

**MINUTES OF THE TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
May 2, 2000**

**POLICY SESSION 7:00 p.m.**

Mayor pro tempore Dave Albrecht 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: Ken Leetham  
Town Recorder: Janet Valentine  
Deputy Recorder: Fionnuala Kofoed

**Others present:** Rick Pierce, resident; Candy Bateman, resident; Keith Callen, resident; Cody Herbert, resident; Mark Madsen, resident; Jody Hooley, resident; Dave Thomsick, resident; Bill Neathery, resident; Dan Valentine, resident; Juanita Christiansen, Youth Sports; Nick Berg, Eric Jones & Russ Rossander, EMP; Scott Kirkland, The Ranches.

**2. Pledge of Allegiance:**

Brigham Morgan led the town in the pledge of allegiance.

**3. Approval of Minutes:**

**MOTION**      *Greg Kehl moved to approve the minutes of April 4, 2000 as amended.  
Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed,*

The April 18, 2000 minutes were tabled.

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

There were no announcements.

**5. Appointments:**

Appointment of Karen Larsen and Brenda Park to the Library Board.

**MOTION**      *Dave Albrecht approved the Mayor's Appointment of Karen Larsen and Brenda Park to the Library Board. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**6. Public Notices:**

The Public Notice for May 16, 2000 was cancelled and rescheduled for a Special Town Council Meeting May 23, 2000.

**7. Public Comment:**

Juanita Christiansen, Youth Sports, discussed the need for a port-a-potty and a trashcan at Pony Express Park. Mrs. Christiansen also commented on the poor shape of the soccer field. Mayor Bond directed John Newman to look into the issue.

Residents Darrin and Ruth Brandt, Cassidy Lock, Dianna and Brittany Monson, Rob Nielson and Becky Oakley voiced their support for the Library and commented on the positive aspects of having it available in the Town. Furthermore, they believed that the Library was especially beneficial to the youth of Eagle Mountain and encouraged the Town Council to find the means to support a paid librarian. Deputy Sheriff Jo Murphy echoed the resident's opinions regarding the impact the library had on children and the importance of being proactive in the community.

Rick Pierce, resident, commented that it was his opinion that some of the homes in Overland Trails were not in compliance regarding porch requirements. Mr. Pierce expressed that the addition of a porch to his home cost him \$1000 and he expected the Town to hold other potential residents to the same standards. Mr. Pierce also commented that the Art Council's sign was not in compliance and should have been removed, as was the sign for the Community Easter-Egg Hunt. Mr. Pierce was concerned with the lack of consistency.

Ray Morley addressed the Town Council and residents of Eagle Mountain with respect to the parking lot issue at the proposed Morco Store and explained the controversy between himself and EMP. Mr. Morley refused to permit parking in his parking lot west of the Morco store until EMP honored an agreement he had with them.

Marianne Liddiard, resident briefly discussed the poor condition of the parks and trails in Eagle Park and wanted to know whether the developers bond had been released. Korey Walker stated that a letter had been sent to the developer advising him of the items that were not in compliance within the subdivision.

Mickey Hill, resident, commented on the condition of the roundabout in the Mountain View subdivision. The bond had been released and the developer was no longer building in Eagle Mountain. Mayor Bond responded that the developer was still responsible to finish the improvements and the bond was no longer available to the Town. The Town was doing all they could to rectify the situation.

**8. Utah County Association of Realtors presentation to the Town Council:**

Mrs. Jackson, Utah County Association of Realtors, made a presentation to the Town council regarding urban sprawl within the State of Utah.

**9. Revised Parking Plan for Town Center East Convenience Store:**

The Town Council discussed the revised parking plan for the Town Center East Convenience Store.

Ken Leetham commented on the DRC and the Planning Commission requirements for the revised parking plan.

Korey Walker added an additional recommendation that a 4" road base to handle weather and traffic needed to be placed on the parking area north of the Town Offices.

Ray Morley stated that EMP had defaulted on two agreements. Mr. Morley understood that the parking issue didn't include the Town, however, he realized the impact it had on the residents.

Eric Jones, EMP, stated that he wanted to get things resolved, as he didn't want patrons of the Morco store to park in the gravel for the next few years.

Discussion ensued.

**MOTION** *Greg Kehl moved to approve the revised parking for the Town Center East C-Store based upon all 11 conditions set forth on Exhibit A; a letter from Epic Engineering dated April 26, 2000. On Exhibit A, item 10 and Exhibit B, items 1-5 of the Staff Report dated May 2, 2000 and the Planning Commission recommendations 1-8 (recommendations noted below). Also that a \$2,500 cash escrow be placed for the maintenance of the parking area, and that a bond be placed in conjunction with item # 11 for the placement of the asphalt in the event that it does not take place. This would allow the storeowner to continue business. Associated with # 11, a recordable notice is required for the Town. Brigham Morgan seconded the motion. Ayes: 3, Nays: 2. Motion Passed.*

Engineers Recommendations:

1. Expand railroad ties around the entire parking area.
2. Pave Heritage Drive to the northern limits of the parking area.
3. More defined structural section in parking areas.
4. Bond for the removal of the south parking area.
5. Pave the entire south parking area.
6. Agreement to keep aggregate and gravel off the asphalt.
7. An agreement to allow parking in the proposed areas with the Town.
8. Signs should be installed identifying C-store entrance locations.
9. Direction signs should be installed identifying C-store locations.
10. More defined maintenance agreement for parking lot and Heritage Drive.
11. An additional 4" road base to be placed on the parking lot north of the Town Offices.

DRC Recommendations:

1. That the temporary parking area expires on January 4, 2001, which is the same expiration date for the convenience store permit.
2. That a bond is posted for the restoration of curbing along Heritage Drive where there is a proposed curb for the south parking lot.
3. That the temporary parking areas be maintained and that the paved surfaces of Heritage Drive remain free from gravel.
4. That Eagle Mountain Properties provide a title report or proof of ownership of the land proposed for temporary parking areas.
5. That a land use agreement be prepared and signed by the applicant dedicating the use of the land as parking lots for as long as the convenience store is open and committing to maintain the parking lots.

Planning Commission Recommendations:

1. The DRC and Town Engineer's recommendations.
2. The plan being amended to include railroad ties bordering the entire north parking lot area.
3. The entire handicapped parking area being paved.
4. The road improvements for Heritage Drive being extended to the northern boundary of the parking lot as adopted in the "rural street section."
5. The lighting of the parking lot being worked out with the Town Staff.
6. The parking lot surface materials (north parking lot) meet the satisfaction of the Town Engineer and that the materials can withstand heavy rain and mud.
7. The shared parking agreement being provided for mutual parking (for Town and store).

8. The placement of a bond for the removal of the south parking lot after the temporary use has expired.

10. **Wayne Patterson requests to address the Town Council:**

This item was deleted.

11. **Consideration and approval of a Resolution Enacting Revised Water Rates for Water Use:**

The Council considered a resolution Enacting Revised Water Rates for Water Use.

**MOTION** *Brigham Morgan moved to approve Resolution # 08-00, a Resolution of the Town Council of Town of Eagle Mountain, Utah Enacting Revised Water Rates. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

12. **Adoption of a Tentative Budget for the Fiscal Year 2000-2001:**

The Council considered the adoption of a Tentative Budget for the Fiscal Year 2000-2001.

**MOTION** *Dave Albrecht moved to adopt the Tentative Budget for the Fiscal Year 2000-2001 as submitted. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. **Resolution Establishing a Protocol for the Potential Sale of a City Owned Utility:**

The Council considered a Resolution Establishing a Protocol for the Potential Sale of a City Owned Utility.

**MOTION** *Dan Valentine moved to adopt Resolution #09-00, a Resolution Establishing a Protocol for the Potential Sale of a City Owned Utility. Dave Albrecht seconded the motion. Ayes: 5, nays: 0. Motion passed.*

14. **Ordinance Adopting Application for Permit for Blasting Work:**

The Council considered an Ordinance Adopting Application for Permit for Blasting Work.

**MOTION** *Greg Kehl moved to adopt Ordinance #00-06, an Ordinance of the Town of Eagle Mountain, Utah regulating the use of explosives within the Town of Eagle Mountain and supplementing section 7703 of the 1997 Edition of the Uniform Fire Code. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. **Ordinance Amending Nuisance Definitions and Provisions:**

The Council considered an Ordinance Amending Nuisance Definitions and Provisions that would repeal the existing ordinance.

**MOTION** *Dave Albrecht moved to adopt Ordinance #00-07, an Ordinance amending nuisance definitions and provisions regulating the storage of junk cars and trash and requiring the use of trash containers for construction sites and providing for other trash, debris control and litter abatement in the Town of Eagle Mountain, Utah with section 1 being revised to include "fully out of public view behind an opaque screening fence." Also, that the clerk insert the ordinance # that is being repealed. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

16. **Ordinance Prohibiting the Use of Off-Highway Vehicles on the Public Trails, Parks and Other Private Property in the Town of Eagle Mountain:**

The Council discussed an ordinance that would prohibit the use of ATV's and other off road vehicles within the Town. The Council noted that off road vehicles would be allowed in marked areas.

**MOTION** *Brigham Morgan moved to adopt Ordinance #00-08, an Ordinance Prohibiting the Use of Off-Highway Vehicles on the Public Trails, Parks and other Private Property in the Town of Eagle Mountain, Utah. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. **Condominium /Multi-family Housing Application Fees Amendment:**

The Council considered the approval of the fees allowing the Town Staff to process the applications. The fees would be formally adopted as part of the Consolidated Fee Schedule June 6, 2000.

**MOTION** *Brigham Morgan moved to approve the Condominium/multi-family housing application fee amendment as outlined in Exhibit A, of the Planning Department Staff Report dated 4-24-00, and Exhibit B, Epic Engineering Report dated 4-26-00. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

18. **Overland Trails, Phase 1 – Final Acceptance:**

Korey Walker discussed the several items that had not been completed for final acceptance for Overland Trails, Phase 1. This was not an action item. Mr. Walker wanted to bring the Council up to date regarding the Overland Trails, Phase 1 development.

Engineer's Report:

1. Adequate gravel in swales to control erosion and provide adequate shoulders.
2. Landscaping in open spaces and trail areas.
3. Native vegetation of disrupted or damaged native open spaces.
4. Electrical boxes and telephones pedestals relocated out of drainage swales.
5. Telephone conformance tests.
6. Additional work needs to be provided to transition newly rip rapped inlet boxes with swale areas.
7. Speed limit signs need to be installed.
8. A section of curb and some asphalt should be repaired at the easterly entrance where storm water is pooling.
9. As built for all utilities including sewer, water, gas, telephone, and electrical.

Chris Kemp, resident, gave a brief situation of the parks history in Overland Trails. Mr. Kemp stated that he had organized a group of residents who were willing to work together and install a park and do some additional landscaping. Mr. Kemp requested that the Town work with the residents to get things moving.

John Newman stated that a park was required, in the manner of an ordinance, to be installed by the developers and the Town still expected EMP to follow through with their responsibility. Mr. Newman was concerned with residents installing a park, as it was a safety issue. Mr. Newman encouraged Mr. Kemp to make sure what the residents had planned would not become a safety hazard to the children. The Town Staff should review all playground equipment before it is purchased to make sure it is acceptable to the Town.

Discussion ensued.

Greg Kehl requested that a time frame be placed on the completion of the park. If the park is not completed then the bond should be ceased.

John Newman explained that he had reached an agreement with EMP to come up with a proposal within two weeks addressing some of the items in the Engineer's report that had not been completed. If the proposed alternatives were not satisfactory to the Town, then the bond would be called.

Eric Jones, EMP, believed that two weeks was adequate time. Greg Kehl stated that if a resolution wasn't reached by June 6, 2000 the bond would be ceased.

**19. Eagle Mountain Properties Master Signage Amendments:**

The Council considered Eagle Mountain Properties Master Signage Amendments.

Brigham Morgan expressed his concern regarding the size of the sign at the entrance to Eagle Mountain Boulevard. Additionally, the signs would be on the boundaries of the Town.

Dave Albrecht stated that the size of the sign was a welcomed changed and presented a professional design that could be read.

**MOTION**

*Dan Valentine moved to approve the amendments to Eagle Mountain Properties Master Signage Plan with all of the conditions in the Staff Report dated 5-2-00 as follows:*

*DRC Recommendations*

- 1. That the design, shape, lettering, and colors be as those exhibited in the Pony Express Memorial Park signage.*
- 2. That all the proposed signs are located outside of the right of way on private property and that written permission allowing the placement of signs on property be provided to the Town.*
- 3. That The Ranches grant permission to Eagle Mountain Properties to use their logo on the proposed signs.*
- 4. That the Town Council approves the use for the Town's logo on the proposed signs.*
- 5. That the proposed sign copy be changeable for the sign announcing the dated of Pony Express Days.*
- 6. That the advertising text "See the Stars, Hear the night." Be deleted on the third sign.*

*Planning Commission Recommendations*

- 1. All the Staff's recommendations.*
- 2. That the sign copy for sign # 2 be amended to center The Ranches logo on the sign.*
- 3. That sign # 1 be presented with a plan to improve the aesthetics of the base of the sign (the Commission discussed the use of rock or a xeriscape around the base of the sign).*

*Town Council Recommendation*

- 1. That sign # 1 for the Pony Express Days has a removable placard.*

**20. Streets & Parks Large Commercial Duty Mower Purchase:**

The Council considered the purchase of a commercial duty mower.

**MOTION**

*Brigham Morgan moved to approve the purchase of a Snapper 25HP, 61" deck with a catcher for the purchase price of \$9108. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**21. Public Works Department Trailer Purchase:**

The Council considered the purchase of a trailer for the Public Works Department.

**MOTION**

*Dave Albrecht moved to approve the purchase of a Lone Peak, Big TEX, 35SV trailer for \$1,260.00. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**22. Approval to Enact Adopt-a-Street Sign Ordinance, Agreement, Application and Related Forms:**

The Council considered Ordinance # 00-09.

**MOTION** *Brigham Morgan moved to adopt Ordinance # 00-09, an ordinance adopting an adopt-a-street program for public participation in litter removal from streets, trails, and other public property in the Town of Eagle Mountain, Utah as amended. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**23. Major Final Plat Approval:**

A. Consideration and approval of a Development Agreement including CC&R's between Saddleback Property, LC and the Town of Eagle Mountain for Saddleback Plat C.

This item was tabled.

**24. Settlement Agreement and Mutual General Release with Central Industrial Construction, Inc:**

The Council considered the settlement agreement.

**MOTION** *Greg Kehl moved to approve the Settlement Agreement and Mutual General Release Central Industrial Construction, Inc. as submitted authorizing the Mayor to sign the Agreement after the Council has an agreement with the bonding company. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**25. Amendment No. 1 Revised Supplemental Distribution Interconnection Agreement Between Pacificorp and the Town of Eagle Mountain:**

The Council considered the Interconnect Agreement with Pacificorp.

**MOTION** *Brigham Morgan moved to approve amendment No. 1 to the Revised Supplemental Distribution Interconnection Agreement between Pacificorp and the Town of Eagle Mountain as submitted. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**26. Motion to approve the Consent Agenda Items:**

A. Warrant Register.

**MOTION** *Dave Albrecht moved to approve the Consent Agenda. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**27. Other Business:**

Mayor Bond announced the resignation of Councilman Dan Valentine effective that evening. The Council thanked Mr. Valentine for his many hours of service.

The cutoff date for applications to fill the vacated position was May 24, 2000. The new appointment would be made on June 6, 2000.

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

MOTION *Dave Albrecht moved to adjourn into a Closed Executive Session @ 10:00 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Greg Kehl seconded the motion. Ayes: 5. Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, John Newman and Dan Valentine.

29. Motion to adjourn the Closed Executive Session and return to Open Session:

MOTION *Brigham Morgan moved to adjourn the Closed Executive Session @ 10:25 p.m. and return to Open Session. Greg Kehl seconded the motion. Ayes: 5. Nays: 0. Motion passed.*

30. Action from the Closed Executive Session:

There was no action.

31. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting @ 10:25 p.m.*

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

Mayor Paul R. Bond, Jr.

DATE: 3/21/01

This certifies that the minutes of May 2, 2000 are a true, full and correct copy as approved by the City Council on Mar. 20, 2001

Signed: Janet B. Valentine, CRC  
City Recorder