

**MINUTES OF THE COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
October 3, 2000**

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

Roll Call:

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

Staff: Robert DeKorver, Stephan Gabrielson, Jerry Kinghorn, Fionnuala Kofoed, Ken Leetham, Jo Murphy, John Newman, Jalaire Taylor, Janet Valentine and Korey Walker.

MOTION *Brigham Morgan moved to adjourn into a Closed Executive Session @ 6:00 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Greg Kehl 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 and Janet Valentine.

MOTION *Brigham Morgan moved to close the Executive Session @ 6:50 p.m. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

POLICY SESSION -7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:05 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 Recorder: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy
Fire Chief: Robert Dekorver

Others present: Dave & Shelia Curtis, residents; Jody Hooley, resident; Scott Kirkland & Carl Allred, The Ranches; Marcie Taylor, resident; Carol Boyd, resident.

2. Pledge of Allegiance:

Carl Allred led the town in the Pledge of Allegiance.

3. **Approval of Minutes:**

August 15, 2000.

MOTION *Bert Ankrom moved to approve the minutes of August 15, 2000 and September 19, 2000 as amended. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

- Mayor Bond thanked Chris Kemp in his absence for his time served on the Public Works Board.
- Janet Valentine announced that the Voter Registration Forms needed to be mailed into Utah County Elections Office not later than Tuesday, October 17th, 2000.
- General Election Day was scheduled for Tuesday, November 7, 2000, at the Eagle Mountain Town Offices Conference Room. Polls would be open from 7:00 am to 8:00 pm.

5. **Appointments:**

A. Confirmation of Eagle Mountain Fire Chief Appointment.

MOTION *Bert Ankrom moved to confirm Mayor Bond's appointment of Robert DeKorver as Eagle Mountain Fire Chief. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. **Public Notices:**

There were no public notices.

7. **Public Comment:**

There were no comments from the public.

8. **Lt. Col. Ted Frandsen/ Camp Williams – Information Briefing the Town Council on activities taking place at Camp Williams:**

Lt. Col. Ted Frandsen was not present.

Eric Jones, EMP, stated that Lt. Col. Frandsen, on behalf of Camp Williams, had requested to use the Jake Garn Airport for shoot jumping. Mr. Jones said that Nick Berg, EMP, had discussed the military's use of the airport with John Newman.

Mr. Newman stated that he couldn't come up with any regulatory responsibility that the Town had in making that decision. EMP would have to make the decision whether to allow the military to use the airport. It was a private airport and the liability would be on the owners. Mr. Newman added that if EMP did allow the activity it would be good publicity for the Town.

Carl Allred stated that it would be necessary to regulate activities of this nature in the future. Mr. Newman agreed.

9. **Consideration of a Resolution Amending The Eagle Mountain Consolidated Fee Schedule:**

It was necessary to amend the Consolidated Fee Schedule to cover the cost of utility hook ups and to allow developers in default of Capital Facility Payment to continue processing applications to final approval. The Council would hear the application but would not vote on it. The developers would sign an agreement stating

that they agree that they would not be vesting at preliminary approval if they decided to proceed through the process.

MOTION *Greg Kehl moved to adopt Resolution 23-00, a resolution amending the Eagle Mountain Consolidated Fee Schedule as submitted. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10. Sunrise Development Dig In Rehearing Request (Mountain View Subdivision):

John Newman requested that Korey Walker discuss a proposal before the Council acted on items 10 & 11.

Korey Walker discussed a proposal regarding a trail between Mountain View and The Landing subdivisions. Currently there was bonding for a section of a trail on either side of Mountain View subdivision leaving two unusable sections of trails.

Sunrise Development had negotiated with Mr. Walker prior to the meeting and proposed what they believed to be a win-win situation. They would take the two sections of trails and make one trail between Mountain View and The Landing. Furthermore, they would take the value of the dig in and extend the trail to the top of the berm.

Sunrise Development was willing to do the work if the Council would waive the half trail requirement on the east side of Mountain View and also the \$2,805 that they owed the Town for the utility cut-ins.

There was a potential liability for the Town in the future when plats G & H were developed. The Town would be responsible to find funding for the section of trail on the east side of Mountain View subdivision.

Discussion ensued.

Greg Kehl stated that he expected the developers to comply with the blue stake requirements in the future.

Mr. Walker stated that the improvements were estimated at approximately \$13,000. The actual bonding for the trail was \$7,800 so the Town would benefit from the improvements.

MOTION *Dave Albrecht moved to accept the proposal as negotiated between the Sunrise Building Company and Town Engineer as follows:*

- 1. To finish the trail from the interior connector street, between The Landing and Mountain View, to the top of the berm at Eagle Mountain Boulevard.*
- 2. That items 10 & 11 on the agenda be tabled until the project is completed and accepted.*
- 3. If the trail were completed to The Town specifications then items 10 & 11 would be abated.*

Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.

12. Major Development Approval:

A. Amendment to The Ranches Community Design Guidelines.

Carl Allred stated that the revised language regarding garages (in addition to a paragraph on page 35 of The Ranches Community Guidelines) read "that the DRC may waive this requirement when the garage door opening is more than 24 feet".

MOTION *Brigham Morgan moved to approve the proposed amendments to The Ranches Community Guidelines as submitted. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Discussion ensued regarding the removal of the term "vernacular" from The Ranches Community Guidelines. (FYI, the word vernacular is synonymous with dialect.)

The Council and Town Staff discussed recommended guidelines for processing plat extensions.

- MOTION** *Brigham Morgan moved to adopt the recommended guidelines for a plat extension as submitted by the Town Engineer dated October 3, 2000 as follows:*
1. *Evaluate Present Utility Capacity.*
 - *Evaluate the utility demands of the subdivisions and determine if there is adequate capacity available.*
 - *Determine if the existing capital facility plan will provide the required capacity.*
 - *Determine if the funding schedule should be amended to meet the additional demands.*
 2. *Evaluate whether the subdivision meets the existing Development Code.*
 - *Ensure that the development meets any changes in the Development Code.*
 - *Ensure the development meets any changes in the Standards Specifications and Drawings.*
 3. *Evaluate whether the Developer is current with all existing subdivision obligations.*
 - *Evaluate whether the Developer is current with the existing subdivision improvements.*
 - *Evaluate whether the Developer is current with all existing financial obligations with the Town.*
 - *Evaluate the need for the Development to pay present impact fees*
 4. *Evaluate the surrounding development or development approvals that may have changed the conditions or circumstances that the original approval was based on.*
- Dave Albrecht seconded the motion. Ayes: 5, Nays: 0.*

B. Extension of Approval for Overland Trails, Phase 2B.

This item was tabled. Brigham Morgan stated that The Extension for Overland Trails was tabled until the Extension Development Agreement was returned to the Council including the necessary exhibits. The extension of Overland Trails phase IIB was being tabled until such point that the extension agreement came back in complete form with the necessary exhibits. The default status of EMP was not an issue that should hold the plat approval since they were in compliance when the process began. The Council postponed action on EMP's request.

John Newman added that when EMP started the process for the extension of Overland Trails, Phase IIB they were not in default. The Council chose not to make a decision right then but to table the application for information purposes. During that process they went into default so it could be alleged by the developer that the Town caused them to go into default because of inaction on their extension.

Korey Walker commented that the construction drawings were part of the development agreement not the extension agreement.

C. Eagle Point Plat I.

This item was tabled.

D. Eagle Point Plat J.

This item was tabled.

13. Amendment to the Ground Lease Agreement with Eagle Mountain Properties to change the legal description of property:

- MOTION** *Greg Kehl moved to approve the Amendment to the Ground Lease Agreement with Eagle Mountain Properties LLC and the Monte Vista Ranch LC as submitted. Brigham Morgan seconded the motion. Ayes: 5. Nays: 0. Motion passed.*

14. Eagle Mountain Blvd. Maintenance Monument Estimated Cost:

Discussion ensued regarding the cost of a monument sign. Korey Walker stated that the approximate size of the sign was 5' x 3' and would be used on major collector roads within the Town. They discussed the use of smaller signs on residential roads.

There was no money set aside in the budget for the sign. The Council discussed alternate methods for funding the project. No action would be taken until funding was available, however, the Council approved the conceptual plan.

Korey Walker was excused from the meeting.

MOTION *Dave Albrecht moved to approve the conceptual sign as presented to the Town Council contingent upon finances being available prior to construction. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Consent Agenda Items:

MOTION *Brigham Morgan moved to approve the Warrant Register. Dave Albrecht seconded the Motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Bert Ankrom moved to approve the Partial Payment Request as submitted. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Discussion ensued regarding the Escrow Bond Final Release in the amount of \$16,205 for Eagle Point Plat A. Bert Ankrom believed that the money shouldn't be released because the gravel trails surrounding the subdivision were covered in weeds. The other Councilors were sympathetic to Mr. Ankrom's concern. However, the developer had completed the trails to the Town's specifications that had been negotiated and was entitled to have the bond released.

The Town had accepted the trail in June 1999 and was responsible for its maintenance and upkeep.

MOTION *Bert Ankrom moved to approve the Escrow Bond Final Release for Eagle Point Plat A with the exception of \$16,205 until such point that Korey Walker could verify that the trail was completed as negotiated. Brigham Morgan seconded the motion. Ayes: 2, Nays: 3. Motion failed.*

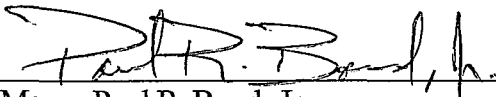
MOTION *Brigham Morgan moved to approve the Escrow Bond Release as submitted. Greg Kehl seconded the motion. Ayes: 4, Nays: 1. Motion passed.*

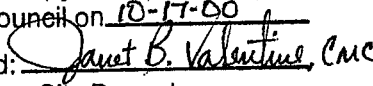
16. Other Business:

John Newman requested Ken Leetham to arrange a joint meeting between the Town Council and the Planning Commission for either November 7 or 21, 2000 and report their decision to the Council.

17. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting at 8:55 p.m.*

APPROVAL:  DATE: 10/26/00
Mayor Paul R. Bond, Jr.

This certifies that the minutes of
10-03-00 are a true, full and
correct copy as approved by the
City Council on 10-17-00
Signed: 
City Recorder