

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
September 5, 2000**

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

Roll Call:

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

MOTION *Bert Ankrom moved to adjourn into a Closed Executive Session @ 5:30 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present for the Closed Session: Mayor Paul Bond; Dave Albrecht; Bert Ankrom; Greg Kehl; John Newman; Brigham Morgan; Jerry Kinghorn; Korey Walker; Ken Leetham and Janet Valentine.

The Closed Session recessed @ 6:15 p.m. and reconvened @ 6:45 p.m. All attendees of the earlier portion of the meeting were present for the latter except for Korey Walker.

MOTION *Dave Albrecht moved to close the Executive Session @ 7:00 p.m. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:15 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Ken Leetham
Town Recorder: Janet Valentine
Deputy Clerk: Fionnuala Kofoed
Deputy Sheriffs: Jo Murphy & Dale Lea

Others present: Becky Oakley, Library Board; Juanita Christiansen, Sports Program; Rob Nielson, Lehi Free Press; Jessa Schalich, The Ranches; Jody Hooley, resident; Kevin McCarthy & Kim Brown, Fire Department; Chris Kemp, resident; Nick Berg, Eagle Mountain Properties, (EMP); Josh Elledge, resident; Scott Kirkland & Scot Hazard, The Ranches.

2. **Pledge of Allegiance:**

Korey Walker led the town in the Pledge of Allegiance.

3. **Approval of Minutes:**

The minutes for August 15, 2000 were tabled.

MOTION *Brigham Morgan moved to approve the minutes of August 29, 2000 as amended. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

Mayor Bond announced the addition of a new deputy sheriff to Eagle Mountain. Deputy Dale Lea was hired to assist Deputy Jo Murphy in providing service to the Town. The Town would receive 80-hours/week coverage between the two deputies. Mayor Bond introduced Deputy Sheriff Lea to the residents later on in the meeting.

5. **Appointments:**

There were no appointments.

6. **Public Notices:**

There were no public notices.

7. **Public Comment:**

- Becky Oakley commented on the school bus situation. Apparently there was a shortage of buses and children were being crowded onto the school buses destined for Lehi. Due to the shortage, the kindergarten children were scheduled to leave an hour and forty minutes before school began as the bus had a large area to cover. The bus ride to Lehi took approximately half an hour.

Mrs. Oakley also stated that the percentage of children from Eagle Mountain attending Snow Springs Elementary appeared to exceed that of any other area and it was unfortunate that Eagle Mountain was without a school to accommodate its children. The school district had not yet released the statistics regarding enrollment. Mrs. Oakley inquired about any future plans to build a school in Eagle Mountain.

Mayor Bond stated that at this time there were no plans for a school. However, the mayor said that he would schedule to meet with the district to discuss the issue. The Council also discussed the need of getting on the School Board Agenda to address the subject. Greg Kehl suggested that a letter be drafted to the Department of Transportation (DOT) regarding the safety issues involving the buses.

Mayor Bond recommended that Mrs. Oakley meet with Councilor Ankrom to formulate a plan and attend the upcoming School Board meeting.

- Mrs. Oakley commented that the Town Librarian, Liisa Nusz, had accepted an offer on her home and would soon be moving on. The Library Board had started the process of finding a replacement for Mrs. Nusz's position. Interviews would take place September 16, 2000. Mayor Bond requested that Dave Albrecht, the liaison to the Library Board, be involved in the selection process.
- Nick Berg discussed Overland Trails Phase II park. Mr. Berg stated that EMP had submitted the park plan to Epic Engineering within the 30-day time period outlined by the Town Council. However, Epic Engineering had not had sufficient time to review the plan. Mr. Berg wanted to know if EMP could proceed with the park based upon their submittal. Mr. Berg also wanted to know the intent of the motion that the Council had made in a previous meeting regarding the park. Greg Kehl stated that the 30 day extension for Overland Trails Phase II was an incentive to get the park plan submitted and get the development finished. Furthermore, the item wasn't

on the agenda and no decision would be made that night regarding the issue. The Town Engineer would review the plan and make a recommendation at later time.

- Nick Berg briefly discussed the possibility of using municipal bonds to fund a school in Eagle Mountain. Mr. Berg also commented that EMP currently didn't have the financing for the proposed LDS church site in the Town Center, however, EMP was willing to donate a piece of property on the southwest corner of the roundabout in Overland Trails to the church.

8. The Ranches Proposed Parking Requirement:

Ken Leetham recommended that the Town Council initiate an amendment to the Town's office parking requirement from 5 spaces per 1,000 square feet of gross floor area (GFA) to 4 spaces per 1,000 square feet of GFA with a mandatory individual determination of each land use proposal at the time of site plan review.

The staff reviewed ordinances from surrounding cities and towns in an effort to determine typical parking requirements and needs for offices. Additional research was based upon the Rutgers University Center for Urban Policy Research. Mr. Leetham believed that the Town's current office requirement of 5 spaces per 1,000 square feet was too high for average office use.

The Planning Commission reviewed the request on July 25, 2000 and recommended a standard of 3.5 parking spaces per 1,000 square feet. The staff believed that the Planning Commission's recommendation was inadequate and would only result in congested parking lots and people parking on the streets.

Discussion ensued.

MOTION *Greg Kehl moved to approve that the Office Building Parking Standard in the Development Code be amended to require 4 parking spaces per 1,000 square feet of GFA, and that the Council draft an appropriate ordinance for office standard only. Dave Albrecht seconded the motion. Ayes: 3, Nays: 2. Motion passed.*

9. Capital Facilities Amendment:

Korey Walker commented on the amendment to the Capital Facility Plan. The due date of the payments needed to be changed to accommodate the purchase of the second and third generation units for next spring. Because of the long lead time it would be necessary to purchase the units by December 1, 2000 so that they could be delivered by April 1, 2000. The total construction cost would be \$241,500.

MOTION *Brigham Morgan moved to approve the extension of the due date for payment of Electrical Generation until December 1, 2000 for a total of \$241,500. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10. Fire Department reallocation of salary budget for fiscal year 2000-2001:

The Eagle Mountain Fire Department proposed the redistribution of the \$31,000 approved in the budget for fiscal year 2000-2001. The only change in the proposal was the separation of the previously combined Fire Chief/Fire Marshal position with separate pay. This would allow the Fire Chief to delegate more responsibilities and tasks to the Fire Marshal while also providing the Town with a more efficient Fire Department.

MOTION *Brigham Morgan moved to approve the position of a Fire Marshal as proposed in Exhibit A. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

(See attachment for Exhibit A)

11. **Approval of an Ordinance creating a Town of Eagle Mountain Community Arts Board:**

This item was tabled.

12. **Consent Agenda Items:**

MOTION *Dave Albrecht moved to approve the Consent Agenda items including the Supplementary Agenda. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. **Processing of Applications when in default:**

Scott Kirkland, The Ranches, discussed the ordinance the Council implemented when developers were in default. The ordinance required that all developers be out of default before any additional projects were processed. Mr. Kirkland added that they had paid most of their expenditures yet they still owed in excess of \$200,000. Halting their projects also halted their cash flow. The Ranches was looking for a compromise, a balance that would allow them to process their projects while accommodating the cities needs.

Mayor Bond stated that he was willing to work with The Ranches as long as they kept their end of the bargain. Scott Kirkland said that The Ranches hadn't welched on an agreement yet.

Dave Albrecht commented on a letter that John Newman had written to both Master Developers. Mr. Albrecht believed that the Town needed a protocol that worked for both the developers and the Town. If the protocol wasn't followed then the developers couldn't have items placed on the agenda for review.

Greg Kehl stated that it was his hope that there could be better communications between the developers and the Town.

Bert Ankrom stated that he wanted to work out an agreement with the developers. Mr. Ankrom added that the developers would only have one chance and that he didn't want the same problem to develop in the future.

Brigham Morgan commented that it was the deficit in the utilities that had caused the Council to enact the default ordinance. Mr. Morgan was concerned that unless the Council adopted strict guidelines the problem would arise again for future Councils. Mr. Morgan was not in favor of any exceptions unless there was a plan in place to bring the developer out of default.

John Newman stated that the Town has shown commitment and dedication to progression. Mr. Newman also stated that if the Council wanted to change the procedure for processing developers' accounts that were in default they could do it by reversing the process or changing it by vote of Council, then amend the Consolidated Fee Schedule.

Mayor Bond was reluctant to change the Consolidated Fee Schedule.

John Newman recommended implementing items 1 and 3 of the letter he had drafted and then modifying #2. Also, that the Public Works Board work with the Town Engineer in the approval process.

MOTION *Dave Albrecht moved to approve that the Town Staff amend the Consolidated Fee Schedule based upon the "Newman Letter." Also that the Town Staff and Public Works Board approve a project before it is placed on the Town Council Agenda. This amendment only applies to Capital Facilities Funding and the developer must provide a funding plan to cure the default. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Dave Albrecht moved that the developers must be out of default in Accounts Receivable to have items placed on the Planning Commission Agenda. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

Discussion **The \$295,000 owed to the Town for SID 98 could be worked out with the staff.**

14. **UDOT License Agreement and Indemnification Agreement:**

MOTION *Greg Kehl moved to approve the License Agreement and Indemnification Agreement between the Town of Eagle Mountain and UDOT including the attachment, as submitted. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. **Other Business:**

John Newman announced that the Town had recently hired Shawn Warnke as a full time employee and that there was money available in the budget to accommodate his wages.

MOTION *Greg Kehl moved to adjourn the meeting at 10:55 p.m.*

APPROVAL: Paul R. Bond, Jr. DATE: 11/6/00
Mayor Paul R. Bond, Jr.

This certifies that the minutes of
09-05-2000 are a true, full and
correct copy as approved by the
City Council on 09-19-2000
Signed: James B. Valentine
City Recorder