

**MINUTES OF TOWN COUNCIL MEETING**  
**TOWN OF EAGLE MOUNTAIN, UTAH**  
Eagle Mountain Community Center  
1668 E. Heritage Dr  
Eagle Mountain, UT 84043  
December 7, 1999

\*Due to Diane Bradshaw's absence, the agenda items were discussed out of order. Mrs. Bradshaw arrived at 8:15 p.m.

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

1. Roll Call:

Council Members present: Mayor Robert Bateman, Dan Valentine, and Bill Chipman. Diane Bradshaw arrived at 8:15 p.m. Dave Albrecht joined the Council during the meeting as a newly appointed Council Member.

Town Staff:

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

Others present: Ruth & Darrin Brandt, residents; Fran Watt, resident; Eldon Fletcher, resident; Mark & Anjanette Lofgren, residents; Juanita Christiansen, resident; Garry Tassainer, Tasco; Mark Sovine, resident; Danny Hooge, resident; Rick Pierce, resident; Brain Larson, resident, Jeff Love, resident; Robert Dekorver, Eagle Mountain Fire Dept; Marion Bingham, resident; Bob Lynds, The Ranches; Eric Jones, Eagle Mountain Properties (EMP); Chris Kemp, resident; Greg Kehl, resident; Brigham Morgan, resident, Troy Baldwin, resident; Shelly Anderson, resident; Heather Jackson, resident; Paul Bond, resident.

2. Pledge of Allegiance:

Janet Valentine led the Pledge of Allegiance.

3. Approval of Agenda:

MOTION *Bill Chipman moved to approve the agenda. Dan Valentine seconded the motion. Ayes: 3; Nays: 0. Motion passed.*

4. Approval of Minutes:

October 25, 1999 MOTION *Dan Valentine moved to approve the minutes of October 25, 1999 as amended. Bill Chipman seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

November 2, 1999 MOTION *Bill Chipman moved to approve the minutes of November 2, 1999 as amended. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

November 9, 1999 MOTION *Dan Valentine moved to approve the minutes of November 9, 1999 as amended. Bill Chipman seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

5. General Discussion/Questions/Announcements:

Mayor Bateman announced that the Eagle Mountain Library was now open. The Library hours will be from 2 P.M. - 6 P.M. Monday - Friday. 10 P.M. - 2 P.M. Saturday.

Mayor Bateman mentioned that the Town had received complaints regarding junk cars on lots and wanted to remind residents that a car in inoperative condition or not currently registered may not be stored on lots in Eagle Mountain.

Ruth Brandt announced that the Cedar Valley ABC had great success with the Halloween movie night and they had scheduled another movie night December 17, 1999 @ The Ranches. Santa was expected to show up for photos with the children.

Juanita Christiansen discussed the Youth Council Santa Secret Workshop Friday December 17, 1999.

Robert DeKorver, Eagle Mountain Fire Department, announced that the Fire Department had scheduled live burns in the south end of Town. This was a training exercise for the department.

8. Public Notices:

Janet Valentine gave an update on The Ranches annexation. Mrs. Valentine noted that there were four separate annexations in the process and the protest period ended December 14, 1999. At this time Mrs. Valentine had not received any protests.

Mrs. Valentine announced to the newly elected officials that they would begin their term of office the first Monday in January 2000. The term would officially begin @ 12:00 p.m. January 3, 2000.

9. Public Comment:

Darrin Brandt discussed the problem with people shooting rabbits in the neighborhood. Mr. Brandt added that the individuals responsible were actually construction workers that were staying in trailers in Eagle Park. Mayor Bateman stated that the trailers should have been moved that day. John Newman stated that they had not yet been moved and had been extended a few more days, as they hadn't received the notice on time.

Mark Lofgren, resident, thanked the Town for filling in the foundation holes in the Landing left by the developers.

Robert DeKorver, Fire Department, discussed the rubbish on Sweet Water Road. John Newman said that he had talked to EMP regarding the issue and it had not yet been determined.

10. Public Hearing:

Mayor Bateman opened the Public Hearing @ 7:40 P.M.

John Newman stated that it was traditional that Town Council review the Town Budget a couple of times per year to see that things are tracking as expected. Mr.

Newman commented that there were some major changes to the budget that needed to be considered. Mr. Newman briefly discussed the following amendments:

1. The budgeted amount for income for licenses and permits had been reduced.
2. The addition of the new Telecom Switch.
3. The electrical transmission line.

Mr. Newman noted that the budget had been available for public review for two weeks and he had received no requests from the public to review it.

Mayor Bateman asked for public comment regarding the budget. There were no comments.

Mayor Bateman recommended keeping the full \$5000 for Planning and Zoning in the General Fund and \$2500 into Miscellaneous Revenues.

Gary Tassainer, Tasco, asked what the major development fees were and who paid them. John Newman responded that they were the same number and that the developers paid the fees.

Mayor Bateman closed the Public Hearing @ 8:00 P.M.

**MOTION** *Bill Chipman moved to approve Ordinance # 99-24, an ordinance amending the Town of Eagle Mountain Fiscal year 1999-2000 Annual Budget as corrected in item 1.2 for fiscal. Also, schedule A, attached would be amended to reflect an increase of \$2500 for the Planning and Zoning item 1056420. Also, 1036900, Other Income would be increased by \$2500. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion Passed.*

11. Telecommunications:

a. Telecommunication Department Ordinance.

John Newman explained the purpose of the Telecommunications ordinance #99-25 stating that there was a need to identify telecommunications as a separate department. Mr. Newman stated that it needed to have an expanded focal point in terms of people who could be professional helpers in the area separate from the Public Works Board.

Jerry Kinghorn read the ordinance.

**MOTION** *Dan Valentine moved to approve Ordinance # 99-25, an Ordinance of the Town of Eagle Mountain Utah, creating a Municipal Telecommunications Department, an Advisory Board describing and defining the duties of the director of the department, defining rules for the operation and use of the Telecommunications Utility of the Town of Eagle Mountain Utah and providing criminal penalties for the violation of the rules and regulations established in this Ordinance as presented. Bill Chipman seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

b. Request for Proposals Opened for Engineering & Construction Services for the Addition of a Telephone Building in the Town of Eagle Mountain.

Mayor Bateman stated that the response for the contract had been limited and said that it had been recommended that the RFP be extended until 4:00 P.M. December 14, 1999.

**MOTION** *Bill Chipman moved to approve the request for proposals in soliciting the quality design for firms to provide engineering and construction*

*services for the addition of the telephone building. Dan valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

12. Request for Proposals for Solid Waste Collection and Disposal:

MOTION *Bill Chipman moved to assign solid waste collection and disposal to the Public Works Board and pass on to the Public Works Board a request to put out for bid the solid waste collection and disposal for the Town of Eagle Mountain. Ayes: 3, Nays: 0. Motion passed.*

13. Consideration and Approval of an Impact Fee Ordinance:

Jerry Kinghorn gave some background information regarding the Impact Fee Ordinance and stated that it was in the final stage of the process of enacting the fees. The Economic Analysis had been edited and revised and was before the Council for approval. The ordinance breaks the Town into two sub service areas. It adopts by reference a list of facilities that are characterized as non-funded facilities for master developers to construct. The Capital Facilities Plan identifies those facilities. The Impact Fee Ordinance resolves certain claims against the Town that have been pending by EMP and Cedar Valley Water Company. The Town would take sole responsibility in the management of the water system under the new agreement. Mr. Kinghorn said that the Town would begin collecting impact fees from developers who use well # 1 on a base of \$720/residential unit. Cedar Valley Water Company and Eagle Mountain Properties could transfer credit to a third party under the agreement. Mr. Kinghorn went through the new draft and addressed some of the provisions. The only substantial fees that the Town would collect would be for electrical power, which the Town would use to repay revenue bonds. Also fees for streets, which would be used to construct the extension of Sweet Water Road to Pony Express Parkway. The Ordinance would take effect 12:01am the first business day after certification to the Mayor by the Town Clerk and the Town Attorney and that certain documents were executed and on file with the Town Clerk.

Bill Chipman referred to page 15 and said that the \$7000 was not in the original Impact Fee Analysis. Jerry Kinghorn said that the Ranches had given the number to them in the past; this amount needed to be checked, as Mr. Kinghorn believed it was now \$5000. Mr. Kinghorn said that it represented the cost to Cedar Pass Ranch residents to bring the water distribution system to the area. This would be an impact fee only payable by those who wanted to use the Town's water system.

Mayor Bateman discussed the individual fees and credits in the ordinance.

Mayor Bateman asked whether an individual could buy a recorded subdivision thinking that the utility capacity was available where the developer had not funded the improvements and then believe that the Town owed them an obligation to know that the capacity was not available. Mr. Kinghorn stated that if the Council followed the recommendations starting with the Public Works Board, identifying the facilities, putting the developers on notice and passing the resolution, this would eventually diminish the possibility of this happening in the future.

Mayor Bateman stated that the ordinance would reduce Impact Fees to a fraction of what they were. This was based on the idea that the developers were committed to funding certain improvements. Mayor Bateman added that before the ordinance went into effect that a commitment letter would be signed by each of the developers saying that they agreed to fund the developments. Mr. Kinghorn referred to the due process in section 4. that covered this issue.

Dan Valentine asked for clarification regarding the new facilities funded by impact fees. Korey Walker responded that Sweet Water Road north connection and 15% of expected annual revenue bond payment were the new facilities that were being

funded. Mr. Walker added that the transmission line and transformer and engineering would be paid for by the revenue bonds. All other items in the Impact Fee Ordinance were equity buy-ins.

Dan Valentine referred to section 1.5 and inquired whether the impact fees could be payable within six months of final approval. Mr. Valentine stated that the developers were concerned with the fees they had to pay.

Bob Lynds, The Ranches, discussed the issues that the Ranches had with the impact fees and requested that the fees be due at final approval and not recordation. Discussion ensued.

Nick Berg, EMP, stated that the critical issue was that everybody needed to work together to figure out how to finance the needed infrastructure. Mr. Berg discussed the use of revenue bonds, RBANs. Discussion ensued.

**MOTION** *Dan Valentine moved to approve Ordinance # 99-28, an Ordinance of the Town of Eagle Mountain Utah, repealing and reenacting Ordinance # 98-12 adopting an Impact Fee Analysis requiring the payment of impact fees for certain public facilities and providing for certain development restrictions and constructions of non-funded required public facilities as amended. Diane Bradshaw seconded the motion. Ayes: 5, Nays: 0. Motion passed*

Korey Walker stated that he would make the updates that had been discussed in the Impact Fee Analysis so things would correspond.

14. Consideration of a Resolution Approving a Sewer Hook-Up Waiver:

Mayor Bateman stated that the purpose of this resolution was to grant a waiver to the Town Utility Ordinance that requires people within 300 feet of a sewer system to hook up. This would allow those who had recently built and installed a septic tank system not to have to hook into the Town system. However, the homeowners would be required to hook up to the Towns system once their septic tank system needed to be replaced. Thirteen homes in Meadow Ranch had been identified.

**MOTION** *Dan Valentine moved to approve Resolution # 18-99, a Resolution of the Town of Eagle Mountain Utah, to grant certain waivers of wastewater connection requirements. Bill Chipman seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

15. Approval of Cedar Trail Villages Development Agreement for Phases I & II:

**MOTION** *Bill Chipman moved to table the Approval of Cedar Trail Villages Development Agreement for Phases I & II. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

16. Fire Department:

Eric Taylor discussed the final draft of the Operation Procedures.

**MOTION** *Bill Chipman moved to approve the Operating procedures for the Eagle Mountain Fire Department. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Mayor Bateman said that item b. Organization, would be discussed at the next meeting.

17. Drug Testing Policy:

Mayor Bateman briefly discussed the drug testing policy stating that it was an amendment to the Town Employee Handbook policy, this one being more stringent.

MOTION *Dan Valentine moved to approve the Drug and Alcohol Testing Policy as originally stated without any amendments. Bill Chipman seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

18. Approval of an Ordinance Adopting the Standard Specifications:

This item was discussed at a previous meeting.

MOTION *Bill Chipman moved to approve Ordinance # 99-26, an Ordinance enacting specifications for Public Works Facilities and Utilities operated, owned, managed and maintained by the Town to publish and approve such specifications for construction of public utilities and public works facilities of the Town of Eagle Mountain. Dan Valentine seconded the motion. Ayes: 3, Nays: 0. Motion Passed.*

6. Approval of a Resolution declaring the intent of the Town to Create Special Improvement District 99-1 and to finance the construction of a natural gas line through North Ranch and Cedar Pass Ranch; and related matters:

Mayor Bateman stated that the Council was reviewing the issue of the natural gas SID at the request of the Cedar Pass Ranch Home Owners Association. Mayor Bateman asked for questions from the community and the Council. There were no questions. Jerry Kinghorn read the entire Resolution to the Council. Korey Walker noted that the cost per lot in Cedar Pass Ranch was actually \$2709, and Cedar Pass North should be changed to North Ranch (page 5).

MOTION *Diane Bradshaw moved to approve Resolution # 99-1, a Resolution declaring the intention of the Town Council of Eagle Mountain, Utah County of the State of Utah to acquire and install natural gas utility improvements and all other miscellaneous work necessary to complete said improvements in a proper workman like manner. To create Eagle Mountain Utah Special Improvement District # 99-1 Cedar Pass to defray 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 affix a time and place for protest against such improvements for 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 area and district, natural gas improvements would be stricken; Cedar Pass North instead inserted North Ranch. This should be entered into the records as read. Bill Chipman seconded the motion. Ayes: 4, Nays: 0. Motion Passed.*

7. Appointments:

a. Town Council Appointment.

Mayor Bateman commented that the Town Council had an opportunity to interview the individuals who had expressed interest in filling the Town Council position vacated by Cyril Watt. Mayor Bateman invited the individuals to introduce themselves. Once the candidates had done so the Council voted in the new Councilor. The following is a list of those who were interviewed:

Dave Albrecht; Shelly Anderson; Troy Baldwin; Darrin Brandt; Heather Jackson; Mark Lofgren; Mark Sovine; Fran Watt.

MOTION *Dan Valentine moved to appoint Dave Albrecht as a replacement Council Member to fill the Term vacated by Cyril Watt. Bill Chipman seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Janet Valentine swore in Dave Albrecht as the new Council Member. Mr. Albrecht took his seat with the Council.

b. Other Appointments.

Mayor Bateman discussed the position being vacated by Carl Allred on Planning Commission and recommended that Bill Chipman fill the position with a term of six years.

MOTION *Diane Bradshaw moved to appoint Bill Chipman as a member on the Planning Commission for a six-year term. Dan Valentine seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Mayor Bateman discussed the appointment of Darrin Brandt as the head of a committee with the specific duty of promoting economic development in the Town of Eagle Mountain. Mayor Bateman requested that Mr. Brandt work with the Town Attorney to consider what kind resolution or ordinance needed to be passed to organize a committee. Mayor Bateman added that the Town had \$5000 budgeted for the purpose of promoting economic development and that it would be the position of the board to recommend to the Town Council how the money should be used.

MOTION *Bill Chipman moved to appoint Darrin Brandt as the Head of the Economic Development Advisory Committee. Diane Bradshaw seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. Public Works Name Change Ordinance:

Mayor Bateman discussed the need to change the name of the Public Works.

MOTION *Bill Chipman moved to approve Ordinance # 99-27, an Ordinance of the Town of Eagle Mountain Utah amending the Municipal Utility Department Ordinance to change the name of the Department to the Public Works Department, deleting the Telecommunications division, redefining various duties of the department employees and providing criminal penalties for the violation of rules and regulations established in this ordinance. Dan Valentine seconded the motion. Ayes 5, Nays: 0. Motion passed.*

20. Approval of an Operations & Maintenance Agreement between the Town of Eagle Mountain and Utah Power:

John Newman stated that the Town had negotiated an agreement with Utah Power to provide the on going maintenance of the Town system. The Public Works Department had reviewed this contract. It was recommended by Staff that the Mayor be authorized to sign the amended agreement.

Jerry Kinghorn stated that it was not a contract that qualified Utah Power and Light as the only source for construction; a separate agreement would have to be reached regarding construction. Construction would have to be bid out to competitors

MOTION *Bill Chipman moved to authorize the Mayor to sign a contract between Utah Power & Light and the Town of Eagle Mountain for electrical and*

*utility services as amended. Dan Valentine seconded the motion.  
Ayes 5, Nays: 0. Motion passed.*

21. Consent Agenda Items:

MOTION *Diane Bradshaw moved to approve the Consent Agenda Items. Bill Chipman seconded the motion.*

Discussion Discussion ensued between Gary Tassainer and the Council regarding bills owed to Mr. Tassainer that he believed were in excess of \$300,000. Mr. Tassainer stated that the Town had singled him out and it was jeopardizing his business. John Newman requested the specifics from Mr. Tassainer so he could understand the situation. It was established that Tasco hadn't been paid for some of the projects as the developers involved with the projects had not paid up to date. Mr. Newman stated that the direction from the Council was that contractors would not be paid until the developers were up to date on their bills. Mr. Newman said that he would check with Jeri Wilson, Treasurer regarding the bills. Mayor Bateman directed Town Treasurer to put out notices stating that there would be no more action on any projects until bills are brought up to date by the developers. Bill Chipman asked Jerry Kinghorn whether the Town was obligated to pay Tasco for the work they had done and then litigate? Mr. Kinghorn stated that the Town had ordered the work to be done and therefore, was obligated to pay Tasco. Jerry Kinghorn stated that the only way the Town could collect from developers like Maxim Homes would be litigation.

MOTION *Ayes: 5, Nays: 0. Motion passed.*

Mayor Bateman directed the Town Attorney to begin enforcement proceedings to get payment from Maxim for the amount they owe and to direct the Town Staff to begin a process of aggressively pursuing payment of these invoice. The Council requested a report on the status of the other outstanding bills. Dan Valentine requested a report to see if other professional contract staff had been paid when they shouldn't. John Newman acknowledged that he would follow up on the issue.

MOTION *Bill Chipman moved to adjourn the meeting @ 10:50 p.m.*

Approved: Paul R. Bond, Jr. Date: 3/21/00  
Mayor Paul R. Bond, Jr.

This certifies that the minutes of  
12-07-99 are a true, full and  
correct copy as approved by the  
City Council on 3-21-2000

Signed: Janet B. Valentine  
City Recorder