

**MINUTES OF TOWN COUNCIL MEETING**  
**TOWN OF EAGLE MOUNTAIN, UTAH**  
**Eagle Mountain Community Center**  
**1668 E. Heritage Dr**  
**Eagle Mountain, UT 84043**  
**October 19, 1999**

**POLICY SESSION – 7:00 to 10:30 p.m.**

Mayor Robert Bateman called the meeting to order at 7:00 p.m.

**1. Roll Call:**

Council Members present: Diane Bradshaw; Dan Valentine & Bill Chipman. Cyril Watt was excused

Town Staff:

Town Administrator: John Newman  
Town Attorney: Jerry Kinghorn  
Town Engineer: Korey Walker  
Town Recorder: Janet Valentine  
Recording Secretary: Fionnuala Kofoed

Others present: Paul Bond, resident; Mark Lofgren, resident; Josh & Jenny Elledge, residents; Bert and Becky Ankrom, residents, Brigham Morgan, resident; Nick Berg, Eagle Mountain Properties (EMP); Bob Lynds, Debbie Hooge and Scott Kirkland, the Ranches; Tiffany Shapiro, Lehi Free Press.

**2. Pledge of Allegiance:**

Korey Walker led the town in the pledge of allegiance.

**3. Approval of Agenda:**

Item 11 was deleted.

**MOTION**      *Bill Chipman moved to approve the agenda as amended. Diane Bradshaw seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

**4. Approval of Minutes:**

September 21, 1999      **MOTION**      *Diane Bradshaw moved to approve the minutes of September 21, 1999 Work Session as amended. Bill Chipman seconded the motion. Ayes: 4; Nays: 0. Motion passed.*  
(Work Session)

September 28, 1999      **MOTION**      *Dan Valentine moved to approve the minutes of September 28, 1999 as amended. Bill Chipman seconded the motion. Ayes: 3; Nays: 0. Motion passed.*

Diane Bradshaw abstained from voting as she was excused from the September 28<sup>th</sup>, 1999 meeting.

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

Brigham Morgan announced the Pumpkin Fest scheduled for October 23, 1999.  
Janet Valentine advised everyone that the last day to register to vote was Monday, October 25, 1999.

Mrs. Valentine also announced that Eagle Mountain residents would vote in the Town Office on November 2, 1999, between 7:00 a.m. and 8:00 p.m.

6. **Appointments:**

There were no appointments.

7. **Public Notices:**

There were no Public Notices.

8. **Public Comment:**

Rich Olsen, resident of Overland Trails, addressed the Council concerning the improvements that have not been completed by the developer in the subdivision. The residents of Overland Trails wanted to know how to get the improvements completed and asked the Council whether there was bonding available.

Korey Walker, Town Engineer, advised the residents of Overland Trails that a letter was sent to EMP outlining the items needing completion, prior to recordation. Mr. Walker added that, to date, the improvements have not yet been completed. Mr. Walker said that EMP had a plan to reconcile and they are looking for paperwork before they can resolve the situation. Nick Berg, EMP, reserved to comment, as he wanted to look into the resident's concern.

Paul Bond, resident, inquired about the First Response services and wanted to know when to expect them. Mayor Bateman responded that the Town and Fire Department had done their part and it was now up to Lehi City to get things going from here.

Mark Lofgren asked about lights in the subdivisions. Korey Walker said that the issue of lighting had been presented to the Planning Commission and would be discussed in the Capital Facility Plan. Mr. Walker also stated that the remainder of street signs were being installed by Epic Engineering. Mayor Bateman Closed the Public Comment @ 7:50 p.m.

9. **Action, if any, from Closed Executive Session:**

There was no action taken.

10. **Presentation on Mountainlands Association of Governments:**

There was no presentation given.

11. **Consideration of Resolution to Join Mountainlands:**

Mayor Bateman gave a brief summary with regards to joining Mountainlands Association of Governments. He said that there are currently 34 communities in Utah that participate in the Association who receive aide in obtaining federal funding, recreation planning etc.

**MOTION**

*Diane Bradshaw moved to approve Resolution # 15-99 to join Mountainlands Association of Governments. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion Passed.*

12. **Consideration and Enactment of Crossbow and Archery Regulation Ordinance:**

Mayor Bateman stated that it was illegal to discharge a crossbow within City Limits and, if caught, would result in a Class B misdemeanor. Mayor Bateman added that if people were interested in having a range in a designated area, it could be arranged.

**MOTION** *Bill Chipman moved to approve Ordinance # 99-22, Enactment of Crossbow and Archery Regulation. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

**14. Library Status on becoming a Department of the Town:**

Liisa Nusz gave a brief update on the status of the Library and said it would be on the agenda for the next Town Council meeting. Mrs. Nusz said that, to date, the total dollar amount of the books collected for the Library was in excess of \$20,000, she added that she had requested a modular from the Church of Jesus Christ of Latter Day Saints (LDS) that had been previously used as a seminary building.

**15. Consideration to Approve an Animal Control and Licensing Agreement with Utah County:**

There were no changes to the proposed contract between the Town of Eagle Mountain and Utah County.

**MOTION** *Bill Chipman moved to approve an Animal Control and Licensing Agreement between the Town of Eagle Mountain and Utah County. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion Passed.*

**16. Public Hearing:**

**A. Revisions to Capital Facility Plan:**

Korey Walker, Epic Engineering, gave a brief overview of the Capital Facility Plan. Mr. Walker stated that the Capital Facility Plan provides a logical manner of extending capital facilities from existing facilities through development, so that future facilities have sufficient capacity. Mr. Walker added that a draft of the Capital Facility Plan was submitted to the Town Council and the public for review. It was noted that, on submittal, there were some problems with population projections, this was updated and resubmitted. Mr. Walker said that there were three items that needed to be discussed, they are as follows:

1. Items that Eagle Mountain Properties had submitted to the Council and requested they be added to the Capital Facility Plan.
2. Processing of wastewater.
3. Temporary generation and the transmission line.

Based upon the information, Mr. Walker discussed an economic analysis that would determine how the Capital Facility Plan would be paid for.

Discussion ensued between the Council, Mr. Walker, and developers.

Major Bateman opened Hearing for public comment @ 8:40 p.m.

Cyril Watt arrived at 8:45 p.m.

Brigham Morgan resident, questioned the construction of Sweet Water Rd in 2006, it was his opinion that the road would help bridge the gap between the Ranches and the Town. Mayor Bateman agreed that the construction of Sweet Water Rd. needed to be sooner than 2006. The Town Council agreed that the construction date of Sweet Water Rd. should be moved to 2003.

Nick Berg and Scott Geddings, EMP, addressed the Council and presented some charts that they felt showed the decline in growth since Impact Fees had been raised; they requested that the Impact Fees be reduced by two thirds that night. It was their opinion that the high Impact Fees had slowed the growth in the Town center. They said that they had not sold anything in the past

year and had contracts pending the reduction of the fees. The developers also stated that one of the contracts was a C-Store.

Wendy Swain, resident, requested the lowering of Impact Fees, as she said that it was driving developers out of the Town. Mrs. Swain spoke specifically of Maxim Homes.

Bob Lynds, The Ranches, asked if the Council could take action that night on the Impact Fees Without giving a Public Hearing Notice. Jerry Kinghorn, Town Attorney stated, that in an emergency situation, action could be taken without the public notice.

Bill Chipman said that the Council would like to lower the fees, however they needed to review the effects on the bond issue, so they couldn't make a decision based on not having the figures to direct them.

Mayor Bateman referred to EMP's charts and said that there were many variables that could affect the growth curves; one in particular was Greenspan's interest rate increase. Mayor Bateman said that the rate of permit issuance was growing by 4 % per month and that the Town was in fact growing. Mayor Bateman pointed out that the Council was interested in lowering Impact fees however; he didn't want the burden of repaying the Town's debt to be placed on the residents of Eagle Mountain.

It was the opinion of the Council that lowering the Impact fees by 2/3, without the financial analysis, was not something they were prepared to do. Bill Chipman called for a special meeting to discuss the reduction of impact fees, the meeting was scheduled for October 25, 1999.

**A. Mayor Bateman closed the Public Hearing @ 10:20 p.m.**

**B. Town Council Consideration to Amend Capital Facility Plan:**

Discussion ensued between Emp and the Town Council members concerning items included in the Capital Facility Plan.

**MOTION** *Bill Chipman moved to amend the Capital Facility Plan as follows:*

- 1. Anything regarding the sewer plant in 2011 would be included in the Capital Facility Plan but not included in the financial analysis.*
- 2. The paving of Sweet Water Road to Pony Express Parkway be moved up to 2003.*
- 3. Include the Town Engineer's suggested items from the list provided by Eagle Mountain Properties*
- 4. Inclusion of the fence along Eagle Mountain Boulevard and to include Grant Smith's land if it's not already included*

*Dan Valentine seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

**Bill Chipman wanted it on the record, that if Grant Smith's land was included in the Capital Facility Plan, he would receive the credit.**

John Walden addressed the Council stating that if the Council didn't reduce the impact fees by 2/3 that night, Emp would loose a contract on a C-store and 50 lots. Mr. Walden told the Council that there would be no risk to the Town, as he would take the full burden. He added that EMP would fund whatever infrastructure was needed for the houses they were building and that they were not looking to the Town for anything.

Mayor Bateman responded that to make a decision like that with less than 24 hours notice was unrealistic. The Council Members were also not in favor of granting Mr. Walden's request and wanted to discuss the issue at a special meeting they had scheduled.

Bill Chipman reminded Mr. Walden that he could request a complete waiver of impact fees for the

C-store, as there was an ordinance previously passed stating that the Town Council had the ability to do so.

Mayor Bateman proposed to schedule a Public Hearing on the Financial Analysis November 16, 1999.

John Newman addressed the Council and requested they consider abating the impact fees on gas and telephones. Mayor Bateman asked by how much would the fees be reduced. Jerry Kinghorn said the fees would be reduced by \$432 in the south and \$131 in the north.

**MOTION** *Bill Chipman moved to direct the Town Staff to eliminate impact fees for gas and telecommunications for the whole Town of Eagle Mountain. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

Discussion ensued between the Town Council and the developers.

John Newman addressed the Council and proposed a zero impact for 30 days on the condition that the developers "belly up to the bar" and pay for telecommunications and electrical utilities capacities that are needed now. John Walden didn't accept the proposal.

**17. Discussion of Operation and Maintenance of Town Electrical System:**

The Council agreed to table this item pending an approval from the Public Works Board.

**MOTION** *Dan Valentine moved to table item 17 pending a recommendation from the Public Works Board. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**18. Discuss GNVW Report on Telecommunications Switch:**

Mayor Bateman discussed the issue concerning the limit on the phone system. He recommended that the Public Works Board invite the three vendors (Nortel, Northern Telecom and Icon Technology) to give presentations on the culpability of their switches before the Council can come to a determination. The Council was in agreement.

**19. Contract and Specifications for 1999 Landscaping:**

Korey Walker briefly discussed the landscaping bid and recommended awarding the bid to Mountain West Landscape and Sprinkler. It was decided that the sod for the landscaping at the entrance to Eagle Mountain Boulevard would be laid in the spring, as there was a water source issue at that site. The Bid, \$79,683 was funded from the 98-3 SID. The contract was to be completed within 30 days and included a warranty in the contract.

**MOTION** *Bill Chipman moved to approve the award for the 1999 Landscaping contract bid to Mountain West Landscape and Sprinkler. The landscaping improvements to the entrance of Eagle Mountain Boulevard are to be completed in the spring due to a water source issue. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

**20. Amend and Restate Consolidated Fee Schedule:**

Jerry Kinghorn addressed the Fee Schedule and stated that text had been added to pages 4, 5 & 6. It was his opinion that there were inadequacies in the documentation of the policies in relation to collections on delinquent utility accounts. Mr. Kinghorn said that he also revised and updated the reimbursement policy fees to developers that now spell out procedures to follow.

**MOTION** *Cyril Watt moved to approve the Amended and Restated Consolidated Fee Schedule, Resolution 16-99. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

21. **Eagle Mountain Properties update/Jim Peterson:**

There were no updates.

22. **The Ranches/Scott Kirkland:**

Mr. Kirkland said that things were going well at The Ranches, they were pleased to announce the sale of 23 lots to Carter Construction, who intend to build homes in the range of \$300,000-\$450,000.

23. **Review Policy on Subdivision Utility Design Contracts:**

Mayor Bateman spoke briefly about the Town's involvement in the design of subdivisions. It was the feeling of both the Mayor and the Town Council that the Town should no longer be caught up in the design of subdivisions. Mayor Bateman stated that the Town was having problems collecting money from developers. The developers took exception to the designs and were disputing the costs, as they were too pricey.

Garry Tassigner, Tasco Engineering, was concerned about the contract Tasco had with the Town. Jerry Kinghorn advised Mr. Tassigner that it was not the Town's intention to break the contract with Tasco but was merely changing the way it did business. Mr. Kinghorn added that there was no intent not to pay Tasco the money owed to the company by the Town.

Mr. Tassigner asked Mayor Bateman if there was a major discrepancy with the subdivisions that Tasco had designed. Mayor Bateman responded that the Town had received information from two independent consultants stating that there were problems, for example, in telecommunications. The cables were incorrectly spliced and parts of the system were not grounded properly. Mayor Bateman added that although the problems had been brought to his attention, this information was made available to him in written form three days prior to the Town Council Meeting. He had also just received written information detailing problems with the gas system.

**MOTION** *Bill Chipman moved to have the Town of Eagle Mountain discontinue its utility design of subdivisions and hire someone to review the design and directed Mayor Bateman and Jerry Kinghorn to prepare a letter for Garry Tassigner detailing construction and design concerns. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

24. **Warrant Register:**

**MOTION** *Bill Chipman moved to approve the warrant register dated 10/15-10/19 as amended, omitting, until the next Town Council Meeting, a \$30,000 bill for Tasco Engineering, labeled SID 98-1 gas. Also, authorization of payment of the Generation Facility billing, to Tasco Engineering, pending recommendation by the Town Engineer. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

25. **Contract Change Order:**

CIC for the Ranches Parkway.

Korey Walker explained that the original contract didn't include a section of road that needed to be extended. The Ranches will pay the Town for this; it will not come out of the SID. Mr. Walker recommended that the Town withhold payment until a check had been received from the Ranches.

**MOTION** *Diane Bradshaw moved to approve Contract Change Order # 9 for the Ranches Parkway, with the check not to be released until the Town receives a check from the Ranches. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

26. **Partial Payment Requests:**

CIC for the Ranches Parkway Road, Water and Sewer Construction.

Korey Walker summarized this item stating, a final punch list had been created for the Ranches, and all items were completed except for Tick Ville Wash.

**MOTION** *Bill Chipman moved to approve Partial Payment Request for the Ranches Parkway Road, Water and Sewer Construction in the amount of \$336,064.04. Diane Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.*

27. **Partial Bond Releases:**

- A. Chimney Rock, Plat A (R-1 N-12) @ Red Hawk Ranch.
- B. Crittenden Corner, Plat A (R-1 N-7) @ Red Hawk Ranch.
- C. Diamond Springs Plat A (R-1 N-9) @ Red Hawk Ranch.
- D. Diamond Springs, Plat B (R-1 N-9) @ Red Hawk Ranch.
- E. Rockwell Village, Plat A (R-1 N-8) @ Red Hawk Ranch.
- F. Sundance, Plat A (R-1 N-6) @ Red Hawk Ranch.

**MOTION** *Bill Chipman moved to approve Partial Bond Release for the following Plats:*  
A. *Chimney Rock, Plat A (R-1 N-12) @ Red Hawk Ranch.*  
B. *Crittenden Corner, Plat A (R-1 N-7) @ Red Hawk Ranch.*  
C. *Diamond Springs Plat A (R-1 N-9) @ Red Hawk Ranch.*  
D. *Diamond Springs, Plat B (R-1 N-9) @ Red Hawk Ranch.*  
E. *Rockwell Village, Plat A (R-1 N-8) @ Red Hawk Ranch.*  
F. *Sundance, Plat A (R-1 N-6) @ Red Hawk Ranch*  
*Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

28. **Department Reports:**

**MOTION** *Cyril Watt moved to dispense with Department Reports and adjourn. Dan Valentine seconded. Ayes: 5, Nays: 0. Motion passed.*

The meeting was adjourned @ 1:10 p.m.

Approved: \_\_\_\_\_

Mayor Robert E. Bateman

Date: 11-16-99

This certifies that the minutes of  
OCT. 19 1999 are a true, full and  
correct copy as approved by the  
City Council on Nov. 16, 1999.

Signed: \_\_\_\_\_

City Recorder