MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
EAGLE MOUNTAIN COMMUNITY CENTER
1668 E. Heritage Dr.
Eagle Mountain, UT 84043
July 20, 1999

1. **Roll Call:**

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

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

Town Staff:

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

Others present: Havana Goldstone, The Daily Herald; Ann Potempa, The Daily Herald; Glade Berry, Resident; James Dahl, MCM Engineering; Carol Guthrie, resident; Liisa Nusz, resident; Paul Bond, resident; Mark & Anjonette Lofgren, residents; Jeff Love, resident; Brigham Morgan, resident; John Sump, Sunrise Building Co, Derk Palfreyman, Sunrise Building Co.; Robert Palfreyman, Sunrise Building Co.; Joshua & Jenny Elledge, residents; Juanita Christiansen, resident; Bert Ankrom, resident; Bob Lynds, The Ranches

2. **Pledge of Allegiance:**

Carol Guthrie led the Town in the Pledge of Allegiance.

3. **Approval of Agenda:**

Mayor Bateman asked that they strike item 22 from the regular agenda and item 2B from the Work Session.

MOTION ***Dan Valentine moved to approve the agenda as amended. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Cyril Watt not present yet. Motion passed.***

4. **Approval of Minutes of July 6, 1999:**

MOTION ***Diane Bradshaw moved to approve the Minutes of July 6, 1999, as amended. Dan Valentine seconded. Ayes: 3, Nays: 0. Cyril Watt not present yet. Motion passed.***

5. General Discussion/Questions/Announcements:

Fran Watt was not present to give a summary of the Pony Express Days.

Mayor Bateman gave an update on the school situation. He asked that residents get their children registered for the upcoming school year so that the Alpine School District knows how many students will be enrolled. He said people would be out to Eagle Mountain on July 22nd to help register the children.

Carol Guthrie asked what the status was on the service station situation.

Jim Peterson, Eagle Mountain Properties said they were negotiating with the Morleys.

6. Appointments:

Mayor Bateman stated he had no appointments at this time.

7. Public Notices:

Mayor Bateman said there would be a Public Hearing at the Planning Commission Meeting on July 27th to discuss the amendments to the General Plan.

8. Public Comment:

Mike Wren, MCM Engineering, asked why he was not on the agenda for Trailhead Project.

Jerry Kinghorn, Town Attorney, said he had not received the Development Agreement and asked that they send a copy of the document to him.

Mark Lofgren, Town resident, said he was concerned about the lack of businesses coming to Eagle Mountain.

Mayor Bateman responded that business is driven by a customer base, which they do not have enough of yet in Eagle Mountain. He stated that Mr. Morley was still working with Eagle Mountain Properties on some issues. He said they wanted some incentives.

Jerry Kinghorn responded that some of the incentives they wanted to adopt were illegal and unrealistic. He said the Town offered him some lower rates for natural gas.

Brigham Morgan, Town resident, asked if he could have an opportunity to ask questions during the discussion of item 16. Mayor Bateman said he could.

Mayor Bateman announced that the deadline for declaration of candidacy for the Mayor's position and the two Council positions must be done by August 16th. The applicant is required to be a resident at least one year prior to November 2nd.

Mayor Bateman spoke briefly about the sky diving accident at the airport. A sky diving instructor was killed.

Juanita Christiansen announced that the Youth Soccer program would be up and running by mid-August. She said there would be flyers coming around to the homes.

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

Jerry Kinghorn, Town Attorney, said this matter was on the agenda two weeks ago and the developer just handed in the development agreement and CC&R's and he had reviewed those. He said there was

one minor item to take care of. He said the Town had the option of purchasing the park, bonding for the amount of the purchase so that the Town can exercise that option if the developer doesn't do that in time. The Town needs to add to the improvement bond the SID assessment and it needs to be released from the park if the Town purchases it, and the Town needs to add the agriculture rollback taxes that will be payable, which are probably under $200.

Jerry said he had verified that they have the ability to supply the Town with the water rights. He recommended approval of this agreement.

Dan Valentine asked if they allowed chain link fencing. Jerry said they do not specifically allow chain link fencing.

MOTION ***Dan Valentine moved to approve the Development Agreement between Sunrise Building Company and the Town of Eagle Mountain, for Mountain View Subdivision, Phase II, subject to inclusion of the SID Assessment, agricultural roll taxes, and the improvement bond requirements. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt not present yet.***

10. **Consideration to approve Legal Services for Telecommunications between David R. Irvine, Esquire and the Town of Eagle Mountain:**

Mayor Bateman had a question from paragraph 7. Disputes.

Jerry Kinghorn, Town Attorney, advised that the second sentence in that paragraph be stricken from the agreement.

MOTION ***Diane Bradshaw moved to approve the contract for Legal Services for Telecommunications between David R. Irvine, Esquire, and the Town of Eagle Mountain as amended. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt was not present yet.***

11. **Consideration to approve Technical Services for Telecommunications between Ray Hendershot, GVNW, Consulting, Inc. and the Town of Eagle Mountain:**

Mayor Bateman asked that item 11 be tabled until the next meeting.

MOTION ***Diane Bradshaw moved to table item 11 until the next Town Council Meeting. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt not present yet.***

12. **Consideration to approve an agreement between Timpanogos Special Service District and the Town of Eagle Mountain for Sewer Treatment Services:**

Mayor Bateman explained that the Town already had one agreement, which covers the north end of the Town. He said one of the alternatives being considered rather than expanding the Santek unit was to go with TSSD and add a sewer line.

MOTION ***Dan Valentine moved to approve the agreement between the Town of Eagle Mountain and Timpanogos Special Service District. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt was not present yet.***

13. The Ranches Update:

Bob Lynds invited the Town to stop by their trailer and see what activities are going on. He said the golf course is moving ahead on schedule.

14. Eagle Mountain Properties Update:

Jim Peterson announced that Eagle Mountain Properties would have a tent at the golf tournament at Park Meadows in Park City.

15. Motion to approve Consent Agenda Items as follows: (Refer to Work Session for details):

A. Warrant Register
B. Partial Payment Requests – Releases
C. Final Payment Requests – Releases
D. Partial Bond Releases
E. Contract Change Orders

Mayor Bateman asked that item 2B be removed, Tasco Engineering for Distributed Generation Project, and include it in the Warrant Register, thereby removing the Warrant Register from the Consent Agenda.

MOTION ***Dan Valentine moved to approve the Consent Agenda as amended. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed. Cyril Watt just arrived so did not vote on this motion.***

There was a discussion about the Warrant Register. Mayor Bateman proposed that the following items be changed:

Page 8: Strike 53-40-570-000 – Electric Fund – 324 – Tasco Engineering - $54,920.12

Page 11: - Strike 71-40-570-000 – Special Improvement District 98-1- Tasco Engineering – the last two items for $20,970.77 and $34,413.38.

Page 11: Change 71-40-570-000 – Special Improvement District 98-1 – Tasco Engineering, MAT&INSTAL ELEC&TELE LINES-RNC – Should be $11,443.00 instead of $6,318.90

MOTION ***Diane Bradshaw moved to approve the Warrant Register as amended. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.***

16. Report to Town Council regarding the Ranches Annexation Petition:

Janet Valentine explained that this annexation involves three parcels of land. The Ranches submitted one petition. The County wrote back and explained that the parcels of land need to be done as three separate petitions. The Ranches is aware of this and they are working on it.

There was a discussion about the location of the three pieces of land.

Brigham Morgan, Town resident, asked why The Ranches wanted to annex these three pieces of land.

Bob Lynds explained that these three pieces bordered their existing land and they wanted to be able to develop all of the land under their existing Development Agreement.

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

Jerry Kinghorn explained that this Ordinance explains what Utah County requires in order to have Eagle Mountain contract with them. He said the agreement is before Utah County being reviewed.

Jerry Kinghorn asked Officer Murphy of the County Sheriff's Department if Utah County would honor this agreement without a signed contract and she said they would.

Mayor Bateman said this ordinance requires dogs to be vaccinated every two years. If the dog has a license when it is picked up, the owner has five days to pick it up. If it does not have a license, the owner has three days to pick it up.

MOTION ***Diane Bradshaw moved to approve Ordinance No 99-13, AN ORDINANCE ESTABLISHING PROVISIONS FOR ANIMMAL CONTROL, LICENSING OF DOGS AND DISPOISTION AND CONTROL OF SPECIFIED ANIMALS, FOR THE TOWN OF EAGLE MOUNTAIN, UTAH. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.***

18. **Class II Preliminary Plat Approvals:**

A. Rush Valley (R-6 N-1)

Jerry Kinghorn said that until the Public Works Board passes these on with their approval the Council cannot approve the Class II Preliminary Permit.

Bob Lynds explained that this is holding up their development. He said he worked up a proposal and gave it to Blaine Carlton.

Jerry Kinghorn said he needed a condominium plan submitted.

John Newman, Town Administrator, explained that the Public Works Board tabled this until there is capacity.

Jerry Kinghorn explained that The Ranches would get vesting at Preliminary approval. He asked Bob Lynds to get the information from Blaine Carlton with his proposal.

Dan Valentine said the Public Works Board is not comfortable making any more recommendations for approval without the utility capacity.

Jerry Kinghorn advised that they not make any decisions that would go against the Town's Development Code.

Mayor Bateman asked about the recreational facilities.

Korey Walker commented about the difference between submitting plans for a subdivision verses a condominium project.

DRC Recommendations:

The Development Review Committee recommended that this item be TABLED until:

1. **The infrastructure required to insure utility capacity to this project is completed; OR,**

2. **An approved financing plan is in place that provides for the completion of the infrastructure required to insure utility capacity to this project; and,**
3. **Public Works Board approval must be granted.**

Town Engineer's Recommendations:

1. **Indicate land that will be deeded to the Town and label as Open Space and who will maintain this open space.**
2. **An agreement acknowledging a potential utility capacity problem should be signed.**
3. **Conduit should be installed to each lot for future fiber optic installation.**

MOTION ***Dan Valentine moved to table Rush Valley R-6 N-1 until submission is complete. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.***

B. Eagles Gate II R-1 N-22, 23, & 24

The Development "Eagles Gate II R-1 N-22, 23 & 24 was discussed and the Council decided to table this because it didn't have park plans and Covenants, Conditions & Restrictions (CC&R's).

MOTION ***Dan Valentine moved to table Eagles Gate II, R-1 N-22, 23, & 24. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.***

19. Class II Final Plat Approvals:

A. Overland Trails, Phases 4 & 5

James Dahl, MCM Engineering, gave the presentation for Overland Trails, Phases 4 and 5. He pointed out the commercial lots on the map. He showed the property affected by the noise ordinance.

Mayor Bateman asked what was happening in the area between the subdivision on Sweetwater.

James Dahl said that was commercial.

There was a discussion about which lots on the map would be commercial.

John Newman said the preliminary plan was approved with the commercial lots being approved on the south. This was made because of a noise problem. This is referred to as the cone of influence. He said there would be avigation easements. John also commented about removing some roads in the commercial area.

Mayor Bateman expressed his concern about the size of the commercial businesses being up against residential lots.

Mike Wren, MCM Engineering, talked about the commercial lots.

There was some discussion as to how much of this was discussed about at the Planning Commission Meeting. Korey Walker said he couldn't recall if they talked about the change.

Jerry Kinghorn said these issues should have been resolved in the preliminary process.

There was a discussion about the size of the commercial lots.

Jim Peterson talked about the noise cone.

Diane Bradshaw had concerns about what the trellis would look like. She wanted more detailed information.

Jerry Kinghorn recommended it go back to the Planning Commission

Jim Peterson recommended eliminating the commercial area from the approval and approve the residential area only and then have the cone commercial area come back separately.

MOTION ***Diane Bradshaw moved to remand the Class II Final Approval of Overland Trails, Phases 4 & 5, back to the Planning Commission to review the trellises in the central park area, aviation issues, and also the overall layout of the commercial areas. Dan Valentine seconded.***

Diane Bradshaw amended her motion to include the review the Development Agreement and CC&R's. Dan accepted the amendment. Ayes: 4, Nays: 0. Motion passed.

B. Ruby Valley R-5 N-1-4

Mayor Bateman said that they liked the overall plan and the size of the lots.

DRC Recommendations:

1. **All Changes noted in the Town Engineer's report.**
2. **Special Improvement District (SID) information including amount to be paid upon recordation.**
3. **Water right documentation.**

Town Engineer Recommendations:

1. **Planning Commission recommended the developer to dedicate the park area to the Town and the water rights for the landscaping of the park.**
2. **Development and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.**
3. **The Public Works Board recommends all new subdivisions install conduit to each home for future fiber optic installation.**

Jerry Kinghorn said each common driveway needs a separate parcel number. That enables the identification of each lot.

John Newman commented that The Ranches could divide the key interest of the roads into separate roads and has cross easements.

Diane Bradshaw asked about the cul-de-sacs and how they were changed.

MOTION ***Cyril Watt moved to approve Ruby Valley, R-5 N-1 thru 4, subject to the following requirements:***

1. ***That the plat be amended to designate specific parcel numbers for the lots that are intended to serve as common driveways;***
2. ***That the Developers submit for the review and approval of the Town Attorney as part of the development agreement process a notation to be written on the plat indicating that each of the common driveways is owned in a 50 % cotenant status by the lot owners benefited by the driveways;***
3. ***That the park be constructed no later than a date concurrent with 50% occupancy of the residences, or within one year of recordation, whichever comes first; and***
4. ***That all development review recommendations, water right documentation and improvement bonds are in place prior to recording.***

The motion was seconded by Diane Bradshaw. Ayes: 4, Nays: 0. Motion passed.

C. Simpson Springs R-1 N-1 & 2w:

Bob Lynds said this used to be part of Kennekuk.

DRC Recommendations:

1. **All items noted in the Town Engineer's report.**
2. **Special Improvement District (SID) information including amount to be paid upon recordation.**
3. **Water right documentation and limiting irrigable acreage to 0.25 acres.**

Town Engineer's Recommendations:

1. **Changes and updates to the construction drawings:**

   a. **Construction of Half Mile Road to provide a second access.**

2. **Submitted Engineer's Estimate needs to be updated to include the offsite improvements of the Entry Road from Pony Express Parkway.**
3. **Provide an updated electronic file with the offsite improvement of the Pony Express Entry Road.**
4. **Development and lot owners/builders should sign an agreement acknowledging potential utility capacity problem.**
5. **The Public Works Board recommends all new subdivisions install conduit to each home for future fiber optic installation.**

MOTION *Diane Bradshaw moved to approve Simpson Springs R1 N1, 2w Class II Final Plat contingent upon receiving an improvement bond, amending the CC&R's limiting irrigable land to 0.25 acres; also, subject to the approval of the Town Engineer of constructing a half mile road to Eagle Mountain Blvd,; and subject to the DRC recommendations. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

D. Saddleback R-6 N-4 & 5, Phase I, Plats A & B

DRC Recommendations:

1. **All changes noted in the Town Engineer's report.**
2. **Special Improvement District (SID) information including amount to be paid upon recordation.**
3. **Water right documentation.**

Town Engineer Recommendations:

1. **An agreement should be signed acknowledging a potential utility capacity problem.**
2. **Conduit should be installed for future fiber optic installation.**

MOTION *Dan Valentine moved to approve the Class II Final for Saddleback, R-6 N-4 & 5, Phase I, Plats A & B, subject to the DRC report and the Town Engineer's letter dated July 15, 1999, and specifically, that the park is improved at 50% occupancy of residences or completed within one year of recordation whichever comes first. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

20. Department Reports:

A. Administration/Airport Advisory Board/Mayor Robert Bateman

Mayor Bateman gave out the phone number for the new Public Information Hotline. The new number is 766-3300. He also said that most of the Town Staff that are on call have cell phones so they can be reached in a timely matter.

B. Parks and Recreation/Youth Council/Arts Council/Diane Bradshaw

Diane did not have any issues to discuss.

C. Planning Commission

Mayor Bateman said the Planning Commission recently had a meeting on amending the Development Code that would make Final Approvals good for one year.

D. Public Works Board/Dan Valentine

Dan announced that the Public Works Board would now be meeting once a month instead of twice a month.

E. Public Safety/Cyril Watt

Cyril Watt said he was working on setting up an evening with a guest speaker to discuss evacuation proceedings if the need ever came about.

21. Consideration to approve an Ordinance Restricting Fireworks from certain areas in Eagle Mountain:

Mayor Bateman read Section 1 and 2 of the proposed ordinance:

Section 1. It shall be unlawful for any person to discharge any class of fireworks in any area zoned for agriculture or in any unimproved residential or commercial area within the Town of Eagle Mountain, provided however, that Class C fireworks may be discharged by persons owning and residing in agricultural areas within the Town where the discharge of fireworks is limited to an area or areas cleared of all flammable vegetation or other flammable materials.

Section 2. The discharge of fireworks in residential areas of the Town of Eagle Mountain shall be limited to residential irrigated yards cleared of flammable vegetation or other flammable materials and the hard surface street area or alley adjacent to residential yards. A person shall not discharge fireworks in manner that threatens the personal safety or property of any person.

There was a discussion about various aspects of the ordinance.

Mayor Bateman said he did not like the idea of fireworks in an agriculture area where there is a lot of dry vegetation. He said he was okay with designated areas where a fire truck would be nearby.

Paul Bond, Town resident, strongly opposes the use of fireworks in Eagle Mountain.

Mark Lofgren, Town resident, also opposes the use of fireworks in Eagle Mountain.

Jerry Kinghorn said that Class C fireworks are the only fireworks allowed in the State of Utah. He said you can't prohibit their sale, but you can prohibit their use. He said he had visited with Eric Taylor, Town Fire Chief, and he felt like these designated areas would be okay.

Mayor Bateman commented that if you have an out-and-out ban, people would not comply with it.

Paul Bond, Town resident, felt like it was too late this year to do anything about it. He asked that it be taken care of for next year.

Mayor Bateman said he would try to get the word out to the Town the next day.

Jerry Kinghorn said he would change Section 2 to read: The discharge of fireworks in residential areas of the Town of Eagle Mountain shall be limited to an area designated by the Fire Chief

MOTION ***Cyril Watt moved to direct the Town Attorney to modify the language in Ordinance 99-14 to indicate that, It shall be unlawful for any person to discharge any class of fireworks in any area zoned agricultural or in any unimproved residential or commercial area within the Town of Eagle Mountain. Also, the discharge of fireworks in residential areas of the Town of Eagle Mountain shall be limited to an area designated by the Fire Chief. A person shall not discharge fireworks in an area not designated by the Fire Chief. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.***

23. **Animal Licensing, Transportation, Enforcement & Shelter Services Agreement with Utah County:**

This item was removed from the agenda.

24. **Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and potential litigation:**

MOTION ***Diane Bradshaw moved to adjourn into a Closed Executive Session at 10:15 p.m. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.***

MOTION ***Dan Valentine moved to go back into an Open Session at 10:27 p.m. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.***

Diane Bradshaw moved to adjourn the Town Council Meeting at 10:27 p.m.

Approved: Diane D. Bradshaw **Date:** 8/24/99

Diane D. Bradshaw, Mayor Pro Tem

This certifies that the minutes of July 20, 1999 are a true, full and correct copy as approved by the City Council on AUGUST 17 1999.

Signed: Janet B. Valentine

City Recorder