

**MINUTES OF TOWN COUNCIL WORK SESSION  
TOWN OF EAGLE MOUNTAIN, UTAH  
1680 E. Heritage Dr.  
Eagle Mountain, UT 84043  
September 29, 1998**

**1. Roll Call:**

The meeting was called to order by Mayor Debbie Hoogie at 6:15 p.m.

There was a Pledge of Allegiance.

The following Council members were present:

Mayor: Debbie Hoogie  
Council: Rob Bateman, Dan Valentine, Diane Bradshaw (arrived late)

**Town Staff:**

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

Also present: Bill Chipman, Town, Nick Berg, Eagle Mountain Properties, Mel McQuarrie,  
MCM Engineering

**MOTION**            *Dan Valentine moved to approve the agenda. Rob seconded. Ayes: 3, Nays: 0.  
Motion passed.*

**2. Discussion of Eagle Mountain Properties Development Agreement:**

Rob introduced this subject. He stated that Nick Berg had made a presentation to the Planning Commission on September 10<sup>th</sup> about some proposals on changes on their Development Agreement. Nick said they were going to go for a Class II for 100% of the project. This way the Council and the Planning Commission will have the opportunity to be the Master Planners.

There was a brief break from this subject while some maps were gathered to use for the rest of the discussion.

Dan Valentine asked where the Council stands on the impact fees. Mayor Hoogie stated she is called every day about these. Korey showed a copy of a draft that was faxed to him that afternoon. There were only a few things to change. Korey gave an explanation. Copies were made for the Council. Jerry Kinghorn explained about a 14-day notice that needed to be given. Korey thought he could have something ready by October 7<sup>th</sup>. The methodology needed to be written.

The discussion then turned back to Nick Berg. He gave an explanation about the golf courses around the pivot area. Rob Bateman asked if the golf courses were private or public. Nick explained that one would be private, one would be public, and the other one would be a resort area with a golf course. He indicated Billy Casper would be involved in the planning. There would be a golf course and regional park in one area.

Mayor asked Nick Berg if he had done any golf course studies in overall densities. Nick said they had two people waiting to build the golf courses right now but there could be a water problem.

Bill Chipman asked what affect this would have on the Capital Facilities Plan as far as water is concerned. Mayor Hooge responded there would have to be a commitment to some kind of secondary system. She said you can't do a golf course out of culinary water.

Jerry Kinghorn explained that under the Development Agreement the Council has a period of time after they submit their application to specify the additional information the Council wants submitted with the application to make it complete. These questioned would be resolved with that process. He felt like it was premature to express concerns at this time without the application to evaluate this objectively.

Mayor Hooge asked Nick Berg how much time he needed. He said he needed 30 days to get a preliminary application. He said this project is going to take a lot of hard work. He said some of the lots are going to be changed to 125-foot deep lots. He talked about the changing of open space.

Dan Valentine asked Korey walker if the standby user fees kick in at Class II time. Nick feels like the bottom line is that there must be good management and control as the town grows. He wants to do a Class II at the plat to know what it is going to look like. This whole thing is costing them a lot of money.

3. **Discussion of the proposed revisions to the Cedar Valley Water Company "Water Agency & Equity Agreement":**

Did not discuss at this time. Went on to the next item on the agenda.

4. **Discussion of 1998 Revenue Bond Anticipaton Notes (RBAN) process:**

Mayor Hooge asked Jerry Kinghorn where the town was at on this. Jerry responded it was about two weeks off the schedule now. Some changes had been made. Mayor Hooge wanted to know who was going to start attending the RBAN meetings. She suggested that John Newman be the one but for now one of the Council members needed to attend. Jerry said the meetings were going to be much simpler than last year. The official statement is in the process of being drafted. He said the parameters Resolution should be before the Council on October 13<sup>th</sup> which would set things up for the final note resolution for the first meeting in November and the closing two days before Thanksgiving. Jerry said things are on schedule for that. Jerry feels like everybody will be in agreement with this when it is done.

Mayor Hooge discussed the Power Utility. This was about the White Ranch Annexation. She said Larry Ellertson of Utah Power came to see her last week. She recommended the Council at least talk with the parties involved.

Jerry talked about needing an official statement.

There was a discussion about a memo from Tasco concerning "Finance Proposed for Issue in 1998". The amount of the RBAN was \$5,232,034. Mayor Hooge voiced her opinion about "contributions" from the developers. Jerry talked about making it fair for all contributors. It can't be left up to the two development groups. Jerry felt like this should be the town's position.

There was a discussion about Special Improvement District (SID's) and user fees and RBAN's. They talked about how they can't go back and do things differently. It is too late for this. Rob Bateman said that the agreement for doing RBANS is four years. He said the town needs to keep on track.

Jerry Kinghorn talked about developing a principle to do this and then just let that guide them as they go through the process. He said how they are going to have to make utility decisions with the best information they have at the time.

There was some talk about new generators. Jerry Kinghorn talked about doing own power lines. Mayor Hooge talked about going with Utah Power because of expenses involved in doing own lines.

Rob Bateman asked about contract documents.

Korey Walker gave a presentation about The Ranches SID Monitoring Table. The costs are tight at this time. He said change orders are not approved.

There was a discussion about Saratoga and some things supposedly said by Rob Bateman. Rob said that had been straightened out. Rob said he had informed the Saratoga Springs Town Administrator of our intent to proceed with a design for the sewer out-fall line that would leave some additional capacity for Saratoga Springs developers or developments in the county. Developers would be required to pay an appropriate hook-up fee at the time of development.

Korey talked about the pump stations in the out-fall line. He doesn't want that to happen.

Mayor Hooge talked about money possibly coming from an airline.

**5. Impact Fees:**

There was some previous discussion about impact fees during Item 2 of the agenda. Rob Bateman asked about some clarification on some meetings. Korey Walker said that if things look good then this could be ready by October 5<sup>th</sup>, advertise by October 7<sup>th</sup>, then have a special meeting on October 21<sup>st</sup>. Jerry Kinghorn said he would look at this the next day. Diane Bradshaw and Rob Bateman could not meet on October 21<sup>st</sup>. Jerry said he did not want to rush this. He needed time. Rob said that if things are okay then a meeting could be scheduled for October 22<sup>nd</sup>. The time was set for 4:00 p.m.

**6. Discussion of the proposed revisions to the Cedar Valley Water Company "Water Agency & Equity Agreement":**

There was a discussion about the letter from Bruce Baird of Baird & Jones L.C.. Jerry Kinghorn said some things had been taken out that he had requested. Dan Valentine was concerned about some of the wording. Rob Bateman had some concerns. Jerry said there had not been a meeting yet between The Ranches and Eagle Mountain Properties but that hasn't occurred yet. Jerry had some additional input but it isn't in the agreement yet. Some of the comments he had given them were taken care of and resolved.

Dan Valentine was concerned about the wording on The Ranches defaulting and making payments. Jerry said he needs to go over this carefully.

Rob Bateman asked Jerry to explain the basic changes. Today was the first time Jerry had seen the letter from The Ranches dated September 29, 1998, written by Scott Kirkland.

Jerry explained that this agreement should supercede the old Water Agency agreement which is not a good agreement for either side. What this provides for is payment to Walden for capacity in the well same as the old agreement did but principally by The Ranches. This agreement would have Eagle Mountain Properties and its water company reserve 3200 square capacity in the well. 3,000 acre feet of capacity in the well would be purchased by The Ranches and everything in excess of that in addition to what the town already owns in the well would belong to the town. Then as people transferred water rights into the well the capacity would go with them until the town would eventually own all of the capacity and all of the water rights associated with the well over time as development occurs.

There was some discussion about the wording be changed concerning any defaulting by The Ranches. Jerry said this was a cleaner agreement than any others he had seen drafted.

Mayor Hooge expressed her concern about the frustration The Ranches is feeling because of things not being resolved. Jerry said they need to come to the meetings that are held. Hard to get everybody together.

Mayor Hooge stated that one of the red flags she sees on this agreement is when you talk about White Ranch Annexation and the 2,000-acre feet being dumped into the system.

There was some more discussion about what has and has not been removed from the agreement.

Rob Bateman asked that they move on. Nick Berg asked for copies of what was being discussed.

**7. Presentation by Applicants for Town Planner:**

Mr. Ralph Becker gave a presentation for the position of Town Planner. He owns a consulting and planning firm in Salt Lake. He has been in business for 14 years. He has worked for several communities. He has served on the Salt Lake City Planning Commission. He is currently running for the State Legislature. He asked for the Town Council to ask him questions.

Jerry Kinghorn asked questions. Mayor Hooge asked questions.

Jerry disclosed he had done some work for Mr. Becker's firm. He wanted the Council to know this. Jerry brought up Bruce Baird's name and Mr. Becker offered his opinions.

Mr. Becker explained how his firm teams with other firms to do specific things.

Rob Bateman asked questions.

**8. Motion to adjourn into a Closed Executive Session for the purpose of discussing possible litigation and personnel issues:**

**MOTION**                    *Rob Bateman moved to go to a Closed Executive Session at 8: 10 p.m.. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

The work session was adjourned from the Closed Executive Session. There was no further info.

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

*[Faint, illegible text, possibly a stamp or bleed-through]*