

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
May 1, 2001**

POLICY SESSION 7:12 p.m.

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

1. Roll Call:

Council Members present: Mayor Paul Bond, Bert Ankrom and Brigham Morgan. Dave Albrecht and Greg Kehl were excused.

Town Staff:

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

Others present: Mark Lofgren, resident; David Blackburn, resident; Jody Hooley, resident; Jeff Love, resident; Josh Elledge, resident; Rob Smith, resident; Candice Pratt, resident; Scott Romrell, resident; Mark Elmer, resident and Tiffany Shappiro, resident.

2. Pledge of Allegiance:

Brigham Morgan led the Pledge of Allegiance.

3. Approval of Minutes:

Tabled

4. General Discussion/Questions/Announcements:

Mayor Bond briefly discussed the upcoming bond for the Alpine School District and encouraged all residents to support the issue. The Mayor also mentioned that a young boy had been hit by a vehicle at The Ranches and reminded parents to teach their children road safety to help avoid any further incidents. Motorists also needed to be mindful and watch out for children playing in the community.

The Mayor, on behalf of the Town Council, expressed gratitude to Darrin Brandt and Jamie Mooring for their service as members of the Economic Development Board. A plaque would be presented to Mr. Brandt and Mr. Mooring at a later date, as they were not in attendance.

Mayor bond presented a plaque to Tiffany Shappiro in appreciation for her assistance with the Mayor's monthly newsletter. Mrs. Shappiro was in the process of relocating and could no longer volunteer her services.

5. **Appointments:**

None.

6. **Public Notices:**

None.

7. **Public Comment:**

Chris Kemp, resident, discussed damages in Overland Trails caused by construction workers. Mr. Kemp stated that while a quote to repair the damage had been received and notice to proceed was given, the damage hadn't been repaired. John Newman responded that it was the developer's responsibility to repair the damage, as final acceptance of the subdivision had not taken place. Once the developer had completed a punch list of requirements that were not in compliance the Town would assume the responsibility of the subdivision.

8. **Adoption of a Tentative Budget for Fiscal Year 2001-2002:**

Mayor Bond stated that a copy of the tentative budget would be available at the Town Records office the following day. The Mayor encouraged residents to get a copy of the budget and have all questions answered before the public hearing, as it wouldn't be a question and answer period.

MOTION *Brigham Morgan moved to approve the Tentative Budget and set a Public Hearing for June 5, 2001 and directed the Town Clerk to assure proper publication for the June 5th Budget Public Hearing. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

9. **Patterson Construction Design Guidelines for Eagle Point Subdivisions Plats A – J:**

Mayor Bond requested that the Design Guidelines be tabled, as Councilors Albrecht and Kehl were absent.

Bert Ankrom and Brigham Morgan requested that the item be discussed.

Brigham Morgan stated that he was not in favor of the design guidelines as presented specifically the standards for porches and garages.

Bert Ankrom commented on the "No Recourse Statement" and that it should be removed from the document. Mr. Ankrom also discussed previous contracts that residents had entered into with Patterson Construction. Mr. Ankrom believed that the new design guideline would violate the original contract and CC&R's that had been established.

Mayor Bond read a letter that Councilman Kehl had written regarding the proposed Patterson Design Guidelines. While Mr. Kehl felt that it was important to work with Patterson to promote growth in the Town Center there were several issues that needed to be resolved. Mr. Kehl recommended approval of the guidelines with the following stipulations.

1. Minimum setback of any structure be 25' or greater.
2. Minimum setbacks on future unapproved lots be – front 25', rear 45' and side 15'.
3. All noted violations are corrected before commencement of any project.
4. All open space, pocket parks and trails are completed in each related development that the proposed guidelines effect before building permits can be issued.
5. Requirements of masonry, stucco and/or stone wraps not be reduced.

Discussion ensued.

MOTION *Brigham Morgan moved to deny Patterson Construction Proposed Community Guidelines. Bert Ankrom seconded the motion. Ayes: 2, Nays: 0. Motion failed. Mayor Bond abstained from voting.*

Discussion ensued.

MOTION *Brigham Morgan moved to approve Patterson Construction Proposed Community Guidelines as submitted. Bert Ankrom seconded the motion. Ayes:0, Nays: 2. Motion failed. Mayor Bond abstained from voting.*

John Newman explained that the Council had three options. They could, by majority, have the item placed on the next Town Council Agenda, second, a motion could be made to table the item, and finally the Mayor, having control of the Agenda, could place the item on a future agenda for consideration. At that time, the Council could vote to have the item removed from the agenda.

Mayor Bond stated that the Patterson Design Guidelines would be placed on the next Town Council Agenda.

10. Transmission Line Interconnection Agreement with PacifiCorp:

Jerry Kinghorn discussed the Interconnection Agreement with PacifiCorp and stated that the construction of the line was in the first stage of construction. Funds were available for the project from the gas and electric revenue bonds. The Agreement was before the Council to receive authorization for the expenditure of up to \$20,000 to get the project under way.

MOTION *Bert Ankrom moved to approve the Transmission Line Interconnection Agreement between the Town of Eagle Mountain and PacifiCorp, and authorize the Mayor to disperse a \$20,000 deposit. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

11. Consideration and Approval of a Resolution Amending the Personnel Policies and Procedures Manual for the Town Staff of Eagle Mountain:

John Newman explained the amendment to the Personnel Policies and Procedures Manual for the Staff of Eagle Mountain that would allow employees to transfer of accrued sick leave to other Town employees.

The Council considered Resolution # R 14-2001 Amending the Personnel Policies and Procedures Manual for the Town Staff of Eagle Mountain.

MOTION *Bert Ankrom moved to approve Resolution # R 14-2001, a Resolution of the Town Council of the Town of Eagle Mountain, Utah Amending the Personnel Policies and Procedures Manual for the Town Staff of Eagle Mountain. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

12. Extension of the Preliminary Plat Approval for Mountain View, Eagle Mountain Properties:

John Newman stated that Eagle Mountain Properties had submitted a request for a one-year extension of the preliminary plat approval to complete the final phase of the Mountain View subdivision. All phases of the subdivision had received preliminary plat approval approximately 3 years ago and the approval had since expired. Mr. Newman advised the Town Council that the developer was in default for the payment of design fees that were due April 15, 2001 and, therefore, could tabled the request or approve the extension.

MOTION *Brigham Morgan moved to table the Extension of the Preliminary Plat Approval for Mountain View, Eagle Mountain Properties until the next Town Council Meeting. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

13. Ranches/Pony Express Road Repairs:

Korey Walker addressed the roadway repairs to The Ranches and Pony Express Parkway and recommended that the Council approve that the Staff to negotiate a Time and Materials Contract with R.A. Makell Contractors to perform work on The Ranches and Pony Express Parkway in an amount not to exceed \$10,000.

MOTION *Bert Ankrom moved to authorize the disbursement of funds, not to exceed \$10,000, to R.A. Makell for the repairs of The Ranches and Pony Express Parkway on a Time and Materials Contract. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

14. Airport Planning District:

John Newman reported to the Council that the Airport Board was given the duty to create airport authority. Since that time the Board discovered that the Airport Authority status was only granted to 1st Class Cities. The Board changed their focus to provide for and Airport Planning District. Town Attorney Jerry Kinghorn drafted an Ordinance for the Council's review. The Airport Board requested that the Town Council forward the proposal to the Planning Commission for their review and recommendation by June 15, 2001.

Nick Berg, Jake Garn Airport, added that the Eagle Mountain Properties proposed SID included improvements along Sweet Water Road heading south. Mr. Berg was concerned that the beautification to this area wouldn't occur until next year and requested that the Council explain the developer's position. Jerry Kinghorn stated that the Town hadn't heard from EMP regarding the SID and, therefore, was waiting to hear from them.

MOTION *Bert Ankrom moved to refer the Airport Board's recommendation to the Planning Commission for their recommendation and comments. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

15. Ordinance Amending Ruby Valley, Plat B Subdivision:

This item was tabled due to accounts receivable default.

MOTION *Brigham Morgan moved to table the Ordinance Amending Ruby Valley, Plat B subdivision due to default. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

16. Approval of Bids for Wood Poles, Conduit, and 138 kV Line Material:

Korey Walker briefly discussed the bids for wood poles, conduit, and a 138 kV Line Material and recommended approval of the bids. Mr. Walker noted that \$5,000,000.00 had been budgeted for this portion of the project under the Revenue Bonds. The cost estimate based on the proposed bids was \$4.7 million. There was a possibility that there would be some adjustment in the cost, however, the remaining funds would cover any amendments.

MOTION *Brigham Morgan moved to accept the following bids:*

1. *Stoddard Steel for the total of \$99,580.00 for the Substation Steel.*
2. *Caribou Inc. for the alternative # 1 for a total of \$508,518.00 for the 12.47 kV Underground Tie Circuit.*
3. *R.M. Enterprises for a total of \$309,678.00 for the North Substation.*
4. *Caribou, Inc. for a total of \$469,150.00 for the Interconnection Substation.*
5. *Par Electrical Contractors for a total of \$331,807.15 for the 138 kV Transmission Line.*

Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.

Mayor Bond opened up the meeting to Scout Troop 856 and allowed the Scouts to address the Council with several questions.

Mark Martinez inquired regarding the golf course at The Ranches. Brigham Morgan stated that The Ranches would have the course seeded by the end of May 2001 and expected that it would be open to the public in the Spring of 2002.

Ryan Turner discussed the possibilities of a skate park for the youth of Eagle Mountain. The Council informed the Scouts that they had already discussed the possibility of such a park. Ryan offered to present a design for the park, which the Council noted would be approximately 1 acre in size.

Scout Master Mark Westra, commented that the Scouts were looking for service projects and the Town could contact him if something came up that was suitable for the Scouts to be involved in.

Bert Ankrom asked what could be done to clean the strip of land from the Landing to the Town Center.

John Newman recommended that the clean up be placed on a Work Session to be discussed.

17. Motion to approve Consent Agenda items as follows:

- a. **Warrant Register**
- b. **Contract Change Order**
 - i. **NSA Water Line-Change No. 2, Tycon, Inc.**
- c. **Final Payment Request**
 - i. **NSA Water Line, Tycon, Inc.**
 - ii. **Booster Pump Station and Well No. 2, 2000, Nelson Brothers Construction Co.**
- d. **Partial Bond Release**
 - i. **Willow Springs, Phase 1**
 - ii. **Willow Springs, Phase 2**
 - iii. **Willow Springs Sales Trailer**
- e. **Partial Payment Request**
 - i. **Generator No. 3, Simpson Power**

MOTION *Brigham Morgan moved to remove items 17cii, Booster Pump Station and Well No. 2, 2000, Nelson Brothers Construction Co., and 17ei, Generator No. 3, Simpson Power from the Consent Agenda. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to approve the Amended Consent Agenda. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to table the Booster Pump Station and Well No. 2, 2000 Final Payment Request until the next Town Council meeting. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to approve payment of \$64,200.00 for an 1100 kW Generation Unit and 480 Volt Switchgear to Simpson Power Products. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

17. Other Business:

Korey Walker stated that The Ranches had requested a Capital Facilities Plan amendment for the Carlton parcel. Epic Engineering would provide a draft Capital Facilities Annexation at the next Town Council Meeting for the Council's review. At that time the Town Recorder would advertise a Public Hearing for June 5, 2001 for the Capital Facilities Plan Amendment.

MOTION *Brigham Morgan moved to direct the Town Engineer to provide the Town Council with a draft copy of a Capital Facilities Amendment Plan for the Carlton Annexation at the next Town Council Meeting, and if approved the Recorder would be required to advertise a Public Hearing. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to instruct the Town Planner to revisit and specifically review the setbacks assigned to garages within the Development Code. Setback issues needed to be reviewed as a whole and the garage setback as it currently exists. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

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

MOTION *Brigham Morgan moved to recess into a Closed Executive Session at 8:26 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Bert Ankrom, Jerry Kinghorn, Brigham Morgan, John Newman and Korey Walker.

20. Motion to adjourn the Closed Executive Session and Return to Open Session:

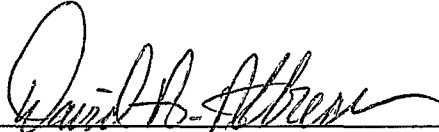
MOTION *Bert Ankrom moved to adjourn the Closed Executive Session at 9:30 p.m. and return to the Open Session. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

21. Any Actions from the Closed Executive Session:

There was no action.

22. Adjournment:

MOTION *Bert Ankrom moved to adjourn the meeting at 9:30 p.m.*

APPROVAL: 
David A. Albrecht, Mayor Pro tem

DATE: 6-28-01

This certifies that the minutes of
May 1, 2001 are a true, full and
correct copy as approved by the
City Council on June 19, 2001

Signed: 
City Recorder