

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF EAGLE MOUNTAIN, UTAH,  
Eagle Mountain Town Office, 1680 East Heritage Drive**

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**DATE: AUGUST 11, 1998**

**A. OPENING:**

**1. Roll Call:**

The meeting was called to order by Mayor Debbie Hooge at 7:05 p.m.

The following Council members were present:

Mayor: Debbie Hooge  
Council: Rob Bateman, Diane Bradshaw and Dan Valentine

Town Staff:

Town Planner: Dave Conine  
Town Attorney: Jerry Kinghorn  
Town Clerk: Janet Valentine  
Deputy Clerk: Barbara Wren, recording

Also Present: Nick Berg, Eagle Mountain Properties; Jason Burningham, Lewis Young Robertson & Burningham; Bert Carter, Eagle Mountain Builders; Kent Hoggan, Big Sky Ranch; John Jacob, Cedar Pass Ranch; Eric Jones, Eagle Mountain Properties; Scott Kirkland, Cedar Pass Realtors; Mark Kopatz, Cedar Pass Ranch; Chad Larson, Bob Lynds, Eagle Mountain Properties; Phil Nolen, Cedar Pass Ranch; Gary Tassainer, Tasco Engineering

**2. Pledge of Allegiance**

Barbara Wren led the Pledge of Allegiance.

**3. Approval of Agenda**

Korey Walker asked that a bond release issue for Mountain View – Phase I be added to the agenda for approval. It was decided to add the bond release issue to the agenda as Item 16.

**MOTION**                    *Rob Bateman moved that we approve the agenda, as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**4. Approval of Minutes (7/14/98, 7/16/98, 7/28/98)**

The minutes of July 14, 1998 were reviewed and changes made.

**MOTION**                    *Diane Bradshaw moved that we approve the minutes of July 14, 1998, as amended. Rob Bateman seconded. Ayes: 3, Nays: 0, Abstain: 1 (Dan Valentine). Motion carried.*

The minutes of July 16, 1998 were reviewed and changes made.

**MOTION**            *Rob Bateman moved that we approve the minutes of July 16, 1998, as amended. Dan Valentine seconded. Ayes: 43, Nays: 0. Motion carried.*

The minutes of July 28, 1998 were reviewed and changes made.

**MOTION**            *Rob Bateman moved that we approve the minutes of July 28, 1998, as amended. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion carried.*

**5. General Discussion / Questions / Announcements**

Gary Tassainer informed the meeting that Tasco Engineering is going to request an 8-hour power outage from midnight until 8 a.m. to include Overland Trails, The Landing, Eagle Point, the Town Center and the South Sweetwater road areas. Tasco will put flyers on doors and again, Friday and they may be able to telephone residents. Gary explained that it was necessary to do some major switch over and changes to the system.

Gary Tassainer distributed a Tasco Engineering, Inc. memo of subject "SID 98-2 Natural Gas Distribution in Cedar Pass Ranch and Cedar Pass Ranch North" and suggested it would be wise to keep the back pages of the document confidential as it contains material that would be close to what they would use in a bidding situation. Gary reviewed the engineering estimates of the front lot installations vs. rear lot installations of the Natural Gas Distribution System. Tasco is seeking Council approval to complete the design and prepare the bid documents within the first two weeks of September, with installation to be completed in mid-November. Discussion ensued. Gary stated that it is important to proceed with this quickly before cold weather begins.

**6. Warrant Register**

**MOTION**            *Diane Bradshaw moved that we table this item #6. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion carried.*

**7. Public Comment**

John Jacob, 9155 North Cedar Pass Road, was supplied with a copy of the "SID 98-2 Natural Gas Distribution in Cedar Pass Ranch and Cedar Pass Ranch North" document for his information.

There were no further comments.

**8. Protest Hearing**

**A. Consideration and Approval to Create Special Improvement District No. 98-1 for the Purpose of Making Improvements with the District and to Levy Special Assessments as provided in Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended, on the Real Estate Lying Within the District for the Benefit of which such Assessments are to be Expended in the Making of Such Improvements**

Mayor Hooge asked Jerry Kinghorn, Town Attorney, to summarize the status of the SID for the Council.

Mayor Hooge recused. Rob Bateman served as Mayor ProTem.

Mr. Kinghorn explained to the Council that they could approve the SID tonight if they do not receive sufficient protest to kill it. If they do proceed, then they have other choices including whether or not to proceed with the award of the bid (Timp Sewer Line and others that will come afterward). Jerry continued that the problem we have is the financial consultants and underwriters feel they haven't had enough time with the appraisal and other financial documents to work those documents through the credit process with the banks. He said they need about a month to complete that process before we should go ahead and issue construction contracts, unless the proponents of the projects are willing to proceed with the understanding that, if we cannot get interim warrants issues, the developers would stand the expense of the construction process. His, and the financial consultants' recommendation, is that before the contracts are let and notice to proceed with the bid are awarded, we need to visit with the developers about the risk to them if we can't get the credit and we cannot get the banks to buy the interim warrants. If we can, then we would reimburse the developers for anything they paid on the construction contracts. And, Jerry continued, if the contracts are structured in such a way that the first payments are not due for 60 - 90 days, it may be that the consultant can obtain the financing and it would not then be necessary for the developers to expend any money. Scott Kirkland, Cedar Pass Ranch, L.C., said he had been attempting that day to contact Mr. Kinghorn to suggest that the developers stand this expense in the interim. He said they were willing to take that risk as they cannot afford to wait because of weather restrictions. Bob Lynds, The Ranches, L.C., suggested that, in the interim they will also pursue construction financing against the eventual takeout by the SID. He has talked to their banks and said they are amendable to this. He added, one banker is even interested in issuing a warrant. Rob Bateman asked the meeting attendees if there was any protest to the formation of this SID. There were no objections. Scott Kirkland provided Jerry Kinghorn with notebooks for he and Laura Lewis of Lewis Young Robertson & Burningham. Rob Bateman called for questions from the Council. Rob Bateman asked if there had been any protests filed. Janet Valentine said she had received none and there were only about 8 land owners in that district. Rob stated that if there were no other comments and no protests filed, he would entertain the motion that we move to approve SID 98-1.

**B. Action From Item 8-A**

**MOTION**            *Diane Bradshaw moved that we approve Resolution 15-98 to create the Special Improvement District # 98-1 as set forth on the Resolution format. Dan Valentine seconded.*  
*Roll Call Vote - Dan Valentine: Aye, Diane Bradshaw: Aye, Rob Bateman, Mayor ProTem: Aye.*  
*Ayes: 3, Nays: 0, Abstain: 1 (Mayor Hooge recused). Motion passed.*

**MOTION**            *Diane Bradshaw moved that we discuss Item 11 while Mayor Hooge is recused. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.*

**9. Award Bid for the Sewer Out-Fall Line and Ranches Parkway (formerly Item 11)**

Korey Walker said the bids for the sewer out-fall line were opened Wednesday. He reviewed the Bid Tabulation sheets for the Ranches Parkway Road, water and sewer construction and the sewer out-fall line to TSSD. Korey stated that the three bidders, W. W. Clyde, Valley Asphalt and CIC

were fairly close and he was pleased with the numbers. Condie Construction (CIC) was the apparent low bidder. Discussion ensued and Korey Walker answered several queries from Councilman Valentine. Rob Bateman conferred with Bob Lynds, and Scott Kirkland, of the Ranches, L.C., that they were indeed fronting the cost of this until the warrants are issued and that they have seen the bids and have no problem with them. Both gentlemen responded in the affirmative. Mr. Bateman called for a motion.

**MOTION**            *Dan Valentine moved that we award the contract for the Timpanogos Sewer Out-fall Line to Condie Construction in the amount of \$1,923,939.26 with the stipulation that the approval to proceed is withheld until the developer has entered into a written agreement with the Town to cover the costs until the interim warrants are issued and until the easements are in our hands. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.*

**MOTION**            *Dan Valentine moved that we award the contract for The Ranches Parkway Road, Water and Sewer Construction to Condie Construction in the amount of \$2,137,145.40 with the stipulation that the developer enter into an agreement with the Town to reimburse the town for these start-up costs in the event the Town does not have interim warrants. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Motion passed.*

Mayor Debbie Hooge rejoined the meeting.

**10. Impact Fee Analysis (formerly Item 9)**

Rob Bateman advised the attendees that Council Member Dan Valentine and he had met with most of the staff on August 5 to review the Impact Fee Analysis. Jerry Kinghorn said that we need to have some decisions tonight on the percentage breakdown between impact fee and future funding. Dan Valentine stated that the Public Works Board recommended between 60 – 70% of the impact fee and that we use old Scenario III with an agreement built in that any money the developers spends on items in Capital Facility Plan, exclusive of RBANs, would be credited back to them. Discussion ensued regarding the provided scenarios. Jerry Kinghorn clarified that tonight we are discussing the methodology to direct the completion of the analysis. If the decision is made tonight, the analysis will be written up and filed by August 22<sup>nd</sup> and would go to Public Hearing on September 8. Gary Tassainer distributed the analysis documents that he and Korey Walker had prepared and extended discussion was held regarding percentages at which the impact fees should be set. Jason Burningham, Lewis Young Robertson & Burningham, joined the discussion with further scenarios in which the impact fees were revised downward based on Korey Walker's meeting with Eagle Mountain Properties and The Ranches. Rob Bateman proposed that our user fees are correct where they are, that we need to fund at 100% of the impact fee the stormwater and transportation. On the revenue based items (water, sewer, gas, electric and telecommunications) we should fund at 60% impact fee. Eric Jones, Eagle Mountain Properties, stated that he found it inequitable that items assessed on impact fee basis solely on Eagle Mountain Properties side and none assessed on The Ranches side. Korey explained that the Council was assuming that revenues generated from the north would offset that cost. The only items that should not be allocated to both are where The Ranches, through SID or otherwise, is paying a large share of the project cost in cash. Korey Walker recommended that, in the future, where we do not know what is going to be in the RBANs, we ought to do a split. We would need the Council's recommendation on what that split should be – 50/50, or based on ultimate build-out. Mayor Hooge commented that not all of the impact fees that we recover go to The Ranches, but to pay off the RBANs, which directly benefits Eagle Mountain Properties. Discussion continued. Nick Berg commented that he feels uneasy with the message a high percentage impact

fee would send to prospective buyers. Dan Valentine said that if our impact fees are in line with those of neighboring towns such as Springville and Lehi, why would the word go out that we are high. Discussion continued.

**MOTION**

*Rob Bateman moved that the water portion of the impact fees be set at 80%; and that the gross fee be equal for Eagle Mountain Properties and The Ranches service area; that the sewer impact fee be funded at 100%, and that it be separate for the Eagle Mountain Properties and The Ranches service areas; stormwater would also be funded at 100% with impact fees that would be separated according to the Eagle Mountain Properties and The Ranches service areas; transportation would be funded at 100%, divided between the Eagle Mountain Properties service area and The Ranches service area; electrical and telecommunications would all be funded at 60% and those would be equal for Eagle Mountain Properties service area and The Ranches service area; that this be based on maintaining the user fees at 100% and that we use new Scenario II, assuming no SIDs or RBANs, and that we allow credits for anything in the capital facilities funded under SID. Dan Valentine seconded.*

Rob Bateman invited comments. Discussion continued. Gary Tassainer, Tasco Engineering, felt that with these percentages we would be vastly overfunded. Rob replied that if that is true and Tasco Engineering can show us that, we can back off but for now this is the direction we want to go.

*Ayes: 4, Nays: 0. Motion passed.*

**11. (formerly Item 10) Partial Bond Release for Eagle Point Plat A**

Mayor Hooge entertained a motion that we table Item 10.

**MOTION**

*Diane Bradshaw moved that we table Item 10. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion passed.*

**12. #9 on the Agenda (Discussed Previously)**

**13. Consideration of an Ordinance to Adopt the American Public Works Association (APWA)**

Korey Walker explained that this was the "Orange Book" and he reviewed some additions he had made. He also has some typicals for street layouts that will need to go through the Planning Commission and then to the Council. Jerry Kinghorn said this ordinance needs to be rewritten but that the Council can enact an ordinance to adopt these standards as the official standards for these facilities.

**MOTION**

*Rob Bateman moved that we adopt the American Public Works Association Manual of Standard Specifications, including the attached addendum; and that we will do that by Ordinance 98-10 establishing violations as a Class C misdemeanor and authorizing the Town Attorney to rework the language to be legally defensible and authorizing the Mayor to proceed with the signature on that ordinance. Diane*

*Bradshaw seconded. Mayor Hooge called for discussion. There was none. Ayes: 4, Nays: 0. Motion passed.*

**14. Revision of the Supplemental Distribution Interconnect Agreement between Pacificorp and the Town of Eagle Mountain**

Jerry Kinghorn clarified the 600 kw cap issue. He explained that Pacificorp does not view the 600 kw limit as a hard cap. They had allocated 600kw to the Town of Eagle Mountain and 400kw to unknown others, i.e. if we arrive at that 600kw and there's 50kw of the 400kw being used, they will allow us to increment into the 400kw. Jerry said he recommends that we approve this, rather reluctantly, as he would like more time to work on it. He continued, since our other agreement expires we need to get this into place. Dan Valentine said he would like to have the language clarified regarding our allocation being flexible and Jerry said they were going back to Pacificorp and recommend some revisions of the language. The Council signed the Agreement as written.

Gary Tassainer informed the Council of a meeting next Thursday morning, 9 a.m., at the AF building, to clarify the proposal on the Joint Venture.

**15. Information Regarding Potential Annexation Request from White Ranch**

Korey introduced Mr. Kent Hoggan, one of the owners of White Ranch, with whom he has visited about some options regarding power and sewer in the event of White Ranch being annexed with the Town of Eagle Mountain. He explained that Mr. Hoggan is here to get the feelings of the Council on possible annexation. Mr. Hoggan said he had been approached by the Mayor of Cedar Fort to encourage White Ranch's annexation with Cedar Fort. He met with Korey Walker and Gary Tassainer to explore the mutual benefits of power, natural gas, sewer, etc., and is here tonight to see if it would make more sense to annex with Eagle Mountain rather than Cedar Fort. Mr. Hoggan showed a map of the area and discussion ensued. He explained that they were planning for a mixture of 5-acre, 1-acre, 10,000, 8,000 sq. foot lots. Korey stated the possible advantages of an annexation with White Ranch would be allow us to extend our sewer with the potential of being closer to Cedar Ft. and possibly servicing them in the future. It would also provide additional users on gas and electricity facilities to help us get through this first phase of the revenue need. Mr. Hoggan said that they have 1,547 acres, on which there are approximately 3,300 proposed units. Jerry Kinghorn said that a Master Site Plan is required with a petition for annexation. Dan Valentine said he feels we should contact Jeanine Cook, the Mayor of Cedar Fort, and get her feelings on this, as he does not want to become a bad neighbor to Cedar Fort. Diane Bradshaw will call her. Rob Bateman said he is not averse to annexation but would have to be something that Cedar Fort would be amenable to and it would have to meet the design and development code.

**16. Public Hearing**

**A. Consideration and Approval of a Resolution Adopting Compensation for Elected Officials of the Town of Eagle Mountain**

Mayor Hooge recommended that we take the low end of the pay scale for compensation of elected officials.

**MOTION**

*Rob Bateman moved that we discuss the Bond Release issue first, before deliberating Item 16-A. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**17. Consideration of Escrow Bond Partial Release For Mountain View – Phase I**

Korey Walker explained certain portions of the document and said he felt comfortable with it.

**MOTION**            *Rob Bateman made a motion to grant partial bond release in the amount of \$62,693 for Mountain View Phase I. Diane Bradshaw seconded. Mayor Hooge called for questions. There were none. Ayes: 4, Nays: 0. Motion passed.*

**Return to Item 16-A – A Consideration and Approval of a Resolution Adopting Compensation for Elected Officials of the Town of Eagle Mountain.**

Mayor Hooge called for comments. Discussion ensued.

**16 – B.        Action from Item 16-A**

**MOTION**            <sup>1</sup>  
*Diane Bradshaw moved that we adopt Resolution 16-98, Resolution to Adopt Compensation for Elected Officials, in the amount of \$400 per month, plus expenses, for the Mayor; \$200 per month, plus expenses, for the Council Members.*

Discussion was called for.

*The motion for compensation of said individuals was amended to begin effective on the next calendar month following approval of the amended budget. Diane Bradshaw accepted that amendment. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion passed.*

**17. (formerly Item 16). Adjourn into Closed Executive Session**

**MOTION**            *Diane Bradshaw moved to adjourn to Closed Executive Session for the purpose of discussion personnel and proposed drug abuse testing. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion passed.*

The meeting was adjourned to Closed Executive Session at 10:20 p.m. Attending were Mayor Debbie Hooge, Rob Bateman, Diane Bradshaw and Dan Valentine.

The meeting of the Closed Executive Session ended at 10:30 p.m.

**MOTION**            *Dan Valentine moved that we open the regular session of Town Council at 10:35 p.m. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

**18. Action from Closed Executive Session**

Sue Fraley, Executive Assistant to the Planning Director, has resigned. The Council has agreed to appoint Barbara Wren, Eagle Mountain Deputy Clerk, to fill that position. Mayor Hooge recommended that Barbara begin training with Sue Fraley immediately as Sue is leaving on August 28<sup>th</sup>.

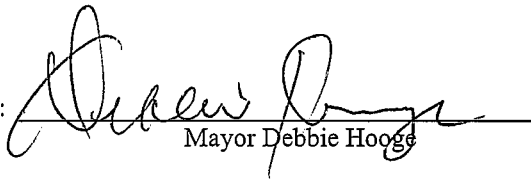
The Council also agreed to implement employee drug testing as set forth in the Personnel Policy and Procedures manual for the Town of Eagle Mountain.

**MOTION**

*Diane Bradshaw recommended that we adjourn the meeting. Rob Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

The meeting adjourned at 10: 45 p.m.

Approval:

  
Mayor Debbie Hooge

Date:

August 11, 1998

The foregoing minutes were posted at the Eagle Mountain Fire Station, Eagle Mountain, Utah, the bulletin boards at Cedar Meadows Subdivision and the Cedar Pass Ranch Trailer by \_\_\_\_\_, Town Clerk.