

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH,
1680 East Heritage Drive, Eagle Mountain, UT**

DATE: June 23, 1998

A. OPENING:

1. Roll Call

The meeting was called to order by Mayor Debbie Hooge at 7:05 p.m.

2. Rob Bateman led pledge of Allegiance.

The following Council members were present and constituted a quorum:

Mayor: Debbie Hooge
Council: Rob Bateman, Dan Valentine and Cyril Watt

Town Staff:

Town Planner: Dave Conine
Executive Assistant: Ron Foggin
Town Attorney: Jerry Kinghorn
Town Clerk: Janet Valentine
Town Engineer: Korey Walker
Deputy Clerk: Barbara Wren, Recording

Also Present: Howard Ault, American Fork, Nick Berg, Eagle Mountain Properties; Bert Carter, Eagle Mountain Builders; James Dahl and Ross Hansen, MCM Engineering; Scott Gifford, Camelot Homes, Inc.; Jolene and Joseph Haws, residents; Rick Jackson, Lehi; Patty Johnston, Utah Co. Deputy Sheriff; Fionnuala Kofoed, resident; Bob Lynds, Cedar Pass Ranch and The Ranches properties; Marie Ludtke, resident; Joe Santos, Epic Engineering; Dave Sheets, Trophy Homes; Gary Tassainer, Tasco Engineering; Stephen Sowby, The Ranches; Martin Telapoli, Glen Mar Rentors, John Walden, Eagle Mountain Properties; Fred and Joel Woods, Eagle Mountain Builders; Michael Wren, MCM Engineering;

3. Approval of Agenda:

MOTION: *Rob Bateman moved to approve the agenda. Dan Valentine seconded. The motion passed unanimously.*

- 4. Approval of 2/24/98 Minutes, as amended:** Dan Valentine called for the following changes: Page 1, A, should read "meeting was called to order at 7:05 p.m. by Mayor Debbie Hooge" and page 3, paragraph 1, last sentence should read Dan Valentine. Rob Bateman requested the following changes: Page 1, C, item 1, delete all but first sentence; page 2, first paragraph, second sentence should read "Rob Bateman has prepared..." and paragraph 3, 5th sentence should read "include the AAB as one of the bodies that would review Class II permits submissions."

MOTION: *Rob Bateman moved to approve the minutes of February 24, 1998 as amended. Dan Valentine seconded. The motion passed unanimously.*

5. General Discussion/Questions/Announcements:

Mayor Hooge stated that Pony Express Day was very successful. The landscaping of the Fire Station was accomplished, with the volunteer help of the Fire and Police Departments and many others. There was roughly 200-250 people participating in the day. The Tasco Engineering team won the softball tournament. The Mayor commended the Staff members and spouses for their work and also Eagle Mountain Properties, The Ranches, Tasco Engineering, Epic Engineering for their various donations. The Mayor stated she feels that next year it will be even better. Pony Express Days will be scheduled the weekend before Lehi's Rodeo Days next year.

Dan Valentine asked for an update on possible reimbursement of property taxes to homeowners who were double taxed through Utah County and Eagle Mountain. Mayor Hooge responded that Jerry Kinghorn is presently working on that.

Janet Valentine introduced Barbara Wren, the new Deputy Clerk for the Town of Eagle Mountain.

Rob Bateman asked Patty Johnston to explain the program for Explorer Scouts in Eagle Mountain. Patty explained that Jo Murphy, Deputy Utah County Sheriff is currently working on creating a law enforcement Explorer post in Eagle Mountain for the purpose of encouraging careers in law enforcement.

6. Warrant Register / Janet Valentine:

The Warrant Register was reviewed and discussed. The Register was accepted with the exception of the Wilding Engineering entry.

Mayor Hooge asked for the status on gas loss. Korey Walker stated that the equalizer has been installed, however they are still experiencing some problems.

Mayor Hooge asked that Ron Foggin's memo of 6/19/98 regarding stipends for the Mayor and Council who sit on boards and committees be prepared in Resolution form, leaving the dollar amounts blank.

MOTION *Rob Bateman made a motion that, with the exception of the Wilding Engineering entry, we approve the Warrant Register for payment of the bills. Cyril Watt seconded the motion. The motion passed unanimously.*

7. Business License Approvals Procedure / Janet Valentine

Janet Valentine asked for clarification of the procedure for business licensing. Mayor Hooge asked Mrs. Valentine to coordinate the effort which would include consulting with Dave Conine for planning and zoning, and the Fire Chief, the Police Department and City Inspector, as appropriate. Sales trailers on a project site maybe issued a Conditional Use Permit.

8. Eagle Mountain Properties Update / Nick Berg

Nick Berg took note of those who were in attendance from The Landing and encouraged their attendance at Town Council meetings and that they express any concerns they may have. Nick made mention of the work done after the recent heavy rains, enlarging the temporary storm drainage ponds and correcting drainage problems.

Mr. Berg mentioned the Eagle Mountain Ready Mix batch plant that Fred Woods Development was building, and commented that once it is in place it was one way to eliminate some of the truck traffic down Highway 73 and Eagle Mt. Boulevard. This way trucks will be off traditional residential streets and using the back streets into the projects. Maps will be available showing where trucks will be driving.

The grass area behind the park is coming along well (located in front of the Fire Station), some of the vendors supplied materials for it. The playground is almost ready to be installed. Fred Woods will be doing some community service projects for them. Nick would like permission to work with them to begin

the trail system, working down toward The Landing. Mayor Hooge advised him to consult with Korey Walker and Dave Conine about it.

Nick Berg assured the Council that John Walden has informed him that the Town can continue using the Eagle Mountain Properties Logo and that he would work with Jerry Kinghorn and write a letter or whatever is necessary to assure the Town has use of the logo on stationery and street signs.

John Walden assured the Council that the funds were available to do the expansion for utilities infrastructure. He is prepared to write a check to Santec, but needs the OK from Jerry Kinghorn.

Dan Valentine said he understood they are going to go ahead with the gas tap on the south end of Eagle Mountain and asked if there would be a concurrent one on the north end also. Gary Taissainer answered that is what has been applied for at Kern River. The timing is an issue that Kern River is addressing, they are on schedule to make the south tap in October. If weather permitting and equipment favorable, etc. they should have it complete by February or March, otherwise in April or May, 1999.

John Walden stated he was here to obtain some answers such as why we need two generators rather than one. The original plan was to put in 1 tap and 1 generator station. Mr. Walden stated his purpose for visiting here was also to bring everyone together, to dispel the belief of some in the valley that the Ranches and Eagle Mountain Properties are competing. Mr. Walden stated this is not the case, they are different markets and different concepts but are working amicably together. He stated that his idea is to try to expand the Town, anything good for the Town is good for him. He is exploring possibilities, working out communication problems. The Mayor expressed appreciation for what John Walden has done and Mr. Walden reciprocated his appreciation to the Mayor and the Council.

Rob Bateman informed the group that a Utility Board meeting has been scheduled for Wednesday, July 1 at 6 p.m. to get everyone together to discuss some of these utility issues.

9. Public Comment

Fionnuala Kofoed, 1853 E. Pinion Circle, Eagle Mountain, expressed her displeasure with the utility rates. She feels they are too high. Ms. Kofoed had prepared a list of utility rates in other valley areas. She provided the Council with a copy of her compilation.

Jolene Haws, 1873 E. Pinion Circle, Eagle Mountain, after hearing John Walton speak in this meeting, expressed concern about how much influence his ideas will have on the Council. Rob Bateman responded that although the Walden group has invested a lot of money to do planning to develop this part of Eagle Mountain, the five people on the Town Council are not representing John Walden, they represent the citizens of this town.

Fionnuala Kofoed asked the Council if they would be willing to provide Eagle Mountain citizens with information before they enact policy. Rob Bateman explained that the Town has a Development Code in place and that code requires that there be certain periods of public notice. Council member Bateman informed Ms. Kofoed where the posting areas are located in Eagle Mountain and explained that they are published in the Lehi Free Press. He encouraged the residents to attend the meetings and express their interests. Discussion ensued.

10. PUBLIC HEARING

A. Proposed Amendments to the Development Code

A discussion was held regarding skirting on manufactured homes (see attached *Conditional Use Requirements for Manufactured Home Communities, Standards and Requirements, Item #9*). Rob Bateman said the Planning Commission apparently felt with this kind of construction, concrete panels, they still look like they're built on concrete foundation. The concrete panels take the place of skirting. Mr. Bateman stated that new manufactured homes that meet all the design guidelines may be built anywhere in the

subdivision if they meet the design guidelines. Subdivisions that are primarily for manufactured homes may propose alternate guidelines when they come in for their review process.

After a discussion about the inclusion of car ports (see attached *Conditional Use Requirements for Manufactured Home Communities, Standards and Requirements, Item #13*), Dan Valentine stated that the Planning Commission recommended no carports and Mayor Hooge agreed the decision against carports was made last week.

Regarding Maintenance of Premises (see attached *Conditional Use Requirements for Manufactured Home Communities, Maintenance of Premises, Item #13*) Mayor Hooge recalled that no T111 exterior material would be used in place of metal. It is suppose to be a vinyl or aluminum siding product as a minimum. Dave Conine will find the generic term for T111. Cyril Watt recommended we amend the first sentence to read, "...boats or other vehicles", striking the word "recreational". Dan Valentine suggested the Council include the types of materials that are acceptable for siding, and it was decided that brick, vinyl, stucco or solid wood are the acceptable kinds of siding.

Mayor Hooge suggested we eliminate Item f, page 58 of the Eagle Mountain Development Code. Rob said it had been included because of the car port question but agreed to take it out.

Rob Bateman explained that he has taken each chapter of the Development Code and created it as its own document so that when amendments are made we will throw away only the chapter we amend.

Mayor Hooge asked those of the public who were not in attendance when the Development Code was addressed if they had any comment. There were no comments.

Rob Bateman reviewed to the Council Dave Conine's memo regarding Development Code amendments. Mr. Bateman would like some kind of definition in the conditional use standards for what constitutes "Bed and Breakfast" (see attached *Home Bed and Breakfast, Item #5*). He suggested that we recommend these changes to the Planning Commission and tell them we'd like them to schedule the public hearings necessary on the Bed and Breakfast. Dan suggested making the sign size of 9 sq. ft. meet the home business limit of 3 sq. ft. He feels that, as in a home business, these signs are not for advertising but for identification purposes. Dave Conine felt that perhaps someone using a Bed and Breakfast would not be familiar with the area and may need a little more conspicuous sign. After a discussion, Rob Bateman suggested they have the Planning Commission work on this. Dan Valentine further suggested that the section "Home Occupations", last sentence in the first paragraph, the sign size be changed to correspond with the decision of the Planning Commission regarding Bed and Breakfast sign size.

Regarding the paragraph "Percent for Public Art", Mayor Hooge stated that Jerry Kinghorn has said that if it directly benefits their property they can collect the percentage and if it doesn't directly benefit their property it is not allowed. For example: you cannot have a city art museum and demand people pay 1% in to it but if you are building an office building, as part of that building you could have 1% in art that goes into that building.

Under "Conditional Uses", Dan Valentine suggested striking in the fourth sentence, "or as a hobby". Discussion ensued. It was agreed that kennels would be limited to conditional use in agricultural zones.

Under "Alleys Preferred" section, Mayor Hooge feels that the 15' displacement from the front elevation of the building is excessive. Dave Conine clarified the reason for 15' is that it makes it possible to pull the car forward into the driveway and further off the street. The Mayor would like the Planning Commission to review that. Dan Valentine expressed some concerns about paragraph 3 of this same section regarding outbuildings being constructed to within 5 feet of the rear property line and what effect this might have on the alley being visually obstructed. No changes were recommended.

B. Action From Item A

MOTION *Rob Bateman made a motion that we approve the recommended changes to the Development Code with the changes that we've discussed and that we refer Dave Conine's recommendation memo of June 22, 1998 to the Planning Commission for their recommendation. Dan Valentine seconded. There was no further discussion. Ayes: 3, Nays: 0, Abstained: 1 (Mayor Hooge.) Motion passed.*

C. Eagle Mountain Final Budget for Fiscal Year 7/1/98 to 6/30/98

Ron Foggin's budget document for the fiscal year was reviewed. There were no changes except for a part-time janitorial staff position being added. There will be some revisions throughout the year and Ron will keep up on that on a monthly basis.

Mayor Hooge made mention of having hired a relative of Cyril Watt to fill the janitorial position and wanted clarified that it was not a conflict of interest. Rob Bateman stated that it was not.

Rob Bateman commented that this was a very conservative budget and, with permits coming in, we will have to be prepared to add staff, etc. as we need to. Ron Foggin said he was aware of that and is prepared to make revisions as needed.

MOTION *Rob Bateman made a motion that we approve the budget for fiscal year 1998-1999 as presented. Cyril Watt seconded. The motion passed unanimously.*

11. "The Ranches" Update / Bob Lynds

Bob Lynds showed maps to illustrate plans for The Ranches. He explained their plans for the Office Park and stated the first building will start on August 15 and will be a multi-purpose building with sales and construction offices on a portion of the bottom floor and the rest will be retail office space.

Mayor Hooge assigned Cyril Watt to act as Mayor Pro-Tem, as she needed to leave the meeting.

12. Consideration to Repeal Resolution 10-98 and Approve Resolution 12-98

Bob Lynds requested that we call a special meeting for this item. Rob Bateman said that since the Utilities Board is meeting on Wednesday, July 1, 6 p.m. we could combine the two meetings.

MOTION *Rob Bateman made a motion that we schedule a meeting of the Town Council for 6 p.m. on the evening of July 1, at the Fire Station in Eagle Mountain and that we make it a joint meeting of the Town Council and Utility Board and invite the appropriate members of that board and appropriate staff to attend to consider Item 12, repeal of Resolution 10-98 and approval of Resolution 12-98 at that meeting. Ron Valentine seconded. Ayes: 3, Nays: 0, Abstain 1 (Mayor Hooge) Motion passed.*

Dan Valentine asked Janet Valentine to coordinate the agenda for this meeting.

13. Sundance at Red Hawk Ranch Final Approval "R1-N6" / The Ranches, L.C., Bob Lynds

Bob Lynds explained that R1-N6 is a 46-lot subdivision that has received final approval from the Planning Commission with some conditions. Korey Walker summarized his recommendations to the Council. (See attached Epic Engineering memo "Sundance at Red Hawk Ranch".) Discussion revolved around the conditions that must be met before final approval. Rob Bateman asked Korey Walker if he was reasonably comfortable with where the issues are. He responded that they are issues that can be overcome, issues that are not going to substantially change the design and construction of the subdivision.

MOTION *Rob Bateman made a motion to grant final approval to Sundance Red Hawk Ranch subject to the engineer being satisfied with the storm drainage analysis and with the hydrological IDF curves, that there be submission at a dedicatory plat with the offsite open space, that the engineer's estimate and bond amounts be approved by the Town Engineer, as well as construction drawings for a secondary access temporary cul-de-sac. And finally, and most importantly, on the meeting of July 1, that the Public Works Board affirm that they are satisfied with the utility arrangements for this subdivision. Dan Valentine seconded.*

Discussion ensued regarding funding.

Rob Bateman amended the motion to say that it will be contingent upon the developer providing the funding mechanism to the satisfaction of the Town and providing adequate utility status approved by the Utility Board and making it contingent on the Town Attorney and Town Engineer working out with the developer a suitable development agreement and that the developer would sign an agreement reimbursing the Town for any difference in the gap. Dan Valentine seconded the motion as amended. Ayes: 3, Nays: 0, Abstain: 1 (Mayor Hooge). Motion passed.

Dave Conine expressed a concern that, as we move forward, we need to get the proponents of The Ranches projects and the proponents of the Eagle Mountain Properties projects to assist the Town in funding a transportation model in order to make educated estimates of cumulative traffic impact of all the projects that are going to be coming in both locations as they are interrelated. Mr. Conine felt that at some point we need to get this transportation study underway. Nick Berg stated that Korey Walker would like to have it under contract within 90 days.

Mayor Hooge returned and resumed conducting the meeting.

14. Mountain View Subdivision Final Approval / Fred Woods Development

Fred Woods requested final approval of Phase I, Mountain View Subdivision and offered to answer any questions the group may have. Korey Walker reviewed his memo to the Town Council of June 23 regarding the Mountain View Subdivision Final Review. (See memo attached.) Discussion ensued.

MOTION *Rob Bateman made a motion to grant final approval to Mountain View Subdivision Plat 1 with the following conditions: (1) The 10' trail needs to be shown on the plat and constructed in accordance with the development code along the frontage of Eagle Mountain Boulevard, (2) that the storm water detention basin dedicatory plat be signed by property owners, (3) that a 8' wide paved trail be constructed, going from the trail on Eagle Mountain Boulevard between Mountain View and Patterson with the cost split evenly between the two subdivisions (depth 2.6), (4) that final storm water plans be submitted for final review, (5) that the recommendations of the Public Utility Board be met, specifically that the proviso provided by the Town Engineer in his article 2 (refer to memo of June 19, 1998, subject "Mountain View Phase 1 Bond"), that requires that funding mechanism be in place for the infrastructure approval, (6) that the frontage along Eagle Mountain Boulevard be deeded to the Town, (7) that along Eagle Mountain Boulevard a 3-year bond be posted for the improvements of Eagle Mountain Boulevard along the frontage and that the developer be reimbursed for a portion of those, from impact fees and subsequent adjacent developments.*

Cyril Watt seconded the motion.

Discussion was called for. Joel Woods commented that in the Planning Commission they said we had to put a 10' walkway in front of the subdivision but that we don't have to do it until Phase II.

The motion was amended by Rob Bateman to read there will be 10' foot walkway built in front of the subdivision in Phase II. Cyril Watt seconded the amendment. Ayes: 3, Nays: 0, Abstain: 1. Motion passed.

15. Consideration to approve the Facilities Construction Agreement executed by Town of Eagle Mountain, and provides authorization for Kern River to construct and install a second new meter station for the Town of Eagle Mountain.

MOTION *Rob Bateman made a motion to authorize the Mayor to sign the Facilities Construction Agreement on behalf of the Town after we have had the Utility Board meeting and determined that it is in accordance. Dan Valentine seconded. Ayes: 3, Nays: 0, Abstain: 1. Motion passed.*

16. Approval of Resolution 11-98 which Repeals Resolution 06-98; Adopting Street Names in the Town of Eagle Mountain.

The name of Overland Drive will be changed to Valley Circle. Mayor Hooge asked for a list of street names as she has found name duplications when reviewing lists. Janet Valentine asked that it be a requirement that the developers put North and South on the street names and was assured by Korey Walker and Nick Berg that it was being done. Nick Berg asked that Airport Road be given the designation of North or South. Discussion ensued regarding who should coordinate the naming of roads and Rob Bateman suggested that since it's a planning issue Dave Conine or Sue Fraley needs to take care of it.

MOTION *Rob Bateman made a motion to approve Resolution 11-98. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstain: 1. Motion passed.*

17. DEPARTMENT REPORTS:

a. **Administration – None**

b. **Planning Commission/Airport Advisory Board / Rob Bateman**

The next Planning Commission meeting should be looking at the Lythgoe & Steinbach submittal. We are also going to talk about the Conflict of Interest ordinance on the following meeting. Mayor Hooge recommended that we fine-tune the policy on the Trails. Rob agreed to work on that.

Korey Walker explained that last week Ready Mix Company turned in a business license for a concrete batch plant and they are anxious to start moving in next week. Korey said we need to schedule them for meetings as soon as possible. Mayor Hooge stated that they have to come under Conditional Use Permit so they have to go before Utility Board and Planning Commission. Gary Tassainer made mention that since there was an issue regarding electricity for the plant they should probably come before the Utility Board first. Nick Berg explained that they would give Ready Mix a ground lease for two years only at which time they would relocate to the Industrial park. At the industrial park they would not be near any homes.

Gary Tassainer said that UPL will not serve Eagle Mountain and if the Utility Board wants him to negotiate that he will, or the town needs to make preparation to go out there and serve them. Nick Berg said that would be too expensive. Gary agreed. Mayor asked about UPL turning off the power to their well. Cyril said UPL is shutting down his power as of tomorrow. They are getting an extension until they get hooked up to the City. Gary Tassainer will find out what the problem is.

c. Parks & Recreation / Pony Express Days/Diane Bradshaw - None

d. Public Works Board / Dan Valentine

Dan Valentine opened for discussion the subject of utility rates at Eagle Mountain and wanted some real data on the comparative rates. Ron Foggin has prepared that data and has given it to the Utility Board. Mayor Hooge stated that we are high but not excessively so. She feels the problem is that they get five bills on one bill and it seems larger than if it were separately billed. Gary Tassainer agreed that it is difficult for young couples. Mayor suggested that we educate the developers as to utility fees so the home owners have it up front.

Dan Valentine gave the Council an update on the recent flooding at Eagle Mountain. Many pending changes to the Utility Ordinance and the list of recommendations may include \$125 reapplication fee for people that call up for inspection and they're not ready and have to come out a second time. Temporary power verbiage is changed. Anybody has revisions ready for Council approval in 30 to 60 days.

Korey Walker explained how the recent water loss of 1½ million gallons at The Meadows occurred and that there is a substantial expense involved. Mayor Hooge said Eagle Mountain was going to bill them for it.

Dan asked for the Council status on hiring the Assistant to the Utilities Manager, Bob Wren, or if the Town was planning to hire a Public Works Director. Mayor Hooge stated that it is in the budget this year to hire a Public Works Director. As soon as this person is hired, the Town will seek his recommendation on whether we need an Assistant to the Utilities Manager. Dan expressed concern about the heavy load of work Bob is carrying and asked for an estimate of the time it will take to hire someone. The Mayor stated that this person can be hired in two weeks as soon as we know the funding is there. Ron Foggin told the group he has spoken to Bob and Bob has assured him he will keep within a 40-hour week.

1. Korey Watt distributed the document "ERU Projections and Facility Plan" (see attached) and discussed its contents. The September 2001 entry of 1300 ERUs should be changed to 900 ERUs.

e. Public Safety / Cyril Watt

Mayor Hooge told Patty Johnston, Deputy Sheriff, that the Neighborhood Watch program and Community Outreach with the Police Department where they can do things like Self Defense for Women, etc., are programs she would like to see implemented in Eagle Mountain. Patty stated that their Deputy, Jo, is dedicated to this type of program and would be glad to work something out for Eagle Mountain. Mayor Hooge invited Patty to include a Sheriff's Department column in Eagle Mountain's monthly newsletter. The Mayor requested from Patty a copy of the monthly police report so we can better evaluate our policing needs.

Mayor Hooge also thanked Howard Ault for donating the sod that was recently laid at the Firehouse.

D. ADJOURNMENT:

MOTION *Mayor Debbie Hooge made a motion to adjourn to the Closed Session at 11:15 p.m. Rob Bateman seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

The Closed Session of Town Council was called to order at 11:20 p.m.

Minutes of Town Council Meeting
June 23, 1998

Present at the Closed Session were Mayor Debbie Hooge and Council Members Rob Bateman, Dan Valentine and Cyril Watt

Also present: Ron Foggin, Assistant Administrator; Dave Conine, Planning Director; Janet Valentine, Clerk; Barbara Wren, Deputy Clerk

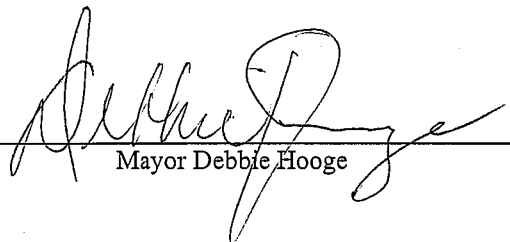
MOTION *Rob Bateman made a motion to approve the change in salary for Ron Foggin and to change his title to Executive Assistant. Cyril Watt seconded. The motion passed unanimously.*

MOTION *Rob Bateman made a motion to return to Open Session. Cyril Watt seconded. The motion passed unanimously.*

MOTION *Cyril Watt made a motion to adjourn the Town Council Meeting. Dan Valentine seconded. The motion passed unanimously.*

The time of meeting adjournment was not recorded. It was approximately 11: 45 p.m.

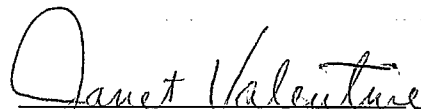
Approval:


Mayor Debbie Hooge

Date:

7-14-98

The undersigned, duly appointed Town Clerk/Deputy Clerk, does hereby certify that the above Town Council Minutes was posted in three public places with Eagle Mountain Town Limits on this ____ day of _____, 1998. These public places being 1) the Town Offices, 1680 East Heritage Drive, Eagle Mountain, Utah, 2) Cedar Pass Ranch Bulletin Board, 9155 No. Cedar Pass Ranch, Eagle Mountain, Utah; and 3) the Bulletin Board located at Meadow Ranch Subdivision, Hwy 73, Eagle Mountain, Utah.


Town Clerk/Deputy Clerk