

**MINUTES OF TOWN COUNCIL MEETING
EAGLE MOUNTAIN FIRE STATION
1680 E. Heritage Dr.
Eagle Mountain, UT 84043
October 27, 1998**

1. Roll Call:

The Town Council Meeting was called to order by Councilmember Diane Bradshaw at 7:35 p.m.

The following Councilmembers were present:

Mayor: Robert E. Bateman (late)
Council: Diane Bradshaw, Dan Valentine, Cyril Watt

Town Staff:

Town Administrator: John Newman
Town Engineer: Korey Walker
Town Planner: Dave Conine
Town Recorder: Janet Valentine
Recording Secretary: Vada Hunter

Also present: Jim Peterson, Eagle Mountain Properties; Liisa Nusz, Town; Fawn Jenkins, Town; John E. Elly, Provo; Nick Berg, Eagle Mountain Properties; Bill Chipman, Town; James Dahl, MCM Engineering, Doug Gwilliam, Town; Mark A. Nuszer, The Ranches L.C.; Debbie Hooge, The Ranches L.C.

2. Pledge of Allegiance:

Dan Valentine, Councilmember, led the town in the Pledge of Allegiance.

3. Approval of Agenda:

MOTION *Dan Valentine moved to approve the agenda as constituted. Cyril Watt seconded. Ayes 3, Nays: 0. Mayor Bateman was not present yet. Motion passed.*

4. Approval of Minutes of October 13, 1998:

Mayor Bateman arrived at 7:50 p.m.

MOTION *Cyril Watt moved to approve the minutes of October 13, 1998, as corrected. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

Diane Bradshaw turned the meeting over to Mayor Bateman.

5. General Discussion/Questions/Announcements:

Janet Valentine, Town Recorder, asked if there was money in the Special Improvement District 98-2 (SID 98-2) to pay the staff for extra time in verifying everything for the SID. John Newman, Town Administrator, did not know and said they would need to ask Jerry Kinghorn, Town Attorney, for the correct response.

Dan Valentine, Councilmember, had some questions about the light on the eagle at the entrance to the Town of Eagle Mountain. He asked Nick Berg to check this out. Dan also had questions about the big orange lights at the Sewage Treatment Plant. Nick Berg, Eagle Mountain Properties, said he was working with the contractor to fix the light at the entrance.

Dan Valentine brought up a problem that Maureen Anderton had brought to his attention. This concerned a large water bill for Nettie Allred in the Harvest Haven subdivision. Dan said the meter was read twice and it seems to be the right reading. Korey Walker, Town Engineer, explained that he had gone over this item today with Jeri Wilson to see what had happened. He said that back in June and July some people had called about some problems and they were told to pay the flat rate and then the issue would be made up on the next billing. There still seems to be some problems in trying to make that up. Korey said he had talked to Bob Wren today and they are going to print all the bills out from the first billing to the end and then sort out which ones have problems, identify why the problems are there, because there still seems to be some problems in the readings. Dan Valentine asked for a time frame. Korey says they need to be averaged out.

6. Warrant Register:

Jeri Wilson, Town Treasurer, was unable to attend because she couldn't get a babysitter. Janet Valentine, Town Recorder, gave an explanation about the three documents she passed out. The delay in getting these documents to the Council sooner was because Jeri was in training all last week. Dan Valentine said he needed time to look it over. John Newman, Town Administrator, asked if maybe they could look it over during the course of the meeting. He said perhaps the item could be tabled until the end of the meeting. Dan responded he could not do this. John said that both he and the Mayor would review it and make sure everything was in order.

MOTION

Dan Valentine moved to authorize Mayor Bateman and the Town Administrator, John Newman, to review and sign the Warrant Register and to provide the Council 48 hours to review and call if they have any concerns. Diane Bradshaw seconded. Ayes: 4, Nays 0. Motion passed.

7. Public Comment:

Fawn Jenkins, 1863 E Pinion, Eagle Mountain, had some questions about the newsletter. Mayor Bateman announced that Fawn was the new editor of the Town Newsletter. He asked that she set up an appointment through Janet Valentine to meet with him and discuss issues dealing with the newsletter.

John Elledge, a Website Designer, asked if he could meet with Mayor Bateman. The Mayor asked him to make an appointment through Janet.

Fawn Jenkins gave her email address: femlj@deseretonline.com.

8. Public Hearing:

A. *Proposed Amendments to the Development Code, Chapter IV (Required Improvements-Development Agreements), Chapter IX (Absolute Development Standards Ensuring Adequate Public Facilities) O. Street Trees, M. Street and Alley Pattern, Chapter XII (Absolute Neighborhood and Community Design Standards), Appendix B. (Detailed Requirements For Preliminary Plats and Final Plats-Class II Permits), Appendix E. (Detailed Absolute Development Standards For Design and Construction of Local Streets and Alleys) Appendix F. (Detailed Absolute Development Standards For Design and Construction of Sidewalks and Trails), and Appendix H. (Detailed Absolute Development Standards for Landscaped Buffers).*

Mayor Bateman asked Dave Conine, Town Planner, to discuss these. The first item he explained was under Chapter IX, Section M. Street Patterns, paragraph three. He asked that on line 4 the word "or"

has been changed to "and". The sentence now reads: In cases where the garage entry faces the street, the garage shall be set back a minimum of 50 feet from the front property line and shall be set back no less than 15 feet back from the side elevation of the building nearest the driveway. The next change was under Chapter IX, section M. Street Pattern, paragraph four. There was some verbiage added to the second sentence. The sentence now reads: Lots with a street frontage of 70 feet or less shall be required to use a system of alleys for garage access and garbage pick-up, unless an acceptable alternative design is approved by the Planning Commission. He also stated there were two incentives offered to encourage developers to use alleys:

Garages will be permitted on a zero lot line side yard setback.

Residential street paved area may be reduced from 28 feet to 24 feet in width.

These two items will be inserted in the Development correctly.

Mayor Bateman asked that an additional line be added to Chapter IX, section M. Street Pattern, paragraph two, EXCEPTION TO IX.M. The line should read: The Town Council or Planning Commission may require temporary turnarounds where phases are being done.

Dan Valentine pointed out that the EXCEPTION IX.O should be EXCEPTION TO IX.M.

Mayor Bateman explained some of the motions from the Planning Commission Meeting of October 1, 1998. He explained the motion about the bonding of 110% and then keeping the 10% for two years after acceptance as stated by the Town Engineer.

Mayor Bateman then explained the second item from Appendix E concerning street standards. He felt like what needed to be done on that one was to have the guidelines in Appendix E and leave it open for developers to propose alternative cross sections as long as they are consistent and meet the general intent of the code.

Mayor Bateman then explained about the width of trails. Equestrian trails are to be 12 feet wide. They are to have shredded bark on the trails.

Mayor Bateman talked about street trees and the performance bond. There was a discussion about when and where to plant trees.

Mayor Bateman brought up the issue of having two materials on the house.

Jody Hooley, Lake Mountain Road, questioned the logic behind limiting two kinds of materials on their house. Mayor Bateman explained the guideline is necessary to avoid a cluttered look in a neighborhood. Houses out on acreage have not been enforced but it is in town where houses are closer together. Dave Conine discussed how they look at this situation. There had been a lot of concern about a tract development. Mayor Bateman said that for the time being leave the amount of material than can be used on the outside of a house at three. Mayor Bateman said the town would have to adopt an ordinance for the changes. It should be put on the agenda for the next meeting in order to be passed.

James Dahl asked about Appendix B that was written on the agenda but it was verified that there were no changes to this appendix.

MOTION

Dan Valentine moved to approve the changes as they have been discussed; to integrate them into the Development Code and have a copy ready for the next Town Council Meeting to review together and enact an ordinance with these changes. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.

9. Consideration and approval to purchase a LNG Vaporizer from NorthStar, Inc.:

John Newman, Town Administrator, asked Dan Valentine to explain this because of his knowledge of this situation as a member of the Public Works Board. He explained that the natural gas system at the south end of the town consisted of a liquid natural gas tank and a vaporizer. He said that when a liquid natural gas turns into a vapor it absorbs a ton of heat. The vaporizer out there is basically a boiler that burns some of its own natural gas to make enough heat to vaporize more. It is designed for continuous operation. If this vaporizer fails, there is only enough gas in the line for a few hours of service to the homes at that end of the town. The only way to take care of this problem is to put an additional vaporizer in. This one is designed as a back up only. It can't handle a 24-hour use. It is also less money. Dan said the town would be on natural gas next spring. John said he had the Public Works Board look at this twice to make sure this was their only option at this time.

Diane Bradshaw wanted to know where the money would come from. Korey Walker thought it should come out of the 1997 RBANS.

MOTION

Diane Bradshaw moved to approve the amount of \$13,147.00 in order to install the LNG vaporizer with the funding to come from the 1997 RBANS. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

10. Consideration and Approval of the Ranches Design Guidelines:

Debbie Hooge, The Ranches L.C., gave this presentation because Bob Lynds was having some health problems. She stated that they had made the changes that were recommended by the Planning Commission. Mark Nuszer, The Ranches L.C., was involved with the presentation. Mayor Bateman said the only two things he said needed to be done to finalize the Ranches Development Agreement were the water issues and some wording in The Ranches Community Design Guidelines.

The changes are as follows:

Page 4, Section II, Item 2.2, Conflict With Other Regulations, shall read:

All development within The Ranches planning area shall comply with LAWS OF THE STATE OF UTAH AND THE UNITED STATES FEDERAL GOVERNMENT AND BE COMPATIBLE WITH THE INTENT OF THE CODES AND REGULATIONS OF THE TOWN OF EAGLE MOUNTAIN. All development shall also comply with the Declaration of Covenants, Conditions, and Restrictions (CC&R's) adopted for The Ranches Master Planned Community.

To the extent The Ranches Design Guidelines CONFLICT WITH design guidelines that MAY BE required by A LOCAL entity having jurisdiction over development in The Ranches, then the The Ranches Design Guidelines shall prevail. To the extent that any provisions of The Ranches Design Guidelines conflict with the provisions of the CC&R's, the CC&R's shall control.

Page 5, Section II, Item 2.4, Amendments and Supplements, shall read:

The Ranches, L.C., or its assignee, hereafter called *The Developer*, may, from time to time, amend or supplement the Design Guidelines, upon written notice to all owners of real property in The Ranches planning area. Any such amendments shall be applicable to all development plans which are subsequently approved by *The Developer*, and must be approved by the Town Council.

Page 21, Section I., Alleys, shall read:

Alleys are characterized by an 18 foot wide paved section commonly providing access to rear-loaded garages. An additional two and a half foot setback shall be provided from the edge of pavement to the garage door.

Page 34, Section E., Porches and Covered Entries, shall read:

Railings are **REQUIRED**.

Page 22, Section 4.4.3, Equestrian Trails, shall read:

Equestrian trails may be associated with neighborhoods **THAT HAVE** lots greater than one acre in size. Equestrian trails will promote the rural heritage of The Ranches and pay homage to the Overland Stagecoach Line and Pony Express riders who once traveled this area. **THESE** trails provide an alternative means of travel throughout the project **AS WELL**. Equestrian trails shall be designed to the following widths: (a) common equestrian trails – **TWELVE** feet; (b) Overland Trail – **SIXTEEN** feet. **COMMON** trails shall be surfaced with **SHREDDED BARK**. **THE OVERLAND TRAIL MAY BE SURFACED WITH DECOMPOSED GRANITE OR SHREDDED BARK**.

Page 50, Section 8.4, Fencing, shall read:

Fencing associated with The Ranches shall consist of three types. **THESE** include Perimeter Fencing, Interior Privacy Fencing, and open space fencing. **PERIMETER AND OPEN SPACE** fencing shall be constructed by individual developers and builders who projects about common open space features, parks, recreation amenities, and **MAJOR STREETS**. Interior lot line fencing shall be installed by individual homeowners and/or builders. All fencing shall be constructed with dimensional cedar wood and stained as per manufacturer's recommendation.

Page 51, Section 8.4.1, Perimeter and Transitional Fencing, shall read:

Perimeter Fencing at The Ranches shall consist of a **SIX-foot** high (maximum) wood fence. **IT** shall occur where the development edges are adjacent to Red Hawk Parkway, Pony Express Parkway, and Community Collectors **STREETS**. The fence shall be stained with a stain selected from the suggested color palette. The perimeter fencing shall terminate at corners with a six-by-six inch wood post. **WHERE THE PERIMETER FENCE MEETS AN OPEN SPACE FENCE, THEN IT SHALL TRANSITION *DOWN* IN HEIGHT TO 40" (+/-)**. (See figure 13)

Korey Walker discussed the narrower streets. The color of garage doors was discussed. There was a discussion about the different standards for the garage doors.

There was a short discussion about street signs. Korey Walker asked Debbie Hooge and Mark Nuszer if he could meet with them later to discuss a few issues.

MOTION

Diane Bradshaw moved to approve The Ranches Design Guidelines with the amendments that have been indicated and also the following changes: in paragraph 2 of 2.2, strike the words "development standard" and put in design guidelines; in paragraph 2.4 add amendments and supplements must be approved by the Town Council; on page 21 alleys should go back to 18 feet; that the rest of the changes are as per recommended by the Planning Commission; that they meet with Korey Walker, Town Engineer, and work out any street cross sections issues. Cyril Watt seconded.

*suggested an amendment
Mayor Bateman amended the motion to make sure the street signs have a North-South-East-West coordinate marking on the sign along with room for a logo. Diane Bradshaw agreed to the amendment and Cyril Watt seconded the amendment. Ayes: 4, Nays: 0. Motion passed.*

11. The Ranches Update:

Because of illness, Bob Lynds was unable to attend.

Debbie Hooge said she had worked things out with Donna Lee Evans concerning the easement issue on the right of way. This should be taken care of by Friday.

12. Eagle Mountain Properties Update/Nick Berg:

Nick Berg, Eagle Mountain Properties, introduced Jim Peterson who would be taking over the day-to-day operations at Eagle Mountain Properties. Nick gave a short back ground on his qualifications.

Nick discussed the airport and about getting some things going so the town could take advantage of some Olympic money that was available.

Nick asked Korey Walker about the street signs. Korey said he had talked to Wayne Patterson and it was decided that Wayne would give the money to the town and have the town take care of getting all of the signs so that they would all be the same. Nick asked for this to be in writing so he could get his portion of the money to the town. Nick brought up the issue of a missing \$25,000 check that was issued for the traffic study.

13. Consideration to repeal Resolution No. 19-98 and approve Resolution No. 24-98 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:

Mayor Bateman asked that on line two of paragraph one the day be changed from Thursday to Tuesday. Diane Bradshaw asked if the amounts were the same. She wanted to know if there were going to be any further changes. Mayor Bateman said the date has been corrected and so have the amounts. Mayor Bateman noted that on page four, the section under Intended Improvements, it still showed that the service laterals from the gas mains to the residences was part of the agreement for the determined cost and it is supposed to be the responsibility of the homeowner for that section. This sentence must be removed from the resolution.

Diane Bradshaw asked about methods of payment. Mayor Bateman said they could make installment payments or they could pay for it all up front.

MOTION

Diane Bradshaw moved to approve Resolution No. 24-98, which reads, A RESOLUTION RESCINDING RESOLUTION NO. 19-98 ADOPTED ON OCTOBER 1, 1998 AND 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 IMPROVEMENT 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 BENEFITTED 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

To change the day on page one, paragraph one, to Tuesday instead of Thursday; that on page 4, paragraph three, under INTENDED IMPROVEMENTS, the last sentence (Also, to be included, are service laterials from the gas mains to the residences, and gas meters/regulators.) be stricken from the resolution. Cyril Watt seconded.

Janet Valentine stated she would place the notice in the Lehi Free Press.

John Newman indicated he would like to see this close by December 15th.

Ayes: 4, Nays: 0. Motion passed.

14. Consideration to approve an Ordinance adopting the Eagle Mountain Parks and Recreation Master Plan:

This ordinance is based upon a plan presented to the Town Council and to the Planning Commission. The plans had been available at the Town Clerk's office for anyone in the community to review. There had not been any comments by anyone from the town. It was understood from the last presentation that all necessary changes to the plan would take place after the town had given everyone an opportunity to review the plan. All changes were noted on a copy of the plan and given to John Newman, Town Administrator, to give back to Steinbach & Lythgoe after which they would make the necessary changes and corrections.

MOTION

Diane Bradshaw moved to approve Ordinance No. 98-11, which reads: AN ORDINANCE OF THE GOVERNING BODY OF THE TOWN OF EAGLE MOUNTAIN AMENDING THE EAGLE MOUNTAIN GENERAL PLAN TO INCLUDE A PARKS AND RECREATION MASTER PLAN; that all changes and corrections have been made on a copy given to John Newman, Town Administrator; that John Newman will submit the copy of the changes and corrections to Steinbach & Lythgoe. Dan Valentine seconded.

Diane Bradshaw asked where it goes from here. Mayor Bateman said it would become part of the Development Code. Korey Walker said it would be implemented in a Capital Facilities Plan.

Ayes: 4, Nays: 0. Motion passed.

15. Bond Releases:

Korey Walker said he did not have any bond releases at this time.

16. Award Contract to Kay General Contracting for the Eagle Mountain Chlorine Building:

Korey Walker recommended that the town award the bid to Kay General Contracting for constructing the new Eagle Mountain chlorine building.

MOTION *Diane Bradshaw moved to award the bid to Kay General Contracting for construction of the Eagle Mountain Chlorine Building, in the amount of \$28,500.00. Cyril Watt seconded.*

Dan asked where the money was coming from to pay for this. Korey responded that it would be from the 1997 RBANS.

Ayes: 4, Nays: 0. Motion passed.

17. Partial Payment Request to CIC for the Ranches Parkway Road, Water & Sewer Construction:

Korey Walker explained that this was the second partial payment request. He said he had inspected the work and everything was done.

MOTION *Diane Bradshaw moved to approve a partial payment request for the Ranches Parkway Road, Water, and Sewer Construction in the amount of \$528,448.27 to CIC. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.*

18. Partial Payment Request to Condie Construction for the TSSD Sewer Outfall Line:

Korey Walker said this is the project that started at Redwood Road and heading directly west to the Church property. He recommended a partial payment of \$161,975.77 to Condie Construction to cover sewer line construction for the TSSD Sewer Outfall Line.

MOTION *Dan Valentine moved to approve a partial payment request to Condie Construction in the amount of \$161,975.77. Diane Bradshaw seconded. Ayes: 4, Nays: 0 Motion passed.*

19. State Retirement Program Approval:

Mayor Bateman asked if this could be moved to the end of the Town Council meeting.

MOTION *Cyril Watt moved to move Item 19, State Retirement Program Approval, to the end of the agenda as Item #28. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

20. Appoint John Newman as Deputy Treasurer:

John Newman explained that when the Town Treasurer is absent it is necessary to have some back up for someone to make financial decisions whenever necessary. He said this would allow business to keep rolling in the absence of a Treasurer by having him as Deputy Treasurer. He

made it clear that this is ONLY in the absence of the Treasurer. Janet Valentine said she would need to swear him in.

MOTION

Cyril Watt moved to appoint John Newman as the Deputy Treasurer of the Town of Eagle Mountain, Utah, to act only in the absence of the Town Treasurer. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion passed.

21. Department Reports:

A. Administration/Mayor:

Mayor Batemen reported that the process is almost finished of getting Kent Partridge as a full time Building Inspector. John Newman said this would take place as soon as the retirement plan was taken care of.

Mayor Bateman said that Ken Leetham of Monarch Development met with him and he had agreed to start working part time, 20 hours per week, at a wage of \$3,600.00 per month. This wage also included him attending meetings.

B. Planning Commission/Airport Advisory Board:

Mayor Bateman had nothing to report.

C. Parks & Recreation /Diane Bradshaw:

Diane Bradshaw had nothing to report.

D. Public Works Board/Dan Valentine:

Dan Valentine reported that the Public Works Board meetings would be held the first and third Wednesday of each month at 6:00 p.m. at the Fire Station.

Dan reported that the Patterson Dry Storage issue, the Public Works Board recommended that be sent back to the Planning Commission because they didn't have enough information.

John Newman said he had reviewed this with James Dahl, MCM Engineering, and had a number of questions about this plan. There appears to be some legal issues surrounding this piece of land.

Dan explained the US West 911 service agreement. There seems to be a problem from when the equipment was installed. Tasco will work out some financial costs with 3D. There is a possibility that the town is being billed twice for this service, but since this is a life and death issue the recommendation is to pass this but determine whether we are being billed twice.

The town will be required to pay a \$293 a month charge.

MOTION

Dan Valentine moved to authorize Mayor Bateman to sign the US West Private Switch/Automatic Location Identification Service Contract after he is satisfied that the contract is in the best interest of the town. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.

E. Public Safety/Cyril Watt:

Mayor Bateman announced that Patty Johnson had been re-assigned to the Detective Unit with the County Sheriff's Department. The new deputy assigned to Eagle Mountain was Joanne Murphy and her assignment becomes affective on November 1, 1998.

Korey Walker talked about an issue on the Ranches Parkway. He said UDOT approved the alignment of the sewer line to be along SR-73. The request was made for that to be changed. This was a set of plans put together before it was bid. They wanted this to be moved out of the UDOT right of way. This has caused a problem with the Harvest Haven development and the requirement of hooking up to the sewer line.

Bill Chipman gave an explanation about the sewer line and the right of way. If the sewer line is put in where it is planned right now and UDOT expands SR-73 then every time they expand it the town will have to pay to have it moved because it is on their right of way. If it is moved off the right of way then the town doesn't have to pay and UDOT does. It is best to move it before there is any expansion at all. This will save the town money. The developer needs to sit down with the homeowners and see what they can work out.

John Newman talked about State guidelines.

The easements were obtained from Carl Allred, Trustee.

John Newman recommended that the Town Council consider approving these easements except for the last sentence. He said to have the developers go back to the landowners and negotiate something that is more in line with the Public Works Board's recommendation. The developers should stand the cost of hooking them up with whatever they can negotiate with the property owners and have everyone feel comfortable about it.

Mayor Bateman expressed his concern about what he calls "midnight easements". He wanted to know at what point was the decision made to change this project. Korey Walker said the decision was told to their engineer and when the project was bid this was an addendum to the project. Korey said he didn't get to review it until right when it was being bid. When he reviewed it he told the engineer that he did not want the sewer line that easement.

John Newman recommended the Town Council approve these easements that when they are negotiated that they will be acceptable to the Council in this form except for not requiring them to hook on for a period of ten years. When they have an easement that meets the parameters of the Public Works Board, they bring it back to the Mayor and the Mayor be authorized to sign them.

Mayor Bateman suggested that the Council go ahead and make a motion, and vote on that letting them know what the Town Council wants, reaffirming the decision and recommendation of the Public Works Board authorizing the Mayor to accept those once they come back in this form, without the variance for hooking up these lots; and then ask Janet Valentine to put this on the formal agenda for the next meeting. There is equipment out there and this needs to be taken care of.

MOTION

Diane Bradshaw moved to recommend that the Ranches be instructed to re-negotiate the easements to provide for eventual sewer access to the homes in Harvest Haven. Dan Valentine seconded. Ayes: 3, Nays: 0. Cyril Watt abstained. Motion passed.

Korey Walker presented an Encroachment Agreement that needed to be signed. This has to do with a casing going under the canal.

MOTION *Dan Valentine moved to authorize the Mayor to sign the Encroachment Agreement no sooner than 48 hours and any Town Councilmember who has any problem is responsible to contact John Newman, Town Administrator, during that time to discuss any issues they might have. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

22. Interview of residents that submitted a statement of interest to fill Councilmember Rob Bateman's seat:

Mayor Bateman said he had met with the three candidates. Chris Kemp had withdrawn his application because he didn't feel like he had the time to make this kind of commitment at this time.

Lisa Nusz gave her presentation.

Bill Chapman gave his presentation.

23. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues and potential litigation:

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

Town Council adjourned to a Closed Executive Session at 10:30 p.m.

Before adjourning to a Closed Session, Janet Valentine announced that White Ranch came in and paid the money for the annexation. The check was for \$10,440.00.

24. Action from the Closed Executive Session:

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

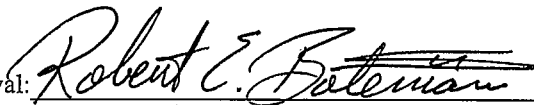
25. Consideration and appointment of a new Councilmember to fill the vacancy created by Councilmember Rob Bateman:

MOTION *Dan Valentine moved to appoint Bill Chipman as a Councilmember to fill the vacancy left by Councilmember Robert E. Bateman upon his appointment as the new Mayor of Eagle Mountain, effective immediately. Cyril Watt seconded. Ayes: 4, Nays: 0. Motion passed.*

26. Reconsideration of the White Ranch Annexation:

No further discussion at this time.

27. State Retirement Program Discussion/John Newman:

Approval:  Date: 11/10/98
Mayor Robert E. Bateman