

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
April 3, 2001**

POLICY SESSION 7:00 p.m.

Mayor pro tem Dave Albrecht called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor pro tem Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.
Mayor Bond was excused.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planners: Ken Leetham
Shawn Warnke
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy
Fire Chief: Robert DeKorver

Others present: Jody Hooley, resident; Josh Elledge, resident; Lance Raver, resident; Sandy Bastian, resident; Phillip & Candice Pratt, residents; Karyn Larson, resident; Mark Lofgren, resident; Scott Romrell, resident, Tim Jones, resident; Sandra Wardle, resident; Kim Brown, resident; Tom & Carolina Herrin, residents, Gary Tassainer, Tasco Engineering; Scot Hazard, The Ranches.

2. Pledge of Allegiance:

Josh Elledge led the Pledge of Allegiance.

3. Approval of Minutes (February 9, 2000, June 6, 2000 & March 20, 2001):

MOTION *Greg Kehl moved to approve the minutes of February 9, 2000 as stated. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Bert Ankrom moved to approve the minutes of June 6, 2000, as amended. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to approve the minutes for March 20, 2001 as amended. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

4. **General Discussion/Questions/Announcements:**

None

5. **Appointments:**

a. **Planning Commission/ Tom Maher:**

MOTION *Brigham Morgan moved to approve the Mayor's appointment of Tom Maher to the Planning Commission as an Alternate Member for a four- year term. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

b. **Community Arts Board**

MOTION *Greg Kehl moved to approve the Mayor's appointment of David Loper to the Community Arts Board as the Board Member Chair, Jana Lynne Cox as a Board Member Secretary, Karen Nielson as the Board Member-Treasurer, and Arlene Erickson as a Board Member. Also, that the terms be staggered, one member shall be appointed for one year, two members shall be appointed for two years and two shall be appointed for three years, as dictated by the Mayor. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

6. **Public Notices:**

None.

7. **Public Comment:**

Garry Tassainer commented with respect to setting a date for mediation between the Town of Eagle Mountain and Tasco Engineering. Jerry Kinghorn stated that he hadn't heard anything regarding the mediation and would follow up on it.

8. **Terry Johnson's appeal for the removal of a stop sign:**

The Council discussed several options regarding the removal of the stop sign next to Mr. Johnson's property. It was their recommendation that the stop sign remain in the same position for public safety; however, the size of the post would be reduced. In addition to this, the street sign would be relocated to the other side of the street in an effort to accommodate Mr. Johnson. The Council noted that the posts that The Ranches had installed were not what they had anticipated and the wood was warping. John Newman stated that he would contact the Master Developer and request that they come up with some alternative solutions regarding the posts, which the Planning Commission could review and pass on a recommendation to the Town Council.

MOTION *Bert Ankrom moved to instruct the Town Staff to remove the street sign and relocate it to the opposite side of the street. The stop sign will remain in its present location and must be altered to comply with the current State Standards including minimum height and size. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

9. **Public Hearing: Amending The Ranches Master Development Plan (Terry Bland Parcel):**

Open Public Hearing (7:25 p.m.).

Shawn Warnke commented on lot 66, plat F in Cedar Pass Ranch. The Ranches had sold a one-acre parcel to Terry Bland who intended building an accessory building on the property. The Building Department determined that the sale of the property had not been processed in the correct manner, and furthermore, was in violation of The Ranches Master Development Plan. The Ranches needed to amend the Master Development Plan by reducing the plan by one-acre. This would rectify the error.

There were no comments from the public and the Pubic Hearing was closed at 7:27 p.m.

Jerry Kinghorn stated that he had prepared a Resolution and recommended approval of the amendment contingent on the receipt of an exhibit, which was the legal description of the parcel of property.

MOTION *Brigham Morgan moved to approve the amendment to The Ranches Master Development Plan Agreement for the Terry Bland one-acre parcel subject to the DRC Recommendations as follows:*

1. *That one unit is deducted from The Ranches Master Development Plan in the respective Ranch Neighborhood.*
 2. *That all fees applicable to the processing of this application be paid including the SID payment associated with the sale of the one-acre parcel.*
 3. *That the one-acre parcel be added to lot 66 of Cedar Pass Ranch Subdivision Plat F and the lot line be adjusted to form a single lot for a single dwelling unit.*
- Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

10. Consideration and Approval of a Resolution Amending the Ranches Master Development Plan:

The Council considered Resolution # R 08-2001.

MOTION *Brigham Morgan moved to approve Resolution # R 08-2001, a Resolution of the Town Council of the Town of Eagle Mountain, Utah amending The Ranches Master Development Plan subject to the inclusion of the legal description of the property, as Exhibit 1. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

11. Consideration to Approve a Temporary Archery Range in the Ranches:

Scot Hazard stated that the Planning Commission had made a recommendation to have additional security to control access to the archery range. Mr. Hazard commented that The Ranches had submitted a safety plan last year and intended on using the same plan at this year's event. The previous year had experienced no injuries or issues and was well managed and controlled. Based upon the good record, Mr. Hazard requested that the Council reconsider the Planning Commission's recommendation, as it was his opinion that the additional security was not necessary.

The Council considered The Ranches' request and recommended approval of the Temporary Archery Range for the specified dates.

MOTION *Brigham Morgan moved to approve the National Field Archer's Association, Archery at The Ranches for the specified dates, and subject to the DRC Recommendations with modifications made to condition # 7 removing reference to The Ranches providing additional security around the perimeter of the range.*

DRC Recommendations

1. *That the temporary archery range be permitted for April 21-22, 2001, May 5-6, 2001 and June 2-3, 2001.*
2. *That the insurance certificate be corrected to state that The Ranches are the insured, as directed by the Town Attorney.*
3. *That The Ranches obtain special burn permits for any campfires and comply with all requirements outlined by the Fire Chief.*
4. *That The Ranches comply with the standards and conditions stated in a memo dated April 6, 2000 for the event this year.*
5. *That the site be returned to its precondition state following the event.*
6. *That if the special event creates an increase in the demands for public safety services that those services shall be provided by The Ranches.*
7. *That the archery range complies with safety standards for Utah County Sheriff's Office and the National field Archery's Association.*

8. *That road base or gravel is used at the connection of dirt roads and paved roads as required by the Town Engineer.*
9. *That there be sufficient public facilities such as restrooms.*
Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.

12. **Set Date for Eagle Mountain Pride Day:**

Mayor pro tem Dave Albrecht stated that the Council had designated May 26, 2001 as a clean up day within the community to prepare for Pony Express Days. Additionally, many LDS wards planned on taking part in Utah Pride week by participating in a community clean up set for April 21, 2001.

13. **Consideration and Approval of a Resolution encouraging a Waste Recycling Program:**

The Council considered Resolution # R 09-2001.

MOTION *Greg Kehl moved to adopt Resolution # R 09-2001, a Resolution of the Town Council of the Town of Eagle Mountain encouraging participation in Solid Waste Recycling Program. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

14. **Consideration and Approval of a Resolution Amending the Noticing & Restating the Notice of Intent for Eagle Mountain, Utah Special Improvement District No. 2000-1:**

The Council considered Resolution # R 10-2001.

MOTION *Brigham Morgan moved to adopt Resolution # R 10-2001, a Resolution Amending the Notice of Intention Adopted by the Town Council of Eagle Mountain, Utah County, State of Utah, on June 20, 2000, and Creation Resolution Adopted on August 1, 2000, with respect to Eagle Mountain, Utah Special Improvement District NO. 2000-1, to Delete Certain Improvements to be Constructed within said District and to Adjust Accordingly the Total Estimated Costs of the Remaining Improvements to be Constructed; Reaffirming the Creation of said District and the Construction of the Improvements to be Constructed therein; and related matters. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

15. **Consideration of a Resolution of Intent to Create Special Improvement District 2001-1; to Finance Certain Infrastructure Improvements and Related Matters:**

This item was stricken from the agenda.

16. **Consideration and Approval of Revised Supplemental Distribution Interconnect Agreement with Pacificorp:**

The Council considered the Approval of the Revised Supplemental Distribution Interconnect Agreement with Pacificorp.

MOTION *Greg Kehl moved to authorize the Mayor pro tem to enter into an agreement dated April 3, 2001, Amendment # 2 of the Revised Supplemental Distribution Interconnect Agreement between the Town of Eagle Mountain Utah and Pacificorp. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

17. **Patterson construction Design Guidelines for Eagle Point Subdivisions Plats A-J:**

Doug Monson addressed the Council and stated that he had performed the tasks that he had agreed to, however, he had received no formal response from the Town. Mr. Monson believed that Patterson Construction needed the flexibility proposed in the design guidelines and he was anxious to report to his client. Mr. Monson added that he was willing to continue to perform as he had indicated to the Council.

Public Comment:

The following is a list of Eagle Point residents that commented in favor of the Paterson Construction Design Guidelines: Lance Raven, Sandy Bastian, Phillip & Candice Pratt, Karen Larson, Scott Romrell, Tim Jones, Sandra Wardle and Kim Brown. The residents believed that the amendments would promote growth in the Town Center of Eagle Mountain.

Mark Lofgren, resident, was opposed to the amendments.

Residents Josh Elledge and Carolina Herrin believed that the key to success in the Town Center was effective marketing.

Greg Kehl stated that he had discussed the amendments with several people and he was concerned that the plans didn't fit with the proposed lot sizes. It was his opinion that appeal was the main factor that affected growth. Mr. Kehl made a comparison between The Ranches and the Town Center and pointed out the master developer's lack of effort to follow through on their commitments. Mr. Kehl stated that he was more concerned with the quality of the homes that were being constructed and not the location of garages and whether the homes had a porch or not. Mr. Kehl commented on Patterson's commitment to clean up certain areas of their development. The deadline had passed and the work wasn't completed. Mr. Kehl believed that the issues regarding the proposed guidelines could be worked through, however, there were commitments that needed to be taken care of first.

Brigham Morgan stated that the proposed design guidelines were not a catalyst for the growth. Mr. Morgan commented on Impact Fees and the requests by the developers in the Town Center to reduce them in order to impact growth in the south end of town. The Council reduced the fees and the developers didn't follow through with their responsibilities. There were too many broken promises, which had created a negative image of Eagle Mountain. The slow growth was not related to the guidelines but was due to empty promises of behalf of the developers. Mr. Morgan added that the future construction of a church and grocery store were two factors that would help boost growth in the Town Center.

Bert Ankrom discussed the homeowner's responsibility to beautify their surroundings and comply with the contracts they had signed when the homes were purchased. Mr. Ankrom was opposed to the changes that Patterson Construction had proposed, as he believed that it was in fact a breach of contract on Patterson's behalf. Mr. Ankrom was in support of side and rear loading garages and front porches. Mr. Ankrom estimated that the homeowner's cost for a porch was \$12/month for the term of the loan. It was his opinion that Patterson Construction needed to live up to their previous commitments and that the proposed changes didn't seem to have an affect on the price of the homes. Mr. Ankrom believed that what was most important was good responsible growth in an effort to maintain property values.

Mayor pro tem Dave Albrecht stated that he had no major concerns with the guidelines but what he was concerned with was the beautification of the subdivisions and construction of trails. Mr. Albrecht understood the need for variety; however, he wasn't prepared to make a decision on what he had been presented.

John Newman recommended that the guidelines be tabled and that Shawn Warnke creates a matrix that would encompass the Council's concerns. This would allow each concern to be addressed individually and be solved section by section. Mayor pro tem directed Mr. Warnke to go ahead with the matrix. A deadline was set for Friday April 6, 2001 to have the information received from the Councilors so it could be placed on the agenda for the next Town Council Meeting.

MOTION *Greg Kehl moved to table Patterson Construction Design Guidelines for Eagle Point Subdivisions Plats A-J. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Bert Ankrom stated that he was willing to compromise regarding the guidelines and was looking forward to a resolution.

18. The Ranches Request for Golden Landscaping to Construct SID 2000-1 Landscaping Improvements:

Discussed before item 17.

Korey Walker commented on The Ranches request to have Golden Landscaping complete several landscaping projects and commence work on some additional projects that were proposed in The Ranches SID 2000-1.

Brigham Morgan inquired with respect to liability of payment if the SID failed. Scott Kirkland stated that The Ranches would sign an agreement claiming all liability if the SID failed and the Town would have no accountability.

MOTION *Greg Kehl moved to approve The Ranches proposal with reference to the extension of contract in conjunction with SID 2000-1, as submitted, with the understanding that the conditions are to be satisfied as per EPIC Engineering submittals, including landscaping proposals. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Bert Ankrom abstained. Motion passed.*

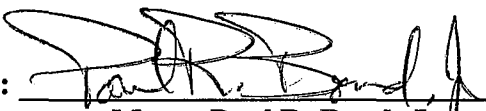
19. Motion to approve Consent Agenda items as follows:

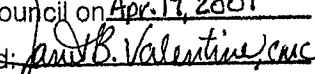
- a. **Warrant Register**
- b. **Partial Payment Request**
 - i. **Installation of Two New Generating Units, (Partial Pmt 3), Lamb Engineering & Construction Company**

MOTION *Bert Ankrom moved to approve the Consent Agenda items as submitted. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

20. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting at 9:15 p.m.*

APPROVAL:  DATE: 4/30/01
Mayor Paul R. Bond, Jr.

This certifies that the minutes of APR. 3, 2001 are a true, full and correct copy as approved by the City Council on Apr. 17, 2001
Signed: 
City Recorder