

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
June 6, 2000**

POLICY SESSION 6:05 p.m.

Mayor Paul Bond called the meeting to order at 6:05 p.m. at the Conference Room in the Town Office Building.

1a. Roll Call:

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

Town Staff:

Town Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Town Planners:	Ken Leetham
Town Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy
Fire Chief:	Eric Taylor

1b. Closed Executive Session:

MOTION: *Brigham Morgan moved to adjourn in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

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

MOTION: *Greg Kehl moved to adjourn the Closed Executive Session and return to the Open Session at 6:45 p.m. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

The Open Session was recessed until 7: 00 p.m. –MOVE TO THE COMMUNITY CENTER FOR THE REMAINDER OF THE MEETING.

Others present: Bert Ankrom, resident; Shelly Anderson, resident; Marcie Taylor, resident, John Stohlton, resident; Greg Jeppson, resident,; Darrin and Ruth Brandt, residents; Lee Dixon, resident; Eutona Dixon, resident; Wendy Swain, resident; Phil Nolan, resident; Danny Hooge, resident; Jana Cox, Arts Council; Rob Smith, resident; Rob Balter, resident; Josh and Jenny Elledge, residents; Eric Jones, Eagle Mountain Properties (EMP); Juanita Christiansen, Sports; Vincent Liddiard, resident; Monica Boyd, resident.

2. Pledge of Allegiance:

Mayor Paul Bond led the Pledge of Allegiance.

3. Approval of Minutes:

There were no minutes to approve.

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

Town Recorder Janet Valentine noted that the Primary Elections would be held in the Conference Room at the Town Offices on June 27, 2000 from 7am-8pm.

5. **Presentation to the Town Council by Christine R. Fox-Finlinson with the Central Utah Water Conservancy District:**

Tabled.

6. **Public Interviews with Town Residents interested in filling the vacant Council position:**

a. Town Council Member to fill the seat vacated by Daniel Valentine.

Mayor Bond stated that the Council had received three letters of intent to fill the Town Council position. One applicant did not qualify. The two remaining applicants were Bert Ankrom and Darrin Brandt, both residents of the Town Center. Mr. Ankrom and Mr. Brandt introduced themselves and briefly discussed their intentions. The Council voted and the decision was unanimous in favor of Bert Ankrom.

7. **Appointments:**

MOTION: *Brigham Morgan moved to approve the appointment of Bert Ankrom to the Town Council to fill the vacancy created by the Dan Valentine. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Councilman Ankrom was invited to sit with the Council. Town Recorder Janet Valentine administered the Oath of Office later in the meeting. Mr. Ankrom could not vote until he took the oath.

8. **Public Notices:**

None.

9. **Public Comment:**

Mayor Bond advised the audience that there was a three-minute time limit for each comment, for a total of 30 minutes.

John Stulton, resident, commented on Eagle Point Plats A, B & C and whether any parks or walkways were included in their approval. Mr. Stulton also asked who was responsible for the easement. Korey Walker stated that, until the warranty had expired, Wayne Patterson was responsible for the upkeep of the easement. Mr. Walker also stated that if Patterson Construction did not fulfill all required improvements, the Town would use a bond to complete any unfinished work.

10. **Waiver of Temporary Business License Fee for Vendors with booths selling goods at Pony Express Days:**

John Newman recommended that the Town Council approve a multi-year waiver of a Temporary Business License for the Pony Express Days. The Council decided to approve the waiver for a period of two years.

MOTION: *Brigham Morgan moved to approve a Waiver of Temporary Business License Fees for Vendors with booths selling goods at the Pony Express Days for a period of two years, 2000-2001. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

11. Approval of an Ordinance Adopting the Eagle Mountain Budget for the Fiscal Year 2000-2001:

Mayor Bond noted that the Arts Council had submitted their budget late due to a transition on their Board. Because of this, the Arts Council's budget was minimal. However, there was \$3000 available from the Sports Program because Eagle Mountain Properties had paid for a backstop that had been budgeted for. An additional amount of \$1500 was taken from the General Fund, for a total amount of \$5500. The Arts Council agreed to funds for the community Easter Egg Hunt. Brigham Morgan noted that \$3328 had been freed up in the budget, as EMP had committed to pay \$2 per hour for the paid librarian. Mr. Morgan proposed that these funds be transferred to the Arts Council. Youth Sports would be reduced to \$13,940 and the final budget for the Arts Council, adding \$3328, would be \$7328. Jennifer Morgan, Arts Council, stated that the additional funds would be used for a musical the following year.

MOTION: *Brigham Morgan moved to adopt Ordinance No. 00-10, an Ordinance adopting the Eagle Mountain Town Fiscal Year 2000-2001 Annual Budget as amended. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

12. Approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule:

Town Attorney Gerald Kinghorn stated that the revenue collected from property tax was the revenue that was set in the adopted budget. The fees would not be increased.

MOTION: *Greg Kehl moved to adopt Resolution No. 10-00, a Resolution approving and adopting a property tax rate for the fiscal year 2000-2001 for the Town of Eagle Mountain authorizing the Mayor to sign the documents to execute the Resolution. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

7b. Oath of Office:

Town Recorder Janet Valentine administered the Oath of Office to Bert Ankrom. Mr. Ankrom was permitted to vote on the remaining items on the agenda.

13. Approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule:

The Council considered Resolution No. 11-00.

MOTION: *Dave Albrecht moved to adopt Resolution No. 11-00, a Resolution of the Governing Body of the Town of Eagle Mountain Establishing a Consolidated Fee Schedule. The approved Fee Schedule will reflect the Telecommunication rates that were adopted at the previous Town Council Meeting, May 23, 2000; also, approving an amendment to the Concept Plan Fees that will be \$300. Projects with more than 40 ERU's will be charged an additional \$5 per ERU. This will be in effect 12:01 a.m. June 12, 2000 and not June the 6th, 2000. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

14. Claim for Refund of Impact Fees from Doug Jessop Construction, Inc:

Mayor Bond stated that Mr. Jessop had been charged Impact Fees on two lots rather than one. Mr. Jessop requested a refund for a total of \$1638.

MOTION: *Brigham Morgan moved to approve the refund of an Impact Fee to Doug Jessop for a total amount of \$1638 for lot 191 in Eagle Park. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

15. **Refund of Patterson Construction Company Building Permit Deposits for lots 20, 51, 52, 78, 153, 155 and 195:**

MOTION: *Dave Albrecht moved to approve the refund for Building Permit Deposits to Patterson Construction for lots 20, 51, 52, 78, 153, 155 and 195 in Eagle Point, Plat A. \$1000 will be refunded for each lot for a total of \$7000. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

16. **Patterson's Construction Appeal of the Planning Commission Decision to Amend the Development Code:**

This item was tabled.

17. **Vehicle-Building Inspector:**

This item was tabled.

18. **Animal Control Agreement with Utah County:**

The Council considered the Agreement with Utah County regarding Animal Control in Eagle Mountain.

MOTION: *Greg Kehl moved to adopt the Animal Licensing, Transportation, Enforcement and Shelter Service Agreement between the Town of Eagle Mountain, Utah and Utah County; authorizing the Mayor to execute the Agreement showing that the Council's recommendation in section 7 is included in Section 1. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

19. **License Agreement with UDOT:**

Discussion ensued regarding the Agreement with UDOT. The Council was uncomfortable approving the agreement as there were several issues that were unresolved. The Council agreed to table the item until their concerns were addressed.

MOTION: *Greg Kehl moved to table the Agreement between the Town of Eagle Mountain and UDOT until the responsible party is identified and all the developers' fees are paid and the developer is in compliance, and that the developer concedes to the indemnification agreement associated with the project. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

Dave Albrecht recommended that a letter be sent to the developer stating the Council's concerns and that Tasco Engineering also receive a copy of the letter.

20. **Awarding of the SCADA project:**

Korey Walker discussed the award of the bid and recommended signing the notice to proceed. The Council discussed several issues of arbitration, identification of dates, titles, specification and the total cost of the project. It was estimated that the project would take three months to complete. John Newman expressed the importance of getting the project underway as soon as possible as the Town runs the risk of running out of water without any prior warning.

MOTION: *Brigham Morgan moved to approve the notice of award to Remote Control Systems, Inc. and authorized the Mayor to execute the proposed agreement, once tabulation was completed, with the stipulation in Article 2 that the date be added indicating the order to proceed and that all bonding be fulfilled. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

5a. **Presentation to the Town Council by Christine R. Fox-Finlinson with the Central Utah Water Conservancy District:**

Christine Fox-Finlinson addressed the Council and invited the Town of Eagle Mountain to participate in a water study of municipal water requirements and facility planning in North Utah County. The cost for the Town to take part in the study was \$900, which would be billed at a later time. Mayor Bond recommended that Mrs. Finlinson contact Town Administrator John Newman. The Council was not prepared to comment on the project, as they had not received sufficient time to review the document.

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

- a. **Warrant Register.**
- b. **Contract Change Orders.**
- c. **Partial Bond Releases.**

MOTION: *Greg Kehl moved to separate the Consent Agenda Items. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

MOTION: *Dave Albrecht moved to approve the Contract Change Order for Tickville Wash. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

MOTION: *Brigham Morgan moved to approve the Partial Bond Release for Friday's Station for a total amount of \$203,313. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

Discussion ensued regarding the Partial Bond Release for Eagle Point, Plats B & C.

MOTION: *Greg Kehl moved to approve the release of escrow in reference to Eagle Point, Plats B & C, withholding \$76,250 for Plat C, and \$ 56,375 for Plat B for the bonding and placement of trees. Motion failed for lack of second.*

Discussion ensued.

MOTION: *Brigham Morgan moved to table the Partial Bond Release for Eagle Point, Plats B & C. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

22. **Other Business:**

None.

23. **Any Actions from the Closed Executive Session:**

None

24. **Adjournment:**

MOTION: *Greg Kehl moved to adjourn the meeting at 9:30 p.m.*

This certifies that the minutes of
6-6-00 are a true, full and
correct copy as approved by the
City Council on 4-3-01

Signed: *Jan B. Valentine, cmc*
City Recorder