

# Eagle Mountain City Council Minutes 2013

## *Dates of City Council Meetings:*

- January 10, 2013
- January 15, 2013
- February 5, 2013
- February 13, 2013
- February 19, 2013
- March 5, 2013
- March 19, 2013
- April 2, 2013
- April 16, 2013
- May 7, 2013
- May 21, 2013
- June 18, 2013
- July 16, 2013
- August 6, 2013
- August 20, 2013
- August 27, 2013
- September 3, 2013
- September 17, 2013
- October 15, 2013
- November 19, 2013
- December 3, 2013

MINUTES  
EAGLE MOUNTAIN CITY  
SPECIAL COUNCIL MEETING

January 10, 2013  
Policy Session 12 Noon

Eagle Mountain City Main Conference Room, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

*\*\* This meeting may be held telephonically to allow a member of the City Council to participate \*\**

ELECTED OFFICIALS PRESENT: Mayor Jackson, Donna Burnham and Richard Steinkopf. Ryan Ireland, Nathan Ochsenhirt and John Painter participated telephonically.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Fionnuala Kofoed, City Recorder.

1. CALL TO ORDER

Mayor Jackson called the meeting to order at 12:07 p.m.

2. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Appointing Member Representative to the Boards of the Salt Lake Valley Fire Service Area and the Unified Fire Authority.

Mayor Jackson stated that with Eagle Mountain's recent annexation into the Salt Lake Valley Fire Service Area, it was necessary for the City Council to appoint a member representative and alternate to the Boards of the Salt Lake Valley Fire Service Area and the Unified Fire Authority.

**MOTION** *Councilmember Burnham moved to appoint Mayor Heather Jackson as a member representative to the Boards of the Salt Lake Valley Fire Service Area and Unified Fire Authority, and Councilmember Donna Burnham as an alternate. Council Member Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

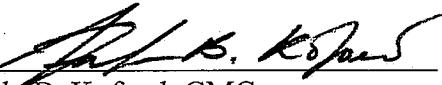
**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

4. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 12:15 p.m.*

*Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON FEBRUARY 5, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**January 15, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

*\*\* This meeting may be held telephonically to allow a member of the City Council to participate \*\**

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland (arrived 4:09 p.m.), Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:01 p.m.

1. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

**12. FY 2012 Financial Audit**

Ron Stewart of Gilbert & Stewart, the City's contracted auditing firm, reported on the FY 2012 financial audit. The firm's opinion is that the City's budget meets the requirements of generally accepted accounting principles. That is the best evaluation a budget can receive. The only somewhat negative finding in the audit was how many journal entries had to be made to provide complete information for the audit. However, that was due to the changeover in staff and is not expected to be a problem in the future.

Councilmember Ireland stated that a neighboring city in Utah County found accounting problems after several years of audits. He asked how the City can be sure that it doesn't encounter a situation like that. Mr. Stewart said that Eagle Mountain's audits look at internal controls, making sure that cash handling procedures are adequate and separation of duties is taking place.

Councilmember Ireland asked Finance Director Paul Jerome what he's learned during his first experience being in charge of the budget and what staff and Council can do better. Mr. Jerome responded that he would like to cross-train his staff further, rather than them only being familiar with their own areas.

**13. SilverLake Master Development Plan Amendment**

Planning Director Steve Mumford stated that the 2008 SilverLake master development plan and agreement currently govern the development. A new master plan and agreement were approved in 2011, but were never executed. Since then, the project has been purchased by Silver Lake Land, LLC. The developer is proposing no change to the maximum number of dwelling units (1,800) from the 2011 approved MDP. The proposed changes, in general, include the addition of multi-family units (not apartments or stacked condominiums), some changes to the planned park

locations, a new school site (at Alpine School District's request), and the addition of a potential church site.

Chief Andrus pointed out that the developers need to provide a second exit from SilverLake as soon as possible for public safety purposes.

Councilmember Ochsenhirt asked about the shared driveways shown in the plan. He wanted a specific requirement that no parking would be allowed in shared driveways. Richard Mendenhall of WPI explained that covenants can be put in place that requires cars to be parked entirely on private property.

Councilmember Ireland was pleased that the school and one of the church sites were adjacent and would like to see the community park in the same location to create a community gathering space. He also wanted the additional parking area at the amphitheater to be dual-use: a play area most of the year and parking for Pony Express Days. Mr. Mendenhall responded that SLL would be happy to combine public sites wherever possible. They are planning on those decisions being made as individual plats are approved. As far as dual-use areas are concerned, graded parking areas are not suitable for sports. They are OK for general play areas.

Mr. Mumford recommended that, if the community park is to be moved, that decision be written into the master development agreement.

Councilmember Steinkopf asked what the basis was for the requirement of 25% maximum stucco on the exteriors. Mr. Mumford replied that that was negotiated with the previous developer, DAI. It is a higher standard than is required by City code.

Councilmember Painter about the changes planned for the natural wash. Mr. Mendenhall said that the natural gooseneck shape doesn't allow for good water flow. He felt that the wash needs to be worked on, but left as natural as practicable. Specific plans can be agreed to with individual plats. SLL will commit to building the adjacent Woodhaven Road with the first plat.

Mr. Mendenhall pointed out that SLL is exceeding the architectural and open space requirements, and correcting the water rights issues left unresolved by the previous developer.

#### 16. Agreement with DCCV

Mayor Jackson moved this item ahead of some others. It's a mutual agreement with Direct Communications for sharing of equipment. This has been done regularly up until now. This agreement formalizes the terms of that sharing. It tallies the value of the exchange on each side. The City will meet monthly with DCCV to determine if the value of the sharing is equitable.

#### 15. Animal Regulations

Mr. Mumford reminded everyone that the ordinance is being revised due to requests for fewer dogs being allowed in residential neighborhoods, additional requests for beekeeping and goats, and the Planning Commission's desire to regulate animal rights by lot size. Input has been received from residents, the Sheriff's Office, the Utah County Beekeepers' Association, and research done on codes from other cities. It's been discussed in several meetings, mostly with the Planning Commission.

Under this ordinance, animal regulations will be treated as a land use issue, subject to conditional uses, variance requirements and options in the zoning code. Animal owners in compliance with the current ordinance who would be out of compliance with the new ordinance will be grandfathered in, unless they stop the grandfathered uses for at least a year.

The tables in the new ordinance are as follows:

**Table 6.10.050a – Small-Breed Animals**

Animal	Max # Allowed per Residential Lot <sup>1</sup>				Living Area Run/Pen/Coop per Animal
	Less than $\frac{1}{4}$ Acre	$\frac{1}{4}$ Acre – $\frac{1}{2}$ Acre	$\frac{1}{2}$ Acre – 1 Acre	>1 Acre	
Dogs & Cats <sup>2</sup>	4	4	4	4	25 sq ft
Chickens	6	12	12	6 per additional $\frac{1}{2}$ acre	3 sq ft
Small-Breed Goats	0	2	4	See Table 6.10.050a	150 sq ft
Miniature Horse	0	0	2	See Table 6.10.050a	500 sq ft
Pigeons	0	0	50 Total	50 Total	2 sq ft
Rabbits	4	6	8	10 Total	3 sq ft
Turkeys, Ducks, & Geese	0	0	0	2 Total	10 sq ft

**Table 6.10.050b – Weaned Ages**

Animals	Weaned Ages
Chickens, Ducks, Turkeys, Geese	2 weeks
Pigs	6 weeks
Rabbits	1 month
Goats, Sheep, Llamas, Alpacas	3 months
Dogs & Cats	4 months
Cattle & Horses	6 months

<sup>1</sup> No more than 4 categories of animals are allowed per residential lot.

<sup>2</sup> A combination of dogs and cats (4 months of age or older) may not exceed 4 on any lot, unless allowed by Section 6.10.050C.

<sup>2</sup> The maximum number of animals applies to each category of animal (large, medium/large, medium). For example, on a lot between 1 and 3 acres, a maximum of 4 medium/large animals are permitted, not 4 donkeys and 4 llamas.

<sup>2</sup> No more than 2 categories of animal (large, medium/large, medium) are allowed per residential lot.

<sup>2</sup> Up to two horses may be allowed on a  $\frac{1}{2}$  - 1 acre lot in an Equine Overlay Zone as regulated by Chapter 17.52. Miniature horses are regulated by Table 6.10.050a.

**Table 6.10.050a – Residential Zone Livestock Requirements**

Animal <sup>3</sup>	Max. Number Allowed <sup>4</sup>			Livestock Mgmt. Area per Animal
	½ to 1 Acre	1 to 3 Acres	More than 3 Acres	
Large Animals Horse / Mule / Cattle	0 <sup>5</sup>	4	12	22,000 sq ft per 1 – 4 animals
Medium/Large Animals Donkey / Llama	2	4	12	2,500 sq ft
Medium Animals Emu / Ostrich / Sheep / Goat	4	8	16	500 sq ft
Pig	2	4	8	500 sq ft

Councilmember Painter asked how the cats and dogs regulation applies to five-acre lots. He thought the limits restrictive for larger lots. Mr. Mumford responded that it was very unlikely that there would be complaints about animals on a larger lot. The numbers are more for animal control and nuisance purposes.

Mayor Jackson pointed out that the Sheriff's Office can't enforce ordinances more restrictive than the county regulations.

Councilmember Burnham asked for clarification on the grandfathering. Mr. Mumford said it applies to people whose animals complied with the current code, but exceed the new code.

Councilmember Painter asked how this affects Dayna Koch's goats. Mr. Mumford said they would comply with the new code.

Councilmember Steinkopf asked whether residents could have the maximum number of animals in each of four categories. Mr. Mumford said they could.

Councilmember Steinkopf asked about the requirement that excrement be removed from the property. Mr. Mumford said it was to prevent rodents and odors. Councilmember Ireland said the chicken owners in his neighborhood usually put the manure in their gardens. Mr. Mumford suggested removing the reference and leaving the issue under the nuisance ordinance.

Councilmember Burnham asked how that would be enforced. Mr. Mumford responded that the City Attorney is working on an enforcement mechanism to be used throughout the City code.

<sup>3</sup> The maximum number of animals applies to each category of animal (large, medium/large, and medium). For example, on a lot between 1 and 3 acres, a maximum of 4 medium/large animals are permitted, not 4 donkeys and 4 llamas.

<sup>4</sup> No more than 2 categories of animal (large, medium/large, and medium) are allowed per residential lot.

<sup>5</sup> Up to two horses may be allowed on a ½ - 1 acre lot in an Equine Overlay Zone as regulated by Chapter 17.52. Miniature horses are regulated by Table 6.10.050a.

Only female small-breed goats will be allowed on smaller lots. Males will be allowed on larger lots. The goats will have to be dehorned. Breeding will be allowed as long as the numbers of adult goats on the property don't exceed the limits.

Enclosures have to be provided for the animals and must be closer to the owner's property than a neighbor's property.

Exceptions are available through the conditional use permit process when approved by the Planning Commission.

2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

- A. Refunding Bond

This item was moved to the Policy Session.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:12 p.m.

#### **7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:17 p.m.

5. PLEDGE OF ALLEGIANCE

Preston and Conner Dean led the Pledge of Allegiance.

## 6. INFORMATION ITEMS/UPCOMING EVENTS

**Fire Transition to UFA** – Fire services in Eagle Mountain are now being handled by UFA. Please visit the Fire Services page of the City website for the new phone number for scheduling fire station tours and other community services. For burn permits, use the phone numbers for the City Center or Ranches fire stations. The dispatch number remains the same, 801-798-3970. Always call 911 for fires or life-threatening medical emergencies.

**Dancin' Up a Storm** -- The Westlake High School Ballroom team is hosting a dance competition. Dancin' Up a Storm will be held Thursday, January 17 and Saturday, January 19 at 7:00 p.m. both nights in the Westlake High School auditorium.

Tickets are \$5. Purchase tickets at the door the night of the performance or from any member of the Ballroom team. A silent auction will be held on both nights. A portion of the proceeds will go to the Utah National Guard Charitable Trust.

**Seniors Activity: Fraud Education** -- The monthly seniors' (55+) activity will be held on Monday, January 28 at 5:00 p.m. in the City Council Chambers, featuring a presentation on protecting yourself from fraud.

**Snow Parking Reminder** -- Please remember per City ordinance there is no parking on City streets between the hours of 4:00 a.m. to 4:00 p.m. when more than two inches of snow accumulates. Please keep in mind if you are planning to leave vehicles parked on the street outside of those hours, it could still impede plows from clearing snow.

**Christmas Tree Pick-up** -- The City's Public Works Department is once again offering free Christmas tree disposal to residents. Simply place your tree, stripped of all decorations, on the park strip next to your curb (not in gutters) through January 31 and it will be picked up as soon as possible. If the tree is not fully stripped of all decorations, we will not be able to pick it up.

## 7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. *(Please limit your comments to three minutes each.)*

Daniel Gunnell, 3801 Butterfield Road, represented the Utah Conservation District. The District is interested in holding a tree planting education day during the first week in March. He asked for City support. Mayor Jackson referred him to Public Works Director Chris Trusty and said the City will be happy to make the Council Chambers available and publicize the meeting on the website and in the newsletter.

## 8. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. *(Comments are limited to three minutes each.)*

### Councilmember Steinkopf

Councilmember Steinkopf said he had recently learned that it is residents' responsibility to keep fire hydrants clear of snow. He asked residents to do so.

### Councilmember Painter

Councilmember Painter thanked everyone who contacts Council members with input on City issues. He also said that he's had very few complaints about snow plowing this year. He commended the City's snow plow drivers for the excellent job they do.

### Councilmember Ochsenhirt

Councilmember Ochsenhirt said he appreciated the comments from residents, most of which are respectful. They help council members know what issues to target. He also complimented the snow plow drivers on the timeliness and effectiveness of their work. He asked Mr. Trusty about the placement of fire hydrants in the City. Some of them probably need to be protected by posts.

**Councilmember Ireland**

Councilmember Ireland appreciated Connor Dean for coming to the meeting in his Scout uniform with his dad. The Scouting District has been split and is now the Porter Rockwell District. He encouraged residents to volunteer for Scouting.

**Councilmember Burnham**

Councilmember Burnham thanked everyone for taking the time to come to the meeting.

**Mayor Jackson**

Mayor Jackson attended the fire service district's board meeting this morning. They will be changing the name of the district from Salt Lake Valley Fire Service Area to something that reflects having a member from Utah County.

**CONSENT AGENDA**

**9. MINUTES**

A. December 4, 2012 – Regular City Council Meeting

**10. BOND RELEASE – Into Warranty**

A. Valley View North, Plats A2 & A3

**11. RESOLUTION – DECLARATION OF SURPLUS PROPERTY**

A. Vehicles

**12. FY 2012 AUDIT – Acceptance of the FY 2012 Financial Audit (Ron Stewart)**

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

**SCHEDEDLED ITEMS**

**13. PUBLIC HEARING**

ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Approving the SilverLake Master Development Plan Amendment.

This item was presented by Planning Director Steve Mumford. This proposed amendment to the SilverLake Master Development Plan includes some proposed changes to the open space, residential building types and locations, planned street layout, and potential church and school locations. The number of residential lots/units will not be increased with this amendment.

The SilverLake Master Development Plan was amended on June 21, 2011 by the City Council. That plan added 255 dwelling units to the project for a total of 1,800 undeveloped units. It also removed the 583 multi-family units from the plan and replaced them with a mixture of regular

single-family lots, cluster homes, and cottage homes, all with improved exterior architecture. The amended master development agreement, although approved by the City Council, was never signed and executed. Technically, until the master development agreement is amended, the changes to the master plan map are not valid. In this case, the 2008 master development plan and agreement would still be valid.

Since that time the property has changed ownership, and the previous developer is no longer involved in the project. WPI, the new developer, now desires to further amend the master plan and the master development agreement to provide some clarification and also to fit with their development plans for the property. The proposed master development plan map contains Areas A-E, each with a maximum number of units. Areas A and E are designated as single-family areas and Areas B, C, and D are designated as mixed areas, which may include single-family detached, patio, cluster, green court, and multi-family neighborhoods, but no stacked housing will be allowed.

Councilmember Ochsenhirt asked if the fence will be installed in conjunction with the road. Mr. Mumford said the fence will be installed where residential lots are backing up to the road.

Councilmember Ireland asked about the name of the road. The original map said SilverLake Blvd. Google has it as Woodhaven Blvd. Steve said that since SilverLake Blvd. is a duplicate name, Woodhaven will be fine.

Councilmember Painter asked what open space is required in the code and how it is met through this proposal. Mr. Mumford said the code requires 17.77 acres of regional or community parks and 14.5 acres of neighborhood parks. This proposal includes two community parks. The neighborhood park locations will be determined at plat approvals.

Councilmember Ochsenhirt wanted clarification on the fee in lieu of trees. Mr. Mumford responded that the City wants the trees in each plat to be consistent.

Mr. Mendenhall mentioned that SLL is providing more open space than is required by code. Some of the locations are flexible and some are not.

Councilmember Painter said that he doesn't consider the wash to be land that should be included in the open space calculations.

*Mayor Jackson opened the public hearing at 8:08 p.m.*

Tiffany Ulmer, 1320 Harrier St., was concerned that the 50-foot lot frontages don't leave anywhere for rainwater to go during a storm. She also felt that five-foot side setbacks don't leave enough room for firefighters to get safely between homes.

*Mayor Jackson closed the public hearing at 8:09 p.m.*

Councilmember Painter asked about previous water right issues. City Attorney Jeremy Cook responded that the issue concerned Plat 4B. When SLL took over the project, Zions Bank agreed to dedicate the water rights to that plat. He also said that the conditions of approval should be mentioned in the motion as "road requirements as per the stipulations in work session in Council meeting this evening."

Tony Trane, representing the developer, stated that the agreement was that in undeveloped areas, the asphalt would be 24 feet wide (half-width + 10 feet) with no curbs and gutters. Each side would be expanded as the areas were developed. Mr. Trusty said that would be acceptable with swales.

Mr. Mendenhall said SLL is prepared to meet the City's traffic and storm water engineering requirements as plats are approved.

Councilmembers discussed parking in the plats extensively. Mr. Mumford said that parking regulations can be included as a condition of approval. Mayor Jackson pointed out that the item on the table is a master development plan. Details such as parking will be handled on a plat by plat basis.

Councilmember Ireland was concerned about the lack of playing fields in SilverLake. He would like parking area near the Amphitheater to be a parking lot during Pony Express Days and a play area the rest of the year, preferably level enough for team sports. He was not looking for a specific solution, but wanted the issue studied at an early stage in the planning. Mayor Jackson suggested that the Council allow the staff to work through specific details.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, approving the SilverLake Master Development Plan amendment with the conditions mentioned; specifically, requiring that the road be included in Phase 1 per staff recommendation and that the change be made for the parking area to also include a play area. Councilmember Burnham seconded the motion.*

The Planning Commission's conditions of approval are as follows:

1. The maximum number of residential units must not exceed 1800, with the multi-family housing at 20% of the total.
2. The setback exhibit shall be modified to require a 22-foot garage setback and a minimum 15-foot street-side setback.
3. A collector road shall be added to the plan, continuing Woodhaven Blvd. to the eastern boundary of the project.
4. Developer shall work together with all interested parties to plan appropriately for regional transportation needs, and modify plans to meet those needs, if applicable.

Councilmember Painter felt that the amendment is a worse alternative for the City than the 2008 plan.

Mayor Jackson asked Nate Shipp, the original developer, to help clarify the original planning process for SilverLake. In response to her questions, Mr. Shipp said that the Tickville Wash had always been considered open space, but not improved open space.

Councilmember Ireland asked Mr. Shipp what he thought about increasing the density while removing the stacked housing. Mr. Shipp felt that the issue was not density, but community design and maintenance.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a 4:1 vote.*

Councilmember Ochsenhirt commented that diversity is discussed in Eagle Mountain, but the subdivisions don't reflect that. Someone needs to offer some real diversity in housing so that the City can grow from its current size to a more significant town.

Councilmember Steinkopf said he's counting on the developers to do a high-quality job.

14. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving the Amended and Restated SilverLake Master Development Agreement.

This item was presented by Planning Director Steve Mumford. This resolution formally approves the proposed Amended and Restated SilverLake Master Development Agreement.

**MOTION:** *Councilmember Ochsenhirt moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Amended and Restated SilverLake Master Development Agreement amendment with the conditions mentioned; specifically, requiring that the road be included in Phase 1 per staff recommendation and that the change be made for the parking area to also include a play area. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a 4:1 vote.*

**PUBLIC HEARING**

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Municipal Code Title 6, Animals and Chapter 17.85, Animal Regulations.

This item was presented by Planning Director Steve Mumford. The proposed amendment to the Municipal Code creates Chapter 6.02, Definitions, Chapter 6.10 Animals and Land Use, and completely removes Chapter 17.85.

For the past year the Planning Commission and City Council have been discussing potential changes to the animal regulations found in the Municipal Code Chapter 17.85. The Planning Commission requested that, in addition to livestock in residential areas, smaller animals be regulated by lot size. There were also requests from residents to include regulations concerning beekeeping, chickens, and small-breed goats. Input has been provided throughout the process by the Animal Control Officer of the Utah County Sheriff's Office and by the Utah County Beekeeper's Association. Information was also gathered from various sources, including cities throughout the state and country, as well as numerous residents.

On July 17, 2012 the City Council reviewed this ordinance in a public hearing. Since that time the ordinance was modified in response to the Council and Mayor's concerns, and posted on the City website for review. Numerous comments were received electronically, mostly concerning the permitted number of dogs. The consensus from residents was that the number of dogs should remain at a maximum of four (4). Several residents also commented on chickens and goats. The County Sheriff's Department has also amended their previous recommendation, now recommending that the number of dogs and cats remain at no more than a combination of four (4).

*Mayor Jackson opened the public hearing at 9:03 p.m.*

Lori Ann Miller, 1411 Harrier Street, would like to have enough chickens to feed her family, which would be more than is allowed. One of the reasons she moved to Eagle Mountain is to have the opportunity to keep animals.

Falen Bailey, 1451 Hawk Way, wanted to know who decides how many pets are acceptable. If a family takes good care of its animals, she didn't think the Council should try to limit them. Part of the reason people like to have animals out here is that there is no grocery store. Putting a number on how many dogs someone can have isn't fair to those who take good care of them.

Tamera Buchanan, 1438 Hawk Way, said it's good to moderate the number of animals, but having them teaches her kids responsibility. She said the neighbors love her chickens. The chickens are the family's pets. Pets can be as unruly as teenagers, but they're part of the family and she didn't want them taken away.

Rebecca Pierpont, 1452 Hawk Way, didn't know why the issue had come up, but she thought it probably had to do with poorly-tended pets. She felt the Council is punishing many because of a few. The number of pets doesn't indicate how well the owner cares for the animals. Enforcement should be on a case-by-case basis. If the issue is appearance, the City should enforce the ordinances on weeds and junk. If it's because of noise, children and lawnmowers are a lot noisier than pets.

Michelle Hunter, 4550 Kestrel Way, said the fact that the Planning Commission wanted to limit the number of animals by lot size. The fifteen chickens she has are the right number for controlling the bugs in her garden. For her, raising chickens isn't about getting eggs; it's about educating her children, controlling where her food comes from and having pets. She has had people come to her door to learn about her chickens. A laying hen at its loudest is quieter than a doorbell. She felt she had a right to as many chickens as she can take care of.

Dayna Koch, 1520 Kestrel Way, thanked everyone, especially Mr. Mumford, for the time they've put into this issue. She noted that her goats have never pooped on anyone else's lawn, the City hasn't received any complaints that her goats have bitten anyone, they weigh less than an average-size dog, and no officer has visited her home on a nuisance complaint. After she invited the Council to come and see her goats and their pen, only one came. An overwhelming majority of her neighbors have signed a petition saying they have not problems with the goats. Some didn't know the goats were there. She's sold over 40 bars of goat-milk soap. Her goats eat the weeds on the City-owned land that surrounds her lot. Several cities have ruled that small-breed goats are domestic pets. The stated purpose of the animal ordinance is to have animals kept in the city in a way that doesn't impact health or safety or cause a nuisance.

Tiffany Ulmer, 1320 Harrier Street, showed slides showing that many of the lots in her neighborhood would be able to have goats if this ordinance is passed. Her experience in the neighborhood has been that small-breed goats in the neighborhood have been annoying and noisy.

Becky Barney, 4517 Osprey Way, said she noticed that the neighbors living near the goats didn't object to them; only residents farther away had a problem with them. She was never bothered by the goats when she lived three houses away from them.

Mayor Jackson read a comment from Jenny Lindner, 1378 Owl Lane, which stated that the home business Ms. Koch started using the milk from her goats led to the Eagle Mountain Farmer's

Market. She felt that the City shouldn't stifle innovation that leads to unifying events like the market.

Matt Lindner, 1378 Owl Lane, said that he would like to see specific measurements as to how much noise and odor animals emit and what levels are unacceptable. Creating limits by number of animals and size of lots can't be accurate. Adjectives need to be defined.

Cameron Robinson, 1465 Osprey Way, said many of the animal regulations up until now have focused on nuisance issues. He felt that those are the issues that should control the decisions. Preemptively banning a possible nuisance seems a little over-eager.

Moira Lindner, 1378 Owl Lane, wasn't able to speak during the public hearing, but turned in a comment form after the meeting. She's an 8-year-old fourth grader who said that sometimes people can get annoyed by noise and odors, but Ms. Koch deserves to keep her goats and chickens because she takes good care of them.

*Mayor Jackson closed the public hearing at 9:30 p.m.*

Mayor Jackson stated that the proposed ordinance doesn't change the number of dogs and cats permitted per lot. During many meetings held to discuss the change, only two meetings had more than one resident in attendance. The proposal has been carefully discussed. One of the issues that prompted the discussions was Ms. Koch's goats, which weren't in compliance with the code. Additionally, another resident had applied for a hobby breeder license that would have been problematic in that particular neighborhood. There have also been inquiries about beekeeping and there have been many complaints about chickens running loose. Anyone who has more animals than are approved in the new ordinance will be grandfathered in.

Councilmember Ochsenhirt said he objects to others telling him what he can do on his property. However, there has to be some degree of regulation to deal with people who don't have respect for their neighbors and don't take care of what's on their property. This ordinance is about benefitting the public rather than oppressing anyone. The Council wants to be respectful to the residents, but also needs to deal with those who are not respectful to others. The City needs a nuisance ordinance with teeth.

Councilmember Burnham said that almost everyone who made a comment lives in her neighborhood. The City isn't taking away anyone's rights. The neighborhood CC&Rs specifically say homeowners can't have chickens or goats. CC&Rs are an agreement homeowners make with their neighbors. The City can't enforce CC&Rs. Until the City has a mechanism in place to enforce the nuisance laws, something needs to be done. Roaming dogs still roam, despite numerous complaints. A large lot like Ms. Koch's doesn't create a problem with goats, but when others with smaller lots want them, they're going to create a problem and have created problems in the past.

Councilmember Ireland pointed out that the Council didn't choose this discussion. It's been an issue for over a year. The Planning Commission chose to use numbers of animals per lot size because it's a workable way to control odors and noise. Councilmember Ireland agreed that what is really needed is a way to identify and enforce nuisances. Numbers are arbitrary at best. The Council wants people to be able to take care of their animals in a way that is humane for the animals and not a safety or nuisance issue for the neighbors. Nuisances are very subjective. Picking numbers for categories of animals doesn't address the problem, either.

**MOTION:** *Councilmember Ochsenhirt moved to table the ordinance until there is a means of enforcement. Councilmember Ireland seconded the motion.*

Mayor Jackson asked City Attorney Jeremy Cook to explain what the staff is doing to address the enforcement issue. He explained that staff is working on a massive code revision that will create an administrative hearing process covering enforcement on all issues covered by the code.

Councilmember Ochsenhirt stated that enforcement of nuisances is much more important than counting the number of animals on a lot. He pointed out that when residents buy homes, they agree to the rules specified in the CC&Rs, if any, and they need to abide by them until they get a waiver.

Mayor Jackson asked Mr. Mumford if there's a way to grant a conditional use permit for Ms. Koch because of all the time she's spent working on this issue, and suggested that the application fee be waived. Mr. Mumford said the process is in place for Ms. Koch to apply for a conditional use permit.

Councilmember Burnham said her preference would be that goats be taken out of the animal rights table and that keeping them would always require a conditional use permit.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a 4:1 vote.*

16. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and Direct Communications Cedar Valley, LLC.

This item was presented by Energy Director Adam Ferre. The proposed agreement is to share equipment and personnel between DCCV and Eagle Mountain City for certain projects within the municipal boundaries of Eagle Mountain City without charging a fee. The sharing of personnel and equipment will benefit both parties and significantly reduce the cost of certain projects. Each party will operate its own equipment. They will keep track of how many man-hours are exchanged.

**MOTION:** *Councilmember Ireland moved to approve an agreement between Eagle Mountain City and Direct Communications Cedar Valley, LLC. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. MOTION – Consideration and Approval of Appointment of a City Councilmember as Mayor Pro Tempore.

This item was presented by Mayor Jackson. The City Council will appoint a Councilmember as Mayor Pro Tempore to cover for the Mayor in the event of her absence. Mayor Jackson proposed that Councilmember Painter be appointed.

**MOTION:** *Councilmember Burnham moved to appoint Councilmember Painter as Mayor Pro Tempore. Councilmember Ochsenhirt seconded the motion. Those voting aye:*

*Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

18. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving the Form of the Equipment Lease Agreement with Zions First National Bank, Salt Lake City, Utah, to Enter Into Said Agreement, and Authorizing the Execution and Delivery Thereof.

This item was presented by City Administrator Ifo Pili. The proposed resolution is for a lease purchase agreement through Zions First National Bank for a pump truck and dump truck that was approved by the City Council on November 20, 2012.

**MOTION:** *Councilmember Ochsenhirt moved to approve a Resolution of Eagle Mountain City, Utah, approving the form of the equipment lease agreement with Zions First National Bank, Salt Lake City, Utah, to enter into said agreement, and authorizing the execution and delivery thereof. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

19. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

City Administrator Ifo Pili

Mr. Pili reported that interest rates are low, so the City can save approximately \$200,000 per year by refunding the 2005 gas and electric bonds. He will bring this item to the Council at a future meeting. Also, an application is pending for the City to connect to the Central Water Project. The Water Quality Board has approved a loan for infrastructure. He commended Finance Director Paul Jerome on the audit report. He asked City Recorder to report on the Joint Land Use Study for Camp Williams. She stated that the study has been completed. The project for improving Camp Williams' compatibility with the surrounding communities will be implemented in the near future.

20. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

A. Board Liaison Assignments

Councilmember Burnham – Planning Commission  
Councilmember Ireland – Senior Council, Youth City Council & Library Board  
Councilmember Ochsenhirt – Economic Development Board  
Councilmember Painter – Public Works Board  
Councilmember Steinkopf – Parks and Recreation Advisory Board

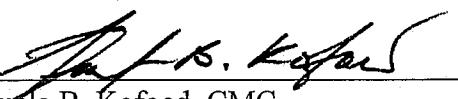
21. COMMUNICATION ITEMS

A. Upcoming Agenda Items  
B. Financial Report

22. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 10:12 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON FEBRUARY 5, 2013.

  
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Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**February 5, 2013**

**Work Session 4:00 p.m. - Policy Session at 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

*\*\* This meeting may be held telephonically to allow a member of the City Council to participate \*\**

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt (arrived 4:18 p.m.), and Richard Steinkopf. Councilmember Painter was excused.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Ikani Taumoepeau, Management Analyst; Chris Trusty, Public Works Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy; Michele Graves, City Librarian; Karen Kast, Librarian; Angie Ferre, Special Events Director; Jason Hall, Recreation.

Mayor Jackson called the meeting to order at 4:10 p.m.

**1. PLEDGE OF ALLEGIANCE**

Eric McDowell led the Pledge of Allegiance.

**2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.**

**3. DISCUSSION – FY 2013-2014 Budget**

**Building – Kent Partridge**

1. Provide continuing education for staff on the 2012 International Building Codes. They are proposed for adoption by the State Legislature on July 1, 2013.
2. Provide training for the contractors on the changes to the International Residential Code.
3. Continue to work with Springbrook on the Building Permits module for electronic inspection reports.
4. Review current phone system to see how we might provide better customer service.
5. Review all building permit related fees and update as necessary.
6. Come up with systematic program for more effective code enforcement.
7. Be more actively involved with the Beehive Chapter, ICC, to support and encourage the consistent and proper enforcement of the building codes throughout the county and the state.

**Energy – Adam Ferre**

1. Purchase a four wheel drive bucket truck to help improve street light maintenance and maintain overhead power lines that were purchased from Rocky Mountain Power.
2. Finish current bond projects
  - a. Complete a 6-inch high pressure gas line

- b. Complete an 8-inch low pressure gas line to the asphalt plant
- c. Complete substations
- d. Complete 12.47 kVA power circuits
- e. Complete the new Energy Building
- 3. Complete Porter's Crossing extension to Kiowa Valley
- 4. Refinance the 2005 Gas and Electric bonds
- 5. Continue the internship program
- 6. Continue to improve in-house construction

#### Engineering – Chris Trusty

- 1. Fix Ranches Parkway
- 2. Widen Pony Express Parkway
- 3. Expand Mid Valley Park
- 4. Become more efficient in water use and road maintenance by converting irrigation system to central command
- 5. Upgrade Smith Ranch lift station, bypass and overflow
- 6. Begin in-house routine maintenance on City fleet
- 7. Continue cyclical fleet replacement program
- 8. Maintain current water and wastewater systems

#### Finance – Paul Jerome

##### *Wish List:*

- 1. National GFOA conference for Paul
- 2. Utah Treasurers' Association conference for David

##### *Goals:*

- 1. Complete the audit by Dec. 1<sup>st</sup>
- 2. Keep transparency up-to-date at all times
- 3. Complete performance reviews on time
- 4. Get additional Springbrook training

#### Human Resources – Jason Walker

- 1. Retirement contributions
- 2. Medical insurance
- 3. Educational assistance
- 4. Wellness programs

#### Special Events Department – Angie Ferre

- 1. 4 Door Truck
- 2. Enclosed Trailer
- 3. Permanent Bleachers
- 4. Permanent Signage
- 5. Community leisure magazine to be distributed Fall/Winter and Spring/Summer twice a year
- 6. Full Time Receptionist

#### Facilities – Jason Lovell

- 1. Upgrade the Public Works building
  - a. New floor coverings
  - b. Interior paint, etc.
  - c. Slope the driveway away from the building (current slope causes flood damage to building)

- d. Seal leaking areas of the roof
- 2. Repair HVAC at City Hall
- 3. Sign a maintenance contract for backup generators
- 4. Repair parking lot cracks at City Hall
- 5. Purchase new floor coverings for Library, Council Chambers and Admin. Conference room

Library – Michelle Graves

- 1. Increase attendance at summer programs
- 2. Update fiction and non-fiction collection to reflect more current/relevant needs
- 3. Host a “Geek the Library” campaign to promote Library services
- 4. Meet and exceed State Library Certification Standards
- 5. Increase staff training opportunities
- 6. Work with local schools and businesses to promote Library services
- 7. Provide more educational opportunities for our preschool/youth and non-English-speaking patrons
- 8. Look into aligning librarian hourly wages with those from other libraries

Planning – Steve Mumford

- 1. General Plan rewrite/update with growth scenarios
- 2. Improvements to City Code – implementation of General Plan
- 3. Downtown Master Plan with visuals – 3D, renderings, etc. – \$10,000-\$20,000
- 4. Planning Intern or full-time Planner I
- 5. Organization of Planning files/document scanning – \$1,000?
- 6. AICP Certification – Mike Hadley
- 7. Microsoft Lync – \$2/month/person (IT Committee request)
- 8. New projector for Council Chambers (Non-Departmental)
  - a. \$2,000 – \$3,000 (fixed, mounted)
  - b. \$1,000 (portable)
- 9. Traffic model for General Plan update – approx. \$50,000 (Engineering)

Recorder – Finn Kofoed

Color photocopier – estimated cost \$15,000

Recreation - Jason Hall

- 1. Mid-Valley Park improvements
- 2. Permanent electronic signage
- 3. Two part-time employees

Utility Billing – Lori Jolley

- 1. 1 part-time Meter Tech to assist Erick Pierce in meter reads. This will allow Erick to work towards goals that he has set for the meter reading portion of the Utility Department.
- 2. Implement a new meter reading system as discussed with Water, Electric, Gas and Utilities.
- 3. 4 ten-key calculators

Public Information – Linda Peterson

- 1. Website upgrade
- 2. Subscription to Lynda.com

Sheriff – Eric McDowell

- 1. Traffic light at intersection of Ranches & Pony Express Parkways

2. Wall repair and carpet replacement at the Public Safety building
3. Ability to enforce City ordinances, possibly a justice court or administrative hearing
4. Staff increase – 1.5 to 2 FTE deputies

4. **ADJOURN TO A CLOSED EXECUTIVE SESSION** – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:28 p.m.

#### **7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Councilmember Painter was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

#### 5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:47 p.m.

#### 6. INFORMATION ITEMS/UPCOMING EVENTS

- **Snow Parking Reminder** -- Please remember, by City ordinance there is no parking on City streets between the hours of 4:00 p.m. and 4:00 a.m. when more than two inches of snow accumulates. Please keep in mind if you are planning to leave vehicles parked on the street outside of those hours, it could still impede plows from clearing snow.
- **Princess Academy** -- Join Miss Eagle Mountain, McKilee Brunger, for lunch, crafts, nail painting, face painting and pictures with Miss Eagle Mountain and the Fairy Godmother, and more. Open to princesses ages 3-10. Cost is \$10. Online registration only, available soon on the City website. A portion of the proceeds goes to the Children's Miracle Network.
- **Youth Baseball Registration** -- Youth baseball registration is open now through March 4. See the City website Sports Programs page for information on specific age groups and registration.
- **4-H Teachers Wanted** -- We are looking for 4-H teachers to teach classes in Eagle Mountain. Contact Holly Komoroski at 801-789-6646 or [hkomoroski@emcity.org](mailto:hkomoroski@emcity.org).

7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. (Please limit your comments to three minutes each.)

None.

## CONSENT AGENDA

8. MINUTES

- A. January 10, 2013 – Special City Council Meeting
- B. January 15, 2013 – Regular City Council Meeting

**MOTION:** *Councilmember Ochsenhirt moved to approve the Consent Agenda. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

## SCHEDULED ITEMS

9. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City Utah, Accepting the Camp W.G. Williams Joint Land Use Study (JLUS) Final Report and Endorsing and Supporting the Strategies therein as Recommended by the Camp Williams JLUS Policy Committee.

This item was presented by Mayor Jackson. The Camp Williams Joint Land Use Study (JLUS) is a joint effort between the cities of Bluffdale, Eagle Mountain, Herriman, Lehi and Saratoga Springs, Utah and Salt Lake Counties and Camp Williams. The study was undertaken in an effort to guide planning and development in local governments surrounding Camp Williams. The study contains recommended strategies to deal with compatibility issues between the base and surrounding communities; it is not a regulatory document.

For the past two years, cities and counties adjacent to Camp Williams have been working on a study of compatibility issues with the camp for the purpose of mitigating current issues and preventing future issues. The project will not dictate policy among the entities; it creates guidelines for development around Camp Williams.

**MOTION:** *Councilmember Ochsenhirt moved to adopt a Resolution of Eagle Mountain City, Utah, accepting the Camp W.G. Williams Joint Land Use Study (JLUS) Final Report and endorsing and supporting the strategies therein as recommended by the Camp Williams JLUS Policy Committee. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

10. A. Consideration and Motion to Classify a “Settlement Agreement” under the Provisions of Title 63G-2-305 as a “Protected Record”.

This item was removed from the agenda.

B. Consideration and Approval of a “Settlement Agreement”.

This item was presented by Mayor Jackson. The Administration has negotiated a settlement agreement as discussed in a Closed Executive Session held by the City Council.

**MOTION:** *Councilmember Ireland moved to table a “Settlement Agreement” and direct City staff to return the Agreement at the next City Council meeting with the modifications discussed in the Closed Executive Session. Councilmember Burnham seconded the motion.*

Councilmember Ochsenhirt stated that the Council had received an incomplete copy of the agreement only three hours ago. He asked Mr. Pili if he saw any significant obstacles in tabling the issue. Mr. Pili suggested that the Council go back into a closed session to discuss any additional information they needed on the matter.

**SUBSTITUTE MOTION:** *Councilmember Ochsenhirt moved to adjourn to a Closed Executive Session to discuss item 10B. Councilmember Steinkopf seconded the motion. Those voting aye: Nathan Ochsenhirt and Richard Steinkopf. Those voting no: Donna Burnham and Ryan Ireland. As the vote was tied, Mayor Jackson broke the tie with an “aye” vote. The motion passed with a vote of 3:2.*

The meeting was adjourned to a Closed Executive Session at 7:57 p.m. The Policy Session was reconvened at 8:49 p.m.

**MOTION:** *Councilmember Burnham moved not to approve a “Settlement Agreement.” Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham and Ryan Ireland. Those voting no: Nathan Ochsenhirt and Richard Steinkopf. As the vote was tied, Mayor Jackson broke the tie with a “no” vote. The motion failed with a vote of 2:3.*

**MOTION:** *Councilmember Ochsenhirt moved to approve a “Settlement Agreement.” Councilmember Steinkopf seconded the motion. Those voting aye: Nathan Ochsenhirt and Richard Steinkopf. Those voting no: Donna Burnham and Ryan Ireland. As the vote was tied, Mayor Jackson broke the tie with an “aye” vote. The motion passed with a vote of 3:2.*

11. CITY COUNCIL COMMENTS/BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

Councilmember Ochsenhirt

Councilmember Ochsenhirt reported that the Economic Development Board plans to have some of its members attend ICSC. They will have more information after their next meeting. He also said that he hoped the lengthy closed sessions indicate that the agreement was thoroughly vetted. It was a significant trial for him to balance his personal thoughts and his fiduciary duty to the City. He hoped the agreement will mend what is broken and that the City will move forward as positively as possible.

Councilmember Steinkopf

Councilmember Steinkopf agreed with Councilmember Ochsenhirt’s comments. It was a difficult decision, but he had to do what he felt was best for the City.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Mayor Jackson

No comment.

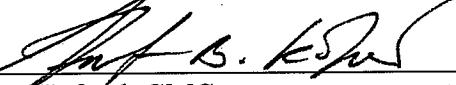
12. COMMUNICATION ITEMS

A. Upcoming Agenda Items

13. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 8:54 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON FEBRUARY 19, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

# TOWN HALL MEETING BY THE CITY COUNCIL OF EAGLE MOUNTAIN, UTAH

Wednesday, February 13, 2013

7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

## 7:00 P.M. – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham (arrived 8:30 p.m.), Ryan Ireland, Nathan Ochsenhirt, John Painter, Nathan Ochsenhirt and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Linda Peterson, Public Information Director; Ikani Taumoepeau, Management Analyst; Chris Trusty, Public Works Director; Adam Ferre, Energy Director; Sheriff's Deputies Eric McDowell, Shawn Chipman, BJ Eccles, Cory Wride and Garrett Dutson; Angie Ferre, Special Events Director; Jessica Alvarez, Mayor's Assistant; Angela Velazquez, Administrative Assistant.

### 1. Call to Order and Welcome – Honorable Mayor Jackson

Mayor Jackson called the meeting to order at 7:06 p.m.

Mayor Jackson welcomed everyone in attendance. She explained that because of the number of people attending, the building capacity was exceeded and the Fire Marshal ordered the doors to be locked to prevent any more people from entering.

City Recorder Fionnuala Kofoed outlined the procedure for public comments.

#### Councilmember Ireland

Councilmember Ireland thanked everyone for coming to the meeting. He stated that he's been a property owner in Eagle Mountain since 1998. He has a long history with the City and hoped that some of that history will be made clearer tonight. He's had the privilege of serving on the City Council for six years. He takes the budget very seriously. He is very careful about City spending and the same is true of each member of the Council. All people have different boundaries in their decision-making. He hoped that everyone could be respectful and appreciative of others' opinions. He is very appreciative of the other Councilmembers, Mayor and staff.

#### Councilmember Ochsenhirt

Councilmember Ochsenhirt also hoped everyone could be respectful. He's been on the Council for nearly six years and has never seen an audience this big at a Council meeting.

He hoped that those attending the meeting will share the information discussed tonight with their friends and neighbors. He has read many of the online comments and was discouraged at the hateful tone of many of them. He expressed gratitude for the staff and how hard they work, especially at difficult times like this. He loves Eagle Mountain and hoped everyone will leave tonight with a better understanding of the true situation in the City.

Councilmember Painter

Councilmember Painter introduced himself. He's from Mississippi. He's employed at IM Flash Technologies and has lived in the City since 2006. He gave this information to let the residents know that he is a resident first and a Councilmember second. He's learned a lot while being on the Council. He entered the Council ready to correct the many wrongs he had heard about. Over the last few years, he's found that the City is fairly normal. There have been many disagreements, but none has been based on unethical, illegal or scandalous motive. He asked residents to understand that the Council's purpose tonight is to educate and inform. Every year during the budget process he pleads for more people to get involved, to help the Council understand their interests and directions. He promised that all verified issues will be reviewed and followed up on. He was confident that this meeting will create a positive change for the City.

Councilmember Steinkopf

Councilmember Steinkopf said he is starting his second year on the Council. He and his wife, Mary, have lived in the City for twelve years. They're retired and on a tight budget. They know what it is to raise families, look for jobs and make decisions, which don't always turn out well. Eagle Mountain is a growing city. The City is only 16 years old and many difficult decisions have had to be made, some which worked well and some which haven't. It's difficult to compare Eagle Mountain's services with other, older cities. He spent seven years on the Orem City Planning Commission. Sometimes improvement takes longer than people expect. He said he's heard comments about integrity and corruption; he stated that he and the others involved in Eagle Mountain are not corrupt. That was uncalled for. He said the City will listen to the comments made tonight and improve because of them.

Mayor Jackson

Mayor Jackson has lived in the City for 14½ years. She got involved in politics very early. Later, in 2005, she was asked to run for City Council. Because 2006 was a very difficult year, she chose to run for Mayor in 2007 and was re-elected in 2009. This is her sixth year of being Mayor. She loves the community feeling here. She mentioned that there is a member of the State Auditor's Office in attendance, as well as the City's financial consultant, auditor, and Representative David Lifferth.

2. Presentation – Staff

City Administrator Ifo Pili presented information in response to a recent report circulated in the City.

Mr. Pili stated that he is not an elected official and gave his employment history. In 2006 he was an intern, hoping to return to professional football after a hiatus in which he was completing his master's degree in Public Administration. During 2006 the Mayor, Chief of Staff, Planning Director and Management Analyst left the City. Mr. Pili became Acting City Administrator while he and the new Mayor searched for an experienced City Administrator. Although Mr. Pili and his wife had planned to move out of Eagle Mountain, they decided to stay. Mr. Pili became a Management Analyst, then the Assistant City Administrator, and then the City Administrator upon John Hendrickson's retirement eight months ago.

Mr. Pili mentioned that he had a meeting with a couple of residents earlier in the day. They said they didn't think the City is corrupt; they were upset that utility costs have risen so high. Mr. Pili believes his job as a City Administrator is to be more communicative and transparent, to provide accurate information so the residents don't need to go to other sources for information.

Mr. Pili stated that he's been asked frequently why utility bills are so high this month.

In general, bills were higher because of increased usage, problems with the electronic meter reading equipment, carryover bills, and human errors. Mr. Pili suggested that residents ask for a printout of their utility account, which will show more detail than bills that are sent in the mail. If they still have concerns, they are welcome to review their bill with an employee. The City has tried to keep the mailed bills to one page to save on costs. The utility rates are available on the City website; however, several residents have asked to have them on the mailed utility bills, as well. The rates will be included on the mailed bills as soon as the bill template can be reformatted. The cost to the City will be about \$10,000 annually.

He suggested that if residents are concerned about the reliability of their City meter reads, they could compare their usage to previous months and years, compare their usage with neighbors with similar homes who live inside and outside the City, or call Questar and ask what their rates are. He asked residents to remember that the last few months have been the coldest since 1949. Since bills are sent the month after power is used, next month's bills will be high, too.

Mr. Pili stated that, while the City's utility rates are about 15% higher than the average of cities in Utah County, the City's taxes are lower than many others, which makes the residents' total cost about average.

Mr. Pili asked Laura Lewis, the City's financial advisor, to discuss utility bonds. She said that she has worked with the City nearly since its beginning. Questar and Rocky Mountain Power were asked to provide power to this area. They refused because it would take too many years to recoup their investment in infrastructure. Much of a city's infrastructure is not scalable, meaning it has to be built large enough to accommodate future growth. The City had to take out bonds to build the utility infrastructure. Quoting from Standard and Poor's 2010 appraisal of the City's gas and electric systems, she stated

that the gas system served 5,524 customers in 2010, and has the capacity to serve 25,000. Fitch Ratings reported in 2010 that the electrical system served 5,434 customers, about 50% of capacity, but the switchyard and transmission lines can handle approximately 30,000 customers. In 2010, Fitch found that Payson's electric rate was considerably higher than Eagle Mountain's.

Ms. Lewis discussed capitalized interest. Bonds are fixed income securities. The money borrowed from the bondholders is held by a trustee. Interest is paid from those funds until the facilities are built and can begin producing revenue. Federal law allows interest to be capitalized for three years.

Mr. Pili explained that the City has debt from the original capitalized bonds, a bond issue in 2007 and another in 2011. The City has nearly 6,000 households. The current infrastructure can handle 30,000 households. Rates will come down as there are more households to carry the payments.

Ms. Lewis pointed out that it's unusual for a city to have as few commercial customers as Eagle Mountain has. Commercial customers take a higher burden of utility payments.

Mr. Pili explained the financial breakdown of the City's utilities. The highest expense for each is purchase of gas or electricity for resale. The next highest is debt payments, followed by transfers to the General Fund. All departments provide services related to the utility departments, so the utilities contribute to their operation. Although some see this as "money laundering," it's a legal and almost universal practice among Utah cities which own utilities in order to fund government services. Mr. Pili referred residents to the 2013-14 budget document on the website for more details. He invited anyone to come to the City's budget meetings and to ask questions about any line items.

Energy Director Adam Ferre pointed out that Eagle Mountain has the fastest-growing municipal utility of all those in Utah, California, Nevada and Idaho that are part of the Utah Associated Municipal Power Systems (UAMPS).

Ms. Lewis pointed out that, in order to take out bonds, the City has to maintain a cash reserve of \$1.25 net revenues per \$1.00 of the bond amount borrowed.

Mr. Pili addressed the concerns expressed by residents about funds being transferred from the Enterprise Funds (gas; electric, garbage, sewer, water & storm drain) to the General Fund. He explained that the General Fund totals \$8.8 million. About 90% of the property tax paid by Eagle Mountain residents goes to the school district. The property tax received by the City only amounts to 12% of the General Fund. The City gets more revenue from sales tax (21% of the General Fund) than from property tax because of the State sales tax formula. Twenty-four percent of the General Fund comes from utility billings. Previous administrations decided to transfer income from the utility funds to prevent a spike in the City's portion of the property tax. Without those transfers, the City portion of residents' property taxes would double or triple. All cities in Utah that have

municipal utilities transfer funds into their general fund. The figures are detailed in the budget document, which is available on the City's website, [eaglemountaincity.com](http://eaglemountaincity.com).

While Eagle Mountain employed its own Fire Department, it cost \$1.1 million annually. That equaled the total amount received from property taxes. Sales tax covered police services. The City had to find revenue to cover streets, parks, the library and other services.

Mr. Pili addressed several other points found in the report Mr. Allen wrote:

The City spends money on Pony Express Days because the residents want it. The Council, in a split vote, decided to invest in the rodeo; which was expected to increase sponsorship and reduce the City's expenses. Other events have been added to help Pony Express Days pay for itself. The City created a Special Events Department to reduce thousands of dollars in overtime costs. Last year, even before there was a Special Events Department, City employees involved in special events raised \$120,000 in sponsorships. The goal is to make the Pony Express Days self-supporting.

Claims have been made that salaries are excessive. The Mayor's salary was set in 2005, before she was the Mayor. The salary was set in a public City Council meeting. Mr. Pili makes \$115,000, not \$157,000 as has been claimed. In his profession, that's a medium-range salary. The additional amount is for benefits. The Assistant City Administrator also makes a mid-range salary. The City Recorder is in the 60<sup>th</sup> percentile of Recorders' market range.

Mr. Pili noted that the City's receptionist has received hateful calls claiming that she makes \$60,000 per year. She's a part-time employee making \$8.00 per hour. He asked those making the harassing phone calls to stop.

Mr. Pili stated that it's become clear to him that he hasn't been transparent enough, and will see that City government becomes more transparent. The City's budget is audited annually by a third-party, independent auditor, as required by the State.

Paper time sheets were objected to. Mr. Pili said that he has learned that the more trust given to employees, the more trust they earn. People who are willing to cheat on the job will find a way no matter how time is tracked. The International City Managers' Association says that 50% of cities use the same paper time sheet system.

The Pony Express statue cost \$25,000, which was paid for by a county grant, and not \$250,000 as has been claimed.

"Gastronomic orgies" for City employees were monthly birthday lunches for employees as morale boosters, which cost the city \$2,500 per year. Most other morale-oriented activities, such as the Christmas party, have been discontinued. Mr. Pili and the Mayor decided this year that the cost for the lunches wasn't significant, but the time taken from

the workday was excessive; therefore, they removed the birthday lunches from the budget.

Mayor Jackson responded to some of the accusations levied at her in the report being discussed. She said the military utility discount was passed by the Council specifically for soldiers deployed in the War on Terror. A previous Mayor chose to extend the discount to any active military member. The Council reviewed that action and confirmed that it should be provided to all the military. Mayor Jackson later applied for the discount.

Some believe that the tiered water rate structure was put in place as an advantage to the Mayor who has a large lot. Mayor Jackson explained that the ordinance was put in place to encourage water conservation and provide assistance to owners of large lots.

Regarding the PRCA convention in Las Vegas, Mayor Jackson stated that the PRCA invited her to speak about the City's transition from empty land to an award-winning first-year rodeo. She went to the convention early to make sure that the City representatives knew where and how to set up their presentation. They then stayed for the NFR to see how that was run and used the time to network with sponsors.

Mayor Jackson has held City Council dinners at her home. Mayor Jackson explained that when she was on the Council it was an antagonistic time and she felt that, as Mayor, it was important for her to provide opportunities for the Council to visit with each other. When the Christmas party was cut out of the budget, the Mayor invited the Council to a Christmas dinner at her home. Council dinners are budgeted for each year.

Mayor Jackson stated that she hasn't visited Washington, D.C., since April, 2011.

Guns at the rodeo were prizes to winners of events. Funds for the prizes were donated by a sponsor. The rodeo contestants picked the guns up at the distributor where background checks were conducted. When black-powder rifles were awarded, they were sent directly from the distributor, as they don't require background checks.

Regarding the complaint that Mayor Jackson's assistant babysat for her on City time, she explained that her assistant was also her friend and neighbor and in that capacity had helped her to clean her home and watch her children on her own time. It was brought to the Mayor's attention just yesterday that the preschool her children attended wasn't licensed. She had chosen the preschool based on recommendations she received. She didn't inquire about the business license, as she doesn't inquire about any business she uses.

Mr. Pili said he received an email saying the City has an account in the Cayman Islands. Zions Bank named a municipal account the "Cayman Account," but it has nothing to do with the Cayman Islands. He told residents to call the Zions Bank branch manager for information, not City staff.

Regarding City vs. private management of the utility services. Mr. Pili recently told the media that he believed the private sector could do it better. That was based on his belief that the private sector should be able to conduct any such enterprise better than government. The comment had no bearing on City staff. Staff members are as educated, efficient and capable as anyone in the private sector.

Finance Director Paul Jerome read a notice dated Feb 11, 2013, from the State Auditor, stating that the office received a complaint regarding Eagle Mountain utility billing and accounting practices. The office is currently reviewing the complaint. Mayor Jackson pointed out that the State Auditor's Office is reviewing the complaint, and is not investigating the City at this point.

### 3. Open Discussion, Questions and Answers

*Mayor Jackson opened the meeting up to public comments at 8:40 p.m.*

Kenn Kochan, 1856 Church Way, said he knows the City is in tight financial trouble. One thing that makes a bad impression is when employees are sitting in two City trucks just chatting while no City work is being done. Although they may be talking about work, it looks bad. He also said he sees City employees driving to work in City vehicles and felt they shouldn't use them for commuting. Perhaps City trucks could be stationed at the City limits to save wear and tear.

Mr. Pili said that employees are only allowed to take vehicles home if they're on call. Two people need to be on call at all times for gas and electric emergencies. Water and sewer require one each. City staff will check into the claim regarding employees parking their trucks together and chatting.

Robert Allen Schermerhorn, 2259 Cedar Drive, said his electric bill nearly doubled each month for the last two months. He felt it was because the City took over the electric service from Rocky Mountain Power (RMP). He didn't believe the numbers presented by the City were accurate. He wants to know where the utility money is going and why. He said he didn't mind how much City employees make, but if the City can't afford to pay it, they shouldn't earn it.

Mayor Jackson said the City had to take over electric service from RMP because they no longer wanted to service Eagle Mountain residents. She asked Mr. Schermerhorn to bring in his bill and have it reviewed. She explained that Cedar Pass Ranch existed prior to the City's incorporation and was serviced by RMP. RMP serviced a few other areas in the City. They threatened a lawsuit if the City didn't take over the service. The City negotiated an agreement in which it took over the RMP service.

Marshall Overcast, 1869 Sunrise Drive, wanted billing to be more transparent. He wanted a website that will give a customer's billing history, as is done by Idaho Power.

Mayor Jackson said all the Councilmembers have said utility bills need to be more transparent and the City is working on that.

Allison Christensen, 1912 Church Way, said Mr. Pili is her neighbor and is an honest person. She said she brought her bill in and the numbers she was given don't match. She said her unit price has gone up more than 60%. It looks like she's paying more when she uses less. She wants to know why there is a fluctuation in the per-unit price.

Mr. Jerome offered to review Ms. Christensen's bill with her. Mayor Jackson explained the differences in the City's sewer systems. There are three systems: a sewer treatment plant in the City Center. The Ranches uses TSSD and other areas use septic systems. Mr. Pili said the City's gas rate doesn't fluctuate, so there may be something wrong with her bill.

Ed Kluber, 7521 Addison Avenue, represented several people. He asked what the Council plans to do to counteract all the incorrect information going around about the City. He wanted to know who provides the utility analyses and what their qualifications are. He asked if the City would publish the job titles, responsibilities and compensation of City employees and a comparison to other cities and private industry. He asked why the City bought windmills in Idaho for energy sales if there were no investors. He asked what the required principle & interest payments are on the City's debt. He felt that the City's debt to interest ratio is too high. He asked if there was any unspent money left in the bonds. He said HOAs still have outstanding bonds being held by the City and wanted to know how the funds could be released.

Councilmember Ochsenhirt pointed out that all the Councilmembers have email; there are two City Council meetings each month. All the meetings and Council actions are given public notice in advance. Meetings are filmed and placed on YouTube. The City does a good job of making information available, but residents need to come to the meetings and email the members of the Council with their concerns.

Councilmember Burnham said she was frustrated last November as budget billing wasn't done. She talked to Mr. Pili and he said the City would send out a letter, but it wasn't sent until after the fact. A letter wasn't sent out about this month's billing problem either. If notices need to be sent out, send them out on time. She also said that residents have to stop calling and swearing at the utility clerks.

Mr. Pili stated that he'll put a document together detailing the City's rates and analysis. The City plans to start a blog to provide better communication. He said he'll make sure that letters go out when increased utility bills are anticipated. Lewis Young Robertson & Burningham, the City's financial consultants, recently completed a water and sewer rate study. Sawvel & Associates just completed a gas and electric rate study.

Energy Director Adam Ferre responded to the question about the Horse Butte windmills in Idaho. The Horse Butte project was the City's best opportunity to add renewable energy to its portfolio. Mr. Ferre sits on the UAMPS board and residents can call

UAMPS with questions. They can also come to Council meetings when items like this are voted on or call the Energy Dept. for answers to questions.

Financial advisor Laura Lewis explained the City's debt to income ratio. The municipal bond market has different ratios than those for personal debt. It considers tax rate, growth rate, debt to taxable value, debt per capita and cash reserves. The City has no general fund debt (general obligation bonds). It has gas and electric, water and sewer, and special assessment bonds. It also has excise tax revenue bonds, which are funded by gasoline taxes and are to be used for roads. Ms. Lewis explained the City's bond ratings.

City Attorney Jeremy Cook said that subdivision improvement bonds have been called several times. The City tries to work with developers first to avoid the costs of calling the bonds. The City is actively pursuing a number of subdivision improvement bonds.

Brent Waldrop, 4002 Eagle Top Court, recommended that the City Council look at the recommendations in Sam Allen's report. He objected to the City spending \$25,000 on the Pony Express statue and the financial losses due to Pony Express Days. He questioned whether providing entertainment was the role of government. He asked the Council not to waste his money and said he doesn't have confidence in City government.

Justin Loera, 7487 Addison Avenue, spoke to Mr. Pili on Sunday. He asked the Council to explain how event costs are tracked. The industry norm is to include all salaries and overhead associated with an event. He asked why it takes so long to share metering issues with the residents. He said he's done his own analysis and found that South Jordan's and Orem's gas bills are 50% lower than Eagle Mountain's. His gas bill has gone up 50% in the last two months. He also asked what the Mayor and Council are doing to bring retail businesses to the City.

Mayor Jackson responded that the City is working on economic development. All the retail companies have said they want more "wallets" in the City on a daily basis. Although there are people working in the City during the day, most commute out. Saratoga Springs is smaller than Eagle Mountain, but it's strategically located, which is what national companies want more than a population figure. Ridley's Market is coming in with an included Ace Hardware. Other companies will come after that.

Mr. Pili said that the Coop's Market process lasted four years, but Mr. Cooper couldn't get the financing for the project. Ridley's is a stable chain with the financial backing to build the store. They expect to start building in March. Having an anchor tenant will bring in other businesses.

Councilmember Ireland stated that from a business owner's perspective, anyone who wants to build a business in Eagle Mountain is welcome. Unfortunately, location matters. From a business standpoint, Saratoga Springs is able to use Eagle Mountain's population count because we drive through there. Eventually, Eagle Mountain will be big enough to have all that retail. Right now, it's unrealistic; retail companies that want to make money look at return on income and choose to build where they can get the best return. Non-

retail businesses don't depend on location as much. The City is competitive for those because there is inexpensive land and a smart workforce.

He also clarified that the statue was built using a grant from the County restaurant tax, which is restricted to arts and parks. The majority of the Council elected by the people chose to vote for it. Those who don't like the tax should talk to Rep. Lifferth about it. Councilmember Ireland has stated his objection and disappointment regarding the tax to the State.

Councilmember Painter discussed the proper role of government. The City has been offering partnerships to businesses for years in the form of proving tax increments and creating redevelopment areas. If residents want the Council to do more business development, they need to come to budget meetings or email the Council. They need to get involved. Very few people attend City Council meetings. Decisions are made through the budget process.

Mr. Pili explained that salaries have not been counted in Pony Express Days figures because the work was done by existing City staff. Now that there's an Events Department, salaries will be counted. Employee overtime was included in calculations before there was an Events Department.

Finance Director Paul Jerome said that the electric reads were correct, but not all of the gas reads worked. The meter reader kept driving around in an attempt to get as many good reads, but he had to quit at some point in order to get the bills out on time. The City estimated 20% of the gas and water reads for this billing period, using the previous month's reads. The problem with the meter reader resulted in some of the reads being for five weeks. City staff was unaware of how the historic cold was going to affect the meter reading equipment. Residents whose bills included estimates for gas were actually lower this month and they should expect to see an increase next month.

Lianne Pengra, 1134 Searle Lane, is a former employee said she was told that the Mayor was under the impression that she was behind Sam Allen's report, which she found offensive. She just met Mr. Allen today. Her concern was about transparency. She stated that in 2010 the Energy Department donated \$30,000 to Pony Express Days. In addition, the man-hours required to build the rodeo grounds were not included in the financial figures presented to the Council after the event. In December 2010, Angie Ferre was asked to speak at the PRCA conference in Las Vegas. Four people attended, which was unnecessary. The Mayor doesn't attend conferences with other department heads. Although Mayor Jackson said she was with other committees during the NFR, Ms. Pengra's understanding was that she was with the City's stock contractors. Multiple day tickets were purchased for the NFR. If the intent was to learn how the rodeo was put on, one day would have been enough.

In 2011, Ms. Pengra went to a special events conference in Las Vegas, while Mayor Jackson, her husband and Mr. and Mrs. Ferre attended the PRCA conference. In 2012, the same four people attended PRCA and NFR again, when only Ms. Ferre's attendance

was needed. Her main concern was the “creative budgeting” used in the post-event report that is made annually after Pony Express Days. Expenses that are not paid until the next budget year (starting in July) are not part of the presentation.

Councilmember Painter asked for clarification about the Energy Department donation. Mr. Pili said that the City Administrator at the time brought it forward. Mr. Ferre said it was a known donation as a chute sponsor, to help the rodeo get started. Councilmember Painter said that the City Council has to be both governing body and a utility business manager.

Patrick Murphy, 3393 Peregrine Road, thanked the Mayor and Council for their time. He asked why the Executive Department is 8% of the City’s budget and Nondepartmental is 6%. He also wanted to know why the City joined the Unified Fire Authority and what effect that would have on his taxes. He asked why other cities didn’t have complaints about utility bills. He noted that Councilmember Steinkopf stated in his opening remarks that almost no one in City government was incorruptible, so who does he think is corrupt and why?

Councilmember Steinkopf said Mr. Murphy’s reference to corruption is a broad statement. Councilmember Steinkopf hadn’t said any names and he didn’t think anyone involved with Eagle Mountain City government is corrupt.

Mr. Pili named all the positions in the Executive Department: City Administrator, Mayor, Assistant City Administrator, Human Resources Coordinator, Facilities Manager, Public Information Officer, Management Analyst and Executive Assistant. Nondepartmental is a budget for costs that serve all departments, like supplies, IT, insurance, building and grounds maintenance, etc.

He explained that the City joined the Unified Fire Authority to save money on necessary fire protection personnel and equipment. Councilmember Painter pointed out that the City tries to minimize its role and this was an opportunity to privatize a function that was previously provided by the government. Councilmember Ireland said the City has been trying to join a fire district for years. Up until the City joined, UFA was a Salt Lake County only entity. UFA will now show up on residents’ property tax bills. Councilmember Ireland pushed hard to place that payment on property tax and reduce the utility fees. He feels that the best and most transparent way to fund government is through property tax.

Ms. Lewis commented that most cities operate their own water and sewer systems. She’s been to many public meetings where they have discussed increasing utility rates. In Ogden, the system is so old and inadequate that they have to raise rates, which was delayed by previous city councils. The residents’ complaints in Ogden, and similar cities, are that they would have preferred to have their rates raised sooner so the rates wouldn’t be increased so much at one time. Mayor Jackson pointed out that Eagle Mountain is not raising its rates.

Assistant City Administrator Jason Walker said that the power at his home comes from Questar and his bill went up \$105 this month, even though he was out of town for two weeks. Bills are higher everywhere.

Marianne Smith, 6104 Lake Mountain Road, commended the Mayor and Council for their service. She pointed out that gas rates cost less than propane. She asked if people could be better notified about meetings, perhaps on the utility bills. She told Councilmember Ireland that she would like the airport to be developed. She said he just started on Eagle Mountain electricity a couple of months ago. Her bill was the same both months. She reads her meter every month to watch for its accuracy, and recommended that others learn to read their meters. Mrs. Smith stated that the entrance from Pony Express Parkway to Lake Mountain Road is awful. There's no light and the road is full of potholes. She wanted to know why she is charged a storm drain fee when she doesn't have a storm drain.

Mayor Jackson explained that the storm drain fee is citywide. She asked Public Works Director Chris Trusty to give some more details. Mr. Trusty said that any road that a resident drives on has a storm drain or swales and culverts, including Lake Mountain Road.

Councilmember Painter felt that the storm drain fee isn't a direct usage, but is a shared cost. People can't opt out of school taxes because their children are out of school. All residents drive on roads that are paid for by the City.

Mayor Jackson pointed out that this meeting was set on Sunday night. However, she appreciated the suggestion that meetings be listed on utility bills.

Elaine Devlin, 2804 W. Jordan Way, said residents have waited in line a very long time and have to speak very quickly because they're only given a limited time. She wanted the Mayor and Council's responses to be concise. She wanted them to remember that the money they spend comes from the taxpayers. The Mayor and Council can afford their bills. Many residents can't afford their bills. Her bill went up \$130 and she doesn't see how that could happen. She didn't see how the temperature could have caused a \$130 change. She felt cheated and betrayed. She would have preferred it if the money that was spent on the Pony Express statue had gone into library books. It would have met the grant requirement for an arts expenditure.

Councilmember Ochsenhirt reminded everyone that he works and lives paycheck to paycheck. He got an enormous increase, too. To say the Council doesn't understand the ramifications of what they do is not acceptable.

Councilmember Ireland encouraged everyone who struggles with high seasonal bills to sign up for the budget billing plan, so their payments can be more consistent throughout the year.

Councilmember Burnham reminded residents that utility rates have not been raised. Residents used more gas because of the record cold temperatures. If there was an error on a bill, anyone is welcome to bring it in and review it with an employee so the error can be corrected. She pointed out that anyone with an electric water heater is going to have higher costs during cold weather because the water comes into the house bitter cold. She said the Council understands what it's like to live paycheck to paycheck.

Spencer Pack, 2121 Revere Way, requested more transparent utility billing statements, including cost per unit. He said it's understandable to raise property taxes, but it's not acceptable to tax residents through utility bills. He would like to see a long-term goal of privatizing utilities and finding other ways of driving revenue and thought that the City's high utility rates could cause stagnant growth.

Councilmember Ireland stated that utility rates are published on the City's website; they're not hidden, but they'll be more visible when added to the utility bills. As to privatization, the City divested itself of the telephone business when it was able to. It was only in the business because no one else would do it. The City has since privatized parks maintenance. No one will take on the City's electricity business. The Council and administration will privatize whatever possible, but Rocky Mountain Power won't provide service. Wanting it to change will not make it happen.

Karen Scott, 5504 N. Lake Mountain Road, said a streetlight is needed at the intersection of Lake Mountain Road and Pony Express Parkway. The condition of the road is terrible and needs to be improved. People go into the ditches regularly and her family had eleven flat tires last year. She would like the road graveled and graded more often. She said she would like to hook up to natural gas, but it's too expensive. She said a man in the audience asked her to ask why the sewer costs twice as much as culinary water.

Public Works Director Chris Trusty stated that the City grades Lake Mountain Road twice a year, but doesn't add gravel because the B & C road funds, provided by the State, don't cover it. The City can try and find some options for a gravel provider.

Energy Director Adam Ferre explained that the new gas line is high-pressure, not a distribution line. He also said that the City gets a bill from its gas provider, British Petroleum, every month, and BP said the gas usage last month was enormous. The City will get a huge bill at the end of this month, too. He explained that most services are paid for in advance. However, gas and electric are paid for after use.

Mr. Pili explained the sewer rate breakdown. City Center uses the City sewer plant, with rates based on the bond payments. TSSD serves The Ranches and has been raising its rates for the last several years. The City hasn't raised rates, but may not be able to continue at the current rate. City water comes from a deep aquifer, which requires very little treatment. Wastewater requires much more treatment before it can be disposed of.

Matt Visser, 7786 Kookaburra Ct., said the meeting was going off track, beginning with the long explanation of other City issues. It was supposed to be about utilities. He said

one of the early comments was that residents need to check the city and make sure they're billed properly. He said the residents shouldn't have to do that. He said if the read is low, residents have to pay it, but if it's high, he never gets a check back. Regarding bringing in businesses, he doesn't want business here. He came here to be away from business. He doesn't want the city to get bigger. Mayor Jackson did a great job of explaining the City's issues at the beginning of the meeting, but too much time was wasted.

Mayor Jackson responded that it is difficult to administer utilities, including managing equipment failures. City employees do the best they can and they will try to do better.

Sam Allen, 1914 Juniper Drive, said it didn't seem like one person came to support the Mayor and Council, but the Mayor and Council spent the first hour and three quarters trying to save their political careers by saying they felt victimized and that things were unfair, but that's how the residents feel. He talked to Mr. Pili last year about having utility rates added to the utility bills and it still hadn't been taken care of. Having the rates added to the bill was probably the only firm commitment that they had gotten from the Council at the meeting. It was his opinion that the meter reader is too lazy to get out of the truck to read the meters. If a private utility did the same thing and estimated their reads, it would cause riots and a State investigation. He thought it was wrong to address political scandals in a meeting that was supposed to be about utility rates. He believes that the City shouldn't be hiring from within. On the Pony Express sculpture, he said the artist was charging \$7,500 for a bronze, while the City paid \$25,000 for a resin version. He believed the employees are making much too much money and shouldn't be tracking their time on paper time sheets. The rodeo conference was only four days long, but Mayor Jackson charged for eight days. Natural gas rates have hit an all-time low, but the City hasn't lowered its rates. He said the fire marshal has been rude to people who can't get into the meeting because of the size of the crowd. He also mentioned that a utility clerk was rude to him when he came in for a dump pass. He stated that change will happen with the upcoming election.

Mayor Jackson responded that Mr. Allen sent out a report last weekend and asked that the issues be addressed. The Mayor and Council held the meeting to address the issues.

Mr. Pili explained that the City hires from within because that provides known, proven employees.

Mr. Jerome explained that meters are read by one person who needs to read 15,000 meters in one week, which is all the time he has if the bills are going to be sent out on time. Many cities estimate reads regularly. Eagle Mountain only estimates when necessary. Reads will be done next week. Estimated bills are adjusted on the following bill to reflect the new reads.

Teresa Edwards, 7733 Grant Street, was disappointed by how the meeting has gone. She was looking for honesty. She found out a couple of years ago that the Mayor sometimes brought her baby to work and occasionally the staff watched him; so it wasn't true that

the Mayor only had her friend babysit after work. She's lost confidence in the Mayor and wants honesty.

Mayor Jackson answered that she had a premature baby and brought him to work so she could watch him closely. She only left him in her office when he was asleep.

Alice Stearns, 3671 Blackhawk Road, said Ms. Peterson, the Public Information Director, has really protected the Mayor and Council's images. She found it hard to believe that someone who makes \$116,000 per year can understand people on a fixed income. She wanted to know why veterans, firefighters and police don't get a utility discount similar to the military discount. She felt the Mayor was being dishonest.

She asked what the hardest part of the week had been for the Mayor. She felt it was about the Mayor honesty.

She asked Councilmember Painter about the "million dollar mistake" he commented about on the Eagleshare website. Councilmember Painter said he had responded to the issue, not the amount. He asked Mr. Ferre to explain the details. Mr. Ferre said a utility line was installed in approximately 1999, about three feet outside the easement. It cost about \$5,000 to move the line. He also said the recent power outage wasn't because of the line; it was because of the substation upgrade.

Mayor Jackson said she's entitled to the military discount because her husband has been in the military for 23 years.

George Wardell, 2454 Hitching Post Drive, appreciated the opportunity to speak. He said his family is facing difficult economic hardships. He noted that the Council is afforded rebuttal during these comments and the residents are not. He pointed out two City employees that he felt had made rude comments about every speaker; he felt Mayor Jackson had been rude, as well. He was not happy that the Energy Department had made a \$30,000 contribution to the rodeo. He wanted to know what the plan was for correcting the issues.

Marion Cline, 1952 Revere Way, stated that she didn't read the report that several people referred to and was not attending because of that. She was representing neighbors. Many of their questions have been addressed. She asked about payment options for utility bills. She came before the Council a couple of years ago for a community project. It was originally denied, but the Council and administration helped her through the process and she sees them as honest. It is her opinion that Mr. Pili's salary is normal for his profession.

Mayor Jackson said Eagle Mountain participates in the HEAT program through Utah County and offers payment plans. She encouraged residents to talk to the billing office if they're having difficulty paying their bills.

Chantel Patterson, 3919 Parker's Place, said the City needs more flexibility on the utility due date. She's been in the position of being unable to pay and found the employees consistently mean when she's talked to them. She asked why a five-week billing schedule isn't followed by a three-week schedule. She wanted to know why other utility companies won't service Eagle Mountain.

Mr. Jerome said the next read will be for a three-week period. He'd be happy to print out her utility history and go through her account with her.

Mr. Pili explained that the other utilities won't serve Eagle Mountain because the investment would be too large; they would have to pay off the infrastructure bonds. He thinks they'll be interested once the bonds are paid off.

Bonnie ElHalta, 4048 Russell Road, thanked the Council and the employees, who are working a 17-hour day. She appreciated the activity that got people out to the meeting. She has attended many meetings where no one from the public has shown up. She appreciated the time everyone has taken to be here. She's been in many meetings with City officials and staff in this room and has appreciated their integrity. The Pony Express Days and the rodeo are the only things drawing attention to the City to encourage commercial investment. As a retail executive for 25 years, she knows that Eagle Mountain isn't a viable location for retail businesses yet because they can't get enough return on investment. Having lived in the City for years, she appreciates this group for taking a failing organization and trying to make a sound infrastructure to enable growth in the area. Her only question is what can she do to be a better citizen, volunteer and helper?

Mayor Jackson thanked her for her volunteer work.

Donna Milakovic, 4361 Saddle Horn Dr., was at the meeting to support the staff, Council and Mayor, whose hard work provides many benefits to the residents. She works with 25 cities throughout the county. She's been part of the effort to diversify the tax base. If she had trouble dealing with fluctuating utility bills, she would use the budget payment plan. She's heard all these subjects discussed and voted on in many meetings with very few residents attending. Meetings are publicized and people who want to be involved need to show up. The Public Information Director does a great job of providing information. There's going to be a lot of conflicting information during this election year and people need to be at meetings to be informed.

Stephanie Gaddis, 3774 Barton Creek Drive, said that her highest utility bill up to this point was \$360; her current bill is over \$500. She called the utility billing office on Monday and asked about when the bond would be paid. She left her contact information but no one has called her back. She didn't know about base rates when she bought her house and would prefer that bond payments came out of her property taxes. She received three bills after she moved to her new home, one for the old residence and two for the new residence. One was a shutoff notice over a delinquent \$38 bill. She felt the City should work better than that with residents. She called utilities to ask about rebates and

found none were offered by the City or the County. She likes Eagle Mountain and will try to be at the meetings.

Councilmember Burnham stated that City Council meeting videos are posted on the City's website. Mayor Jackson said the Council chose not to participate in a rebate program because giving rebates requires charging more to compensate for them. Mr. Ferre said he's been asked to bring the program back to the Council for consideration.

Ms. Lewis read out the maturity dates of the City's bonds. She said base rates are necessary be able to sell bonds, because they are the only reliable source of bond payments; usage doesn't cover them.

Brad Davies, 3902 Eagle Top, appreciated the residents having the opportunity to speak. He stated that his utility rate is the same this year as it was last year, but he's paying a lot more. His concern is that Golden Eagle Road near Eagle Top is a class B road, but it's utilized as a main artery. By State law, it can't be maintained as a class B road if it's used as a main road. Every subdivision has to have two main arteries. During storms, vehicles can't get up the road. He wanted to know who he could talk to. Everyone he calls tells him to call someone else.

Mr. Trusty explained that the dirt road isn't owned by the City; it's a prescriptive easement. There are other entries into the subdivision. The City would have to try to purchase the right-of-way and set up a funding source to build the road.

Mayor Jackson said that developers have had preliminary plat approvals but haven't built. The City does not own the land to be able to construct the road. She said the City would look at cutting down the traffic and address access issues.

Michael Ware, 3908 Eagle Top Court, travels a lot for his job. He compared his utility costs for the last several years. His bill hasn't fluctuated, even though he's installed over \$4,000 in energy efficiency improvements. Some months he's been gone and his bill hasn't dropped. His neighbor who works at home has a lower bill. When he emailed the utility office last year about the problem, the response he got had nothing to do with his question. He also wanted to see better use of tax funds in the future, such as using them for parks rather than for a statue.

Mayor Jackson asked him to bring his bill in and have it reviewed. The statue in the lobby is the artwork for a full-size bronze statue to be installed in a park. The City is looking for funding for the full-size statue outside of tax dollars.

Chris Thatcher, 7742 Willow Walk Lane, asked about the military utility discount and the large-lot water discount. There should be a combined household income cap on eligibility for the discount. Those with higher incomes don't need \$100 taken off of their utility bill. He felt that veterans should be included in the discount. He believed the half-acre lot water discount favors those who can afford larger lots. It doesn't make sense to offer discounts to people who don't need it if the City has debts to pay. He thanked the

council for giving a clear explanation of City issues. It answered a lot of his questions, although he felt it went too long.

Colby Hunter, 4550 Kestrel Way, read a statement saying the high utility rates are not the issue; rather, the local government is siphoning funds from utility payments to other programs. If the City didn't have a utility, it would have to raise taxes to raise the needed funds. He felt funding of government costs should be paid by property taxes.

Advertising a low tax rate is misleading if utility rates are high to make up for them. He had a hard time believing that the City wants to get out of the utility business when it uses utility money to pay for other expenses. He felt that the Mayor's income was too high to justify her taking the military utility discount.

Robert Turner, 3778 Barton Creek Drive, said that, aside from the utility discussion, it seemed to him that "the squeaky wheel gets the grease." The time and energy required of officials and staff to deal with baseless accusations made by a few. He felt the proposals made will adversely affect the City and utility rates will increase. Eagle Mountain is one of the best communities in Utah and residents are lucky to have such hardworking officials and staff. He asked the Mayor and Council to remember the over 20,000 non-squeaky wheels who appreciate what they do, so they can expend their time and effort elsewhere.

Dottie Durtschi, 7202 Utah Drive, said she was speaking for all the renters in Eagle Mountain. She moved from Saratoga Springs because of excessively high utility bills. She's astonished at her utility bills now. She felt that property owners should pay for bonds. Renters shouldn't have to pay for them.

Ms. Lewis replied that the general consensus is that those who use a service should pay for it. The bonds were used to finance the infrastructure that provides the service. Bond funds go to a trustee who is obligated to verify that the funds are used for what the bond documents require. If the City chose to pay for all or part of the bonds with property taxes, they would collect nothing from non-profit organizations; those amounts would be transferred to other payers. A couple of years ago, a legislator wanted to prohibit school districts from charging property taxes and using them to pay for utilities. He had a different philosophy than some others do.

Mayor Jackson asked Ms. Durtschi to bring in her utility bill and go over it with Mr. Jerome.

Isaiah Mitchell, 3806 Old Salty Way, said he read through Mr. Allen's report and felt that the most convincing thing about a good lie is that it's 90% truth. He knows Councilmember Ireland and Mayor Jackson personally and knows that they are fine people. He doesn't think his utility bill is high enough; his wife applied for the military discount while he was deployed. He didn't want anything special for being in the military. He didn't think it was a fiscally conservative approach. There are civilian and military organizations that can help soldiers who can't pay their bills.

Becky Jones, 1811 E. W. Pinion Cr., didn't want anyone to think she had attended the meeting because she didn't approve of the Mayor and Council. She is friends with Mr. Allen and appreciates the research he's done. She's tried to be at every meeting that brings about change. She would have liked to be informed on her bill that it was estimated. She felt that Mr. Pili handled answering Mr. Allen's report very well.

Chris Thatcher, 7742 Willow Walk Way, regarding the military discount, pointed out that just because a program was approved by a previous council, it doesn't need to remain in place. The current Council has the power to change it.

Wendy Watson, 1164 E. Russel Road, appreciated all the Council members and employees. She said employee salaries shouldn't be judged by private salaries. She would like the City to hire a third-party company to see if City salaries are in line with those of other cities. She also recommended that residents watch out for [utahsright.com](http://utahsright.com). The information it presented is sometimes distorted. She had a question about her water bill: her bill was read very high, but was reduced after she called the utility office about it. She asked how the meters are checked for accuracy.

Mr. Jerome responded that the City doesn't estimate water use unless absolutely necessary, such as equipment failure. Other cities estimate regularly. He would be happy to meet with her to review her bill.

Mr. Pili said that the City plans to change to a different meter reading system. That couldn't be done previously without changing out all the meters at once. The new system can be phased in.

Mr. Walker stated that the City doesn't compare its employee salaries with private sector salaries. Eagle Mountain subscribes to a database of municipal employee salaries from around the country to keep salaries equivalent to those in other municipalities.

Janet Back, 1865 Cedar Street, asked why two sewer rates were instituted during Mayor Bailey's administration. If Eagle Mountain is one city, why aren't all the residents paying the same rate?

Mr. Pili explained that the City has considered that and it will be decided by the Council at some point. It's a philosophical question.

#### COUNCIL COMMENTS

##### Councilmember Ireland

Councilmember Ireland thanked the residents for coming to the meeting and making comments. He encouraged them to continue becoming informed. Information is available by phone, mail and email and through social media. He suggested that they continue to come to meetings and to volunteer. Municipal elections will be held this year, and he hoped that residents would become informed voters—and vote. He stated that people have differing philosophies as to how municipal government should operate.

They should know what they want from City government and why, and then let the City know.

Councilmember Ochsenhirt

Councilmember Ochsenhirt asked residents to take an active role. If their utility bills look wrong, they should talk to staff. If they have a question, ask. It's not useful to throw out terms like money laundering and scandal. He asked them to take an active role, to build things up rather than tear them down.

Councilmember Painter

Councilmember Painter thanked everyone for coming out. He checked his bill and encouraged others to go get the data. Council and staff plan on being more transparent; they need to hear what the residents want. He encouraged residents to become involved in the budget process, which is going on right now.

Councilmember Steinkopf

Councilmember Steinkopf thanked those who stayed to the end of the meeting and wished them a good evening.

Councilmember Burnham

Councilmember Burnham thanked everyone for staying and appreciated the comments made. She expressed one frustration: she only received three emails about this issue. She did read a lot of very negative comments online, including personal ones. Councilmembers have families and children who see these things. She asked residents to say what they need to without attacking people.

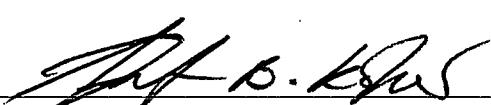
Mayor Jackson

Mayor Jackson has only received ten communications in any format; eight were positive. She would be happy to respond to any communication, and invited residents to take advantage of that. There has been a record number of phone calls to the utility office and she appreciates all of that communication.

4. Adjournment

The meeting was adjourned at 11:48 p.m.

APPROVED BY THE CITY COUNCIL ON MARCH 5, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**February 19, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Jeff Thompson, Code Enforcement Officer; Linda Peterson, Public Information Director; Ikani Taumoepeau, Management Analyst; Chris Trusty, Public Works Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:10 p.m.

1. PRESENTATION – DVAR Institute, Motivating Positive Peer Choices—Ben Reeves

1A. DISCUSSION – Utility Bill Format

Finance Director Paul Jerome explained the proposed changes to the utility bill format. Residents have requested additional information, such as the base rates and unit prices for utilities. It will take about three months to use up the stock of the current billing template at the printing office. The City will have to give the printer a one-month lead time ahead of when the new template will be in use. The new format will probably be ready for the May billing cycle.

Councilmember Ochsenhirt asked about the details of the process, such as talking to the printer about keeping the correct amount of template stock on hand. Mr. Jerome said that is being discussed. How much more detail should be included is also being discussed, such as adding the budget billing. At the moment, the units of measurement need to be corrected. Gas use is being listed as therms rather than decatherms.

Councilmember Ochsenhirt asked if the budget billing program could be made more flexible, perhaps by allowing enrollment right after a resident had a twelve-month history or figuring the monthly amount twice a year rather than annually.

Mr. Jerome said he would find out if Springbrook would allow more flexibility. Up until now, Springbrook hasn't had that capability.

Councilmember Painter asked how much the City would lose by discarding the pre-printed utility bill templates. Mr. Jerome said it would cost about \$1,000. Councilmember Painter felt that would be an acceptable loss to meet the residents' needs in a shorter time. Mr. Pili pointed out that the change will also involve a change in coding through Springbrook.

Mayor Jackson suggested that the Public Works Board be consulted for additions to the template.

Councilmember Burnham asked that utility billing information be made easier to find on the website and that there also be an explanation of terms on the billing notices. Mayor Jackson stated that the Council should see an example of the proposed template before it is put into use.

Councilmember Steinkopf suggested that there be a demonstration on the website showing how to read utility bills.

Councilmember Ochsenhirt suggested that all of the City's customer service employees get periodic training on dealing with negative comments. They need to have a high tolerance for interacting with verbally abusive callers.

2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

10. Consent Agenda

Councilmember Steinkopf pointed out a duplication in the February 5 minutes. The Recorder's Office removed the duplicate item.

11. Jacob's Well Plat D

Planning Director Steve Mumford explained that the Jacob's Well Plat C final plat was approved in April, 2006, under previous ownership. Between the time of plat approval and the time the plat was recorded, the City purchased a utility easement and constructed a 138 kV power line, which crossed through the back portion of lots 1 and 2. When the new owner came to the City to record the plat, a new plat was not submitted and the original plat that was filed with the City was recorded at the County Recorder's office. The original plat failed to show the utility easement. Since the utility easement was not on the plat, and the easement was missed by the title report, the new owner was unaware that there was a utility easement on lots 1 and 2. Lot 1 is unbuildable and lot 2 is buildable, but in a very limited way, and the new owner proposes exchanging those lots for some natural open space owned by the City. The Planning Commission recommended approval of the land exchange at their last meeting.

Councilmember Ireland asked what net benefit the trade would provide to the City. Mayor Jackson responded that it would give the City property contiguous to the bike park, allowing the option of expanding the park. Councilmember Ireland suggested building a parking area there.

Councilmembers Painter and Ochsenhirt asked how the property was appraised. Mr. Mumford read from pages 21 and 22 of the appraisal report.

City Attorney Jeremy Cook explained that it is beneficial for the City to have fee title to the property rather than only an easement.

12. Bond Resolution

The City Council recently approved a settlement on a lawsuit involving an agreement, from 2000, with Cedar Valley Water Company regarding well ownership and water payments. After a long dispute over how much the City was required to pay on that agreement, Counsel for the City advised that settling the lawsuit would be in the City's best interest. The City Council, in a split vote, approved the settlement agreement. The City has reserves that would cover this amount. However, it would be unwise for the City to deplete its emergency reserves. Therefore, it is proposed that the Council issue bond anticipation notes not to exceed \$3 million to pay for the

settlement. The obligation could be covered by only \$2 million in notes, but it would be prudent to have leeway in the amount available.

Laura Lewis of Lewis Young Robertson and Burningham, the City's financial advisors, explained that these notes would be short-term instruments leading to the refunding of bonds the City already holds.

Councilmember Burnham was concerned about taking a "not to exceed" bond, since they often require borrowing the maximum amount of the "not to exceed" amount. Ms. Lewis said the resolution being considered at this meeting is only a parameters resolution, setting the maximum amount, but not the actual amount.

Councilmember Burnham asked how bond anticipation notes relate to bonds being taken out later. Ms. Lewis responded that the notes allow financial obligations to be met quickly, in cases where a complete bond process won't meet the time requirements of the transaction being funded.

Councilmember Burnham asked Mr. Pili how he planned to present these notes to the residents, so they can feel the transaction is acceptable. He said the plan had always been to use City reserves; however, this process will cost less in interest than the City's reserves are earning.

Councilmember Burnham asked what the bond issuance fees would be. Ms. Lewis said she was unsure, but not more than .5 percent plus Lewis Young's fee.

Mr. Pili stated that this debt should be attributed to the Water Fund, but the Water Fund doesn't have enough funds to pay it. Later, the Water Fund will be able to pay it.

Councilmember Ochsenhirt reviewed the process for clarity: The City will borrow funds at an advantageous rate, not paying interest from taxpayer funds, and without raising rates. The transaction is equivalent to a simple interest loan. Ms. Lewis said that's correct, except that she won't know the loan terms until she talks to the buyer. Ms. Lewis reminded the Council that there will have to be a 1.25% debt service covenant. Councilmember Ochsenhirt was concerned about the "not to exceed amount." Ms. Lewis explained that this resolution only notifies the public that the debt is being considered.

Councilmember Ireland asked about the debt service covenant. Ms. Lewis said that the bond agreement will require that utility rates bring in 1.5 times the amount of the bond. Councilmember Ireland said that he would prefer to pay the amount outright rather than take out a bond. He didn't feel the return on investment warrants the risk of going into debt.

Mr. Pili reminded the Council that the City has to make an annual Central Water Project payment, which lessens the available balance in the Water Fund.

Councilmember Steinkopf asked Mr. Pili where the fund balances are kept. Mr. Pili said they are kept in CDs, to provide for the best return on the funds.

Councilmember Burnham asked how this debt would be repaid. Mr. Pili said it would be borrowed from other fund balances until it could all be attributed to the Water Fund.

### 13. Administrative Code Enforcement

City Attorney Jeremy Cook explained that this addition to the Municipal Code will provide enforcement options for violations of ordinances regarding nuisances, parking, animals, business licenses, signage, nonconforming structures, occupancy issues and noise. It will not prevent the Code Enforcement Officer from issuing warnings. However, if a resident chooses not to comply, this will allow the City to issue a fine and/or hold a hearing before an Administrative Law Judge (ALJ). The ALJ would be someone with legal experience such as a retired judge. The Sheriff's Office enforces County ordinances, but not City ordinances.

The Code Enforcement Officer will first issue a notice of violation. If the issue isn't corrected or the resident requests a hearing, the hearing will be the next step, followed by an administrative code enforcement order, which can be converted to a civil judgment and put through a collection process.

This is not intended to be a punitive or revenue-producing process. The strong preference is to enforce the Municipal Code through education and cooperation. However, for persistent or extreme cases, the City needs a way to enforce the Code.

Councilmember Painter asked if Council members could rotate as the ALJ. Mr. Cook said that most communities use a paid ALJ.

Councilmember Ireland recommended that all fees included in the program be listed in the Consolidated Fee Schedule.

3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

None.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

No closed session was held.

The meeting was adjourned at 6:31 p.m.

#### **POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Ikani Taumoepeau, Management Analyst; Chris Trusty, Public Works Director; Eric McDowell, Sheriff's Deputy.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:03 p.m.

6. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

**Youth Baseball Registration** -- Youth baseball registration is open now through March 4. See the City website – Sports Programs page, for information on specific age groups and registration.

**4H Teachers Wanted** -- We are looking for 4H teachers to teach classes within Eagle Mountain. Contact Holly Komoroski at 801-789-6646 or [hkomoroski@emcity.org](mailto:hkomoroski@emcity.org).

**National Anthem Competition** – On Saturday, March 2 at 11 a.m. in the Council Chambers, the City Events department will hold a National Anthem singing competition. The winners of the competition will get to sing at the Pony Express Days PRCA Rodeo or Demolition Derby. All ages are welcome, individuals or group performances. Vocal performances with or without music allowed. Cost: \$5 to enter competition or \$3 for spectator admission. Register on the City website.

**Eagle Park Closure** – The south entrance to the Eagle Park subdivision will be closed for the next few days for an Energy Department project.

8. Time has been set aside for the public to express their ideas, concerns and comments. (*Please limit your comments to three minutes each.*)

Nikki Wickman, 2766 Fort Hill Road, stated that the Cedar Pass Ranch HOA recently met and informed the members that they are paying \$3.00 per month towards the storm drain fund. The HOA told the residents that they are paying the fee for mowing. Since the HOA mows the grass and the subdivision doesn't have storm drains, she would like the City to mow the grass or remove the fee. She was concerned about the condition of the roads throughout the City. It's not acceptable for the road maintenance to wait until funds are budgeted for the new fiscal year. She did appreciate the flashing crosswalk warnings on Pony Express Parkway at Smith Ranch Road. She would like a street sweeper to sweep the streets in early spring because of the amount of trash on the roads. And she would like each of the new directional signs installed by the Lehi Area Chamber of Commerce to be evaluated as to whether it actually helps direct people to the business renting the sign.

Mayor Jackson responded that Ranches Parkway is the Council's top priority for road maintenance.

Justin Loera, 7499 Addison Avenue, would like a question and answer period added to the public comments section of the meeting, allowing residents to rebut the Council's responses to their comments. He referred to Councilmember Painter's response to his comment at the last meeting about bringing commerce into Eagle Mountain. He felt the response was too negative. Residents want elected officials to bring commerce into the City to bring needed revenue. A clause in their contracts could hold the business responsible for any costs the City incurs above what the business has contributed to the community. He wanted to know why the City has so many new, expensive vehicles. He felt the fleet should be reduced and the employees receive mileage reimbursements. He also asked for estimated revenues and expenses for Pony Express Days.

Mayor Jackson said that the Council can consider a change to the meeting procedures. The change would require an ordinance. Mr. Pili stated that the Dodge Ram is a Public Works vehicle that was parked in the City Hall parking lot. Very few City employees have assigned vehicles, except for those driven by on-call employees, who are only allowed to drive them home and back to work unless they are called in. The Energy Director and Asst. Public Works Director over water and sewer live in Eagle Mountain and take their vehicles home because they need a quick response time for water and power issues. Sometimes the Asst. Public Works Director over streets takes a vehicle home if snow plowing is likely to be required during the night. The City gets excellent prices when buying new vehicles and a good resale value, as well. The Tahoe was purchased as part of the City's economic development efforts before the recession. On the fleet program, Mr. Pili explained that fleet management is a separate fund. The number of vehicles has been decreased as the City's staff has decreased by attrition. The bus is for senior citizen activities and was paid for by a CDBG block grant.

Mayor Jackson stated that the current Federal mileage amount is \$0.525 per mile. Using City vehicles is less expensive than paying mileage. Employees are required to use City vehicles unless none are available. She also stated that this year's Pony Express Days goal for sponsorship is \$150,000. Over half of that has already been raised. Mr. Pili will get the revenue and expense figures to Mr. Loera.

Councilmember Painter said he didn't communicate as clearly as he had hoped at the last meeting. The City has partnered with EDCU and the Governor's Office of Economic Development and has established an Economic Development Board. He invited Mr. Loera to be involved with the board. Councilmember Painter felt that a retail business like McDonald's provides no real benefit to the City. He would rather save the City's limited economic development resources to attract non-retail businesses which will create more jobs and provide more revenue to the City.

Councilmember Ochsenhirt said that he is the liaison to the Economic Development Board this year. He invited Mr. Loera to attend the meetings, which are open to the public. He stated that the City has specific details of what various businesses require before they will locate in a particular city. Because Eagle Mountain is a location that drivers go to and not through, it is not attractive to retail businesses.

Patrick Murphy, 3393 Peregrine Road, represented a group he just began called Eagle Mountain Veterans. The group thinks the military utility abatement program is great, but could use some adjustments. The program should apply to disabled veterans and medically discharged veterans. The group would like the abatement to extend 30 – 60 days past deployment. On Pony Express Days, he suggested holding the concert at the rodeo grounds, to eliminate the costs of fencing and portable toilets for the SilverLake Amphitheater. In 2011, the Mayor had a Christmas party at her house which was paid for by a Costco reimbursement. Members of his group would prefer that the rebate had been used for some other purchase, especially since the employee Christmas party had already been held. He found the work meeting very educational and planned to be more involved. He said the DVAR sounds like a phenomenal program. The utility billing explanation was very helpful.

Mayor Jackson asked Mr. Murphy to help the City understand how to verify the status of veterans. Regarding holding the concert at the rodeo grounds, the seating isn't adequate for the number of attendees. However, a sponsor will be paying for the fencing and the portable toilets. The employee Christmas party was personally paid for by members of the administration and the Costco rebate was not budgeted funding.

Sara Snow, 3613 Golden Eagle Road, was concerned about building inspections and code enforcement. She is concerned for safety, as open excavations are left unattended and there are OSHA violations. She's brought the developer in violation to the City's attention in the past. She feels that a part-time code enforcement officer is not enough. She asked that the warranty period for developers be carefully monitored, as some subdivision improvements are deteriorating very quickly. She also suggested that impact fees could be used to fund code enforcement.

Mayor Jackson said she was surprised that any cities used impact fees for code enforcement, as that is not allowed by State law. Ms. Snow said she meant to say inspection fees. Mayor Jackson said code enforcement is separate from building inspection. She asked Ms. Snow to clarify what she wanted. Ms. Snow answered that she wants additional code enforcement and more complete inspections.

Mayor Jackson asked her to talk to Building Official Kent Partridge. Some of these issues will be addressed by the administrative enforcement process.

9. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. (*Comments are limited to three minutes each.*)

Councilmember Burnham

Councilmember Burnham thanked everyone for attending the meeting. The Council really appreciates it when residents attend and share their ideas. She said there's a website called Eagleshare with a section of comments directed to Council members. Councilmember Burnham wanted residents to know that those comments are not communicated or forwarded to the Council. The Council has been advised not to respond to such websites. She is happy to respond to residents' calls and emails.

Councilmember Steinkopf

Councilmember Steinkopf said there were a lot of comments at last week's Town Hall meeting. He felt it was a good meeting that aired many issues that the Council was not aware of.

Councilmember Painter

Councilmember Painter said he has a list of 24 items he plans to work on in response to residents' comments. He's going to submit the list to the City Recorder to be included in the minutes, and asked Mr. Pili to reply to those he can. He said that he and the rest of the Council are committed to resolving residents' concerns.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone attending the meeting. He anticipated a much larger group at this meeting, with a lot more concerns than have been expressed. He reiterated his statement in Work Session that he would like to have the customer service employees better trained in responding to upset residents. He felt the Council could improve in that, too. The bar for responding to negative comments in customer service has to be much higher than what's normal in general relations. He asked residents to contact the Council with their concerns. He's very surprised at the lack of contact with the Council, compared to all the comments made among residents.

Councilmember Ireland

Councilmember Ireland reiterated what has already been said. The best kind of government is that in which the people are involved. He asked those attending the meeting to talk to their friends and encourage them to be involved. He appreciated their willingness to take time from their Tuesday night to be here.

Mayor Jackson

Mayor Jackson appreciated the attendance at the meeting. She clarified to Mr. Murphy that when she said the Administration paid for the employee Christmas party, she meant they paid for it personally. Referring to the previous meeting, Mayor Jackson explained that it is much easier to communicate with smaller groups. The last meeting was hard to keep in order and it was very intimidating. The Mayor mentioned that she is from the East Coast and doesn't always communicate as politely as she intends to. Sometimes she's very straightforward.

**CONSENT AGENDA**

10. MINUTES

A. February 5, 2013 – Regular City Council Meeting

**MOTION:** *Councilmember Burnham moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Councilmember Painter abstained because he was absent from the meeting. The motion passed with a vote of 4 ayes and 1 abstention.*

**SCHEDULED ITEMS**

11. Jacob's Well Plat D, Final Plat

A. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah Approving the Exchange of Property.

B. MOTION – Consideration and Approval of Jacob's Well D, Final Plat.

This item was presented by Planning Director Steve Mumford. The proposed resolution approves the exchange of property with Patterson Construction, Inc., for property adjacent to Jacob's Well, Plat C. The final plat replaces a portion of Jacob's Well Plat C, exchanging property with the City due to the location of the 138 kV power line easement. The City's property is in Jacob's Well Plat D.

The preliminary plat was approved in 1999. The final plat was approved in 2006. The City later recorded a power line easement through the property. The property changed hands and the easement wasn't recorded on the plat. The current owner wishes to exchange two lots for City land so that the City will own the lots crossed by the power line easement.

Councilmember Ireland asked how the City acquired the property that is the subject of the trade. Mr. Mumford says it's been owned by the City for so long that the record is unclear.

Mr. Cook said that the trade would be beneficial to the City. Owning the property on which the easement is located protects the City from future issue with the easement.

Councilmember Ireland asked if the BLM owns the land directly behind the lots. Mr. Mumford said it is owned by the City.

There was discussion about using one of the lots received by the City as a parking lot for the bike park.

**MOTION:** *Councilmember Ireland moved to approve Jacob's Well Plat D, Final Plat. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving the exchange of property. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

12. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Authorizing the Issuance and Sale of Not More than \$3,000,000. Aggregate Principal Amount of Water and Sewer Revenue Bond Anticipation Notes, Series 2013; and Related Matters.

This item was presented by City Administrator Ifo Pili. In 2000, the City entered into an agreement with Cedar Valley Water Company. A dispute developed about the terms of the agreement. The issue eventually became a lawsuit. After studying the issues, the City's attorneys recommended that the City settle the suit rather than risk losing over \$8 million if it lost that lawsuit. The City has enough funds in reserve to pay the settlement amount. However, paying out of those funds will use up virtually all the emergency funds the City has. The City's financial advisor recommends taking out bonds rather than have no funds in reserve. Either way, utility rates will not be raised to pay the settlement costs.

The City proposes issuing Water and Sewer Bond Anticipation Notes. It is currently contemplated that the Bonds will close and funds be made available to make the first initial payment on February 26. These Bond Anticipation Notes are being issued in anticipation of issuing long-term Water and Sewer or Sales Tax Bonds later in the year to take out these short-term Bond Anticipation Notes.

Laura Lewis, Lewis Young Robertson and Burningham, explained that these notes don't constitute new debt. The obligation already exists. The notes simply allow the City to pay the obligation at a lower total cost rather than paying it outright. The resolution under consideration sets the parameters of the bond anticipation notes.

Mayor Jackson asked Ms. Lewis what a reasonable amount the bonding plus the expenses of issuance would be. Ms. Lewis thought it would be about \$2.1 million.

Councilmember Ochsenhirt asked if the Council set a limit below 2.5%, would that affect the decision of those who are going to set the rate. Ms. Lewis said it would not.

Councilmember Ireland asked why the City would borrow \$2.1 million to pay \$2 million. Ms. Lewis responded that Federal tax law structures the rules for payback.

Councilmember Ochsenhirt was concerned that paying this settlement off would be viewed as

hiding costs, as it's a water cost. It should be paid by the Water Fund. He didn't feel that any of it should come from another fund. He wanted the maximum possible degree of transparency.

Ms. Lewis said if she had more time, she could structure a long-term bond to be paid by the Water Fund only. However, that amount of time isn't available. Bond anticipation notes provide the funds needed quickly while leaving the option of longer-term bonds open.

Councilmember Ochsenhirt asked about the annual CWP payments. He wanted to know if this bonding amount could be rolled together with those in the future and paid by future growth.

Ms. Lewis said the resolution has to be decided at this meeting because of the deadline for the first payment. If the City pays with cash, tax law doesn't allow it to borrow to replace the money from the reserve fund.

As to the debt being paid from the Water Fund, a debt agreement could be created between the Water Fund and the General Fund.

Mr. Pili said a \$1.5 million payment for CWP water is due in July of this year and a \$2 million payment in July, 2014. Those payments are to come from the Water Fund balance. Mr. Pili is working on extending those dates because of the downturn in the economy.

Councilmember Steinkopf asked for clarification: If the City pays the debt obligation from the reserve fund, could it later be paid from bonds? Ms. Lewis said the law does not allow that.

**MOTION:** *Councilmember Painter moved not to adopt a Resolution of Eagle Mountain City, Utah, authorizing the issuance and sale of not more than \$3,000,000 aggregate principal amount of Water and Sewer Revenue Bond Anticipation Notes, Series 2013; and related matters. Councilmember Ireland seconded the motion.*

Councilmember Painter felt that the obligation should be paid through the Water Fund and reserve funds.

Councilmember Ochsenhirt wanted to find a way to pay the debt with future development rather than current funds. Councilmember Burnham felt it should be paid by those who are already using the water.

Councilmember Ireland wanted to know how to get through the next fiscal year if the Council votes to deplete the fund balance tonight. Mr. Pili said the funds being considered aren't budgeted funds, they're an unallocated balance. The City also plans to sell excess CWP water.

Public Works Director Chris Trusty said a pump station and water line will need to be built during the next fiscal year to bring the CWP water into the City. The plan was to apply for a \$4 million loan from the state, which would require a \$1 million match from the City. If the Water Fund is depleted, there will need to be another way to provide the \$1 million. Another well will have to be drilled if the CWP water isn't piped into the City.

Councilmember Ochsenhirt's concern was that it would be helpful to have more time to decide on the best option for paying the settlement obligation. If the reserve fund becomes depleted, the options are limited to one. If the bond is passed, the City makes interest, in addition to retaining the reserve funds.

Councilmember Steinkopf said he objects to borrowing, and has found that spending up to one's limit takes away the option of dealing with unexpected expenses. He would prefer to pay the bond rather than deplete the reserve fund.

*Those voting aye: Donna Burnham, Ryan Ireland and John Painter. Those voting no: Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a vote of 3:2.*

13. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Enacting Title 4 of the Municipal Code, Administrative Code Enforcement Program.

This item was presented by City Attorney Jeremy Cook. The proposed amendment to the Municipal Code creates Title 4. The Administrative Code Enforcement Program establishes a comprehensive code enforcement system that uses a combination of civil judicial and administrative remedies to gain compliance with City regulations. Under the City's contract with the Utah County Sheriff's Office, deputies enforce criminal law, but not City ordinances. The program will primarily deal with junk, weeds, parking, animals, unlicensed businesses, signs, nonconforming structures and noise.

The enforcement mechanisms will be notices of violation and administrative citations. It's anticipated that the program will rarely be used, as the Code Enforcement Officer does an excellent job getting voluntary compliance from residents.

After a citation is issued, the resident may request a hearing before an Administrative Law Judge. The judge has options for dealing with a citation, such as reducing the amount of the fine or allowing non-payment under compliance with certain conditions. If the fine isn't paid and no hearing is requested, the judge will hold a default hearing and the fine will become a civil judgment and go to collection if necessary.

Councilmember Steinkopf asked about a phrase in the ordinance saying that a regular-mail letter is sufficient notice. He wanted to know if it should be a certified letter. Mailing a letter doesn't mean it is received. Mr. Cook said other cities use regular mail, but this could be amended if necessary.

**MOTION:** *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain City, Utah, Enacting Title 4 of the Municipal Code, Administrative Code Enforcement Program; scrub the documents to eliminate rates such that everything is referenced to the Consolidated Fee Schedule; add certified mail to the service process and make the Administrative Law Judge a member of the City Council, elected annually. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ochsenhirt stated that the Administrative Law Judge should receive moderate pay commensurate with the time required. He felt having a Councilmember as the ALJ could appear to be a conflict of interest. This would be a prime opportunity for a retired judge or other experienced person to be involved in the community.

Councilmember Burnham asked if her neighbor is cited and she is the ALJ, how can the neighbor feel that the situation is fair. Councilmember Painter said the ALJ can be someone nominated by the Council rather than a Councilmember. He would still prefer a one-year term.

Councilmember Ireland read part of the proposed code referring to the hearing as informal. A hearing before a Councilmember would be more informal than one before a judge. He wondered who would represent the City when it is brought to a hearing because it violates its own ordinances. He also wondered whether a Sheriff's deputy should attend the hearings in case someone gets upset with the result.

Mayor Jackson said that there is a conflict of interest when a legislator enforces the law.

Councilmember Ochsenhirt felt that an "informal" hearing refers to not having a robed judge on a dais. However, it helps to have someone in the position of judge who is used to hearing arguments and handing down decisions.

Councilmember Ireland was concerned that the program is set up too much with an assumption that the resident cited is guilty.

Councilmember Burnham asked Councilmember Painter if he would be willing to change his motion to allow the hearing to be before a council of three persons selected by the Council. Councilmember Painter said he would, but Councilmember Ochsenhirt was not willing to accept the amendment.

Mayor Jackson suggested tabling the item for further consideration, as well as feedback from residents.

Councilmember Ochsenhirt called the question.

***Those voting aye: John Painter. Those voting no: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion failed with a vote of 1:4***

**MOTION:** *Councilmember Ochsenhirt moved to table an Ordinance of Eagle Mountain City, Utah, Enacting Title 4 of the Municipal Code, Administrative Code Enforcement Hearing Program. Councilmember Burnham seconded the motion.*

Councilmember Steinkopf asked if this program could be a first step towards a Justice Court. Mr. Cook's response said that was unlikely. A Justice Court is very formal and very expensive to run. In response to Councilmember Ireland, he noted that an informal process means one without evidence presented or legal motions.

***Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a vote of 4:1.***

Mayor Jackson noted that she had failed to answer one of Sara Snow's questions, which was what is the City doing about increased building, requiring more inspections? Mayor Jackson explained that, rather than hire additional staff, the City is looking at contracting the service.

14. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt apologized to Mr. Pili and Mr. Jerome for the Council putting them in a position of having to pay the settlement debt without issuing bonds. Thanked City employees for staying until midnight last week. He thanked Ms. Kofoed for all she does for the residents and Mr. Cook and the Council for the spirited and friendly discussion at tonight's meeting.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Mayor Jackson

No comment.

15. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

None.

16. COMMUNICATION ITEMS

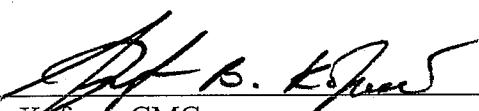
- A. Upcoming Agenda Items
- B. Financial Report

17. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:51 p.m.*

*Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MARCH 5, 2013.



Fionnuala B. Kofoed, CMC  
City Recorder



RICHARD K. ELLIS  
STATE TREASURER

# STATE OF UTAH

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DAVID C. DAMSCHEN  
CHIEF DEPUTY STATE TREASURER

CHRISTINE M. BRANDT  
STATE INVESTMENT OFFICER

February 28, 2013

To Whom It May Concern,

This letter seeks to address the questions and concerns that occasionally arise regarding the prudence or legality of the use, by public treasurers in Utah, of offshore time deposit sweep accounts ("offshore sweep accounts").

### What is an offshore sweep account?

An offshore sweep account is an automated overnight sweep account that places some portion of a depositor's domestic U.S. bank operating account balances into a deposit account at an offshore branch of that bank. These *overnight* sweep transactions are made each day - full daily liquidity of the deposits is maintained through the sweep mechanism.

Offshore sweep accounts are offered by many banks to their commercial and government clientele, and have been in use now for decades. Banks in Utah offer offshore sweeps to the Cayman Islands, the Bahamas and England.

### Why would a public treasurer use an offshore sweep account?

Historically, commercial banks in the U.S. have passed certain costs related to their regulatory burden to large commercial and government depositors. Two typical sources of such pass-through costs are *deposit insurance coverage premiums* and *reserve requirements*. Use of an offshore sweep can enable a depositor to shelter a portion of deposits from these costs, marginally enhancing interest earnings on those deposits.

Public treasurers have an obligation, subject to safety and liquidity constraints, to earn competitive returns on the public funds for which they are responsible, and therefore may legitimately choose this option (as opposed to other automated investment sweep alternatives that are more costly and yield less), especially in this depressed interest rate environment. The most common alternatives to offshore sweeps are repurchase agreement sweeps and money market mutual fund sweeps.

The rates on repurchase agreement and money market mutual fund sweeps are generally not competitive with offshore sweep rates, and under current market conditions the differences are substantial.

**What special risks are associated with use of an offshore sweep account?**

The Cayman Islands are *British Overseas Territories* and the Bahamas are part of the *British Commonwealth*. Cross-border funds repatriation and geopolitical risks in the use of offshore sweeps to such domiciles is nominal.

**Are there tax reasons for using an offshore sweep account?**

No. Utah municipalities are tax-exempt. No special tax advantages are derived from the use of an offshore sweep account, either by the public entity or the bank.

**How are offshore sweep accounts legal for Utah public funds?**

The Money Management Council, which oversees the safe deposit and investment of public funds in Utah, has determined the use by public treasurers of offshore sweeps *at a qualified depository institution* ("qualified depository") to be legal, subject to limitations on each qualified depository's uninsured public funds allotment ("allotment") as defined within the Money Management Act.

Offshore sweep accounts held by a Utah qualified depository are subject to allotment limits provided for under Administrative Rule R628-11 of the Council. The allotment is determined by formula and based on each bank's tier one capital amount and ratio. Offshore deposits of public depositors are uninsured, and therefore count against a qualified depository's allotment. Qualified depositories' uninsured public funds deposits are included in reports made monthly to the Utah Department of Financial Institutions and the Council.

The use of offshore investment sweeps is common, prudent and legal under the Money Management Act - such accounts have been in use by corporate and public treasurers in the state for many, many years.

Sincerely,



Richard K. Ellis  
Utah State Treasurer

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**March 5, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland and Richard Steinkopf. Nathan Ochsenhirt and John Painter were excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:08 p.m.

**1. PRESENTATION – Alpine School District, Meadow Ranch Elementary School.**

Chuck Bearce and Vern Latham presented the plans for a new elementary school planned for the area of Sunset and SR 73. Mayor Jackson asked Mr. Bearce to consult with Camp Williams about locating a school so close to the camp. She was concerned about placing a school in a rural location where nighttime lighting would be a problem. She also said that parents might want to park on SR 73 during events, which can't be allowed.

Councilmember Burnham was frustrated that the school location was changed from the one that was previously discussed. She would have attended the School Board meeting and objected if she had known that changing the location was a possibility. She didn't think it would be safe for school children to cross SR 73. Traffic lights and busing will be problematic for residents.

City Recorder Finn Kofoed noted that Paula Hill took a copy of the Camp Williams Joint Land Use Study to the School Board for approval.

**2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.**

**UDOT Pony Express Trail Agreement**

Public Works Director Chris Trusty reported that, in order to complete the Pony Express trail, the City had to have a Federal aid agreement in place. The City has already received approval to use the Pony Express Parkway realignment right-of-way to cover the City's match requirement. Mr. Trusty hopes to have the trail completed in late summer. The original plan was to complete the trail all the way from Plum Creek to Redwood Road. That is probably not possible, so the plan is to extend the trail as close to the high school as possible.

**IT Agreement with Canon Business Solutions**

The City has contracted IT services with Canon Business Solutions since 2009. Canon was the low bidder by a large margin. They have requested a renewal with a price increase, which is still

lower than any of the 2009 bids. City Attorney Jeremy Cook stated that some minor revisions had been made to the agreement, which would allow the City to terminate the agreement upon 30 days' notice and identifies the Fourth District Court in Utah County the legal jurisdiction.

3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

#### Pony Express Days

Finance Director Paul Jerome discussed the financial reports for Pony Express Days 2012. He noted that the last time he made such a presentation, not all of the transactions had been completed. At that time, it was anticipated that the General Fund line item (GL) would show a loss of \$23,000. At the Town Hall meeting, based on the information available at that point, he reported an expected loss of \$17,000; \$9,886 of that was related to Pony Express Days 2011, due to late invoices. The numbers were based on collection of all promised sponsorships and an estimate of ticket revenue. The three main ticketed events were expected to bring in a net income of \$21,000. Those events in 2011 showed a loss of \$75,000.

When the audit was done and the GL was closed, \$21,500 in sponsorships remained uncollected. The total loss for Pony Express Days 2012 was \$67,000. Five employees were paid overtime; an itemized report of that is available, but not part of this presentation.

Mr. Jerome did a comparison of the 2011 and 2012 accounting and the 2013 Pony Express Days budget. In 2011, the City lost approximately \$227,000. In 2012, the loss was approximately \$45,000. The loss for 2013 is expected to be about \$68,000. Some of the amounts are estimated because they are still being refined.

Mayor Jackson asked when and why the cash handling policy was implemented. Mr. Jerome said he rewrote the policy after the 2011 Pony Express Days, since the previous policy was outdated. The new policy mandated that a supervisor be on site at all ticketing locations, that the supervisor could not collect cash, and that the cash taken in be counted at the event and again as part of the cash receipting process.

Mayor Jackson asked Special Events Director Angie Ferre to explain the differences in overtime from the 2011 event to what is planned for this year. Ms. Ferre said that she and her staff have gone through the plans and eliminated any possible expenses. Overtime has been changed to comp time; and employees can now be excused from working on Thursday if they will be working at the rodeo on the weekend. This year's Rodeo Committee is 50 members, creating a lot of volunteer time to replace paid staff time. The Special Events Department has divided their time so only one staff member will at each of the small events to help the volunteers. The larger events require the whole staff.

Mayor Jackson asked how the annual losses were budgeted. Ms. Ferre said staff calculated the expected revenues and expenses and came up with a projected loss. A lot of the losses are related to large, fixed expenses like bleachers, fencing and tents. Mr. Jerome said the 2011 budgeted loss was more heavily determined by the previous City Administrator than by staff. Mr. Jerome did a five-year analysis last year and found that the \$8,900 overtime cost last year was smaller than any previous year.

Mayor Jackson said her point was that the 2012 budget was done almost entirely by the previous City Administrator. This year, the Mayor and budget committee came up with the most accurate figures possible. The actual figures for the this year's budget were very close to the projected figures.

Ms. Ferre pointed out that Pony Express Days used to have only one line item. The events have now been divided into separate line items. This year, there is a signed sponsorship contract. No advertising will be provided to any sponsor that doesn't pay its pledge. So far this year over \$90,000 in sponsorships has already been collected.

Councilmember Ireland asked if expenses include items like the City Attorney's review of contracts. Ms. Ferre said the only contract reviewed by the Attorney every year is the concert contract. The Attorney's time is not specifically included in the Pony Express Days budget. Councilmember Ireland asked Ms. Ferre what percentage of her staff's time is spent on Pony Express Days. She gave a rough estimate of half of the staff's total time during the year. The department has only been in existence for a year, so there isn't a way to correctly estimate the time.

Mayor Jackson asked if there are other events departments in the state. Ms. Ferre said there are, and some have been in her office asking how Eagle Mountain runs its events and collects so much in sponsorships. She has been asked to speak at the Utah Association of Fairs and Events conference.

#### GFOA

Mayor Jackson stated that she received a letter from the Government Finance Officers' Association saying that Eagle Mountain has been awarded the GFOA Distinguished Budget Presentation Award.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 4:55 p.m.

#### **POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. John Painter was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul

Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:01 p.m.

6. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1250 presented a flag ceremony.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **National Anthem Competition** – On Saturday, March 16 at 11:00 a.m. in the Council Chambers the City Special Events Department will hold a National Anthem singing competition. The winners of the competition will get to sing at the Pony Express Days PRCA Rodeo or Demolition Derby. All ages are welcome, individuals or group performances. Vocal performances with or without music are allowed. The cost is \$5 to enter competition or \$3 for spectator admission. Register on the City website.  
*\*\*Please note: this date was changed from March 2.\*\**
- **Easter Egg Hunt** – Saturday, March 30 at 10:30 a.m. SHARP, Nolan Park. Admission is free. Plan on coming a little early to park and get set. There are separate hunts for ages 3-4, 5-8, and 9-12. Eggs, games, candy, prizes and more! Participants need to bring their own baskets.
- **Youth Baseball Registration** – Last chance to register for youth baseball, late registration is open through March 12. Register online via the City website or in person at City Hall.
- **Budget Award** – The City has received the GFOA budget award for its fiscal year 2011 budget.

Mayor Jackson invited Finance Director Paul Jerome to read a letter from the Utah State Treasurer's Office, dated February 28, 2013, regarding offshore sweep accounts. It stated that public treasurers are obligated to earn competitive returns on the funds they manage. Offshore sweep accounts provide more competitive rates than other options, and are "common, prudent and legal" under the Money Management Act.

A copy of the letter from the Utah State Treasurer is attached.

A. Zions Bank statement regarding Eagle Mountain City's operating account—Scott Anderson, President/CEO & Jonathan Baker, Vice President/Treasury Relationship Manager.

Mr. Anderson's presentation primarily quoted the letter from the State Treasurer. Mr. Baker explained the sweep account process. Money is "swept" into the account each evening, where it earns a comparatively high interest rate, then is "swept" back into a regular account each morning.

8. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. *(Please limit your comments to three minutes each.)*

Keith Conley, Principal of Eagle Valley Elementary School, 4475 N. Heritage Drive thanked the City and its leaders for their support of the schools in the City. He appreciated the sports programs and the Miss Eagle Mountain program. He hoped that the City would continue to support programs that support families and youth.

Cheryl Gailey, 3728 Eisenhower St., expressed appreciation for the City's activities, especially Pony Express Days. She teaches preschool at Eagle Valley and will be participating in the parade in behalf of the preschool.

Shelley Anderson, 1176 Ira Hodges Scenic Parkway, said she is sad that the Mayor and Council had to endure a recent meeting until past midnight. She appreciates the service of the City's officials and staff. She and Wendy Thueson took up a collection for a fruit bouquet to show their appreciation. She has lived in the City for 15 years and has seen the progress of Pony Express Days. She asked that none of the activities be discontinued.

Wendy Lojik, 1804 Lake View Lane, commented on the Miss Eagle Mountain Pageant. As the mother of two Miss Eagle Mountain winners, she said that the pageant has helped both of her daughters. They interacted with many City volunteers and employees and learned invaluable skills for pursuing their future goals. Celeste is now the rape crisis coordinator for Utah, Wasatch and Juab counties. Hartley works two jobs to pay for her education and the scholarship she won from the pageant helped with that. Wendy's sons have many learning and leadership opportunities through the Boy Scouts, but girls have few such opportunities. The Miss Eagle Mountain Pageant fills part of that need.

Melissa Smith, 8948 Stonebridge Lane, is the director and co-founder of the Miss Eagle Mountain Pageant. The pageant began in 2005 and is a franchise of the Miss America program. As a scholarship program, it does require some funding from the City. She expressed appreciation for all of the outstanding events sponsored by the City. She said that boys have opportunities to develop skills through Scouts and sports, but there's very little available for teenage girls.

Laura O'Connor, 7816 Apache Lane, is the registrar at Vista Heights Middle School. She and her husband thanked Angie Ferre and the Special Events Dept. for the opportunities that the Westlake sports and arts programs have to participate in Pony Express Days. They are also advisors for the Congressional Award Foundation, the only award that Congress gives to youth. They appreciated Pony Express Days and felt it would be a shame if it were discontinued or reduced. Her daughters participate in the Miss Eagle Mountain Pageant and have grown a lot through it. The Youth Council is also important to the community. She and her husband come from Los Angeles and know first-hand what happens when positive activities are not available to young people.

Sandy White, 1301 Harrier St., spoke on the proposed Title 4 to the City Code. On section 4.10.040, she asked if penalties accrue between the time an inspection is requested and the time the inspection is completed. The document indicated that they do. She suggested that penalties cease until the inspection is completed, and suggested that they only be enforced if the resident is found to be in violation. She noted that in section 4.10.260(c), there were references to 120 and 180 days after a petition was submitted and wondered if there was a typo. She didn't feel the Administrative Law Judge should be a member of the City Council, as the legislative and enforcement functions should remain separated and recommended that the presiding judge of the county court system should make the appointment. She thanked the City for its amazing Parks and Recreation program, particularly the sports activities for adults.

Jaren Dunn, 7539 Bristlecone Road, said the Youth Council is a wonderful opportunity for young people to learn about local government and learn to serve together as a group. He commended Bob and Alicia Hill for serving as the advisors to the Youth Council. He said the funds expended for youth programs are well spent.

Robert Hill, 1457 Falcon Lane, said he and his family have been involved in the community as much as they can for as long as they can. He thanked the Mayor and Council for their sacrifices in behalf of the City. He supported the City's expenditures on activities and asked that they be increased when it's fiscally responsible to do so. He pointed out that all the positive comments that have been made so far in the meeting have been made independently, not as a planned group. He invited those who aren't happy with City government to get involved and help make changes.

Chris Murphy, 79 E. Center Street, Cedar Fort, is a Council member for Cedar Fort in charge of the cemetery. People from Eagle Mountain often call him and ask if they can buy a plot in Cedar Fort's cemetery. Because the cemetery is small and has no room for expansion, the fees have had to be raised, which has the effect of discouraging people from buying plots. He encouraged Eagle Mountain to establish a cemetery of its own. Mayor Jackson responded that a cemetery is high on the City's priority list.

Kaid Panek, 1604 N. 17790 W., Fairfield, spoke about the Pony Express Days Rodeo. He said it's a great partnership with the Westlake High School FFA. It helps the FFA raise funds for service projects and allows the members to show their community leadership. He said he's a team roper and said Eagle Mountain's arena is very high quality and is very popular among rodeo participants. He encouraged the Mayor and Council to improve and complete the arena so additional events can be held there. Friends of his, who are members of the PRCA, tell him Eagle Mountain's rodeo is a great event.

Emily Murphy, 79 E. Center Street, Cedar Fort, the current president of the Westlake FFA, read a letter on behalf of Michael Gowans, the FFA advisor. The letter thanked the Mayor and Council for holding the Pony Express Days rodeo. FFA has helped with the rodeo every year and has benefitted from the fundraising they've been able to do, which allows them to provide service projects and attend special events.

Jeremy Nielson, 1626 W. 200 S., Lehi, expressed support for the Pony Express Days Rodeo. He's worked in Eagle Mountain for 13 years. He felt that the rodeo helps the youth become more involved and stronger in the community. He suggested that residents find sponsors and volunteer at the event to help reduce the financial burdens.

Kelsey Backus, 1521 Raptor Rd., said she participates in Youth Council and the Miss Eagle Mountain Pageant; both have taught her new skills. She works as an intern for the Special Events Department and has seen how much work goes into Pony Express Days. She said Pony Express Days brings people from all around the area so they can see what a great city Eagle Mountain is.

Luke Pannell, 3823 Cleveland Ave., thanked the City for supporting military service members. He flew a U.S. flag over Afghanistan on Sept. 11, 2012, and donated it to the City to show his appreciation. He stated that the reason military personnel fight is so that citizens can speak up and discuss issues. He thanked the Mayor and Council for their transparency in responding to his emails and expressed support for Pony Express Days and the rodeo. He said his small town in Montana of 6,000 supports a rodeo, concert and demolition derby on Labor Day weekend. It's the

biggest weekend of the year for them. He believes in the rodeo so much that he came to a Rodeo Committee meeting three days after he got home from Afghanistan.

Ed Kluber, 7521 Addison Ave., said Pony Express Days is a great avenue for people to express themselves, but is concerned about the City living within its means. He asked several questions about the Pony Express Days financial report posted yesterday. He asked if the analysis was completed the same way as it was in previous years. If not, will such a report be completed? What is the likelihood the unpaid sponsorships will be collected? If not, they shouldn't be shown as potential revenue. What was the total value of FY 2012 sponsorships? What is the value of uncollected sponsorships from previous years? What are the budgeted sponsorships for FY 2013 and what is the amount currently?

Finance Director Paul Jerome stated that the format of the 2012 Pony Express Days financial report is different from previous years because several new line items were created to make the report clearer, but he has an analysis for the last several years. Mayor Jackson said Angie Ferre would get specific sponsorship numbers for Mr. Kluber. She said the City does not budget uncollected sponsorships. The sponsorship process has been changed so it will be a signed agreement. The sponsorship goal for this year is \$150,000; currently \$90,000 has been pledged.

Chris Pengra, 1134 Searle Lane, addressed the Pony Express Days financial reports, including the one provided at the Town Hall meeting last month. He's been over the 2010, 2011 and 2012 CAFRs three times each and has read the FY 2012-13 budget carefully. The document presented at the Town Hall meeting stated that the 2012 rodeo, concert and demolition derby resulted in a net revenue of \$20,889.85. His analysis showed \$6,999.90 of that wasn't collected. He didn't feel the documents followed standard accounting practices. He was aware that City officials and staff are under a tremendous amount of stress. He felt that was the result of a general lack of accountability. He had some suggestions he felt would help, if the Mayor would allow him additional time to speak.

Mayor Jackson responded that there were too many people still waiting to speak to allow Mr. Pengra extra time. Councilmembers Ireland and Ochsenhirt asked if he would email his suggestions to the Council.

Dayna Koch, 1520 Kestrel Way, supported the City's events. Her daughter won last year's mutton busting contest at the rodeo and is still very excited about it. Ms. Koch has worked with the Boys' and Girls' Clubs for years and knows how important it is to have activities for young people. She also appreciated the City allowing her to put on the Farmer's Market last summer.

Jared Pedroza, 1835 Cedar Street, has lived in the City for 13 years. He's the Senior Warden of Uinta Lodge #7, Free and Accepted Masons of Utah, and brought fraternal greetings from their Worshipful Master, Daniel Ettinger. Regarding living within one's means, he said that the City has never lived within its means. In order to do that, the City would have to raise taxes or attract businesses. To do that, the City needs to provide activities. He's lived through years of having nothing to do as far as City activities. He has been the master of ceremonies for every Miss Eagle Mountain Pageant except the first one. He believes in the program because he has seen the changes it makes in the participants. He commended Melissa Smith for the amazing job she's done in organizing and running the pageant.

Dawn Hancock, 2137 East Blossom Street, had to leave, but asked that her comments be read into the record. She moved to Eagle Mountain to be part of a community that was great for raising kids

and had family events that would make memories. She works for the City now and is proud to be part of the special events team. She thanked Angie Ferre for making Pony Express Days what it is today.

Carroll Johnson Clegg, 4014 E. Smith Ranch Rd, represented the senior citizens. Eight years ago she presented the idea of a Senior Citizen Council. Without the council, many of the City's seniors would have no recreational activities. It's given them opportunities to help with City activities, as well. The group's Pony Express Days booth raises money for the group's activities. The Senior Council wants to support the Administration in everything.

Jason Loera, 7487 Addison Ave, asked whether employee salaries were included in the Pony Express Days financial report. If not, what was the cost of those? He asked if the cost of the arena was amortized in the analysis. Also, why are the bleachers being rented if they could be purchased? He didn't think anyone wants to do away with Pony Express Days, but the event needs to be fiscally responsible. He mentioned that Pony Express Parkway between Saratoga Springs and Eagle Mountain needs to be repaired.

Mayor Jackson responded that there were no employees dedicated to Pony Express Days during the years covered in the analysis. There are full-time events employees now, and their salaries will be evaluated in the budget analysis from now on. There is now a separate special events budget. The rodeo bleachers have been rented because permanent bleachers haven't been cost-effective so far.

Dave Bentley, 518 W. Tea Rose Court, Saratoga Springs, has helped with City events for many years through his business. Eagle Mountain's programs are different from those in any other city he's worked with. Five of his neighbors in Saratoga Springs have moved to Eagle Mountain, in part because of the activities held in the City.

Clark Palmer, 2165 Eagle Crest Way, has been involved with rodeo all of his life. The Eagle Mountain rodeo is unique in its connection with FFA. He felt Pony Express Days develops a heritage for the town, honoring the original Pony Express. He congratulated the Mayor, Council and staff for accomplishing this.

Derek Twede, 7594 Swansea Court, appreciated the City for sponsoring the Youth Council. It's a great opportunity for young people to learn about City government and become leaders in the community. Youth Council has provided many opportunities for service.

Leah Weber, 4589 Spring Meadow Way, was not at the meeting, so Mayor Jackson read her statement. Ms. Weber is a teacher and a member of the PTA. The PTA raises funds at Pony Express Days, which is greatly appreciated. Her daughter has been mayor of the Youth Council and her son is on it now.

Amy Roberts, 2019 Partridge Lane, was not at the meeting, so Mayor Jackson read her statement. Mountain Trails Elementary uses their assigned event at Pony Express Days to raise funds that promote activities at the school.

Vincent Liddiard, 8644 Chase Circle, a former Council member, volunteers for Pony Express Days and for Volunteers in Police Service. He thanked the Mayor and Council for what they do. He hoped that his children develop a sense of service and community. Pony Express Days provides

experiences residents can't get in any other way. Two of the VIPS members are business owners who gain support for their businesses through Pony Express Days.

Lexie Brady, 7975 Sparrowhawk Cr., has participated as a Little Miss in the Miss Eagle Mountain Pageant. She's helped with the rodeo since the first year. She urged the Council to keep Pony Express Days. She remembers when there were no Eagle Mountain activities.

Patrick Murphy, 3393 Peregrine Rd., said Miss Eagle Mountain, Youth Council and the rodeo sounded like great programs and he would talk to his group about how they could support them. He was asked by a member of the Eagle Mountain Veterans group to find out the status of the Cedar Valley Water Company lawsuit. Mr. Pili explained that the lawsuit involved a 2000 purchase of a water well which became an ongoing dispute. Legal counsel advised the City to settle. The settlement agreement is posted on the website.

Mayor Jackson said she was given other written comments, which she wouldn't read but would be added to the minutes.

Blake Webb wrote in support of the rodeo. He is a volunteer member of the Rodeo Committee and would like to see the rodeo grounds used to their full potential. He pointed out that the rodeo has been voted Best Small Rodeo for a reason.

Travis Johnson wrote that he volunteers on the Rodeo Committee. The rodeo brings people to the City who would never come otherwise. He would like to see the rodeo grounds developed to where they could be used year-round.

Samantha Smith wrote that Eagle Mountain's employees shouldn't be going through the criticism they're receiving now. Pony Express Days brings people to the City and benefits local businesses. She felt the financial loss is worth the benefits to businesses and residents.

An unsigned comment expressed love for the City and for Pony Express Days, the sports programs and the fitness programs. The writer was sorry to see the negativity and personal attacks being made by residents, and didn't believe the recent increase in utility costs was caused by the City spending the money on other things.

9. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. (*Comments are limited to three minutes each.*)

Council/Mayor comments were postponed to the end of the meeting.

## **CONSENT AGENDA**

10. MINUTES

- A. February 13, 2013 – Town Hall Meeting
- B. February 19, 2013 – Regular City Council Meeting

11. FINAL PAYMENT

- A. 2012 Eagle Mountain Asphalt Patching Project—Bennett Paving, Inc.

**MOTION:** *Councilmember Ochsenhirt moved to approve the Consent Agenda. Councilmember Burnham seconded the motion. Those voting aye: Donna*

*Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

## **SCHEDULED ITEMS**

12. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City, Utah, and the Utah Department of Transportation (UDOT) for the Pony Express Trail.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City was awarded a grant for the construction of a trail along Pony Express Parkway from the Plum Creek subdivision to Redwood Road. Saratoga Springs is party to the agreement and it is anticipated that they will be included in the design review and construction of the project. The proposed agreement documents the terms of the grant.

Public Works Director Chris Trusty explained that the grant is a Federal aid grant requiring a 6.8% match. UDOT is willing to accept the right-of-way purchased for the realignment of Pony Express Parkway as a soft match.

Councilmember Steinkopf asked what a soft match is. Mr. Trusty replied that the right-of-way can take the place of cash to fill the requirement. Since the right-of-way was funded by the County, there is no out of pocket cost to the City.

**MOTION:** *Councilmember Ochsenhirt moved to approve an agreement between Eagle Mountain City, Utah, and the Utah Department of Transportation (UDOT) for the Pony Express Trail and authorize the Mayor to sign the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

13. AGREEMENT – Consideration and Approval of an Agreement for Professional Services between Eagle Mountain City, Utah, and Canon Business Solutions for IT Services.

Canon Business Solutions has provided IT support to Eagle Mountain City since 2009. The terms of the contract extension note an increase to the monthly service charge. This change corresponds to an increase in salaries, as well as other operational costs for Canon to provide their services. Mayor Jackson stated that Canon is very careful not to exceed their contracted hours, but they are also very quick to respond to emergencies.

Councilmember Burnham asked how much of an increase the contract involves. Assistant City Administrator Jason Walker responded that the current contract amount is \$3,707 per month, which will increase to \$4,287. Since the initial contract was signed, the City has added three servers and increased the number of work stations.

Councilmember Ochsenhirt asked what the increase covers. Mr. Walker said it covers increased computer usage, licenses and rises in costs at Canon.

City Attorney Jeremy Cook identified two minor changes to the agreement that was provided to the Council. The agreement can be terminated upon 30 days' notice and the jurisdiction has been moved to Fourth District Court in Utah County.

**MOTION:** *Councilmember Ireland moved to approve an agreement for professional services between Eagle Mountain City, Utah, and Canon Business Solutions for IT services after legal review and authorize the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

14. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Ireland

Councilmember Ireland appreciated everyone who came to the meeting. He also appreciated those who have called and emailed for information. The more dialog residents have with the Council, the better. He appreciated the respect and the opportunity to answer questions.

Councilmember Burnham

Councilmember Burnham appreciated the emails and calls she gets and for those who attended the meeting. She was impressed with the youth who made public comments. It's a hard thing to do. She reminded them that the service they provide should be included on their college scholarship applications.

Councilmember Steinkopf

Councilmember Steinkopf thanked everyone who attended the meeting. He hoped that the Council and staff have shown that they answer questions and have been making changes. He said he was in FFA when he was young. He was pleased to see FFA members at the meeting.

Councilmember Ochsenhirt

Councilmember Ochsenhirt was pleased with the changes since the Town Hall meeting. The dedication from a great staff, lots of time and information have made a big difference in the tone of the meeting. He thanked residents for the kind comments and the respectful tone of the concerns expressed. In the last month he only received four emails that have had any negative comments. He received over 70 positive comments. The Council wants to work for the residents, but they need to know what the concerns are.

Mayor Jackson

Mayor Jackson thanked Zions Bank for being a supporter of Pony Express Days for several years. She noted that Miss Eagle Mountain drove here from Logan to attend the meeting. She thanked the residents who brought the fruit bouquet to the Council and staff. Wendy Thueson was a cake decorator until she developed food allergies. She revamped her whole business and is now a raw foods chef. Mayor Jackson felt that was similar to how the City works—evolving to do things better every year. As a former member of the City Council, she knows it's a difficult position and they give their very best to serve the City. She's received many phone calls and emails expressing gratitude, as well as concerns. She's very impressed with the caliber of the youth. City activities have helped them to develop skills. Volunteers like Kaid and Lexie have made a difference; as have the residents of White Hills who were annexed into the City. Luke Pannell was sending emails from Afghanistan when no one else was contacting her. She was very moved when he brought the flag from Afghanistan and presented it to the City.

15. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

None.

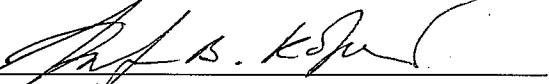
16. COMMUNICATION ITEMS

A. Upcoming Agenda Items

17. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:07 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MARCH 19, 2013



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Fionnuala B. Kofoed, CMC  
City Recorder



# STATE OF UTAH

RICHARD K. ELLIS  
STATE TREASURER

UTAH STATE TREASURER  
Utah STATE CAPITOL COMPLEX  
350 N STATE STREET, Suite 180  
P. O. BOX 142315  
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DAVID C. DAMSCHEN  
CHIEF DEPUTY STATE TREASURER

CHRISTINE M. BRANDT  
STATE INVESTMENT OFFICER

February 28, 2013

To Whom It May Concern,

This letter seeks to address the questions and concerns that occasionally arise regarding the prudence or legality of the use, by public treasurers in Utah, of offshore time deposit sweep accounts ("offshore sweep accounts").

### What is an offshore sweep account?

An offshore sweep account is an automated overnight sweep account that places some portion of a depositor's domestic U.S. bank operating account balances into a deposit account at an offshore branch of that bank. These *overnight* sweep transactions are made each day - full daily liquidity of the deposits is maintained through the sweep mechanism.

Offshore sweep accounts are offered by many banks to their commercial and government clientele, and have been in use now for decades. Banks in Utah offer offshore sweeps to the Cayman Islands, the Bahamas and England.

### Why would a public treasurer use an offshore sweep account?

Historically, commercial banks in the U.S. have passed certain costs related to their regulatory burden to large commercial and government depositors. Two typical sources of such pass-through costs are *deposit insurance coverage premiums* and *reserve requirements*. Use of an offshore sweep can enable a depositor to shelter a portion of deposits from these costs, marginally enhancing interest earnings on those deposits.

Public treasurers have an obligation, subject to safety and liquidity constraints, to earn competitive returns on the public funds for which they are responsible, and therefore may legitimately choose this option (as opposed to other automated investment sweep alternatives that are more costly and yield less), especially in this depressed interest rate environment. The most common alternatives to offshore sweeps are repurchase agreement sweeps and money market mutual fund sweeps.

The rates on repurchase agreement and money market mutual fund sweeps are generally not competitive with offshore sweep rates, and under current market conditions the differences are substantial.

**What special risks are associated with use of an offshore sweep account?**

The Cayman Islands are *British Overseas Territories* and the Bahamas are part of the *British Commonwealth*. Cross-border funds repatriation and geopolitical risks in the use of offshore sweeps to such domiciles is nominal.

**Are there tax reasons for using an offshore sweep account?**

No. Utah municipalities are tax-exempt. No special tax advantages are derived from the use of an offshore sweep account, either by the public entity or the bank.

**How are offshore sweep accounts legal for Utah public funds?**

The Money Management Council, which oversees the safe deposit and investment of public funds in Utah, has determined the use by public treasurers of offshore sweeps *at a qualified depository institution* ("qualified depository") to be legal, subject to limitations on each qualified depository's uninsured public funds allotment ("allotment") as defined within the Money Management Act.

Offshore sweep accounts held by a Utah qualified depository are subject to allotment limits provided for under Administrative Rule R628-11 of the Council. The allotment is determined by formula and based on each bank's tier one capital amount and ratio. Offshore deposits of public depositors are uninsured, and therefore count against a qualified depository's allotment. Qualified depositories' uninsured public funds deposits are included in reports made monthly to the Utah Department of Financial Institutions and the Council.

The use of offshore investment sweeps is common, prudent and legal under the Money Management Act - such accounts have been in use by corporate and public treasurers in the state for many, many years.

Sincerely,



Richard K. Ellis  
Utah State Treasurer

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**March 19, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, John Painter, Nathan Ochsenhirt and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:08 p.m.

**1. PRESENTATION – Gas and Electric Rate Study, Sawvel & Associates.**

Don Gruenemeyer, President of Sawvel & Associates, introduced Sawvel. They work primarily for municipalities that provide utilities to their residents. They provide planning for the financial and business areas of utility systems, rather than the physical design of the facilities. Kevin Maynard explained the rate study. The impetus for the study was the 2011 Gas and Electric Utility Bond. Fitch did a rating for the City and found that the City's rates were slightly higher than the average charged by Rocky Mountain Power, Questar and other local municipal utility systems. The power the City buys from the Horse Butte project also costs more than other utility supplies.

The purpose of the study was to prepare electric and natural gas cost of service analyses and develop fair and equitable rates. The study began by evaluating revenue requirements, then preparing cost of service analysis models to determine what costs the City incurs for each class of users. The existing rate structure was reviewed. Sawvel then recommended rate adjustments based on the cost of service analyses.

In the electrical power area, purchase of power is the City's biggest expense, followed by personnel, then operation and maintenance, followed by debt service. The City's current electric rates are about \$195,000 short of covering the costs they're designed to cover. The water and wastewater rates are about \$155,000 short of what they should be contributing to electrical costs. About 178 customers are on the utility abatement program, which further reduces revenues. The shortfall is inconsistent with the requirements of the bond covenants, which require the City to have enough income to cover 125% of its annual costs.

The cost of service analysis showed that the City's rate structure has too few rate classes. Non-demand accounts should be separated from demand accounts. Accounts should be separated by load factors, or how much energy a customer uses per unit of demand. Large power accounts should be a separate class.

Mr. Maynard gave examples of the City's current rates compared to what would actually recover the cost of service. He also gave a comparison of the City's rates to Rocky Mountain Power's winter and summer rates.

Mr. Maynard went through a similar analysis for natural gas rates and costs.

The City doesn't charge electrical and natural gas supply riders, which cover variations in supply costs and are an industry standard. Riders keep utility rates stable, while ensuring that costs are covered. They should be reviewed every six months.

Sawvel recommended that the City adjust its utility rates, implement riders, charge customers like rates for like service, install or read demand meters where appropriate, and consider longer-range arrangements for power and natural gas supplies.

Councilmember Ireland asked whether Eagle Mountain should have summer and winter rates. Mr. Maynard said that with the current agreement with UMPA, there isn't much variation in power costs during the year. Natural gas prices have been less volatile over the last couple of years, so a rider would be enough to manage costs. Councilmember Ireland asked if the City should charge itself a rate similar to the rate charged to commercial users. Mr. Maynard said that according to the bond covenant they should, depending on whether particular departments are large or small power users.

At the moment, the electrical rates bring in about \$195,000 per year below costs. Gas revenues are about \$1 million above costs. Assistant City Administrator Jason Walker pointed out that rates haven't been analyzed since about 2008. At the time, the rates were appropriate.

Councilmember Ochsenhirt suggested that, before the City implements new utility rates, a town hall meeting be held to help residents understand the process. Mr. Pili said that when the changes are implemented, there will be a net decrease in the amount paid by users.

2. TRAINING – Development Review.
3. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

#### SilverLake Plat 8

Councilmember Painter asked about condition #14, developer compliance with redlines. Mayor Jackson explained that redlines are corrections to the original plat to put it into compliance with City standards.

Mr. Mumford discussed the park standards for the development.

Councilmember Steinkopf asked how the lots would be adjusted to accommodate the major easements that run through the property. Mr. Mumford responded that the builder will site the homes so that they fit onto the buildable area of the affected lots.

Councilmembers felt that lot 834 should be removed from the plan, as it has the largest area affected by an easement. They felt that other lots should be adjusted to lessen the easement impact.

There was discussion about the possibility that future residents might build fences or other structures on easements, not knowing they exist or that building on the easement is prohibited. The City might have to tear down the fences or structures to do utility work.

Pipeline Bid Award

This project will extend a high-pressure natural gas pipeline from the Holiday Oil gas station to SR 73. Planned building north of SR 73 will exceed the current system capacity. The line will be funded by a gas and electric bond and is expected to pay for itself through usage contracted with the asphalt plant. Mr. Ferre stated that the line has been in the gas modeling plan for seven years.

The City's outside engineering firm recommended awarding the bid to Tempest Enterprises.

Councilmember Burnham pointed out that the staff report says the line is being built in response to the building of the asphalt plant. Mr. Pili explained that, while the line is not being built solely for the plant, it is the impetus for building the line now.

Councilmember Ireland asked what the consequences would be if the line were held off until the asphalt contract is approved. Mr. Pili said the bond isn't dependent on the asphalt plant, but the City is required to show which projects will be funded by the bond. Mr. Ferre said the project would have to be re-bid, which would delay it by two months.

Councilmember Ireland asked about the price of steel, which varies among bidders. Mr. Ferre said all the bidders get the same pipe, but they assign their profit to different, specific items in their bids.

Councilmember Ochsenhirt said the price of pipe is going up on April 1. He wanted to know if that would require change orders after the bid is approved. Mr. Ferre replied that the bidders know about the price increase and it won't affect the bids. This is such a big project that there are variables that might cause change orders, but there won't be any change orders due to the cost of pipe.

4. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

None.

5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:**

*Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:24 p.m.

## POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, John Painter, Nathan Ochsenhirt and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

### 6. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:07 p.m.

### 7. PLEDGE OF ALLEGIANCE

Nathan Ochsenhirt led the Pledge of Allegiance.

### 8. INFORMATION ITEMS/UPCOMING EVENTS

#### A. Gas and Electric Rate Study, Sawvel & Associates

*Minutes of a detailed presentation are found in the Work Session portion of this document. The presentation in Policy Session was a condensed version.*

#### B. Burn Permits

Chief Andrus explained that the Utah Department of Air Quality has restricted burn permits. Permit applications will have to be submitted to DAQ, rather than to Unified Fire Authority. After reviewing an application, DAQ will issue a permit number to UFA. UFA will inspect the site and issue the permit. Residential burn permits will not be approved unless they're for a one-acre lot or larger. Permits will be issued from March 30 to May 30, with another burn period in the fall. The fee will be \$25 per burn. Chief Andrus recommended that residents use the April cleanup dumpsters as an alternative to burning. The regulations are spurred by the area's poor air quality. If the air quality doesn't improve, DAQ may eliminate burn permits entirely. Cooking fires, small campfires and indoor fireplaces are not regulated by the new rules.

- **Seniors' Easter Party** – The Seniors (ages 55+) will hold an Easter Party in the City Council Chambers on Monday, March 25 at 5:00 p.m. Admission is free.
- **Easter Egg Hunt** – Saturday, March 30 at 10:30 a.m. SHARP, Nolan Park. Admission is free. Plan on coming a little early to park and get set. There will be separate hunts for ages 3-4, 5-8, and 9-12. Eggs, games, candy, prizes and more! Participants need to bring their own baskets.
- **Spring Clean-Up Dumpsters** – From April 2-23 dumpsters will be available at the Public Works Building, 2545 N. Pony Express Parkway, for residents to use for yard waste and larger trash items. The dumpsters are located in front of the wastewater treatment facility. The dumpsters will be emptied as soon as possible once they are full. Please do not leave any items outside of the dumpsters. No hazardous materials, tires, or appliances may be put in the dumpsters.

- **Spring Street Fair** – The Eagle Mountain Spring Street Fair is coming up! It will be held on April 20 from 12:00-4:00 p.m. along Peregrine Road behind the Chevron station. The fair is open to all licensed businesses in Eagle Mountain. Register on the City website.

9. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Justin Loera, 7487 Addison Ave., addressed a previous comment he had made last month about amending City Council meetings. He asked when that will be discussed. He mentioned that the rate study presentation was very informative. Mayor Jackson said they were still working on potential changes to the Public Comment section of the meeting.

Marianne Smith, 6104 Lake Mountain Road, asked about the intersection of Lake Mountain Road and Pony Express Parkway. Right now it has no signage or streetlight. She would also like to see the airport activated. Energy Director Adam Ferre responded to the question regarding a streetlight stating that it would cost about \$39,000 because the line in that area is a high-voltage line, so he's waiting for a quote on a solar light.

10. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland asked if there will be a meeting on April 2, which is during Spring Break. Mayor Jackson said the plans for Ridley's Market will be ready for discussion on that date and she didn't want to delay that item.

*Councilmember Painter left to take care of a family emergency.*

Councilmember Burnham

Councilmember Burnham appreciated the more positive tone people are taking in commenting to her about City business.

Councilmember Steinkopf

Councilmember Steinkopf said the Daily Herald's Best in the Valley contest is running. It's an opportunity for people to vote for Eagle Mountain events, amenities and businesses. It amounts to free advertising and he encouraged everyone to vote.

Mayor Jackson

No comment.

11. APPOINTMENT

A. Justin Loera, Economic Development Board

**MOTION:** *Councilmember Ochsenhirt moved to appoint Justin Loera to the Economic Development Board to complete a term ending December 31, 2014. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Loera.

## **CONSENT AGENDA**

### **12. MINUTES**

A. March 5, 2013 – Regular City Council Meeting

### **13. FINAL PLAT**

A. SilverLake, Plat 8

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda, removing item 13 and discussing it as a scheduled item. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

## **SCHEDULED ITEMS**

### SilverLake Plat 8

SilverLake Plat 8 has several lots impacted by a utility easement. The Council was concerned about lots which will be affected by a large utility easement across the property.

Councilmember Ochsenhirt wanted to prevent residents from building on property within the easements by adjusting the lot lines. He didn't want the City to be responsible for replacing any structure built in the easements if utility work needs to be done there.

City Attorney Jeremy Cook read a section of the easement that specified that no structure is to be built in the easement, and the City has no liability for any reconstruction of a structure that needs to be removed.

Councilmember Ireland pointed out that the issue will remain through the life of the lot, and future property owners may not be aware of the easement or the restriction against building on it. He was concerned about lots 809, 826, 821, 834, 835 and 841.

Tony Trane, representing the developer, said the developer has adjusted the lot lines to accommodate the easement, as recommended by the Planning Commission.

Mayor Jackson suggested that the item be tabled so that the developer can redraw the plat to show changes they're making to comply with the Planning Commission's conditions of approval. Mr. Trane said that the delay would be disastrous for his business.

Councilmember Ochsenhirt asked City Attorney Jeremy Cook if the project could be approved conditionally, pending the changes the developer plans to make to the plat. Mr. Cook said the plat could be approved subject to specific revisions on the plat. However, if staff doesn't implement

the revisions as the Council wants, the plat will be recorded according to the staff's decision. The plat can't be brought back to the Council once it's been approved.

**MOTION:** *Councilmember Ireland moved to table SilverLake Plat 8. Councilmember Ochsenhirt seconded the motion.*

Grant Gifford, one of the developers of the project, said they have buyers for these lots. Some of his competitors already have finished lots, which some of his buyers will go to if his project is delayed. He said his group is prepared to comply with any conditions to keep the project from being tabled.

Mr. Cook stated that any sewer work on the road will have a huge impact on adjacent lots.

*Those voting aye: Ryan Ireland. Those voting no: Donna Burnham, Nathan Ochsenhirt and Richard Steinkopf. The motion failed with a vote of 1:3.*

**MOTION:** *Councilmember Ochsenhirt moved to approve the final plat of SilverLake Plat 8 subject to the conditions in the staff report, as well as the reduction of lots 821, 826, 835, 834 and 841, to reduce the lot sizes to include not more than five feet within the easement; and the southward adjustment of the lots on the west side of what is now Cassidy Way to the south, as discussed; the north side of Red River Road to be adjusted to the west as much as possible; and the corner of lot 808 to be cut and put into 809; all adjustments to be approved by the Planning Director. Councilmember Burnham seconded the motion.*

Mr. Cook reiterated that once the Council passes this motion, the plat is approved no matter how well or poorly the listed conditions are met.

*Those voting aye: Donna Burnham, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a vote of 3:1.*

14. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving the Clearview Master Development Agreement.

This item was presented by Planning Director Steve Mumford. The Clearview Estates Master Development Plan was approved by the City Council on September 18, 2012. The master development agreement specifically itemizes all of the obligations of both the City and developer, and finalizes the zoning by resolution.

*This item was removed from the agenda at the request of the applicant.*

15. BID AWARD – Consideration and Award of Bid for the Construction of a Steel Natural Gas Pipeline.

This item was presented by Energy Director Adam Ferre. The asphalt plant will require more natural gas than can be supplied with the current infrastructure. It is therefore necessary to extend the existing steel pipeline approximately 10,000 feet to SR 73 from where it currently ends at the Holiday Oil gas station. The line has been in the City's gas model since 2006.

**MOTION:** *Councilmember Ochsenhirt moved to approve an award of bid to Tempest Enterprises for construction of a 6" steel natural gas pipeline in the amount of \$934,574 and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

16. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone for the spirited debate tonight. He felt they made good decisions. He hoped that those who watch the recording and read the minutes will understand that the gas line isn't being built for a particular company, but has been planned for years. He appreciated the staff for all their hard work and those who spoke in the last meeting for their kind comments.

Councilmember Steinkopf

Councilmember Steinkopf reminded everyone to vote in the Daily Herald's Best of Utah Valley contest to get some free publicity for the City.

Mayor Jackson

No comment.

17. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

Councilmember Ochsenhirt said the Economic Development Board will meet tomorrow night with the addition of its new member, Justin Loera.

Councilmember Steinkopf said the Parks and Recreation Board is working on the Adopt-A-Park program.

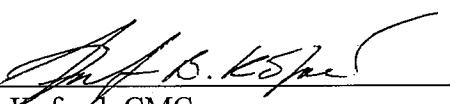
18. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

19. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 8:47 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON APRIL 2, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**April 2, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

***\*\* This meeting may be held telephonically to allow a member of the City Council to participate \*\****

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. John Painter was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fiorinuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Adam Ferre, Energy Director; Scott Wride, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:07 p.m.

1. PRESENTATION – Incubator Program, Shawn Wilson, UVU Business Resource Manager.
2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

**11 & 12. Porter's Crossing Town Center**

Trevor Hull, the project manager for SK Hart, discussed Porter's Crossing Town Center. SK Hart is the owner of the project. He thanked Mr. Pili for his assistance with lengthy meetings with Amsource, a previous partner in the project. He said that Ridley's is pushing an aggressive construction schedule to open the grocery store by November. He referred to the residents adjacent to the project, who are requesting a wall between Porter's Crossing and Plum Creek Townhomes. He said he was willing to pay half of the cost of a fence if the residents were willing to pay the other half. He felt that landscaping and berming would be a better solution. He told them that he would contact them in about three weeks to discuss it further.

Councilmember Ochsenhirt asked if there were any commitments from other merchants to locate in the project. Mr. Hull said he was waiting until Ridley's breaks ground before pursuing that. There has been some interest, but nothing definite yet.

**13. Hindley Annexation**

If the Council accepts the Hindley Annexation petition, the annexation review process will begin. If the Council fails to act on the petition, it will automatically be accepted.

**14 & 15. Easement Fee And Access Agreement**

City Attorney Jeremy Cook explained that the City has never set a fee for reviewing an easement request. The proposed \$750 fee is intended to cover the City's costs for staff and attorney review. The easement proposed at this meeting is for access to the cell tower site near Unity Pass. It includes a five-year term and the option to renew for another five years.

3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

A. Gas and electric utility rates.

The rate changes proposed in the gas and electric rate studies are ready to be implemented. There will be a net decrease in costs to the residents. The decrease in gas rates will be implemented at the next Council meeting. The increased electrical rate will be postponed until next fall, when the heavy summer electricity usage is over. The water and sewer rate study will be presented at the first meeting in May.

B. New phone plan.

Assistant City Administrator Jason Walker stated that the City's cell phone service has changed from Verizon to T-Mobile, which will provide an \$800 to \$1000 reduction in monthly costs.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:06 p.m.

## **POLICY SESSION – CITY COUNCIL CHAMBERS**

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

Rand Andrus led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Spring Clean-Up Dumpsters** – Starting today through April 23 dumpsters will be available at the Public Works Building, 2545 N. Pony Express, for residents to use for yard and general waste. The dumpsters are located in front of the wastewater treatment facility. The dumpsters will be emptied as soon as possible once they are full. Please do not leave any items outside of the dumpsters. No hazardous materials, tires, or appliances can be put in the dumpsters. We will post on the website when the dumpsters are full and again when they are emptied to aid in your planning.

- **Blood Battle** – Eagle Mountain City is participating again in the Blood Battle blood drive competition among neighboring cities sponsored by Horrocks Engineers on Tuesday, April 9 from 10 a.m. to 3 p.m. in the City Council Chambers. Everyone in the community who is able is invited to donate blood and support the Utah Red Cross. Free t-shirt and refreshments for participants. More information and registration on the City website.
- **Miss EM Pageant** – A new Miss Eagle Mountain will be crowned at the annual pageant, Saturday, April 13. It will be held at Westlake High School, starting at 7 p.m. Tickets are \$5 at the door or you may purchase them on the City website and support a contestant for \$6.
- **Spring Street Fair** – The Eagle Mountain Spring Street Fair will be held April 20 from 12-4 p.m., along Peregrine Road behind the Chevron station. The fair is open to all registered businesses in Eagle Mountain. Register on the City website.
- **Pony Express Days** – Pony Express Days will be held May 20-June 1 this year. Some registrations and ticket sales are already available. Please visit the Pony Express Days section of the City website for information.

8. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

9. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Steinkopf

Councilmember Steinkopf welcomed everyone to the meeting.

Mayor Jackson

No comment.

## CONSENT AGENDA

10. MINUTES

A. March 19, 2013 – Regular City Council Meeting

11. FINAL PLAT

A. Porter's Crossing Town Center – Ridley's Market/Ace Hardware

12. SITE PLAN

A. Porter's Crossing Town Center – Ridley's Market/Ace Hardware

**MOTION:** *Councilmember Ochsenhirt moved to approve the Consent Agenda.*

*Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

Trevor Hull from SK Hart said for the record that he will address the neighbors' desire for a fence between the project and Plum Creek.

**SCHEDULED ITEMS**

13. MOTION – Consideration and Acceptance of the Hindley Parcel Annexation Petition for Further Review.

This item was presented by City Recorder Fionnuala Kofoed. A petition for annexation was received by the Recorder's Office on March 12, 2013 to annex approximately 223 acres. The property is located on the west side of the North Ranch subdivision, and north of the recent Clearview Estates Annexation. The first action for the City Council is the acceptance of the petition for further consideration. This will begin the 30-day review period for verification of the petition and related information for certification of the petition, after which the annexation will be noticed to interested parties for comments and protests. The petition may be approved at a future City Council meeting upon completion of the required steps.

**MOTION:** *Councilmember Steinkopf moved to accept the Hindley Parcel annexation petition for further review. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

14. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

This item was presented by City Attorney Jeremy Cook. The proposed resolution amends the Consolidated Fee Schedule, adding an easement review fee.

**MOTION:** *Councilmember Ochsenhirt moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

15. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving an Access Easement Agreement.

This item was presented by City Attorney Jeremy Cook. Global Signal Acquisitions IV, LLC has requested an easement over City property to access a communications facility adjacent to the Ruby Valley subdivision. The City property is located on northeast of the Lone Tree subdivision, on the north side of Pony Express Parkway. The term of the easement is for five (5) years and may be extended for additional periods of five (5) years with written consent from the City.

**MOTION:** *Councilmember Ochsenhirt moved to adopt a Resolution of Eagle Mountain City, Utah, approving an access easement agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

16. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving the Monthly Use of City Hall by the Eagle Mountain/Saratoga Springs Post of the Veterans of Foreign Wars of the United States.

This item was removed from the agenda.

17. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the Planning Commission for their professionalism in handling a very difficult issue at their last meeting. He appreciated the respectful tone of the comments made by the residents who made public comments at that meeting.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Mayor Jackson

No comment.

18. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

Councilmember Ochsenhirt was unable to attend the last Economic Development Board meeting. The board has begun the process of electing new officers and will vote at the next meeting in about two weeks.

Councilmember Ireland thanked City Recorder Finn Kofoed for helping him connect with yesterday's Senior Council meeting by phone, as well as all her other assistance.

Councilmember Burnham said the Planning Commission dealt with a very difficult situation in a very professional manner, at its last meeting.

Councilmember Steinkopf said the Parks and Recreation Advisory Board will meet next week.

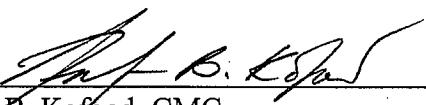
19. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

20. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 7:17 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON APRIL 16, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**April 16, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter (arrived 5:15 p.m.) and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; David Mortensen, Senior Accountant; Chris Trusty, Public Works Director; Steve Olsen, Energy Dept.; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Jeff Thompson, Code Enforcement Officer; Linda Peterson, Public Information Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:07 p.m.

**1. REVIEW – FY 2013-2014 Preliminary Budget.**

**Fund Accounting**

Finance Director Paul Jerome reported that the City's revenues over expenditures were \$650,000, primarily due to a planned sale of one of the fire stations and transferring Public Safety impact fees spent on that fire station to the General Fund. Mayor Jackson said the purpose was to make the General Fund whole for the cost of the fire station expansion in 2009. The \$650,000 was reduced to approximately \$624,000 after a one-time transfer was made to supplement the Fleet Fund. The excess revenue will be used for capital projects.

Mr. Jerome stated that Utility Billing will be moved from the General Fund to the Enterprise Funds and will be accounted for by percentage of billing done for each fund. Economic Development has been moved from the General Fund to the Economic Development Fund. Special Events will become a special revenue fund titled Community Events. \$110,000 will be transferred from the General Fund to the Community Events Fund. All revenues and expenses will be broken out by function.

Total Community Events revenue is projected to be \$427,000, including the \$110,000 from the General Fund. Angie Ferre and Sarah Douglass also work with the Senior Council, Youth Council and crossing guards, which is accounted for in the budget.

**Capital Projects**

The Capital Needs list is divided into high-priority, priority and non-priority projects. The four high-priority projects are widening Pony Express Parkway near Porter's Crossing, installing a traffic light at the intersection of Pony Express and Ranches Parkways, a cemetery and completion of Mid Valley Park.

The Capital Projects Fund will be reduced by the amount the City has to pay FEMA towards fighting last summer's fires. The bill is expected to be between \$250,000 and \$300,000.

Priority projects include paving the Public Safety parking lot and widening Pony Express Parkway near Hidden Hollow Elementary.

Mayor Jackson pointed out that City staff used to deal with Capital Projects after the budget was approved. Capital Projects will now be included in the budget approval process for the Council's direction.

#### Traffic Light

Councilmember Ireland asked if a traffic study has been done for the traffic light. Mayor Jackson said it has.

#### Cemetery

Councilmember Ireland asked what \$300,000 provides for the cemetery. Mr. Pili said that two sites are being considered. The plan is to acquire a total of 20 acres, possibly in two phases, and install sod on the first four acres. Once the property is acquired, the City will be able to pre-sell lots, which will provide funds to complete the cemetery.

Councilmember Ochsenhirt asked how much total acreage is available at these sites. Mr. Pili replied that the properties being considered don't have development nearby at the moment. Councilmember Ochsenhirt asked if the staff has compared Eagle Mountain's needs to those of other local communities. Mr. Pili said they've been working on it for two or three years and have collected information from communities around the state.

Councilmember Ochsenhirt asked who would operate the cemetery. Mr. Pili said, after studying what other cities do, the most efficient method seems to be to make it part of the Parks Department.

#### Mid Valley Park

Councilmember Ireland asked how long it would take to get a return on investment for installing lights at the ball fields in Mid Valley Park. Mr. Pili said he can run an analysis on that.

Councilmember Steinkopf mentioned that when he was in Orem, lights were impossible to install on a ball field once there was residential development around the park. He recommended that the lights be installed before the fields are surrounded by residential development.

Councilmember Steinkopf asked if the ball field lights could be phased in to reduce the amount spent during this fiscal year. Mayor Jackson said the goal is to complete the ball field complex this year. Councilmember Steinkopf also suggested buying the rodeo bleachers in phases. He felt the rental cost is excessive.

Councilmember Ochsenhirt asked how the ball field complex revenue will compare to that of other cities. Mayor Jackson said those figures can be analyzed, but first she and the staff want to know what the Council's priority projects are.

Councilmember Ireland suggested doing the top three projects, but not the fourth (the park completion). Councilmembers Ochsenhirt and Burnham asked for more precise figures before they make a final decision.

Councilmember Steinkopf would like to see both the ball field lights and the rodeo bleachers installed in phases.

Mayor Jackson reminded the Council that there is \$170,000 in restricted money that must be used for a regional park, and about \$38,000 will be available from County recreation grant funds in 2014 as Eagle Mountain has requested that funds be rolled over.

Councilmember Ireland commented on a memo from the Parks and Recreation Board. Councilmember Steinkopf explained that the Board reviewed quite a few projects and recommended what they felt were the top five. Councilmember Ireland felt that the park near Mountain Trails Elementary School should be a priority.

Councilmember Ireland asked Mr. Jerome for more frequent updates on changes to the preliminary budget.

## 2. DISCUSSION – Administrative Code, Title 4.

Mayor Jackson said that she, Councilmember Burnham and Code Enforcement Officer Jeff Thompson went to West Valley City recently to observe their code enforcement hearings.

Councilmember Burnham noted that the administrative law judge (ALJ) was an attorney and handled the cases very professionally. The appeal authority for these decisions is Fourth District Court, so any hearings Eagle Mountain holds will need to be done in a professional manner, as well, by a well-qualified ALJ. There is a lot of concern at the Legislature that administrative hearings are being used as revenue producers. West Valley assesses high fines, but forgives most of them for residents who comply with the city's requirements.

Mayor Jackson said West Valley pays the ALJ a set monthly amount and holds monthly hearings.

Mr. Thompson said the important thing is to have a structure in place to help get compliance with City Code. Most residents cooperate when he talks to them.

Councilmembers discussed fine amounts and how often to hold hearings.

Councilmember Ireland asked how Eagle Mountain can fine residents for noncompliance when it's the biggest violator of weed control standards and violates sign regulations, as well. Even though Mr. Thompson doesn't usually go to individual homeowners about weeds, anything written into the Code could be enforced in the future. He's concerned about subjectivity.

## 3. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

### 15. Budget amendments

Eagle Mountain policy requires a salary survey to be conducted every three years, but the last one was done seven years ago. Residents have questioned employee pay rates, so it would be helpful to have a survey completed by an independent third party. The survey process will last about four months.

The City's website is outdated and not user-friendly, either for employees or residents. GovOffice has not been responsive to problems with the website. Once a new website is approved, it will take around six months to bring it online. Councilmember Ireland felt that both the compensation

survey and a new website should wait until the next budget year. Councilmember Ochsenhirt said that he's had quite a few complaints and felt it should be approved now.

Ranches Parkway is in serious need of repair. Waiting for the next fiscal year will delay the repairs through most of the summer construction season.

#### 16. Clearview Estates MDA

Councilmember Painter asked why this item is on the agenda, when all the issues have been discussed already. Mayor Jackson and Mr. Cook explained that this agreement codifies those discussions. Councilmember Painter asked where the access to the baseball park will be. Mr. Mumford pointed out both access points on the map. Mayor Jackson asked that park access be spelled out in the agreement.

Councilmember Ireland asked what specific facilities the HOA and the City would own and maintain. Mr. Mumford said they're specified in section E and section 11.

#### 17. Gas and Electric Rates

Sawvel and Associates recently completed a gas and electric rate study. Staff recommends that gas rates be decreased and electric rates be increased to more closely reflect the actual costs of providing service. The decrease would go into effect immediately, while the increase would go into effect in October.

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Councilmember Ireland recommended that the Consolidated Fee Schedule specify the rate that will be in effect until October and the new rate that will go into effect in November.

The rate study recommended that additional gas user categories be created. Councilmember Ochsenhirt asked if the City would recoup its costs if large industrial users paid a lower rate. Energy Director Adam Ferre said he is consulting with large gas suppliers on how to set up gas rates effectively.

#### 19. Salary Study

Human Resources Director Jason Walker recommended that the salary survey be conducted by Personnel Systems & Services, which has an excellent track record conducting municipal salary surveys.

Mayor Jackson asked how employee salaries are set. Mr. Walker said the City subscribes to a compensation database, which provides general guidance. However, a salary survey develops precise job descriptions to aid in setting salaries correctly. Precise job descriptions also protect the City from liability in the case of disciplinary actions.

#### 4. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

Mr. Pili said that Steve Olsen, Systems Electrical Engineer, had specific information on power rates that the Council asked for earlier.

Mr. Olsen explained that an average residential customer using 800 kWh is charged \$97.50/month. The cost of service is \$103.25. Rocky Mountain Power's summer and winter rates are both lower than Eagle Mountain's cost of service. An average commercial, non-demand user is charged

\$514.99 per month, while the City's cost of service is \$530.98. Rocky Mountain's rates are lower than Eagle Mountain's. The difference in both electric rates is due to the City's debt service. Rocky Mountain Power has no debt service costs.

Eagle Mountain's average residential gas bill (8 dekatherms) is \$88.04/month, while the cost of service is \$69.76. Questar's winter rate is higher and its summer rate is slightly lower.

5. **ADJOURN TO A CLOSED EXECUTIVE SESSION** – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:11 p.m.

#### **POLICY SESSION – CITY COUNCIL CHAMBERS**

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; David Mortensen, Senior Accountant; Chris Trusty, Public Works Director; Steve Olsen, Energy Dept.; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Jeff Thompson, Code Enforcement Officer; Linda Peterson, Public Information Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

#### **6. CALL TO ORDER**

Mayor Jackson called the meeting to order at 7:02 p.m.

#### **7. PLEDGE OF ALLEGIANCE**

Christian Barnes led the Pledge of Allegiance.

#### **8. INFORMATION ITEMS/UPCOMING EVENTS**

- **Spring Clean-Up Dumpsters** – Through April 23, dumpsters will be available at the Public Works Building, 2545 N. Pony Express, for residents to use for yard and general waste. The dumpsters are located in front of the wastewater treatment facility. The dumpsters will be emptied on Fridays and Mondays to try to accommodate heavier weekend use. Please do not leave any items outside of the dumpsters. No hazardous materials, tires, or appliances can be put in the dumpsters.

- **Blood Battle** – Eagle Mountain City was once again the winner of the Blood Battle blood drive, sponsored by Horrocks Engineers and benefiting the Utah Red Cross. Our City provided 41 of the 103 units of blood donated. Thanks to all who were able to donate.
- **Miss Eagle Mountain Pageant** – Ashton Glass was crowned Miss Eagle Mountain 2013 on Saturday. Her attendants are Sydney Jackman and Alyssa Diaz.
- **Spring Street Fair** – The Eagle Mountain Spring Street Fair will be held on April 20 from 12:00-4:00 p.m., along Peregrine Road behind the Chevron station. The fair is open to all registered businesses in Eagle Mountain. Register on the City website.
- **Pony Express Days** – Pony Express Days will be held from May 20-June 1 this year. Some registrations and ticket sales are available now. Please visit the Pony Express Days section of the City website for information.

9. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Luke Pannell, 3823 Cleveland Ave., asked what the schedule will be for pothole repair. He told the Council that Dwayne Webber of UDOT has installed the long-awaited Eagle Mountain signs on SR 73. He also said that someone has been tearing up the pavement near Adams Street, and asked if the City has a way to oversee the work. He also asked if Public Works will be doing street cleaning. Public Works Director Chris Trusty responded that the northbound lanes of Ranches Parkway will be repaired by mid-May. The City gave an excavation permit to the White Hills Water Company, which requires that they repave the street after they finish the project.

Sandy White, 1301 Harrier Street, proposed a change to the utility rates, in addition to those being considered at this meeting. She felt that the water rate should be the same for all lot sizes, rather than allowing a lower rate on larger lots. All residents should pay the same rate for water use. It would be fairer to the residents and encourage conservation. It would also provide additional income to the City. She asked if the City had considered reducing base rates and increasing usage rates. Mayor Jackson responded that water rates are not on tonight's agenda, but will be considered in May.

10. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Steinkopf

Councilmember Steinkopf thanked everyone for coming to the meeting.

Councilmember Painter

Councilmember Painter asked residents to stay involved in the budget process. There are very few residents in attendance at this meeting, compared to the number who were involved in February. He was disturbed that residents are piling trash around the spring clean-up dumpsters, rather than waiting until the dumpsters are emptied. He commended the Public Works Department for how quickly they cleaned up the trash around the dumpsters after they were emptied. He pointed out that residents can get free dump passes twice a year at the Utility Billing Office, so there's no reason to pile trash around the dumpsters once a year.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said it was nice to see at least a small group of attendees at the meeting every week. He would like to see a large group every week, being involved with City decision-

making. He encouraged everyone to be involved with City government and contact any of the City Council members.

Councilmember Ireland

Councilmember Ireland thanked Christian Barnes for coming to the meeting in his Scout uniform and leading the Pledge of Allegiance.

Councilmember Burnham

Councilmember Burnham asked residents to be involved with the budget.

Mayor Jackson

Mayor Jackson explained the rest of the timeline for the budget. The preliminary budget document will be brought to the Council for approval on May 7. The Council will set the time for the public hearing concerning the final budget, most likely on May 21. The final budget will be adopted on June 18. Mayor Jackson, Councilmember Burnham and Mr. Pili attended the ULCT conference last week.

11. PROCLAMATION – National Municipal Clerks Week, May 5 - 11, 2013.

**MOTION:** *Councilmember Steinkopf moved to approve a proclamation declaring May 5-11, 2013, National Municipal Clerks Week in Eagle Mountain City. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

**CONSENT AGENDA**

12. MINUTES

A. April 2, 2013 – Regular City Council Meeting

13. FINAL PAYMENT

A. Pine Valley Electric – 2012 Construction, 12.47 kV Main Feeders and Gas Lines

14. DEVELOPMENT AGREEMENTS

A. Pony Express Townhomes

B. Porter's Crossing Town Center – Ridley's Market/Ace Hardware

*Mayor Jackson removed item 14B from the agenda.*

**MOTION:** *Councilmember Ochsenhirt moved to approve the Consent Agenda, with the minutes as amended in Work Session. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those abstaining: John Painter. The motion passed with four ayes and one abstention.*

**SCHEDEDUL ITEMS**

**PUBLIC HEARING**

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2012-2013 Budget.

This item was presented by City Administrator Ifo Pili. The proposed amendment to the FY 2012-2013 budget is to cover costs for a website design, a compensation survey, and road repairs to Ranches Parkway. Although these items could be included in the FY 2014 budget, they are all lengthy projects and should be started before the beginning of the new budget year on July 1.

Mayor Jackson asked Mr. Pili to explain the costs of each item. The compensation survey will cost approximately \$14,000. The website will cost approximately \$25,000. The road repairs will cost approximately \$274,000, which will be covered by B and C road funds.

Mayor Jackson explained the differences in total costs compared to the increases to the General Fund. Costs not covered by the General Fund will be paid for by the Enterprise Funds.

*Mayor Jackson opened the public hearing at 7:33 p.m.*

Sandy White, 1301 Harrier Street, asked if the salary survey would be done by a company already chosen, or if another company could make a bid. Asst. City Administrator Jason Walker said the proposal is to hire a particular company with a long track record in working with municipalities. However, the City would not be opposed to considering another bid.

Luke Pannell, 3823 Cleveland Ave., asked if the \$11,000 cost to the General Fund for the website design would be a one-time cost or an annual payment. Mr. Pili responded that it would be a one-time cost, but there will also be an annual maintenance fee.

*Mayor Jackson closed the public hearing at 7:36 p.m.*

Councilmember Ireland asked if the amendments could be separated into three separate motions. Mayor Jackson said they could be separated.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2012-2013 budget to include \$274,000 for road maintenance on Ranches Parkway. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. Those voting no: Nathan Ochsenhirt. The motion passed with a vote of 4:1.*

**MOTION:** *Councilmember Ochsenhirt moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2012-2013 budget to include an upgrade to the City website. Councilmember Painter seconded the motion.*

Councilmember Ochsenhirt said that he felt the website design is a time-limited issue. He would have voted for this item in this fiscal year's original budget, but didn't think that it was an urgent item at that time. He's received a lot of complaints about the website since then.

Councilmember Ireland voted for this item during the last budget process, but it wasn't passed by the Council. He didn't think it should be funded at the end of the year just because there is a little more money available to spend. It should be included in the fiscal year 2014 budget.

Councilmember Burnham felt that the whole cost of the website design should be borne by the General Fund, rather than half being charged to the Enterprise Funds.

Councilmember Ochsenhirt said much of the website traffic is driven by Utility Billing, so part of the cost should be borne by the Enterprise Funds. However, half the cost is too much.

Councilmember Burnham asked Ms. Peterson how long it would take for a contract to be finalized if the website design is approved at this meeting.

Ms. Peterson said that she has quotes and information from several of the top government website companies. She needs to send out a request for proposals and could have a contract ready in May.

Councilmember Painter asked what issues are being caused by the current website. Ms. Peterson told him that when she changes items on the main page, the changes can take as much as an hour to show up. Sometimes she has to change an item repeatedly before the website shows the changes. GovOffice hasn't given her any adequate explanations or solutions, nor have they kept up with current technology.

Councilmember Painter asked why a new website will cost so much more than the current one. Ms. Peterson said a new website would have much more functionality than the current one.

Councilmember Ochsenhirt amended the motion to make the contribution from the Enterprise Funds 25% of the cost of the website. Councilmember Painter accepted the amendment.

*Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

Councilmember Painter asked why the salary survey was left out of the two budget motions, when it's clearly such an issue for the public. Councilmember Ireland said that it's been discussed for the last two years and hasn't made it into the budget, so it should be addressed in the budget for the upcoming fiscal year.

**MOTION:** *Councilmember Steinkopf moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2012-2013 budget to include an agreement for a salary survey. Councilmember Burnham seconded the motion.*

Councilmember Painter asked if the Council wants to go out to bid on this item. Mr. Walker explained that the budget amendment and the agreement are two different items. The Council can choose to adopt the budget amendment, and either award the contract or instruct staff to request additional bids.

Councilmember Ireland asked why the General Fund is expected to cover more than half of the cost of the survey, if 3/4 of the City's employees work for departments funded by Enterprise Funds.

**AMENDED MOTION:** *Councilmember Steinkopf moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2012-2013 budget to include an agreement for a salary survey, with the costs of the survey being borne by the General and Enterprise Funds according to how many employees are paid by each fund. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting*

*no: Ryan Ireland. The motion passed with a 4:1 vote.*

Later in the meeting, Mr. Walker was able to provide exact numbers on the division of costs between the General Fund and Enterprise Funds. The General Fund will bear 52% of the cost and the Enterprise Funds will bear 48% of the cost, based on FTE (full-time equivalent employees).

16. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving the Clearview Estates Master Development Agreement.

The Clearview Estates Master Development Plan was approved by the City Council on September 18, 2012. The master development agreement specifically itemizes all of the obligations of both the City and developer, and finalizes the zoning by resolution.

Councilmember Painter asked what specifically would be included in the master development agreement to define access to the park. City Attorney Jeremy Cook said that page 3, sentence 2, will be amended to read, “Parks that are included in whole or in part in any sub-area, as depicted on the land use plan, shall be completed with access from an improved public road, no later than when the developer records final plats.”

**MOTION:** *Councilmember Burnham moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Clearview Estates master development agreement, as amended in this meeting. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

This item was presented by Energy Director Adam Ferre. The proposed resolution amends the Consolidated Fee Schedule, based on the recent gas and electric rate study, to decrease the gas utility rate and increase the electric utility rate. The gas rate decrease will be effective immediately and the residential electric rate increase will be effective in November 2013 (November usage). Fire Department fees will also be removed, due to the City’s annexation into the Unified Fire Service Area.

Mayor Jackson explained that the delay in the electric rate increase is designed to avoid an increase during the summer months when electricity usage is at its highest. The net effect of the gas rate decrease, electric rate increase, and the elimination of administrative transfers from the Enterprise Funds to the General Fund will be a decrease in most residents’ utility bills. Residents who use City electric service, but not gas service, will see a net increase.

Later in the year, the Energy Department will add a rider to gas rates to minimize the swings in gas bills caused by the volatility of wholesale natural gas prices.

Councilmember Painter asked why Eagle Mountain would subsidize residents’ electric bills through the summer. Mayor Jackson stated that, since residents just went through high usage for gas, before anyone knew that gas rates could have been lower, the City would like to average those costs for residents by charging a temporary, lower than recommended rate for electricity.

Councilmember Ochsenhirt asked how the City can give the public a clear explanation of the fact that the utility rate changes will give most of them a net decrease in their bills.

Councilmember Painter asked if there is a way to cover the City's electric costs without raising rates.

Mr. Pili explained that gas and electric rates are tied together by the debt service on the infrastructure bonds. Reducing one rate requires raising the other. The new rates reflect costs more accurately than the previous rates did. Mr. Pili hoped that residents will look at their bills accurately and see the net decrease.

Councilmember Ireland asked why the electric rate increase was being discussed now when it won't be acted on until later in the year. Mayor Jackson said the purpose is to be entirely transparent during the election year.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

18. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving an Interlocal Agreement with Utah County.

Utah County is constructing a new communications tower north of the Lone Tree subdivision. The purpose of the tower is to improve communications for the Unified Fire Authority and the Utah County Sheriff's Office located in City Center. The Energy Department will provide power to the site at a reduced cost and in exchange, the County will allow the City to install several radios on the tower. The agreement documents the terms of the arrangement.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving an interlocal agreement with Utah County regarding the Utah County communications tower in the amount of \$4,679. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

19. AGREEMENT – Consideration and Approval of a Professional Service Agreement between Eagle Mountain City and Personnel Systems & Services for a Salary Survey.

This item was presented by Asst. City Administrator Jason Walker. The City's Personnel Policies and Procedures Manual requires a salary survey to be completed every three years in order to ensure that salaries are in line with the market. The last salary survey was conducted seven years ago. This survey will address any discrepancies between employees' job functions and their official job descriptions, provide an analysis to assess where each employee's pay rate is in relation to the labor market, and update the Policies and Procedures Manual. The survey will cost \$14,304.00.

**MOTION:** *Councilmember Ochsenhirt moved to approve a professional service agreement between Eagle Mountain City and Personnel Systems & Services for a salary*

*survey in the amount of \$14,304 and authorize the Mayor to sign the contract; with payment for the agreement coming proportionally from the General and Enterprise Funds. Councilmember Steinkopf seconded the motion.*

Councilmember Painter asked Mr. Walker how confident he is that Personnel Systems & Services will provide a high-quality analysis. Mr. Walker said he spoke to his counterparts from other cities at the Utah City Managers' Association conference. They had uniformly positive experiences with this company.

*Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

20. BID AWARD – Consideration and Award of Bid to Staker Parson Companies for the Ranches Parkway Rotomill and Overlay Project.

The fiscal year 2013 budget includes funds for a micro-surface treatment on the northbound lanes of Ranches Parkway. The road surface has deteriorated to the point that a more intense restoration, such as a rotomill and overlay, is recommended.

**MOTION:** *Councilmember Burnham moved to award a bid to Staker Parson Companies for the Ranches Parkway Rotomill and Overlay Project in the amount of \$213,475 and authorize the Mayor to sign the agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

21. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Steinkopf

Councilmember Steinkopf noted that two of the Parks and Recreation Advisory Board recommendations were included discussions during Work Session. He requested that Wren's Roost Park and the Pioneer Park trail also be discussed. He mentioned that a ladder sign on Ranches Parkway was knocked down a couple of months ago and has yet to be picked up. Mr. Mumford said that he spoke to a representative from the Lehi Area Chamber of Commerce, which administers the ladder sign leases, who committed the Chamber to clean up that sign and a couple of others.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Mayor Jackson

No comment.

22. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

None.

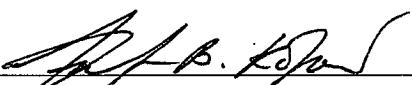
23. COMMUNICATION ITEMS

a. Upcoming Agenda Items

24. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 8:48 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MAY 7, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**May 7, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

*\*\* This meeting may be held telephonically to allow a member of the City Council to participate \*\**

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:08 p.m.

**1. DISCUSSION ITEMS**

- A. Water and Sewer Rates
- B. Energy Efficient Rebates

**2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.**

**15. Fiscal Year 2013-2014 Tentative Budget**

Finance Director Paul Jerome presented the preliminary budget as it now stands. It will be adjusted further before the final budget is adopted. Currently, excess revenue over expenditures is approximately \$651,000, based on the upcoming sale of fire station #2 to the Unified Fire Authority.

Councilmember Painter asked if the property tax revenue will remain the same as previous years. Mr. Jerome explained that State regulations protect cities from market fluctuations by changing the tax rate to keep revenue steady. The City won't know the precise amount of the tax rate until the County provides the information in June. Councilmember Painter asked, if that's the case, why have the residents been objecting to the tax rate more in the last few years than in previous years.

Councilmember Ireland said that he voted against last year's budget because, when assessed property values went down, he felt that the City's revenues should have gone down and the budget should have been cut to accommodate that. Then the tax rate could have been reduced to meet that dollar amount. In fact, City revenue has gone up because there are more houses in the City.

Councilmember Burnham asked Councilmember Ireland how he would respond to lower property tax rates due to increased property values. Councilmember Ireland said he would accept those, because with higher home values, the City would be taking a smaller percentage of the home's assessed value and homeowners' net worth, even while taking the same dollar amount.

Councilmember Painter asked about the tax increase for the Unified Fire Authority. Mr. Jerome said that it's reflected in the lower administrative fee transfer from Enterprise Funds to the General Fund, changing the way utility billing is funded, and growth between 3% and 4%.

Councilmember Ireland asked why the water utility won't be charged for its administrative costs, if the other utilities are charged a fee which is transferred to the General Fund. Mr. Jerome explained that the cost is a pass-through straight from the customer to the General Fund.

Recreation will be broken out so both revenues and expenditures can be tracked accurately. Some part-time assistants will be hired to accommodate additional programs being offered.

Mayor Jackson said that RAD Women fees should be moved from Special Events to the Sheriff's Office.

Councilmember Painter asked why the City is getting fewer grants now than a few years ago. Mr. Jerome responded that most were one-time grants for large projects that are now completed.

The Recorder's Office will have a budget increase due to this being an election year.

Councilmember Ireland asked City Recorder Finn Kofoed if she has considered conducting an entirely vote-by-mail election and whether it would save the City money. Ms. Kofoed responded that the state recorders' association is watching the issue to see how it works for the cities doing so. It is a possibility for the future.

Councilmember Steinkopf asked if vote-by-mail would increase voter turnout. Ms. Kofoed said that in some cities across the country, it has increased turnout tremendously.

Mr. Jerome stated that personnel costs have gone down in the Executive Department. There's a proposal to add one full-time employee to the Finance Department, because they've taken on new duties, leaving some functions incomplete.

The Professional & Technical Services budget will be increased for a traffic study regarding the City's master transportation plan.

The Planning Department plans to hire a part-time assistant, since the Building Department Executive Assistant, who has been working with both departments, needs to spend more of her time on Building Department functions.

Economic Development has been removed from the General Fund and will be a stand-alone fund.

Councilmember Painter asked what expenses are included in the Economic Development Fund. Mr. Jerome said he would provide that information during Policy Session.

Special Events will become a stand-alone fund.

The Parks Department will show an increase due to increased maintenance of existing parks and open space, as well as maintenance of additional open space.

The Fleet Department will replace four vehicles and purchase a used street sweeper.

Councilmember Ireland asked if there is a way to allocate a portion of the Sheriff's Office expenses to Community Events because of the amount of Sheriff's time used at Pony Express Days. Mr. Pili said that could be done.

Councilmember Painter suggested putting a roundabout at the intersection of Ranches Parkway and Pony Express Parkway, rather than the planned traffic light. Mayor Jackson responded that City staff and law enforcement have considered the issue at length and believe that a traffic light will be the safest solution.

The budget discussion was continued during Work Session.

3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

None.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:18 p.m.

#### **POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

#### **5. CALL TO ORDER**

Mayor Jackson called the meeting to order at 7:03 p.m.

#### **6. PLEDGE OF ALLEGIANCE**

Kyler Westphal led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Pony Express Days** – Pony Express Days will be held May 22-June 1 this year. Tickets and contest registrations are available now. Please visit [ponyexpressdays.com](http://ponyexpressdays.com) for information.
- **Off-highway vehicles meeting** – An informal meeting will be held tomorrow, Wednesday, May 8 at 6:30 p.m. in the City Council chambers to discuss the City's OHV trail system, including immediate needs, future plans, and volunteer opportunities.
- **Ranches Parkway closure** – The northbound lanes of Ranches Pkwy between Pony Express and SR-73 are closed for a road resurfacing project. The southbound side will accommodate two directions of traffic during this closure. Work is expected to be completed by May 14. Please use caution in this area.
- **Pony Express Days survey** – The online survey for residents regarding Pony Express Days will be available until May 20. It is on the main page of the City website under the News heading.
- **Mt. Airey Drive closure** – Mt. Airey Drive from Torrey Pine to Ranches Pkwy. will be closed on Wednesday, May 8 for road crack sealing.

8. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Christa Kelley, 8299 Muirfield St., spoke at a Council meeting about three years ago about the wash next to her property. At the time, the Council didn't feel they could do anything about the wash possibly going to erode her property. Now it is actually eroding her yard, and she believes that no adjacent property should affect hers. She asked the City to shore up the wash, as was done for her neighbors, so it stops the erosion of her property. She invited the Council, Mr. Pili and Mr. Trusty to visit and look at the damage.

Dan Lilly, 3702 E. Blackhawk Road, thanked the Mayor and Council for their work in the City's behalf. He was concerned about The Ranches HOA taking over maintenance of City landscaping. He hasn't been able to get any help from the HOA about problems with their sprinklers. They told him they can't afford to monitor their sprinklers all the time. He asked if the City could encourage the HOA to replace the grass in the medians with decorative stone. He would also like the HOA to establish a 24/7 phone number for water problems. Water is a precious resource and needs to be taken care of.

Nikki Wickman, 2766 Fort Hill Road, commented on the condition of City streets. She said that the roads need to be repaired and expanded before new developments are approved, since they are inadequate for the needs of current drivers, runners and bikers.

Mayor Jackson responded that the City Code requires developers to construct roads under certain circumstances.

9. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Ireland

Councilmember Ireland enjoyed attending the Little Britches Rodeo last weekend at the rodeo grounds.

Councilmember Burnham

Councilmember Burnham felt that when the Council approved the SilverLake Plat 8 subdivision, she didn't look at it closely enough. One of the exits from the subdivision is right at the top of the hill on Pony Express Parkway. She apologized as she wasn't aware of that when she voted yes for the project.

Councilmember Steinkopf

Councilmember Steinkopf asked residents to be patient with the road work that's going on now.

Councilmember Painter

Councilmember Painter appreciated those who attended the meeting, especially the Boy Scouts and their leaders. He said meetings that include budget discussions, such as this one, are the most important of the year. He hoped that people will remain involved.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said that his wife read a newspaper article about a recent budget meeting. The article said that Councilmember Ochsenhirt voted against road repairs. That was the only comment printed about that conversation, but he was voting against other items in the motion. He wished that more people attended the meetings so that they can better understand the decisions the Council makes, and the Council can better understand the residents' needs.

Mayor Jackson

Mayor Jackson said she was happy that the Council can disagree respectfully. She's talked to a number of mayors whose city council meetings are confrontational. She would like to see more residents at the meetings.

10. INTRODUCTION – Miss Eagle Mountain Royalty

*This item was removed from the agenda.*

**CONSENT AGENDA**

11. MINUTES

A. April 16, 2013 – Regular City Council Meeting

12. DEVELOPMENT AGREEMENT

A. Porter's Crossing Town Center – Ridley's Market/Ace Hardware

*This item was removed from the agenda.*

13. APPOINTMENT

A. David Mortensen – NUVASSD Board

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

## SCHEDULED ITEMS

### PUBLIC HEARING

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Rezoning Autumn Valley/Talon Cove.

This item was presented by Planning Director Steve Mumford. The proposed ordinance rezones approximately 24 acres to Commercial, approximately 5 acres to Commercial Storage, and adds the Extractive Industries Overlay Zone to approximately 95 acres (over the current extraction operation). Autumn Valley/Talon Cove is located northwest of SR 73 and Mount Airey Drive.

The purpose of the Commercial zone is to provide for businesses, professional offices, and shopping centers that will serve neighborhood, communitywide, and regional shopping demand, along with other commercial opportunities, which are reasonably separated or buffered from residential development. Mixed-use residential developments are allowed as a conditional use within the commercial zone. The purpose of the Commercial Storage zone is to provide for nonretail commercial sites for storage of vehicles, equipment, and inventory, and associated offices. The purpose of the Extractive Industries Overlay Zone is to provide locational control over extractive uses, to promote the reclamation of these sites, and to provide proper buffering and protection for neighboring development and uses.

*Mayor Jackson opened the public hearing at 7:45 p.m.*

Michael Vincent, 4115 E. Oakland Hills Drive, asked what kind of commercial activity was planned for the development. He wanted to know if the businesses would benefit the community at large or just relate to the gravel pits. Mr. Mumford replied that it is zoned for standard office, commercial and retail uses.

*Mayor Jackson closed the public hearing at 7:48 p.m.*

Councilmember Ireland asked how the rezone will affect the tax incentive that was granted to the property about a year ago. Mr. Pili responded that he would have to research the exact boundaries of the EDA, but he believed the rezone fell within the requirements of the Economic Development Area established there. No tax incentives are given without a development agreement between the RDA and the developer.

Councilmember Ireland asked if the Redevelopment Agency is able to choose what the tax incentives apply to. He didn't think tax incentives should apply to businesses such as commercial storage, as compared to a job-creating business. Mr. Pili said tax incentives are meant to apply to industrial businesses, not retail.

Scot Hazard, the applicant, was invited to speak. He explained that the site plan was designed to work with the slope of the land. The terrain will hide the commercial storage from the multi-family housing which will eventually be built nearby. Also, the truck traffic from the gravel pits will eventually be routed to 800 North.

Councilmember Steinkopf asked Mr. Hazard to keep in mind that the area is one of the entries to the City and he wants it to look good. Mr. Hazard said he needs the property to look attractive,

too, so the businesses located there will succeed. Mayor Jackson pointed out that Mr. Hazard has done very well at building attractive commercial locations in the City.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning Autumn Valley/Talon Cove. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a vote of 4:1.*

*Councilmember Ochsenhirt left the meeting at 8:12 p.m. and later connected to the meeting telephonically.*

15. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2013-2014 and Setting a Public Hearing for Adoption of the Final Budget on May 21, 2013 at 7:00 P.M.

This item was presented by Finance Director Paul Jerome. The State Code requires that the City Council review and tentatively adopt a budget by the first regularly scheduled meeting in May; additionally, the City Council needs to establish the time and place of the public hearing before the final budget is adopted. The public hearing will be scheduled on May 21, 2013 and the final budget will be adopted on June 18, 2013.

Mr. Pili answered some questions that had been brought up in Work Session regarding specific expenses. The amount paid to Lewis Young Robertson & Burningham was a one-time expense for the creation of the Economic Development Area. The \$15,000 for the partnership with UVU for the business resource advisor is an ongoing expense which should be coded to the Economic Development Fund. The other expense in question was for the Better Cities program, which assisted the City with business recruitment and with a grant application. The consultant successfully recruited Ridley's Market and the grant application was approved.

#### Enterprise Funds

The gas & electric rate study is complete. Lewis Young is working on a water and sewer rate study. The budget assumes that there will be a reduction in rates. The City is planning to begin selling shares of the Central Water Project water it's purchased over the last two years, which will bring in approximately \$600,000. Approximately \$330,000 is left from the water and sewer bond, which is being counted as revenue. An agreement with John Walden will provide impact fee revenue.

Increased expenditures for water include well repairs and attorney's fees.

Debt service is going to be included in Enterprise Funds rather than in the Debt Service Fund.

Councilmember Painter asked if the total attorney services will be more than what was budgeted for fiscal year 2013. Mr. Jerome said it would remain about the same.

The net effect of the gas and electric rate study is a reduction in costs to the residents.

The Energy Department has hired two interns, and may hire a full-time employee, to help with increased in-house construction.

Purchases of a power monitor, trailer, bucket truck and forklift are also being considered. The bucket truck the City owns now doesn't meet OSHA standards.

The Gas Department is expected to hire interns, as well, to accommodate growth and increased in-house construction.

On solid waste, the rate on the first can may be reduced by \$1.00. The change from using the Northpointe landfill to IRL will allow the reduction, even though more waste is being collected.

Salaries in the Enterprise Funds will reflect the allocation of utility billing services among the utilities.

Utility Billing will keep its status as a department, but its expenses will be allocated from the departments it bills for.

Councilmember Ireland felt that from a budget standpoint, Utility Billing's budget would be easier to follow if its costs were listed as a line item in each utility budget.

#### Capital Projects

Planned capital projects include the widening of Pony Express Parkway near Porter's Crossing, a traffic light at the intersection of Pony Express Parkway and Ranches Parkway, completion of Mid Valley Park, purchase and development of land for the cemetery, and purchase and planting of trees.

Councilmember Ireland expressed appreciation to Mr. Jerome and his staff for their work on the budget. This is the first time he's seen a preliminary budget that was "in the black." He also felt the general changes to the budget have made it more understandable and transparent. He appreciated how Mr. Jerome handled all the changes caused by the City's annexation into the Unified Fire Authority.

#### **MOTION:**

*Councilmember Painter moved to adopt a Resolution of Eagle Mountain City, Utah, adopting the Eagle Mountain City tentative budget for fiscal year 2013-2014 and setting a public hearing for adoption of the final budget on May 21, 2013, at 7:00 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Councilmember Ireland asked the residents at the meeting to read the preliminary budget and give the Council feedback. The point of having the public hearing on the final budget in May is to allow the Council to act on the public's comments before they approve the final budget.

#### **16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 13.25 of the Eagle Mountain City Municipal Code for Water Rights.**

This item was presented by City Attorney Jeremy Cook. The City has entered into an agreement with the Central Utah Water Conservancy District to purchase water. The proposed ordinance amends Chapter 13.25 of the Municipal Code to allow developers to purchase Central Utah Water Conservancy District Development Project water for the City and utilize the water for development projects. Developers are required to provide adequate water rights for each project they develop.

**MOTION:** *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 13.25 of the Eagle Mountain City Municipal Code for water rights. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

This item was presented by City Attorney Jeremy Cook. The proposed resolution amends the Eagle Mountain City Consolidated Fee Schedule to set a fee for Central Utah Water Conservancy District Development Project water, and set a fee for the transfer of banked water rights.

Selling the water rights will allow the City to recoup its costs in buying the water. There will be a slight increase in the amount charged each year to create an incentive for developers to take water sooner rather than later, which will reduce the City's bond costs. The price charged will be \$6,850 per acre foot plus a \$125 per year increase. The change to the Consolidated Fee Schedule also includes a \$250 transfer fee for those who want to transfer water already banked with the City.

**MOTION:** *Councilmember Burnham moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

18. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Enacting Title 4 of the Municipal Code, Administrative Code Enforcement Program.

This item was presented by City Attorney Jeremy Cook. The proposed amendment to the Municipal Code creates Title 4. The Administrative Code Enforcement Program establishes a comprehensive code enforcement system that uses a combination of civil judicial and administrative remedies to gain compliance with City regulations. This item was tabled from the February 19, 2013 City Council meeting. The program reflects changes requested by the Council at the February 19 meeting.

**MOTION:** *Councilmember Steinkopf moved to adopt an Ordinance of Eagle Mountain City, Utah, enacting Title 4 of the Municipal Code, Administrative Code Enforcement Program. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

19. AGREEMENT – Consideration and Approval of an Amendment to The Ranches Master Home Owners Association (HOA) Maintenance Agreement.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City entered into a Landscape Agreement with The Ranches Master HOA to maintain Ranches Parkway and Pony Express Parkway. This proposal clarifies the terms of the original agreement. The City will be responsible for major maintenance of trails and park equipment, and the HOA will be responsible for minor, ongoing maintenance. The City will decide whether to replace or remove playground equipment.

Councilmember Painter asked why Eagle Mountain is giving nearly \$1M per year to the HOA. Mr. Trusty said that the City receives water rights for every development in the City. The amendment revises the water usage formula to the one created by the USU Extension Service. The City hopes eventually to install a centralized watering system.

Councilmember Ireland was concerned that the Extension Service formula would be accurate for mid-summer, but not for spring and fall watering. Mr. Trusty responded that he could talk to the HOA about that, or the Council could determine that cooler months should be allowed half the water of hotter months.

Councilmember Steinkopf said that when he and his wife go on early-morning walks, they used to see workers checking the sprinklers, but they no longer see that. Mr. Trusty said that he could recommend that the HOA set up a 24-hour hotline or have City crews check the watering.

Mayor Jackson suggested that the agreement be tabled so that Mr. Trusty could negotiate further with the HOA.

**MOTION:** *Councilmember Painter moved to table The Ranches Master Homeowners Association (HOA) maintenance agreement. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

20. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland was impressed with those in the audience who stayed for the whole discussion.

Councilmember Burnham

Councilmember Burnham thanked the budget team.

Councilmember Steinkopf

Councilmember Steinkopf said a resident asked if a sign prohibiting air brakes within city limits could be installed on eastbound S.R. 73 near Mt. Airey Drive.

Councilmember Painter

No comment.

Mayor Jackson

No comment.

21. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

None.

22. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Report

23. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:36 p.m. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MAY 23, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**May 21, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, John Painter (arrived 5:05 p.m.) and Richard Steinkopf. Nathan Ochsenhirt participated by telephone.

CITY STAFF PRESENT: Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan, Planning Intern; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:08 p.m.

**1. DISCUSSION – Development Review Process.**

After the discussion, the meeting was suspended briefly so the Council could see the ladder truck assigned to the City by the Unified Fire Authority.

**2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.**

**13. Ridley's/Ace Hardware Development Agreement**

City Attorney Jeremy Cook explained changes to the development agreement. Since the last meeting, Ridley's has purchased a portion of the property. The entity name that Ridley's used for that purchase has now been included in the agreement. In paragraph 3.4, there's been a change to the City's commitment to installing infrastructure. This doesn't affect the City's commitment to do everything possible to avoid delaying the construction of the grocery/hardware store.

Councilmember Burnham asked if the item should be removed from the Consent Agenda. Mr. Cook replied that it should be removed and added to the Policy Session agenda.

**15. FY 2013-2014 Preliminary Budget**

Finance Director Paul Jerome discussed changes made to the preliminary budget since his presentation at the last City Council meeting. Revenues over expenditures amount to approximately \$652,000. In the General Fund, department expenditure amounts were refined; some were reduced and some increased. Expenditures in the Economic Development Fund have been updated. There will be a credit in Public Safety due to the move to the Unified Fire Authority. Sales tax revenue will increase by about \$5,000. Transfers to the Fleet Fund will increase to provide the amount actually needed for future vehicle replacements.

In the Enterprise Funds, a formula error in the Electric Department funding was corrected. Transfers were increased in the Water, Sewer, Electric, Gas and Storm Drain funds for the new

dump and pump trucks. Some meter revenues have increased due to growth. Overall, fund balances will be maintained.

#### 16. The Ranches HOA Maintenance Agreement

In response to concerns from residents, HOA Manager Brian Haskell said that a 24-hour utility telephone line has been in service for several years, which is always monitored by a staff member. He discussed the formula for the water credit. The HOA looked at several formulas and chose the one developed by Utah Valley University. They reduced it to reflect a lower-than-average amount for the usage period.

Mayor Jackson told Mr. Haskell that a resident made a public comment at the last meeting that he called the HOA office for nine hours one day and wasn't able to get any help with a sprinkler that was flooding the road. Mr. Haskell said he couldn't confirm or deny that, but the HOA attempts to have enough employees available to respond to calls. He gave permission to the City to post the HOA sprinkler number on its website.

#### 17. Fireworks Restriction Resolution

Mayor Jackson explained that the Utah Legislature has enacted a statute making the legislative body of each municipality responsible for declaring any restrictions on the use of fireworks. The statute reduces the dates that using fireworks is permitted to seven days per holiday and sets a curfew. Chief Andrus recommended that last year's restrictions apply again this year, as well as restrictions near ignition sources. Mayor Jackson requested that Mr. Cook add a provision permitting residents to light fireworks on the asphalt parking lots at Pony Express Park and the SilverLake Amphitheater.

3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

- A. Road Bond

Mr. Jerome reported that the Excise Tax Road Bond will be paid off in five years. This provides an option to secure another bond to complete capital projects that the City does not have the funds to complete.

- B. Web Site Update

Public Information Director Linda Peterson stated that a request for proposals was sent out. Vision Internet, which has years of experience building municipal websites, was selected. The site will take five to six months to complete.

Councilmember Painter inquired about the monthly maintenance fee. Ms. Peterson explained that she re-negotiated the maintenance fee with Vision and they reduced it by \$300 to \$5,700 per month. The contract price for building the website is \$21,975.

- C. Water and Sewer Rates

Lewis Young Robertson & Burningham has completed a preliminary study. They are working on final numbers now.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:41 p.m.

### **POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, John Painter (arrived 5:05 p.m.) and Richard Steinkopf. Nathan Ochsenhirt was excused.

CITY STAFF PRESENT: Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan, Planning Intern; Planning Intern Kent Partridge, Building Official; Linda Peterson, Public Information Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

#### **5. CALL TO ORDER**

Mayor Jackson called the meeting to order at 7:05 p.m.

#### **6. PLEDGE OF ALLEGIANCE**

Donna Burnham led the Pledge of Allegiance.

#### **7. INFORMATION ITEMS/UPCOMING EVENTS**

- **Pony Express Days** – Pony Express Days activities begin tomorrow and run through June 1. The PRCA Rodeo will be held this Friday, Saturday, and Monday (Memorial Day). Tickets and information are available at [ponyexpressdays.com](http://ponyexpressdays.com). You may also purchase tickets and carnival pre-sale wristbands at City Hall during business hours. Carnival pre-sale wristbands are also available at all Eagle Mountain schools except Eagle Valley until May 28 unless they sell out before then.
- **Pony Express Parkway Road Advisory** -- The contractor for the Ridley's Market site will be making a water line connection, impacting Pony Express Parkway today and tomorrow. The road will be down to one lane between Smith Ranch Rd. and Porter's Crossing. Work is expected to begin at 7 a.m. both days and end in late afternoon/early evening. Please watch for flaggers in the area and expect possible delays.
- **Used Book Sale** -- The Eagle Mountain Library will hold a used book sale from Tuesday, May 28 – Tuesday, June 4 during normal business hours. Proceeds will be used to purchase new books for the library. New items will be added daily throughout the sale.
- **Library Summer Reading Magic Show** – On June 4 from 1:30-3:00 p.m. Magician Al Lampkin will perform a magic show in the City Council Chambers. Admission is free. However, priority seating will be given to those pre-registered for our summer reading program. Anyone who is not registered will be seated after, until capacity has been met.

- **Splash Pad Open** -- The splash pad at Nolan Park is open for the season. Water is on a timer set for activation from 8 a.m. to 8 p.m. daily.
- **Bus Route #809 Detour** -- Due to installation of a 60-inch pipeline for the Central Utah Water Conservancy District near the American Fork commuter rail station, UTA has announced a detour for bus route #809 that will impact Eagle Mountain commuters from June 3-August 15. The detour will be to use the Lehi FrontRunner station instead of the American Fork FrontRunner station. More details and maps of the detour and CWP project are available in the News section of the City website.

8. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. (*Please limit your comments to three minutes each.*)

Nikki Wickman, 2766 Fort Hill Road, asked that any extra money in the budget be spent on roads and trails. She supported a roundabout at the intersection of Pony Express and Ranches Parkways. She hoped the traffic study on Pony Express Parkway near Vista Heights Jr. High School will take into account how many cars use Foothill Blvd. to get to Redwood Road. She also requested that the crosswalk at Pony Express Parkway and Porter's Crossing be restriped and have signs added so motorists will be more aware of pedestrians.

Marianne Smith, 6104 Lake Mountain Road, attended Work Session, but was unable to attend Policy Session. Mayor Jackson read Ms. Smith comments stating that she asked for a streetlight and road signage at the intersection of Lake Mountain Road and Pony Express Parkway. She would also like the apron of that same intersection fixed. She asked to have the utility rates printed on the utility bills. Mr. Jerome stated that the representative from the printer company said that the rates will be printed on June's bill.

Robert Schermerhorn, 2259 Cedar Drive, had questions about the City's debt. He asked what the \$110,000 fund transfer is that's listed in the budget. He wanted to know if money is being put aside to pay the debts and the total amount of the indebtedness. Finance Director Paul Jerome said the \$110,000 is a new Community Events Fund. The City's total indebtedness is about \$50,000, almost entirely tied to the Enterprise Funds. There are reserve funds on deposit at U.S. Bank as collateral for the bonds. Mr. Schermerhorn asked if the budget could be finalized well in advance of the approval date. Mayor Jackson explained that the County provides tax rate numbers very shortly before the budget must be approved, sometimes as late as a week beforehand.

9. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. (*Comments are limited to three minutes each.*)

Councilmember Burnham

Councilmember Burnham appreciated those who attended the meeting. She said it's frustrating to the Council when they have a public meeting for the budget and few people show up. Budget approval is the most important action the Council takes.

Councilmember Steinkopf

Councilmember Steinkopf thanked the audience for attending. He said that the Council does listen to their comments.

Councilmember Painter

Councilmember Painter thanked everyone for attending the meeting. He's received very little input from residents about the budget. The Council needs that information before the budget is approved. He mentioned that Pony Express Days is coming up.

Councilmember Ireland

Councilmember Ireland thanked those who are attending the meeting. He appreciated Mr. Schermerhorn's questions, because it's important to learn as much as possible and then provide suggestions to the Council. He asked Mr. Trusty when Eagle Mountain Blvd. will be resurfaced. Mr. Trusty said it will be resurfaced in June. The paving company will pay for the resurfacing, since they did the chip seal last year and it's already deteriorating.

Mayor Jackson

No comment.

**10. INTRODUCTION – Miss Eagle Mountain & Rodeo Royalty**

Miss Eagle Mountain, Ashton Glass, explained her platform for the year. It's called "Dancing is Healing." She uses dancing as a form of therapy for those who are suffering from illnesses or injuries. It is also helpful to those suffering from conditions like low self-esteem. Her first attendant is Alyssa Diaz and her second attendant is Sydney Jackman.

Eagle Mountain Rodeo Queen Janelle Robbins said the rodeo royalty is excited to participate in Pony Express Days and to represent Eagle Mountain at other rodeos this summer. Janelle's first attendant is Mckell Wall and her second attendant is Lexie Brady. Cheyenne Manning is the Teen Queen.

**CONSENT AGENDA**

**11. MINUTES**

A. May 7, 2013 – Regular City Council Meeting

**12. REDUCED BOND LETTER**

A. Pony Express Townhomes

**13. DEVELOPMENT AGREEMENT**

A. Porter's Crossing Town Center – Ridley's Market/Ace Hardware

This item was moved from the Consent Agenda to the Policy Session Agenda.

**14. FINAL PLAT**

A. Village at Simpson Springs, Plat A, 2<sup>nd</sup> Amendment

**MOTION:**

*Councilmember Ireland moved to approve the Consent Agenda, items 11, 12 and 14. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

**SCHEDULED ITEMS**

13. DEVELOPMENT AGREEMENT – Porter’s Crossing Town Center – Ridley’s Market/Ace Hardware.

This item was presented by City Attorney Jeremy Cook. He explained that, since the agreement was originally written, Ridley’s Market purchased the portion of this development that will be the grocery store. The agreement needs to be rewritten to include the name of the entity through which Ridley’s purchased the land.

Councilmember Ireland asked if the agreement still specifies that the City will complete its portion of the infrastructure work as quickly as possible. Mr. Cook said it does. Councilmember Ireland also asked how the storm water detention easement affects the property. Mr. Cook replied that the detention pond is off of the development site. The easement is to ensure that the property isn’t developed in a way that prevents storm water from draining there. The easement property is near the northeast corner of the development and is owned by an entity controlled by the same developer as the Porter’s Crossing project.

**MOTION:** *Councilmember Burnham moved to approve a development agreement for Porter’s Crossing Town Center, including adding the new entity to the agreement and making any other needed changes. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

#### **PUBLIC HEARING**

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year Budget 2013-2014. This is not an action item – the final budget will be adopted June 18, 2013.

This item was presented by Finance Director Paul Jerome. The State Code requires that the City Council hold a public hearing on the proposed budget and that the final budget be adopted by June 22. The tentative budget was accepted by the City Council on May 7, 2013. The City Council will hold the public hearing on May 21, 2013 and will adopt the final budget, as proposed or with amendments, at the June 18, 2013 City Council meeting. The final budget will be the document that governs the expenditures for FY 2013-2014.

The expenditure portion of the General Fund is just under \$7M. Capital Projects is just over \$1M. Debt Service is \$1.44M and Special Revenue Funds are \$582,000.

Expenditures have dropped in many of the funds compared to the FY 2013 budget. Much of the debt service has been transferred to the funds that hold the debt, rather than being held in one Debt Service Fund.

Revenue is approximately \$7.5 million. It is expected that the General Fund will be reimbursed for the cost of Fire Station #2 by selling it to the Unified Fire Authority.

The City has adequate funds to make debt service payments and hold the amount in reserve that is required by bond covenants.

The Capital Projects Fund holds slightly more than \$1M for the following projects: Mid Valley Park improvements, a cemetery, a stoplight and an expansion of Pony Express Parkway near Ridley’s Market.

*Mayor Jackson opened the public hearing at 7:46 p.m.*

Adam Bradley, 4062 Mt. Airey Drive, asked what transfers are and why they're made. Mr. Jerome explained that administrative overhead allocations are enterprise and utility funds that are transferred to the General Fund to cover the costs of administrative services to the departments. For example, Mr. Jerome does the departments' finances, so money is transferred from those funds to pay part of his salary. Fleet transfers cover all the vehicle costs for the City.

Lois Leikam asked about the transfer from the General Fund to Community Events for Pony Express Days. She felt that if Pony Express Days can't support itself, it shouldn't take money from utility funds. She's never attended a Pony Express Days event and didn't want to pay for them. Councilmember Painter responded that the Council made the choice to fund Pony Express Days to bring the residents together, as many residents have requested. Ms. Lycum stated that she has lived in the City for four years and has never met anyone who has attended a Pony Express Days event. She also asked what numbers the City needs from the County. Mayor Jackson explained the County sets the property tax rate. Councilmember Ireland said that the County assesses all of the properties in the City. The tax rate is revenues divided by the total valuation.

Robert Schermerhorn said the City is not saving any money to make bond payments. Assistant City Administrator Jason Walker explained that the City does make scheduled annual payments on each bond. The budget shows debt service payments in each fund. Bond payments are made annually or semi-annually. Each fund also holds a required amount in reserve, which can't be used until the last bond payment.

Mr. Schermerhorn asked why bond payments have increased from previous years. Mr. Walker explained that bond payments typically aren't flat; they increase from year to year. Councilmember Ireland pointed out that gas and electric bonds also show an increase because an additional bond was taken out.

Sam Allen said that the City Council only wanted to raise the utility rates, so he wrote a report and 500 people attended a City Council meeting. People aren't attending City Council meetings now because most have decided to vote against the current Mayor and City Council Members. He wished the Council had put the utility rates on the agenda two years ago. He wished the meeting format had been changed to allow discussion between the Council and residents before the residents staged a riot. He wished the Council had repaved Ranches Parkway before the residents staged a riot. He said City vehicles used to be seen at Cabela's and various restaurants, but aren't any more, because there was a riot and the press covered the story. He appreciated the changes that have been made, but they've only been made under duress. He didn't like having Pony Express Days events that are losing money and Pony Express staff costs not being included in the budget. He said that residents are going to change the City. He's gotten emails from people who have left the city because they can't afford their utility bills. He objected to the Mayor and her husband going to Las Vegas for a conference and staying longer than the conference lasted. He said that Lianne Pengra told him that 3,000 Pony Express Days tickets were given away last year, including hundreds to the media. He didn't think it was fair that the Mayor and Council are paid to spend his money.

Marion Cline said her family enjoys Pony Express Days, but she wonders if the City needs to support it as much as it does. Is it comparable to other cities? She appreciated the survey posted on the City website, asking for residents' input on Pony Express Days. She is highly in favor of

improvements to Mid Valley Park. Mr. Walker said that staff has studied other cities' event costs. He said that Lehi subsidizes the Legacy Center by \$1M every year because that's a priority for their City Council.

Melissa Bradley, 4062 Mt. Airey Drive, asked what criteria the City uses to determine whether land is disposable. Mayor Jackson responded that the City had a process for disposing of land that was unusable. Mr. Cook said that land disposals created issues of repeatedly amended subdivision plats, which was a huge process and a legal problem. Mayor Jackson said that, in one case, a lot that included a land disposal was foreclosed on, but the land disposal wasn't foreclosed, so the previous owners still own a tiny sliver of land. Ms. Bradley stated that a small piece of land in her subdivision was sold for 13 cents a square foot, but is really worth \$44,000. Mayor Jackson explained that before the land was sold, it was priced as unimproved land, which is much less valuable than an improved lot.

Robert Schermerhorn said that the City needs events, but asked how many people had to pay their utility bills on a payment schedule. Mr. Jerome said he could get that information. Mayor Jackson clarified that bills went up because people used more electricity. Mr. Schermerhorn said that his rates went up because Rocky Mountain Power stopped serving Cedar Pass Ranch, so he began paying City rates. Councilmember Ireland pointed out that, during the meeting in which the City took over Rocky Mountain Power's customers, the rate change was explained. Mr. Schermerhorn felt that when people have to go on a payment plan, the money spent on Pony Express Days should be used for utility bills. Mayor Jackson responded that utility rates don't go to pay for Pony Express Days. Also, the City used to transfer money from utility funds to the General Fund for Pony Express Days, but that's not done any longer. Mr. Jerome said transfers are documented per each employee.

Mr. Walker pointed out that he appreciated the fiscal impact of Pony Express Days on families, but he analyzed the numbers and found that Pony Express Days only costs the average homeowner \$12.65 per year.

Lois Leikam stated that \$12.50 matters to her. She felt that if she received \$500 to attend City Council meetings, it might not matter to her.

*Mayor Jackson closed the public hearing at 8:18 p.m.*

16. AGREEMENT – Consideration and Approval of an Amendment to The Ranches Master Home Owners Association (HOA) Maintenance Agreement.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City entered into a landscape agreement with The Ranches Master HOA to maintain Ranches Parkway and Pony Express Parkway. This proposal clarifies the terms of the original agreement. This item was tabled from the May 7, 2013 meeting due to concerns about the water use formula and the HOA's response to complaints.

Mayor Jackson stated that the HOA had recently changed their phone system and later found out that the hotline had been disrupted. They will put the number on their website and will allow the City put the number on its website.

In the discussion during Work Session, HOA Manager Brian Haskell offered to reduce the authorized amount of water to be allocated in the agreement.

Councilmember Painter asked if the water amount had been tracked during the term of the agreement. Mr. Trusty said there was some disagreement between the HOA's figures and the City's figures, which is why the HOA would prefer to use a formula to set the water use allocation.

Councilmember Burnham asked whether the City has considered the amount of water used in City Center parks. Mr. Trusty replied that the City hadn't used those figures, but had used Nolan Park as a basis. Since Nolan Park is more efficient to water than the park strips, it isn't an accurate comparison. Councilmember Burnham felt that the average water use specified in the Utah State University Extension Service (USU) formula isn't accurate because it includes April. She doesn't ever water her lawn before the end of April and usually not until May.

Councilmember Ireland stated that he's never turned his sprinklers on in April. He said the amount in the HOA agreement is five inches per month, but USU recommends that homeowners water one inch per week during the hottest time of the summer.

Councilmember Painter, who is an HOA delegate, said that the HOA has a good relationship with the City. They wouldn't have a problem with negotiating the agreement further.

Mr. Trusty said that the HOA presented three formulas. The City chose the USU formula because it seemed to include conservation.

Councilmember Steinkopf wondered if the formula could be tested for a year. Mr. Trusty replied that the contract can always be amended.

Mayor Jackson suggested providing documentation to the Council of how much water has been used in the past.

**MOTION:** *Councilmember Burnham moved to table The Ranches Master Homeowners Association (HOA) maintenance agreement. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Establishing Fireworks Restrictions in Eagle Mountain for 2013.

This item was presented by Chief Rand Andrus. With recent changes adopted by the Utah State Legislature, Eagle Mountain is required to set firework restrictions within the community. The Unified Fire Authority recommends that Eagle Mountain City follows the same restrictions that were approved for 2012, as well as meeting requirements within the State-adopted International Fire Code.

Chief Andrus read the section of the International Fire Code that identifies what sources of ignition are regulated.

Councilmember Burnham hoped that residents will take advantage of the opportunity to have a community fireworks gathering.

Mayor Jackson read the section of the resolution that specifies which neighborhoods will not be allowed to light fireworks. Residents may light fireworks on the asphalt parking lots at Pony Express Park and SilverLake Amphitheater.

**MOTION:** *Councilmember Painter moved to adopt a Resolution of Eagle Mountain City, Utah, establishing fireworks restrictions in Eagle Mountain for 2013, as clarified by staff recommendations. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Recommendations discussed prior to the motion are as follows:

All fireworks will be prohibited in the following areas and subdivisions in 2013: Any homes or roads adjacent to the bike park, Lake Mountain Road, Cedar Pass Ranch, North Ranch, Ruby Valley, Lone Tree, Kiowa Valley, Eagle Top, Point Lookout, Hidden Canyon, Fremont Springs, Meadow Ranch, Valley View, and White Hills.

Designated firework locations are established in the asphalt parking area above SilverLake Amphitheater and asphalt parking areas at Pony Express Park. All residents who live close to perimeter streets with adjacent fields or hills are encouraged to move as far as possible away from fields or hills or to designated firework locations.

Permitted dates for summer fireworks are July 1 to July 7 and July 21 to July 27. Fireworks are allowed from 11:00 a.m. to 11:00 p.m. on the days before and after the holidays and on the holidays until midnight. On New Year's Eve and Chinese New Year's Eve, fireworks can be lighted until 1:00 a.m.

18. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Steinkopf

No comment.

Councilmember Painter

No comment.

Councilmember Ireland

Councilmember Ireland asked how to go about acting on the public comments regarding the budget. Mayor Jackson suggested that Councilmembers email their suggestions to her with a copy to Mr. Jerome.

He asked what the City can do about the deteriorating sign at the intersection of SR 73 and Eagle Mountain Blvd. Planning Director Steve Mumford said he will follow through with the City Attorney and the Code Enforcement Officer to have the sign taken down.

Councilmember Burnham

Councilmember Burnham thanked those who stayed until the end of the meeting.

Mayor Jackson

Mayor Jackson said she got a text from a friend about a week ago letting her know that a family in the community, the Timmerman family, had spent time during the last few weeks picking up trash along Eagle Mountain Blvd. and took seven truckloads of trash to the dump. Mayor Jackson was very impressed and appreciative.

Last Wednesday evening, Mayor Jackson attended the Utah County Sheriff's award program. Two Eagle Mountain residents were honored—Steve Eaton and Vincent Liddiard, both members of the Volunteers in Police Service program.

19. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

Councilmember Steinkopf reported that the Parks and Recreation Advisory Board is preparing a presentation on a proposed Adopt-A-Park program.

20. COMMUNICATION ITEMS

a. Upcoming Agenda Items

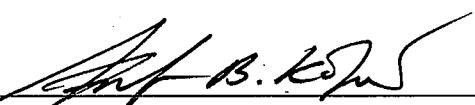
21. ADJOURNMENT

**MOTION:**

*Councilmember Painter moved to adjourn the meeting at 8:49 p.m.*

*Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JUNE 18, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**June 18, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Ikani Taumoepeau, Economic Development Director; Charlie Fuller, Administrative Intern; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan, Planning Intern; Steve Olsen, Energy Department; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:11 p.m.

1. **AGENDA REVIEW** – The City Council will review items on the Consent Agenda and Policy Session Agenda.

**12. FY 2013 Final Budget Amendments**

Some budget amendments are made to cover potential rather than actual costs, to prevent unexpected increases, such as emergency items, before the end of the fiscal year. Others are for approved, year-end expenditures. This prevents non-compliance with State regulations.

Proposed amendments include expenditures for a salary survey, website design, liability insurance, attorney's fees and banking fees.

Councilmember Painter questioned whether some of these amendments could be used to purchase items or services not previously approved. Mr. Jerome explained that each amendment was limited to a specific State-mandated category. If any one category in the General Fund is over-expended, the State considers the entire budget out of compliance.

The same procedure is used for Enterprise Funds, although excess expenditures from Enterprise Funds are not considered non-compliant by the State.

Councilmember Painter asked what the \$50,000 marketing/consulting budget was designed to cover. Mr. Pili said it was for consulting services for economic development.

**13. FY 2014 Budget Adoption**

The budget shows revenue over expenditures of \$693K. This is primarily due to the expected sale of Fire Station #2 to the Unified Fire Authority. Fees for building permits were also higher than expected this year. Enterprise Funds are expected to bring in \$778,000 more than they expend.

Councilmember Ireland clarified that the capital projects approval tonight is for the overall fund amounts, but the individual projects will be approved at a later date. Discussion ensued on which projects might be funded.

Proposed capital projects include the widening of Pony Express Parkway near Ridley's Market, a traffic light at the intersection of Pony Express Parkway and Ranches Parkway, improvement of Mid Valley Park, a cemetery and replacement of trees in parks throughout the City.

Mr. Jerome explained that the City's property valuation increased by \$44M last year. In order to keep the annual property tax revenue level, this year's certified tax rate set by the county will be .001559, approximately a 7% rate reduction. The 7% reduction is due to an average 7% increase in the assessed value of homes in the City. The certified tax rate is designed to fluctuate to guarantee a consistent annual dollar amount for the City's budget.

The City will drop its rate an additional 11.46%, for a total reduction of 18.46%, to reflect the change due to the City's annexation into the Unified Fire Authority. The total reduction would set the rate at 0.001380.

Councilmember Painter asked if the tax reduction Mr. Jerome described reflects the exact reduction due to UFA. Mayor Jackson said it did not, as the Council directed staff to keep the property tax as high as permissible and cut City fees to account for the change due to the UFA.

Councilmember Painter asked why the Council waits for the certified tax rate from the County before finalizing the budget, when they know the annual revenue amount. Mr. Walker said that Councilmember Painter is correct; the budget could be finalized based on the revenue amount.

Councilmember Painter suggested that the special projects line item under the Legislative budget be placed into the Executive budget, instead.

Councilmember Painter asked if preliminary numbers are available for Pony Express Days. Mr. Jerome said there are still outstanding invoices.

Councilmember Painter asked how the percentage of the budget in the reserve is calculated. Mr. Jerome responded that State statute requires at least 5% of the upcoming year's total General Fund be held in reserve. The City decides exactly what percentage to keep in that fund. If the reserve grows to more than 25%, the excess must be transferred to capital projects or the tax rate must be reduced.

Discussion ensued regarding what percentage should be placed in the reserve fund and what projects any additional amount might be used for.

#### 15. Hindley Annexation

City Recorder Fionnuala Kofoed reported that the noticing and protest period requirements have been met, so the decision is now before the Council as to whether they choose to accept the annexation.

Councilmember Ireland asked how the annexation will benefit the residents of the City. Mayor Jackson said that the applicant plans to subdivide the property into mostly one-acre lots, which are in great demand in the City.

Ms. Kofoed said that she has received phone calls from City residents who are interested in purchasing lots in that area.

Councilmember Steinkopf was concerned about the number of septic tanks that will be installed in that area. He was pleased that the one-acre lots will help keep residents from moving out of the City.

**16. Franchise Fee Repeal**

Councilmember Ireland asked why the franchise fee is being eliminated from the water utility, but not from the electric and gas utilities. Mr. Jerome explained that removing all franchise fees would require a tax increase.

2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

*No Closed Executive Session was held.*

The meeting was adjourned at 6:31 p.m.

*A Redevelopment Agency meeting was held between the Work Session and the Policy Session.*

**POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Charlie Fuller, Administrative Intern; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; David Norman, Asst. Public Works Director; Steve Olsen, Energy Department; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

**4. CALL TO ORDER**

Mayor Jackson called the meeting to order at 8:02 p.m.

**5. PLEDGE OF ALLEGIANCE**

Ryan Ireland led the Pledge of Allegiance.

## 6. INFORMATION ITEMS/UPCOMING EVENTS

- Bus route #809 detour -- Due to installation of a 60-inch pipeline for the Central Utah Water Conservancy District near the American Fork commuter rail station, UTA has announced a detour for bus route #809 that will impact Eagle Mountain commuters through August 15. The detour will be to use the Lehi FrontRunner station instead of the American Fork FrontRunner station. More details and maps of the detour and the CWP project are available in the News section of the City website.
- Election poll workers needed -- Eagle Mountain City is seeking poll workers for the 2013 municipal election. The primary election will take place on Tuesday, August 13, with the general election taking place on Tuesday, November 5. The polls will be open from 7:00 a.m. to 8:00 p.m. Poll workers will need to arrive at 6:00 a.m. and stay until at least 9:00 p.m. Poll workers and alternates will be needed at each of the three voting locations: City Hall, Pony Express Elementary School and The Ranches Academy. In addition, counting workers will be needed at City Hall starting at 4:00 p.m. The application deadline is July 1. Please contact the City Recorder's office to apply.
- Fireworks restrictions -- Due to the changes by the Utah State Legislature, Eagle Mountain is required to set firework restrictions. Unified Fire Authority is recommending following our restrictions from last year as well as meeting the requirements within the State adopted International Fire Code.

Illegal fireworks are never allowed. If found, illegal fireworks will be confiscated by the Sheriff's Office or Fire Department, with the potential of the users being cited. With high wildfire danger including dry and hot weather conditions, Eagle Mountain City is banning fireworks or ignition sources from the following subdivisions: homes next to the bike park, Lake Mountain Road, Cedar Pass Ranch, North Ranch, Ruby Valley, Lone Tree, Kiowa Valley, Eagle Top, Point Lookout, Hidden Canyon, Fremont Springs, Meadow Ranch, Valley View and White Hills. All other residents who live close to perimeter streets with fields or hills adjacent to your homes, please use fireworks further inward as far from potential dangers as possible. We encourage residents who are planning to use fireworks in the City limits to use extreme caution, limit use to concrete or asphalt surface areas not close to brush, and have a water source close by. Extinguish and dispose of used fireworks properly. Please make all members of your family aware of these new restrictions.

The City has added these restrictions for the protection and safety of all residents and their property.

## 7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Luke Panell asked what progress is being made with the Pole Canyon annexed area. The water system is still leaking, despite the valves that were replaced. He also asked what street sweeping is being done this summer. Mayor Jackson stated that she has a meeting scheduled with the Pole Canyon developer on Thursday. Public Works Director Chris Trusty said he just sent an email to the Streets Department supervisor asking what the sweeping schedule is.

Bruno Hunziker commented on the weeds growing in White Hills since the City annexed the area. The County sprayed weeds twice a year when it was in charge of the area. He wanted to know why the City ordinance is not being enforced. He asked about the park there. He wanted to know the dimensions. He said he saw some children fall 2.5 feet onto a rock surface. Mayor Jackson

responded that she'll find out the park completion date at the meeting on Thursday. She also said that the City recently completed an administrative hearing program, which should help with code enforcement. Mr. Trusty said some crack sealing will be done on the streets in the area.

Sam Allen commented that the City is fond of surveys. He felt that a survey is useless unless it uses a random sample. He didn't think the surveys on the City website were valid. He also said that the City shouldn't hold up the budget vote while waiting for the County tax rate to be provided. Since the tax rate is designed to provide the same amount of revenue to the cities each year, then the rate issue is not important. He felt that the budget is voted on just before the State deadline to make it impossible for the Council to do anything but pass it. He told the Council that if any of them wanted to vote against the budget and shut down the government, he would support them.

Marianne Smith asked what progress has been made on a street light and apron at the intersection of Lake Mountain Road and Pony Express Parkway. Mr. Pili stated that he was told a streetlight would cost \$30,000, so the Energy Department is trying to find a less expensive solution. Mr. Trusty asked Ms. Smith to speak with him after the public comment period about the street apron.

Chris Pengra asked about the change order on the agenda. He believed the cost would be paid from utility bond proceeds and wanted to know what costs could be covered by the developer. Steve Olsen of the Energy Department said that the change order on the steel pipeline project was requested by the City in order to have the option to serve additional natural gas customers in other areas of the City. It is less expensive to add this equipment now rather than reopening the line in the future.

8. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Burnham

Councilmember Burnham thanked those who attended the meeting. The decisions being made tonight are very important. She pointed out that the City Council held a public hearing on the budget at its last meeting. Unfortunately, few people attended the meeting.

Councilmember Steinkopf

Councilmember Steinkopf welcomed those attending the meeting.

Councilmember Painter

Councilmember Painter said Pony Express Days was a wonderful event. It reflected well on the City. He recognized the volunteers who made the event possible. He was excited about the upcoming election. He looked forward to meeting the candidates. It is important that candidates have more than one issue on their platform. He was pleased that the last several elections have balanced new perspectives with experienced Councilmembers. He felt that this Council is amazing and advised candidates to run a positive campaign.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said he is a better person because of working with the other members of the Council. He said that Eagle Mountain is a great place to live and to work together. He hoped this election cycle would provide happy solutions to the issues facing the City. The passion engendered by an election can make it difficult to withhold strong emotions.

Councilmember Ireland

Councilmember Ireland expressed his thanks for those who attended the meeting and expressed their opinions.

Mayor Jackson

Mayor Jackson said she echoed the Council's comments and did not want to take more time, as the agenda was very full.

**CONSENT AGENDA**

9. MINUTES

A. May 21, 2013 – Regular City Council Meeting

10. CHANGE ORDER

A. Steel High Pressure Natural Gas Pipeline

11. FINAL PAYMENT

A. Ranches Parkway Overlay

**MOTION:** *Councilmember Ochsenhirt moved to approve the Consent Agenda. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

**SCHEDEDULED ITEMS**

**PUBLIC HEARING**

12. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adopting the Final Amendments to the Fiscal Year 2012-2013 Budget.

This item was presented by Finance Director Paul Jerome. The Utah State Code requires that any final increases in the budget be adopted after a public hearing and prior to the fiscal year ending. The City's budget is being amended to cover all anticipated expenditures through the fiscal year ending June 30, 2013. The amended budget should cover all eventualities so that the City will not be cited by the State for budgetary non-compliance.

There are five categories in the General Fund which need to be balanced. Each category must be balanced or the entire budget is out of compliance with State regulations. City staff tries to anticipate all final expenses before the end of the budget year. This year's amendments include attorney's fees, banking fees, capital expenditures for the library, a capital study, snow removal costs, parks maintenance, and capital equipment that was purchased out of proceeds funded by the sale of other fixed assets.

The sources of revenue include higher-than-expected building permit revenue and the B&C road funds balance from previous fiscal years; as well as property taxes, plat fees and plan check fees associated with growth.

The CWP water share purchase was paid for out of leftover water and sewer bond proceeds. The funds for the well lawsuit were previously approved by Council. The remainder of the golf course

fund will be transferred to the Water Fund. The Business Incubator Fund was created from a portion of the proceeds from the sale of the golf course building.

Councilmember Painter asked if the administration plans to make any purchases based on these budget amendments. Mr. Jerome replied that budget amendments are only created for emergency expenditures or expenses that are out of the City's control. If the funds are not spent, they roll over into the General Fund balance.

*Mayor Jackson opened the public hearing at 8:41p.m.*

Nick Jessen asked about the funding for the Business Incubator Program and the website upgrade. He also asked what return on investment was expected on the Business Incubator Program and how that return was calculated. Mayor Jackson said the website needs to be revamped. Councilmember Painter pointed out that the upgrade was for technical improvements, not aesthetic ones. Mayor Jackson said that the total being spent on the website is \$22,000, divided between the General Fund and the Enterprise Funds. The annual maintenance fee will be \$6,000.

Mr. Pili explained that the \$50,000 marketing costs for the Incubator Fund in the 2012-2013 budget year was for consultants who brought in a grant and a loan in the amount of \$1.3 million, as well as bringing Ridley's Market to the City. Mr. Pili said that the City pays \$72,000 to Direct Communications for use of the incubator building. The program has been revamped to make it more sustainable. The grant secured by the consultants will be used to enable Direct Communications to build another building, which would reduce the City's lease cost. There is also an expenditure to contribute to the salary of the UVU business resource counselor, who has acquired \$30-40K of funding for local businesses.

Sam Allen was concerned that the Council used the words "grant" and "loan" interchangeably. Mr. Pili explained that the grant Mr. Allen was referring to is \$300,000 designed to go to a revolving loan fund for business development. The \$1M loan is restricted to providing pass-through funds for companies to build economic development structures. The companies building the structures are required to pay back the loan. Mr. Allen felt that government is not able to choose successful businesses, and the City is gambling with taxpayer funds. Mr. Pili explained that the money comes from interest on previous loans made by the USDA and not local taxpayer funds. The business incubator also does not use taxpayer funds. It assists businesses that are already viable and are growing because of the help of the program. Mayor Jackson said the building that will be built from the loan funds is to provide additional office space in the City, and possibly to provide additional space for the incubator program.

Councilmember Ochsenhirt asked about the financing for the golf course and the new building. Mr. Pili responded that the City didn't pay anything for the golf course and will receive about \$1M by the end of the agreement.

Robert Schermerhorn said he was confused by the references to a grant which turns into a loan, a free golf course and a loan that doesn't need to be paid back. He considered it double-talk. Mr. Pili invited Mr. Schermerhorn to meet with him and he would explain the financial details. Councilmember Burnham pointed out that the golf course was built by another party and was donated to the City. Councilmember Ochsenhirt asked if the City was going to have to pay back any of the \$1.3M of the USDA loan. Mr. Pili said the loan will be paid back by the developer of the office building.

Chris Pengra said that he thought \$1M return on a \$1.00 investment for the golf course was pretty good. On a more serious note, he asked how much of the \$1M the City has received so far. Mr. Pili responded that the City has received \$500,000 so far. Mr. Pengra asked about the use of \$1.5M of the utility bond funds. Mr. Jerome stated that the City was granted an extension on the ten-year time limit. The funds will be used for purchasing water shares. Mr. Pengra asked if a bond defeasance could have been done. Mr. Jerome responded that, due to the costs of lawsuit that was pending, it was decided that bond proceeds should be used for the water shares. There are also some water projects that can be completed with the remaining funds.

Lois Leikam asked what developer will be paying back the \$1M loan. Mr. Pili answered that the developer is Direct Communications. She asked if there is a time frame connected to the bond. Mr. Pili said USDA gives a ten-year time limit. Ms. Leikam asked if the City has any risk. Mr. Pili said that there is a minor risk of the City having to foreclose on the building and repay the loan. He pointed out that the Council has not officially approved the loan. The City has two years before the ten-year time limit begins. At the moment, there is virtually no office space for local businesses, which is why this loan is so attractive for economic development.

*Mayor Jackson closed the public hearing at 9:07 p.m.*

**MOTION:** *Councilmember Painter moved to adopt an ordinance of Eagle Mountain City, Utah, adopting the final amendments to the Fiscal Year 2012-2013 budget. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt; John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

#### **PUBLIC HEARING**

13. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year Budget 2013-2014.

This item was presented by Finance Director Paul Jerome. The Utah State Code requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 22. The tentative budget was accepted by the City Council on May 7, 2013. The City Council will adopt the final budget, as proposed or with amendments, and the final budget will be the document that governs the expenditures for FY 2013-2014.

Mr. Jerome reported that excess revenues over appropriations now stand at \$693,295. Most of this comes from the sale of Fire Station #2 to the Unified Fire Authority. The revenues over expenditures will be used for capital projects. Projects being considered include widening a section of Pony Express Parkway, a streetlight at the intersection of Pony Express and Ranches Parkways, a cemetery, additional work on Mid Valley Park, and tree replacement.

Debt service payments are going to be posted to the utility funds from now on, since that's where the auditor collapses them to.

Councilmember Burnham asked by what date the law requires the budget to be approved. Mayor Jackson said the deadline is June 22. Councilmember Burnham said, in response to a concern raised earlier, if the Council had concerns about the budget, they would not hesitate to disapprove it, despite the deadline. If the budget was not approved, they would hold a special meeting by June 22.

Councilmember Ireland stated that the initial public hearing on the FY 2014 budget was held a month ago, which is the same process they used last year, unlike previous years in which the public hearing

was held right before the vote. Mayor Jackson pointed out that budget meetings used to be held at locations away from the City, which made it virtually impossible for residents to attend. This was not the practice of the current Council. Budget meetings have been held during regular meeting times in City Hall.

*Mayor Jackson opened the public hearing at 9:18 p.m.*

Luke Pannell commended the Mayor and Council for the new, more transparent budget process. He was very frustrated a few years ago when he attended a budget meeting and was the only resident there.

He asked why the City contracts with the County Sheriff's Office for law enforcement for \$1.9M, but pays a part-time City employee \$42,000. Mr. Jerome explained that the \$42,000 covers the cost for all of the crossing guards. Mr. Pannell asked why utility funds were being transferred into the Fleet Fund. Mr. Pili responded that all departments transfer funds into the Fleet Fund to pay for use, maintenance and replacement of the vehicles they use. Mr. Jerome said he has broken the fund down by vehicle and he'll post that information. Mr. Pannell asked why a new vehicle purchase is proposed in the FY 2014 budget in the amount of \$238,000. Mr. Jerome explained that the amount covers the total purchase price of several vehicles. Mr. Pannell asked why \$15,000 is budgeted for trees. Mr. Trusty said that it covers replacement of existing trees that have died and planting new trees in additional public open space to beautify the City. Mr. Pannell suggested using the funds for something that dies less readily than trees.

Dan Lilly said he elected the Council to take care of spending his taxes. He also said it was stupid and insulting to talk about shutting down the government.

*Mayor Jackson closed the public hearing at 9:29 p.m.*

Councilmember Ireland asked Mr. Jerome to discuss how funds are established in the City budget. Mr. Jerome replied that the General Fund has many sub-funds that get their revenues from taxes and other fees. Other funds are based on other types of revenue sources. The Fleet Fund gets much of its revenue from internal transfers. The Economic Development Fund gets its funding from proceeds from the sale of the golf course. The Community Events Fund gets much of its revenue from sponsorships and ticket sales.

Discussion ensued on how to spend the funds available for capital projects. The City has approximately \$38,000 available in County recreation tax grants. These funds could be used for trees in public open spaces, including parks and possibly the proposed cemetery, which would free \$15,000 in the General Fund balance for other projects.

Councilmember Painter asked if there is an ongoing maintenance cost for the ATV trail system. Mr. Pili said the City has received a grant to cover ATV trail system costs. The grant will be handled as a budget amendment.

**MOTION:** *Councilmember Painter moved to adopt an ordinance of Eagle Mountain City, Utah, adopting the Fiscal Year 2013-2014 budget, reducing Fund 61 by \$40,000 and reducing Fund 47 from \$15,000 to \$10,000, and to certify the tax rate at .0013803386. Councilmember Ochsenhirt seconded the motion.*

Councilmember Painter noted that the purpose of reducing those two funds was to allow for the paving of the Public Safety Building parking lot and the purchase of an employee ID system.

Councilmember Ireland asked what the City's UFA tax rate is. Mayor Jackson replied that it is .002192.

Mr. Jerome explained to the audience that the State Legislature mandated that the certified property tax rate be adjusted each year to guarantee that tax revenue to cities remains steady despite fluctuations in property tax values.

***Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.***

Councilmember Ireland explained that he voted no because he had not been able to validate to himself that the changes in the tax rates caused a net zero change for residents. He did not think budgets should be judged as either right or wrong, but respectfully discussed as differences in opinion as to how money should be spent. A reasonable difference of opinion is required in a democracy.

Councilmember Burnham would like the City to find out how closely the City was able to create a net zero change for residents.

Councilmember Ireland asked staff to include soft costs into the calculations for City expenditures.

**PUBLIC HEARING**

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Rezoning Antelope Springs from Agricultural to Residential.

This item was presented by Planning Director Steve Mumford. The proposed ordinance rezones 41.3 acres from Agricultural to Residential. The property is located west of Pony Express Parkway and north of the City Center area (serial: 59:033:0008).

*At the developer's request, this item was removed from the agenda.*

**PUBLIC HEARING**

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Annexing an Area of Approximately 223 Acres Commonly Known as the Hindley Annexation.

This item was presented by City Recorder Fionnuala Kofoed. A petition for the Hindley Annexation was submitted to the Recorder's Office on March 13, 2013. The annexation is approximately 223 acres and is located directly west of the North Ranch subdivision and north of the recent Clearview Estates Annexation. The annexation was certified by the Recorder's Office on May 2, 2013. The 30-day protest period has run and no protests to the annexation were received. The City Council may annex the property after the public hearing.

*Mayor Jackson opened the public hearing at 10:11 p.m.*

Luke Pannell asked that the City deal with the issues in annexations that have already been completed before annexing additional property. White Hills, which was annexed into the City with Pole Canyon, has had ongoing problems with promises not kept by the developer. Mayor Jackson reminded Mr. Pannell that she had a meeting scheduled with the developer of that annexation and would address his concerns.

*Mayor Jackson closed the public hearing at 10:14 p.m.*

Councilmember Ireland asked Mr. Pili if the City has figures on how much it costs to provide City services to residential homes, compared to the amount of property tax paid by the homeowner. Mr. Pili said the City provides \$2-\$3 in services for each \$1 of residential property tax revenue. While those figures show a negative effect on the City from annexations, the infrastructure bonds held by the City will be paid off more easily with additional homes.

Discussion ensued as to the various ways an annexation and rezone may affect the general welfare of the City and its residents.

**MOTION:** *Councilmember Painter moved not to adopt an ordinance of Eagle Mountain City, Utah, annexing an area of approximately 223 acres commonly known as the Hindley Annexation. As there was no second, the motion failed.*

**MOTION:** *Councilmember Ireland moved to table an ordinance of Eagle Mountain City, Utah, annexing an area of approximately 223 acres commonly known as the Hindley Annexation. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with vote of 4:1.*

16. **RESOLUTION - Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Repealing the Franchise Fee / Utility Tax on the Eagle Mountain Water Utility.**

This item was presented by City Attorney Jeremy Cook. In 2003, the City enacted a 3% utility tax (also referred to as a franchise fee) on certain utilities in the City, which percentage was increased to 6% in fiscal year 2006. The 6% utility tax is consistent with the amount charged by most municipalities in Utah. Based on the recommendation of the City Council, the resolution would repeal the 6% utility tax on the City's water utility.

**MOTION:** *Councilmember Ireland moved to adopt a resolution of Eagle Mountain City, Utah, Repealing the Franchise Fee / Utility Tax on the Eagle Mountain Water Utility. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. **BID AWARD – Consideration and Award of Bid for the Pony Express Widening Project.**

This item was presented by Public Works Director Chris Trusty. Funding will be allocated in the Fiscal Year 2014 budget to widen Pony Express Parkway from Smith Ranch Road through Porter's Crossing. The project will include storm drainage, a median and curb returns for Smith Ranch and Porter's Crossing.

**MOTION:** *Councilmember Burnham moved to award a bid for the Pony Express Widening Project bid alternate to Geneva Rock in the amount of \$254,244.35 and authorize the Mayor to sign the agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

18. AGREEMENT – Consideration and Approval of a Purchase Agreement through the Utah State Contract for a Kubota SVL75C Rubber Track Loader with Cab and 68” Scraper Bucket.

The purchase of the Kubota SVL75C Rubber Track Loader with cab and scraper bucket is for the maintenance of the sand drying beds that are used to dry the bio-solids (treated waste from the sewer treatment facility) before they are disposed of.

**MOTION:** *Councilmember Ochsenhirt moved to approve a purchase agreement through the Utah State Contract for a Kubota SVL75C rubber track loader with cab and 68” scraper bucket in the amount of \$42,070 and authorize the Mayor to sign the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

19. AGREEMENT – Consideration and Approval of a Utility Commitment Agreement between Eagle Mountain City and Granite Construction Company.

In order to incentivize the City to construct certain infrastructure improvements to supply natural gas and electricity to the asphalt plant being constructed by Granite, the Agreement requires Granite Construction Company to purchase at least 107,900 dekatherms of natural gas and 1,683,500 kW-Hours of electricity from Eagle Mountain City by May 31, 2018. The Agreement also establishes a formula to calculate the rate the City will charge Granite for natural gas during the term of the Agreement.

**MOTION:** *Councilmember Ochsenhirt moved to approve a Utility Commitment Agreement between Eagle Mountain City and Granite Construction Company. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt; John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

20. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adopting the Project Area Plan, Approved by the Board of Directors of the Redevelopment Agency of Eagle Mountain City, as the Official Community Development Project Area Plan for the Parkside Community Development Project Area, and Directing that Notice of the Adoption be Given as Required by Statute.

The proposed ordinance adopts the Parkside Area Plan, as approved by the Redevelopment Agency.

**MOTION:** *Councilmember Painter moved to adopt an ordinance of Eagle Mountain City, Utah, adopting the Project Area Plan, approved by the Board of Directors of the Redevelopment Agency of Eagle Mountain City, as the official Community Development Project Area Plan for the Parkside Community Development Project Area, and directing that notice of the adoption be given as required by statute. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, John Painter, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with vote of 4:1.*

21. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Burnham

Councilmember Burnham requested a report on the Mayor's meeting with the Pole Canyon developer, showing what has been promised, what has been completed and when the remaining requirements will be met.

Councilmember Steinkopf

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt explained to the audience that the last few agenda items, which were approved very quickly, were discussed at length previously.

Councilmember Ireland

Councilmember Ireland wished that the City would comply with its own ordinances as well as it expects its residents to.

Mayor Jackson

No comment.

22. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

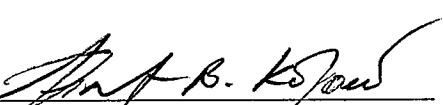
23. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Report

24. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 10:31 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JULY 16, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**July 16, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

**Policy Session will begin directly after the RDA meeting scheduled at 7:00 p.m.**

**Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005**

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland (arrived 4:16 p.m.), Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan, Planning Intern; Steve Olsen, Energy Department; Dave Norman, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:04 p.m.

1. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

**13B. Cedar Pass Ranch, Plat J Amended**

Councilmember Burnham asked about the HOA vote approving a lot split for Cedar Pass Ranch, Plat J. She had heard that it was done improperly and was going to be re-voted. The applicant, Wendy Clegg, asked to speak to the Council. She said she and her husband and the other property owners had been careful to comply with all of the City and HOA requirements. Planning Director Steve Mumford explained to the Council that the question arose because some residents felt that the letter presenting the issue to the HOA was biased in favor of the applicants. Mr. Mumford said that the application meets City standards and was, in fact, very similar to lots located just down the street.

Councilmember Ochsenhirt asked if the applicants had been given any preferential treatment in the approval of this action. Mr. Mumford replied that the application was handled in compliance with standard City procedures.

**16. Development Code Amendments**

Tippe Morlan, Planning Intern, presented the proposed Development Code amendments. The first specified compliance with the International Fire Code, which states that the number of residential units in a one-access residential development shall not exceed 30.

The second amendment concerns minimum square footage in a home. The City's current Development Code requires two-story homes to have 200 square feet on the second floor. The amendment requires a minimum square footage without specifying square footage on the first and second floors.

The third amendment proposed a three-year limit on how long a home can be maintained in a residential subdivision as a model home. Councilmember Burnham asked if existing homes would

be "grandfathered" in. City Attorney Jeremy Cook said they would not. Councilmember Steinkopf suggested that the time limit for model homes be two years, with the option of requesting an extension.

Councilmember Ireland asked how many units were included in the Pony Express Townhomes. Mr. Mumford said that if the development is more than 30 units, the developers may choose to build 30 units, and build the rest when they build a secondary road.

Councilmember Steinkopf said model homes create parking problems because they don't allow parking in their parking lots. Mr. Mumford said there is no regulation specific to parking at model homes. He said the City could look at parking on a case-by-case basis. Ms. Morlan pointed out that the proposed amendment requires parking appropriate to a residential area.

Councilmember Painter asked for the definition of a single fire apparatus access road. Ms. Morlan explained that it is any street that has only one way in and one way out for any houses. Mr. Mumford added that the road must have an acceptable turnaround for a fire truck. Councilmember Painter felt that was inadequate for safety. Councilmember Ochsenhirt felt that this amendment balanced the interests of safety and development. Mr. Mumford said that the City will still require stub roads that will connect to adjoining subdivisions, so secondary access will be available once adjoining subdivisions are built.

#### 21. The Ranches Master HOA Maintenance Agreement

Councilmember Painter had a strong concern with watering between 7:00 a.m. and 9:00 a.m. There's heavy traffic on Ranches Parkway then and water gets on passing cars. He asked that Ranches Parkway not be watered during those hours. Brian Haskell, The Ranches HOA President, explained that the HOA manages so many sprinkler heads and timers that he's not sure they can make that change. He said that the agreement being discussed is about the maintenance of the parkways and the water allocation, not watering times.

Mr. Haskell explained that the current system requires manual control of numerous timers. A more efficient system would allow automatic control of the timers, but the cost of a new system is prohibitive. Chris Trusty, Public Works Director, said that the estimate he was given for an automated system was \$750,000.

Councilmember Burnham asked if it would be less expensive to level the berms than to replace the sprinkler systems. Mr. Trusty said leveling the berms wouldn't help enough to be worth the cost.

Councilmember Ireland asked how much damage running water does to a road surface. Mr. Trusty said water damage to a road is primarily from seepage that affects the sub-base. He asked why the parkways are watered starting in April. Mr. Trusty responded that it takes about two weeks to turn the system on and do maintenance.

#### 2. PRESENTATION – Oquirrh Wood Ranch (*Presented by Nate Shipp*)

Nate Shipp of DAI presented a report on the status of the development agreement area of the Pole Canyon annexation. DAI would like to start construction on the first phase of the single family residential development. Mr. Shipp discussed the existing and planned site utilities, as well as future construction plans. He emphasized that economic development in the location is a priority. The biggest stumbling block is lack of available power facilities.

After Mr. Shipp's presentation, Mayor Jackson announced that Jessica Alvarez has earned the Professional in Human Resources certification from the Human Resources Certification Institute.

3. PRESENTATIONS (*Presented by Cody Deeter*)

- A. Water & Sewer Rate Analysis
- B. Gas & Electric Bond Refunding
- C. 2000-1 SID Refunding

Cody Deeter of Lewis Young Robertson & Burningham presented two scenarios for water and sewer rates, based on their recent rate analysis. He recommended that rates be increased 2.5% annually to cover operational costs increases due to inflation. Alternatively, the City could raise rates 7.5% for 2014 and 2015, followed by the annual 2.5% inflationary increase. He recommended that North Service Area sewer rate be increased over five years, following which the North and South Service Area sewer rates should be consolidated into one rate.

Mr. Deeter recommended that the gas and electric bonds be refunded (refinanced), which will save the City interest costs. He also recommended that the SID 2000-1 assessment bonds be refunded for the same reason.

4. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

- A. Emergency Repairs for Well #5

5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:32 p.m.

*A Redevelopment Agency meeting was held between the Work Session and the Policy Session.*

**POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan, Planning Intern; Steve Olsen, Energy Department; Dave

Norman, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

6. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:29 p.m.

7. PLEDGE OF ALLEGIANCE

Nathan Ochsenhirt led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- **Eagle Mountain Blvd. closure** -- Staker Parson will be doing road work on Eagle Mountain Blvd on Wednesday, July 17 and Thursday, July 18. The road will be closed from Pony Express to SR-73 from approximately 8 a.m. to 5 p.m. for those two days to accommodate the work. Thanks for your patience while this improvement is made.
- **Citizen satisfaction survey** -- Eagle Mountain City invites you to participate in our annual citizen satisfaction survey, available on the City website, News section, through July 31. The survey is being conducted by students from BYU's Romney Institute of Management and should take about 10-15 minutes to complete. Upon completion of the survey, participants will have the opportunity to enter a drawing (entry not tied to survey responses), and three winners will be selected for a credit of \$100, \$75, or \$50 on your utility bill.
- **I-15 construction** -- The Utah Department of Transportation (UDOT) will be completing bridge maintenance on Interstate 15 at various locations between Lehi Main Street and 2100 North. During construction, I-15 will be reduced to two lanes. To minimize traffic delays, the work is scheduled to take place on weekends (excluding holidays and BYU football home game days).
- Work is scheduled through September. Lane closures on I-15 are scheduled to begin at 8 p.m. each Friday and continue through 6 a.m. the following Monday. In addition, the I-15 northbound on-ramp and southbound off-ramp at Lehi Main Street are scheduled to close for two weekends in mid- to late August.
- Drivers should plan ahead for potentially heavy traffic delays by allowing extra travel time and using alternate routes to avoid the work zone.
- **Fireworks restrictions** – Fireworks restrictions will again be in place during the holiday period July 21-27. If you are unaware of the restricted areas, please visit the City website, News section.
- **Early voting** – Early voting begins at 7:30 a.m. on Tuesday, July 30 and extends to August 9, 2013.

9. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. (*Please limit your comments to three minutes each.*)

Danielle Palmer of the Crossroads Journal announced the candidates' debates. On July 31, the City Council candidates will debate. On August 8, the mayoral candidates will debate.

Marianne Smith commented on the intersection of Lake Mountain Road and Pony Express Parkway. She asked if a sign could be placed on the west side of Pony Express Parkway indicating Lake Mountain Road.

Mayor Jackson read a comment from Luke Pannell. He thanked the City for addressing street storm drain cleaning. He asked that, prior to annexing additional land tonight, the Council remember areas that have already been annexed.

10. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. (*Comments are limited to three minutes each.*)

Councilmember Steinkopf

Councilmember Steinkopf thanked the audience for attending the meeting and thanked those who volunteer for being willing to help.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said it was great to see people coming out tonight, including the City's neighbors to the west.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham thanked everyone at the meeting and thanked everyone who is running for City office. She said that so far the campaign has been good. She would like Eagle Mountain to lose its negative reputation.

Mayor Jackson

No comment.

11. APPOINTMENTS

A. Cemetery Board

- i. Bob Hill – term ending December 2015
- ii. Wendy Lojik – term ending December 2015
- iii. Tonette Roberts – term ending December 2014

B. Senior Advisory Board

- i. Mary Kaufman – term ending December 2017
- ii. Joye Roberts – term ending December 2017
- iii. Marilyn Sanford – term ending December 2016

**MOTION:**

*Councilmember Ochsenhirt moved to approve the appointments as indicated. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The oath of office was administered to Mr. Hill, Ms. Joye Roberts, Ms. Sanford and Ms. Kaufman by City Recorder Fionnuala Kofoed. The others were unable to attend the meeting and will receive the oath of office at another time.

## CONSENT AGENDA

### 12. MINUTES

- A. June 18, 2013 – Regular City Council Meeting

### 13. FINAL PLATS

- A. Porter's Crossing Town Center Church, Final Plat
- B. Cedar Pass Ranch, Plat J Amended
- C. Hidden Hollow Phase A, Plat 1

### 14. REVISED BOND

- A. SilverLake Plat 8

### 15. FINAL PAYMENTS

- A. 2012 North Substation Circuit Breaker Upgrade – Rhet Marsing Enterprises
- B. 2012 South Substation Circuit Breaker Upgrade – Rhet Marsing Enterprises

**MOTION:** *Councilmember Painter moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

## SCHEDED ITEMS

### PUBLIC HEARING

#### 16. ORDINANCE – Consideration and Approval of Development Code Amendments.

- A. 16.35.070 Development Standards for Required Public Facilities, clarifying that in accordance with the International Fire Code, the number of residential lots or units in a one-access residential development shall not exceed 30.
- B. 17.25 Residential Zone, modifying the minimum dwelling size standards in Base Density, Tier I, and Tier II developments to a total minimum finished square footage.
- C. 17.75 Standards for Special Uses, instituting a time limit on the duration of model homes.

This item was presented by Planning Intern Tippe Morlan. The proposed amendment brings the City Code in line with the International Fire Code. The City Code currently prohibits more than 15 homes on a one-access road. The Fire Code allows up to 30 homes on a one-access road.

The second amendment removes a minimum requirement for second story square footage. Instead, it specifies a total minimum square footage of 1600 square feet.

Councilmember Burnham said it seemed to her that there are houses in the City that are smaller than 1600 square feet. Councilmember Ireland asked how the Planning Dept. came up with that number. Mr. Mumford said that even the smallest homes in the City measure 1600 square feet, with an additional 400 square foot garage. This regulation will not apply to cluster homes, which are allowed to be smaller.

Councilmember Steinkopf asked if a bonus room should be counted as living space. Building Official Kent Partridge replied that any finished area is counted as living space.

Mr. Mumford pointed out that many cities don't have a minimum house size standard. Eagle Mountain could remove this section from the Code entirely.

*Mayor Jackson opened the public hearing at 8:00 p.m. As there were no comments, she closed the hearing.*

Councilmember Ireland clarified that this would eliminate the requirement for garages, too.

Councilmember Steinkopf wanted the Council to be sure and include a clear standard.

Councilmember Ochsenhirt felt that the City has plenty of standards in place, and a minimum home size isn't necessary.

Councilmember Steinkopf brought up the time limit for model homes. He felt that two years is reasonable, since the builder has the option of requesting an extension. Mayor Jackson pointed out that the motion on the table contains the three-year time limit.

**MOTION:** *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah, amending sections 16.35.070 and 17.75 of the Development Code and removing sections 17.25.110G, 17.25.120H & 17.25.130G. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. Those voting no: Richard Steinkopf. The motion passed with a vote of 4:1.*

Section 16.35.070 increases the number of homes on one-access roads, putting the City in compliance with the International Fire Code. It is amended to say: "One-Access Roads. The number of dwelling units on a single fire apparatus access road shall not exceed 30. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads."

Sections 17.25.110G, 17.25.120H & 17.25.130G, regarding minimum home sizes in base density, tier 1 and tier 2 residential standards, are removed. A minimum home size is no longer required by City Code.

Section 17.75.040 limits the amount of time a model home can exist to three years. It is amended to say: "A subdivision may have multiple model homes which contain sales offices. The temporary sales office must be removed from a model home when the subdivision is more than eighty (80) percent developed or has been occupied as a temporary sales office for three (3) years, whichever occurs first. Time extensions may be considered by the planning director on a case-by-case basis, depending on the impact on existing dwellings in the development, the suitability of the office in a residential area, and traffic flow generated by the temporary sales office. A temporary sales office or model home may not be used as a general real estate office, a construction management office, or an off-site sales office."

17. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving an Interlocal Cooperation Agreement with the Redevelopment Agency of Eagle Mountain City for the Parkside Community Development Area.

The proposed resolution approves an interlocal agreement between Eagle Mountain city and the Redevelopment Agency for the Parkside Community Development Area. With this agreement, Eagle Mountain City would remit to the Agency a portion of the property tax increment generated within the Parkside Community Development Project Area to encourage development activities that would benefit the project area.

**MOTION:** *Councilmember Painter moved to adopt a resolution of Eagle Mountain City, Utah, approving an interlocal cooperation agreement with the Redevelopment Agency of Eagle Mountain City for the Parkside Community Development Area. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

18. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Annexing an Area of Approximately 223 Acres Commonly Known as the Hindley Annexation.

This item was presented by City Recorder Fionnuala Kofoed. A petition for the Hindley Annexation was submitted to the Recorder's Office on March 13, 2013. The annexation is approximately 223 acres and is located directly west of the North Ranch subdivision and north of the recent Clearview Estates Annexation. The annexation was certified by the Recorder's Office on May 2, 2013. The 30-day protest period has run and no protests to the annexation were received. The City Council tabled the annexation after a public hearing at its June 18<sup>th</sup> meeting.

Mayor Jackson invited the applicant, Scott Hazard, up to answer questions.

Councilmember Ireland said that he would like to couple the annexation with a master development agreement that sets density for the project. Mr. Hazard pointed out that annexation is an expensive process, as is a master development agreement. He said this parcel of land is entirely compliant with the annexation policy plan.

Councilmember Ireland agreed that this land should be in the City, but he was uncomfortable with annexing land without knowing how it will be used.

**MOTION:** *Councilmember Ireland moved to adopt an ordinance of Eagle Mountain City, Utah, annexing an area of approximately 223 acres commonly known as the Hindley Annexation. Councilmember Ochsenhirt seconded the motion.*

Councilmember Painter was concerned about the City's development of areas at its borders, but failure to develop its central core.

Councilmember Ochsenhirt agreed with Councilmember Painter, but felt that it made sense at this point to annex this parcel.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

19. AGREEMENT – Consideration and Approval of a Reimbursement Agreement with SITLA for the Mid Valley Road.

This item was presented by Public Works Director Chris Trusty. This agreement details the terms of a reimbursement agreement with SITLA for the Mid Valley Road completion project. The City will manage the project to install a deceleration lane for southbound traffic, and a passing lane for northbound traffic to accommodate access to the new middle school. SITLA will finance the improvements.

**MOTION:** *Councilmember Ireland moved to approve a reimbursement agreement with SITLA for the Mid Valley Road completion project, with an amended Exhibit A, and authorize the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

20. BID AWARD – Consideration and Award of Bid to Staker Parson for the Mid Valley Road Completion.

This item was presented by Public Works Director Chris Trusty. The proposed bid is for the construction of a deceleration lane for southbound traffic, and a passing lane for northbound traffic at the access to the new Frontier Middle School at Mid Valley.

**MOTION:** *Councilmember Ireland moved to approve an award of bid to Staker Parson for the Mid Valley Road completion project and authorize the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

21. AGREEMENT – Consideration and Approval of an Amendment to The Ranches Master Home Owners Association (HOA) Maintenance Agreement.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City entered into a landscape agreement with The Ranches Master HOA to maintain Ranches Parkway and Pony Express Parkway. This proposal clarifies the terms of the original agreement. This item was tabled from the May 21, 2013 meeting.

Mayor Jackson asked Mr. Trusty how the responsibilities will be divided between the HOA and the City. Mr. Trusty said that the City will be responsible for maintaining large water lines and repairing or replacing large playground equipment. The HOA will be responsible for maintaining smaller irrigation lines, pipes and sprinkler heads, annual maintenance of playground equipment, and informing the City when the playground equipment needs to be repaired or replaced.

Mayor Jackson said that the agreement must comply with the City's ordinance prohibiting watering between 10:00 a.m. and 6:00 p.m., except when needed for new seed or sod.

She asked Mr. Trusty how much it would cost for the City to take over the work encompassed by this agreement. Mr. Trusty responded that it would cost approximately \$170,000 per year to add it to the contract with Elite Grounds, in addition to paying a full-time employee to maintain the sprinkler heads.

Mr. Haskell detailed the complications of running the irrigation system, which has nearly 1000 valves and 500 timers. Many of the timers are battery-operated. The watering schedule could be improved by adding more timers, but the system won't support them.

Mayor Jackson noted that residents ask why the system can't be turned off during rainstorms. Mr. Haskell said manual shutdown of the system takes weeks, and there's no automatic shutdown. Portions of the system could be shut down manually.

Councilmember Ochsenhirt said the core problem is too much need for water on medians. Some of the grass needs to be replaced with xeriscape.

**MOTION:** *Councilmember Ireland moved to approve an amendment to The Ranches Master Home Owners Association (HOA) maintenance agreement, modifying exhibit 1 from 6.5 months to 5.5 months, making the total water allocation 50,347,946 gallons per season. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ireland felt that it is important to review the agreement every year. He wanted Mr. Haskell and a member of the HOA Board to attend a Work Session every year to discuss how the City and the HOA can work together to improve the City, and how well the agreement is working.

Councilmember Ochsenhirt suggested that the system be updated in stages.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a vote of 4:1.*

22. MOTION – Consideration and Appointment of Poll Workers for the 2013 Primary & General Municipal Elections in Eagle Mountain City.

This item was presented by City Recorder Fionnuala Kofoed. In accordance with Utah Code, the City Recorder will present the City Council with a list of recommended individuals to serve as poll workers for the 2013 Primary & General Municipal Elections. [UCA 20A-5-602(1)(a)]

Councilmember Burnham asked if Ms. Kofoed screens for campaign managers applying to be poll workers. Ms. Kofoed said that the questions on the application are based on state statute, and campaign management isn't mentioned. She didn't know of a campaign manager ever applying to be a poll worker.

**MOTION:** *Councilmember Painter moved to appoint poll workers for the 2013 Primary & General Municipal Elections in Eagle Mountain City. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt; John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

23. AGREEMENT – Consideration and Approval of an Addendum to the Agreement with Niels Fugal Sons Company, LLC for the Installation of Underground Gas Laterals.

**BACKGROUND:** *(Presented by Steve Olsen)* The contract with Niels Fugal Sons Company for the installation of underground gas laterals has expired. The contractor requested a substantial

price increase to renew the existing contract. The project was advertised recently, however no bids were received. Staff intends re-advertise in an attempt to receive some bids but it is anticipated that it will take at least 4 to 6 weeks before this process can be completed. In the interim, staff recommends that the addendum be approved, at the new rate, until a new contract can be awarded.

*This item was removed from the agenda.*

24. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Amending the Policies and Procedures Manual.

This item was presented by Assistant City Administrator Jason Walker. The Policies and Procedures Manual is being updated to bring the manual into compliance with new legislation; to reflect the disbanding of the Eagle Mountain Fire Department; and to fix or clarify other policies outlined in the manual.

Councilmember Burnham asked about the removal of the English-only requirement for employees. Mr. Walker said the requirement has been found to be illegal by the courts. The City will handle any problems with this on an individual basis.

Councilmember Painter asked if the City has to be in complete compliance with the Utah Clean Air Act, which prohibits electronic cigarettes. City Attorney Jeremy Cook said it does.

**MOTION:** *Councilmember Ireland moved to adopt a resolution of Eagle Mountain City, Utah, amending the Policies and Procedures Manual. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The complete list of changes is as follows:

- Removal of language pertaining to Eagle Mountain City Fire Department (now under UFA control).
- Adding language reflecting the City ordinance that classifies full-time and part-time elected officials
- Amending the work week schedule to reflect the 5-day week that the City now maintains.
- Removal of mandate that employees speak only in English while at work.
- Amendment to the “no smoking” policy to include e-cigarettes, per the Utah Clean Air Act.
- Amendment to the leave policy which eliminates the distinction between sick leave and long-term sick leave. It is proposed that it all be considered sick leave from this time forward.
- Clarifies that funeral leave shall be taken as consecutive days.
- States that multiple employees traveling on City business to the same place shall have their own hotel rooms, unless the employees expressly choose to share a room.
- Amendment stating that the City will pay the cost of economy class airfare rather than business class airfare.

25. BID AWARD – Consideration and Award of Bid to Niels Fugal Sons Company, LLC for the 2013 Electric Main Feeders and Gas Lines Construction Project.

The proposed bid is for utility capacity upgrades for SilverLake Plat 8, Kiowa Valley and SR 73,

to accommodate current and future development in those areas.

**MOTION:** *Councilmember Ochsenhirt moved to approve an award of bid to Niels Fugal Sons Company, LLC for the 2013 Electric Main Feeders and Gas Lines Construction Project and authorize the Mayor to sign the contract. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt; John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

26. BID AWARD –Consideration and Award of Bid to Codale Electric Supply, Inc. for Electric Materials for the Kiowa Valley Capacity Upgrade.

The proposed bid is for electric materials to complete the Kiowa Valley Capacity Upgrade.

**MOTION:** *Councilmember Ochsenhirt moved to approve an award of bid to Codale Electric Supply, Inc. for electric materials for the Kiowa Valley capacity upgrade and authorize the Mayor to sign the contract. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt; John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

27. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Steinkopf

Councilmember Steinkopf said the Parks & Recreation Board wants to make a presentation at the next City Council meeting on the Adopt-A-Park program.

Councilmember Painter

Councilmember Painter

Councilmember Ochsenhirt

Councilmember Ochsenhirt said the Economic Development Board will meet tomorrow night.

Mayor Jackson

Mayor Jackson

28. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

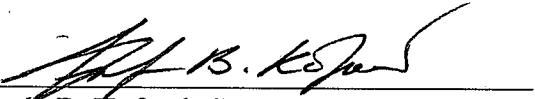
29. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Report

30. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:05 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON AUGUST 6, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**August 6, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland (arrived 4:12 p.m.), Nathan Ochsenhirt (arrived 4:30 p.m.) and Richard Steinkopf. John Painter was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:09 p.m.

1. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

**17. Gas and Electric Revenue Refunding Bonds**

The City proposes refunding (or refinancing) its gas and electric bonds for the purpose of reducing the interest rate. There would be a potential savings of \$1.1 million in interest charges. The parameters resolution authorizes Lewis Young Robertson & Burningham to represent the City in issuing new electric bonds at a lower interest rate.

Councilmember Ochsenhirt asked if the cost reduction would be in money not spent in the future or in money returned to the City. Mr. Deeter explained that the return would be money budgeted for future debt service that would not have to be paid.

Councilmember Burnham asked if it would be possible to leave the interest rate the same and shorten the term of the bonds. Mr. Deeter said that would be possible and the proposed parameters resolution could be used. It wouldn't have to be rewritten.

Councilmember Ireland asked for the current outstanding balance on the bond and the total outstanding principal and interest. Mr. Deeter said that the current principal balance is \$17.7 million. He anticipated that the City would issue \$17.6 in new bonds. The amount is lower because of the reserve fund that is accruing interest. The new bondholders are not requesting a reserve fund.

The amount the City would need to pay in interest from now until 2026, when the bonds will be paid off, is \$6.5 million. Under the refunding plan, the interest cost would be \$3.2 million.

Councilmember Ireland asked if the bond principal has already been spent. Mr. Deeter said it had. According to the IRS, bond funds should be spent within three years after issuance.

Councilmember Burnham asked about the lower rates Mr. Deeter referred to at the last Work Session. He explained that the lower interest rate would have required a public offering, which would have had to be initiated last September.

Councilmember Steinkopf asked if the City is locked into the current rate. Mr. Deeter said that most financial institutions are offering a definite rate. One is basing its rate on a credit rating.

#### 18. SID 2000-1 Refunding Bonds

Mr. Deeter explained that the Utah Code used to allow the creation of Special Improvement Districts to fund infrastructure. Eagle Mountain created several SIDs between 1997 and 2000 to install infrastructure. SID bonds are secured by City assessments on the real properties benefitting from the infrastructure. SID payments release the lien on the property. Assessments need to be paid in full when the property is sold.

There is approximately \$2.5 million principal balance remaining in the bond. The refunding would change the security from real property to sales tax. If the debt isn't paid, the bond holder can require the payment to be made from sales tax revenue. The current interest rate is 8.25%, which the developers will continue to pay to the City. The City's interest rate on the bond would be approximately 2.5%. The interest differential will reduce the City's bond payments.

Councilmember Burnham asked when the decision of how to use the money would have to be made. Mr. Deeter said there are no regulations about when to decide how to spend the money.

Mayor Jackson asked if the SID funds are part of the General Fund. Finance Director Paul Jerome stated that SIDs are a separate fund. Revenues acquired from SIDs remain in the fund until the SID is closed out. The City pays its administrative fees from the SID fund to the General Fund.

Mr. Pili pointed out that the City proposes to replace the SID bonds with sales tax bonds. The money saved will go into the General Fund. Mr. Deeter recommends that the money saved, approximately \$300,000 per year, be put aside to pay City assessments. The final payment is currently due in 2021. Refunding will shorten the term by one year.

#### 2. PRESENTATION – Assessment Area 2013-1, Ranches Parkway Extension (Presented by Cody Deeter, Lewis Young Robertson & Burningham)

An assessment area (formerly a special improvement district) is a mechanism established by State law for public entities to finance public improvements. All improvements financed through an assessment area must be publicly owned. The assessment is secured by a City lien on the privately owned real property that benefits from the improvements. Property owners pay off the assessments over a period of not more than twenty years. The proposed assessment area would improve Ranches Parkway north and west to Meadow Ranch, install all utility lines in the roadbed and install landscaping along the road. It includes approximately 130 acres. The assessments will be paid by three landowners. If there are early land sales, the assessments can be paid early.

Councilmember Ochsenhirt pointed out that these assessments affect only the concerned property owners, not any other residents.

Councilmember Burnham asked who the three property owners are. Mr. Deeter responded that they are Ralph Johnson, RCA 65 and Twelve Horse Ranch. If more than 51% of the affected property owners were to protest, the assessment area would not be created. With only three property owners, all of whom approve of the assessment area, that's not an issue.

An assessment area increases the City's total indebtedness, but bond raters consider it self-sustaining debt. Mr. Deeter explained that there will be a reserve fund to guarantee payments in the event property owners don't pay their assessments. In that scenario, the reserve fund would cover the payments while the City foreclosed on the property.

The improvements will cost approximately \$2.1 million. Cost of issuance will be approximately \$74,000. With the reserve fund, the total bonds issued are anticipated to be \$2.4 million.

The next step to be taken by the Council is to define the geographic area which will be used for the purpose of securing an assessment bond. In this case, the property owners are going to waive the notice and public hearing requirements. Then the parameters resolution needs to be adopted and the debt needs to be secured. The City will then purchase the improvements in increments as they are completed over time, after the improvements are inspected and meet City standards. The purchase price is paid from the assessments paid by the property owners. The bonds are the equivalent of a construction loan.

After the bonds are issued, the City adopts an assessment ordinance, which legally makes the assessments a lien on the property.

Mayor Jackson allowed Mr. Ralph Johnson to come to the microphone. Mr. Johnson said that the property owners are dedicating the ground for the project. None of the bond proceeds will be used to purchase real property for the improvements. Councilmember Burnham asked what the impact fees would be used for. Mr. Pili said, once this project is approved, the Capital Facilities Plan will have to be changed and the impact fees will have to be refunded to the owners or used to pay the assessments.

Mr. Pili explained that these improvements are in the City's Capital Facilities Plan. The City is already collecting impact fees for the projects.

Councilmember Ireland asked how these improvements would be built if these bonds are not issued. Mr. Pili said the improvements would have to wait until enough impact fees were collected or, if the City felt the project was urgent enough, pay for it out of the General Fund. If the developers believed it was to their advantage, they could pay for the project directly.

Councilmember Ireland asked how to collect impact fees on facilities that don't exist yet. Mr. Pili said the project is included in the Capital Facilities Plan, costs are calculated and developers pay impact fees with each lot. Impact fees lag behind construction of facilities, which is why facilities are funded by bonds. Impact fees reimburse the City for its infrastructure costs.

Mr. Deeter pointed out that the benefit of debt is that it locks in construction inflation for the length of the loan.

Mr. Johnson clarified that the other property owners think this is an opportunity to build a road which will enable them to sell commercial pads. Mr. Johnson's company will benefit by selling residential lots at the end of the road. All the sales are contingent on the construction of the road.

3. PRESENTATION – Adopt-A-Park and Adopt-A-Trail Programs (*Presented by Adonna Geddes and David Benight, Parks and Recreation Advisory Board*)

Ms. Geddes and Mr. Benight described the Adopt-A-Park and Adopt-A-Trail programs as opportunities for volunteer groups of residents to care for and enhance public recreational areas with the help of a City liaison. Volunteers would commit to a one-year period, with a major project to be completed every four months. Volunteers would be trained to care for the parks and trails appropriately and to work well with local residents. The Parks and Recreation Advisory Board has developed a training handbook. Ms. Geddes hoped that the program could eventually include a component recognizing volunteers for their service to the City.

Mr. Benight added that a number of groups have approached the Board asking for help with improving their neighborhood parks. The Board wanted to come up with a proactive program to meet those needs.

Mayor Jackson asked who the City liaison should be, and suggested it be a member of the Board. Mr. Benight responded that the liaison should be someone who is available daily.

4. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

#### **POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter (arrived 7:13 p.m.) and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

#### **6. CALL TO ORDER**

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

#### **7. PLEDGE OF ALLEGIANCE**

Dan Lilly led the Pledge of Allegiance.

#### **8. INFORMATION ITEMS/UPCOMING EVENTS**

- **Mayoral Candidates' Debate** – The Crossroads Journal will be moderating a debate event for candidates for Mayor in the 2013 Municipal Primary Election on Thursday, August 8 from 7:00-9:00 p.m. in the City Council chambers. The event will be recorded and posted on the City's YouTube channel if you are unable to attend in person.
- **Primary Election** – The Municipal Primary Election will be held on Tuesday, August 13. For complete election information, please visit the link on the City website, News section.
- **I-15 Construction** – The Utah Department of Transportation (UDOT) will be completing bridge maintenance on Interstate 15 at various locations between Lehi Main Street and 2100 North. During construction, I-15 will be reduced to two lanes. To minimize traffic delays, the work is scheduled to take place on weekends (excluding holidays and BYU football home game days) through September. Lane closures on I-15 are scheduled to begin at 8:00 p.m. each Friday and continue through 6:00 a.m. the following Monday. In addition, the I-15 northbound on-ramp and southbound off-ramp at Lehi Main Street are scheduled to close for two weekends in mid- to late August. Drivers should plan ahead for potentially heavy traffic delays by allowing extra travel time and using alternate routes to avoid the work zone.
- **Ribbon Cutting** – A ribbon cutting will be held on Monday, August 12 at 2:00 p.m. for a new business in the City, The Little Corner Café, located in the retail center in The Ranches across from Chevron.
- **Citywide Yard Sale** – The first city-wide yard sale will be held on Saturday, September 14. Register your sale now on the City website, Events page. A map of all sale locations will be published online for residents and visitors who want to do all of their bargain shopping in one day. Clean-up dumpsters will also be provided by the City on this date.

9. **PUBLIC COMMENTS** – Time has been set aside for the public to express their ideas, concerns and comments. (*Please limit your comments to three minutes each.*)

Luke Pannell thanked the Mayor and Council for having the Public Works Department take care of issues in his neighborhood. He asked that similar issues like crack sealing and weeds be taken care of in other areas. He also asked that debris left from the crack sealing be cleaned up.

Cory Dochier commented on the Lone Tree West development. He saw the quit claim deed on the property and felt that it might be fraudulent. The original owner of the property was dissolved. He asked that the deed be researched before the project moves forward. City Attorney Jeremy Cook said he is aware of this issue and has been working on it. He's informed the developer that the issue has to be resolved before the project is developed.

Mr. Dochier said he spoke with the original owner and was told that he forgot about the property when he filed bankruptcy. Mr. Cook asked him to provide any information he had about the quit claim deed. Mr. Cook explained that the plat will not be recorded without the resolution of the issue, so the Council can safely approve tonight's agenda item.

10. **CITY COUNCIL/MAYOR'S ITEMS** – Time has been set aside for the City Council and Mayor to make comments. (*Comments are limited to three minutes each.*)

Councilmember Steinkopf

Councilmember Steinkopf quoted a tax comparison chart from an article in The Daily Herald.

- American Fork, 27,000 population, \$21.1 million budget, \$777 per capita
- Orem, 91,000 population, \$46.4 million budget, \$509 per capita
- Lehi, 50,000 population, \$24.3 million budget, \$486 per capita
- Saratoga Springs, 18,000 population, \$10 million budget, \$555 per capita
- Eagle Mountain, 23,000 population, \$7.5 million budget, \$326 per capita

He read a quote from Orem city manager Bruce Chesnut in the Orem 2014 budget report. "With the sales tax growth and personnel and operational cuts, the budget is balanced and is not drawing upon reserves as it has in the past two years. This budget is not considered sustainable for a variety of reasons including: no provision in the budget for salary increases, replacement of public safety equipment, proper levels of care for parks and other infrastructure,"

In another Daily Herald article, Val Hale wrote that festivals help fund local economies and define community identities. Councilmember Steinkopf commended those who volunteer for the City, including youth, senior citizens and library volunteers.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said he has spoken to many residents lately. Some have requested that the library have a book drop in The Ranches. He encouraged residents to water their lawns without wasting water, and water their trees enough to keep them alive.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham thanked everyone attending the meeting and asked when the Council will review the animal ordinance, administrative hearing program and the tiered water billing program. She also asked if other stores have expressed an interest in locating near the new grocery store. Mr. Pili said the developer has had discussions with several retailers some of them are very interested in opening in Eagle Mountain.

Mayor Jackson

No comment.

11. APPOINTMENTS

- Cemetery Board – Marianne Smith, term ending December, 2015.
- Parks and Recreation Board – Tyler Shimakonis, term ending December, 2014.

**MOTION:**

*Councilmember Ochsenhirt moved to approve the appointments as indicated.*

*Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Ms. Smith and Mr. Shimakonis.

**CONSENT AGENDA**

12. MINUTES

A. July 16, 2013 – Regular City Council Meeting

13. FINAL PLATS

A. Lone Tree West, Phase A, Plat 1  
B. SilverLake, Phase 9  
C. Meadow Ranch 5, Plat 1

14. DEVELOPMENT AGREEMENTS

A. Southmoor, Phase 2

15. BOND RELEASE – EXITING WARRANTY

A. Northmoor, Phase 2B  
B. Northmoor, Phase 2C  
C. Sweetwater, Phase 2

After discussion, Lone Tree West was removed from the Consent Agenda and added to the Scheduled Items.

**MOTION:** *Councilmember Ireland moved to remove Lone Tree West, Phase A, Plat 1, from the Consent Agenda and approve the remainder of the Consent Agenda.*

*Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

**SCHEDED ITEMS**

13A. FINAL PLAT – Lone Tree West, Phase A, Plat 1

Questions have been raised as to whether the signer of a quit claim deed on a portion of this property was authorized to sign the deed. As the issue has not been resolved, the Council discussed whether to proceed with the approval. They determined to have staff continue to investigate the issue. The plat will not be recorded until after the City Attorney is satisfied that the deed is legally adequate.

**MOTION:** *Councilmember Ireland moved to approve Lone Tree West, Plat 1, with the requirement that City staff is satisfied that the owners have valid legal title to the three-foot strip of land between the two properties before recording the final plat.*

*Councilmember Ochsenhirt seconded the motion.*

Councilmember Steinkopf asked Mr. Cook what would happen if the City was unable to find the correct owner of the property. Mr. Cook said in that case the City wouldn't record the plat.

Mayor Jackson invited the applicant, Nate Shipp, to come forward. Mr. Shipp explained that his company has had the ownership reviewed by two title companies and Utah County. They felt that the deed is adequate and would like to have the plat approved so they can go forward with the project.

Councilmember Painter asked about construction access. Mr. Shipp said that the access is through the existing Lone Tree subdivision.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter, The motion passed with a vote of 4:1.*

## **PUBLIC HEARING**

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adding the Equine Overlay Zone to Valley View.

This item was presented by Planning Director Steve Mumford. The proposed Equine Overlay Zone is for the Valley View Ranch Development, which is located north of SR 73 between the North Ranch and Meadow Ranch subdivisions. The applicant is requesting the overlay to allow lots between ½ acre and one acre to have equine animal rights.

Mr. Mumford explained that the overlay zone was designed to create consistent animal rights among adjacent lots of various sizes. The overlay allows the property to retain its base zoning, with additional animal rights.

A resident in Valley View requested the overlay zone for Valley View. Several other residents, prospective residents and realtors have asked about it in the past few years.

Councilmember Painter asked why the overlay zone exists if the animal rights it provides are already consistent with the City's animal ordinance. Mayor Jackson stated that the overlay zone is designed to allow equine animal rights in lots smaller than one acre. Several years ago, a City Code change took animal rights from some areas that had them. The Equine Overlay Zone was designed to allow animal rights on half-acre lots in areas compatible with those rights.

*Mayor Jackson opened the public hearing at 7:55 p.m. As there were no comments, she closed the hearing.*

**MOTION:** *Councilmember Ireland moved to adopt an ordinance of Eagle Mountain City, Utah, adding the Equine Overlay Zone to Valley View. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt; John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Authorizing the Issuance and Sale of Not More Than \$18,000,000 Aggregate Principal Amount of Gas and Electric Revenue Refunding Bonds, Series 2013; and Related Matters.

This item was presented by Cody Deeter of Lewis Young Robertson & Burningham. The proposed Resolution authorizes the City to refinance the 2005 Gas and Electric bonds to reduce the interest rate and total interest expense.

The interest rate is expected to be reduced from 4.986% to 2.565%. The term of the bonds will remain the same, ending in 2025. The reduction will save the City about \$3 million.

Councilmember Ireland asked how much sooner the bonds could be paid off if the interest rate was reduced but the payments remained the same. Mr. Deeter responded that it would be about two years sooner. Councilmember Ireland asked how such a motion would read.

Mayor Jackson said the motion would set the bond parameters such that the maximum dollar amount is  $x$ , the maximum interest rate is  $y$ , and the maximum term is  $z$ . An option would be to keep the annual payment the same, but reduce the bond term. She suggested that Councilmember Ireland ask to be on the pricing committee. The pricing committee consists of the Mayor, City Administrator and Finance Director. Another member may be added.

Mr. Deeter said the City can take the savings as zero payments next year or reduce the payments by approximately \$180,000 per year over the life of the bonds.

Councilmember Ochsenhirt said he would prefer to shorten the time frame for paying down the bonds.

**MOTION:** *Councilmember Painter moved to adopt a resolution of Eagle Mountain City, Utah, authorizing the issuance and sale of not more than \$18,000,000 aggregate principal amount of Gas and Electric Revenue Refunding Bonds, Series 2013; and related matters. Councilmember Steinkopf seconded the motion.*

After additional discussion, an amended motion was proposed.

**AMENDED MOTION:** *Councilmember Painter moved to adopt a resolution of Eagle Mountain City, Utah, authorizing the issuance and sale of not more than \$18,000,000 aggregate principal amount of Gas and Electric Revenue Refunding Bonds, Series 2013, at an interest rate not to exceed 3%; for a term of not more than 15 year; adding Councilmember Ireland to the pricing committee; and related matters. Councilmember Steinkopf seconded the amended motion.*

After continued discussion, Councilmember Ochsenhirt called the question.

*Those voting aye: Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Donna Burnham. The motion passed with a vote of 4:1.*

18. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah (the “Issuer”), Authorizing the Issuance and Sale of \$3,000,000 Aggregate Principal Amount of Sales Tax Revenue Refunding Bonds, Series 2013.

This item was presented by Cody Deeter. The proposed Resolution authorizes the City to refinance the 2000-1 SID Bonds to reduce the interest rate and total interest expense. The bonds will be restructured to be secured by sales tax revenue. The interest rate will be reduced from 8.25% to 2.6%. This will save the City approximately \$900,000. The actual bond payments are covered by payments made to the City by developers; however, by securing the bonds with sales tax, the bonds are enhancing and the City is charged less interest.

**MOTION:** *Councilmember Burnham moved to adopt a resolution of Eagle Mountain City, Utah, authorizing the issuance and sale of not more than \$2,500,000 aggregate principal amount of Sales Tax Revenue Refunding Bonds, Series 2013 and direct*

*the staff to use the savings to pay assessments on properties owned by the City or to pay other City obligations. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

19. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham explained that she voted no on the first bond refunding as she feels strongly that it is better to get out of debt even one year earlier. Without that being specified in the motion, she didn't feel that she could approve the motion.

Mayor Jackson

No comment.

Councilmember Steinkopf

No comment.

Councilmember Painter

No comment.

20. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

None.

21. COMMUNICATION ITEMS

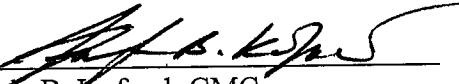
- a. Upcoming Agenda Items
- b. Financial Report

22. ADJOURNMENT

**MOTION:**

*Councilmember Ochsenhirt moved to adjourn the meeting at 8:37 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON AUGUST 20, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**August 20, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan, Planning Intern; Charlie Fuller, Management Intern; Scott Swindler, Management Intern; Adam Ferre, Energy Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:10 p.m.

1. **AGENDA REVIEW** – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

**12. Arrival at North Ranch**

Planning Director Steve Mumford explained that this property was recently annexed into the City as Agricultural zoning, which is to be changed to Rural Residential, matching the surrounding developments. The density is less than .8 units per acre, which is within the base density standard, so no parks, improved open space or community improvement funds are required.

The Planning Commission recommended approval with the following conditions:

1. Water model required. A water tank will be required for the upper pressure zone.
2. An erosion study from a geotechnical engineer is required to study erosion potential and recommended mitigation for the Tickville gulch/wash. Applicant shall be required to complete any recommended mitigation along with subdivision infrastructure if adjacent to the wash.
3. Continue minor collector (77 feet) into the first southwest intersection of the project.
4. Work with the Energy Department concerning off-site power improvements.
5. Work with the Public Works Director concerning necessary off-site water improvements.
6. County Health Department approval is required for the septic systems for each lot prior to preliminary plat approval. The City does not guarantee the maximum densities if lots do not receive approval for septic systems.

A neighborhood meeting was held after the Planning Commission meeting, attended by residents, the developer and some Council members. Issues addressed included traffic, water pressure and septic systems. The County requires that every lot in the development has to be tested for percolation. The County Health Department has confirmed that they did percolation and soil testing on each of the first 28 lots. They'll do more in-depth testing before building permits are issued.

Erosion issues in the Tickville Wash are a concern. Erosion control will be in place before lots are platted there.

Councilmember Ireland asked Public Works Director Chris Trusty if the development will negatively impact the water pressure of the existing residents. He also asked about traffic and safety issues. Mr. Trusty responded that the existing roads are built to handle 1000 average daily trips. At the moment, the road is handling 700 average daily trips. With an additional 30 lots, the roads should reach capacity. A traffic counter is in place right now to confirm the current road use. There are concerns about speed and sight distances along Canyon Wash Road. The applicant had his traffic engineer assess the road. Public Works plans to implement some of the speed mitigation standards. Pedestrian safety is an issue because there are no sidewalks along the road. Mr. Trusty believes more trails are needed in the subdivision. If the City is unable to get grants to fund those, the Council should consider requiring the applicant to help pay for them.

Councilmember Ireland asked how construction traffic and parking along the roads will be handled. Mr. Trusty said the speed mitigation methods recommended in the traffic study should take care of that. He has spoken to the applicant about providing secondary construction access.

Mr. Trusty said a water model has been requested. The applicant, Scot Hazard, stated that the City is having Psomas Engineering do a city-wide water model and his company has asked to have this project added to that study, assessing its impact on the existing system.

Councilmember Ireland said that at the neighborhood meeting, the residents were worried that their water pressure would go down and complained that the volume of water was too low. Assistant Public Works Director Dave Norman said that Well #2 failed this summer, which reduced water pressure in that area. It's important to keep the pressure from becoming too high, as well. The Water Department recently identified a couple of bottlenecks that have been reducing water volume to the area. The system will be upgraded at those points.

Councilmember Ireland asked how a larger, adequate water system will be followed up. City Attorney Jeremy Cook said that will be addressed when subdivision plats are submitted. He said that could be written into the development agreement if the Council wanted to, but it's assumed to be true with any development.

Mr. Norman pointed out that the water from the Central Water Project will be piped into the City starting next summer. The water chapter in the Capital Facilities Plan will be updated to reflect that. He pointed out that, although there have been localized issues with lower water pressure, there has never been a repeat of the general City water restrictions that were in place six years ago when an essential well failed.

Councilmember Ochsenhirt asked Mr. Hazard how a construction access road could be provided. Mr. Hazard responded that he was exploring that, but it would require cooperation with the landowner of Clearview Estates. As a developer, Mr. Hazard sells lots; he is not involved in construction. Mayor Jackson suggested installing signage directing construction traffic onto Mustang Way, as well as additional enforcement on Canyon Wash Road. Councilmember Burnham said that the neighbors will probably report problem drivers to their employers.

### 13. Assessment Area Resolution

Cody Deeter of Lewis Young Robertson & Burningham explained that, in order to establish an assessment area, a resolution designating the geographic area is required. The three property

owners have waived the noticing periods, Board of Equalization requirements and payment periods in order to move the process forward.

Councilmember Ireland asked if City staff time would be paid for by the property owners, as Lewis Young's fees will be. Mr. Deeter said it would be paid as a portion of the administrative fees paid to Lewis Young by the property owners. It could also be charged as an additional interest rate charged to the property owners by the City.

Councilmember Steinkopf asked if the City has first-position lien rights if any of the property is foreclosed. Mr. Deeter replied that the statute provides that the assessment is as primary as the property taxes owed.

Councilmember Painter asked about the reserve fund mentioned in the assessment ordinance. Mr. Deeter said that the estimated construction overhead costs to the City are covered, but in this case, the developers will be doing the construction and the City will purchase the improvements.

The debt will always be self-supporting, rather than City debt, because the property benefitting from the bonds will serve as collateral. The 10% reserve fund covers bond payments if a property has to be foreclosed, until the foreclosure is complete and the City can sell the property.

#### 14. Cedar Pass Ranch Natural Gas System

Some residents of Cedar Pass Ranch have requested natural gas service to replace propane. Energy Director Adam Ferre suggested a phased approach to accommodate those residents, without involving those who are not interested yet.

Discussion ensued on how the phasing plan was created. Energy Director Adam Ferre said the system has to be looped. The first phase can be looped into Pony Express and Half Mile Road.

Councilmember Painter questioned whether the City's financial investment was justified by the request of only about half the residents of the development. Mr. Ferre replied that he felt a request by 16 residents was enough to justify his considering the project. City Administrator Ifo Pili agreed that the project was initiated by resident interest. Councilmember Painter preferred that the City not act as a "bank," funding a project that residents can't afford to pay for immediately.

#### 2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

Assistant City Administrator Jason Walker reported that the City has advertised for a judge for the administrative hearing program. There have been responses, but not from anyone with a J.D. degree. Mayor Jackson suggested advertising the position with a request for proposals, rather than as a part-time City position.

Management Intern Charlie Fuller reported on the Citizen Survey, which consisted of a demographic report, responses to the survey questions and the analysis of the report and responses. Her analysis found that overall quality of life was rated in the "satisfied" range. In general, those who were willing to be involved with City activities were more satisfied than those who were not.

#### 3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the

purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

## **POLICY SESSION – CITY COUNCIL CHAMBERS**

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan, Planning Intern; Charlie Fuller, Management Intern; Scott Swindler, Management Intern; Adam Ferre, Energy Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

### **4. CALL TO ORDER**

Mayor Jackson called the meeting to order at 7:15 p.m.

### **5. PLEDGE OF ALLEGIANCE**

Charlotte Ducos led the Pledge of Allegiance.

### **6. INFORMATION ITEMS/UPCOMING EVENTS**

#### **A. Pony Express Days Report**

The City lost more than it budgeted for on Pony Express Days. After Finance Director Paul Jerome discussed the specific accounting for the event, Assistant City Administrator Jason Walker explained that, in response to those losses and the issues raised by the citizen survey, City Administration is recommending changes to Pony Express Days. They recommend that rights to the PRCA rodeo be turned over to the Rodeo Committee. They will bear all the risks and expenses of the event and receive all the proceeds, outside of the fees charged by the City for the use of its facilities. The demolition derby, concert and fireworks could also be offered to the Rodeo Committee.

In addition, Administration recommends that the Community Leisure Program be discontinued. Year-round events should be continued, including a scaled-down Pony Express Days. City events could be held approximately once per month. The Special Events Department would be restructured into a Recreation Division with an events side and a sports side. The lack of sports officials could be addressed by hiring officials as part-time, permanent employees, working from 12-29 hours per week.

Mr. Walker emphasized that this in no way reflects on the Special Events Director, who has done an outstanding job. It's a response to the expressed wishes of a significant percentage of the City's residents.

Councilmember Painter asked what was the primary driver of the financial loss for this year's Pony Express Days. Mr. Jerome said it was primarily a combination of the rodeo and the concert. Councilmember Painter asked if the analysis had enough detail to show what losses were created by which events. Mr. Pili reviewed some of the details.

B. Citizens' Budget

Management Intern Scott Swindler presented a preliminary version of a budget specifically designed to be easily understood by residents without technical financial skills. The purpose is to increase government transparency. The document will be posted on the City's website for public comment.

- **Citywide Yard Sale** – The first city-wide yard sale will be held on Saturday, September 14. Register your sale now on the City website, Events page. A map of all sale locations will be published online for residents and visitors who want to do all their bargain shopping in one day. Clean-up dumpsters will also be provided by the City on this date between 8:00 a.m. and 4:00 p.m. at two locations – the Public Works building and Smith Ranch Park.
- **Gas & Electric Bond Refinancing** – The \$18M gas and electric bond was refinanced at 2.30%. The bond will end in 2024, one year earlier than the original bond.
- **Well #2 Repair** – Well #2 has been repaired and is in service again. With the work finished on Well #2, the contractor is now working on planned maintenance for Well #3, which has been rapidly declining over the summer. Although Well #3 will be down for repair, we don't expect it to affect residents because we have more than one well in that pressure zone.
- **Farmer's Market** – The Farmer's Market will wrap up for the season over the next two Saturdays – August 24 and 31. It is held in the grassy area across from the fire station in City Center (1680 Heritage Dr.) from 9:00 a.m. to noon. Local crafts and produce are offered.

7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Bryan Free approved of the citizens' budget being posted on the website. He suggested more complete contact information for City boards and committees. He felt the City should a better job of notifying residents of the election dates, perhaps robocalls or temporary road signs. He wanted the City to require developers to meet their obligations under their development agreements.

Dan Lilly was concerned that the HOA continues to waste water on irrigating grass along roadways. He wanted the City to pressure the HOA to stop wasting water. He was willing to inspect the irrigation system for leaks and defects if there was a reasonable chance that the HOA would fix the problems.

Luke Pannell spoke on behalf of one of his neighbors, James Crandall, about the dove hunting season that will start on September 1. Hunters shoot within City limits and near his property line. Sometimes they trespass on his property. He requested that law enforcement provide some extra

protection on Stagecoach Drive starting at 6:00 a.m. on September 1. Mayor Jackson asked Mr. Trusty to install some signs along Stagecoach Drive like those that are on Lake Mountain Road.

Marianne Smith thanked the Mayor and Council for working on the pavement at the intersection of Lake Mountain Road and Pony Express Parkway. She asked if it was possible to have a streetlight installed there. She also asked when Lake Mountain will be graded. And she pointed out that the light from the power station is bothering nearby residents. She suggested that some of the projects the City needs done could be done as Eagle Scout projects. Last week, she notified the Fire Department that she was going to do some agricultural weed burning and got permission to do so. When she began burning the leaves, a fire truck showed up. Mayor Jackson asked her to bring the issue up with Chief Andrus.

Jenny Fillmore, a resident of Hidden Canyon, stated that several of her neighbors were attending this meeting in support of the agreement with Salisbury Homes to complete the improvements at the entry to the subdivision. She also felt that the subdivision should have a small park.

Melissa Jentzsch, a resident of Hidden Canyon, agreed with Ms. Fillmore that landscaping needs to be installed at the entry to the subdivision.

Sandy White expressed appreciation for the citizens' budget. She encouraged the City to program an automatic notification system to send job announcements to residents who opt in to receive those emails.

Dayton Seegmiller commented on the Hidden Canyon agreement. He said the retention pond near his house should be fenced according to the development agreement and the trail should be installed. The pond needs to be dredged, as well. Mayor Jackson asked Mr. Trusty to meet with the residents to determine what improvements should be made and how the residents can volunteer to help.

8. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Steinkopf

Councilmember Steinkopf thanked the residents for their comments and assured them that the Council listens.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt wanted the problems with hunters to be addressed, street reflectors on SR 73 to be increased and intersection warning signs posted at Lake Mountain Road and Pony Express Parkway. He said the Northmoor detention pond was built with rocks and landscaping, but it's been allowed to become weed-infested. He's had numerous comments on that. He asked residents to drive more carefully now that school has started. With the cooler weather, he reminded residents to reduce their lawn irrigation. He wanted progress on the cemetery. Residents have approached him about the possibility of creating an airport board to make the airport functional; which could become a revenue source for the City. SR 73 is too noisy. Signs need to be installed prohibiting "jake brakes" and the speed limit near Ranches Parkway needs to be moderated. He recommended that the residents of Hidden Canyon take ownership of their

subdivision and provide volunteer labor for the landscaping they need. Councilmember Ochsenhirt and his neighbors got together and created a park in his neighborhood, in cooperation with the City.

Councilmember Ireland

Councilmember Ireland expressed appreciation to those who volunteered to be candidates for office and congratulated those who were nominated for the general election. He appreciated those who got out and voted, and thanked the City staff and others who were involved in the election process.

Councilmember Burnham

Councilmember Burnham thanked all those who ran for office and congratulated those who made it through the primary election. She was grateful that the debates were recorded so that more people could see them. The 18% voter turnout was one of the best the City has ever had for a primary election. She encouraged residents to be educated voters.

Mayor Jackson

Mayor Jackson said the City's 18% turnout for the primary was the highest in the county.

**CONSENT AGENDA**

9. MINUTES

- A. August 6, 2013 – Regular City Council Meeting

10. FINAL PLATS

- A. Meadow Ranch V, Plat 2
- B. SilverLake, Plat 9
- C. Parkside, Phase A, Plat 1

11. DEVELOPMENT AGREEMENTS

- A. Skyline Ridge, Phase 1B
- B. Skyline Ridge, Phase 1C
- C. SilverLake, Plat 8
- D. Lone Tree West, Plat 1

Lone Tree West, Plat 1, was removed from the agenda.

Councilmember Painter appreciated that the last meeting's minutes were updated per his request. He asked Mr. Mumford what could be done to add sidewalks and streetlights to the Meadow Ranch V, Plat 2, agreement. Mr. Mumford said the preliminary plat was approved in 2008. Trails were discussed at length at that time, and residents in neighboring subdivisions made it clear that they wanted the area to retain a rural look without trails along the streets. The Council has the option of adding trails.

Councilmember Painter said he wanted trails to get non-vehicular traffic off the roads.

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda, removing item 10A and adding it to the Scheduled Items. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

## SCHEDULED ITEMS

10A. MOTION – Consideration and Approval of the Final Plat of Meadow Ranch V, Plat 2.

This item was moved from the Consent Agenda.

Mayor Jackson invited the applicant, Monte Kingston, to speak. He expressed frustration because the details of trails and drainage have been worked out over a long time. The development was designed according to the residents' wishes. A redesign would be very expensive. Since his company is providing much more than the required improvements, he felt that they were doing their part. Street-side trails added to the plan now will dead-end at people's yards.

[Inaudible comments from the audience.]

The Mayor and Council discussed possible locations for trails.

**MOTION:** *Councilmember Painter moved to approve the final plat of Meadow Ranch V, Plat 2, with direction that the City Engineer work with the developer to install trails along all the streets. Councilmember Steinkopf seconded the motion.*

Discussion continued on possible trail locations.

Councilmember Ochsenhirt asked Mr. Kingston how this proposal will affect him. Mr. Kingston reiterated that the subdivision was designed according to the needs expressed at the time.

Mr. Trusty said the drainage along Sunset Road would need to be redesigned to accommodate a trail.

*Those voting aye: John Painter and Richard Steinkopf. Those voting no: Donna Burnham, Ryan Ireland and Nathan Ochsenhirt. The motion failed with a 2:3 vote.*

**MOTION:** *Councilmember Ochsenhirt moved to approve the final plat of Meadow Ranch V, Plat 2, with the intent that the developer and City staff work together to create trail system connectivity between the subdivision, park and school, removing the pedestrian traffic from the street. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a vote of 4:1.*

## PUBLIC HEARING

12. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the General Plan Map 2, and Approving the Master Development Plan for Arrival at North Ranch.

This item was presented by Planning Director Steve Mumford. The City Council will consider the approval of the Master Development Plan and amendment to the General Plan Map 2 for the Hindley Annexation that was recently approved by the City. This project will be located north of the Clearview Estates development, west of the North Ranch neighborhood, and south of Camp

Williams and will be known as Arrival at North Ranch. This plan consists of 178 residential lots on 223.36 acres. The minimum lot size proposed is half an acre, with a majority of the lots being over one acre in size. Because the density is less than .8 units per acre, no park is required; however, the developer has chosen to include a park.

Concerns about the project include erosion in the Tickville Wash, residential traffic and construction traffic, the water system and the septic systems.

The County has provided preliminary approval of the septic system plans.

Residents in the North Ranch neighborhood held a meeting last week. They propose widening the road on the west side of the development to connect to the proposed minor collector road in Clearview Estates. They also recommend adding a crash gate to Lake View Drive, allowing emergency access only. Third, they would like a construction entrance directly from SR 73. They also suggested several methods of traffic calming.

Mr. Trusty stated that the traffic impact study by Hales Engineering found that the increased traffic would be within the capacity of the existing roads. There is a traffic counter in the subdivision right now. The City has already promised some traffic calming measures that haven't been installed yet.

Mr. Norman discussed the water system. Well #2 failed this summer, affecting water pressure in the lower section of this area. After the well failed, the Water Department discovered that the water lines were inadequate to feed all the homes at night, when many of the residents watered their lawns. The water model will be updated so improvements to this part of the water system can be added to the Capital Facilities Plan.

*Mayor Jackson opened the public hearing at 9:34 p.m.*

Rick Knowlton suggested that the plat map be amended to divert more traffic from Lake View Drive than is currently proposed.

Brandon Reall had concerns about people backing out of their driveways, sight distances, a very limited traffic study, the lack of required eight-foot paths next to the roads, maintenance of traffic calming measures, and inadequate structure of Canyon Wash Road.

Wade Mattinson felt that Clearview Estates and Arrival would both impact North Ranch. He would like the roads leading to SR 73 to be carefully engineered for safety. Any increase to current traffic on the roads is too much. There are many more violations than are reported. He's not trying to oppose development, just its effects on safety.

Doug Woodruff had a petition with 56 signatures he wanted to submit to the Council. The speed and volume concerns were about the entire 178 lots proposed, not just the original 28 lots. He felt that routing traffic through North Ranch is wrong. The new traffic should be routed through Clearview Estates. He asked that any agreements be put in writing.

Charlotte Ducos was excited to see this development come in because it's compatible with existing development. She feels that trails are essential to the safety of children to walk and bike to the new school. She doesn't think the developer should bear the brunt of the needs created by the

school. She wanted to make sure that the new developments bear the brunt of their own traffic, with their own entrance to SR 73. She also supported a separate construction entrance.

Wendy Lojik drives a school bus. She said that construction trailers obstruct sight and safety. There is nowhere for children to walk or bike except on the roads. Speed reductions are also needed.

Amy Asay watched her daughter look both ways today and then run across the road. That's the only way she can get across. She wants more traffic safety now, not after the new homes are built. Where Canyon Wash meets Lake View, she suggests a three-way stop. Flashing lights aren't adequate.

Luke Pannell asked how much the City offsets the costs borne by the developers for infrastructure. He pointed out that this item is a rezone from Agricultural to Rural Residential. He'd like clarity about who is paying for the upgrade of the water and electrical systems. There aren't details in the development agreement. He'd like this item tabled if specifics aren't available.

Mayor Jackson responded that details are to be included in the master development agreement, which isn't being approved at this time. Some of the infrastructure has to be built on a large scale in the beginning, so developers build it and are later reimbursed for the capacity that benefits future developments.

*Mayor Jackson closed the public hearing at 9:58 p.m.*

The applicant, Scot Hazard, introduced the traffic engineer, Cordell Brailey. As a resident of the area, the residents' concerns are particularly relevant to Mr. Hazard. Mr. Brailey explained that a traffic study is focused on quality of life, rather than road capacity. This traffic study is written with a phased approach to safety. Lower speeds are recommended, but they won't entirely eliminate the safety issues. He said that strobe-pattern flashing lights have a much higher compliance rate than normal flashing lights. Transportation engineering always recommends as much connectivity as possible to provide as many paths in and out of neighborhoods as possible.

Discussion continued on traffic safety.

Mr. Hazard discussed the engineering and funding challenges involved in constructing a trail system in the area. Grants may be available to help with funding. He supported a phased approach. If other methods are inadequate, a crash gate may be a useful solution.

Mayor Jackson suggested making a request to Alpine School District for a trail between the new school to the Meadow Ranch Park trail.

**MOTION:** *Councilmember Ireland moved to adopt an ordinance of Eagle Mountain City, Utah, amending the General Plan Map 2, and approving the master development plan for Arrival at North Ranch. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

13. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Designating an Assessment Area for the Purpose of (i) Levying Assessments against Properties within the Assessment Area to Finance the Construction and Installation of Road, Sewer, Storm

Water, Culinary Water and Related Improvements, (ii) Estimating the Amount of the Assessments to be Levied and the Method or Methods of Assessments and (iii) Generally Describing the Period Over Which the Assessments are to be Paid and the Manner in Which the City Intends to Finance Said Improvements; and Related Matters.

This item was presented by Cody Deeter of Lewis Young Robertson & Burningham. In order to formally assess the property through an assessment ordinance which liens the property, the City must first designate a geographic area as the assessment area. After the Bonds are issued, an assessment ordinance will be adopted; this will likely take place in September. The assessment area would improve Ranches Parkway, north and west of Meadow Ranch.

**MOTION:** *Councilmember Burnham moved to adopt a resolution of Eagle Mountain City, Utah, designating an assessment area for the purpose of (i) levying assessments against properties within the assessment area to finance the construction and installation of road, sewer, storm water, culinary water and related improvements, (ii) estimating the amount of the assessments to be levied and the method or methods of assessments and (iii) generally describing the period over which the assessments are to be paid and the manner in which the City intends to finance said improvements; and related matters. Councilmember Steinkopf seconded the motion.*

Councilmember Ireland asked why the City is “co-signing” a loan to developers for infrastructure as this time, and if this would create a precedent. Ifo Pili, City Administrator, explained that much of the City’s major infrastructure was created using bonds. This project is part of the Capital Facilities Plan, and the City has been collecting impacts fees for it.

Mayor Jackson said the property value to loan ratio is 4:1, which provides adequate financial protection to the City.

Councilmember Steinkopf pointed out to the audience that this item has been discussed at length in both the Work Session and in a previous meeting.

*Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

14. BID APPROVAL – Consideration and Approval of Bid for Niels Fugal Sons Company, LLC, for the Cedar Pass Ranch, Phase 1, Natural Gas System.

This item was presented by Energy Director Adam Ferre. The proposed bid is for the installation of a natural gas system to serve residents in Cedar Pass Ranch, Phase 1. This proposal was made by the residents and if approved, will give access to natural gas service to 31 lots. The estimated cost will be approximately \$6,300 per lot, to be paid by residents who pay before October 1. After October 1, an additional 15% will be added to the cost. If 16 residents don’t sign up before October 1, the project will be cancelled.

Councilmember Painter asked how the Energy Department chose 16 lots as the cutoff for proceeding with the project. Mr. Pili said 16 lots constituted more than half of the lot total. The financial risk is approximately \$53,000, with annual revenues estimated to be \$5K to \$7K.

**MOTION:** *Councilmember Ireland moved to approve a bid from Niels Fugal Sons Company, LLC, for the Cedar Pass Ranch, Phase 1, Natural Gas System and authorize the Mayor to sign the contract once 20 residents sign a contract with the City agree to pay their portion of this project. and not finance the project through the Utility Department; anyone who signs up after October 1 must pay an additional \$1000.*

Mayor Jackson pointed out that the last time the City did a project like this, the residents had 30 days after the completion of the project to pay in full. Councilmember Ireland said he would be willing to accept that payment plan.

*Councilmember Painter seconded the motion.*

Councilmember Painter asked why Councilmember Ireland set the limit at 20. Councilmember Ireland responded that, leaving out the undeveloped lots, 20 is three-quarters of the lot owners.

City Attorney Jeremy Cook said the City can sue owners who default, although a lawsuit is expensive for the City and may not lead to recovery. He suggested charging a portion of the cost up front. Mayor Jackson suggested a \$1,000 deposit, refundable if the project is cancelled.

Councilmember Ireland accepted the amendment to the motion.

[Inaudible comment from the audience.]

Councilmember Painter asked why the City is considering installing gas lines when such a low percentage of the residents is requesting them, when it will impact the City's Gas Fund. Mr. Ferre said that a request from 16 residents is enough to convince him to study the question and present it to the Council.

Mr. Pili stated that the project will provide revenue every year after the initial investment and will eventually more than pay for itself. Mr. Ferre pointed out that utilities always need to have additional customers.

[Inaudible comment from the audience.]

Councilmember Burnham said that the North Ranch gas line project forced residents who didn't want the service to take it. This project at least only charges those who want it.

*Those voting aye: Donna Burnham, Ryan Ireland and Richard Steinkopf. Those voting no: Nathan Ochsenhirt and John Painter. The motion passed with a vote of 3:2.*

Councilmember Ochsenhirt explained that he wasn't voting no to the neighborhood, he was extending a little further latitude to the neighborhood.

15. BID AWARD – Consideration and Award of Bid to Niels Fugal Sons Company, LLC, for Underground Gas Services.

This item was presented by Energy Director Adam Ferre. The proposed bid is for the installation of underground natural gas laterals within the City. The new contract will address a general cost increase, as well as additional costs per lot for rock and frost.

**MOTION:** *Councilmember Ireland moved to approve an award of bid to Niels Fugal Sons Company, LLC, for underground gas services. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration and Approval of an Agreement and Release of Claims for Hidden Canyon Subdivision Improvements.

This item was presented by City Attorney Jeremy Cook. This agreement details the terms of a settlement and release with Salisbury Development, LC and M&T Bank regarding subdivision improvements for Hidden Canyon development. The Mutual Release of All Claims requires Salisbury Development to complete certain subdivision improvements identified by the parties, and to pay the City for completion of certain landscaping improvements to the detention basin at the entrance of the Hidden Canyon subdivision.

Mayor Jackson allowed resident Steve Williams to speak. He said he came to the meeting for the park. He moved from Texas because he was attracted by the trails. He noted that Woodland, Texas has over 160 miles of trails and is valuable real estate. He felt the City should increase the trail system. Trails become parks. He referred to Frederick Law Olmsted, who designed many miles of trails and many city parks, including Central Park in New York City.

Mr. Cook said the document is a form settlement agreement, which contains a confidentiality provision. He will go back to the other party and ask them to waive the provision. He wasn't able to make that request before this meeting.

**MOTION:** *Councilmember Burnham moved to approve an agreement and release of claims for Hidden Canyon subdivision improvements. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Mayor Jackson asked for involvement from the community. Dayton Seegmiller agreed to be the liaison between the Council and the community.

17. **CITY COUNCIL/MAYOR'S BUSINESS** – This time is set aside for the City Council's and Mayor's comments on City business.

ALL NO COMMENT

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Mayor Jackson

No comment.

18. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

None.

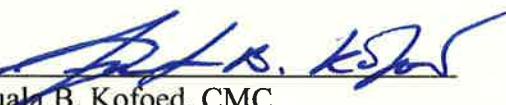
19. COMMUNICATION ITEMS

- a. Upcoming Agenda Items

20. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 11:13 p.m. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 3, 2013.



Fionnuala B. Kofoed, CMC  
City Recorder

MINUTES  
EAGLE MOUNTAIN CITY  
SPECIAL COUNCIL MEETING

August 27, 2013  
Policy Session 4:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005  
\*\* *This meeting may be held telephonically to allow a member of the City Council to participate* \*\*

**4:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Boardmember Donna Burnham, Boardmember Ryan Ireland, and Boardmember Nathan Ochsenhirt. Boardmember Richard Steinkopf participated by phone.

CITY STAFF PRESENT: Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder.

Board Chair Heather Anne Jackson called the meeting to order at 4:05 p.m.

1. The Eagle Mountain City Council convened as the official Board of Canvassers to canvass the municipal primary election held on August 13, 2013. Pursuant to State law, it was necessary that the City Council, as the Board of Canvassers, canvass the 2013 municipal primary election no sooner than seven days and no later than fourteen days after the election.

City Recorder Fionnuala Kofoed presented the results of the canvass to the Board.

The Board reviewed the report of election results prepared by the City Recorder as the Election Official, considered and approved the report of the results, execution of the report and certification of the final vote totals for persons on the ballot.

**MOTION:** *Boardmember Ireland moved that the Board of Canvassers:*

1. *Verify the results of the election by ratifying the results of the canvass.*
2. *Accept the report of the Election Official and certify the election results.*
3. *Declare 4-year Mayoral candidates Chris Pengra and Heather Jackson; and 4-year City Council candidates Adam Bradley, Tom Westmorland, Nathan Ochsenhirt and Bryan Free eligible to be on the ballot and nominated for the municipal general election on November 5, 2013.*

*Boardmember Burnham seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Heather Jackson, Nathan Ochsenhirt, and Richard Steinkopf. The motion passed with a unanimous vote.*

2. ADJOURNMENT

Boardmember Ochsenhirt moved to adjourn the meeting at 4:08 p.m.

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 17, 2013

  
Fionnuala B. Kofoed, City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**September 3, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

**Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005**

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Nathan Ochsenhirt and Richard Steinkopf. Ryan Ireland participated by phone. John Painter was excused.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan, Planning Intern; Adam Ferre, Energy Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:10 p.m.

1. **PRESENTATION** – Recommendation from the Cemetery Board regarding the purchase of property for a cemetery.

Cemetery Board Chair Bob Hill and Vice-Chair Steve Conger presented the proposed location of the cemetery. The preferred site would be thirty acres (acquired and developed in phases) where Eagle Mountain Boulevard crosses the old Pony Express Trail. The location allows the cemetery to complement the historical nature of the Trail. Councilmember Burnham suggested that the cemetery include a children's section.

2. **AGENDA REVIEW** – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

**11. Bond Issuance.**

Mayor Jackson pointed out that the final decision on the bond amount was up to \$2.5M, not \$3M. The original bonds were SID bonds backed by land. The proposed bonds will be sales tax bonds.

**12. Consolidated Fee Schedule.**

Energy Director Adam Ferre explained that rock and frost increase the cost of excavating for utility lines. This amendment covers those costs. It also reduces the fee for installation of open-space electric meters.

**13. JLUS Grant.**

City Recorder Fionnuala Kofoed said the City recently received a \$229,380.00 grant from the OEA for the implementation of the Joint Land Use Study. The study was initiated in December, 2009 and completed last January. It was designed to improve the interface between Camp Williams and adjacent entities. The implementation phase is expected to take about twelve months. The implementation recommendations will be tailored to each entity.

14. Waiver of Construction Noise Restrictions.

Planning Director Steve Mumford said that the cement contractor has requested a waiver of City noise restrictions to allow them to begin pouring concrete at 4:00 a.m. for Ridley's Market for four days scattered among two weeks in September. Councilmembers felt that it was a reasonable request, as long as the contractor provides adequate advance warning to the neighbors, perhaps in the form of door hangers.

15. Interlocal Water Agreement.

City Administrator Ifo Pili explained that CUWCD has agreed to pay for the City's new pump station. In exchange, the City will help them with easements for their new water line over the next twenty years. City Attorney Jeremy Cook said that after the City conveys all the easements, CUWCD will convey the pump station to the City.

16. Cedar Pass Phase 1 Natural Gas System.

This is a reconsideration of a decision made at the last City Council meeting. Councilmember Ochsenhirt stated that he was uncomfortable with the Council's additions to the staff recommendations. He felt that the natural gas system is a good investment in the City's infrastructure, which will eventually bring in steady revenue with only a moderate risk. He felt that it was reasonable for these residents to request this service from the City. He felt that the \$1,000 deposit should still be required. Mr. Ferre has explained to him that this system for Phase 1 will be installed just the same as if the entire subdivision was being serviced.

Councilmember Steinkopf asked how the residents' costs will be financed. He wanted to know if the residents will be able to connect to the system before they have to refill their propane tanks. Mr. Ferre said that those who sign up for a lateral by October 1, even if they're not ready to connect, will get the initial price without the later increase.

Nikki Wickman, a Cedar Pass Ranch resident, asked about rock charges in the contractor's contract. Mr. Ferre said that the sign-up form will show who will have additional charges for trenching through rock.

Councilmember Burnham asked how those who agree to the main line, but not a lateral, will be charged. Mr. Ferre said a lateral constructed after the main line will be charged the lateral cost at the time.

Councilmember Ochsenhirt asked if there is a flat rate for those who sign up for the lateral in the beginning. Mr. Ferre said there is, and it's less expensive than connecting later.

Mr. Pili said that those who finance the gas system charges will have the cost included in their utility bills.

Mayor Jackson asked what kind of security the City has for collecting from those who default on the payments. Mr. Pili responded that the utilities would be shut off or the property would be liened. Councilmember Ochsenhirt suggested a pre-lien as part of the contract. City Attorney Jeremy Cook said that the City is protected unless the resident files bankruptcy. The only way to guarantee payment would be to set up an assessment area, which is not practical in this case.

Councilmember Steinkopf felt that October 1 might be too close a deadline for the residents. He wondered if the deadline should be in the spring. Mayor Jackson felt it was better to enable

residents to avoid filling up their propane tanks for the winter, freeing that money to pay for their connections to the natural gas system.

3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

None.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

The Closed Executive Session was cancelled.

### **POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Nathan Ochsenhirt and Richard Steinkopf. Ryan Ireland participated by phone. John Painter was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan, Planning Intern; Adam Ferre, Energy Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

#### 5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:06 p.m.

#### 6. PLEDGE OF ALLEGIANCE

James Crandall led the Pledge of Allegiance.

#### 7. INFORMATION ITEMS/UPCOMING EVENTS

- **Citywide Yard Sale** – The first citywide yard sale will be held on Saturday, September 14. Register your sale now via the link on the City website, Events page. A map of all sale locations will be published online for residents and visitors who want to do all their bargain shopping in one day. Clean-up dumpsters will also be provided by the City on this date between 8 a.m. and 4 p.m., at two locations – the Public Works building and Smith Ranch Park.
- **Road Work** – Our Streets Department continues work this week on a widening project on Pony Express at the entrance to Hidden Hollow Elementary. Paving will occur on Wednesday and

Thursday. Striping will be done on Saturday. Please continue to advise children to use caution in the area and stay on the paved trails. Thanks again for your patience as we complete these improvements.

- **Communities that Care** – In recognition of National Suicide Awareness Day, Communities That Care is sponsoring Lunch and Learn: Suicide and Depression Amongst Youth, What Can the Community Do to Help? The luncheon will take place on Tuesday, September 10 from 11:45 a.m.-1:00 p.m. at Garden Near the Green in Eagle Mountain. For more information visit the City website, Events page.
- **Farmer's Market** – The Farmer's Market will continue through September 28. It is held in the grassy area across from the Fire Station in City Center (1680 Heritage Dr.) from 9:00 a.m. to noon. Local crafts and produce are offered.

8. **PUBLIC COMMENTS** – Time has been set aside for the public to express their ideas, concerns and comments.

James Crandall stated that he represented White Hills. He thanked the Sheriff's Department for sending a deputy to keep the peace last weekend at the start of dove-hunting season. He went to his neighbors and asked about some of their concerns. One neighbor said now that the City has annexed White Hills, it needs to take care of the White Hills water system.

Nikki Wickman asked the Council to approve the natural gas system proposed for the Cedar Pass Ranch subdivision. She brought nine deposit checks from people prepared to connect to the project. She committed to providing seven more deposits by October 1. She asked the City to allow residents to pay their costs in two payments within one year, if they can't pay in full immediately. She supported the provisions in the original proposal that residents who choose not to connect will not pay any money to the City for the natural gas project, and those who sign up after October 1 will pay an additional \$1000.

Doug Grover thanked the Council for their time and effort in considering the Cedar Pass natural gas project. He said that some residents are having financial issues due to the difficult economy. He supported having the option of allowing individuals to make two payments over twelve months in order to be part of the project.

Conan Albrecht said that many people are struggling to heat their homes. The Cedar Pass Ranch community has come to the Council in past years for help with a natural gas system. The proposal this year is the best they've ever had. He pointed out that very few people, if any, are likely to default. He believed that more people will be willing to connect to the system as soon as they see gas lines being installed. Cedar Pass was one of the first neighborhoods in the City and was built before City gas service was available.

9. **CITY COUNCIL/MAYOR'S ITEMS** – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham thanked everyone who attended the meeting, especially the Boy Scouts.

Councilmember Steinkopf

Councilmember Steinkopf said it's very helpful to the Council when residents attend the meetings and give input.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone for coming to the meeting.

Mayor Jackson

No comment.

## **CONSENT AGENDA**

**10. MINUTES**

A. August 20, 2013 – Regular City Council Meeting

**MOTION:** *Councilmember Burnham moved to approve the Consent Agenda. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

## **SCHEDEDULED ITEMS**

**11. PUBLIC HEARING – To Allow Public Input Regarding the Issuance and Sale of \$3,000,000 Aggregate Principal Amount of Sales Tax Revenue Refunding Bonds, Series 2013 and Any Potential Economic Impact that the Project Described Herein to be Refinanced with the Proceeds of the Series 2013 Bonds May Have on the Private Sector.**

This item is a public hearing only. No action by the Council is required.

Mayor Jackson explained that the City is in the process of refunding or refinancing its 2006 SID Bonds (2000-1 SID). The City will now be pledging sales tax as the security for the bonds, which will greatly reduce the annual interest expense on the bonds. The purpose of the public hearing is to receive input from the public on the pledge of sales tax for this purpose. It is currently anticipated that the bonds will close on September 17th and will be purchased by Chase Bank.

This action will change the collateral for the bonds from real property to sales tax. The interest rate on the bonds will be reduced from 8% to 1.99%.

*Mayor Jackson opened the hearing at 7:26 p.m.*

Chris Pengra asked if there is a call period on the bonds. Cody Deeter stated that there are call premiums for the first four years, which allows for the low interest rate.

*Mayor Jackson closed the hearing at 7:28 p.m.*

**12. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.**

The proposed resolution amends the Eagle Mountain City Consolidated Fee Schedule to add a rock and frost clause to the gas connection fee. Each property owner who had a rock or frost situation

at the time of an excavation would pay the additional fee. It will also create a connection fee for open space electric meters. The fee would be lower than the standard connection fee, because an open space meter requires fewer materials than a standard connection.

**MOTION:** *Councilmember Steinkopf moved to add a rock and frost fee and an open space electric meter fee to the Consolidated Fee Schedule. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

13. AGREEMENT – Consideration and Approval of a Grant Agreement between Eagle Mountain City and the Department of Defense for the Camp Williams Training Site Joint Land Use Study (JLUS) Implementation.

This item was presented by City Recorder Fionnuala Kofoed. This agreement details the terms of a grant agreement with the Department of Defense for the JLUS implementation project. Eagle Mountain, along with representatives from other regional communities, Camp Williams, and the Utah Army National Guard, participated in the development of a JLUS. In partnership with a consultant team, and with financial assistance from OEA, the JLUS was completed in January, 2013. The goal of this implementation effort is to carry out recommendations from the JLUS that will ensure the public's health, safety, and welfare, and continue to recognize private land owners' current property rights, and ensure the continued viability of the mission activities on Camp Williams.

The grant is for approximately \$229,000. City Recorder Fionnuala Kofoed administers the grant. All of the cities participating in the study will also participate in the implementation phase.

Councilmember Burnham asked if a "yes" vote tonight will bind future councils. Mayor Jackson said it would not. The recommendations are tailored for each entity.

Councilmember Burnham asked if complying with the study recommendations is voluntary. Mayor Jackson said it is voluntary.

**MOTION:** *Councilmember Ochsenhirt moved that the City approve a grant agreement with the Department of Defense for the Camp Williams Training Site Joint Land Use Study (JLUS) implementation. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

Mayor Jackson announced that a request for proposals has already gone out for a consultant.

14. MOTION – Consideration of a Request from Curt Faus Corporation to Waive the Hours of Construction Noise Restrictions.

This item was presented by Mayor Jackson. Curt Faus Corporation has requested that the City Council waive the hours of construction noise restriction for four concrete pours for Ridley's Market during the month of September. The four specific dates will be dependent on the weather. The company will send notification to the homeowners of property located within a 600 foot radius of the construction site. They intend to start pouring a concrete slab at 4:00 a.m., but only during the work week (Monday through Friday). City Code Section 8.15.080 (g) states that the City

Council may waive the hours of work for projects in generally isolated areas where the extended hours do not impact adjoining property occupants.

**MOTION:** *Councilmember Ochsenhirt moved to waive the hours of construction noise restrictions for Curt Faus Concrete to begin no earlier than 4:00 a.m. on four work days (Monday to Friday) between September 16<sup>th</sup> and 27<sup>th</sup>. The company will be required to send notification to homeowners within 600 feet of the construction site, with costs to be borne by the company. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

**15. AGREEMENT – Consideration and Approval of An Interlocal Agreement Between Eagle Mountain City and the Central Utah Water Conservancy District.**

This item was presented by Mayor Jackson. The City is currently in the process of designing a pump station to be located in the City of Saratoga Springs to supply water under certain water supply agreements with the Central Utah Water Conservancy District (the “District”). The City anticipates the cost of the pump station to be approximately \$2.5 million. The interlocal agreement would require the District to assume full responsibility for all costs and expenses incurred in connection with finalizing the design, bidding and construction of the pump station. In exchange, the City would agree to acquire a regional water utility right-of-way and easement corridor for the District through the City. Upon receipt from the City of the required franchise and easement rights, the District would re-convey to the City all of the District’s right, title and interest in and to the pump station.

Councilmember Burnham asked if any complications were expected for getting a building permit from Saratoga Springs. City Administrator Ifo Pili didn’t expect any problems. Mayor Jackson said the water district will probably get the building permit. Councilmember Burnham read a section of the agreement stating that the City is responsible for getting the permit. Mayor Jackson said that, since Saratoga knows why the City purchased the land two years ago, she’s reasonably certain there will be no problems with the building permit.

**MOTION:** *Councilmember Ochsenhirt moved that the City approve an interlocal agreement with the Central Utah Water Conservancy District as outlined in the staff report. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

The conditions in the staff report are as follows: “The interlocal agreement would require the District to assume full responsibility for all costs and expenses incurred in connection with finalizing the design, bidding and construction of the pump station. In exchange, the City would agree to acquire a regional water utility right-of-way and easement corridor for the District through the City. Upon receipt from the City of the required franchise and easement rights, the District would re-convey to the City all of the District’s right, title and interest in and to the pump station.”

**16. MOTION – Reconsideration of Approval of Bid for Niels Fugal Sons Company, LLC, for the Cedar Pass Ranch, Phase 1, Natural Gas System.**

This item was presented by Mayor Jackson. The Cedar Pass Ranch, Phase 1, Natural Gas System was approved at the August 20, 2013, City Council meeting. Two City Councilmembers, Nathan

Ochsenhirt and Richard Steinkopf, have requested that it be reconsidered to address the conditions of approval.

The motion that was approved at the last meeting called for twenty residents to sign up and pay a \$1000 deposit by October 1, before the City would sign a contract for installation of gas lines. Payment in full was to be made within 30 days after completion of the project.

Because those conditions seemed to be impossible to meet, Ms. Wickman worked with her neighbors to come up with an alternate solution. The change is in the payment schedule. At least 10 people must commit to paying in full. Those who are unable to pay in full at the time of completion may have 6 months to pay 50% of the cost at 1.5% interest, and 12 months to pay the final 50% at 3% interest.

So far, twenty people have committed to participating in the project. Councilmember Burnham asked if the twenty people who have signed up represented twenty separate lots or if some were couples owning one lot. Ms. Wickman said they represented twenty different lots. She said that one resident pulled out because her lot is solid rock and she can't afford the additional cost. A few don't believe the project will be constructed.

Conan Albrecht said some residents will participate if the payment schedule is extended. He gave the example of a neighbor who was unemployed for 18 months. He could use the money he saved on propane to pay towards the natural gas system, but he couldn't pay the whole cost in the beginning.

Mayor Jackson asked if it would help to allow sign-ups after October 1 without the additional fee. Mr. Ferre said it would work; the date suggested is only to allow the City to be sure it has enough connections to sign the contract. He suggested that sixteen residents be required to sign up for service by October 1 to begin the project, and allow others to sign up for the initial price for as long as the contractor is on site.

Councilmember Burnham stated her concern that residents are struggling in other parts of the City. While she understands that heating with propane is very expensive for the residents in Cedar Pass, she doesn't want to place any burden on others to benefit a group that chose to live in a neighborhood served by propane. If only sixteen people sign up, the City is still building and paying for a system that will service the whole neighborhood. Several residents told her that they can't get loans. She believed anyone who has equity in their home can get a home equity loan. Mr. Albrecht said banks are reluctant to make loans connected with municipal projects.

Councilmember Burnham and Mr. Albrecht discussed whether the City has an ordinance that allows the City to finance individuals' payments for municipal projects under the administrative hearing process. Mr. Albrecht was asked to look up the ordinance he was referring to.

Councilmember Ochsenhirt said he knows of people who are unable to borrow any money against their homes. He said that any business has to make a capital investment before being paid. The City's utility system operates in the same way. He felt that this project helps the residents and the City, by saving the residents money and by creating more customers for the City's utility system.

Mr. Albrecht stated that he didn't have the money to participate in this project, so he went to a relative to borrow the money.

Mr. Cook said he read the administrative hearing ordinance and didn't believe it applies to this situation.

**MOTION:** *Councilmember Steinkopf moved to reconsider the item that was approved on August 20, 2013, regarding the Cedar Pass Ranch, Phase 1, natural gas system. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ireland noted that Councilmember Ochsenhirt has explained his reasons for reconsidering the motion. He asked if the Councilmember Steinkopf would explain his reason for reconsideration. Councilmember Steinkopf said that he originally voted against the item because he didn't agree with the City providing financing or with the October 1 deadline. Since then, he's received a lot of comments and believes there will be enough interest to get the system built; in addition, a better financial plan has been proposed.

Councilmember Burnham was concerned that any time a vote doesn't go her way, she could bring it back for reconsideration. She wanted to consider changing the meeting procedures so that there's no risk of excessive reconsideration of motions. Perhaps each vote should only be eligible for reconsideration once.

Councilmember Ochsenhirt agreed with Councilmember Burnham. He felt that when the item was originally presented, the Council could have discussed it better and the neighborhood could have done better at presenting it. He didn't feel that all the information was available last time.

Councilmember Burnham asked if anyone knew what Councilmember Painter's objection to the item was. Councilmember Ochsenhirt said Councilmember Painter believed that the project shouldn't be constructed unless the whole neighborhood supported it.

*Those voting aye: Donna Burnham, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a 3:1 vote.*

Because the motion to reconsider passed, the same motion that was voted on at the last meeting was voted on again. The motion is considered to be moved and seconded by those who did so in the previous meeting.

**MOTION:** *Motion to approve a bid from Niels Fugal Sons Company, LLC, for the Cedar Pass Ranch, Phase 1, Natural Gas System and authorize the Mayor to sign the contract if 20 residents sign a contract with the City by October 1 agreeing to pay a \$1000 deposit and the rest of their costs within 30 days after completion of the project; not to finance their costs through the Utility Department; and anyone who signs up after October 1 must pay an additional \$1000. Those voting aye: Donna Burnham and Ryan Ireland. Those voting no: Nathan Ochsenhirt and Richard Steinkopf. Mayor Jackson cast a tie-breaking "no" vote. The motion failed with a 2:3 vote.*

**MOTION:** *Councilmember Ochsenhirt moved to award a bid from Niels Fugal Sons Company, LLC, for the Cedar Pass Ranch, Phase 1, Natural Gas System and authorize the Mayor to sign the contract only if the owners of 16 lots in Cedar Pass Ranch commit to participating in the project. Their commitment consists of paying a \$1000 deposit by October 1 and signing a notarized contract committing them to connect to the system. Ten of the contracts must commit the signers to pay all of their related costs in full within 30 days of the completion of the system.*

*Construction may begin prior to October 1 if 16 commitments are received. Additional residents may sign up until November 1 without paying a penalty; anyone who signs up after November 1 must pay an additional \$1000. The residents who do not pay in full within 30 days after completion of the system must commit to paying their costs in two payments, 50% at 1.5% interest within six months and 50% at 3% interest within twelve months, the interest to be prorated if the amount is paid sooner. Councilmember Steinkopf seconded the motion.*

Councilmember Ireland asked what the City would do if any of these lot owners failed to pay according to their commitments. Mr. Cook said that the City would turn off their gas for nonpayment and pursue its contractual rights. The financial commitment will be included on their utility bills.

Councilmember Ireland asked Councilmember Ochsenhirt, as a business owner, when he would make 31 contracts and only expect to be paid by 51% of them, and only at his cost, without any profit. He didn't think that made wise business sense. Councilmember Ochsenhirt responded that they aren't 31 individual contracts; they're all part of one infrastructure project. The project will create at least 16 new, permanent customers.

Councilmember Ochsenhirt pointed out that the City pays for many projects, such as parks, that never provide any return on investment.

Councilmember Ireland asked when Councilmember Ochsenhirt expected the City to see a return on investment. Councilmember Ochsenhirt said if only 16 residents sign up, the return should begin in sixteen months.

Councilmember Burnham pointed out that any other upgrade to the system is paid for in advance. She felt that if the return on investment could begin within sixteen months, the City's utility rates are too high.

Mr. Pili said the expenditure above revenue would be about \$53,000. Each new customer will pay in about \$5-7K per year.

Councilmember Ireland said he would prefer to see 20 customers rather than 16 to reduce the risk. Councilmember Ochsenhirt felt the difference between 16 and 20 customers is too little to be worth holding up the project.

Councilmember Burnham asked if the \$1000 penalty applies to the main line. Mayor Jackson said it would. They will still have to pay the full cost of the lateral.

*Those voting aye: Nathan Ochsenhirt and Richard Steinkopf. Those voting no: Donna Burnham and Ryan Ireland. Mayor Jackson cast a tie-breaking "aye" vote. The motion passed with a 3:2 vote.*

Councilmember Burnham stated that she really appreciated the efforts that the Cedar Pass residents made to come up with a better financial plat, which made it easier for her to vote on the project.

Councilmember Burnham challenged the Cedar Pass residents who support this system to prove her wrong.

17. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Mayor Jackson

No comment.

18. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

Councilmember Ochsenhirt reported that the Economic Development Board has been working on the City-wide Yard Sale scheduled for September 14. Dumpsters will be available if anyone wants to dispose of unsold items.

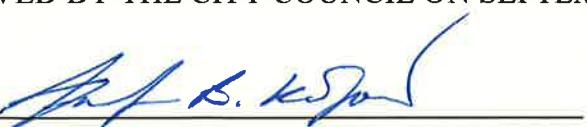
19. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Report

20. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:00 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 17, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**September 17, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. John Painter was absent.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Corey Wride, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:06 p.m.

1. **AGENDA REVIEW** – The City Council will review items on the Consent Agenda and Policy Session Agenda.

**14. Evans Ranch**

The proposed Evans Ranch project is located east of Porter's Crossing Road, beginning just north of Smith Ranch Road and ending south of Golden Eagle Road. The project contains 120.45 acres, and now includes 298 single family lots (242 planned lots and 56 potential lots), 163 townhome units, and a potential 11.55 acre school site. The Alpine School District has expressed an interest in acquiring (at some point in the future) a 10-12 acre school site in this southwest region of the development. However, if the school district does not choose to eventually build a school in that location, 56 single-family lots have been proposed. The project will be built in phases, beginning in the northwest portion and working south. The townhomes will be the last phase. Porter's Crossing Road would be widened as the phases are built.

The developers are proposing a "coving" design for the single-family area. The design generally results in larger lots, smaller lot frontages, more open space for trails, and an improved look/view from the street. The design also results in some lots having smaller side yard setbacks.

The developers are requesting the following exceptions to the City Code, which can be approved through this master development plan and agreement process, if the Council agrees with the applicant:

- Reduced lot frontages (width of the lot along the street)
- 5-foot side yard setbacks (with certain restrictions to be called out in the master development agreement)

The Tickville Wash runs through the property, which leaves a roughly 40-acre, triangular piece of land which will be difficult to deal with.

Staff concerns include the request for smaller lot frontages and side setbacks than City standards allow. Staff felt that the townhomes should be located closer to commercial areas and major roads, rather than in the back portion of the project. The trail corridor, open space and parks have issues.

The roads need to be discussed. Staff wants to be sure that all details of timing, park improvements, Tickville Wash improvements, utility installation and community improvement dollars are clearly spelled out in the master development agreement.

Residents have expressed concerns during previous public hearings. The concerns include the roads being unable to handle increased traffic, location and density of the townhomes, safety of children walking along Porter's Crossing, insufficient parks and playgrounds, side yard setbacks and perceived lack of safety due to homes backing up to the wash.

The Planning Commission voted to approve the project, with one dissenting vote. The Commission was concerned about open space, fencing and the five-foot side yard setbacks.

In response to these concerns, the developers reduced the number of townhomes by 100, provided more open space than is required, and has agreed to build the townhomes last. Most of the single-family homes will be more than 10 feet apart. An HOA has also been added to the plan.

Hales Engineering has found that, with the redesign of the project, the roads will retain an "A" level of service, which is the lowest wait time measured at an intersection. Some adjustments should be made to the roads once the project is fully built.

The conditions of approval require an erosion study for Tickville Wash. Single family homes will be built well away from the wash.

Mr. Nate Shipp, representing Evans Ranch LLC and DAI, the developers of the project, made a presentation. He explained that the coving design is a new one being used around the country. It's designed to minimize roads, increase lot size and maximize the amount of open space. According to the developer, it creates wedge-shaped lots, which are 30% larger than standard lots in the same amount of space. It improves the look of the neighborhoods from the streets. The developers have committed to provide an individual home plan for every lot.

They've responded to the concerns about the townhomes by reducing the number by 100 units. They'll be buffered on both the north and south and will be built after the single-family homes. The townhomes will be built with an upgraded design. All of the garages will be in the back of the townhomes.

There are "pinch points" in certain areas of the single-family homes, where the homes are only ten feet apart. The increased lot size allows for other places to put storm drainage. Each lot will have its own, individually engineered lot layout.

Driveways will be twelve feet wide at the street end to create more green space in the park strips. They'll widen towards the house. Twenty-five percent of the homes will have room for a third-car garage.

City standards require just over eleven acres of open space. This project proposes 25 acres of open space. This will allow for three soccer fields and twelve major play structures.

This design involves 25% fewer roads and 80% fewer intersections than the original 2006 design.

## 15. Porter's Crossing Town Center

The proposed changes extend the residential area to allow for one more row of single-family homes and add a church site. The commercial area has been amended to specify one section as Commercial zoning and the other as Commercial Office. The two residential areas have been combined for added flexibility in planning space. Commercial and office space have each been reduced by about two acres and fifteen residential units have been added. With the additional residential units, an additional .26 acre of improved open space is required.

#### 16. Assessment Ordinance

The assessment ordinance refers to the Ranches Parkway extension encompassed in Assessment Area 2013-1. The assessment ordinance creates a lien between the property owners and the City. This acts as security for the bonds, which will be used to construct the road. The assessment ordinance also describes when assessment payments and bond payments will be made.

The ordinance itself includes the cost of the improvements, the assessment list, the levy of assessments, certification that the “soft costs” (overhead) don’t exceed the allowable percentage, the rates of assessment and the schedule of payments for the assessments. The payment schedule includes an additional 25% per payment, to be used as a credit for the final payment. This provides additional security to the City. It also defines how assessments are paid when the properties are subdivided and how the properties are released from the lien after the assessment is paid off.

The ordinance states the process for handling defaults and foreclosures. It also describes the reserve fund. The fund will reduce the City’s risk, and earn interest that will be paid to the property owners.

#### 17. Parameters Resolution

The resolution is a continuation of the ordinance. It creates the parameters under which the bonds will be issued. It authorizes the City to issue not more than \$2.7M in bonds. The interest rate is expected to be 5%, but the resolution allows for 7% as a precaution.

The resolution includes a provision for selling the bonds at a slightly reduced price, if necessary. The bonds would have to be sold at least 97% of face value.

It also names the pricing committee as, the Mayor, the City Administrator and the Finance Director. The committee members can be changed in the approval motion.

## 2. PRESENTATION – Recommendation from the Economic Development Board regarding the Pony Express Days Concert.

Justin Loera, representing the Economic Development Board, explained that the Board considered ideas for reducing the City’s financial losses from Pony Express Days, focusing on the concert. They wanted to continue fostering the celebration and the sense of community it provides. They also wanted to identify partnerships that would generate marketing opportunities for the City itself and for local businesses. They felt this would improve the public image of the City and Pony Express Days.

One option would be to run the event as usual, but increase ticket prices. Another would be to partner with a local record label, allowing them to run the event. The City would rent the facility to the group running the event and supply fencing, sanitary facilities, electricity and law enforcement. The partnership could potentially sponsor other concerts throughout the year. Mr. Loera has already discussed these possibilities with Refinement Records.

Holding other concerts throughout the year would help maintain a sense of community and create a positive cash flow that could be used for improving the City's image.

Mayor Jackson discussed ticket prices with Mr. Loera.

Councilmember Steinkopf asked how much input the City would have in selecting the performers. Mr. Loera responded that the City would have input in both the performers and the schedule.

Councilmember Ireland asked how much lead time the City would need to give Refinement Records to have them involved in the concert. Mr. Loera said he didn't know, but would be happy to act as a liaison between the City and the company.

3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

City Administrator Ifo Pili invited Scot Hazard to introduce John Hadfield of Hadco. Mr. Hadfield is considering moving his corporate office to Eagle Mountain.

Mr. Hadco said his company does about \$60M per year in business. The company has 400 employees in four divisions, 19 of whom live in Eagle Mountain. There are the crushing division, the main line division (which builds highways), the concrete division and the transportation division. They also have affiliate businesses that provide another \$12M in sales. Hadco is the last independent company of any size in its field.

The company tries to keep its employees as close to home as possible. It gives the employees a better quality of life, which encourages them to do better in their jobs. If the company moves to Eagle Mountain, it would do so in phases, beginning with the mechanics.

Mayor Jackson asked when Mr. Hadfield anticipated moving his office. He said it would be in the next one to two years. He's already begun talking to architects for a new building. He mentioned that the asphalt plant in Eagle Mountain is producing faster than expected.

Councilmember Ireland asked how many Hadco employees are working in the City each week. Mr. Hadco said he believed there was an average of 60 employees per week.

Councilmember Steinkopf asked if there was something the City could be doing to prepare for and help with a transition. Mr. Hadfield said that gas and electric are available, but water and sewer need to be arranged for, as well as easement and traffic issues.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye:*

*Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

## **POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland and Richard Steinkopf. Nathan Ochsenhirt participated by phone. John Painter was absent.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Corey Wride, Sheriff's Deputy.

### **5. CALL TO ORDER**

Mayor Jackson called the meeting to order at 7:09 p.m.

### **6. PLEDGE OF ALLEGIANCE**

Nathan Ochsenhirt led the Pledge of Allegiance.

### **7. INFORMATION ITEMS/UPCOMING EVENTS**

- **Farmer's Market** – The Farmer's Market will continue through September 28. It is held in the grassy area across from the fire station in City Center (1680 Heritage Dr.) from 9 a.m. to Noon. Local crafts and produce are offered.
- **Flags at half-staff** – By Presidential proclamation, flags will be at half-staff until sunset on September 20 in honor of the victims of the tragedy at the Washington Naval yard.
- **Seniors' celebrities & pizza** – The Seniors (ages 55+) will hold their monthly activity in the City Council chambers on Monday, September 23 at 5 p.m., featuring a slideshow presentation of local seniors, with pizza and dessert. Admission is free.

### **8. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.**

Wendy Lojik brought a petition signed by North Ranch residents requesting that the City monitor and set policy for the Tickville Wash. They have concerns about increased water levels due to heavy rains, exacerbated by burn scars. They would like the City to develop a policy prohibiting dumping of any new fill or material on the sides or in the fingers of the wash, for the safety of neighboring homes. They would like a professional engineer to assess and monitor the wash. The wash should be left untouched and undeveloped. She said that Brandon Reall, an engineer living near the wash, will be giving information to the Council, but is out of town tonight.

Charlotte Ducos said a developer was recently pushing rocks and debris into a finger of the wash, which created a lake behind Wendy Lojik's house. Changes in water flow erode land along the wash. In the past, developers have been asked to keep construction a certain distance away from the wash. Ms. Ducos requested that the City create a firm, consistent policy keeping construction away from the wash.

Mayor Jackson asked Public Works Director Chris Trusty to comment on construction near the wash. Mr. Trusty said an excavation permit was requested for two basements, which was reviewed by the City's storm water inspector. The work that was done obviously exceeded what was permitted. The Public Works Dept. assumed that filling in the fingers wouldn't cause any damage. Mr. Trusty will send the storm water inspector to the lake by the wash to inspect it. He wants to protect the storm water system and the wash is a major storm water conveyance.

9. **CITY COUNCIL/MAYOR'S ITEMS** – Time has been set aside for the City Council and Mayor to make comments.

**Councilmember Ireland**

Councilmember Ireland expressed appreciation to everyone in attendance at the meeting, particularly the Boy Scouts in uniform. Participation from residents makes Councilmembers' jobs much easier.

**Councilmember Burnham**

Councilmember Burnham echoed Councilmember Ireland's comments.

**Councilmember Steinkopf**

Councilmember Steinkopf thanked everyone who participated in the city-wide yard sale event last Saturday.

**Councilmember Ochsenhirt**

Councilmember Ochsenhirt thanked everyone for coming to the meeting, especially the Scouts. He wished attendance was this good at every meeting.

**Mayor Jackson**

Mayor Jackson attended the Utah League of Cities and Towns conference last week. The training helps her as an elected official. This morning she attended the Unified Fire Authority Board meeting, and this afternoon she met with the regional director of the Dept. of Housing and Urban Development. The City participates in the Wasatch Choice for 2040 project, which is a long-range planning effort.

10. **APPOINTMENT**

A. Matthew Everett – Planning Commission – term ending December 2014

**MOTION:**

*Councilmember Burnham moved to approve the appointment of Matthew Everett to the Planning Commission for a term ending on December 31, 2014. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, and Richard Steinkopf. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Everett.

**CONSENT AGENDA**

11. **MINUTES**

A. August 27, 2013 – Special City Council Meeting  
B. September 3, 2013 – Regular City Council Meeting

12. **FINAL PLATS**

- A. Arrival, Phase A, Plat 1
- B. SilverLake, Plat 10

13. **DEVELOPMENT AGREEMENT**

- A. Sunset Ridge (aka Lone Tree West), Phase 1, Plat 1

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

**SCHEDEDULED ITEMS**

**PUBLIC HEARING**

14. **ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Approving the Evans Ranch Master Development Plan and Rezoning the Master Development Plan Area.**

This item was presented by Planning Director Steve Mumford. The proposed ordinance approves the Master Development Plan for the Evans Ranch development, located at the intersection of Porter's Crossing and Clark Street and consisting of 298 single-family lots and 163 townhouse units on 120.45 acres.

*Detailed information on this project was presented during Work Session. See pages 1 and 2 of these minutes.*

Mayor Jackson brought up additional four-way stops along Porter's Crossing. Mr. Mumford responded that eventually, there should be one at Clark Street.

Mr. Nate Shipp, representing the developers, recapped much of the presentation he made during Work Session.

A major east-west road leading to a retail development in Saratoga Springs is expected to be built near the townhomes sometime in the future. The townhomes will buffer the single-family areas from this road.

Although the project wasn't previously planned to have an HOA, the developers are now considering an HOA. Mayor Jackson asked what kind of fencing was planned for the project, since it will be located in the middle of The Ranches HOA area. Mr. Shipp said that he expected it to coordinate with The Ranches fencing.

Councilmember Ochsenhirt asked about natural seeding in the open space. He asked how Mr. Shipp planned to maintain those areas of open space. Mr. Shipp said that the developers are working on a regional plan for 6 acres that include the wash. In the meantime, the wash will be left untouched, or native. Areas beyond the trail bordering the wash will be improved parks. The acreage of improved open space will still exceed City requirements.

*Mayor Jackson opened the public hearing at 8:23 p.m.*

Dave Bills spoke about traffic on Porter's Crossing. He felt that the road is already crowded. In an emergency, people won't be able to get out of the subdivision. He also felt that high-density housing brings in crime and other problems.

Donald Plott felt that churches, a school and townhomes in close proximity to each other create a landscape of parking lots. He felt that too much of the development doesn't comply with City Code. He commended the developers for meeting many of the residents' concerns. Porter's Crossing road isn't adequate for more traffic. Existing residents couldn't get out on Porter's Crossing last year during the evacuation. He said several residents report that the developers have made no contact with Alpine School District. Mayor Jackson said the City Planner talked to Rob Smith, Assistant Superintendent of the Alpine School District.

Jason Witham was angry that his home was flooded by sewer back-ups twice last year while he was deployed in Afghanistan. He said he hasn't been able to pay the contractors who repaired his house because the City's insurance company has refused to pay the claims. He said before any work is done, he wants the utility system repaired. He didn't think the roads could be able to handle increased traffic. He didn't want another HOA created, because HOA fees don't provide any benefits. He said the townhomes would destroy the view to the east and the wedge lots would have tiny back yards. He thought Clark Street should have a four-way stop now because the foliage blocks the view of the intersection.

Mayor Jackson said she, Chief Andrus and Lt. McDowell drove along Porter's Crossing recently and decided that the foliage near Clark Street should be taken out. Mayor Jackson asked Mr. Trusty to explain the sewer system. He said that the new development will not connect to the Porter's Crossing lift station. A second, gravity-fed sewer line will be built eventually and the lift station will be eliminated.

Nathan Perry said it's hard to turn out of Porter's Crossing in the mornings. He said the existing parks are nearly all on Porter's Crossing. The amount of traffic on the road makes the parks unsafe. He didn't know how a third-car garage would be possible, causing more parking on the street.

Amy Plott was worried about the difficulty of evacuating in an emergency. She thought high-density housing would make it harder to evacuate. Houses with small setbacks would cause flooding problems and make it easier for fire to jump from one home to another. Striping Porter's Crossing won't make children walking to school safer from traffic. She felt small parks, and parks located by the wash, don't demonstrate good planning. She would rather have the high-density housing near the main roads to reduce congestion.

Cameron Hodges gave Mayor Jackson a list of the people he was representing. He thanked the Mayor and Council for providing this forum for residents to express their opinions. He wanted a stop sign at Clark Street. He felt the increase in traffic on Porter's Crossing would be unsafe for children walking to the elementary school. He didn't think the parks as planned would be functional enough for children to play in, especially near the drop-offs next to the wash. He commended the developer for improving on the original plans for the parks, but wanted the promises put down in writing. He felt the curved roads will create a lot of blind corners. He said the school is overcrowded already, and the school district hasn't committed to another school yet.

Janelle Fuhriman wanted to know how the developer would be held accountable for building the promised parks. She was very worried about the safety of children crossing Porter's Crossing.

She would welcome more Sheriff's deputies patrolling the area, and there needs to be a stop sign at Clark Street, whether or not a new development is built. She wanted a way to make the developer guarantee not to raise the price of the school land for ten years, so the school district can afford to buy the land. She wanted the median on Porter's Crossing moved so the road could be two lanes in each direction.

Mayor Jackson asked the residents in the audience if they thought a stop sign should be placed at Clark Street right away, or later. Most responded that one should be installed now.

Barry Norton agreed with the previous comments about traffic. He was concerned not only about children walking, but also about school buses being able to transport kids. There's not enough room for buses to turn as it is. He didn't think road striping would help slow traffic. He didn't think enough care has been taken with traffic for the existing residents, much less for future residents.

Brittany Long said all of her concerns have been addressed. She thanked Mayor Jackson for meeting with her, and said she didn't want a stop sign at Clark Street yet.

Kristen Byerly felt that City officials were more concerned with the builder's interests than the residents'. She didn't think the existing roads are adequate for current traffic, especially during emergencies, and certainly not for additional traffic. She felt that townhouses would lower property values. She would rather see an active senior development.

Maureen Hopkins has open space next to her home. She was unhappy with the possibility of townhomes nearby. She liked the idea of the senior living proposal. She would also like to see a huge, green park and see the wash built up into something beautiful.

*Mayor Jackson closed the public hearing at 9:04 p.m.*

Mayor Jackson asked Mr. Mumford if master development plans are normally presented in this much detail. Mr. Mumford said that recently, single-family-housing plans have come in with a lot of detail. In the past, plans only showed densities, land uses and total number of units. This plan was presented in detail because of the unusual coving design. He also pointed out that most of the time spent drafting master development agreements is spent on detailed requirements for parks.

Mayor Jackson expressed her concern about the amount of traffic generated by the townhomes. She would like them not to be built until Golden Eagle Road is connected through SilverLake.

Councilmember Ireland asked City Attorney Jeremy Cook if it is legal to delay one development until certain criteria are met on adjacent land. Mr. Cook said it is, if it affects compatible uses between adjacent properties. Councilmember Ireland asked Mr. Shipp if he was willing to rezone all of the land except for the townhomes, which will be built last. Mr. Shipp said it was a matter of cash flow. It would be hard to build infrastructure with no view of how the completed development would look. So the answer would be "no." If this plan is not approved, he can come back with the plans that were approved in 2006 and have each plat approved individually.

Councilmember Ireland referred to the City's regulations on drainage between homes. He wanted to know if that kind of drainage is addressed in this project. Mayor Jackson suggested that it be detailed in the master development agreement.

Councilmember Ochsenhirt said that in his conversations with Mr. Shipp, he was told that Candlelight Homes will build each home in the subdivision and each lot will have an individually engineered lot plan. Each homeowner will be required to comply with that plan.

Councilmember Ireland also asked how the City can approve the master development plan and require that the three soccer fields be built. Mayor Jackson said the Council can require the first field, but can only suggest that the other two fields be built by the developer of the project north of Evans Ranch.

Mr. Shipp stated that his company has entered into a contract with the other developer and that the land will be developed as a park.

Mr. Mumford asked what timeline the Council wanted for building the park. Councilmember Ireland said that he was mainly concerned that the area be improved as a large, flat, grassy area that will allow for a soccer field. Councilmember Ireland wanted to know if the upgrades to the townhomes will be put in writing at plat approval or if it can be included in the master development agreement. He also asked if the school bubble density could be specified as the same density as the rest of the single-family lots, in case the school district doesn't buy the land. He asked if the wedge lots will be classified as cul-de-sac lots, and will that change the definition of cul-de-sac lots.

Mr. Cook said the townhome upgrades can be included in the master development agreement if the Council wants them to be. He also said he didn't think Mr. Shipp intended to define the lots as cul-de-sacs, nor do they need to be. The approval tonight is only to grant density. Mr. Shipp agreed to specifying a density for the proposed school site.

Councilmember Ochsenhirt stated that he would not approve any plan with "pinch points," except that this one promises engineered lot plans and a single development company throughout the subdivision.

**MOTION:** *Councilmember Ireland moved to adopt an ordinance approving the Evans Ranch master development plan and rezoning the master development plan area with the conditions set forth in the staff report, deleting condition #4 requiring an HOA. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ochsenhirt said that he understands that everyone in the room is concerned about traffic. Although traffic engineers have approved the traffic flow, he was still concerned about it. He would like to include Golden Eagle Road improvements into the Capital Facilities Plan.

Councilmember Burnham thanked the residents who attended meetings and met with the developer. Their involvement enabled the plan to be improved. She said that, while residents don't like townhomes, cities need them because single-family lots never pay enough to cover the services provided by a city. Townhomes subsidize single-family lots.

**AMENDED MOTION:** *Councilmember Ireland moved to adopt an ordinance approving the Evans Ranch master development plan and rezoning the master development plan area with the conditions listed in the staff report, deleting condition #4 requiring an HOA and requiring the proposed school site to have the same density as the rest of the single family home area of the project, until Alpine School District purchases the land. Councilmember Ochsenhirt seconded the amended motion. Those voting*

*aye: Donna Burnham, Ryan Ireland and Nathan Ochsenhirt. Those voting no: Richard Steinkopf. The motion passed with a vote of 3:1.*

Councilmembers Ireland and Ochsenhirt asked residents to participate in the continuing stages of the development approval process.

#### **PUBLIC HEARING**

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Porter’s Crossing Town Center Master Development Plan and Rezoning Certain Areas within the Master Development Plan Area.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amends the Porter’s Crossing Town Center Master Development Plan, decreasing the amount of office space and replacing it with a church site and single-family residential zoning, along with some other minor changes. This development is located north of the Pony Express Parkway and Porter’s Crossing intersection, and consists of 144.83 acres.

The changes consist of a total of 61 residential units, adding a church site, combining two residential areas into one, changing high-density residential from 12 units per acre to 9.6 to match Plum Creek and adding an additional .26 acre of improved open space.

*Mayor Jackson opened the public hearing at 9:46 p.m.*

James Shelley didn’t think there was enough commercial space or commercial zoning in the City. Cities need a commercial base. He’d like to see an increase in City tax incentives to new businesses. He didn’t see any problem with higher density housing. It won’t become like areas in big cities with bars on the windows.

*Mayor Jackson closed the public hearing at 9:49 p.m.*

Trevor Hull, representing the applicants, said the foundation will be poured soon for pad A, and possibly B & C. He said he’s in talks with several potential tenants. Mark Ridley told him today that he expects to open Ridley’s Market before for Christmas.

**MOTION:** *Councilmember Ireland moved to adopt an ordinance of Eagle Mountain City, Utah, amending the Porter’s Crossing Town Center master development plan and rezoning certain areas within the master development plan area. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Confirming the Assessment List and Levying an Assessment Against Certain Properties in the Assessment Area 2013-1 (the “Assessment Area”) to Finance the Cost of Constructing and Installing Road, Sewer, Storm Water, Culinary Water and Related Improvements, to Complete Said Improvements in a Proper and Workmanlike Manner (Collectively, the “Improvements”); Establishing a Reserve Fund; Providing for Certain Remedies Upon Default in the Payment of Assessments; Establishing the Effective Date of this Ordinance; and Related Matters.

This item was presented by Cody Deeter of Lewis Young Robertson & Burningham. The assessment ordinance formally levies an assessment onto each parcel in the assessment area. This ordinance also establishes the payment terms, timing, and use of funds related to the assessments. Additionally, this ordinance outlines the procedures to follow should assessment payments become delinquent including foreclosure requirements as well as uses and replenishment of the reserve fund. By statute, a 30 day contestability period follows the effective date of the ordinance. The special assessment bonds will close after this 30 day period runs.

Councilmember Burnham explained to the audience that this item can be handled quickly in this meeting because it has been thoroughly discussed in previous meetings, including this afternoon's Work Session.

**MOTION:** *Councilmember Ochsenhirt moved to adopt an ordinance confirming the assessment list and levying an assessment against certain properties in the Assessment Area 2013-1. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

17. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah (the “Issuer”), Establishing the Terms and Conditions of the Issuance of the Issuer’s Special Assessment Bonds (Assessment Area 2013-1), Series 2013 in the Total Principal Amount of Not to Exceed \$2,700,000 (the “Series 2013 Bonds”) and Related Matters.

This item was presented by Cody Deeter of Lewis Young Robertson & Burningham. The purpose of this resolution is to define the boundaries or parameters under which the special assessment bonds will be issued and to establish a pricing committee to make the final determination on the pricing of the bonds. This resolution goes hand-in-hand with the provisions of the assessment ordinance. The actual amount approved cannot exceed \$2.4 million, as that is the amount previously approved.

**MOTION:** *Councilmember Ochsenhirt moved to adopt a resolution establishing the terms and conditions of the issuance of the issuer’s special assessment bonds (Assessment Area 2013-1), Series 2013 in the total principal amount of not to exceed \$2,400,000 (the “Series 2013 Bonds”) and related matters. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

18. CITY COUNCIL/MAYOR’S BUSINESS – This time is set aside for the City Council’s and Mayor’s comments on City business.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Councilmember Ochsenhirt

No comment.

Mayor Jackson

Mayor Jackson announced two candidate debates. One will be held on September 25 at 7:00 p.m. at Rockwell High School and another will be held on October 24 at 7:00 p.m. at City Hall.

19. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

Councilmember Steinkopf reported that the Parks & Recreation Advisory Board is working on getting a budget for lighting for the Mid Valley Park soccer fields. Alpine School District may want to participate in that cost.

Ms. Kofoed said the Parks & Recreation Board would like the Council's feedback on the proposed Adopt-A-Park and Adopt-A-Trail programs. They especially want to know who the liaison between the program and the City should be. Mayor Jackson said the Administration is working on that.

20. COMMUNICATION ITEMS  
a. Upcoming Agenda Items

21. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 10:05 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON OCTOBER 15, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**October 15, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Steve Olsen, Energy Department; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Corey Wride, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:09 p.m.

1. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

**13. Water & Sewer Bonds**

Cody Deeter of Lewis Young Robertson & Burningham described the funding to extend the pipeline from the pump station to the City. The state Drinking Water Board has authorized the City to issue \$3.4M worth of debt to construct the pipeline. The actual bond amount is estimated to be \$2.6M. The parameters resolution authorizes the Mayor to execute the bond purchase agreement detailing the maximum amount to be issued and the maximum interest rate that may be charged, which is 1.7%. It also requires a public hearing to be held before the purchase agreement is signed.

Assistant Public Works Director Dave Norman said that questions have been raised as to why this project is being constructed during an election cycle. He stated that he cannot schedule his work around election cycles, because if he waits several months, he won't be able to pipe the water into the City next summer. It takes four to six months just to have the pipe fabricated. The City signed the water purchase agreement four years ago and needs to start using the water it has reserved through that contract.

Mr. Norman discussed what materials the pipe should be made out of. The City has the equipment and personnel to maintain ductile iron pipe. The City hasn't worked with VanCon, the contractor on this project, but VanCon has built several projects nearby and gotten consistently positive reviews from the cities it's worked for.

The line will go from the pump station in Saratoga, past the Sundance subdivision and into the main City pressure valve. The engineer is also designing larger lines through Sage Valley. The project also includes an additional 12" line into North Ranch and Meadow Ranch.

Councilmember Burnham asked if the bonds can be paid off early. Mr. Deeter said the Drinking Water Board never charges a pre-payment penalty.

#### 14. Evans Ranch

Steve Mumford, Planning Director, said he spoke to the development company about creating consistency in the fencing for the subdivision. The development agreement lists fencing standards for various areas aside from individual lots and specifies that fencing must be installed by the developer along with the infrastructure for each phase.

The agreement stipulates that no more than 50% of a home can be between 10 and 15 feet of another residence. Although the lot frontages were approved for less than the standard width, the driveways are limited to 12 feet wide at the street end.

Three lots on Clark Street will connect to the Porter's Crossing sewer line. The rest will connect to a line that goes through SilverLake. Mr. Trusty said the line will be designed to prevent any debris getting into it, since debris caused a sewer backup last year.

The open space and parks plan specifies which areas the HOA will own and maintain, which include the pocket parks and fitness stations. All of the privately-owned open space areas will be improved and will not remain as natural vegetation areas. The developer intends to use part of the community improvement funds to make some improvements to the wash.

The agreement limits build-out to 25 years.

Nate Shipp, the developer's representative, offered to answer any questions from the Council. Councilmember Painter asked if there were plans to turn the wash into a community improvement. Mr. Shipp responded that there were no plans to improve the wash itself, other than planting grass, but the detention area may be moved to allow for a soccer field adjacent to it, and improve the detention area to make it a usable amenity.

Councilmember Burnham asked when Golden Eagle Road would be extended. Mr. Shipp said the road will be extended once the townhomes are built. The traffic study said that the road doesn't need to be extended earlier than that. If the City wants to make it a capital project, he would be supportive of that.

Councilmember Steinkopf felt that the road should be extended as soon as possible, based on the crowding at the intersection of Pony Express and Porter's Crossing. Mr. Shipp said the master development agreement already specifies that Porter's Crossing will be improved early in the project.

Councilmember Ochsenhirt asked about watering the back edge of the property. He wanted to know if grass would be planted there so something other than weeds will grow. Mr. Shipp said he could try planting something, but the weeds will take over in a year or two in any case. Public Works Director Chris Trusty said there are native grasses that can choke out weeds.

Councilmember Ochsenhirt asked if the driveways are adequate to allow people to park in their driveways and not in the streets. Mr. Shipp said the driveways meet the City's minimum length requirement of 22 feet. The driveways will widen from the street to the garage and some homes will have three-car garages.

#### 15. Arrival

The applicant, Scot Hazard, participated by telephone.

Mr. Mumford said the HOA will own and maintain the park and the City will maintain the asphalt trails. Either the homeowner or the HOA will be responsible to maintain the 20-foot easements along the trails. The intent is that the homeowners will maintain the easement if they don't have fenced yards. Where yards are fenced, the HOA will maintain the easement. Mr. Hazard said he was willing to make the HOA responsible for maintaining the trail easements.

Mr. Hazard stated that he would prefer that the City own the park if it chooses not to provide water to the HOA at no cost. Paying for water would be prohibitive for the HOA. City Attorney Jeremy Cook noted that the master development agreement includes language saying that the City can enter into a separate agreement.

Mr. Mumford said that the master development agreement has terms in place to minimize the effects of the new development on the traffic on Canyon Wash Road. Mr. Hazard said that several residents have told him they don't want the road to be striped. He's willing to do it, but suggested that the City speak to the residents. He felt that the redesign of the plat alleviated traffic concerns on that road.

Mr. Hazard requested that the Development Code in place now be maintained through the building of the subdivision.

Many of the homes are expected to have detached accessory apartments, which complies with the City's base density regulations. Mr. Hazard would like that specified in the master development agreement.

City standards require that the developer provide a water model by the second phase.

Councilmember Painter felt that the sewer line should be extended to these homes at some point, to replace the septic tanks. Mr. Mumford is working on revisions to the General Plan with the Planning Commission and others, and suggested that the City require any annexed property to be developed within reach of sewer lines or decrease the boundaries of the annexation policy plan. The General Plan amendments that will be presented to the Council will include the possibility of basing annexation decisions in part on whether they fit with the City's utility infrastructure.

#### 16. Military and Veterans Advisory Board

Councilmember Painter asked what the budget impact of the board would be. Mayor Jackson said the board doesn't have a budget. The only cost will be for the time used by a staff member to attend the meetings.

#### 17. Improvement Purchase Agreement

City Attorney Jeremy Cook explained that the landowners involved in the Ranches Parkway Extension contracted with Sunroc to install the infrastructure before the bond funds were available, in order to move the project along. This agreement purchases the infrastructure for the same cost that the landowners paid Sunroc. The agreement between the landowners and Sunroc allows for the transfer of the infrastructure warranties to Eagle Mountain City.

#### 18. JLUS Implementation Grant Agreement

The JLUS technical and policy committees recommend Matrix to be the consultant for the Camp Williams JLUS (Joint Land Use Study) implementation project. Matrix was the consultant for the original JLUS study.

2. PRESENTATION – Public Works Landscaping Along Ranches Parkway.

Concerns have been expressed several times about the irrigation along Pony Express and Ranches Parkways. The system can't be turned off during rainstorms and it can't easily be adjusted to prevent overspray because of the number of valves that have to be adjusted manually. Landscape Foreman Brad Hickman explained that a new system could be installed that controls all of the valves from one set of computerized controls. It will be able to be seasonally adjusted, switched onto rain delay during storms and shut off when there's a break in the system. It can be adjusted to shorter, more frequent watering times and also be set to water during the night, eliminating the problem of spraying onto cars during the day.

The Ranches HOA would operate the system according to their maintenance agreement, with oversight by City staff.

3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

City Administrator Ifo Pili reported that budget amendments will be brought to the Council at the next meeting. The City plans to hire a building inspector and planner to fill two of the positions vacated in the last few years, helping bring the Planning and Building Departments back up to adequate staffing. There will also be proposed amendments for widening Pony Express Parkway near the middle school, reimbursing the maintenance fund for work already done. Finally, installing a trail near the skate park will cost the same as one year's cost for a crossing guard and will eliminate the need for a crossing guard at that location.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The Closed Executive Session was cancelled after the motion was voted on. The meeting was adjourned at 6:16 p.m.

**POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Steve Olsen, Energy Department; Chris Trusty, Public

Works Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; John Mulder, Sheriff's Deputy.

## 5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:04 p.m.

## 6. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1250 presented a flag ceremony.

## 7. INFORMATION ITEMS/UPCOMING EVENTS

- **Pony Express Parkway Lane Closure** - Pony Express Parkway east of SilverLake along the entrance to the new SilverLake subdivision will require lane closures tomorrow, Wednesday, October 16 for striping.
- **Exceptional Kids Club** - The Exceptional Kids Club is for special needs children, as well as their siblings. The October 22 activity will be pumpkin decorating with the Seniors.
- **Immunization Clinic & UDOT Open House** – The Utah County Health Department will hold an immunization clinic, including flu shots, at City Hall on Wednesday, October 23 from 8:00 a.m. to noon. During this time, UDOT will hold a public open house with information on current and future transportation projects.
- **Bag the Leaf** - Eagle Mountain City is again offering our Bag the Leaf program for fall. Free leaf collection bags are available at City Hall or The Ranches HOA office during business hours through November 22. Residents may leave bagged leaves on top of curbs and contact the storm drain department for pick up and disposal. More information is on the City website.
- **Candidate Debate** - A mayoral and city council candidate debate is scheduled at City Hall on October 24 from 7:00-9:00 p.m. The schedule will be: meet and greet at 6:45, City Council debate from 7:00-8:00 p.m., and mayoral debate from 8:00-9:00 p.m. The debate will be hosted by Hidden Hollow PTA and Frontier Middle School PTSA, co-sponsored by other local area school parent organizations and Eagle Mountain City.
- **Trick or Treat Village** – The Trick or Treat Village event will be held Saturday, October 26 from 10:00 a.m. to 2:00 p.m. at Nolan Park. Dress in costume and bring the kids to trick or treat at booths, participate in the cupcake decorating contest and vote for your school to win the scarecrow contest. There will also be a prescription drug take back booth where you can turn in unused or expired prescription drugs and help prevent drug abuse.
- **Senior Health & Wellness Fair** – The annual Seniors' Health & Wellness Fair will be held at Frontier Middle School on Monday, October 28 from 4:00 p.m. to 8:00 p.m.
- **Election Information** – The General Election will be held on Tuesday, November 5. Polls are open from 7:00 a.m. to 8:00 p.m. The voter registration deadline is October 21 (online & walk-in at the Utah County Elections Office). Early voting will be held from October 22 to November 1 at the City Recorder's Office at City Hall, weekdays from 7:30 a.m. to 5:30 p.m. Election results will be posted on the City website as soon as they are available. For complete election information, visit [eaglemountaincity.com/election](http://eaglemountaincity.com/election).

## 8. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Marianne Smith spoke about the lights at the power substation on Lake Mountain Road which are shining into the homes of people living on Lake Mountain Road. The gravel pit on Lake Mountain Road is creating noise and dust, including on weekends and late at night. Mrs. Smith also noted that four-wheeler riders are still driving on private property.

Mayor Jackson said she will call the director of BLM about the gravel pit. Mr. Trusty reported that the mine has a permit from the state and a mining lease from BLM. He'll be meeting with the owner tomorrow to discuss getting a permit from the City. He'll bring up the problems being caused by the mine. Mayor Jackson asked Steve Olsen from the Energy Department to work on limiting the lights at the substation. He said the lights are there for security because there was a break-in at the substation while it was being constructed. He'll work on making them less of a problem for the neighbors.

Marcie Taylor said that the substation lights are shining into her home. She also said that the gravel trucks on Lake Mountain Road are running until late at night. She calls the Sheriff's Office when they work late at night. She's been taking pictures and logging the times they're operating. She wanted to know if they have a permit and who approved the mining operation. They've been working the mine since September.

Nikki Wickman asked that the landscaping in the medians along Ranches Parkway and Pony Express Parkway be removed and replaced with gravel, so the sprinkler system would be unnecessary and wouldn't spray cars, motorcycles and pedestrians. Alternatively, removing the medians entirely would allow the streets to be wider and make them safer for pedestrians and bikers. Mayor Jackson said that she spoke to The Ranches HOA several years ago about replacing the grass in the medians with rock. The HOA disagreed. She suggested that residents in The Ranches talk to the HOA.

9. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone who attended the meeting, especially the Scouts who presented the flag ceremony.

Councilmember Ireland

Councilmember Ireland thanked the Scouts who presented the flag ceremony.

Councilmember Burnham

Councilmember Burnham thanked the Scouts who presented the flag ceremony. She expressed appreciation to the residents who came and made comments.

Councilmember Steinkopf

Councilmember Steinkopf complimented the Scouts on the flag ceremony.

Councilmember Painter

Councilmember Painter appreciated the Scouts and their leaders. He said he isn't running for re-election because he can't spend the time required anymore because of the demands of his work and other obligations. He will be committed to serving on the Council for the remainder of his term.

## Mayor Jackson

Mayor Jackson said that her husband is in the National Guard and was the State Honor Guard NCO for many years. She's seen many flag ceremonies, and tonight's was the best one she's ever seen presented by Scouts.

## **CONSENT AGENDA**

### **10. MINUTES**

- A. September 17, 2013 – Regular City Council Meeting

### **11. CHANGE ORDER**

- A. Mid Valley Completion Project – Staker Parson
- B. 12.47 kV Main Feeders and Gas Lines – Niels Fugal Sons Company

### **12. FINAL PAYMENTS**

- A. Mid Valley Completion Project – Staker Parson
- B. 6" High Pressure Natural Gas Pipeline Project – Tempest

**MOTION:** *Councilmember Ochsenhirt moved to approve the Consent Agenda, as amended by staff. Councilmember Steinkopf seconded the motion.*

The amendments were calculations regarding items 11A and 12A that were corrected.

**AMENDED MOTION:** *Councilmember Ochsenhirt moved to approve the Consent Agenda, as amended by staff, and to move item 11B to the scheduled items. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

## **SCHEDEDULED ITEMS**

### **11B. 12.47 kV Main Feeders and Gas Lines Change Order – Niels Fugal Sons Company.**

Councilmember Ireland asked how the fiscal impact on the agenda summary could be \$2,000 when the change order is listed as \$15,000. Steve Olsen explained that the net value of all the changes is \$2,000.

**MOTION:** *Councilmember Ochsenhirt moved to approve the change order for the 12.47 kV Main Feeders and Gas Lines project in the amount of \$21,391.51. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

### **13. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, (the "Issuer"), Authorizing the Issuance and Sale of Not More Than \$3,400,000 Aggregate Principal Amount of Water and Sewer Revenue Bonds, Series 2013.**

This item was presented by Cody Deeter of Lewis Young Robertson & Burningham. The City will be constructing a pipeline along Pony Express Parkway to increase the amount of water available.

The State Drinking Water Board has agreed to provide funding for the project by purchasing Water & Sewer Revenue Bonds proposed to be issued by the City in the next few months. The resolution being considered by the Council sets the maximum parameters under which the bonds can be issued, sets a public hearing to receive input, allows for costs incurred prior to the issuance of the bonds to be reimbursed with bond proceeds, provides for the noticing of the public hearing, and other related matters.

Mayor Jackson asked what the purpose of the pricing committee is when the price is already set. Mr. Deeter said that on any legislative action, a referendum can be officially filed. The pricing committee is authorized to move the approval date back 45 days in the event of a referendum.

**MOTION:** *Councilmember Burnham moved to adopt a Resolution of Eagle Mountain City, Utah, (the "Issuer"), authorizing the issuance and sale of not more than \$2,600,000 aggregate principal amount of Water and Sewer Revenue Bonds, Series 2013. Councilmember Steinkopf seconded the motion.*

Councilmember Ireland asked when it would be possible to separate the bonds by utility, so that each utility stands on its own. Mr. Deeter said it's not possible because there are already bonds in existence secured by both water and sewer revenue. Any new bondholder will want to be on parity with current bonds. From a practical standpoint, securing the bonds through both utilities lowers the interest rate. The Finance Director can write into the budget that the bonds will only be paid by one utility fund.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

14. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving the Evans Ranch Master Development Agreement.

This item was presented by Planning Director Steve Mumford. The Evans Ranch Master Development Plan was approved by the City Council on September 17, 2013. The Master Development Agreement specifically itemizes all of the obligations of both the City and the developer, and finalizes the zoning by resolution.

Public areas include the rectangular park in the northwest corner of the project, the trail along the wash, and everything on the wash side of the trail, including the wash and the northeastern park space. The developer proposes the following improvements:

- The rectangular park will be improved with a trail, split-rail fence, and sod (with irrigation).
- The area between the trail and the wash will be semi-irrigated natural vegetation.
- The wash and northeastern public open space will remain in their natural condition.

The HOA-maintained, private open spaces will be landscaped with sod, trees, shrubs, xeriscaping, and other landscaping, as well as fitness stations, and will be improved along with each phase of development. An additional 10% of the townhome area will be provided as improved open space within that development.

A traffic study was provided with the master development plan. Mr. Mumford suggested that the master development agreement could require another before the multi-family housing is built.

There has been a lot of concern among nearby residents about the traffic that will be generated by this new development.

Councilmember Painter was concerned that, although Mr. Shipp described what he intends to do to improve Tickville Wash, there is nothing about it set down in the master development agreement. Mr. Shipp responded that City Code doesn't require him to improve the gulch. However, he's describing his plans for the wash so the Council is aware of them. Improving the wash will require cooperation between his company, the City and adjacent landowners to create a regional facility.

Councilmember Painter asked what the plan is for developing the Golden Eagle Road extension. Mayor Jackson said it is planned to be an alternate access to the subdivision, to direct some traffic away from Porter's Crossing. Councilmember Painter said residents are very concerned about increased traffic. He didn't think a traffic study saying the roads are adequate is enough to allow the Council to set those concerns aside.

Councilmember Burnham asked Mr. Mumford if a traffic study could be required at plat approvals, or does it have to be required in the master development agreement. Mr. Mumford said one could be required at plat approval, but it might be missed if it's not part of the master development agreement.

Councilmember Burnham pointed out that the Council can't require Mr. Shipp to build a road that's not entirely on his property. Nor can it require him to wait to build the townhomes until the road is built, when he has no control over the road.

Councilmember Ireland pointed out that the Council has the opportunity, at each plat approval, to ask whether there is a public safety issue. The Council can choose not to approve any plat until safety issues are resolved.

Councilmember Steinkopf stated that Mr. Shipp will probably want to build the road within a year, as the neighbors will request it to keep construction traffic away from their streets. He also felt that driveways need to be large enough to park on; otherwise residents will cause congestion by parking on the street.

Councilmember Painter said he's frustrated, as a resident of Friday's Station, by the safety issues created by limited road access.

Councilmember Ochsenhirt felt that it's more responsible to address safety issues with each final plat approval.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Evans Ranch master development agreement, with the conditions that the agreement is valid for 15 years and the sewer system is consistent with the City's sewer master plan. Councilmember Ochsenhirt seconded the motion.*

Councilmember Burnham noted that the master development agreement states that the amenities will be approved by the Planning Director and Public Works Director. She wanted to know if the Council will be able to approve those amenities, also. Mr. Mumford said that normally the amenities are approved by the Planning and Public Works Directors, but the agreement could be written so that the Council reviews the amenities.

Councilmember Burnham asked if the community improvement money--\$2,000 per buildable acre--has to be spent within the subdivision. Mr. Pili stated that the money can be spent outside the subdivision. Mayor Jackson said the motion could be worded to the effect that the be spent on public amenities along the north end of the subdivision.

**AMENDED MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Evans Ranch master development agreement, conditioned on the agreement being valid for 15 years, the sewer system being consistent with the City's sewer master plan, and the \$2,000 per buildable acre of community improvement funds being spent on public amenities along the north end of the subdivision. Councilmember Ochsenhirt accepted the amendments. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a vote of 4:1.*

15. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving the Arrival Master Development Agreement.

This item was presented by Planning Director Steve Mumford. The Arrival master development plan was approved by the City Council on August 20, 2013. The master development agreement specifically itemizes all of the obligations of both the City and the developer, and finalizes the zoning by resolution. Arrival consists of 178 half-acre and one-acre lots, the majority being one-acre. Based on previous discussions, the plan has been revised to direct some traffic away from Canyon Wash Road.

The MDA allows for homeowners to comply with the accessory apartments provision of the City Code, specifically for detached buildings (allowed in the Base Density Zone). The developer wants this right vested, so that if the City Code ever changes in that respect, the lots in this project would still be allowed to have accessory apartments in outbuildings, or detached structures. Since the Code is periodically for good reason, the Planning Department doesn't recommend this.

Prior to receiving final approval for a second phase of development (any more than the 28 lots in plat 1), the developer must provide a project water model and update the City's water master plan. This will determine when a new water tank and pump will be required. These facilities must be constructed prior to the developer receiving approval for any subdivision that requires the tank and pump station to provide water capacity or water pressure. The City may work with the developer on reimbursements for additional capacity built into these systems.

Councilmember Ireland asked about an expiration date on the agreement. Mr. Cook said that an expiration date wasn't specified because it's a fairly simple base density agreement, but a date could easily be included.

Councilmember Ireland said he wouldn't be concerned about it, except that exceptions from the Code have been requested. Mr. Cook responded that no exceptions were granted.

Councilmember Ireland asked what maintenance the developer is expecting on the asphalt trails. Mr. Mumford said it would be snow clearance and repairing holes in the asphalt.

Councilmember Ochsenhirt stated that the HOA should maintain the trails and the easements. He didn't think the responsibility should be divided between the City and the HOA.

Councilmember Steinkopf said the HOA would maintain the trails much faster than the City would. It would be the last priority for the City in a snowstorm.

Councilmember Ireland pointed out that, if the City doesn't own the trails, it shouldn't maintain them, as they would be private property.

Councilmember Painter referred to the accessory apartment section of the Development Code. "In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area (50 percent if located in the basement), or be greater than 800 finished square feet, whichever is greater, unless the residence was constructed or the apartment area was approved prior to the enactment of this title, or if in the opinion of the Planning Commission, a greater or lesser amount of floor area is warranted by the circumstances of the particular building." He felt that any change to the Development Code would go in the direction of improving the City, so binding the subdivision to the current Code would essentially be allowing the developer to opt out of improving the City.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Arrival master development agreement with the following conditions: That the City owns the open space and contract with the HOA to maintain it; that the HOA maintains the trails and trail easements; that the Canyon Wash Road and accessory apartment sections be removed; and that the agreement have a ten-year expiration date. Councilmember Burnham seconded the motion.*

Discussion ensued about the ten-year expiration. Councilmember Ireland explained that he intended that the developer have all the plats approved within ten years, not that all of the homes have to be built by then. Some of the other members felt that ten years was not long enough to complete the development.

*Those voting aye: Donna Burnham, Ryan Ireland and Richard Steinkopf. Those voting no: Nathan Ochsenhirt and John Painter. The motion passed with a vote of 3:2.*

Councilmember Ochsenhirt explained that he was in favor of the project, but voted against it because he felt that the period before expiration should be fifteen years, rather than ten.

**16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Establishing a Military and Veterans Advisory Board for Eagle Mountain City.**

The proposed ordinance establishes a Military and Veterans Advisory Board for Eagle Mountain City. The Board would be comprised of seven people, including those active duty military, veterans and spouses. Military families comprise an important and growing part of Eagle Mountain's population. The ordinance promotes responsible public involvement and advice concerning issues related to active duty military, veterans and their families.

**MOTION:** *Councilmember Ochsenhirt moved to adopt an Ordinance of Eagle Mountain City, Utah, establishing a Military and Veterans Advisory Board. Councilmember Steinkopf seconded the motion.*

Councilmember Ireland asked why the City needs a special advisory board for every group of individuals. People can get together on their own and advise the City, as they often do already. He hoped that everyone would feel comfortable making public comments, sending emails or making phone calls to let City officials know what they think. He's not questioning whether the military is important or should be heard, only the need for another board.

Councilmember Burnham asked what happened to the Yellow Ribbon Committee. Mayor Jackson answered that it is still active. The Military and Veterans Advisory Board would administer programs like the yellow ribbon program and the welcome-home parades and discuss items of concern like the military utility abatement.

Mayor Jackson felt that if a group of people requests a way to be involved, the City should provide that.

***Those voting aye: Donna Burnham, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: Ryan Ireland and John Painter. The motion passed with a vote of 3:2.***

17. AGREEMENT – Consideration and Approval of an Improvement Purchase Agreement with RCA65, LC for the Ranches Parkway Extension Project.

The City has created an Assessment Area to fund certain infrastructure improvements related to the Ranches Parkway Extension Project north of SR 73. RCA65, LC has entered into an agreement with Sunroc Construction to construct the improvements on the property owned by RCA65, LC. As the improvements are constructed, the City will purchase the improvements from RCA65, LC with funds from the Assessment Area bonds. The Improvements Purchase Agreement sets forth the terms and conditions of the City's purchase of the improvements from RCA65, LC.

City Attorney Jeremy Cook stated that RC65 has requested a change in the agreement. The agreement states "if funds are not available for any reason." RCA65 wants it to say "if funds are not available after Eagle Mountain City exercises good faith and due diligence." Mr. Cook said the wording would be fine either way.

**MOTION:** *Councilmember Painter moved to approve an improvement purchase agreement with RCA65, LC for the Ranches Parkway Extension project. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

18. AGREEMENT – Consideration and Approval of an Agreement with Matrix Design Group as a Consultant for the Camp Williams Joint Land Use Study (JLUS) Implementation Grant.

This agreement details the terms for Matrix Design Group as a consultant for the JLUS implementation project. Eagle Mountain, along with representatives from other regional communities, Camp Williams, and the Utah Army National Guard, participated in the development of a JLUS. In partnership with a consultant team, and with financial assistance from OEA, the JLUS was completed in January, 2013. The goal of this implementation effort is to carry out recommendations from the JLUS that will ensure the public's health, safety, and welfare, and continue to recognize private land owners' current property rights, and ensure the continued viability of the mission activities on Camp Williams.

**MOTION:** *Councilmember Ochsenhirt moved to approve an agreement with Matrix Design Group as a consultant for the Camp Williams Joint Land Use Study (JLUS) implementation and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

19. BID AWARD – Consideration and Award of Bid to VanCon for the CWP Pony Express Pipeline Project.

This bid award is for construction of the CWP Pony Express Pipeline project that will pipe water to Eagle Mountain City. It will be funded by proceeds from the bonds approved earlier in the meeting.

Mayor Jackson said that the project will begin near Ridley's Market, move to the area of Pony Express Parkway and Redwood Road, and then move along Pony Express Parkway, ending approximately two blocks west of Chevron.

**MOTION:** *Councilmember Steinkopf moved to award a bid to VanCon for the CWP Pony Express Pipeline project in the amount of \$2,535,570.00 and authorize the Mayor to sign the contract. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

20. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Ochsenhirt

Councilmember Ochsenhirt asked if the detention pond in Northmoor has been cleaned up. Mr. Trusty said he's been told it has.

Councilmember Ireland

Councilmember Ireland encouraged residents to vote at the General Election.

Councilmember Burnham

Councilmember Burnham thanked Marianne Smith for the time she spends on bettering her neighborhood.

Councilmember Steinkopf

No comment.

Councilmember Painter

No comment.

Mayor Jackson

No comment.

21. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

Councilmember Ochsenhirt reported that the City-wide yard sale was a great success.

22. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Report

23. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:25 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON NOVEMBER 19, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**November 19, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Dave Norman, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:05 p.m.

**1. DISCUSSION – Eagle Mountain Properties Master Development Plan Amendment Introduction – Matthew Godfrey**

Mayor Jackson introduced Mr. Godfrey, who is the former mayor of Ogden. During his administration, Ogden went from blight to a thriving business community through redevelopment.

Mr. Godfrey explained that his company assisted in securing the contract for Ridley's to open a grocery store in Eagle Mountain. They also helped with acquiring funding for the business incubator program. They now work with Eagle Mountain Properties/Monte Vista Ranch in developing their 6,200 acres. They view real estate development as community and economic development.

The first task will be to amend the development agreement. The number of units in the master development agreement will be reduced. The agreement will no longer reference the 1997 City Development Code, which will align it more closely with the City's current practices. It may include constructing an office building to promote economic development. \$750 dollars per unit will be provided for public improvements in City Center; and there will be improvement of regional parks. There will be a commitment to build 500 homes in City Center and to drive additional services in the area.

Councilmember Burnham asked how much of an extension would be requested as part of the amended agreement. Mr. Godfrey said there is extension language, but he couldn't recall exactly how much time was requested.

Councilmember Ireland was concerned about having one large HOA representing a great deal of property, which means each property owner has very little voice in the operations of the HOA. Mr. Godfrey said there was an appropriate size for an HOA, depending on the neighborhood. He agreed that it shouldn't be so large as to minimize the value of a homeowner's vote.

Councilmember Burnham said that the current agreement allows the landowner to move amenities in any way he wants to. Some property owners, for example, paid a premium for golf course lots

but golf courses were eliminated from the plan. Some residents are also concerned about setbacks. Some developments have had flooding issues. Mayor Jackson explained to Mr. Godfrey that the current agreement allows the landowner to make zoning changes without going through a proper zoning procedure.

Mr. Godfrey assured the Mayor and Council that he would not be involved in any project that was unscrupulous or dishonest in any way. He planned to maintain a balance between homeowners' rights and market-driven zoning changes.

Councilmember Ochsenhirt stated that he has struggled with maintaining appropriate driveway lengths to keep people from parking on the street. He also felt that HOAs should be the smallest and most personal form of government. Large HOAs tend to take on the form of a government, which quashes the will of individuals. The agreement should include oversight of HOAs. He objected to micromanaging neighborhoods by creating exceptions to the Development Code.

Mr. Godfrey agreed that the agreement should contain language limiting the size of HOAs.

Councilmember Steinkopf asked if there is a future for the airport. Mr. Godfrey replied that airports can be great economic drivers, but they do have costs such as use of large amounts of land, noise issues, etc. He would like to see a strong economic study done before any decision on the airport is made.

Mr. Pili introduced Scot Hazard, who represented Arsenal Soccer Club, which operates about 55 teams in northwestern Utah County. He proposed a partnership between the City and Arsenal to build a soccer complex in the SilverLake area.

Mr. Hazard also discussed the Talon's Cove gravel pit, which supplies aggregate to the Granite Asphalt plant. The City originally waived the impact fees with the conditional use permit. Mr. Hazard requested more electric power for the pit and plant without paying impact fees. The site is a temporary use, although it's a very long term.

Councilmember Ireland asked how waiving the fees would impact the City's utility bonds. Mr. Ferre said that was a question for the City's financial advisor, Laura Lewis.

Mr. Pili stated that the question is whether waiving the impact fees is worth selling additional power.

2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

14A. Meadow Ranch Development Agreement

Councilmember Painter asked about the \$109,000 required for park improvements. Mr. Mumford said that the cost estimate for the design included in the agreement is \$124,000.

Councilmember Painter also asked why there were "no parking" signs listed in the bond requirements. Chief Andrus replied that some areas need to have parking prohibited so that fire engines can access all areas of the development.

Developer Monte Kingston said there will be no HOA, but Brian Haskell has been hired to do design review.

#### 15A. Evans Ranch Final Plat

Councilmember Steinkopf asked about the temporary retention pond where the future Evans Ranch Drive will be located. He felt the street might flood if the ground became saturated. Public Works Director Chris Trusty wasn't at the meeting to answer the question, but Mr. Mumford said there will be several more reviews.

Councilmember Painter asked about the sewer lines. He wanted to know why the first three homes will be on one sewer line and the rest on another. Mr. Norman replied that the first three (model) homes won't impact the existing sewer line. The bulk of the homes, which will be built somewhat later, will not connect to the existing line that uses the lift station.

3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

##### A. Salary Survey Presentation – Mike Swallow, Technology Net

Mr. Swallow said the salary survey has been very methodical, with a lot of input from the employees. He showed a PowerPoint presentation illustrating City employees' compensation as compared to average compensation in similar organizations, with the goal of bringing Eagle Mountain salaries in line with the average. Each employee was asked to fill out a survey instrument and meet with a member of his staff. His company's salary proposals are based on a point system valuing equity, responsibility, difficulty and work environment. The average entry-level salary was 3% below average, while higher-level jobs were about 10% low. The study only includes salary, not benefits.

Councilmember Ochsenhirt asked if this meant that virtually every employee in the City is underpaid. Mr. Swallow responded that wasn't necessarily so. Many individuals fall within the average range.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:50 p.m.

#### **POLICY SESSION – CITY COUNCIL CHAMBERS**

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Dave Norman, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

## 5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:02 p.m.

## 6. PLEDGE OF ALLEGIANCE

Aidan Larson led the Pledge of Allegiance.

## 7. INFORMATION ITEMS/UPCOMING EVENTS

- **Bag the Leaf** – This is the last week of our Bag the Leaf program. Free leaf collection bags are available at City Hall or The Ranches HOA office during business hours through tomorrow. Residents may leave bagged leaves on top of curbs and contact our storm drain department for pick up and disposal. More information is on the City website.
- **Seniors Thanksgiving** – The Seniors will have a Thanksgiving service project activity on Monday, November 25 at 5:00 p.m. at City Hall.
- **Turkey Trot** – Registration is open for the Thanksgiving Day Turkey Trot. Visit the City Events page of our website to register for this free event or register the day of the event. The walk/run starts at Hidden Hollow Elementary at 8:00 a.m. The finish is at Eagle Park Entry (across from City Hall). Free donuts and hot chocolate for all participants. Prizes for the following categories: top three men age 18+, top three women age 18+, top three girls 17 and under, top three boys 17 and under and the largest group or family registered.
- **City Offices Closed** – The City offices and Library will be closed on Thursday, November 28 and Friday, November 29 for the Thanksgiving Day holiday.
- **Gravel Pit** – Mayor Jackson contacted the BLM and determined that the gravel pit on Lake Mountain Road is operating illegally. BLM has obtained a cease and desist order. No permit was ever given.

## 8. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Marcie Taylor brought pictures of the Lake Mountain Road gravel pit. She was happy for the progress made on the issue. She reported on her recent experiences with gravel trucks and the damage to the wash. Mayor Jackson asked her to give the pictures to City Attorney Jeremy Cook for use in fighting the gravel pit.

Mike Kieffer said the progress on the gravel pit is good news. He had four concerns if the pit is allowed to operate: damage to the gravel road, trucks being driven unsafely, damage to the water run-off containment ditch, and seeing that a bond is placed to pay for any damage left when the mine closes.

Jennifer Morrison spoke on the preservation of historic sites in the City. She wanted to see more education for citizens on the ancient and more recent history of the City, including the petroglyphs located in the City. She wanted more efforts to protect the petroglyphs. The land is being damaged by target shooting and littering. She would like the City to prioritize a preservation resolution, an anti-vandalism ordinance and applying for preservation grants.

Heather Woffinden urged the Council to work on preserving the City's historical locations and artifacts. She wanted a group to be organized to catalog and preserve these locations and artifacts, and to educate residents about them.

Jeremy Nielson asked if the City was still planning to fund next year's rodeo. He is on the rodeo committee and has several sponsors already lined up. The rodeo has won awards every year since it was established three years ago. He requested an opportunity for the rodeo committee to meet with the City to specify the City's involvement in the rodeo this year.

Becky Jones thanked the Mayor and Council for repairing the walking paths in City Center. She thanked Mayor Jackson and Councilmember Ochsenhirt for all they've done while in office. She hoped that the City as a whole would come together and recognize the progress that has been made.

Marianne Smith asked if there is a bond in place for cleaning up the damage that has already been caused by the gravel pit's operations. Mayor Jackson said the City will continue to work on the gravel pit issue.

9. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Steinkopf

Councilmember Steinkopf welcomed residents to the meeting and thanked those who made public comments.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked those who attended the meeting. He reminded residents not park on the street during the winter, so the roads can be plowed as quickly as possible, and to help their neighbors if they have trouble keeping their sidewalks shoveled.

Councilmember Ireland

Councilmember Ireland expressed appreciation to everyone who participated in the election and congratulated those who were elected. He mentioned the 150<sup>th</sup> anniversary of the Gettysburg Address and read some excerpts.

Councilmember Burnham

Councilmember Burnham congratulated those who were willing to serve the City by running for election and those who voted, especially those who took the time to be educated voters.

### Mayor Jackson

Mayor Jackson noted that the City now has a full-time code enforcement officer. He'll be writing citations for cars illegally parked during the winter.

10. PRESENTATION – CAFR Award, presented by Dean Lundell, UGFOA President
11. APPOINTMENTS
  - A. Senior Council – Tonette Roberts, 4-year term
  - B. Veterans Board – Luke Pannell, 4-year term; Kindra Jones, 4-year term; Casey Jones, 2-year term; and Elizabeth Hoepfner, 2-year term
  - C. Youth Council – Jason Olson, Mayor; Weston Dastrup, Recorder; Taylor Jensen, Secretary; Jace Christian, Treasurer; and Christian Ulibarri, Public Relations.

**MOTION:** *Councilmember Burnham moved to approve the appointments as presented. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Jason Olson, Weston Dastrup, Jace Christian, Christian Ulibarri, Kindra Jones and Luke Pannell. Those appointees not in attendance at the meeting will receive the oath of office at another time.

### **CONSENT AGENDA**

12. MINUTES
  - A. October 15, 2013 – Regular City Council Meeting
13. BOND RELEASE – Out of Warranty
  - A. Rock Creek, Phase 2
14. DEVELOPMENT AGREEMENT
  - A. Meadow Ranch V, Plats 1 & 2
15. FINAL PLAT
  - A. Evans Ranch, Phase B, Plat 1

Councilmember Painter asked Planning Director Steve Mumford how Evans Ranch, Phase B, Plat 1, could be approved without completed infrastructure. Mr. Mumford explained that the initial plat was not ready in time to build the model homes before winter, so this is being proposed as a stop-gap measure.

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a vote of 4:1.*

### **SCHEDEDUL ITEMS**

16. A. MOTION - The City Council will Recess the Meeting and Convene as the Official Board of Canvassers to Canvass the Eagle Mountain City General Election.

The Board of Canvassers will review the report of election results prepared by the City Recorder as the Election Official, consider and approve the report of the results, execution of the report and certification of the final vote totals for persons on the ballot. Pursuant to State law, it is necessary that the City Council, as the Board of Canvassers, canvass the 2013 General Election no sooner than seven (7) days and no later than fourteen (14) days after the election.

**MOTION:** *Councilmember Ochsenhirt moved to recess the meeting and convene as the Official Board of Canvassers to canvass the Eagle Mountain City General Election. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

B. **MOTION – Consideration and Approval of the Report of the Eagle Mountain City General Election of November 5<sup>th</sup>, 2013, Verifying the Results of the Election by Ratifying the Results of the Canvass; Accepting the Report of the Election Official and Certifying the Election Results; and Declaring the Mayoral and City Council Candidates, Reported by the Election Official as Receiving the Highest Number of Ballots, to be Elected.**

City Recorder Fionnuala Kofoed announced the results of the General Election: Chris Pengra, Mayor; Adam Bradley and Tom Westmoreland, City Council. She then explained the vote counting process. Additional absentee and provisional ballots were counted this afternoon. State law required that the final result not be announced until the final canvass. She asked the Board of Canvassers to verify the results of election, certify the election results with any necessary corrections, and declare elected the mayoral and City Council candidates with the highest number of votes to be Mayor and City Council members.

**MOTION:** *Boardmember Painter moved that the Board of Canvassers verify the results of the election by ratifying the results of the canvass, accept the report of the Election Official and certify the election results, and declare a four-year mayoral term to Christopher Pengra and four-year City Council terms to Adam Bradley and Tom Westmoreland. Boardmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

C. **MOTION – The Board of Canvassers will Adjourn and Reconvene as the City Council.**

**MOTION:** *Boardmember Burnham moved to adjourn the meeting as the Board of Canvassers and reconvene as the City Council. Boardmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. **PUBLIC HEARING – Regarding the Issuance and Sale of Not More Than \$2,600,000 Aggregate Principal Amount of Water and Sewer Revenue Bonds, Series 2013 and To Allow Public Input Regarding Any Potential Economic Impact That the Project Described Herein to be Financed With the Proceeds of the Series 2013 Bonds May Have on the Private Sector.**

This item was presented by Laura Lewis of Lewis Young Robertson & Burningham. She began by congratulating City staff on receiving the UGFOA budget award. She said it's a difficult award to get and few cities in Utah even attempt it.

The purpose of the public hearing is to receive comments from the public related to the issuance of the 2013 Water & Sewer Revenue bonds so the pricing committee can make a final determination on issuance. The purpose for issuing these bonds is to generate proceeds to construct a pipeline from the City to the Central Utah Water Conservancy District's (CUWCD) wholesale water system. The City has entered into contracts to purchase water from CUWCD and this pipeline will provide access to that water. The original amount of the bonds was reduced by approximately \$2M from the original estimate, as the City was able to negotiate with CUWCD to pay for portions of the original project.

Councilmember Ireland asked Ms. Lewis to explain the 1.25% over cost that the City is required to maintain. She said that a debt service covenant legally requires that for every \$1.25 the City has in net revenue, it may only have \$1.00 in debt.

*Mayor Jackson opened the public hearing at 7:59 p.m. As there were no comments, she closed the hearing.*

This was a public hearing and did not require a vote.

18. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Mayor Jackson

No comment.

19. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

Councilmember Steinkopf reported that a group from Eagle's Gate subdivision has spoken before the Parks and Recreation Advisory Board regarding improvements to their park and will be coming before the Council in the near future.

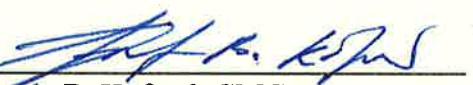
20. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Report

21. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 8:01 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON DECEMBER 3, 2013.

  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

**December 3, 2013**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Councilmember Painter was excused.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Dave Norman, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:08 p.m.

1. **AGENDA REVIEW** – The City Council will review items on the Consent Agenda and Policy Session Agenda.

**12A & B. Clearview Ranch Final Plats**

Councilmember Ireland noted that, during the Planning Commission vote, one Commissioner voted no. He asked why. Planning Director Steve Mumford explained that Commissioner Everett voted no without stating why. After a lengthy discussion, the other Commissioners felt that the issue should be reviewed by the Council. Staff recommended that if the item is approved, it should be contingent on the water issue being resolved. Councilmember Burnham stated that she would request that the item be removed from the Consent Agenda and moved to Scheduled Items.

Assistant Public Works Director explained that the land annexed to the north end of the City has water pressure issues. There is a large number of lots already vested in the area. The water tank draws water from that area and is near capacity. Public Works has developed some solutions, but most of them are not yet in the Capital Facilities Plan and will require significant funding.

Councilmember Ireland asked how the water purchased from the Central Water Project will affect the situation. Mr. Norman said that the water will be pumped up to the water tank at Unity Pass. It won't change the dynamics of the current system. It will only correct the existing deficiency.

Mayor Jackson invited Steve Sowby, the engineer for Clearview Ranches, to speak. He felt that the developers should not be penalized for a water pressure problem that existed before the project. He requested approval subject to the problem being solved so that the developers can begin selling lots.

Councilmember Burnham asked if the City believes it has solved the current problem, but not that the future problem has been solved, who should pay for the solution. Mr. Sowby responded that the development agreement states that the developer will participate in the solution to an offsite problem that affects the development.

Councilmember Ochsenhirt asked what the developer planned to accomplish between the approval and the solution. Mr. Sowby said that they can get construction bids, prepare bonds, prepare final plats and do some grading. He noted that 16 homes already exist in the problem area.

Councilmember Ochsenhirt mentioned that he is not confident in building a septic system for each lot. If that doesn't turn out to be workable, he didn't want people asking the City to solve the problem. Mr. Sowby stated that the property has been approved for septic systems by Utah County. When a homeowner builds a home, the system on the individual lot also has to get approval.

Mayor Jackson requested that all of the streets have names, rather than numbers, to be consistent with the rest of the City.

Councilmember Steinkopf noted that no specific landscaping or park amenities are listed in the development agreement. Mr. Mumford said that can be specified in the agreement.

#### 14. Development Code Amendments

Mayor Jackson reported that a developer contacted her with concerns about the proposed amendments. He requested that the item be tabled until discussions can be held with developers.

Mr. Mumford said the current section of the City Code was based on one written by another city. He and Adam Ferre determined that, in order to Blue Stake property correctly, gas and electrical lines need to be energized first.

Scott Hazard, another developer, asked that the City consider tabling the item until discussions could be held with developers. He was concerned that model homes would be backlogged and slow down sales.

Councilmember Ochsenhirt asked Energy Director Adam Ferre if he had any concerns about tabling the item. He said he didn't, as the issue was a little more complicated than he realized earlier.

#### 15. Budget Amendments

Finance Director Paul Jerome presented budget amendments to the General Fund, Enterprise Funds and Capital Project Fund. The State prefers that amendments be done quarterly, rather than at the end of the fiscal year. The General Fund amendments will pay for additional hours for a school resource officer, funded by Alpine School District, and the hiring of a Planner and a Building Inspector, funded by building permit and plan check fees. Building Official Kent Partridge stated that building permits take nearly three weeks to be approved, when they should take two weeks or less. Even at that, employees are working constantly, rarely taking time off because of the heavy workload. Mr. Walker pointed out that these positions previously existed, but were eliminated during the housing slowdown.

Mr. Jerome said the Enterprise Fund amendment is a professional and technical purchase order allocated for the Water Department during a previous fiscal year, but not used during that year. The same will be done with a purchase order for a 6" natural gas line. The Capital Projects Fund will be amended to fund a pedestrian trail near the skate park and the widening of Pony Express Parkway near Hidden Hollow Elementary School.

## 16. Fund Transfer Resolution

State law requires that cities retain between 5% and 25% of anticipated revenues in the General Fund. Any excess must be transferred to the General Fund Capital Projects Fund to be used for projects directly benefitting the residents. Mr. Jerome estimated that the excess from fiscal year 2013 will be approximately \$100,000.

Councilmember Ireland asked why the resolution is being proposed before Mr. Jerome knows the exact amount to be transferred. Mr. Jerome responded that, while the City has complied with the law, it has never passed a resolution, which is also required.

## 2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

### A. Fitch Bond Rating

Finance Director Paul Jerome announced that Fitch Rating just completed its annual analysis of the City's water and sewer bonds and continued its rating of AA-. Fitch noted that the City hasn't passed a resolution stating that it will maintain a fund balance adequate to meet the requirements of bond covenants. Mr. Jerome stated that the balance is always maintained at that level, and early next year the resolution will be passed.

### B. Rachel LeCheminant, Administrative Law Judge

Assistant City Administrator Jason Walker introduced the new Administrative Law Judge, Rachel LeCheminant. She has lived in Eagle Mountain for seven years and is a member of the Utah State Bar. She will conduct administrative hearings for enforcement of City Code.

## 3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

## POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Dave Norman, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

#### 4. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:03 p.m.

#### 5. PLEDGE OF ALLEGIANCE

John Painter led the Pledge of Allegiance.

#### 6. INFORMATION ITEMS/UPCOMING EVENTS

- **City Offices Closed** – The City offices will be closed on Thursday, December 5 from 1:00 p.m. to 4:00 p.m. for a staff meeting. The library will be closed from 12:00 p.m. to 4:00 p.m. The offices and library will also be closed Monday, December 23 through Wednesday, December 25 for the Christmas holiday and Wednesday, January 1 for the New Year's holiday.
- **Deck the Halls Tree Lighting** – On Friday, December 6 from 6:30 p.m. to 8:30 p.m. the annual tree lighting ceremony event will be held at City Hall. Come enjoy a night filled with Christmas carols, gingerbread houses and an essay contest. Bring your camera to take a picture with our special guest...SANTA!
- **Santa on the Fire Truck** – Santa is making his annual trip around the city on the fire truck on Saturday, December 7 from 8 a.m. to approximately 1 p.m. Watch and listen for him for to arrive in your area for him to toss you a special treat!

The fire truck will not be attempting to go down dead-end streets, and may not be able to drive down every street in the city due to time restrictions. Listen for sirens and watch in your neighborhood for the fire truck. Proceed safely to the area where the fire truck is. Please have your children stay on the sidewalk and wait for Santa to throw the candy. Please do not allow them to run into the street.

- **Christmas Events** – For information on other local Christmas events, please visit the City website, events page.
- **Fire Dept. Collection** – The Fire Department is collecting coats, hats, gloves and blankets for those in need. Drop off donations at either fire station until the end of December.

#### 7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

James Crandall from White Hills expressed appreciation for being part of the City. He thanked Mayor Jackson and Councilmember Ochsenhirt for serving the City for the last several years. He mentioned that Mayor Jackson has been White Hills' first mayor. Mayor Jackson mentioned that this is Councilmember Painter's last meeting, too.

Wendy Watson sent each Councilmember and the Mayor an email last week, but didn't receive a response. She read her email aloud. A duplex is being built across from her house. It is making it more difficult for her to sell her house. Mr. Mumford explained the changes to the design that made the structure allowable. She felt that the changes were not adequate to justify this home, which does not fit in to the rest of the subdivision.

Mayor Jackson responded that she has asked questions of the Building Department and the City Attorney about the issue. She would like to take statements from nearby residents and see what can be done. Councilmember Ochsenhirt said he was frustrated, as well, because these things

shouldn't happen. Mr. Mumford said they signed a second kitchen agreement, which prohibits more than one family living in the home. City Attorney Jeremy Cook said that Code Enforcement will be watching the building closely.

8. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Burnham

Councilmember Burnham said she and Mayor Jackson have been friends for a long time. She said Mayor Jackson has been the best Mayor the City has ever had. She hasn't known Councilmembers Painter and Ochsenhirt as long, but they are both amazing men. She felt like a better person for having known all three of them.

Councilmember Steinkopf

Councilmember Steinkopf thanked Mayor Jackson and Councilmembers Painter and Ochsenhirt for the work they've done for the City.

Councilmember Painter

Councilmember Painter thanked the residents of Eagle Mountain for the opportunity to serve. He thanked the Mayor and Council for the mentoring he's received. He thanked the staff for being very competent and well-intentioned.

Councilmember Ochsenhirt

Councilmember Ochsenhirt moved to Eagle Mountain ten years ago, when the population was less than half of what it is now. He was grateful for the experiences he's had on City Council which have been overwhelmingly positive. Most of the people who live here are wonderful, kind, encouraging people. He's a better person because of the people he's worked with while serving on the Council. And, as always, he asked everyone not to park on the streets when there's snow and to help their neighbors.

Councilmember Ireland

Councilmember Ireland expressed appreciation to Mayor Jackson and Councilmembers Painter and Ochsenhirt. Although he didn't always agree with them, he knew they had always voted with integrity and honor. Mayor Jackson has been the Mayor for more than a third of the City's history.

Mayor Jackson

Mayor Jackson has spent the last nine years diligently trying to do her best for the City. She's been honored to serve. She's worked to leave the City better than she found it. She said the City staff is the best that can be found anywhere and is the best the City's ever had. All of the Council members have had the City's best interests at heart and have made Eagle Mountain a better community. She hoped the City would continue to grow and blossom. Eagle Mountain has the best residents anywhere, who care about and help each other.

9. APPOINTMENTS

- A. Economic Development Board
  - i. Trent Jackson – 3 year term
- B. Library Board
  - i. Tyler Shimakonis – 2 year term
  - ii. Lesley Jackman – 2 year term
  - iii. Mellissa Ochsenhirt – 3 year term

- iv. Kim Reid – 3 year term
- v. Daniel Farmer – 3 year term
- C. Parks & Recreation Advisory Board
  - i. Kurt Griffiths – 3 year term
  - ii. Matt Barrett – 3 year term
- D. Planning Commission
  - i. Wendy Komoroski – 3 year term
  - ii. Miriam Allred – 3 year term
- E. Public Works Board
  - i. Allen Martin – 3 year term
- F. Senior Citizen Advisory Council
  - i. Sandra Ring – 4 year term
- G. Yellow Ribbon Committee
  - i. Erika Douglas – 1 year term
- H. Youth Council Advisory Board
  - i. Alicia Hill – 1 year term
  - ii. Robert Hill – 1 year term
- I. Timpanogos Special Service District Board
  - i. David Norman – 4 year term

**MOTION:** *Councilmember Ireland moved to approve the appointments as presented. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to those appointees who were in attendance at the meeting. The others will receive the oath at another time.

## CONSENT AGENDA

- 10. MINUTES
  - A. November 19, 2013 – Regular City Council Meeting
- 11. DEVELOPMENT AGREEMENT
  - A. Porter's Crossing Town Center Plat B (Church Lot)
- 12. FINAL PLATS
  - A. Clearview Ranch Phase A Plat 1 Final Plat
  - B. Clearview Ranch Phase A Plat 2 Final Plat
- 13. 2014 CITY COUNCIL MEETING SCHEDULE

**MOTION:** *Councilmember Burnham moved to approve the Consent Agenda with minor changes to the minutes as discussed in Work Session; also removing items 12A and 12B and moving them to Scheduled Items. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Trevor Hull, representing Porter's Crossing Town Center, thanked the Mayor and Council for their help in developing the project. The developers are planning the grand opening and Mr. Hull

invited Mayor Jackson to cut the ribbon. He served on the Herriman Planning Commission and knows how much stress that puts on members and their families. He appreciated Eagle Mountain's pro-development attitude.

## **SCHEDULED ITEMS**

Items 12A and B were moved from the Consent Agenda to Scheduled Items.

**MOTION:** *Councilmember Ireland moved to table Clearview Ranch Phase A, Plats 1 and 2 until such time as the master water plan can be placed on the City Council agenda. Councilmember Burnham seconded the motion.*

Councilmember Ochsenhirt asked if the project can be approved with the condition that it can move forward with aspects not affected by the water issue. Councilmember Ireland felt that the project should not be approved until the Council has more information.

Mayor Jackson asked Public Works Director Chris Trusty when the master water plan will be complete. Mr. Trusty said it should be substantially complete in January. He pointed out that without clear information on what the stipulations for development would be, the developer wouldn't be well served by allowing conditional approval.

*Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. Those voting no: Nathan Ochsenhirt. The motion passed with a vote of 4:1.*

Mr. Mumford asked if the final plats should be placed on an agenda at the same meeting as the water plan or after the plan is approved. Councilmember Ireland preferred to have the final plats on the same agenda as the plan, so they can be approved with conditions as soon as the Council knows what conditions will be appropriate.

Mr. Sowby thanked the Council for carefully considering the project. He asked them to remember that, if Clearview Ranch is penalized for a problem that doesn't even exist yet, they should consider their actions in regard to the building permits already issued for 16 homes in that area.

## **PUBLIC HEARING**

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Development Code, Chapters 15 and 16.

This item was presented by Planning Director Steve Mumford. The proposed amendment includes changes to Chapter 16.05.100 Compliance Required, Chapter 16.05.130 Most Restrictive Standards Apply, and Chapter 15.10.230 Building Permits. The amendments require that electrical and natural gas infrastructure be installed and functioning prior to issuing any building permits, including permits for model homes.

Mayor Jackson said that she will recommend tabling the amendments, based on a discussion she had today with developer. He expressed some concerns that he felt should be considered before approval. Energy Director Adam Ferre stated that he would be comfortable with spending some more time working on the details of the amendments.

Planning Director Steve Mumford described the proposed amendments. The City Code requires that, before issuing building permits--including those for model homes--water, sewer, road substructure and curbing have to be installed. After model home permits are issued, no more permits can be issued until dry utilities (power, gas and telecommunications lines) are installed and functioning. Recently, the City had to shut a project down due to dry utilities issues. Unless the dry utilities are functioning, Blue Stakes can't locate and mark them to prevent contractors from hitting them. The amendments would require all utilities to be installed and functional before any building permits are issued, including those for model homes.

*Mayor Jackson opened the public hearing at 7:49 p.m. As there were no comments, she closed the hearing.*

**MOTION:** *Councilmember Ochsenhirt moved to table an Ordinance of Eagle Mountain City, Utah, amending the Development Code, Chapters 15 and 16. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

#### **PUBLIC HEARING**

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2013-2014 Budget.

This item was presented by Finance Director Paul Jerome. The proposed amendments to the FY 2013-2014 Budget are for personnel, trails and road improvements.

The General Fund amendments include funding for a school resource officer. This funding covers overtime for the existing officer, not hiring of a new one. The expense will be reimbursed by Alpine School District; however, State budget rules require a budget amendment even if there is no additional expenditure by the City.

Other positions to be funded by General Fund amendments include a Planner 1 and a Building Inspector. These are positions that were previously part of City employment, but were eliminated during the poor housing market a couple of years ago. Housing construction has increased in the past year, as well as commercial construction. These positions will be funded by building permit and plan check fees. They will allow Planning and Building Department employees to provide better customer service while reducing their workloads to a reasonable level.

A professional and technical expense was approved in the Enterprise Funds during a prior fiscal year, but because the project is ongoing, the funds are being moved to this fiscal year. The City will also take out a loan to complete the project.

In the Capital Projects Fund, a professional and technical expense was approved for a 6" steel gas line, and the money also has to be moved to this fiscal year. It will be funded by the Gas and Electric Revenue Bond. The pedestrian trail at the skate park and the road widening at Hidden Hollow Elementary School were funded by the General Fund balance.

*Mayor Jackson opened the public hearing at 8:00 p.m. As there were no comments, she closed the hearing.*

**MOTION:** *Councilmember Ochsenhirt moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Fiscal Year 2013-2014 budget for personnel additions, a trail project and road improvements. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

16. RESOLUTION – Consideration and Approval of a Resolution of Eagle Mountain City, Utah Transferring the General Fund Balance in Excess of 25% of Anticipated Revenues to the General Fund Capital Projects Fund.

This item was presented by Finance Director Paul Jerome. State law mandates that a municipality can hold between 5% and 25% of its anticipated revenues in reserve within the General Fund. Any excess funds must either be spent or held within the General Fund Capital Projects Fund for future capital needs of the City.

While the City has always complied with the law, it has not passed a resolution, which is also required by law.

**MOTION:** *Councilmember Painter moved to adopt a Resolution of Eagle Mountain City, Utah, transferring the General Fund balance in excess of 25% of anticipated revenues to the General Fund Capital Projects Fund, retroactive to fiscal year 2013. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. AGREEMENT – Consideration and Approval of a Cemetery Purchase Agreement.

The City has been negotiating the purchase of land for a cemetery in the Sage Park area.

*This item was removed from the agenda.*

18. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Steinkopf

Councilmember Steinkopf thanked Mayor Jackson, Councilmember Painter and Councilmember Ochsenhirt for their service to the City.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

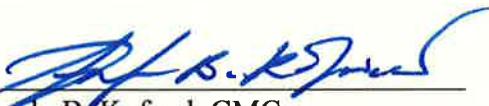
Councilmember Burnham congratulated Tom Westmoreland on being elected to the City Council. The Council seat was in question at the last meeting because the vote count was so close.

Mayor Jackson  
No comment.

19. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.
20. COMMUNICATION ITEMS
  - a. Upcoming Agenda Items
  - b. Financial Report
21. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 8:05 p.m. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JANUARY 7, 2014.

  
Fionnuala B. Kofoed, CMC  
City Recorder