

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

DATE: JULY 16, 1998

A. OPENING:

1. Roll Call

Mayor Hooge called the Special Meeting of the Town Council to order at 4:55 p.m.

Present were Mayor Debbie Hooge, Council Members Rob Bateman and Dan Valentine. Cyril Watt arrived late.

Town Staff:

Dave Conine	Planning Director
Janet Valentine	Town Clerk
Korey Walker	Town Engineer
Barbara Wren	Deputy Clerk, recording

Also present: Rick Frandsen and Lyle Vance, Tasco Engineering

2. Approval of Agenda

There was no formal approval of the agenda.

3. Item #4 was discussed first. Approval of a Development Agreement with the Town of Eagle Mountain and Patterson Construction for Eagle Point Subdivision Plats A, B and C.

Korey Walker, the Town Engineer, explained that Wayne Patterson, Patterson Construction, was originally allowed 3 lots in Plat A but instead he had 6 lots in Plat A. Mr. Patterson says the Town Council required him to take them out and he did. It was not found in the Town Council minutes that they required him to take them out. Korey explained that what Mr. Patterson wants to do is put those 6 lots back, 2 in Plat A, 4 in Plat B. In addition, he wants to run Plat C back through and move some of the smaller lots in with the bigger lots and this would give him 6 more lots. Korey Walker said Mr. Patterson felt he was not responsible to supply the water rights for his developed areas, for improving these developed areas or to do any trail improvements. Korey said he and Jerry Kinghorn, Town Attorney, had gone through the Development Code and could find nothing that said he was required to improve those Plats. Mr. Patterson's logic is he's improving these parks, putting in trails, turning on the water rights for the improved areas, and in order to compensate him for the additional cost he wants 12 lots. He's saying that he took the 6 lots out because of good will; the other 6 he would like to see help offset the \$300,000 cost. Mayor Hooge said she understood he is not landscaping the frontage. Korey said that was correct. Mayor Hooge asked what Patterson is doing that costs \$300,000. Korey explained that it was the park in between A and C, the entrance park in A and the detention basin area park in B, plus an asphalt trail across the frontage of Eagle Mountain Boulevard. Korey said he had looked through the numbers and thought it was a good price with the year's maintenance Patterson had agreed to do. Korey showed the Council the Plat locations on the map. He said the one benefit he sees is that it sets an example of what is required - these are the improvements, this is the level of service that we want. Korey continued, with regard to the 4.26 acres of frontage, he had a discussion with Mr. Patterson about who would provide the water rights for this and Mr. Patterson said he did not

want to do it if he had to turn over the water rights. Discussion ensued about the water rights on this 4.2-acre frontage. Korey added that we need to make sure that native vegetation is included in Plat A. Council Member Rob Bateman asked if the Council wants to include any native vegetation or should we cut him some slack on the water rights, if the Town has any water rights they want to bargain with. The Mayor mentioned another option, there are lots of trees that grow without water and if he puts in the native grass and native trees there would be no irrigation and water rights requirement. Dave Conine said, virtually every tree is going to require some irrigation at least at first to get established. Mayor Hooge said the other issue is the trade or transfer of open space. Korey answered that Mr. Patterson has provided additional non-developed and developed open space with these three subdivisions. He explained there are two issues that we run into that could cause problems, 1) the County process and, 2) we want our parks close to our development and if we start to allow banking we start to allow that open area to be stretched from the development to potential dense areas.

This item was tabled temporarily as the Council did not yet have a quorum. The Mayor did not elect to vote due to a conflict of interest.

3. Consideration to approve Resolution No. 13-98 declaring the Town's intent to create Special Improvement District 98-2 and to construct a natural gas line through North Ranch, Cedar Pass Ranch and Meadow Ranch; and related matters.

MOTION

Rob Bateman moved that we give notice of a special meeting for the purpose of creating a Special Improvement District and introduce the following Resolution 13-98 in writing which will be entered into the minutes as it is read in its entirety and move for its adoption. This is a notice to create a Special Improvement District 98-2 for the purpose of bringing natural gas service into Cedar Pass Ranch and Cedar Pass North. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.

Discussion ensued regarding the cost of improvement. Lyle Vance, Tasco Engineering, explained that the figure of \$730,000 based on a previous draft, however \$915 per acre is based on our current numbers. Referring to the map Lyle said "this number should be \$822,000". The figure of \$915 per acre was questioned by the Mayor and Rob Bateman as being more than Gary Tassainer, Tasco Engineering, had quoted. It was explained that the figure includes the service to the house. The Mayor and Rob Bateman said it was still too high. Discussion ensued as Mr. Vance explained how they had tried to make the costs equitable.

Cyril Watt arrived at 5:40 p.m.

Return To Item 4.

Mayor Hooge recused. Cyril Watt served as Mayor Pro-Tem.

MOTION

Rob Bateman moved that we approve the Patterson Development Agreement with the following conditions: that we allow up to 12 additional lots, 6 in Plat C, 2 in Plat A, 4 in Plat B; that the Town loan the developer sufficient water to establish native grasses and trees in the flat area along the frontage strip on Eagle Mountain Boulevard; and that final approval be conditioned upon the master developer meeting his requirements in terms of open space dedication according to

*the formula in the Master Development Agreement for Eagle Mountain Properties.
Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.*

Mayor Hooge returned to the meeting.

MOTION

Cyril Watt moved that we adjourn the Special Town Council meeting. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.

The meeting was adjourned at 5:45 p.m.

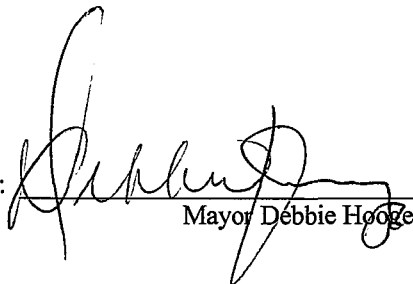
Mayor Hooge reconvened the meeting at 5:50 p.m. in order to amend the Notice of Intent.

MOTION

Dan Valentine moved that we amend the Notice of Intent for the Special Improvement District #98-2 to change the estimated cost of improvement from \$730,000 to \$822,000. Cyril Watt seconded. Motion passed unanimously.

Janet Valentine asked the Council in what order the back-log of minutes should be typed. Mayor Hooge said it should be from the earliest date forward.

Approval: _____


Mayor Debbie Hooge

Date: _____

August 11, 1998

The foregoing minutes were posted at the Town Offices (located in the Eagle Mountain Fire Station), 1680 East Heritage Drive, Eagle Mountain, Utah; the bulletin board at Meadow Ranch Subdivision, Hwy. 73, Eagle Mountain, Utah and the Cedar Pass Ranch bulletin board, 9155 N. Cedar Pass Road, Eagle Mountain by _____, Town Clerk.