



SPECIAL TOWN COUNCIL MEETING

MINUTES OF THE SPECIAL TOWN COUNCIL MTG. CALLED TO ORDER: 5:15 P.M.

DATE: DECEMBER 22, 1997

ADJOURNED: 6:30 P.M.

A. OPENING:

The meeting was called to order at 5:15 p.m. by Mayor Hooge. The pledge of allegiance was led by John Jacob. The following Council Members were present and represented a quorum:

Mayor: Debbie Hooge

Council: Nick Berg, John Jacob and Cyril Watt. Diane Bradshaw as absent.

Town Staff:

Attorney: Gerald Kinghorn

Manager: Dave Conine

Clerk/Recorder: Janet Valentine

Others: Blaine Carlton/Ballard Spahr, Rob Bateman, Russ Daley/Newtah News, Ken Iltz, Esq., Jesse Smith, Dan Valentine and John Walden

2. Approval of Agenda

MOTION: *Nick Berg moved to amend the Council Meeting agenda under the Consent items to move item 5- Appointment of Reed Fisher to the Eagle Mountain Public Work's Board at the top of the order and everything else as is. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

B. GENERAL DISCUSSION/QUESTIONS/COMMENTS:

C. CONSENT HEARING:

5. Appointment of Reed fisher to the Eagle Mountain Public Work's Board:

A copy of Reed Fisher's resume was handed out to the Council. Reed Fisher, civil engineer addressed the Council, he explained that his speciality is in civil sanitary engineering. He spent 20 years of his career designing wastewater facilities, water wells, utility systems, etc. Mr. Fisher manages the Central Valley Water Reclamation Facility located at 33rd South and 9th West for the past 5 ½ years. Mayor Hooge said that the Town's Public Works Board needs board members with expertise in each area. Bill Chipman's, a board member expertise is in telecommunications and Reed Fisher's expertise would be in water and sanitation. Also needed to serve on this board is people with expertise in electrical and natural gas. Mayor Hooge expressed that she would like to see the members serving on this board to be paid some sort of per diem.

John Jacob asked what Mr. Fisher's responsibilities would be. Mayor Hooge responded, the Public Works Board will be running the utilities, including working on the Capital Facilities Master Plan, budgeting for the year, planning for future growth, maintenance problems, etc.

MOTION: *John Jacob moved to appoint Reed Fisher as an advisor to the Eagle Mountain Public Work's Board. Nick Berg seconded. Ayes: 4. Motion passed unanimously.*

John Jacob said that the Town's water system recently tested positive for bacteria. The water which comes out of the well was fine, it is contaminated once it flows into the system. Reed Fisher said that usually if you flush the system out with 5 - 10 parts chlorine and let it sit for a few hours in the system, then flush it all back out, it

should take care of the problem. If it reoccurs, he suggested that it could be growth in the storage tank. Chlorination is probably going to be a must for this system, according to Mr. Fisher. Discussion ensued.

1. Consideration of a Resolution rescinding Resolution #97-36, and authorizing the issuance and providing for the sale of \$2,195,000.00 Town of Eagle Mountain, Utah Special Assessment bonds, Series 1997 (Eagle Mountain, Utah Special Improvement District No. 97-1), fixing the maximum interest rates to be borne by said bonds, prescribing the form of bond interest rates, maturity and denomination of said bonds; creating a Debt Service Reserve Fund as provided by statute, and related matters:

MOTION: *Cyril Watt moved to approve Resolution #97-38 a resolution rescinding Resolution #97-38, and RES#97-38 *Providing for the sale of \$2,195,000.00 Town of Eagle Mountain, Utah Special Assessment Bonds, Series 1997 (Eagle Mountain, Utah Special Improvement District No. 97-1), fixing the maximum interest rates to be borne by said bonds, prescribing the form of bond interest rates, maturity and denomination of said bonds; creating a Debt Service Reserve Fund as provided by statute, and related matters. Nick Berg seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.**

Blaine Carlton of Ballard Spahr said that this resolution is before the Council again because last week only half of the requirement to comply with the open meeting law was adhered to and to make sure there wasn't any question we needed to re-adopt it.

2. Consideration to amend the Development Agreement with Eagle Mountain Properties, L.C. and Monte Vista Ranch:

MOTION: *Nick Berg moved to amend the Development Agreement with Eagle Mountain Properties, L.C. as drafted. Cyril watt seconded. Discussion Called For: Ayes: 4, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

Discussion: John Jacob expressed his concerns of making a motion without discussing the issue first. Town Attorney Jerry Kinghorn addressed the Council, he said the changes that were made includes adding a process for modification of the site plan, making clear the rights of the Town with respect to it's development code, it's general plan, it's parks and infrastructure plan, to make sure that as this think goes forward, that the development of the property and the master site plan are consistent with all of those plans. Other additions include specific provisions about arbitrational conflicts, and deletion of a major section which required us to work to take the developer out, as far as his financial obligations. Also included is that it explicitly states the number of residential units that was approved earlier by the Council which includes the 22,000 units that were on the master site plan. In Attorney Kinghorn's opinion this is a much better agreement than the old agreement with Eagle Mountain Properties.

A process for dealing with islands was added which is in this master site plan and for reconciling the use of those properties. This agreement has been refined to the point that there are adequate protections for the Town, and adequate protections for the developer, and adequate provisions for dealing with the situations we can't foresee. Jerry Kinghorn continued, the modification application which the Council did not have an opportunity to review until this evening is a four page application which includes a lot of detail for any party who wants to modify a master site plan and will be an attachment to the development agreement. I recommend this amended version of the development agreement to the Council because I have become familiar enough with the old agreement, the process you went through, and that I'm professional comfortable with defending this agreement and protecting the Town's rights, and that it is a fair agreement for the developer. Mr. Kinghorn said that one of the conditions of approving this is that the developer reimburse for the legal fees which were associated with the Town doing this. A running total was kept and it total to a little over \$5,000 which John Walden has tendered a check in that amount. Discussion ensued.

John Walden, Eagle Mountain Properties, L.C. , said that he thinks this is a better agreement and much clearer and doesn't change anything. He continued, I'm putting deed restrictions on how many units can be put in

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when he sells any property because he doesn't want a developer purchasing his land and moving around the densities. Discussion continued. Vote Called For; (refer to above motion for the vote).

3. Consideration to create an Airport Authority Board:

Each Council-member received a memo from Nick Berg regarding "Airport Operations in Town Municipal Limits". Nick Berg proposed to the Council the need for an airport within the Town and some of the concerns for a municipality, least of which is safety. Additional concerns include "land takings", noise, residential compatibility, taxes, economic factors, and many others.

Mr. Berg said the board needs to be formed immediately after the first of the year. Towns with airports usually have an Airport Authority Board - a commission or board who creates and monitors policy regarding the proposed airport. Mr. Berg proposed that a chair person be appointed and included in his memo that he be considered to be the first Chair-person of the Airport Authority Commission. He also expressed the need for aviation minded people to serve on the board. He continued, I don't expect this to be acted on this evening but it is intended as a discussion item only. Discussion ensued.

Mayor Hooge said she would like to give Nick Berg the go ahead to proceed in creating an Airport Authority Board. John Jacob said that Nick Berg could serve on this committee but he does not want him to be the Chair-person because of his conflict of interest in being associated with John Walden. Mr. Jacob continued, I would like someone put in charge that is not associated with John Walden and that has an interest in this. Mayor Hooge responded, a committee would be formed and the members would vote on who they wanted as their Chair-person. Rob Bateman, Cedar Pass Ranch, suggested that Nick Berg should be a member of this committee because of his experience. Mr. Bateman, an incoming Council-member said if he is going to be put over public safety he would like to serve on this committee as well.

Jerry Kinghorn said that this would be an advisory board and should have people on it that have economic interests in the development of the airport, a member of the Town Council as an liaison, and try to find people who have expertise and interest in it to get a good professional product. Attorney Kinghorn recommended that the board have no more than five members. Mayor Hooge requested that Nick Berg and Rob Bateman create a list of people to serve on this board, and that an Ordinance be drafted to create the board. Discussion continued. The airport uses would include general aviation and corporate business use that are based here, there would not be any commercial carriers, no U.P.S. according to Nick Berg. No action was taken.

4. Consideration of a Resolution to amend the Eagle Mountain Building Fee Schedule:

Jerry Kinghorn said that the Sewer Treatment Impact Fee which is on the adopted Building Fee Schedule should not be there until the Impact Fee Feasibility Study has been completed. Attorney Kinghorn said that he is concerned about charging fees without going through the legal steps in putting them in place. He continued, the thing that really causes me problems is these characterizations of connection impact fees because we have to be careful that we meet the requirements of state law when we enact those. Nick Berg said that the Building Permit Fee was not included on this draft.

Nick Berg said that Touchstone Development feel they received the shaft on paying the building fees and would like to come in and do an accounting after the final draft of the building fees are approved and be on par with Patterson Development as far as the fees go. Jerry Kinghorn recommended that the Town Treasurer tell us what was received and allocated by this developer so the Town can be consistent. Mayor Hooge said that Sue Fraley is working on creating an accounting procedure that creates a record of the fees that are received and where those fees are allocated.

John Jacob requested that the meeting on December 30th doesn't happen because the building fee schedule would not be ready. Mr. Jacob asked Jerry Kinghorn why nothing has been done about the impact fees because we have known about them for a long time. Jerry Kinghorn responded, we have and the people who have been

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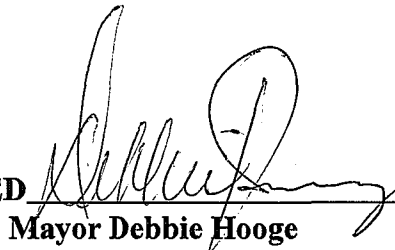
conducting that study (Lewis Young Robertson & Burningham) and they are to give us a time frame and a budget. We met with them three weeks ago and as yet have not heard back. As far as adopting a Building Fee Schedule that does not include impact fees, it could be adopted by the January 13, 1998 Town Council Meeting, but adopting the impact fees requires a lengthy procedure.

MOTION: *John Jacob moved to table item 4 - Consideration of a Resolution to amend the Eagle Mountain Building Fee Schedule until January 13, 1998 and everything connected to it just not the impact fees. Cyril Watt seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

D. ADJOURNMENT:

MOTION: *John Jacob moved to adjourn the Town Council Meeting at 6:30 p.m. Nick Berg seconded. Ayes: 3, Nays: 0, Abstained: 1, (Mayor Hooge). Motion passed.*

APPROVED



Mayor Debbie Hooge

DATE:

1-2-98

The foregoing minutes was posted at the Eagle Mountain Town Office, 130 West Main, Lehi, Utah, the Bulletin Board at the Cedar Pass Ranch Trailer and the Bulletin Board at the Cedar Meadows Subdivision, at 11:30 a.m. (p.m.) on FEB. 2, 1998 by Janet B. Valentine, Town Clerk.