

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
1668 E. Heritage Dr.
Eagle Mountain, UT 84043
April 20, 1999**

1. Roll Call:

Mayor Bateman called the meeting to order at 7:11 pm.

Councilmembers present: Mayor Robert E. Bateman
Dan Valentine, Bill Chipman, Cyril Watt (arrived at 7:45 pm)
Diane Bradshaw excused

Town Staff:

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

Others present: Dale Berg, Sage Park; John Gump, Sunrise Construction; Doug Gwilliam, resident; Rich Morley, ETC; Bert & Rebecca Ankrom, residents; Randy Oakley, resident; Tiffany Shapiro, resident; Danny Hooge, Cedar Pass Ranch Homeowners Association; Joshua Elledge, resident; Carolyn Royce, resident; Paul Bond, resident

2. Pledge of Allegiance:

Dan Valentine led the Town in the Pledge of Allegiance.

3. Approval of Agenda:

Move item 22 to before item 5.

MOTION *Dan Valentine moved to approve the agenda as amended. Bill Chipman seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt had not arrived as yet.*

4. Approval of Minutes of April 6, 1999:

MOTION *Bill Chipman moved to approve the amended minutes of April 6, 1999. Ayes: 3, Nays: 0. Motion passed. Cyril Watt had not arrived as yet.*

5. General Discussion/Questions/Announcements:

Mayor Bateman asked and had approval in the agenda to take care of item 22 first as Gary Tassainer needed to leave the meeting early.

Electric Transmission Line:

Gary Tassainer talked about an offer from PacifiCorp received the previous either Thursday evening or Friday morning. The amount required annually by PacifiCorp would be sufficient to allow the Town

to amortize 5.6 million dollars at 6% interest for 30 years for the transmission line. With the transmission line and substation the Town could borrow 9.1 million dollars at 6% interest for 30 years.

There was some discussion on this item as far as rights-of-way, open land, existing corridor, condemnation issues, etc.

There was some discussion about how far it would be if it came from Camp Williams.

There was some discussion about the time frame for construction of the line.

This was presented in order to decide whether or not the Town of Eagle Mountain should build their own electric transmission line or have it done by PacifiCorp.

MOTION

Bill Chipman moved to authorize John Newman, Public Works Director, to proceed with the transmission line in getting the proper financing, to acquire the land. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt had not arrived as yet.

Mayor Bateman announced the activities of the Pony Express Days on June 19th. He said the day would begin with a Fun Run, Breakfast, Service Project, Rodeo, Softball Tournament, Dinner, and Dance.

Liisa Nusz announced that on May 1st they would need at least 50 to 100 people to help lay sod as the Pony Express Regional Park.

Paul Bond, resident, asked about the route of the fun run.

Janet Valentine said that Jennifer Morgan would be making an announcement at the next meeting.

Cyril Watt arrived at 7:45 pm.

Ruth Brandt, resident, asked about a school in Eagle Mountain.

Jim Peterson, Eagle Mountain Properties, commented briefly about how they are trying to work with the Alpine School District concerning the school issue.

Jim Guthrie, resident, commented about the school busing issue.

6. Appointments:

There were no appointments.

7. Public Notices:

There were no public notices to discuss.

8. Public Comment:

Danny Hooge, Cedar Pass Homeowners Association, proposed about turning over their park to the Town of Eagle Mountain. He said it states in their CC&R's that the homeowners would take care of the riding range.

Mayor Bateman asked Jerry Kinghorn about the park being taxed by the county. Danny Hooge said he was in possession of an \$800 property tax bill from Utah County. Mayor Bateman thought that the tax would be on the value of the houses.

Jerry Kinghorn, Town Attorney, commented on the tax issue. He advised the Homeowners Association to question the Utah County Assessor about this tax. He said that if they are wanting to turn the park over to the Town for any other reason, then they would need to talk about it.

Jerry Kinghorn said it would have to be a vote by the homeowners.

9. Announcement of the Town Logo Contest Winner and Adoption of the Official Eagle Mountain Town Logo:

Jerry Kinghorn announced the winner of the new Town Logo was Ken Nusz. The runners up were Brigham Morgan and Ben Watt. The winner was given a \$250 gift certificate from the Eagle Mountain Properties Nursery. The runner up and participants were given \$10 gift certificates. A 9-year old boy, Sam Schroder, was given a \$10 gift certificate to Toys R Us.

10. The Ranches Update:

Bob Lynds, The Ranches LC, announced that the golf course was finally under construction. He said they expected it to be seeded by August or September and ready to play on by August or September in the year 2000. He said they were working on the well arrangements and that some plans were ready to be submitted to the Planning Commission.

11. Eagle Mountain Properties Update:

Jim Peterson said he did not have any comments.

12. Motion to Approve CONSENT AGENDA ITEMS as follows:

(1) Warrant Register/Jeri Wilson

(2) Partial Payment Requests/Korey Walker

Niels Fugal Sons Company – The Ranches 6” Steel Gas Line - \$132,187.00
Valley Asphalt, Inc. – Sweet Water South Rd Extension - \$214,664.74
Contract Service, Inc. - Eagle Mountain Properties 6” Steel Gas Line - \$22,549.85
Central Ind. Construction, Inc. - Eagle Mountain Properties – Storm Drain – \$248,421.44

(3) Partial Bond Releases/Korey Walker

Diamond Springs @ Red Hawk Ranch - \$156,725.00
Rockwell Village @ Red Hawk Ranch - \$149,790.00

(4) Contract Change Orders/Korey Walker

#1 – Neils Fugal Sons – The Ranches 6” gas Line - Increase \$29,110.00 – no time change
#2 – Central Industrial Construction, Inc. – EMP Storm Drain - Increase \$91,299.63 – Increase 121 days
#2 – Valley Asphalt, Inc. – Sweet Water Rd – Increase \$22,187.10
#6 – Contract Service, Inc. – EMP 6” Steel Gas Line – Increase \$3,308.00

MOTION

Dan Valentine moved to approve the CONSENT AGENDA. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion passed.

Bill Chipman asked that contractors be more consistent in paying their bills.

Mayor Bateman stated that in terms of the releases, there had been some discussion about releasing retainage and progress payments to CIC on The Ranches Parkway. He said what he would like to do is

ask Korey to work on that and add some stipulations from them as to when they are going to get started again. He said they needs some lien waivers for everything that has been done up to this point and then the Town needs an agreement between the Town, CIC, and The Ranches basically spelling out that the Ranches will pay agreed-upon interest up to the start time; that the remobilization will be paid on the first, and a draw request of the retainage will be paid within 20 days of Council approval.

13. Class II Preliminary Approval for the Town Center East Commercial Project:

This will be taken care of with item 14.

14. Class II Final Approval for the Town Center East Commercial Project:

Rich Morley gave a presentation on this project. He said this phase would have a Deli and an Office Building.

DRC Recommendations:

1. Special Improvement District (SID) information.
2. A proposed development agreement
3. Adjacent property ownership.

Staff Conditions:

1. A detailed landscaping plan for the buffer area between the development and Eagle Mountain Boulevard should be submitted.
2. When road right-of-way is dedicated, it should include a minimum of six (6) feet behind the back of the curb (this requirement has been met by the applicant).
3. Design guidelines and CC&Rs should be approved for this project.

Jerry Kinghorn had questions about a piece of the land.

Brigham Morgan, resident, asked where the trailers that are currently on the property were going to be moved to.

Bill Chipman had questions about the landscaping plan.

Dan Valentine had no comments.

Cyril Watt had no comments.

There was a discussion about the Arts Council. Jerry Kinghorn advised that there be no action concerning a designated art object for this development. He said there needed to be more legal work done concerning this part of the Development Code.

Rich Morley said he has offered to donate space on the third floor for the library.

MOTION

Bill Chipman moved to approve the Preliminary Class II Approval for Town Center East Commercial Project subject to the recommendations of the Town Staff with a clarification that this only covers lots 1, 2, and 4; that the landscaping plan as designed in the package presented by the developer and that the layout of the buildings be in conjunction and the same as in the presentation by the developer. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

Mayor Bateman talked about doing a Preliminary and Final on the same night. He said there are a couple of items that need to be addressed before final approval. He said there must be the Development Agreement and also, the Town needs to make any final approval conditional on the Plat 4 entry road and landscaping plan for that area being approved and the plat being recorded.

MOTION

Bill Chipman moved to approve the Class II Final Approval for the Town Center East Commercial Project subject to the Town Staff recommendations, that item 2, when road right-of-way is dedicated, it should include a minimum of six (6) feet behind the back of the curb, be adopted; that the joining right-of-ways for the roads adjoining to Eagle Mountain Boulevard be platted and that the landscaping plan be approved. This applies to lots 1, 2, and 4. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

Ray Morley commented about the amount of time it has taken to go through this process to get approval before they could begin this commercial project.

John Newman, Town Administrator, commented about Ray's remarks. He said it wasn't the Town that held up this project. He said that not all of the requirements for this project were submitted when they needed to be submitted so that this could proceed.

Mayor Bateman stated that there are several things that need to be done. He said this is a two-year old community. He said this is the Town's first commercial project. He said that as the Town's Mayor, it is his first priority that all the i's are dotted and the t's are crossed. He said they also need to streamline the process as best they can. He wants items to be complete when they come for final approval.

15. Patterson Construction's request for a waiver of the minimum porch size requirements for certain homes in their project:

John Newman recommended moving this to the end of the meeting as Wayne Patterson was not present.

Bill Chipman said that Wayne Patterson said in the Planning Commission Meeting on April 13th that there were only 12 homes involved. Mr. Patterson then told the Town Staff that there was a total of 28 homes involved.

16. Public Hearing: A. Proposed master development plan and rezoning of real property located on the east side of Eagle Mountain Boulevard at the Pony Express Roadway from Agricultural (AG) to Town Core Residential (TCR):

Dale Berg gave the presentation. He said this is located on 105 acres. There are 274 lots. The density is 2.6 per acre.

Brigham Morgan, resident, asked how this fits in the General Plan.

Paul Bond, resident, asked a few questions.

Josh Elledge asked how many phases this would be. Dale responded that it would be done in three phases.

There was a discussion about a short tunnel going under Eagle Mountain Boulevard.

There was a discussion about roads and alleys. Janet Valentine asked about whether or not the Pony Express Trail going through the property would be made a road or would it remain the same so that the horses could still ride through it.

Bert Ankrom, resident, asked about the Lehi Fairfield Road.

Jerry Kinghorn said this is a public road and would need a formal hearing to vacate or abandon that road. He said they would probably have to route the traffic some other way.

Cyril Watt asked about the use of ATV's in that area.

Mayor Bateman closed the Public Hearing.

Dan Valentine expressed concern over densities.

Mayor Bateman responded about part of the Development Code.

Jerry Kinghorn asked who owned this land. Dale said it was Stan Smith.

Mayor Bateman asked that some information be obtained about the Pony Express Trail so that they know exactly how the trail goes so the developer can keep it the way it should be.

17. Action regarding approval of rezoning the real property located on the East Side of Eagle Mountain Boulevard at the Pony Express Roadway from Agricultural (AG) to Town Core Residential (TCR):

MOTION

Dan Valentine moved to approve the rezoning of the property from agricultural to Town Core Residential (TCR) subject zone change and accept the Development Master Plan for the Sage Park Development according to the map displayed at the Council Meeting that should also be designated as an exhibit for this item and be initialed and dated; that the Town find it desirable to maintain the Pony Express Trail in a usable fashion for the yearly celebration of the Pony Express route; and that it is the Town's intention or desire to see that the Town Core Residential high density zoning is not perpetuated further without zones with lesser density. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion passed.

18. Action regarding approval of the Master Development Plan:

MOTION

Bill Chipman moved to approve the Master Development Plan based on the rendering there submitted which would be accepted as an exhibit representing a Master Development Plan and make it subject to the Town Council reserving the right to retain any alignments, use, restrictions, conditions or other characteristics of the existing Pony Express Route based on input of from the Historical Society, Pony Express Group or any other historic group that would be able to provide us with history regarding that trail. Cyril Watt seconded.

Bill Chipman amended the motion that there would be a study of the roundabout and come up with a solution for the alignment and funding. Cyril Watt accepted the amendment.

Bill Chipman amended the motion that this would also be subject to compliance with the Master Development Plan. Cyril Watt accepted the amendment. Ayes: 4, Nays: 0. Motion passed.

19. Department Reports:

John Newman reported that he had a very successful meeting with the Airport Advisory Board. They talked about different organizational options. The next meeting will be in June and they will be talking about what they learned from this meeting.

John announced that he hired Dana Neth as his new assistant.

John gave a brief explanation of how the new Town offices are coming along and what needs to be done before it can be occupied.

Jenny Nash, Youth Council, spoke briefly about what they were doing and what kind of goals they are setting to be more productive as a Council in the future.

Bill Chipman said there would be a Planning Commission training meeting on Thursday from 5 until 7. Bill touched briefly on the fence issue that was brought up at the Planning Commission Meeting on the 13th of April.

Dan Valentine, Public Works Board, said that the items he was going to talk about were taken care of in the meeting tonight.

Cyril Watt reported that the Neighborhood Watch Program is going great.

Joann Murphy, Utah County Sheriff's Department, said that Randy Oakley is working on an Emergency Preparedness Plan.

There was a discussion about various service projects. Mayor Bateman reported that Eric Jones is working on trying to get more second hand equipment for the Fire Department.

20. Consideration to approve design of street signs in Eagle Mountain:

Korey Walker gave everyone a handout showing the design of the new street signs. There was a discussion about the size and what kind of posts to use.

MOTION

Cyril Watt moved to approve the adoption of the new street sign as proposed by the Town Engineer. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

21. Approval to purchase a backhoe:

John Newman said he had several quotes submitted. He said the bid he liked the best was the one for a John Deere 310E Backhoe Loader with auxiliary hydraulics. The total price quoted was \$55,350.00. Mayor Bateman asked how much had been budgeted for this item and John said \$45,000. He said that Jeri Wilson said there was extra money from the money budgeted to hire people on March 1st that hadn't been hired yet. There was also some extra money in General Capital that would make up the difference.

MOTION

Bill Chipman moved to approve the purchase of a John Deere 310E Backhoe Loader for \$55,530.00. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

22. Electric Transmission Line:

This item was taken care of in item 5.

23. Consideration to adopt the Tentative 1999-2000 Fiscal Year Budget:

John Newman said that the State law requires the Town to adopt a tentative budget that becomes a straw man for the public scrutiny. He said it does not lock in any course of action. John said you can amend, change, and rearrange the budget any way you want up until you adopt the regular budget.

MOTION

Bill Chipman moved to approve the tentative Eagle Mountain Budget for the fiscal year 1999-2000 and set a public hearing for the second meeting in May. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

24. Introduction to approve a Consolidated Fee Schedule:

This is an FYI item only. No action to be taken.

25. Consideration to approve a Study to be done on the Eagle Mountain Telecommunication System:

John Newman gave a brief explanation.

MOTION

Dan Valentine moved to authorize a study to be done to see if the Town of Eagle Mountain needs to be in the Telecommunications business. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion passed.

26. Motion to adjourn into a Closed Executive Session:

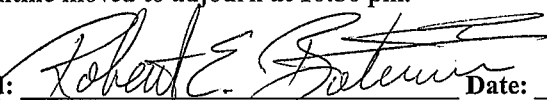
Nothing to discuss.

27. Motion to postpone item 15 until the next Town Council Meeting:

MOTION

Bill Chipman moved to postpone item 15, Patterson Construction's request for a waiver of the minimum porch size requirements for certain homes in their project, until the next Town Council Meeting. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

Dan Valentine moved to adjourn at 10:30 pm.

Approved: 
Mayor Robert E. Bateman

Date: May 4, 1999