

**MINUTES OF THE TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
April 4, 2000**

Mayor Paul Bond called the meeting to order at 7:00 p.m.

**1. Roll Call:**

Council Members present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, Brigham Morgan and Dan Valentine.

**Town Staff:**

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Planner: Shawn Warnke  
Town Clerk: Janet Valentine  
Recording Secretary: Fionnuala Kofoed

Others present: Laird Smith, Lehi Free Press; Dave & Sheila Curtis, residents; Robert Smith, resident; Gary Tassainer, Tasco Engineering; Randy Rimmen, Dakota homes; Carl Allred, Scott Kirkland & Phil Nolan, The Ranches; Juanita Christiansen, Sports Program; Mel McQuirrie, M&J Development, Bert Ankrom, resident.

**2. Pledge of Allegiance:**

Shawn Warnke led the town in the pledge of allegiance.

**3. Approval of Minutes:**

**March 7, 2000**

**MOTION** *Dan Valentine moved to approve the minutes of March 7, 2000 as amended. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**March 21, 2000**

**MOTION** *Dave Albrecht moved to approve the minutes of March 21, 2000 as amended. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

Dan Valentine noted that the 98-1 Landscaping Budget Reimbursement schedule was not on the agenda. John Newman advised the Council that the information had just been received that day and there wasn't enough time to have it put on the agenda.

**5. Appointments:**

There were no appointments.

6. **Public Notices:**

There were no Public Notices.

7. **Public Comment:**

Juanita Christiansen discussed the poor condition of Pony Express Park and asked whether the Town was responsible for its maintenance. The Council advised Mrs. Christiansen that Eagle Mountain Properties (EMP) still owned the park and suggested that she meet with them to discuss any issues regarding the park. John Newman added that he had discussed the condition of the park including a broken water line during the DRC meeting, and said that he would follow up on the broken water line.

8. **EMP Capital Facilities Plan:**

Nick Berg addressed the Council and gave an update on the progression of the C-Store and the trail from the Landing to Pony Express Park. The store was expected to be up and running by May 1<sup>st</sup>, 2000. EMP was still negotiating with Ray Morley concerning the use of the parking lot in front of the store. Eric Jones added that they were confident they could come to an agreement. Mayor Bond advised EMP that if they were considering an alternative parking arrangement they would have to present the concept to the Planning Commission for their approval. The trail to the park was scheduled to be paved the following week weather permitting.

Nick Berg commented on the vacancies on the Airport Advisory Board; Mr. Berg was eager to fill these positions. A group of planes was scheduled to land at the airport that weekend.

Mr. Berg briefly discussed the SID that EMP was working on. One of the challenges they faced were individuals not wanting to be involved with the SID then gaining from the benefits once things were constructed. Eric Jones added that he had met with MCM and worked out the district boundaries for the SID. Mr. Jones was anxious to present the utility oriented portion of the proposal to the Town Council in the near future. Two districts were planned, one utilities the other roads. It was necessary to discuss these items in order to accommodate the CFP (Capital Facilities Plan).

9. **Supplemental Warrant Register:**

The Town Council and Engineer discussed the Supplemental Warrant Register with regards to payment of bills to Tasco Engineering and Weston Engineering. John Newman recommended payment of all items except invoice numbers 455, 456 & 457. Korey Walker stated that since Tasco had done the inspection on those subdivisions, an acceptance letter needed to be submitted to the Town indicating that all items were constructed as per Town standards. Mr. Newman added that if any inspection had been completed on the subdivisions he wanted the records; this would provide a history of the particular construction product, i.e. the original construction drawings, the inspections and the as-builts. Mr. Walker commented that he had received as-builts for Chimney Rock, however he didn't have time to review them prior to the meeting.

**MOTION** *Brigham Morgan moved to approve payment for invoices numbers 253, 359, 365, 366, 408, 427, PC 99115, FC45, FC46, FC51, FC51, FC59 and FC60 for a total payment of \$98,516.45 and that it be added to the Warrant Register. All are Tasco invoice numbers except for PC99115, which is a Weston invoice. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10. **Fire Department Member Parking Only Request:**

The Eagle Mountain Fire Department requested three designated parking spaces behind the new telephone building to better accommodate volunteers to access the Fire Station; this would assist the firefighters getting enroute more expeditiously during emergency situations.

Staff recommended maintaining the original parking spots in front of the Fire Station by the flagpole.

Greg Kehl suggested using a stencil to paint the words "EMERGENCY VEHICLE PARKING ONLY" on the curbs where the Fire Department parks. Mr. Kehl wanted to avoid the use of posted signs and only use them if the painted curbing was not sufficient. John Newman stated that they needed an area for the department to park when they were on an emergency call, not for every day use. Mr. Newman said that the Staff would work on a recommendation regarding the terminology for the signs. Mayor Bond recommended painting the curbs yellow to avoid confusion with the red no parking zones.

**MOTION** *Greg Kehl moved to designate a specific parking area for emergency response Fire Department personnel as per submitted plan, Exhibit I, and that the color and verbiage be decided by John Newman and he be authorized to execute. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**11. Approval of an Ordinance of the Town of Eagle Mountain, Utah Providing for Alternative Street Name Signs, Sponsorship, Maintenance and Replacement:**

This item had been tabled from the previous Town Council meeting. Discussion ensued regarding the street name signs that had been approved by the Council to be placed in the Ranches subdivisions. The Ranches stated that they had changed the size of the street signpost that had been approved by the Town Council. The Council requested to see the new post that The Ranches intended using before they would approve the change. Later in the meeting Phil Nolan, The Ranches, presented the new post they intended using.

**MOTION** *Greg Kehl moved to adopt Ordinance # 00-04, an Ordinance of the Town of Eagle Mountain, Utah providing for Alternative Street Name Signs, Sponsorship, Maintenance and Replacement. Dave Albrecht seconded the motion. Ayes 5, Nays: 0. Motion passed.*

**12. Approval of a Resolution Approving the Town of Eagle Mountain, Utah to Define Hours for Inspection of Utility Installation Work:**

This item was tabled from the previous meeting so the language could be revised.

**MOTION** *Brigham Morgan moved to approve Resolution # 07-00, a Resolution of the Town of Eagle Mountain, Utah to Define Hours for Inspection of Utility Installation Work, as amended. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion Passed.*

**13. Amendments to The Ranches Design Guidelines:**

The Ranches made a request to amend their Design Guidelines with regards to the orientation of garages and porches. The current code allows "a minimum of 1/3 of the houses on any group of six (or less) adjacent lots shall be of either front-loaded garage design with the garage located at the rear of the lot (set back 50 feet or more) or side loaded garage design." The Ranches believed that these guidelines created a mixture of designs that was not appealing; therefore, they requested that the requirements be imposed on an entire "Ranch" as apposed to any six houses.

The current porch requirement demands that 1/2 of the houses in any group of six shall have a porch. The Ranches proposed that the same ratio of porches be required, but again allowed on a "Ranch" wide basis.

Discussion ensued regarding the minimum square footage of the houses being built.

Shawn Warnke, Town Planner, commented on the possibility of having a street with one design element. Brigham Morgan stated that he had discussed that prospect with Carl Allred. Mr. Allred advised him that if this were to occur the street would have something that varies it. Scott Kirkland added that the Ranches Design guidelines require that a home can't be repeated until three lots later.

**MOTION** *Brigham Morgan moved to approve the amended Ranches Design Guidelines, replacing section 6.4.1.4 - B (pg 35) with the amendment as stated, Exhibit I, and replacing section 6.4.1.4 - C (pg 36) as recommended in Exhibit I. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**14. PWB recommendation to complete the Black & Veatch Report without a specified monthly building permit number:**

**MOTION** *Greg Kehl moved to approve the Public Work Board's recommendation that Black & Veatch furnish their report based on their professional judgment, and conditions as they have changed from September 1999, to March 2000. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**15. Adjustment to EMP's C-Store Connection Fees:**

John Newman requested that the Council approve the Town Engineer's recommended connection fees.

**MOTION** *Dan Valentine moved to approve the actual cost connection fees for the C-Store in the amount of \$1867.75. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**23. Utility Disclosure Clause in the Development Agreements:**

John Newman requested that this item be discussed prior to discussing the proposed Development Agreements, as it would influence voting on related issues.

Jerry Kinghorn addressed a special condition that was added to the Development Agreement after the new impact fee ordinance was adopted. The previous Town Council wanted a disclosure added that would advise potential buyers and builders of the utility capacity problem and that those individuals should contact the Town before they purchase any property.

Mr. Kinghorn stated that prior to the meeting The Ranches had asked who in the city would be contacted regarding the disclosure, and what kind of answer would be given regarding the capacity problem. John Newman stated that the disclosure had always been in the agreement in one form or another, it had just been rearticulated in a different manner. Mr. Newman stated that the prospect of people calling the Town with regards to the disclosure was minimal. However, Mr. Newman said that that he, or Corey Walker could be contacted to discuss the utility capacity problem with those who called.

Mr. Kinghorn suggested that the two service areas should be tailored to reflect the utility problems endemic to those areas and modify the disclosure accordingly.

Several of the developers were concerned with the language in the disclosure and requested that it be altered so it wasn't so punitive. Brigham Morgan made a recommendation regarding the verbiage of the disclosure. His proposal would relinquish the Town of any liability while informing the buyer of the potential utility predicament.

John Newman commented that getting the needed infrastructure built to accommodate both service areas would make the difference. He stated that the Town had just received funding from developers to get the pre engineering started on some of the needed infrastructure. Greg Kehl commented that if the funding continued then the disclosure would go away.

Discussion ensued regarding the needed facilities; Staff commented on the status on the utility capacity.

The Council turned over the new disclosure to the Town Attorney, Jerry Kinghorn. Mr. Kinghorn

stated that he would review the draft and circulate a revised disclosure to the developers.

Based on this information, items 18, 21 and 22 were tabled.

**16. Approval of a Development Agreement and CCR's for Castle Rock:**

Mayor Bond stated that he had discussed Castle Rock CCR's and Development Agreement with the Town Attorney and Administrator and believed everything was in order.

Greg Kehl discussed the size of the homes that were being built in Eagle Mountain and stated that residents were concerned with the number of smaller homes that were being developed, especially those located near larger homes. Scott Kirkland commented that The Ranches had a balanced development plan with approximately 30-40% entry-level homes with the remainder being custom and semi custom homes. Mr. Kehl suggested that the Planning Commission look into adding a minimum square footage requirement to the Development Code.

**MOTION** *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and The Ranches LC for Castle Rock at Red Hawk Ranch, as stated. Dave Albrecht seconded the motion. Ayes: 4, Nay: 1. Motion passed. Mayor Bond opposed.*

**17. Approval of a Development Agreement for The Ranches Business Park, Plat A:**

Discussion ensued regarding an Exhibit in the Development agreement that showed the architectural drawings were missing from the packet.

**MOTION** *Greg Kehl moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and The Ranches LC for The Ranches Business Park, Plat A, with section 2.3 to read as "architectural review and approval of site plans and buildings is required for all additional and future construction in the subdivision. Dan Valentine seconded the motion. Ayes: 3, Nays: 2. Motion passed. Mayor Bond and Brigham Morgan opposed.*

**18. Approval of a Development Agreement & CCR's for Threes Crossing, Plat A:**

This item was tabled.

**19. Approval of a Development Agreement & CCR's for Ruby Valley:**

This item was tabled to correct the document.

**MOTION** *Dave Albrecht moved to table the Development Agreement & CCR's for Ruby Valley, Plat A. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**20. Approval of a Development Agreement & CCR's for Simpson Springs:**

This item was tabled.

**21. Approval of a Development Agreement & CCR's for Saddleback, Plat B:**

This item was tabled.

**22. Approval of a Development Agreement & CCR's for Cedar Trails Villages, Phases 1 & 2:**

This item was tabled

26. **Other Business:**

Phil Nolan presented the new street signs that The Ranches intended using in their subdivisions. The Council was satisfied with the change once the lettering on the signs met the Town Code.

24. **Blue Stakes Contract:**

John Newman recommended entering into a contract with both Stake Center and STS. It was Mr. Newman's opinion that Stake Center was more reputable than STS, however, having service from both companies would accommodate the Town in case of an emergency.

**MOTION** *Greg Kehl moved to approve the following contractor's services for Blue Stake locating, STS INC. and Stake Center Locating INC. That Staff first negotiate a contract with Stake Center Locating INC. as a prime contractor, and STS INC. as a backup. Then, if unable to negotiate a contract with Stake Center, contract with STS INC. as a prime contractor. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

25. **Consent Agenda Items:**

**MOTION** *Dave Albrecht moved to approve the Consent Agenda as amended. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

26.1 **Other Business:**

Greg Kehl discussed the possibility of the Town Staff recommending to the Planning Commission to investigate amending the Development Code to incorporate a minimum guideline with regards to house sizes.

**MOTION** *Greg Kehl moved to direct Town Staff to direct the Planning Commission to investigate and give suggestions for minimum square footage for finished living space for the Development Code in the Town of Eagle Mountain, Utah. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

27. **Adjournment:**

**MOTION** *Greg Kehl moved to adjourn @ 11:10 p.m.*

APPROVAL: \_\_\_\_\_

Mayor Paul R. Bond, Jr.

DATE: \_\_\_\_\_

3/19/01

This certifies that the minutes of  
Apr. 4, 2000 are a true, full and  
correct copy as approved by the  
City Council on May 2, 2000

Signed: Paul B. Valentine, CMC  
City Recorder