

MINUTES OF THE TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
August 1, 2000

**WORK SESSION 4 p.m. – 6 p.m.** Town Office Conference Room 1680 East Heritage Dr. Eagle Mountain.

Roll Call:

Mayor pro tempore Dave Albrecht, Bert Ankrom, Greg Kehl, Brigham Morgan, John Newman, Stephan Gabrielson, Jalaire Taylor, Ken Leetham, Eric Taylor, Kevin McCarthy, Robert DeKorver, Korey Walker, Jerry Kinghorn & Janet Valentine. Mayor Paul Bond and Fionnuala Kofoed were excused.

Others present: Russ Rossander & Nick Berg, Eagle Mountain Properties (EMP); Mike Wren, MCM.

**MOTION** *Brigham Morgan moved to adjourn into a Closed Executive Session @ 6:15 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Present for the Closed Session: Mayor pro tempore Dave Albrecht; Brigham Morgan; Greg Kehl; Bert Ankrom; John Newman; Jerry Kinghorn & Janet Valentine.

**MOTION** *Greg Kehl moved to return into Open Session @ 6:35 p.m. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

**POLICY SESSION 7 p.m.**

Mayor pro tempore Dave Albrecht called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor pro tem Dave Albrecht, Greg Kehl, Brigham Morgan and Bert Ankrom. Mayor Paul Bond and Fionnuala Kofoed were excused.

Town Staff:

Town Administrator:	John Newman
Town Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Town Planner:	Ken Leetham
Town Clerk:	Janet Valentine

Others present: Rick Pierce, resident; Candy Bateman, resident; Keith Callen, resident; Cody Herbert, resident; Mark Madsen, resident; Jody Hooley, resident; Dave Thomsick, resident; Bill Neathery, resident; Dan Valentine, resident; Juanita Christiansen, Youth Sports; Nick Berg, Eric Jones & Russ Rossander, EMP; Scott Kirkland, The Ranches.

2. Pledge of Allegiance:

Rick Pierce led the town in the pledge of allegiance.

3. Approval of Minutes:

There were no minutes to approve.

4. General Discussion/Questions/Announcements:

Candy Bateman expressed her appreciation to the Town Council, police and fire department for their support at the Pony Express Days events. There were 15 main events, which helped generate a great community spirit. Mrs. Bateman stated that in the future the committee wanted to focus on historical events more pioneer type activities.

Mayor pro tempore Dave Albrecht presented Mrs. Bateman with a plaque to commemorate Pony Express Days, 2000 and thanked her for her efforts.

5. Appointments:

Appointment of Keith Cowen to the Public Works Board.

MOTION *Brigham Morgan moved to appoint Keith Cowen to the Public Works Board as a lay member. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

6. Public Notices:

There were no public notices.

7. Public Comment:

Dave Thomsick, resident, commented on the difficulties that new residents of Eagle Mountain face getting phone service.

Dan Valentine gave a report on the status of the telephones system. Mr. Valentine acknowledged that the Town was behind on hookup. He stated that the reason the Town was waiting until a certificate of occupancy was issued before they hooked up new residents was to avoid any homeowners who were illegally occupying a home from getting a telephone line. Mr. Valentine also commented on the problems in unfinished subdivision where the developer was responsible for installing the phone system. Residents who had paid their deposit had to wait until the phone system was finished, tested and approved by the engineer before the Town could get them hooked up. Mr. Valentine said that the Town Council had the authority to direct him how to approach the problems that they faced. One of the major issues the Town faced was keeping up with the rapid growth.

Rick Pierce, resident, discussed the poor condition of Pony Express Park from lack of water and questioned whether the grass could be salvaged. Flag football and youth soccer were scheduled to begin and the park was unfit for use. Mayor pro tem Dave Albrecht stated that Eagle Mountain Properties was responsible to water the park and they could address the issue.

Russ Rossander, EMP, said that the water was turned off for Pony Express Days and never turned back on. EMP was not aware that the water had been turned off until it was too late. A water meter was currently being installed and as soon as installation was complete, EMP would turn the park over to the Town. Mr. Rossander apologized for the condition of park and said that it was due to lack of communication.

Juanita Christiansen, Youth Sports, discussed an alternative park in Eagle Park that could be used for the sports program, however there was a parking problem. Mrs. Christiansen said that they didn't have the money to refund to those who had signed up and was at a loss of what to do. Bert Ankrom said that there was a park in good condition in Eagle Point that could be used.

Mayor pro tem Dave Albrecht recognized Mrs. Christiansen for her contribution to the Sports Program. Mr. Albrecht said that he would confer with John Newman regarding the grass in the park and contact her.

8. ***Protest Hearing: To receive public comments regarding the creation of Eagle Mountain, Utah Special Improvement District 2000-1 (The Ranches, LC) (Installation of asphalt trails; Installation of irrigation and landscaping; Seal coat and striping of road; Well engineering, drilling, piping, pump, connections, equipment, housing, testing, etc.; Installation of fencing)***

Public Hearing opened @ 7:30 p.m.

There were no protests received by the Town Clerk.

Jody Hooley, resident commented that she was concerned with landscaping hilly areas, as it took more water than flat areas.

Town Attorney Jerry Kinghorn addressed the public and explained the SID. Mr. Kinghorn stated only property that that was owned by The Ranches, LC would be assessed. The Resolution to be adopted would create the district and would not encumber the Town in any way. It would start the process necessary to make the improvements.

Bill Neathery, resident, asked whether The Ranches had a history with SIDs and how would the Town benefit from this one. Jerry Kinghorn stated that The Ranches was ahead of schedule for the repayment of their assessments for the bonds for SID 98-1. Mr. Kinghorn also said that the Town would benefit from the SID in terms of improvements that are installed to its specifications. The overall benefit is the infrastructure and the expansion of the utility systems to help repay the indebtedness that the Town incurred in 1997-98.

Dave Thomsick, resident, asked what kind of guarantee was there that the money would be spent correctly. Mr. Kinghorn stated that all the contracts are done through the Town insuring that things will be completed in a timely way.

Dan Valentine, resident, asked about assessments. Jerry Kinghorn responded that it was the Town's policy that the assessment would not exceed 30% of the appraised value.

Mayor pro tempore Dave Albrecht closed the Public Hearing @ 7:45 p.m.

9. Approval of a Resolution to create Eagle Mountain, Utah Special Improvement District No. 2000-1 (Installation of asphalt trails; Installation of irrigation and landscaping; seal coat and striping of road; Well engineering, drilling, piping, pump, connections, equipment, housing, testing, etc.; Installation of fencing):

MOTION        *Greg Kehl moved to adopt Resolution # 14-00 to create Eagle Mountain, Utah Special Improvement District No. 2000-1 described in the Notice of Intention concerning the district and authorizing the Town Officials to provide to make improvements as set forth in the Notice of Intention to create the District; Authorizing the City Engineer to prepare a Notice to Contractors for Sealed Bids with respect to the construction of the improvements; and related matters. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

10. Minor Development Approvals:

- a.        Waiver of roof pitch & setback for Lot 92 in North Ranch Subdivision.

Ken Leetham addressed the Council and discussed Cody Herbert's request for a waiver of the roof pitch on his lot in North Ranch. Mr. Leetham stated that the Town Council was only considering the request for the waiver of the roof pitch. He further stated that only the Board of adjustment has authority to grant variances such as setbacks. Mr. Herbert and Mark Madsen, president of the homeowners' association in North Ranch, had brought the issue before the North Ranch residents on May 13, 2000 who agreed to have the CC&R's amended to allow a 2/12 roof pitch for accessory buildings. Mr. Herbert and Mr. Madsen requested that the Town Council follow the recommendation of the Planning Commission.

Bert Ankrom and Brigham Morgan were not in favor of the request, as they believed that the CC&R's couldn't be less restrictive than the Town Code.

The Council discussed the roof pitch, it was determined that the most efficient way to resolve this issue was to have the CC&R's amended for the entire North Ranch neighborhood.

Mr. Newman instructed Mr. Herbert and Mr. Madsen to submit:

1. A copy of the existing CC&R's.
2. A copy of the proposed CC&R's.
3. Evidence that the residents have approved the proposed CC&R's.

The Town Council further instructed that the proposed CCR'S would have to be approved by the Planning Commission. Mr. Madsen then indicated that the Planning Commission had already recommended approval of the new CC&R's. Mr. Leetham indicated that the Planning Commission had only acted on the waiver for Mr. Herbert's property and not the CC&R's. It was agreed that the Planning Commission minutes and tape would be reviewed in order to clarify the Planning Commission's action.

11. Major Development Approvals:

- a.        Overland Trails, Phase II B-Extension of approved plat.
- b.        Overland Trails, Phases I II & II-B relating to the park and landscaping requirements.

These two items were discussed simultaneously.

Ken Leetham addressed the Council and discussed some issues that he believed were relevant to this situation and the project. The request was for an extension of an approval of a previously approved plat, Overland Trails, Phase IIB.

First, the Town Standards and Specifications for public infrastructure improvements have changed since this plat was approved as a preliminary plat. This project should meet the Town's current standards and not the previous standards.

Second, the Town's requirements for park improvements have been updated. This development should meet the Town's current parks & recreation plan for the neighborhood park.

Third, this phase should comply with the new Capital Facilities Plan and impact fee ordinance.

Fourth, the project should be in compliance with the current Town Code. There are some changes related to bonding and public improvements that have changed since the original approval.

Finally, a development agreement should be prepared and approved prior to recording of the final plat document.

Additionally Mr. Leetham requested that if the extension were granted that it not exceed more than 3 months and that the Plat be recorded within 90 days of the Town Council's approval. Also, that a plan for the neighborhood park be presented and approved by the Town Staff and be completed within the 3 month time period.

Another condition that was discussed was that the neighborhood park improvements (upon approval of the plan) be placed in the performance bond for the subdivision.

Nick Berg, EMP, agreed with all the conditions except the 3-month time period. Both he and Eric Jones, EMP, requested 6 months to bring the project into compliance.

Eric Jones discussed the park improvements and requirements. EMP was contemplating doing a park for 121 lots. This would leave a 49 excess lot park capacity that they would use in the future for some other development adjacent to the park within a ¼ mile.

Greg Kehl recommended a 4month extension.

John Newman suggested that the installation of the park be left to the discretion of the Town Engineer. This would give some latitude if the installation were held up due to inclement weather etc.

Brigham Morgan was excused from the meeting.

- MOTION** *Bert Ankrom moved to approve the request for an extension of time for the Overland Trails, Phase II B subdivision subject to the following conditions:*
- 1. That the approval be valid for a period not to exceed 4 months. If the plat is not recorded within 4 months of this approval then the approval will expire and the plat will have to be resubmitted and processed as a new subdivision.*
  - 2. That a plan for the neighborhood park proposed in the letter from Eagle Mountain Properties dated July 18, 2000 be submitted and approved within 30 days of the date of this approval and that construction of the park be completed in accordance with the recommendation of the Town Engineer. The Town staff is authorized to approve this plan.*
  - 3. That the developer be subject to any adjusted funding requirements to the Town's Capital Facilities Plan as a result of this project.*
  - 4. That this project complies with the current impact fee ordinance, Town Code and Town Standards and Specifications.*
  - 5. That a development agreement be prepared and presented in complete form for approval by the Town Council prior to recordation of the final plat.*
  - 6. That the park improvements be placed in the performance bond for the subdivision.*
- Greg Kehl seconded the motion.*

**Discussion** Eric Jones asked why the Council couldn't approve the final plat that night. Jerry Kinghorn stated that the Development Code requires that an extension of time of the type be done in a development agreement. John Newman stated that the extension wouldn't become a formal extension until the developer and the Town sign the Development Agreement and it is in place.

**MOTION** *The extension would be 4 months from the approval of the plat. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Jerry Kinghorn recommended that the 4 month clock begin after the August 15, 2000 Town Council meeting when the Development Agreement is approved.

Korey Walker was excused from the meeting.

**11c. Approval of the Development Agreement for Overland Trails, Phase III, Plats A & B:**

Ken Leetham addressed the Development Agreement for Overland Trails, Phase III, Plats A & B. The Agreement was originally submitted as one plat. The only change is that it was split into two Plats, A & B.

Jerry Kinghorn stated that EMP would like the Town to work with the developer to identify an avigation easement on the plat. Eric Jones proposed that the avigation easement be identified in the CC&R's for the subdivision and not the plat. Jerry Kinghorn commented that it needed to be on the plat, as it doesn't create a property interest in the CC&R's.

MOTION *Greg Kehl moved to approve the Development Agreement for Overland Trails, Phase III, Plats A & B subject to the insertion of the Avigation easement. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

12. Approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule:

MOTION *Bert Ankrom moved to approve Resolution # 15-00 Amending the Eagle Mountain Consolidated Fee Schedule. Greg Kehl seconded the motion. Ayes: 3. Nays: 0. Motion passed.*

13. License Agreement with UDOT:

This item was removed from the agenda.

14. Consent Agenda:

MOTION *Greg Kehl moved to approve the Consent Agenda Items. Bert Ankrom seconded the motion. Ayes: 3. Nays: 0. Motion passed.*

15. Vehicle Purchases:

MOTION *Greg Kehl moved to approve the purchase of a 2000 Ford Focus not to exceed \$16,000. In addition, the purchase a 2000 F150 not to exceed the purchase price of \$26,000. Bert Ankrom seconded the motion. Ayes: 3. Nays: 0. Motion passed.*

Mayor pro tem Dave Albrecht stated that the purchase of the vehicles was included in the budget. John Newman added that there were funds in the budget to purchase additional vehicles when they were needed.

16. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security.

MOTION *Greg Kehl moved to adjourn into a Closed Executive Session @ 9:05 p.m. for the purpose of discussion personnel issues, potential litigation and/or public safety/security. Bert Ankrom seconded the motion. Ayes: 3. Nays: 0. Motion passed.*

Present: Mayor pro tem Dave Albrecht, Bert Ankrom, Greg Kehl, Jerry Kinghorn, John Newman, Janet Valentine.

17. Motion to adjourn the Closed Executive Session and return to Open Session:

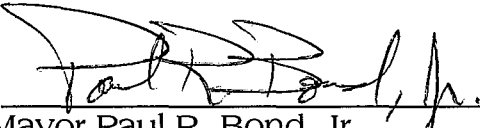
MOTION *Bert Ankrom moved to adjourn the Closed Executive Session @ 9:25 p.m. and return to Open Session. Greg Kehl seconded the motion. Ayes: 3. Nays: 0. Motion passed.*

18. Action from the Closed Executive Session:

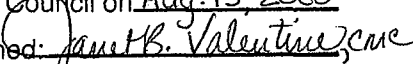
There was no action.

19. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting @ 9:25 p.m.*

APPROVAL:  DATE: 12/11/00  
Mayor Paul R. Bond, Jr.

This certifies that the minutes of  
Aug. 1 are a true, full and  
correct copy as approved by the  
City Council on Aug. 15, 2000

Signed:   
City Recorder