

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
July 6, 1999**

WORK SESSION – No Action or Minutes Taken – 4:40-6:30 p.m. – 2218 E. Valley Dr, Eagle Mtn.

1. Warrant Register/Jeri Wilson
2. Contract Change Orders/Korey Walker
 - A. Change Order #6 – TSSD Outfall Line – decrease in price of (\$33,363.75) from the deletion of item 18, 4" PIP pipe, 2.625 L.F. @ \$12.71 per l.f.; and increase of \$2,284.13 to repair 18 inch irrigation line at the Church Farm to mitigate crop damage.
3. Partial Bond Releases/Korey Walker
 - A. Mountain View, Phase I - \$15,500
 - B. Rockwell Village @ Red Hawk Ranch, Plat A - \$138,980
 - C. Diamond Springs @ Red Hawk Ranch, Plat A - \$210,761
 - D. Sundance @ Red Hawk Ranch, Plat A - \$95,008
4. Final Payments – Final Acceptance/Korey Walker
 - A. WW Clyde – Sweetwater North Retainage (98-3 SID) - \$38,396.67
 - B. TSSD Outfall Line Final Acceptance - \$200,454.56
5. Class II Final Plat Approval/Ken Leetham
 - A. Autumn Ridge, Phase III Final Plat
6. Animal License Ordinance
7. Animal Licensing, Transportation, Enforcement & Shelter Services Agreement with Utah County
8. Sage Valley Master Development Agreement
9. Sage Valley Plat A Development Agreement
10. Improvement Escrow Fund Agreement
11. Overland Trails Phase II Development Agreement
12. Mountain View Phase II Development Agreement
13. Restrict Fireworks in Eagle Mountain/Eric Taylor
14. Salaries and Per Diem Policy/John Newman

INTERMISSION - Change of Venue

POLICY SESSION – 7:00 TO 10:30 P.M. Eagle Mountain Community Center

1. **Roll Call:**

Mayor Robert E Bateman called the meeting to order at 7:00 p.m.

Council Members present: Mayor Robert E. Bateman
Diane Bradshaw, Dan Valentine, Bill Chipman
Cyril Watt arrived late

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Recorder: Janet Valentine
Recording Secretary: Vada Hunter

Others present: D. Palfreyman, Sunrise Buying Co; Robert Palfreyman, Sunrise Building Co.; John Sump, Sunrise Building Co.; James Dahl, MCM Engineering; Paul Bond, resident; Bert & Becky Ankrom, residents; Jeff Love, resident; Juanita Christiansen, resident; Ed Christiansen, resident; Carolyn Royce, resident; Mark Lofgren, resident; Josh & Jenny Elledge; residents; Delwin Davis, resident

2. Pledge of Allegiance:

Paul Bond led the Town in the Pledge of Allegiance.

3. Approval of Agenda:

Mayor Bateman asked that item 13, Consideration to approve an Improvement Escrow Fund Agreement, be removed.

MOTION

Bill Chipman moved to approve the agenda as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed. Cyril Watt not present yet.

4. Approval of Minutes of June 15, 1999:

MOTION

Dan Valentine moved to approve the minutes of June 15, 1999, as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed. Cyril Watt not present yet.

5. General Discussion/Questions/Announcements:

A. Youth Council Presentation:

Jenny Nash from the Town of Eagle Mountain Youth Council talked about a conference she and several other youths had attended. She said they really learned a lot from attending this conference. They had received a State grant in order to attend. She said they were a lot better off for having attended this conference.

She said the name the council had chosen for themselves was YUKAN. This stands for Youth United in Keeping America Noble.

Juanita Christiansen spoke for a few minutes about the Youth Council. She praised them for their efforts and for the visions and goals they have set.

B. Suggestion by Carolyn Royce for a phone number designated as Eagle Mountain Information Line (events, meetings time & place/town offices/library hours, employment opportunities, etc.):

Carolyn talked about how hard it is to get information to all of the Town residents because of how the homes are quite wide spread. She stated that everyone does not have a computer to access the information.

She said she would like to have a telephone hotline that people could dial in and get a recording telling of any events going on.

She said she would maintain the upkeep of the recording. She also said she would check into the cost and installation of the equipment that would be involved.

Mayor Bateman said he would have Jason check the present telephone equipment the town has to see if the Town could utilize the current equipment.

Janet Valentine announced that there would be three seats available for the upcoming election in November. The Mayoral seat would be a two-year position and the two Town Council seats would be four-year positions. If anyone is interested, the process to declare you intention of being a candidate would need to be done between July 15, 1999, and August 16, 1999.

Janet also announced that she had received a petition for annexation for three parcels of land by North Ranch and Meadow Ranch. This involves multiple owners and is being petitioned by The Ranches.

Mayor Bateman asked Janet to put this on the agenda for the next Town Council meeting.

6. Appointments:

Mayor Bateman did not have any appointments at this time.

7. Public Comment:

Paul Bond, resident, asked what the code was in the Town for having flags around a business. Mayor Bateman explained there was an ordinance disallowing flags and certain signs. Maxum Development apparently has flags around their model home.

Jeff Love, resident, asked how CC&R's are established for a subdivision. He wanted to know if you could get CC&R's after a subdivision was already established.

Jerry Kinghorn, Town Attorney, advised that this was very hard to do. He said they would have to have a signed agreement from every property owner, including owners of lots that have not built yet. He said they should seek private counsel if they wanted to do this.

Carolyn Royce, resident, asked who was responsible for the berms in the subdivision that previously belonged to Fred Woods. Jim Peterson, Eagle Mountain Properties, said Sunrise Construction would now be responsible and there was a bond to cover this.

Paul Bond, resident, commented about the construction trucks going down their street in The Landing.

John Palfreyman, Sunrise Construction, asked about the bond that Jim Peterson referred to.

Jenny Elledge, resident, inquired about an article in the newspaper and whether or not it had any negative influence on the community.

Carolyn Royce, resident, responded that she didn't think it hurt the Town.

Josh Elledge, resident, asked the Mayor if he cared to comment about the issue of a member of the Town Council not in accordance with the given laws.

Mayor Bateman asked Josh who determined that a member of the Town Council was in violation of the law. He said he did not know of any member of the Town Council who had been charged and convicted of anything.

8. Motion to approve Consent Agenda Items as follows: (refer to work session)

- A. Warrant Register
- B. Contract Change Orders
- C. Partial Bond Releases
- D. Final Payments
- E. Final Acceptance of Projects

MOTION

Diane Bradshaw moved to approve the Consent Agenda. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion passed.

9. Consideration to approve an ordinance establishing provisions for animal control, licensing and disposition of animals in Eagle Mountain:

Jerry Kinghorn said the department that the ordinance refers to in the ordinance draft is the Utah County Animal Control. He said the County needed an ordinance from the Town of Eagle Mountain in order to handle situations as they happened in order to help the Town and stay within the law.

John Newman, Town Administrator, said this ordinance is needed now that the Town has grown to its current size. This would also mean that Janet Valentine would be taking on the responsibility of issuing dog licenses.

Please see Item 10 for the motion.

10. Consideration to approve an animal, licensing, transportation, enforcement and shelter services agreement with Utah County:

MOTION

Bill Chipman moved to table items 9 and 10 and instruct the Town Attorney and Town Administrator to do further studies on these items before approving an ordinance. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.

11. Consideration to approve a Master Development Agreement between the Town of Eagle Mountain and Stanley R. Smith and Steven G. Smith (Developer):

Jerry Kinghorn passed out a map showing the area and the trails. He said they were prepared tonight to recommend to the Town Council the approval of the Master Development Agreement. He said all of the exhibits were available tonight showing any improvements that needed to be made. The Exhibit List included: Master Development Plan (Map); Town's Zoning and General Plan (Development Code); Town Capital Facilities Plan; Schedule of Required Improvements (Master Trails Plan Map and Park and Open Space Dedication and Park Development Map); and Special Conditions.

Cyril Watt arrived at 8:00.

MOTION

Dan Valentine moved to approve a Master Development Agreement between the Town of Eagle Mountain and Stanley R. Smith and Steven G. Smith (Developer) for the Sage Valley Subdivision. Bill Chipman seconded. Ayes: 4, Nays: 0. Cyril Watt abstained. Motion passed.

12. Consideration to approve a Development Agreement for Sage Valley Subdivision Plat A, Stanley R. and Steven G. Smith:

There was a brief discussion about the location of the park and also the equipment that would go in the park. Jerry Kinghorn said the equipment would meet the requirements of the Town Code.

Jerry Kinghorn recommended that the approval with a condition that it would not be recorded until there were construction drawings on the park. The diagram was only a sketch.

MOTION

Bill Chipman moved to approve the Development Agreement between the Town of Eagle Mountain, Utah, and Stanley R. Smith and Steven G. Smith for Sage Valley Subdivision Plat A subject to this not being recorded until there were construction drawings that are acceptable to the Town Attorney and Town Engineer for the park. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

13. Consideration to approve an Improvement Escrow Fund Agreement:

This item was removed from the agenda.

14. Consideration to approve a Development Agreement for Overland Trails Phase II, Eagle Mountain Properties, LC:

Jerry Kinghorn advised that he did not have enough supporting material for this agreement to be approved and asked that it be tabled.

MOTION

Diane Bradshaw moved to table item 14, Consideration to approve a Development Agreement for Overland Trails Phase II, Eagle Mountain Properties, LC, until the next meeting. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

15. Consideration to approve a Development Agreement for Mountain View Subdivision Phase II:

Jerry Kinghorn did not have enough supporting material for this item to recommend approval. There were some misunderstandings between Sunrise Builders and the Town as to items that still needed to be taken care of before this could be approved.

Bill Chipman asked if they could approve this subject to certain conditions.

John Newman said he wanted the Council to remember that they must be fair to everyone. He felt like this item should not have been on the agenda.

Jerry Kinghorn said he did not get paperwork in a timely matter.

Mr. Palfreyman, Sunrise Builders, said he was given a lot of misinformation from the Town Offices.

John Newman said that because of this he would like this item to be tabled until he can determine what kind of misinformation came from the Town Offices.

MOTION

Diane Bradshaw moved to table item 15, A Consideration to approve a Development Agreement for Mountain View Subdivision Phase II until the next Town Council Meeting. Dan Valentine seconded. Ayes 4, Nays: 0. Bill Chipman abstained. Motion passed.

16. Class II Final Plat Approval for Autumn Ridge, Phase III:

James Dahl, MCM Engineering, gave a presentation. He said one of the conditions from the Planning Commission was to come up with a park improvement schedule. He said there was a copy of a letter from Michael Wren, MCM Engineering, in each packet covering the park issue.

Bill Chipman stated there was not a clear agreement for the building of the park.

John Newman said he felt like it was too early to approve the park along the top of Phase III because of the nature of the open space. He talked about the legal requirements and the practical requirements.

Jim Peterson asked James Dahl to explain how a portion of that area would be developed.

James Dahl said the park at the bottom would be completed before Phase II started.

DRC Recommendations:

1. Make the requested changes as noted in the Town Engineer's staff report.
2. The developers and lot owners/builders should sign an agreement acknowledging a potential utility capacity problem
3. The Public Works Board recommends that all new subdivisions install conduit to each lot for future fiber optic installation.

Facts Discussed regarding the park issue:

1. All required improvements fall under the general requirement for inclusion in a performance bond, including landscaping.
2. All bonded improvements are to be completed in the first twelve (12) month period immediately following recording of the plat.
3. The developer's feel that the need for the neighborhood parks does not occur necessarily within the first twelve months; rather, the park improvements should be tied to the number of persons occupying the project, e.g., 40% occupancy or some other percentage; or prior to recordation of Phase III.

MOTION

Bill Chipman moved to approve the Class II Final Plat for Autumn Ridge, Phase III, subject to the DRC Recommendations, with exception of number three (3) on the bottom list, subject to the park in the lower quadrant of the plat and the left open spaces of the plat be finished before recordation of Phase III; that the northern park of the plat in the open space be finished upon 50% of the lots being sold and or one year whichever is sooner and that it be bonded for those improvements. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

17. Consideration to approve a Resolution to Restrict Fireworks in Eagle Mountain:

There was some discussion about what kind of ordinances the County might already have with regards to fireworks.

Paul Bond, resident, commented about the good work the Fire Department is doing. He also talked about people out in the Town of Eagle Mountain using some illegal fireworks.

Jerry Kinghorn talked about Class III fireworks. He said the Town can prohibit the use of those fireworks in the Town. He said it is a big problem to try and enforce.

Jim Peterson commented about not having emergency personnel available at all times and perhaps this could influence being able to prohibit fireworks.

Jerry talked about Class III fireworks. He said the Town would need to carefully discuss what they would want to prohibit in the Town.

John Newman commented about his feelings towards fireworks. He said it is the illegal fireworks that need to be looked at and not the small ones that people would use outside on their driveway or on the road.

The Mayor instructed the staff to come back with recommendations at the next Council meeting.

18. Salaries and Per Diem Policy:

John Newman explained that this is a resolution that allows Town employees to designate methods of compensation.

MOTION

Cyril Watt moved to adopt Resolution No. 10-99, A Resolution of the Town of Eagle Mountain, Utah, providing for alternative compensation payment to elected officials. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.

19. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, contracts, and/or possible litigation:

MOTION

Dan Valentine moved to adjourn into a Closed Executive Session at 9:00 p.m. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

MOTION

Dan Valentine moved to go out of Executive Session at 10:50 p.m.. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed

Diane Bradshaw moved to adjourn.

Approved:

Robert E. Bateman
Mayor Robert E. Bateman

Date:

8/10/99

This certifies that the minutes of July 6, 1999 are a true, full and correct copy as approved by the City Council on July 20, 1999

Signed:

Janet B. Valentine
City Recorder