

**MINUTES OF THE COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
September 19, 2000**

**POLICY SESSION 7:00 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 Engineer: Korey Walker  
Town Planner: Ken Leetham  
Town Recorder: Janet Valentine  
Deputy Town Clerk: Fionnuala Kofoed  
Deputy Sheriff: Jo Murphy

**Others present:** David & Jodie Blackburn, residents; Eric & Charlotte Ducos, residents; Lark Erickson, resident; Shelia & Dave Curtis, residents; Dave Tomsik, resident; Bill Neathery, resident; Miriam Bond, resident; Richard Anderson, JMK Investments; Mark & Katherine Westra, residents; Vincent & Mariann Liddiard, residents; Brenda Park, Library Board; Jana Cox; Arts Council; Becky Oakley, Library Board; Juanita Christiansen, Friends of Eagle Mountain Library; Rob Nielson, Lehi Free Press.

**2. Pledge of Allegiance:**

Shelia Curtis led the town in the Pledge of Allegiance.

**3. Approval of Minutes:**

**MOTION** *Brigham Morgan moved to approve the minutes of September 5, 2000 as amended. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

- A. Notice of a Possible Town Council Meeting on 11/14/00 @ 6:00 p.m. to approve a "Bond Purchase Agreement."
- B. Mayor Bond announced that there had been some concerns regarding high water bills that some residents had received. Residents could call Angie Ferre at the Town and have their bill reviewed. Most residents who had experienced a problem would be charged the minimum rate for water.
- C. Mayor Paul Bond announced that Town Recorder, Janet Valentine had received her Certified Municipal Clerk designation.

**5. Appointments:**

- A. The Town Council announced that Justin Sprague had been appointed as Fire Marshal for the Fire Department.

B. Appointment of Michele Graves as a Librarian.

**MOTION**     *Dave Albrecht moved to approve Michele Graves as the Librarian, as recommended by the Library Board, for the Town of Eagle Mountain, Utah. Greg Kehl seconded the motion. Ayes: 5. Nays: 0. Motion passed.*

6.     **Public Notices:**

Possible Public notice for the Special Town Council meeting 11/14/00.

7.     **Public Comment:**

- Shelia Curtis discussed Youth City Council. Youth from grades 9-12 are organized within committees with a mayor, councils members, Fire Chief, Clerk, etc. The youth work in their various roles and learn how the government should function.
- David Blackburn, resident, commented on the fencing problems that residents were facing over in The Ranches. Because of the clear vision triangle requirement when installing fences, residents living on alley lots with small driveways have difficulty meeting the requirement without loosing backyard space.

Jerry Kinghorn stated that the staff would make a recommendation and bring it to the Town Council for their review.

- Juanita Christiansen, resident, on behalf of residents in the community presented Liisa Nusz with a scrapbook in remembrance of her time spent in Eagle Mountain. Mrs. Christiansen expressed thanks from all those who had benefited from Mrs. Nusz's efforts regarding the Library in Eagle Mountain. Mrs. Nusz had formed the library and had worked there since it had been opened.
- Becky Oakley presented Liisa Nusz with a gift from the Library Board. Mrs. Oakley commented on the great impact that Mrs. Nusz had on the community and she would be greatly missed by those she influenced.
- The Town Council presented Mrs. Nusz with a plaque in commemoration of her serving on the Planning Commission and as a Librarian in the Town.

8.     **LtC Ted Frandsen/ Camp Williams – Information Briefing the Town Council on activities taking place at Camp Williams:**

**This item was tabled.**

9.     **Eric & Charlotte Ducos/ North Ranch resident, lot 23, requests an audience with the Town Council regarding telephone service in Eagle Mountain:**

Eric Ducos, resident, addressed the Council and requested that they provided him with telephone service. Mr. Ducos was a new resident and due to rapid growth in Eagle Mountain the projected wait for phone hook ups was approximately 3 weeks. Mr. Ducos worked from home and was scheduled to begin work the following week. There were no offices located in Utah and the only place that he could work from was his home. However, it was necessary to have a phone line to conduct business and for this reason Mr. Ducos was requesting that the Council consider his appeal.

Dan Valentine, Eagle Mountain Telecom, explained the process for phone installation. Mr. Valentine stated that their first responsibility was to provide all residents with one phone line and take care of trouble calls. If residents required a second line for business they needed to provide the Town with a letter from their employers stating the need for the additional line. If an individual was self-employed then they would need to provide a business license. The monthly cost for a business line was \$30. The expected wait for a phone line was 3.2

weeks. Eagle Mountain wasn't unlike other communities in Utah experiencing growth where the wait for new phone lines was comparable.

Greg Kehl stated that he understood the problem and the Council was sympathetic, however, Mr. Ducos would have to wait three weeks before the problem could be solved.

Dave Albrecht discussed the possibility of giving one of his lines to the Ducos family. Mr. Albrecht lived next door to Mr. & Mrs. Ducos and had two lines.

Dan Valentine said that they could run a line from Mr. Albrecht's house to Mr. Ducos' house and just assign a new number.

11. **Consideration of a resolution approving the form and authorizing the extension of a Power Sales Contract with Utah Associated Municipal Power Systems for the Resource 2000 Project and related matters:**

**MOTION** *Bert Ankrom moved to approve Resolution # 21-00, as Resolution authorizing the execution and delivery of Resource 2000 Project Power Sales Project with Utah Associated Municipal Power Systems in connection with the Resource 2000 Project of UAMPS and related matters. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

13. **Approval of a Resolution expressing support for the establishment of an Elementary School in the Town and authorizing the Mayor and Town Professional Staff to negotiate appropriate methods to obtain schools in Eagle Mountain:**

**MOTION** *Brigham Morgan moved to approve Resolution # 22-00, a Resolution of the Town Council of Eagle Mountain, Utah, expressing support for the establishment of an elementary school in the Town and authorizing the Mayor and Town professional staff to negotiate appropriate methods to obtain schools in Eagle Mountain. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. **Major Development Approval:**

- a. Extension of Approval for Overland Trails, Phase 2B.

This item was tabled.

- b. The Landing, Phase 3 Development Agreement and CC&R's.

Mayor Bond stated that JMK had taken over the property at the Landing when Touchstone defaulted on the loan.

Richard Anderson, JMK, stated they were in negotiations with the Town. They had a Development Agreement and CC&R's that had been approved and had fulfilled the bonding requirement. The only issue that was outstanding was an amount due that Touchstone had incurred. JMK had agreed to pay approximately \$31,000 to cover the debt. There was also an issue regarding the excess water shares that could be transferred back to EMP. JMK had also agreed to pay EMP an amount that was owed from Touchstone. EMP would sign the plat map with JMK allowing them to record it.

Gerry Kinghorn stated that the Development Agreement was before the Town Council for their approval. The \$31,000 that JMK agreed to pay was for Utility Design Fees in Phases 1 & 2 and for a charge for moving a transformer. There were additional items that needed to be resolved. A list had been sent to JMK's attorney. Mr. Kinghorn requested that the Council authorize the Staff to select the items from the list of most significance in terms of public health and safety and require them to be completed.

Mayor Bond inquired whether EMP had any unresolved concerns in relation to JMK.

Eric Jones, EMP, stated that he had several discussions with JMK and they had not yet entered into a final agreement with the company. There were still some concerns that needed to be resolved and he believed that they were close to working things out. Mr. Jones understood that the water rights needed to remain in the Town and that they could be moved from one project to another. The intent was that some of the shares would be booked for Cedar Valley Company.

Mr. Anderson stated that the 38 lots in the Landing had been sold and the builder had planned to build 3 houses/month to get the project finished. Three lots in Phase 2 had been sold and would be under construction immediately. The homes will be the same size and similar design.

**MOTION** *Brigham Morgan moved to approve the Development Agreement between the Town of Eagle Mountain, Utah, and JMK Investment for the Landing at Eagle Mountain Phase 3, and authorize the Town Staff to negotiate the warranties and improvements that were required in the previous phases. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**15. Ordinance creating a Town of Eagle Mountain Community Arts Board:**

Dave Loper addressed the Council and briefly discussed their packet information which included the following:

1. List of recently elected Board Members.
2. Eagle Mountain Community Arts Mission Statement.
3. One Year Plan.
4. Three Year Plan.
5. Five Year Plan.
6. Statement on nudity.

Mayor Bond asked why the Arts Council had chosen the 1900's regarding nudity when considering art that would be displayed. It was his opinion that nudity was nudity regardless of the era and he was opposed to it.

Mr. Loper stated that the turn of the century gives a strong definitive view as to what is considered as art worldwide. Anything post 1900 would be taken under special consideration including plays.

**MOTION** *Bert Ankrom moved to approve Ordinance # 00-11, an Ordinance creating a Town of Eagle Mountain Community Arts Board as an Advisory Board to the Town Council to be known as the "Town of Eagle Mountain Community Arts Board" and defining certain responsibilities concerning Community Arts Programs in the Town of Eagle Mountain, Utah. Brigham Morgan seconded the motion. Ayes: 4, Nays: 1. Motion passed.*

**16. Eagle Mountain Fire Department proposed incentive plan for the remainder of FY 2000/2001:**

Interim Fire Chief, Robert DeKorver, commented on the incentive plan for the voluntary fighters in Eagle Mountain. The plan was intended to give the fire fighters an incentive to be on call. It would hold the fire fighters to a higher level requiring them to remain in town when they sign up for a shift thus providing the Town with the necessary coverage.

**MOTION** *Dave Albrecht moved to approve the Eagle Mountain Fire Department proposed incentive plan for the remainder of FY 2000-2001 as submitted. Greg Kehl seconded the motion. Ayes: 5, Nays 0. Motion passed.*

**17. GWNW Report "Telecommunications Feasibility Report."**

Mayor Bond stated that the Town had received the Telecommunications Feasibility Report and that it had been accepted by the Mayor and Council.

**18. Telecommunications Department: Authorize Secretary and Technician positions:**

John Newman stated that due to the rapid growth the Town had to hire individuals on a temporary basis for a short period of time. It was now necessary to hire create permanent positions within the Telecommunications Department for a secretary and technician.

**MOTION**      *Greg Kehl moved to authorize John Newman to create two positions within the Telecommunications department, a secretary and a technician position, and give authorization for the secretary position to be advertised to the public for hiring. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**19. Eagle Mountain Boulevard Maintenance:**

Mayor Bond stated that an idea had been discussed regarding an interchangeable monument sign designating identifying certain groups responsible for the clean up of Eagle Mountain Boulevard.

Brigham Morgan requested a cost estimate proposal for the next Town Council Meeting.

Korey Walker stated that if the Council had any comments they could contact him and he would have an estimate for the next meeting.

**20. Consent Agenda Items:**

**MOTION**      *Greg Kehl moved to approve the Consent Agenda Items. Brigham Morgan seconded the Motion. Ayes: 5, Nays: 0. Motion passed.*

**12. Sunrise Development Gas Line Dig Appeal:**

Mayor Bond stated that this was an appeal from Sunrise regarding 2 gas line cuts and asked if there was anyone present to represent the developer. There was no one present.

Sunrise Development was appealing fees related to two gas line cuts. John Newman recommended that the developer pay \$305.96 for the materials and labor for the first cut. Mr. Newman in good faith waived the \$2000 fee, as the gas lines should not have been in the area the developer was digging in.

Mayor Bond stated that evidence (pictures) presented by the Town Staff clearly identified that both cuts were within the easements with Blue Staking. Based on this information Mayor Bond recommended that the bills stand as submitted. It was noted that a representative from Sunrise was present when Blue Stakes returned to the excavation sight identified that the areas where the cuts had been made were within the easement.

John Newman requested that the pictures showing the location of the cuts be entered in as evidence to the Town Clerk.

Gerry Kinghorn stated that the Staff had made an error in recommending the reduced fees when the developer first appealed the fees. The information that had been presented to the Council that night justified the denial of the appeal.

**MOTION**      *Greg Kehl moved to deny the Sunrise Gas Line Appeal including the photographs as an Exhibit, and that the original invoices are reinstated as follows:*

*Bill # 1 3/1/00*

- 1. Cost of time and materials - \$97.38*
  - 2. Infrastructure damage charge - \$97.38*
  - 3. No Blue Staking charge - \$2000*
- Total Charge - \$2194.76*

*Bill #2 3/10/00*

- 1. Cost of time and materials - \$305.96*

**2. Infrastructure Damage charges - \$305.96  
Total Charge \$611.92**

*Dave Albrecht seconded the motion. Ayes: 4, Nays: 1. Motion passed.*

**10. North Ranch CC&R's Architectural Design Amendments – Final Approval:**

Ken Leetham addressed the proposed North Ranch CC&R's and identified the changes the Home Owners Association was requesting. A paragraph was added on page 5 establishing the yard setbacks for accessory, or out buildings. Additionally, the paragraph on the bottom of page 5 was amended stating that the pitch or slope on outbuildings shall be a minimum of 2:12. The Planning Commission had recommended approval to the Town Council.

Mark Madsen, North Ranch Resident, stated that the will of the community should be considered. The Home Owners Association had collected signatures in excess of 75% of the community who favored the changes.

Greg Kehl believed that a 2:12 roof pitch would come back to haunt the residents. He believed that the proposed roof pitch cheapened the look of the subdivision.

Mayor Bond agreed with Mr. Kehl.

Dave Albrecht commented that the people in North Ranch had voiced their support and he had no problem with their request.

Brigham Morgan was opposed to the changes and stated that his opinion was that he didn't think the snow level would allow for a 2:12 roof pitch. The Town had been built on a premise of compatibility of a unique architectural style and the proposed roof pitch didn't fit in with the contrast of 6:12 homes. A 4:12 roof pitch would be more compatible.

Bert Ankrom was indecisive. Mr. Ankrom stated that he could appreciate the position of the residents in North Ranch who were requesting the change. Mr. Ankrom compared the look of other areas in the Ranches that had complied with the design guidelines in reference to outbuildings and they added to the cohesiveness of the Town.

Mayor Bond was concerned that the CC&R's would be less stringent than the Development Code.

Gerry Kinghorn stated that the request was before the Council that they be considered as alternate design guidelines. A provision in the Development Code allows for groups or developers to propose alternate design guidelines for developments. Mr. Kinghorn stated that the snow load issue is not something that the Council should be concerned with. That was the job and duty of the building inspector to assure that the building is structurally safe and will not collapse.

Mayor Bond asked if Mr. Madsen had a list of the individuals who had signed the petition. Mr. Madsen stated that he would provide Mr. Kinghorn with a copy.

Greg Kehl asked if the Home Owners had considered a 4:12 pitch. Mr. Madsen stated that he and the North Ranch HOA would consider it.

Dave Albrecht stated that the rights of the people was a higher principal than the beauty of a roof pitch and virtually every homeowner in North Ranch had consented to the amendments. It was his opinion that the Council had no right to override the voice of the citizens.

Mr. Madsen commented that a planning commissioner had stated that she was tired of telling people what the can and can't do with their property. Mr. Madsen believed that the will of the people should be respected.

Mayor Bond agreed, however, he wanted to approach the issue cautiously.

**MOTION** *Dave Albrecht moved to approve North Ranch Home Owners Association's request to amend their CC&R's relating to alternate design guidelines; specifically page 5, the added paragraph addressing setbacks for auxiliary or out buildings: front 50 feet; side 10 feet noting that if the height of the building exceeds 10 feet, the setback has to equal that; rear 20 feet. Also addressing roof pitches for an out building, the minimum pitch can be 2:12. Greg Kehl seconded the motion. Ayes: 2, Nays: 2. Greg Kehl abstained. Motion failed.*

**MOTION** *Dave Albrecht moved to approve the previous motion except for the roof pitch changing from 2:12 to 4:12 & the setback standards to remain as proposed (in previous motion). Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Brigham Morgan abstained. Motion passed.*

21. **Other Business:**

There was no other business.

22. **Motion to adjourn into a Closed Executive Session for the Purpose of discussion personnel issues, potential litigation and/or public safety/security:**

**MOTION** *Greg Kehl moved to adjourn into a Closed Executive Session @ 9:10 p.m. for the purpose of discussing Personnel issues, potential litigation and/or public safety/security. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present: Mayor Bond; Dave Albrecht, Bert Ankrom, Greg Kehl, Gerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, John Newman and Janet Valentine.

**MOTION** *Bert Ankrom moved to adjourn the Closed Executive session @ 9:35 p.m.*

**MOTION** *Bert Ankrom moved to adjourn the meeting at 9:35 p.m.*

APPROVAL: *Paul R. Bond, Jr.* DATE: *10/26/00*  
Mayor Paul R. Bond, Jr.

This certifies that the minutes of  
09-19-2000 are a true, full and  
correct copy as approved by the  
City Council on 10-03-2000.

Signed: *Janet B. Valentine, CMC*  
City Recorder