers.

MOTION *Brigham Morgan moved to approve The Prairie Gate Professional Center Final Site Plan subject to the DRC recommendations items 1-7, amending item 7 to state that prior to building permit issuance, Scot Hazard or company must enter into an agreement with the Town to work with the Fire Chief and Building Official to bring the building's fire flow requirements to the level at or below 2000 gallons per minute. If this requirement is not met then the building must have a sprinkling system. Also, that condition # 8 be added to the recommendation.*

DRC Recommendations:

1. *That the site be enlarged sufficiently to accommodate the required parking stalls.*
 2. *That there be no mirrored glass used on the elevations.*
 3. *That the applicant complies with all conditions contained in the Town Engineer's report.*
 4. *That landscaped berms be used along all frontages to screen the parking areas.*
 5. *That the light poles installed are The Ranches approved model and that there be building lights to increase the illumination in the parking areas. Up lighting of buildings, signs, or landscaped features is prohibited.*
 6. *That a sidewalk be constructed on the southeast side of the future building.*
 7. *That the project be built in compliance with the requirements of the Fire Chief and that, prior to building permit issuance, Scot Hazard (or company) must enter into an agreement with the Town to work with the Fire Chief and Building Official to bring the building's fire flow requirement to the level at or below 2000 gpm. If this requirement is not met then the building must have a sprinkling system.*
 8. *That the easement must be executed before building permit issuance.*
- Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. **Development Items:**

- a. **Amendments to the Ranches Community Design Guidelines, page 45.**

MOTION *Dave Albrecht moved to approve the Amendments to the Ranches Community Design Guidelines as stated in the memo from the Planning Department dated January 16, 2001. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

- b. **Amending Street Names in Cedar Trail Villages, Phases 1 & 2.**

MOTION *Greg Kehl moved to approve the Amendments to the Street Names in Cedar Trail Villages, Phases I & II, as submitted January 16, 2001. Bert seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

18. **Motion to approve Consent Agenda items as follows: (Refer to Work Session):**

- a. **Warrant Register**
- b. **Contract Change Orders**

- c. Final Payment Request
- d. Partial Bond Releases
- e. Partial Payment Request

MOTION *Brigham Morgan moved to approve the Consent Agenda Items except for the Contract Change Order # 4 dated January 10, 2001 for the Booster Station and Well No. 2. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Discussion ensued regarding the booster station.

MOTION *Bert Ankrom moved to approve the Change Order for the Booster Station and Well No. 2 with the stipulation that allows Korey Walker to negotiate a lower price with the intent of getting the material cost only. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. Other Business:

None

20. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security:

There was no closed session.

21. Motion to adjourn closed executive session and return to open session:

None.


22. Any Actions from the Closed Executive Session:

None.

23. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting @ 9:25 p.m.*

APPROVAL: _____


Mayor Paul R. Bond, Jr.

DATE: _____

2/7/01

This certifies that the minutes of
JAN. 16, 2001 are a true, full and
correct copy as approved by the
City Council on FEB. 6, 2001

Signed: 
City Recorder