

**MINUTES OF TOWN COUNCIL MEETING
EAGLE MOUNTAIN FIRE STATION
1680 E. Heritage Dr.
Eagle Mountain, UT 84043
August 25, 1998**

1. Roll Call:

Town Council Meeting was called to order by Diane Bradshaw, Councilmember, at 7:12 p.m.

Councilmembers present: Mayor Debbie Hooge, Dan Valentine, Diane Bradshaw, Cyril Watt, Robert E. Bateman

Town Staff:

Town Engineer: Korey Walker
Town Planner: Dave Conine
Town Attorney: Jerry Kinghorn
Town Recorder: Janet Valentine
Recording Secretary: Barbara Wren

Also present: Nick Berg, Eagle Mountain Properties; James Dahl, MCM Engineering; Gary Tassainer, Tasco Engineering; Bob Lynds, The Ranches L.C.; Keith Cowan, Cedar Pass Ranch; David Lifferth, Cedar Pass Ranch; Greg Kehl, Cedar Pass Ranch; Daniel Burton, Cedar Pass Ranch; John Lala, Cedar Pass Ranch; see attached list

2. Pledge of Allegiance:

Dan Valentine led the Pledge of Allegiance.

3. Approval of Agenda:

MOTION *Rob Bateman moved to approve the agenda. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

4. Approval of Minutes 8-11-98:

Changes noted on the minutes.

MOTION *Rob Bateman moved to approve the minutes of the August 11, 1998, Town Council Meeting as amended. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

5. General Discussion/Questions/Announcements:

Janet Valentine, Town Recorder, talked about the upcoming election and urged everyone to vote "yes" and vote the Town of Eagle Mountain out of the County service area because everyone is being double taxed.

Rob Bateman made a suggestion that a line be put under the first item on the ballot and a note stating that if they vote for line one then you don't need to vote on the other ones.

Jerry Kinghorn, Town Attorney, gave some suggestions. There was a discussion regarding the ballot.

Diane Bradshaw asked if this was for the 1999 taxes and was told yes because they had already been taxed for 1998.

Janet Valentine brought up the problems she was having on Casel. Mayor Hooge said they would discuss this.

Janet Valentine announced an Open House at Lehi High School on September 9th for different municipalities in the area. There would be a booth for each municipality.

Janet Valentine announced there would be a neighborhood block party for The Landing at the Touchstone Development by the fire station. They wanted to know if the weather turned bad could they have it in the fire station bay. Mayor Hooge said they would have to talk to the Fire Chief.

Janet Valentine said there had been some interest about an annexation from a gentleman by the name of Paul Gardner. This would be a joint venture between Paul Gardner and another person to purchase the Henley property – between North Ranch and Meadow Ranch.

6. Warrant Register:

Rob Bateman questioned item 134 on the register for the City of Orem, radio purchase, in the amount of \$800.00. Nobody had approved this purchase. This was for 8 used radios purchased by the Fire Chief. Mayor Hooge asked Cyril Watt to talk to Eric Taylor about purchasing procedures.

There was a short discussion about the Natural Gas Service Calls under item 324 for Tasco Engineering. These were for three gas leaks and two dig ins.

Mayor Hooge asked Janet Valentine to give Korey Walker, Town Engineer, all of the water bills so he has an opportunity to look them over and okay them for payment.

MOTION *Rob Bateman moved to approve the bills as indicated on the Warrant Register with the exception of the bill for Water Pro which is to be made subject of approval of the Town Engineer. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

7. Public Comment:

Mayor Hooge explained the difference between Public Comment and Protest Hearing Comments.

8. Protest Hearing:

A. Consideration and Approval to Create Special Improvement District 98-2 for the purpose of making improvements by providing a Natural Gas Distribution System to the 235 lots platted within the boundaries of 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:

MOTION *Rob Bateman moved to suspend the Conflict of Interest Rules given the fact that three members of the Town Council are residents of the subdivisions impacted by this proposal and there would be no quorum to vote without the suspension of this rule. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

A presentation was made by Gary Tassainer, Tasco Engineering. He talked about the beginning of service systems being set up for the town. Utah Power wanted \$3.2 million dollars up front to get power out here. Questar wanted \$1.2 million dollars up front to get gas out here. US West wanted

around \$1 million dollars to get started out here. Because of this situation, the town chose to go with municipal utilities. Kern River was a good source for gas. This has a huge gas line. It is one of the best resources to pick. Gary told the citizens that once this system becomes operable they will become shareholders. There will be less property taxes. He said Questar wanted to buyout the system. The same with Utah Power and US West.

Gary then gave a demonstration of the location of the high pressure natural gas line. He said the cost for this portion of the location would be \$500,000. That portion of the cost is not in the costs that are part of the development in Cedar Pass Ranch or Cedar Pass North. When that line is installed then it will be available for Cedar Pass Ranch to tap into and draw gas. He then showed where Kern River gas would be. The southern portion of the development, Eagle Mountain Properties, is going to build a natural gas line up to meet this line (shown in demonstration). This has brought costs down. He explained that in energy value natural gas is significantly cheaper than propane.

Gary stated that 30 days ago they had analyzed this system trying to install a natural gas system in the back lot. It was easy on paper. When that was calculated out Cedar Pass Ranch was seeing numbers in excess of \$3,000 per lot. The Town Council said to re-think that one. Not only have you got problems running on the back lot but you also have some tremendous obstacles out there in terms of deep rooted washes and property lines that don't match up, areas that would have to be blasted for rock, etc. They then re-designed the front lot. He explained this was all conceptual. The plans are not ready to go out for bid.

Gary talked about how they had gone back and re-did the numbers for the front lot. These are only estimates. The contractors have to come in and submit bids in order to get the factual costs. What they didn't do in the beginning when the notice was posted to the public is the fact that Cedar Pass Ranch lots are two and sometimes three times as large as Cedar Pass North.

Gary explained that the estimates he was giving were for getting the main line installed and does not include service laterals. If you are 50 feet from the road it would probably cost the homeowner \$200-300. If you are 300 feet from the road it will probably cost you \$800-1200. Gas meters run about \$285. This is on a per lot basis and not a per linear foot basis, and the Town Council in their wisdom will have to determine what is more fair, whether it is per lot or per foot basis, the cost estimated would be \$1,844, or \$189 per year or \$15 per month. On another one it is \$1200 a lot, \$125 per year, and \$10 per month. Cedar Pass Ranch is \$1844 per lot. These are all estimates only.

Mayor Hooge asked Jerry Kinghorn, Town Attorney, to talk about the viability of Questar coming in and serving this area.

Jerry Kinghorn said there is a town ordinance that says all new construction hook up to the city utilities if they are available. This has been done to protect the financial viability of the city utility system. He said Questar could probably come in to the existing Cedar Pass Ranch and try to build a system to service the existing homes. As far as the vacant lots, homes built on these would have to hook up to the town system. It really doesn't make any sense going to two systems. It is not economically feasible. There would be regulatory problems if Questar should try to come in. Mayor Hooge said that 70% would not be able to be served by Questar. Gary Tassainer commented that it would be very expensive.

Mayor Hooge commented that the only reason they considered this is because they felt it was a service to Cedar Pass Ranch. It is not something they felt like they had to do. There was a lot of interest from homeowners out there to get this service. If the residents don't want it then we won't get it. There is no other motivation for this. She apologized about the numbers that were represented originally.

Comments:

David Lifferth, 2976 E Cedar Pass Road, wanted to know the time frame. Gary Tassainer said they would liked to have had it by this winter but now it looks like it would be at least next February.

David wanted to know if this was an all or nothing deal.

Mayor Hooge said it had to be re-noticed at a per lot assessment. Then there had to be another public hearing.

Keith Burnham, 2871 E Cedar Pass Drive, had questions about total costs.

Mark Sovine, 9156 N Cedar Pass Road, had questions about total costs. Mayor Hooge explained that the connection fee was separate from the estimated cost of running the pipe in.

Roxanne Clark, 8802 N. Overland Dr., had questions about the service connection fee.

Daniel Burton, 2441 E Ranch Road, had some questions about where they would be blasting and if this was in the same area where the water would be run. Gary Tassainer gave an explanation. Rob Bateman said they did not want the water and gas line to be next to each other. Daniel then talked about what he agreed to when he bought his home.

Jerry Kinghorn talked about other companies coming in and putting in systems. Mayor Hooge asked if the town would allow the other companies to come in and Jerry said that was a decision the town would have to make. Questar would have to get a franchise from the town on the town's road they would have to ask the town's permission to get the right of way that is owned by the town. Mayor Hooge said they probably wouldn't do this.

Daniel Burton was concerned about the cost estimates. He wants the options explored. He had gathered signatures from people in Cedar Pass. He was concerned about the cost of the Special Improvement District (SID). Wants more explanations. He sees some value in Questar providing some numbers on their cost.

Jerry Kinghorn explained that you can not control rate increases with Questar. Municipal power systems can more easily be lowered.

Daniel Burton asked if this new information could be sent out to the homeowners. He expressed his concern about the cost of blasting.

Mayor Hooge explained that the town is limited under the SID. They cannot increase the amount more than 10%. Mayor stated that if you oppose this SID then you have to file a formal protest with the town.

Keith Cowan, 8802 N Canyon Wash, commented on the letter from mid July. He wanted clarification about costs. Mayor Hooge explained that it is a tax assessment that comes from the town. It is a lien against your property. The town would re-hire someone annually to bill the amount. You can pay it all tomorrow. You can pay it over an annual basis. The town does not have the capacity to bill monthly, but would look at it and see what could be done. Jerry Kinghorn said this could be done in installments on the property taxes. This could be done over 15-20 years and is tax deductible. If you pay it monthly on your gas bill it is not tax deductible.

Greg D. Kehl, 7767 N Canyon Wash Dr, had comments about getting natural gas. He thinks it would be great. He felt like the numbers coming in right now were a little premature. He wants the town to get firm numbers. Use extreme wisdom.

Mayor Hooge explained the process the town must use. She said there are some constraints the town has. The town can't legally bid this out until a district has been formed. The town could probably get a contractor to look at it and give the town some reasonably close numbers.

John Lala, 8389 Crest Road, said his questions had already been answered.

David Lifferth, 2976 E Cedar Pass Ranch, wanted to know about some legal requirements. Jerry Kinghorn said that when the notice comes out it would have a specific ceiling on the amount that can be included in the project costs. If a bid comes in and it is more than the project cost that was put in the notice, the town has to either re-engineer the project to get it down under the ceiling or the town has to abandon the SID. Mayor Hooge said the original notice is void. If the town has to re-notice on the new numbers that Tasco comes up with, then if you still protest the district you have to make a formal protest to the town. It has to be in writing and it has to identify the property. Jerry Kinghorn said the new notice would tell the new project cost, the method of assessment per lot, and it would describe the improvements. David likes the ability to have a choice. He wants more facts to make a good decision for his family.

Mayor Hooge said the town already owns a natural gas company so that is done. She said Dan Valentine could provide any answers to your questions.

Rob Bateman said that Cedar Pass Ranches is well represented on the Town Council. He said when they saw the per acreage fees and what it would amount to they had the same reaction. One member of the Town Council has to pay on two lots. The council asked Gary Tassainer to go back and work on the numbers per lot. Rob felt like it looked a lot better. He apologized for the confusion. The intent is to save people money.

Gary Tassainer explained again that the numbers do not include getting the gas from the pipe to the house. These numbers are for the front line pipe only.

Diane Bradshaw asked people to look at the total cost involved – pavement, yards, etc.

Dan McDaniel, 8899 N Canyon Wash Dr, talked about the location of his electrical meter and how this would tie in to the gas line.

Mayor Hooge said they didn't want to get Gary Tassainer locked into the design.

Randy Reagen, 2441 E Cedar Dr, wanted clarification concerning his property. He also asked about the cost of propane versus natural gas.

Gary Tassainer said he can not tell people where to run their pipe because this SID has not been approved yet and he won't start the design until the SID is approved.

Mayor Hooge said they would do everything they could to keep Questar out. This would be very unwise to have them come in. It would cost the town more money than they could afford.

Bob Lynds, The Ranches L.C., commented that Questar had the opportunity to come out here. Questar told them what it would cost to come out. There would be no rebates or anything. Bob said the price was so absurd that it made no sense at all to even consider them. The town could do better.

David Lifferth still wanted to see some other numbers.

Mark Lindsay, 2854 E Ranch Road, asked about rate increases. Mayor Hooge said the only reason the town was even getting into the utility business was so they could offer affordable rates. The town is not allowed to make a profit like Questar. There is no motivation for the town to raise rates.

Dan Valentine asked the people at the meeting that if these numbers are right, does anybody oppose this SID? There were no responses.

MOTION

Rob Bateman moved that we as a Town Council disapprove formation of SID District 98-2; that we secure from the engineer the best cost estimates that we can; that we re-notice formation of a new SID on a per lot basis, and provide that notice to the citizens of the community, and proceed with that as quickly as possible. Diane Bradshaw seconded.

Diane Bradshaw asked Gary Tassainer of Tasco about a time frame. Mayor Hooge said that the papers had to be re-drawn and pass a resolution. She said it would take 45 days for a new one. Gary had some comments.

*The motion was amended to include on next agenda. Ayes: 5, Nays: 0.
Motion passed.*

Mayor Hooge asked Janet Valentine to verify registered voters.

9. The Ranches Update/Bob Lynds:

Bob Lynds, The Ranches L.C., gave a presentation. He talked about traffic situation and said that notices were being posted that no construction traffic can go through Cedar Pass except for other contractors. Traffic must go through on Lehi/Fairfield. Then it comes up and goes on SR-73 and in the new entry.

10. Eagle Mountain Properties Update/Nick Berg:

Nick Berg, Eagle Mountain Properties, talked about the water pressure at Overland Trails. Getting more complaints from residents. He talked about a meeting he had with all of the builders who are currently building out at Eagle Mountain. He talked about the number of people expected to move in before the end of the year. He said it would be about 150 families. The amount they expected to bring in during 1999 was estimated at 1,000. He brought up the amount of time it was taking to have a building inspected. He wants another building inspector brought in. It is taking over 30 days to get a building inspected.

Nick talked about the amount of people on the Town Council who live outside of the town center. He wants to see in the future more people from the town so they are represented. He clarified that it was Eagle Mountain Property residents because everyone in Cedar Pass is also a town resident.

Dan Valentine suggested that in the future they should have voting districts.

Nick Berg commented about how hard Dave Conine, Town Planner, had worked for the town and was sad to see him go.

Diane Bradshaw asked about the meeting with the school district. There was a discussion about the buses and about problems in the future for Meadow Elementary. This is a great concern for the future.

11. Final Approval of a Class II Permit for West Lake at Red Hawk Ranch:

Mayor Hooge recused. Diane Bradshaw was appointed Mayor Pro-Tem.

Korey Walker, Town Engineer, said this subdivision has 35 lots located on 12.5 acres. This computes to 2.78 lots per acre. There are two issues that require some discussion with relation to the Development Code. The Development Code, right now, has some street standards that correspond with arterial streets. He stated that trying to design a subdivision with those standards is difficult. Korey said he was in the process of developing a matrix that goes through and identifies each one of the streets that the Development Code allows with some design criteria for each one of them. This will allow tighter horizontal curve and also some smaller offsets with relation to intersections. He said one of the things that had never occurred to him was that the alleys in the downtown area do not meet the

Development Code because their intersections are less than 300 feet. For that reason Korey made the recommendation to the Town Council that they do allow a variance on the horizontal curves that they have increased the radius to and also the opposite intersections with some signing.

Dan Valentine asked if he could see some kind of map or blueprint. Bob Lynds thought the Council had a copy.

Diane Bradshaw asked if the streets were going to always a character name. Korey responded that the streets would have both a name and the north-south-east-west coordinate. Korey showed on a drawing where the area of concern was that he talked about earlier. Rob Bateman pointed out that he had heard from several studies that narrower roads and tighter curves produced fewer accidents.

There was some discussion about parks. Planning Commission wants to see designs. There was a discussion about having previous minutes of Town Council and Planning Commission.

Jerry Kinghorn asked if they were ready to dedicate this park to the town. He wanted to know if there was a trail system in place. He asked about a homeowners association and the CC&R's. Bob Lynds said this was all done. Korey Walker noted that there were still some engineering issues to resolve.

Rob Bateman said he had seen this at a Planning Commission meeting and was comfortable with it.

Dave Conine, Town Planner, voiced some concern about design guidelines. He talked about the horizontal curve information.

Jerry Kinghorn asked about the architectural guidelines. He wanted to know if this was going to an alternate set of guidelines. He wants a document of the plan.

MOTION

Rob Bateman moved that the Town Council grant final approval to West Lake at Red Hawk Ranch subject to the following conditions:

- 1. Grant a variance for the horizontal curve radius in the intersection offset distances.*
- 2. That we include in the Development Agreement a schedule for completion of park improvements and the dedication be handled quickly.*
- 3. That the water rights be approved by the Town Attorney as far as their utility for the town.*
- 4. That the SID be finalized.*
- 5. That on the next Council agenda that we approve the CC&R's and the Design Guidelines.*

Cyril Watt seconded.

Rob Bateman moved to amend to include anything the Planning Commission had on their conditions that have not been resolved to the satisfaction of the Town Engineer. Ayes: 4, Nays: 0. Mayor Debbie Hooge recused. Motion passed.

12. Request to set guidelines on scheduling a public hearing process for a Zone Change:

Mayor Debbie Hooge returned.

Mayor Hooge said she could not find anything on a zone change request. Rob Bateman explained it is an amendment to the Development Code and is on page 19. Rob explained that when a code is adopted you are also adopting our zoning map. Anything that is a zone change request is an amendment to our Development Code.

Mayor Hooge asked for a good definition. Rob Bateman said that one element in the Development Code or zoning ordinance in most towns is your official zoning map. That is adopted as part of the Development Code. What you are asking for when you come in and ask for a zone change is an amendment to the ordinance. This is chapter 3. You go through the same process for an annexation.

Dave Conine brought up the subject of annexation. Jerry Kinghorn said there was a new annexation law. Janet said she would get copies to everyone.

Mayor Hooge asked that the Annexation Policy be put on the agenda some time in the future concerning the gravel pit and Saratoga and Lehi. Then she added White Ranch. She wants to know where Eagle Mountain is going.

Mayor Hooge talked about why it would be an advantage picking up the annexation of White Ranch. She said they own about 2400 acre feet of water in the valley.

There was a discussion about services on new annexations.

Mayor Hooge stated she had a real problem with having only one way to get in and out of Eagle Mountain as far as the town is concerned. With the annexation of White Ranch this would give another entry.

Discussion.

13. Bond Releases/Korey Walker:

Mayor Debbie Hooge recused due to conflict of interest. Diane Bradshaw was appointed Mayor Pro-Tem.

Korey Walker stated Cedar Meadows requested a release of \$100,875.

MOTION *Rob Bateman moved to approve a partial bond release for Cedar Meadows Phase 1, 2, and 3, in the amount of \$100,875.00. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

Korey Walker recommended that in the future the developer bond for 110%, retain the 10%, then extend the warranty period for two years instead of one.

Mayor Debbie Hooge returned to the meeting.

14. Approve 07/98-06/99 Budget Revision:

Mayor Hooge said they were not ready to revise. Jeri Wilson said to wait until the Impact Fees Report is ready.

15. Department Reports:

A. Administration/Mayor Hooge

1. Utah County Mayors Unite against Domestic Violence:

Mayor Hooge suggested that the town participate in this. Mayor Hooge asked Janet Valentine to do a press release to the Lehi Press.

MOTION *Dan Valentine moved to issue this proclamation and substantially perform accordingly. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

2. Interviews for recording secretary:

Found someone who lives on Lake Mountain Road. She would take over Barb Wren's job.

MOTION

Rob Bateman moved that if Janet finds this person acceptable then have Diane Bradshaw go ahead and interview her and hire her. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

3. Concrete Plant:

Rob Bateman talked about some ongoing problems with the Eagle Mountain Redi-Mix Plant. The Mayor heard that the Hog Farm had offered to let them come out there.

There was a discussion about various issues involving the concrete plant.

Korey Walker said a letter needed to be written.

Rob explained that if they went out there they would have to have a zone change request in order to hook up on Utah Power. Utah Power said they would serve them if the Town of Eagle Mountain won't.

Rob explained that there were traffic issues as far as the road. Korey Walker said that W.W. Clyde was going down there to take care of some things.

Mayor Hooge brought up the issues of landscaping, fencing, and the trash. Rob said there was still some material that needed to be disposed of. Rob said they haven't even really submitted an application telling the town what they wanted to do.

Mayor Hooge asked about the GSE Manufacturing Plant down in that area. She said they hadn't done any landscaping. No parking. The Fire Department turned them down in this approval process because there is no access down there.

Korey Walker said they came to build back in March. He said there was some criteria that was brought before the staff at that time. Dave Conine explained this was a lot split out by the airport industrial park area. He explained there were agreements made when they wanted to go out there but they have not complied. Korey said a letter needed to be written to them and let them know that they need to comply or they would be red tagged.

Dave Conine thought he remembered that Eagle Mountain Properties said they were going to gravel the road. Korey said that Nick Berg of Eagle Mountain Properties told him last Friday that they were going to get W. W. Clyde out there to do this.

Mayor Hooge asked if they bonded for anything when they got the permit. Korey responded that they bonded for the water, the sewer, the temporary access and they were required to do landscaping but they didn't bond for it. Rob asked Korey to write a letter concerning the issues.

B. Planning Commission/Airport Advisory Board/Rob Bateman:

Rob Bateman said that Greg Morley came in and presented the Town Center plan. He said preliminary approval was granted to the Touchstone multi-family development. He said they did a nice job. Mayor Hooge asked if the Planning Commission had talked about the covered parking.

Korey Walker stated that preliminary approval had been given for Eagle Point Plat G. Mayor Hooge wanted to know who was making application on that plat. Korey responded that it was Patterson. Mayor Hooge asked who owned the land. Korey said that Wayne Patterson had his

name on the map as the landowner. Korey said there were some closing issues with John Walden. Mayor Hooge was concerned that approval was being given to someone who didn't own the land.

Dan Valentine asked if this was a valid application. Mayor Hooge asked for some legal papers and she said she would call her title company and have them do a title search. Mayor Hooge was concerned about a law suit from John Walden.

Rob Bateman brought the GSE issue up again. He felt like the town was not handling the commercial developments as well as they should. He felt like they had less control and needed to have more control. Mayor Hooge said that commercial developers should have to go through the same process and subdivision developers. The Development Code does not make than distinction.

C. Parks & Recreation/Diane Bradshaw:

Diane Bradshaw said there would be a parks and recreation presentation at a work session of the Planning Commission on September 8th.

Diane talked about Cedar Fort and the annexing of White Ranch. She said Cedar Fort did not want them to annex in and they voted 4 to 1 against it.

Diane talked about busing issues. It is being worked on. Mayor asked if the town could build bus shelters. Cyril Watt said he talked to UTA and they said if there were 20 residents out there who would ride the bus they would run a route out here.

Mayor Hooge asked about the bookmobile.

Diane talked about getting the Youth Council going.

D. Public Works Board/Dan Valentine:

Gary Tassainer from Tasco talked about LNG Energy, Inc. It is being sold to a larger natural gas company. The sale is supposed to be finished September 1st. The only outstanding issue they have is the LNG Contract to Eagle Mountain on the equipment. Gary said the town did not buy the original equipment so a lease arrangement is being offered. He said the town had already paid \$98,500 and LNG said they would apply that to one year. Gary wanted an amendment put in saying that they could cut it shorter if they wanted to. He also wanted to incorporate the equipment that we have been charged because he has been telling Janet Valentine that the town should not pay the first month's billing on natural gas because it was all lost to the air as a result of them not putting an economizer on the equipment. They claimed the economizer was not part of the original purchase. Gary said Jerry Kinghorn had made some changes in the agreement.

Jerry Kinghorn showed an agreement that had been faxed down just today. It explained some of the issues. Jerry said there were some serious issues in it that needed to be changed.

MOTION

Rob Bateman moved that we give the Mayor or Mayor Pro-Tem the authority to review and sign this agreement with LNG and be subject to the approval of the Town Attorney; that Rob Bateman will be Mayor Pro-Tem if the agreement cannot be reached before Mayor Hooge leaves town. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

MOTION

Rob Bateman moved to recind the previous vote. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

MOTION

Rob Bateman moved to authorize either the Mayor or himself as Mayor Pro-Tem if the Mayor is out of town to sign the LNG Energy agreement after it has been reviewed and okayed by the Town Attorney and have the review and okay of the Public Works Board. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

E. Public Safety/Cyril Watt:

Cyril Watt talked about a brush fire by his property. He said he spoke with the driver of the fire truck that came out from Lehi. The driver said there was a possibility of a fire station being built at the top of the hill.

Mayor Hooge asked where the County fire truck was that was supposed to have been delivered some time ago.

Rob Bateman talked about a Public Safety District involving the surrounding areas. This would save the town a lot of money.

Jerry Kinghorn talked about the sheriff's contract. It was approved by the County Sheriff's office but it came back from the County Attorney's office that it was not approved. They had made several significant changes in it. Jerry gave a copy to Mayor Hooge listing the changes. Jerry said his biggest concern was that the County wanted to be able to terminate the contract with just 30-days notice where as Eagle Mountain wanted a year-to-year contract. Jerry said you can not replace law enforcement people in just 30 days.

Mayor Hooge said she would call Jerry Grover. Jerry said he would call Sundberg.

16. Consideration and Approval of Utah State Land Lease for Jordan River Crossing:

Jerry Kinghorn said this is an easement that needs to be approved for the Timpanogos sewer line. The Jordan River can not be crossed without this easement. This is a form lease. There is a \$200.00 application fee that needs to be paid. The annual fee is payable every three years at a rate of \$20.00. Jerry said he had reviewed this and recommended the town approve this and authorize Mayor Hooge to sign it. This is for the Outfall Line.

Mayor Hooge entertained a motion to authorize Mayor Pro-Tem Rob Bateman to sign the easement once Jerry Kinghorn gets the address fixed. The application fee is to be paid from the SID.

MOTION

Diane Bradshaw moved to authorize Mayor Hooge to appoint Rob Bateman as Mayor Pro-Tem; that Rob Bateman sign the easement once the Town Attorney, Jerry Kinghorn, has the address fixed; that the Application Fee of \$200.00 will be paid from the SID. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

17. Discussion of Excise Tax for Utilities:

Jerry Kinghorn explained how you can enact an energy use fee. It is not an excise tax. This would be a 6% increase in the rates. This would be added to the sales tax that the town should be collecting on their utilities. He said you can get this information from the State Tax Commission.

Gary Tassainer talked about the 6% going into a general fund.

Mayor Hooge talked about the restriction on the RBANS. She talked about being under assessed on property tax.

18. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues:

MOTION

Diane Bradshaw moved to adjourn to a closed session for the purpose of discussing personnel issues. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

19. Action from the Closed Executive Session:

MOTION

Rob Bateman moved to close the Executive Session. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

20. Approval of a Resolution Appointing Jeri Wilson as the Treasurer for the Town of Eagle Mountain:

MOTION

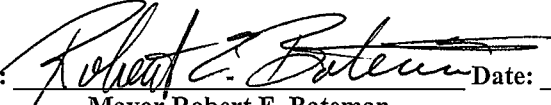
Rob Bateman moved to adopt Resolution 17-98 appointing Jeri Wilson as the Treasurer for the Town of Eagle Mountain with the amendment that the appointment be through December of 1998 with a re-appointment on January 1, 1999; that this be on an hourly basis at a rate of \$17.00 per hour. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

21. Adjournment:

MOTION

Diane Bradshaw moved to adjourn. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

The Town Council Meeting of August 25, 1998, adjourned at 10:50 p.m.

Approval:  Date: 11/10/98
Mayor Robert E. Bateman

The Mayor of Eagle Mountain at the time of this meeting was Mayor Debbie Hooge. When the minutes were approved, Mayor Robert E. Bateman had been sworn in as the new mayor upon the resignation of Mayor Debbie Hooge.

[Faint, illegible text, possibly a stamp or signature]