

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
May 15, 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, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

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

Others present: David Lifferth, resident; Brenda Park, Library Board; Eric Carper, residents; Les Miller, resident; Mark Elmer, resident; Juanita Christiansen, Sports Program; Rick Pierce, resident; Kim Southworth, resident; Jodie & David Blackburn, residents; Jonathon Biesinger, resident; David Loper, Eagle Mountain Community Arts; Michele Graves, Library; Michael & Shari Davis, residents; Cathie Faulkner, resident; David & Ann Watson; Jody Hooley, resident; Josh Elledge, resident; Rob Smith, resident; Karyn Larsen, Library Board; Wayne Patterson, Patterson Construction; Scott Price, resident; Jessa Schlich, The Ranches.

2. Pledge of Allegiance:

David Blackburn led the Pledge of Allegiance.

3. Approval of Minutes:

MOTION *Dave Albrecht moved to approve the minutes of April 17, 2001 as amended. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

4. General Discussion/Questions/Announcements:

Mayor Bound announced that the Council would hold a special meeting on May 29, 2001 at 7:00 pm. at the Community Center. The meeting would be an open forum for residents to voice their questions or concerns. No Town business would be conducted.

Eagle Mountain Pride Day was scheduled for May 26, 2001. There would be several clean up projects conducted around the Town. Residents were encouraged to contact the Mayor or Shawn Warnke at the Town Offices if they had any suggestions.

Mayor Bond read a letter of thanks that he had received from the Alpine School District regarding the bond election. The School District stated that they were looking forward to breaking ground for a school in Eagle Mountain in the near future.

5. **Appointments:**

a. Library Board

MOTION *Brigham Morgan moved to approve the Mayor's appointment of Mark Elmer to the Library Board. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. **Public Notices:**

Janet Valentine noted that there would be a Public Hearing for the FY Budget for 2001-2002. The Hearing was scheduled for June 5, 2001 at 7:15 p.m. at the Community Center.

7. **Public Comment:**

- Kim Southworth, Cedar Pass Ranch resident, requested that notification sent to residents advising them of new construction in The Ranches should have the minimum distance from the project increased because of the larger lot sizes.
- Eric Harper and Less Miller, both residents of Overland Trails, voiced their concern with respect to the entrance at Major Street off Eagle Mountain Boulevard. They believed that the entrance was a safety issue and requested that the speed limit sign be moved further North on the Boulevard to help slow traffic through that area. The residents also requested that a turning lane be constructed to avoid any traffic accidents. Korey Walker stated that the issue would be on the agenda at the next Public Works Meeting for a recommendation.

Item 10 was discussed next.

8. **Consideration to Approve Patterson Construction Design Guidelines for Eagle Point Subdivisions, Plats A-J:**

Mayor Bond opened the meeting for public comment with respect to the proposed Patterson Construction Design Guidelines.

The following residents commented in favor of Patterson's proposal: Mark Elmer; Gerald Fesser; Sandy Bastian and Rick Pierce. Sandy Bastian presented the signatures of approximately 90 residents who supported the amendments and believed that it would help boost development in the Town Center.

Linda Bryanholt, Patterson Construction Sales Agent, commented on the proposal. It was her opinion that the restrictions were responsible for the lack of development and slow growth in this end of the Town.

Bert Ankrom stated that he, along with other residents, had signed a contract with Patterson Construction acknowledging that they would uphold the CC&R's and now Patterson Construction wanted to change things. Mr. Ankrom believed that this was unethical and Patterson Construction should uphold their end of the contract.

Greg Kehl commented on several issues that the Councilors had concerns with. The Council was opposed to the "No Recourse" clause. Wayne Patterson stated that he would concede with the Town if Town Attorney Jerry Kinghorn recommended removing it.

A discussion ensued regarding porches, setbacks and lot sizes.

Greg Kehl stated that from this point on the lots sizes would have to change, as they were too narrow. The short setbacks also created a public safety issue. Mr. Kehl explained that the Council was trying to increase the

quality of the design in Eagle Mountain and to provide for move ups for residents to upgrade their homes in the future. An effort needed to be made to finish the trails and entrances and it needed to be a win-win situation.

Mr. Patterson stated that park equipment would be installed once the Council approved the Guidelines.

Mayor Bond requested that the remaining lots in the existing subdivisions were completed with front landscaping including sprinklers. An additional request was that trees be planted in the parks strips, which would help enhance the subdivision.

Brigham Morgan asked Mr. Patterson what marketing techniques the company had used over the last 18 months. Mr. Patterson stated that word of mouth was a very effective way to sell homes. They had also advertised using locator maps on the Internet and the newspaper. Mr. Patterson added that they intended to place a model home off SR73 in an effort to boost sales.

Mr. Morgan commented on the "Vision" in Eagle Mountain, which promoted a different approach to life that had attracted many people to the area. It was important to focus on the landscaping and aesthetics of the home to promote growth. It was his opinion that The Ranches had been successful, as they had used an aggressive advertising campaign and followed through on the beautification of the subdivisions. Mr. Morgan expressed his frustration with Patterson Construction as it was his opinion that their marketing had been stagnant and put on hold in Eagle Mountain. With respect to the Guidelines, Mr. Morgan stated that he had no problem approving some front-loading garages, however, the front porches needed to be maintained as a standard, as it was a part motif in Eagle Mountain.

The Council discussed the items that needed to be amended within the Patterson proposal.

MOTION *Greg Kehl moved to approve the Patterson Design Guidelines dated May 7, 2001 as submitted eliminating the entire "No Recourse" clause on page 2 of 17. Also, on page 15, illustration D.4b only five homes are to be approved with this lot configuration. Dave Albrecht seconded the motion. Ayes: 3, Nays: 2. Motion passed.*

9. Consideration to Approve an Extension of the Preliminary Plat Approval for Mountain View, Eagle Mountain Properties:

MOTION *Brigham Morgan moved to table the Extension of the Preliminary Plat Approval for Mountain View, Eagle Mountain, as the developer was in default. Greg Kehl seconded the motion. Ayes: 5. Motion passed.*

10. Consideration to approve an Ordinance Amending Ruby Valley, Plat B: (discussed after item 7)

Mayor Bond opened up the meeting to receive public comments.

David Lifferth, resident, stated that the Ruby Valley project needed to be halted at some point. Residents were concerned that the development was currently under construction.

Mayor Bond stated that the item wouldn't be discussed as the developer was in default of payment of fees. Mayor Bond added that the ordinance shouldn't have been placed on the agenda because of the default. The Mayor noted that he had discussed the Ruby Valley development with many residents in Ash Point and he assured the residents that their concerns hadn't fallen on deaf ears.

Korey Walker stated that the only construction in that location that he was aware of was on was a cul-de-sac, which had no effect on the subdivision.

Greg Kehl noted that the location fell under The Ranches Master Development plan. The focus of concern should be placed on the road, the phasing of the plats and lot size. If the developer chose to proceed they were doing it at their own risk. There were specific issues that needed to be addressed and they were being looked

into. Mr. Kehl went on to say that the item was tabled for specific reasons and it was the Council position to protect the developer as well as the residents.

David Blackburn, resident, asked why the developers were permitted to install the infrastructure if they were in default. Corey Walker responded that the infrastructure wouldn't affect the subdivision only the lot sets.

David Lifferth requested that residents be contacted when the developers were out of default. Mayor Bond stated that the Town would do what they could to make residents aware when the fees were paid and the amendment was ready for consideration.

MOTION *Brigham Morgan moved to table the Ordinance Amending Ruby Valley, Plat B due to default in payment of fees. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. Consideration to approve a Draft of the Capital Facilities Fund Amendment to include the Carlton Annexation and to schedule the public hearing:

The Council considered the draft of the Capital Facilities Plan Amendment to include the Carlton Annexation.

MOTION *Brigham Morgan moved to accept the Draft of the Capital Facilities Plan Amendment to include the Carlton Annexation. A Public Hearing would be scheduled for the following Town Council meeting on June 5, 2001. The item would be placed on public record for review. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

12. Consideration and approval of a 401K Investment Plan for employees through the Utah Retirement Systems:

The Council considered the approval of a 401K Investment Plan for Eagle Mountain Employees through the Utah Retirement Systems. The contribution rate had changed for FY 2001-2002 from 10.32% to 8.20%. Town Recorder Janet Valentine proposed that the difference of 2.12% be placed in a 401K Plan for each employee. As elected officials, the Town Council had the option to participate in the program, however, they chose not to.

MOTION *Bert Ankrom moved to approve the 401K Investment Plan for Eagle Mountain Employees through the Utah Retirement Systems, as submitted. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. Consideration of Settlement Agreement with Tasco Engineering, Tasco Construction and Gary Tassainer:

Jerry Kinghorn discussed the settlement agreement between the Town of Eagle Mountain and Tasco Engineering stating that both parties had reached a tentative agreement. The Town would pay Tasco for a portion of work that Tasco had completed for the Town and Tasco would release the Town of all claims and would clean up the zoning violation by the airport. There was a mutual dismissal of all claims and the Town would appropriate the funds noted in the agreement in the amount of \$100,000.00 on or before May 24, 2001. Mr. Kinghorn noted that the Agreement was a public document.

MOTION *Brigham Morgan moved to approve the Settlement Agreement as presented between the Town of Eagle Mountain and Gary Tassainer, Tasco Engineering, Inc. as submitted, and authorize the Mayor to sign the Agreement. Also, that the funds are appropriated, as stipulated in the Agreement, in the amount of \$100,000.00 to settle all claims with Tasco Engineering from the Un-appropriated Surplus Funds. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained from voting. Motion passed.*

14. Motion to approve Consent Agenda items as follows:

- a. Warrant Register

14. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Order
 - i. 138 kV Breaker and Added CT's (Change Order No. 1), Western States Electric
- c. Partial Payment Requests
 - i. 138kV Breaker and Added CT's, Western States Electric
 - ii. 138kV Circuit Switcher, Peterson Company
 - iii. 12.47kV Metal-clad Switchgear, Powell Electrical Mfg. Co.
- d. Partial Bond Releases
 - i. Rush Valley, Plat A, Sundance Homes, Inc.
 - ii. Saddleback, Plat A, Trophy Homes
 - iii. Saddleback, Plat B, Trophy Homes
 - iv. Saddleback, Plat C, Trophy Homes
- e. Final Payment Request
 - i. Booster Pump Station and Well No. 2, 2000, Nelson Brothers Construction Co.

MOTION *Bert Ankrom moved to remove item 14e, Final Payment Request for the Booster Pump Station and Well No. 2, 2000 from the Consent Agenda. Brigham Morgan seconded the Motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Bert Ankrom moved to approve the Consent Agenda as amended. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Other Business:

Greg Kehl discussed the purchase of a tractor brush hog in lieu of a dump truck that was included in the budget.

MOTION *Greg Kehl moved to approve the purchase of a Caboda Tractor, Model # L4610 HST for the sum of \$21,990.00. Also, a 72" Mower Deck Land Pride for the sum of \$1,818.00 from Valley Caboda. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

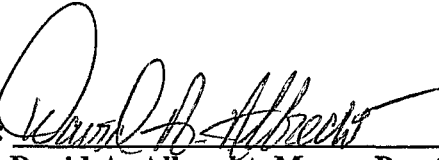
16. Any Actions from the Closed Executive Session:

There was no Executive Session

17. Adjournment:

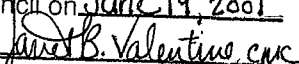
MOTION **Dave Albrecht moved to adjourn the meeting at 9:40 p.m.**

APPROVAL: _____


David A. Albrecht, Mayor Pro tem

DATE: _____

6-28-01

This certifies that the minutes of
May 15, 2001 are a true, full and
correct copy as approved by the
City Council on June 19, 2001
Signed: 
City Recorder