

**MINUTES OF SPECIAL TOWN COUNCIL MEETING**  
**TOWN OF EAGLE MOUNTAIN, UTAH**  
**Eagle Mountain Community Center**  
**1668 E. Heritage Dr**  
**Eagle Mountain, UT 84043**  
**October 25, 1999**

Mayor Robert Bateman called the meeting to order at 5:00 p.m.

**1. Roll Call:**

Council Members present: Dan Valentine; Bill Chipman & Cyril Watt. Diane Bradshaw arrived at 5:40 p.m.

Town Staff:

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

Others present: Attached is a list of others who attended the meeting.

**2. Pledge of Allegiance:**

Joshua Elledge led the pledge of allegiance.

**3. Approval of Agenda:**

**MOTION** *Bill Chipman moved to approve the agenda. Dan Valentine seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

**4. Consideration to approve a temporary reduction of impact fees:**

Mayor Bateman gave a brief summary of what had transpired at the Town Council meeting October 19, 1999 concerning impact fees. Mayor Bateman stated that some of the developers in the Town were concerned with the high impact fees and blamed that for the slow growth of the Town. Mayor Bateman added that a public hearing had been set for November 16, 1999 to discuss the Capital Facility Plan, at which time there would be more insight into how much impact fees could be reduced without becoming a future burden to the Town or its residents.

**Mayor Bateman opened up the meeting for public comment @ 5:10 p.m.**

The following is a list of residents and developers who commented:

Boyd Curtis, resident; Darin and Ruth Brandt, residents; Vincent Liddiard, resident; Dirk Palfreyman, developer; Joshua Elledge, resident; Grant Gifford, developer; Tiffany Shapiro, resident; Kerry Johnson, resident; Scott Kirkland, Debbie Hooge and Bob Lynds, The Ranches; Brigham Morgan, resident; Rob Neilson, resident; Greg Kehl, resident; Tracy Laws, resident; Jason Smith, developer; Ben Nailer, resident; Dave Whimpy, resident; Juanita Christensen, resident; Bret Olsen, resident; Delton Davis, resident; John Jacob, resident; Angie Dondel, resident; Jo Hill, resident; Andy Fallon, resident; Eric Carver, developer; David Oakles, potential resident; Jerry Gaskin, grocery business man.

It was the general feeling of those that commented, that the slow growth in the south of Town was directly related to high impact fees. Developers were concerned that the sale of homes had declined and

perspective buyers had no incentive to move to the south of Town as prices of the homes were greatly affected by high impact fees. The developers were concerned about their future ability to build and sell homes in the south end of Town and feared having to pull out as other developers had previously done.

Residents of the Town center were discouraged by how poorly things looked in their surroundings especially when compared to the Ranches where landscaping was being completed and things looked attractive. Residents were also angry that required parks and trails had not been completed and there was no sign of any commercial development. Residents felt deceived, as they had bought into a vision that had not been fulfilled by the developers, they wanted to know what had happened to the C-store, church and school they had been promised.

Most residents understood that they had already paid their impact fees and didn't want to be faced with higher utilities in the future if the impact fees were reduced but they believed that reducing the fees would encourage growth.

Mayor Bateman discussed an Ordinance that had been previously passed allowing for reduced or zero impact fees for commercial businesses in the Town.

Eagle Mountain Properties stated that they wanted a 2/3 reduction or zero impact fees for their developments and if the Town couldn't accommodate them, they would be forced to withdraw.

Jerry Gaskin, an entrepreneur, offered to work with both the Ranches and EMP to open a C-store and have it running by Thanksgiving, 1999. Scott Kirkland said that the Ranches had property zoned for commercial use and that with a conditional use permit they would be willing to do that. Mr. Kirkland said that they would have a plan for a C-store ready to present to the Planning Commission by November 23, 1999.

**MOTION**

*Bill Chipman moved to abate \$2500 in impact fees in the south area of the Town of Eagle Mountain, \$2192 at building permit submittal and the remainder at plat recordation. This would take effect when the Town receives a signed partial impact fee abatement agreement from Eagle Mountain Properties (EMP), subject to the following conditions, and continue through December 31, 1999.*

- 1. That the conditions of that agreement would include a waiver from the three principles of EMP stating that they favor an impact fee reduction and would not hold the Town responsible should it cause a future conflict in payment of the RBANS.*
- 2. That all impact fee credits would be required to be passed through to the builder or homeowner at the time of building permit and plat recordation.*
- 3. That EMP would agree to provide bonding for a trail and landscaping between Maxim Homes and Pony Express Parkway. A trail plan would have to be submitted with the fore mentioned agreement and completed no later than June 30, 2000.*
- 4. That a Master Signage Plan would be submitted approved and comply with the Master Signage Plan that meets the signage requirements in the Town Development Code.*
- 5. That payment would be made on any fees overdue or outstanding to the Town in accordance with the dispute resolution provisions in the consolidated fee schedule. Also, that EMP agrees to pay half of the upfront cost for an improved telecommunications switch with the total contribution amount not to exceed \$375,000.*

*All these conditions are subject to sufficient utility capacity being available in accordance with the provisions by which these subdivisions were approved. Cyril Watt seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

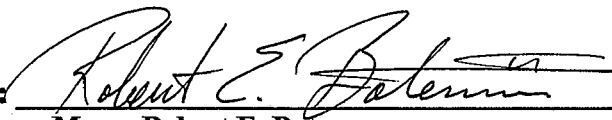
**MOTION**

*Bill Chipman moved to abate \$2500 in impact fees in the north service area of the Town of Eagle Mountain applying \$1297 at the time of building submittal and applying the remainder at the time of recordation of the Plat. This would take effect when the Town receives a signed partial impact fee abatement agreement from The Ranches, subject to the following conditions and continue through December 31, 1999.*

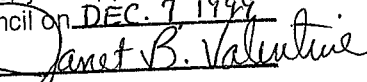
- 1. That the Ranches provide an acceptable plan to the Planning Commission by November 23, 1999 for the construction of a convenience store.*
- 2. That the developer provide a waiver on the non-capacity of the Capital Facility Plan.*
- 3. Payment of any overdue bills owed to the Town.*
- 4. Agreement to pay for half of the telecommunications switch not to exceed \$375,000 assuming that EMP pays their portion to provide the switch.*
- 5. All impact fee credits are passed through to the builder or homeowner.*

*Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

**Diane Bradshaw moved to adjourn the meeting @ 9:30 p.m.**

Approved:  Date: 12/15/99  
Mayor Robert E. Bateman

This certifies that the minutes of  
OCT. 25, 1999 are a true, full and  
correct copy as approved by the  
City Council on DEC. 7, 1999

Signed:   
City Recorder