

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Fire Station
1680 E. Heritage Dr.
Eagle Mountain, UT 84043**

DATE: September 8, 1998

A. OPENING:

1. Roll Call:

The meeting was called to order by Mayor Debbie Hooge at 7:00 p.m..

The following Council members were present:

Mayor: Debbie Hooge
Council: Rob Bateman, Diane Bradshaw, Dan Valentine, and Cyril Watt (late)

Town Staff:

Town Planner: Dave Conine
Town Attorney: Jerry Kinghorn
Town Clerk: Janet Valentine
Town Engineer: Korey Walker
Recording Sec.: Vada Hunter

Also Present: Michael S. Wren, MCM Engineering; James Dahl, MCM Engineering; Dale Berg, Sage Valley Subdivision; Eric Jones, Eagle Mountain Properties; Nick Berg, Eagle Mountain Properties; Bert Carter, Eagle Mountain Builders; Joel Woods, Eagle Mountain Builders; David McDonald, Niels Fugal Sons Company; Lyle Vance, Tasco Engineering; Wayne Patterson, Patterson Construction; Jeff Dalton, Dalton Pipelines; Mark Klein, Touchstone; Mike Breeze, Touchstone; Brian Bush, Dalton Pipelines

2. Pledge of Allegiance:

Mayor Debbie Hooge led the Pledge of Allegiance.

3. Approval of Agenda:

MOTION *Mayor Debbie Hooge moved to approve the agenda as indicated with the exception of Items 10 and 15 which are to be tabled at this time. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

4. Approval of Minutes:

No minutes to approve.

5. General Discussion/Questions/Announcements:

Mayor Debbie Hooge announced her daughter is getting married next Thursday. She said for anyone who didn't receive an invitation, you are still invited.

Janet Valentine stated she had been getting calls from people wanting to know when the town expects to offer cable television. Mayor Hooge responded that we wouldn't be. She said under the original Revenue Bond Anticipation Notes (RBANS) they were going to have cable, but the Town Attorney was adamantly opposed to that. Jerry Kinghorn stated that he did not want to get in on having our own cable TV station.

Dan Valentine mentioned the Public Works Board had a meeting on August 8th and August 26th where a number of formal motions were made. The only one that needed to be talked about with Korey Walker is the Standby User Fee. He indicated this had not been enacted upon yet. The Mayor responded that it should have been on the agenda tonight and apologized for it not being there. Korey asked Jerry if we needed an ordinance written on that and he said we did. The Mayor asked that it be written and presented as a package deal and presented to the Town Council at the next meeting.

Dan Valentine stated that a motion was made at the September 2nd Public Works Board meeting to have the Town Engineer do a site survey to get the Santec module of Wastewater Treatment Plant expansion installed. Korey said he was going to get a cost but didn't have it yet.

Mayor Hooge asked about the chlorination plant. Korey indicated he was being slow with it. The Mayor stated she wanted it done this summer.

Jerry Kinghorn stated that he had been working in conjunction with Eagle Mountain Properties and PacifiCorp to do a study on a 138 KV line. He indicated PacifiCorp is willing to do the engineering study, and it takes about 90 days. They want Eagle Mountain to advance funds for that engineering study. The cost is going to be between \$30,000 and \$50,000. At the end of the study both parties will have an opportunity to decide if the cost of the project justifies doing the project. Jerry indicated that the right thing to do as this point is to get on with the engineering study. While the study is going on they can work on how the ownership between the two parties will be handled. They have been amenable to some of our suggestions about the ownership interest. They have agreed they would build alternate structures and put their line on them at their cost. Jerry said he had negotiated a letter agreement with them to get the engineering study done, and he recommended it to the Council as the initial step in the 138 KV power project with Utah Power. Jerry showed Lyle Vance the letter to PacifiCorp on the engineering study. He wanted to approve it tonight and get them a check so they can get on with the study.

Dan Valentine voiced a concern over the fact that the Public Works Board had not seen the letter. The Mayor said they could add a "subject to the Public Works Board approval" to the motion. Jerry indicated that the Utility Board had discussed the 138 KV line. The Mayor indicated to go ahead with the funding and up front the \$30,000 and put it in the 1998 RBANS. Dan thought we had some funds allocated for part of the study but not all of it. The Mayor said there was not. She indicated there was some money left in the 1997 RBANS, but we needed to put it in the 1998 RBANS. It was indicated this was for a study only and not any of the work.

MOTION *Rob Bateman moved that we authorize the Mayor to sign an agreement between the Town of Eagle Mountain and PacifiCorp to conduct an engineering study to determine feasibility of the cost of establishing a 138 KV line between Eagle Mountain and Camp Williams substation. This will be subject to the approval of the Public Works Board. Diane Bradshaw seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

The Mayor asked if Dan would take them to the Public Works Board for approval and then give them back to Janet Valentine.

Janet Valentine announced about an Open House at Lehi High School on September 9th for different municipalities. Eagle Mountain had been invited to set up a booth with information only.

It is from 6:00 to 9:00 in the cafeteria area. Rob, Diane, and Mayor Hooge agreed to man the booth, and Janet Valentine would set it up.

The Mayor asked Epic Engineering for the bill on putting the city maps together. She asked that the maps be given to the Lehi Fire Department and also to the Sheriff.

Diane Bradshaw announced the Pony Express Days for the next year will begin June 19th. She appointed Fran Watt to coordinate the Pony Express Days for 1999.

Diane talked about a meeting she attended in Salt Lake concerning the 2002 Olympics. The governor spoke about how they would need as many communities as possible to be involved. The schools are going to adopt various countries. The Mayor said this was something the Youth Council could get involved in.

Diane then announced that Eagle Mountain is one of the few cities in Utah County that has fairly adequate fluoride in their water system. She indicated to Nick Berg that this could be a good selling point for the developers.

Vada Hunter was introduced as the new Recording Secretary.

Korey Walker talked about Impact Fees. He indicated that he took the recommendation of the Town Council for water, gas, electrical, telecommunications, and split those throughout the town. They were then divided by the total growth. He said that if we intend to follow the financing plan that was set out a year ago, that number, which is the difference between what we repaid with user fees and what we borrow, should be what we need to make up with impact fees. He stated the Council has made a policy decision on the user fees, and unless you want to go back and dramatically change how all these things are going to be funded, then I think we understand what we are supposed to do. These revenue generating utilities are supposed to be funded. Their expansion is what is to be funded with the proceeds of revenue bonds and to be repaid with user rates and impact fees. Korey wants to set up a meeting with Jerry and finalize the wording. Jerry indicated he could get together Thursday and write a recommendation. The Mayor asked that it be done. The meeting was suggested for Thursday after at 3:30 p.m..

6. Warrant Register/Janet Valentine:

Janet Valentine presented the Warrant Register to Mayor Hooge. Janet said there was a possibility of an additional Tasco invoice. The Mayor asked about an item tabled off the last register and wanted to know if it was back on. Janet stated it was not because Korey had not had the opportunity to analyze it yet.

The Mayor asked Korey if he was finished figuring out where we were on the subdivision fees collected and the cost of subdivisions. The Mayor had a question about the TSSD Outfall Line. She wanted to know if the cost was coming out of the Improvement District Funding. Korey indicated those were the new costs of the new subdivisions so he didn't know if the Ranches was paying that directly. The Mayor asked about the chlorine building design as well as the capital facilities plan. Rob Bateman questioned the Ready Mix Plant on the register. He wanted to know if there had been an application filed or some kind of fee paid on the Ready Mix Plant. The Mayor then asked if there had been a fee paid for the Ready Mix Plant. Korey stated that right now we don't charge for a concept review.

The Mayor asked about the Sweetwater Road. Was it the intent of putting it on the SID? She said we need to identify those for Jerry Kinghorn. Korey responded that right now he has separated those and billed them directly to Eagle Mountain Properties on inspections.

Rob had a question about a Tasco bill for \$6,665.49. Lyle Vance with Tasco Engineering said this was for work on the two T1 cards that go in out on the highway and in our local equipment here.

Lyle stated these should be up and running tomorrow. Rob wanted to know what that would give us that we didn't have now. Lyle said this would give them access to TeleAmerica. There was a discussion about how people are very upset because they can't get long distance with other companies such as Sprint, MCI, etc.. This still won't cure the problems. The people want a choice. Dan indicated we may have legal problems from this. There is one lady who is refusing to pay her bill. Lyle said he would get more information.

MOTION *Diane Bradshaw moved to approve the Warrant Register as indicated with the exception of the RBANS invoice. Rob Bateman seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

7. Public Comment:

None.

8. Public Hearing:

The Mayor asked about the Consideration and Approval for a Zone Change Request for the proposed Sage Valley Subdivision from Agricultural to Country Residential. Dale Berg of Sowby and Berg showed the plans for the subdivision. He said it is located on the west side of Cedar Pass Ranch, on the north is SR-73, and on the west is the Airport Road. The plans have been before the Planning Commission several times and the Airport Authority Board. There is a total of 69 units in the plat. They have met with the Public Works Board. The Board is requiring them to put in certain improvements which will help the overall community as it develops and help pay part of the \$1,000,000 for the upgraded power system. The Mayor asked about West Canyon Gulch that flooded out at Cedar Pass Ranch. She wanted to know what kind of culverts that have down there. There was a discussion about the culverts and about the debris catchers. They did not want to have the same thing happen here as it did at Cedar Pass Ranch.

Rob asked what the proposed zone was. Dale indicated it was a Country Residential. There was a discussion about the size of the lots. There was also a discussion about the percentage of the open space. It was stated there was 23% open space. There was a discussion about what was going to be done with the open space. They talked about densities. Korey indicated there had been a storm drain issue with relation to the basin on the one side. There was comment about a collector road. The Mayor asked where the trail was located. Korey showed her how it went along the open space. It was indicated that there was 2.55 acres for a park. Rob stated this needed to be treated as a Master Site Plan under the new ordinance. Korey stated they needed to go through and prepare a checklist about the infrastructures, landscaping, and how the utilities were going to be handled. Dale indicated they were using the ordinance that was in affect prior to March which exempted one acre lots. Jerry asked if it would be appropriate for he and Dale Berg to have a chance to meet on this with Dave Conine and Korey Walker to go through the checklist and present something to the Mayor in writing that will tell her what part of the ordinance applies and what standards have been met. The Mayor stated she would have to table this proposal until she saw a checklist. She indicated it was a nice plan. The Mayor said there are a lot of issues that need to be worked out. There was some discussion about coming in under the old code and not the new code. They talked about concept approval. Rob responded that they were trying to move towards the look and feel of the new code through agreements with them to make changes even though it was under the old code. Rob asked how many acres were involved and Dale said 109. Jerry stated that Dale had water rights in the Lehi area that needed to be transferred. He indicated they needed to be identified in writing at some point in time so they could take a preliminary look at them. They wouldn't have to do it until the plat was recorded.

There was some more discussion about property owners on the east side of this proposed subdivision who were worried about the detention pond. Jerry asked for an explanation. Dan said that the Public Works Board wanted a letter to seek approval from the affected homeowners for a

storm drain easement. Korey made an explanation about the detention pond handling a 100-year storm.

Rob recommended that based on the fact that this did come in under the old code, and they have been trying to live with the spirit intended, they go ahead and approve the zone change request with a recommendation that we allow the density that would have been allowed under the provisions they were operating under at the time which did allow one acre lots in this area.

Dan Valentine questioned the zone changing if something happened to the developer before it was done. Could it be changed back to farming? Korey stated that it wouldn't happen because it was submitted as a Master Site Plan. Jerry said we could treat it as a Master Site Plan approval and approve that specific configuration of roads and lots.

MOTION *Rob Bateman moved to approve the Master Development Plan for Sage Valley Subdivision subject to the developer complying with item 13H demonstrating the ability to finance the necessary infrastructure improvements and so forth. Also, the developer provide evidence to the Town Attorney of sufficient water rights to meet the requirements of this development, and that they meet with his satisfaction. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Rob Bateman amended the motion to make it subject to the Town Engineer's recommendation. Dan Valentine seconded. Ayes: 4, Nays 0. Amendment passed.

MOTION *Rob Bateman moved to approve a zone change for the 109 acres covered By Sage Valley Master Development Plan from Agriculture Zone to Country Residential. Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Nick Berg inquired about SR-73 and the limited access roads. He hoped that when the next subdivision comes in with that intersection in any kind of development, that the road is changed around so that it is a 90-degree entry. Dan expressed his concern about roads.

9. Award Bid to Niels Fugal Sons Company for the Construction of a High-Pressure Gas Line:

Mayor Hooge recused. Rob Bateman was appointed by the Mayor to be Mayor Pro-tem.

Korey explained that on Friday they had a bid opening for the portion of the high-pressure gas line to be funded by the proposed funding at Cedar Pass at the Ranches SID. Bids came in from three companies. The low bid was Niels Fugal Sons Company coming in at \$444,205. The other bids were CIC coming in at \$569,853, and Park Acres Construction Company in at \$565,240. Lyle Vance with Tasco Engineering stated they had evaluated the three bids submitted, and Niels Fugal is responsive to our spec and plans, and he recommended the town go with them. He stated that Niels Fugal had also recommended that the town use a high thickness of steel pipe. This is not an absolute requirement. The cost associated with doing that would be about \$20,000. Niels Fugal had expressed their concern to Lyle that the thinner walled pipe has a higher possibility of rupturing in the event of a dig in. He said Questar uses the high pressure steel on their pipe.

The town had budgeted \$465,000 for this construction. There was enough money in the SID to use the thicker pipe. In addition to the gas line, it includes a 24-strand fiber optic cable.

Jerry Kinghorn questioned the right of way as it has not been acquired yet. Korey said the Ranches is still in the process of acquiring the right of way from the state. Jerry said that what we would do is award the contract but give instructions to not proceed until the right of way was acquired. Korey said the bid was good for 60 days. Jerry wanted to know what documents were

used for the bidding as he hadn't seen anything. Korey thought they were standard. Jerry stated that when we have to acquire right of way for these projects we need to make sure the contract is contingent on acquiring the right of way. He wanted to know how many different property owners were involved in getting the right of way. Korey said the State of Utah and the Horn property. Jerry said he had a letter from the Horn's attorney.

Rob stated that it was his understanding that this is going to be the same alignment as we are thinking about for the road that would eventually connect the Sweetwater Road down to the Ranches. Dan Valentine asked if this pipe was going to handle all of the water and sewer going down as he didn't want more flooding problems like they had in the past on Lake Mountain Road. Korey said there was a horizontal and vertical alignment. The gas line would be put at the vertical alignment.

Jerry proposed they hold the notice of the award until he has reviewed the contract documents and have some assurance that the right of way is going to be adequate for the project.

MOTION *Dan Valentine moved that the town award this contract to Niels Fugal Sons Company in the amount of \$444,205. The town has the right to exercise the option to use the .219" thickness pipe for an additional \$19,110 for a total of \$463,315. The award is subject to the review and approval of the final contract documents, and the approval of the easement in order to proceed. The easement should be wide enough to handle this project and the anticipated road and other utilities that will be along the Ranches Parkway. Diane Bradshaw seconded the motion. Ayes: 3, Nays: 0. The Mayor recused. Motion passed.*

10. Item Tabled.

11. Eagle Mountain Builders Association Building Permit Time Line:

The mayor asked that this be kept simple and timely. Nick Berg was the first to speak. He said that some of the builders got together to talk about a grant, but the conversation turned around to talking about issues they felt needed to be addressed.

Wayne Patterson expressed his concern about the timing for building permits. He said it is taking too long. He said he knew Ken Partridge, the Building Inspector, was trying, but everybody is falling behind because of it. He was concerned with the amount of money being paid to the Building Inspector verses the amount of time being put in. He felt like this was way out of balance.

Joel Woods expressed his concern about the burden being put on the developers because of being behind on building inspections. He felt like Barbara Wren, Executive Assistant in Eagle Mountain Planning Department, was overburdened with all she has to do. He said how he is trying to catch up from being behind because of the new development code. He wants to see cooperation so that they can get the people in their homes.

Mike Breeze with Touchstone expressed the same concerns. He talked about the problem they had recently with utility billing. He said they need inspections done every day. There are homeowners who want to get in their homes.

Rob thanked them for coming and expressing their concerns. He said the Town Council and the Mayor are working on this to try and come up with the best possible solution. He acknowledged there was a legitimate issue here, and they would try to get it resolved as quickly as possible.

12. Release of Cedar Pass Ranch Water Line Extension Fees to Cedar Pass L.C.:

The Mayor recused on line items 12 – 13 – 14. Rob Bateman was Mayor Pro-tem.

Funds need to be released to the Cedar Pass Ranch L.C. in the amount of \$76,313.88. The Ranches have met the criteria of the things that needed to be done concerning the water line extension to the ranches.

MOTION *Diane Bradshaw moved to release the amount of the Cedar Pass Ranch Water Line Extension Fees to Cedar Pass L.C., and also have the Ranches sign a receipt and acknowledge that they have been bought out and will be reduced by the amount of \$76,313.88 that they are entitled to under the Ranches SID. Ayes: 3, Nays: 0. Mayor recused. Motion passed.*

Jerry Kinghorn confirmed that they are going to refund these fees, \$76,313.88, to Cedar Pass L.C. with the condition they sign a receipt and that these be credited against the amount of the buyout under the extension agreement.

13. Bond Releases:

Korey stated there were two bond releases in the packets. The first one is for North Ranch Phase B. This is for bring the subdivision up to where it is right now. The water was put in when it was bonded for, and so this release is for upgrading the fill, the asphalt and base. There is still pedestrian trails and landscaping that needs to be completed. Korey recommended a release of \$55,069 for North Ranch Phase B.

The second was the Mountain View Subdivision. This release is for the remainder of the asphalt as it is completed. Also completed was the road base, cross gutters, curb, electrical, gas, and telephone. Still outstanding on this project is the sidewalk, landscaping, trails, improvements. Also outstanding is the storm water issue. He said he reviewed the master storm water plan that morning back at MCM so those plans are going to go out for advertising so than can be put on the SID. He recommended they take off \$17,000. The money had been put in because of the concern that Joel Wood might come up against a situation when they want occupancy and they wouldn't have any storm water facilities if that line wasn't in.

A third document was presented that had been faxed in today by Epic Engineering concerning Phase B. This is for culinary, sewer and storm water up front. This was bonded two weeks ago so this is a bond release that releases all the improvements that are put in today. You need to take this release and put in on Plat C. The total release amount is \$287,207. There is still some work on the sub base, asphalt and sidewalk curbs. All of the underground work is in. The water test passed today and they are waiting for the bacteria tests. They can get building permits.

MOTION *Dan Valentine moved that the town authorize to release the bonds for the Eagle Point Plat B in the amount of \$287,207. Also release \$18,180 for the Mountain View Phase 1, and release \$55,069 for the North Ranch Phase B. Diane Bradshaw seconded. Ayes: 3, Nays: 0. Mayor recused. Motion passed.*

14. Proposed Change Order for the "Ranches Parkway"/Epic Engineering:

Korey Walker asked the Town Council if this should have gone through the Public Works Board prior to coming to Town Council. Diane Bradshaw said it should have. Jerry Kinghorn thought these were just minor things, but technically the Town Council should know ahead of time.

Korey made a presentation about material used in the building of the roads in Ranches Parkway. He said originally the subdivision was bid with 10" subgrade granular borrow. A recommendation had come back from CSC about using a crushed limestone from their pits. He explained about the strength of the base with what they call a California Bearing Ration (CBR). The CBR of regular

gravel road base is about 30. The CBR of the material at Pelican Point is 100. The base at Eagle Park is about 132. Eagle Point is between 134 and 136. This is a good material. Sandy City uses it. He had talked with them and they highly recommended it.

Korey then talked about an additional excavation for lowering sewer on Ranches Parkway by an average of one foot. This is a cost that will be absorbed by the Ranches. It has to do with increasing their culvert size from 90 inches to another culvert that would allow their golf carts to go through it. They had to lower the sewer line which cost \$1.30 a linear foot. There is a deletion of the two 90" CMP culverts in the original bid. There is a deletion of the 30" CMP's because they are handling their storm water differently. There is a deletion of the storm water ponds on the Pony Express Parkway. The Ranches will be coming forward with a Master Storm Drainage Plan to take the water from the subdivisions and route it to a pond. That is a net change of (\$53,985.22). There will be an increase that will come back for the new culverts; but the difference between this and that cost will be paid by the developer.

Dan Valentine made a recommendation to put off items two, three and four on Change Order two and make them coincident with their new one. He wanted to know if there was a way to leave them as they are. He knew the Public Works Board would want to physically see what was replacing this before they would recommend the deletions. Rob Bateman said we need to approve the first one and pass that on to the Public Works Board as an info item. The second one needed to go to the Public Works Board for their review of the changes. Korey said he would have more information by the next meeting.

MOTION *Dan Valentine moved that the Town Council approve the Contract Change Order One, Document 00900, which is for the Ranches Parkway, resulting in no change in cost or time. It is contingent on the Public Works Board approval. Ayes: 3, Nays: 0. Mayor recused. Motion passed.*

15. This was discussed in closed session.

16. Diane Bradshaw motioned to adjourn to a closed session for the purpose of discussing Item 15 and personnel issues.

MOTION *Diane Bradshaw moved to amend the agenda and change Item 15 to a closed session to discuss potential litigation with the Timpanogos Special Service District Out-fall Line. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

Motion adjourned to close session to discuss personnel and potential litigation. Rob Bateman seconded. Ayes: 5, Nays: 0. Motion passed. Cyril Watt arrived at the meeting.

It was decided at this time to go back into open session instead of adjourning to a closed session.

17. Interview of two people for position of Town Planner:

Greg Comstock made a presentation before the Town Council. He is currently the Town Planner of Spanish Fork. He gave his background and philosophy.

Kenneth Leethan of Monarch Development Group gave his presentation.

18. Discussion:

There was a discussion amongst the Town Council members concerning signs that were up around the town. Dan asked that the developers follow the codes that have been set up for the town. Dave Conine has been assigned to look into this situation.

The subject of the building at the pig farm was also brought up. Dave Conine was also assigned to look into this and see if any building permits were issued for the new buildings by either the county or the town.

MOTION *Rob Bateman moved the Town Council adjourn to a closed session. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

The closed executive session was called for the purpose of discussing personnel issues and possible litigation. Those present: Mayor Debbie Hooge, Rob Bateman, Diane Bradshaw, Dan Valentine, and Cyril Watt. Town Staff Present: Jerry Kinghorn, Vada Hunter, Janet Valentine, and Korey Walker.

MOTION *Rob moved to go back into an open session. Cyril seconded the motion. Ayes: 4, Nays: 0. Mayor recused. Motion passed.*

MOTION *Diane moved to adjourn the Town Council Meeting. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

The Town Council Meeting adjourned at 10:40 p.m..

Approval: Robert E. Bateman Date 20. Oct 98
Mayor Robert E. Bateman

Mayor Debbie Hooge was mayor when this meeting was held
Mayor Rob Bateman was mayor when the minutes of this meeting were approved.

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