MINUTES OF SPECIALTOWN COUNCIL MEETING
EAGLE MOUNTAIN, UTAH
1680 E. Heritage Dr.
Eagle Mountain, UT 84043
October 1, 1998

1. **Roll Call:**

The meeting was called to order by Mayor Pro-Tem Diane Bradshaw at 7:15 p.m.

The following Council members were present:

Mayor Pro-Tem: Diane Bradshaw
Council: Rob Bateman, Cyril Watt, Dan Valentine

Town Staff:

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

Also present: Marta Murvos, The Daily Herald; Nick Berg, Eagle Mountain Properties; Eric Hones, Eagle Mountain Properties; Gary Tassainer, Tasco Engineering; Noel and Chris Kemp, Town; Mark and Anjanette Logfren, Town; Lisa Nusz, Town; Mindee Tarr, Town; Andrea Poe, American Fork; Trinity Hansen, Town; Robert Nonnenmacher, Town; Tim Hones, American Fork; Ron Fernstedt, Sheriff's Department; Tom Mentz, Town; Mary Lynn Christensen, Town; Royce and Jenae Wahnschoffe, Town; Brett and Lisa Pack, American Fork; Dereis and Chantelle Pack, American Fork; Chuck Jenkins, Town; Diane Jacob, Town;. Jennifer Thulin, Highland

2. **Pledge of Allegiance:**

Dan Valentine led the town in the Pledge of Allegiance.

3. **Approval of Agenda:**

Mayor Pro-Tem Diane Bradshaw asked to move Item #3, **Consideration and Appointment of Mayor to fill the vacancy created by the resignation of Mayor Debbie Hooge,** to Item #5.

MOTION **Dan Valentine moved to approve the agenda and move Item#3 to Item #5. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.**

4. **Consideration and Approval of the at Redhawk Ranch Development:**

Jerry Kinghorn, Town Attorney, said this was the second time this agreement has been before the Town Council. There had been a question about front loading garages and whether or not this was in addition to the requirements. The developer needs to comply with the Development Codes. That paragraph has been taken out and the default is back to the Development Code requirements. In this particular subdivision 40% have alleys. There had been a 5-year provision about maintenance of roads and landscaping but the Development Code is only 1 year. Did not have the bonding requirements.

These are still in the clerk's office and the covenants, conditions and restrictions (CCR's). Jerry had approved the CC&R's.

Jerry requests that the Mayor be authorized to execute this agreement in this form when the P. O. Box of the town and the owner/developer's address is filled in and have the developer sign it.

MOTION ***Cyril Watt moved that the Town Council approve the Sundance at Redhawk Ranch Development Agreement as has been presented by Jerry Kinghorn, Town Attorney. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion passed.***

5. **Consideration to approve a Resolution declaring the intent of the Town Council to (1) acquire and install natural gas utility improvements; (2) create Special Improvement District No. 98-2; (3) fix a time and place for protests against such improvements or the creation of said district; (4) to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and related matters.**

Jerry Kinghorn explained this is a notice of intent to create the Special Improvement District (SID) up in the Cedar Pass Ranch area. These documents were prepared by the Bond Council. They are a standard format. This SID is different because it provides for two levels of assessments. It provides for assessments in the Cedar Pass North area and a larger level assessment in Cedar Pass Ranch.

Jerry Kinghorn read the resolution for this SID:

"A resolution declaring the intention of the Town Council of Eagle Mountain, Utah County, State of Utah, to acquire and install natural gas utility improvements and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner; to create Eagle Mountain, Utah Special Improve District no. 98-2 (Cedar Pass); to defray the cost and expenses of said improvement district by special assessments to be levied against the property benefited by such improvements; to provide notice of intention to authorize such improvements and to fix a time and place for protests against such improvements or the creation of said district; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and related matters".

This sets up a written notice of the deadline of November 9th. It sets a hearing at a regular Council meeting on November 10th.

Diane Bradshaw, Mayor Pro-Tem, asked about notices being mailed. Jerry Kinghorn said there would be copies of this notice mailed out to each of the property owners as well as a published notice.

Jerry Kinghorn gave the following proposed per lot assessments:

Improvements	Area within District	Estimated Assessment	Method of Assessment
Natural Gas Improvements	Cedar Pass Ranch	$2,580	Per lot
	Cedar Pass North	1,705	Per lot

This is a total assessment, not an annual assessment.

MOTION ***Dan Valentine moved that the Town Council approve Resolution 98-2 as read setting the end of the protest period for November 9th and the hearing to be at the normal Council meeting on November 10th. Rob Bateman seconded. Ayes: 4, Nays: 0. Motion passed.***

6. **Consideration to approve a Resolution declaring the intent of the Town Council to (1) construct roads with underground supporting utilities and install the first phase of a storm water drainage system; (2) create Special Improvement District No. 98-3; (3) fix a time and place for protests against such improvements or the creation of said district; (4) to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and related matters.**

Jerry Kinghorn, Town Attorney, stated this resolution only affects Eagle Mountain Properties owners. This is to complete the storm drainage system in the central area of town and do certain road improvements. Jerry then read the resolution:

"A resolution declaring the intention of the Town Council of Eagle Mountain, Utah County, State of Utah, to construct roads with underground supporting utilities, to install the first phase of a storm water drainage system, and to complete all other miscellaneous work necessary to complete said improvements in a proper workmanlike manner; to create Eagle Mountain, Utah Special Improvement District No. 98-3 (Sweet Water Road/storm drainage phase 1); to defray the cost and expenses of said improvement district by special assessments to be levied against the property benefited by such improvements; to provide notice of intention to authorize such improvements and to fix a time and place for protests against such improvements or the creation of said district; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and related matters".

He said the deadline for protests for this hearing would November 9th and the hearing would be on November 10th at the regular Town Council meeting. Jerry verified this involved only one property owner. Jerry gave the following estimated costs:

Improvements	Estimated Assessment	Method of Assessment
Sweet Water Road Project	$4,900	per acre
Storm Water Drainage Project	1,300	per acre

Jerry stated these were documents prepared by the Bond Council in the statutory form. He recommended that this be adopted.

Eric Jones of Eagle Mountain Properties said he had put papers in the boxes at the Town Hall today giving all the legal descriptions.

Dan Valentine wanted to know if Korey Walker, Town Engineer, had seen this and Jerry said that he had seen it and reviewed it.

MOTION ***Rob Bateman moved that the Town Council approve Resolution 98-3 as read setting the end of the public protest period for November 9th and the public hearing for the normal Town Council meeting on November 10th. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.***

7. **Consideration and Appointment of Mayor to fill the vacancy created by the resignation of Mayor Hooge:**

Rob Bateman, Town Council member, recused.

Diane Bradshaw asked Janet Valentine to read the statements of those who submitted for the position of the Mayor of Eagle Mountain. Janet read statements from the following:

William Chipman/Eagle Mountain
Rob Bateman/Eagle Mountain/
Chad Larsen/Lehi

Jerry Kinghorn, Town Attorney, stated that Chad Larsen could not be considered because he is not living in Eagle Mountain as yet. He resides in Lehi and is building a home in Eagle Mountain. He is not yet a registered voter of Eagle Mountain; therefore, he cannot fill the position of Mayor of Eagle Mountain.

Jerry stated they did not need to make a decision tonight. They can consider the option of interviewing the two applicants tonight and making a decision later or deciding tonight.

Dan Valentine had some questions about Chad Larsen and being a registered voter.

Diane Bradshaw asked Rob Bateman to give a short speech about himself as a possibility of being appointed Mayor of Eagle Mountain. He did so.

William Chapman was out of town.

Chris Kemp, town resident, gave his comments in favor of William Chipman. Mark Lofgren, town resident, also gave his comments in favor of William Chipman. Janet Valentine, Town Recorder, commented about a comment Bill Chipman said to her about wanting Rob Bateman to be the mayor. Chuck Jenkins, town resident, gave his comments about what Rob Bateman had said. Chantelle Pack, town resident, asked about being a registered voter. Jerry Kinghorn answered her question. Nick Berg, town resident, talked about Bill Chipman still being in the running. Dan Valentine said the same thing. Jason Cowan, town resident, wanted to know how to have a little more information about candidates. Diane Bradshaw, Mayor Pro-Tem explained how this is an appointed position until the next election in November, 1999. She explained how information is posted in three different areas and in the Lehi Free Press newspaper. Gary Tassainer, Tasco Engineering, said both candidates are good. Diane Jacob, town resident, gave praise of Rob Bateman.

Jerry Kinghorn explained about the term of mayor in this situation of Mayor Hooge resigning. He told how information was posted in three different locations for two weeks letting people know of the vacancy that needed to be filled.

Dan Valentine talked about information being posted. He explained where the three posting areas are. He, too, spoke highly of both candidates.

8. <u>Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues:</u>

Marta Murvos of The Daily Herald questioned whether a Closed Session would be appropriate. She stated there was a Sunshine law. Jerry Kinghorn, Town Attorney, advised the Council of the need for a Closed Session.

MOTION ***Cyril Watt moved that the Town Council go to a Closed Session for discussion of personnel issues. Dan Valentine seconded. Ayes: 3, Nays: 0.***

The Town Council went into a Closed Session at 8:05 p.m.

MOTION ***Dan Valentine moved to adjourn the Closed Session. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.***

9. **Convene back to Open Session:**

MOTION ***Cyril Watt moved that the Town Council to convene back into Open Session. Dan Valentine seconded. Ayes: 3, Nays: 0. Motion passed.***

The Town Council re-convened at 8:40 p.m.

MOTION ***Dan Valentine moved that the Town Council appoint Rob Bateman as the Mayor of the Town of Eagle Mountain to fill the interim term left by the resignation of Debbie Hooge. Cyril Watt seconded. Ayes: 3, Nays: 0. Motion passed.***

Jerry Kinghorn explained that once Rob Bateman is sworn in that leaves a vacancy on the Town Council for a Council Member. This position will be posted for applicants.

Janet Valentine swore Rob Bateman in as the new Mayor of Eagle Mountain, Utah.

Jerry Kinghorn mentioned an FYI item only. It dealt with the Impact Fees. He said that a draft will be ready by October 7th. There will be a meeting on October 13th. There will be information given to the Town Hall by October 21st for the hearing on November 13th.

Jerry Kinghorn gave some FYI on some advanced funding that needed to be approved at the next Town Council meeting:

Santec $192,348
2nd installment payment – gas tap $183,000
power generation equipment $183,000

Suggested funding for Sweetwater Road South: Natural gas line from Kern River $301,000
Epic Engineering $80,000

There was a discussion by Eric Jones of Eagle Mountain Properties about payment. Dan Valentine voiced his concern about how the checks should be issued. He doesn't want the same problems as the town had when the Fire Station was built.

This needs to be on the October 13th Town Council meeting.

MOTION ***Cyril Watt moved to adjourn into a Closed Executive Session for the purpose of discussing personnel issues. Dan Valentine seconded. Ayes: 4, Nays 0. Motion passed.***

The Town Council moved into a Closed Session at 9:00 p.m.

MOTION ***Cyril Watt moved to adjourn back to Open Session. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.***

Dan Valentine discussed a satellite dish.

Rob Bateman, Mayor, wanted to have a Staff Meeting when he comes back into town. He discussed keeping the town meetings very timely.

MOTION ***Dan Valentine moved that the Town Council authorize Mayor Rob Bateman to hire Mark McGrath for Town Planner of Eagle***

Mountain based upon the terms previously discussed. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.

Diane Bradshaw asked if anyone could go to a meeting on Camp Floyd in her behalf from 12:00 To 1:30 p.m. Cyril Watt thought he might be able to go.

Rob Bateman said we need to start the procedure to fill the vacancy of Town Council Member left by Rob when he was appointed Mayor. This will be taken care of on October 27th.

MOTION: ***Dan Valentine moved to have Janet Valentine, Town Clerk, advertise the Town Council vacancy in the Lehi Free Press. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.***

There was a discussion about the high phone bills. Rob Bateman suggested getting cell phones.

There was a discussion about the White Hills Annexation. This needs to be put on the agenda. They have apparently done everything there were supposed to.

Dan Valentine expressed a concern that the plat looks like it was done under the old Development Code.

Jerry Kinghorn said there should be a petition presented at the next meeting with signatures from property owners. Rob Bateman said that if it wasn't certified then don't put it on the agenda.

There was some discussion about Jim and Grant Smith having an option on the property.

Rob asked if the Town Council would grant Jeri Wilson the opportunity of attending a Municipalities Trade Workshop at BYU. These workshops are 5 days each and held over a period of two years. The price is $435 if non-member and $385 if member. The payment was needed by October 9th. Jerry Kinghorn said they could do this without an okay.

MOTION ***Diane Bradshaw moved to adjourn the Town Council meeting. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.***

Meeting adjourned at 10:00 p.m.

Approval: Robert E. Bateman Date: 20 Oct 98

Mayor Rob Bateman