

## Eagle Mountain City Council Minutes 2015, Part 2

### *Dates of City Council Meetings:*

- April 7, 2015
- May 5, 2015
- May 19, 2015
- June 16, 2015

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 7, 2015

Site Visit 3:00 P.M.

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

**3:00 P.M SITE VISIT TO VARIOUS OPEN SPACE AREAS WITHIN THE CITY – no action will be taken**

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

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Donna Burnham, Ryan Ireland and Tom Westmoreland. Adam Bradley and Richard Steinkopf were excused.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy Recorder; Linda Peterson, Public Information Director; Ikani Taumoepeau, Economic Development Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:05 p.m.

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

- A. Discussion – FY 2015-2016 Preliminary Budget

Assistant City Administrator/Finance Director Paul Jerome presented the estimated changes in revenues for the FY 2016 preliminary budget compared to the previous fiscal year. City Treasurer David Mortensen went through the proposed expenditures.

**EXPENDITURES**

41% General Fund	(\$7.94M)
41% Enterprise Funds	(\$7.8M)
11% Capital Projects	(\$2.1M)
3% Debt Service Funds	(\$600,000)
3% Impact Fee Funds	(\$600,000)

Expenditures per resident work out to approximately \$293.00 per person, which is comparable to the last two budget years.

Property and sales tax revenues are expected to increase to \$5M. Building and growth-related revenues are expected to be close to \$1.2M. Fines are expected to decrease due to the elimination of two Enterprise Funds.

Departmental budget changes from FY 2015 are as follows:

**Salaries:** The City has changed its salary policy. It now contracts with a private firm for an annual salary analysis. Funds are budgeted to bring employees who are at the low end of



their salary range up to the midpoint. The budgeted funds are expended on an as-needed basis.

Recorder's Office: The election budget will be increased to \$17,000 due to the municipal election, which will be held in 2015.

City Attorney: The budget was reduced from \$100,000 to \$75,000. Due to the sale of the electric and gas utilities, the City expects to need fewer attorney services.

Executive: The salary budget will decrease due to attrition and reassignments. Travel and Training will be increased due to increased costs of training.

Finance: The auditing and accounting budget will increase by \$3,000 to bring it in line with expected auditing costs.

Engineering: The salary budget will increase due to the City Engineer's compensation being assigned entirely to the Engineering Department, as well as hiring a full-time employee for Blue Stakes with supplies and a vehicle provided.

Planning: The Dues, Subscriptions and Memberships budget and the Travel and Training budget will increase because both City Planners will be IACP certified, as well as to cover the cost of ICMA training. A vehicle for the Planning Department is also proposed.

Recreation: \$5000 will be budgeted for Equipment, Supplies and Maintenance (field striping, etc.), and Adult Softball will be reduced by \$900 due to lower-than-expected costs.

Special Events: Dues, Subscriptions and Memberships will be increased for higher music licensing costs for events. Pony Express Days will increase from \$28,880 to \$30,000 to allow for growth.

Library: Dues, Subscriptions and Memberships will increase due to a new audio book subscription. Travel and Training will increase to allow two employees to attend a conference in St. George. Computer Network and Data Processing will increase to \$16,300 for software renewal. Materials and Books will increase for ebooks and downloads. Some of these amounts will be offset by donations. Capital Outlay will be \$2,000 to replace four patron computers which were purchased through a grant in 2009. The grant requires that the computers be replaced on a regular schedule.

IT: Telephone and Cell Phone line items will decrease due to the loss of the Energy Department employees. Professional and Technical Services will decrease because of projects planned for FY 2015 that were canceled. \$7,200 will be budgeted for a SAN Server to run Springbrook, the City's financial software.

Human Resources: Travel and Training will be increased to \$1,000 to allow the HR Coordinator to attend a conference. Educational assistance will be increased to \$2,500 per person per year for a maximum of five people per year, to encourage employees to further their educations. Professional and Technical Services will have \$3,000 budgeted, primarily for background checks and drug tests for new employees.

Insurance and Surety Bond: Because of the utility sale, this line item will be reduced to \$100,000.

Public Information: Printing and Mailing for the newsletter will move from Non-departmental to Public Information and will be increased slightly due to growth. Special Projects will increase to fund advertising and promotion for the City's 20<sup>th</sup> anniversary in 2016.

Facilities: The Salary line item will increase due to the addition of a part-time employee, who will replace the contracted services provided by Ranches Housekeeping. Building and Grounds Maintenance will decrease by \$5,000 due to the utility sale, which included some buildings and grounds.

Utilities: A line item will be added for the gas and electric utility costs that will be paid to Rocky Mountain Power and Questar, since the City no longer owns the utility system. Professional and Technical Services will be increased for maintenance to the HVAC systems at City Hall and the Community Development building.

Police: The contract budget will increase by 2% to cover a possible increase in the cost of Utah County Sheriff's Office services. The Utah Valley Dispatch budget will increase compared to last year, because part of last year's cost was paid for by a previous overpayment.

Miscellaneous Services and Supplies: Crossing guard supplies will be budgeted at \$11,000.

Building: An increase is proposed to add an additional part-time office assistant. Dues Subscriptions and Memberships will increase so that each inspector will have a complete set of the code books. Professional and Technical Services will include \$8,000 to outsource plan reviews for large commercial projects.

Streets: An additional full-time employee is proposed. Professional and Technical Services will be reduced to \$8,000 because studies began last year have been completed. Equipment Rental will be increased for various equipment. Unimproved Road Maintenance will increase to enable better annual maintenance. A Sidewalk Maintenance line item will be added.

Parks: The Parks Department is requesting an additional full-time employee. Equipment Supplies and Maintenance will increase by \$2,000 for additional equipment and supplies. Professional and Technical Services will increase due to the addition of maintenance on White Hills Park and the cemetery.

#### INTERNAL FUNDS

Fleet: Transfers from other funds are expected to exceed \$449,000. Expenditures for purchase and maintenance are expected to be approximately \$407,000 for three new vehicles, (Blue Stakes, Planning, & a sewer truck replacement) as well as maintenance for existing vehicles.

Economic Development Fund: This fund was set up with proceeds from the sale of assets. The fund was expected to be closed when the funds ran out, but the current proposal is to



retain it for a couple more years using money from the General Fund, Incubator Program tentant rentals and golf sponsorships.

Cemetery Fund: Revenues for FY 2016 are expected to be \$15,000 in burial plot sales and \$3,000 in interment fees. Part of Brad Hickman's salary will be paid from this fund in FY 2016. Maintenance, equipment and professional services will also be included in this fund.

#### ENTERPRISE FUNDS

Ikani Taumoepeau, Economic Development Director, reviewed the Enterprise Funds. The Water Fund will have a 5% increase in personnel for three part-time positions. One meter reader will transfer from another department, another will be hired. A third employee will transfer from Utility Billing to handle new water account requests. Materials, Supplies and Services will increase dramatically because the City will now have to pay for the electricity to run the pumps, and because the SCADA system is obsolete and needs to be replaced.

The Sewer Fund will increase Materials, Supplies and Services to pay for the energy that runs the system, as well as a part of the SCADA maintenance fees.

The Storm Water Fund will increase Professional and Technical Services for better design in certain areas of the storm drain system. The funds for street sweeping will also increase for rental of street sweeping machines.

Mr. Jerome stated that the Ace Disposal solid waste agreement includes an increase for growth in the number of households.

The Utility Billing office meter readers will be transferred to the Water Department.

#### CAPITAL PROJECTS FUND

Mr. Jerome stated that the fiscal year 2016 capital projects will not be funded by proceeds from the utility sale. They will be paid for by balances from the Capital Projects Fund and the General Fund. Specific projects will be determined throughout the year and funded by budget amendments.

Approximately \$680,000 is budgeted for road projects, primarily for repaving part of Pony Express Parkway and a small section of Ranches Parkway. Sunset Drive and Cedar Trails Way will also be repaved.

Projects in Wride Memorial Park and other parks are also planned.

The General Plan rewrite is budgeted in Capital Projects, as is the HVAC rebuild for City Hall and the purchase of a new snowplow and spreader. A Skidsteer will be purchased for the cemetery. A solids handling project for the sewer system will be completed, possibly using impact fees. The reimbursement agreement for the Evans Ranch sewer line will be paid for from Capital Projects, as well.

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

### 15. FY 2015 Budget Amendments

The Public Information Office will add a part-time intern beginning during the 2015 fiscal year and continuing into the 2016 fiscal year. A full-time employee will be hired in the Parks Department to help with the cemetery and the increase in park property that needs to be maintained. The landscape maintenance agreement with Elite Grounds will also be increased.

The CWP pipeline project has created additional engineering costs. The cemetery needs a sod cutter and a rammer to manage grave openings.

The City needs to make \$270,000 in park improvements right away, because the growing season is starting. Projects are planned for Overland Trails Park, Pioneer Park, Walden Park, SilverLake Amphitheater, Eagle Point C Park and Corey B. Wride Memorial Park, as well as a trail section at Half Mile Road. The skate park needs maintenance and improvements.

A parade float will be built for the Miss Eagle Mountain royalty. Mayor Pengra noted that a parade float is not normally something he would like to spend money on. However, part of Miss Eagle Mountain's purpose is to represent the City in other cities' parades. City Recorder Fionnuala Kofoed said that the girls have been using an old float that finally wore out. Eagle Mountain resorted to renting cars last summer for various parades. Ms. Kofoed stated that she didn't feel it was safe for the girls to ride in cars in the parades. Additionally, renting cars or a float every year is not cost effective.

Councilmember Ireland asked if Mr. Hickman felt his team could realistically complete all these projects this year. Mr. Hickman said he has developed the list carefully to be sure the projects can be completed.

### 16 & 17. SilverLake 14 & 15 Preliminary Plat and Site Plan

The Planning Commission recommended approval of this project, with conditions. The conditions are as follows:

1. Stucco shall not exceed 25% of any front elevation and elevation facing a public street.
2. Developer shall improve the side elevations with more architectural variations.
3. The clubhouse shall be a minimum of 1,200 sq ft & \$1,000 per unit cost.
4. The clubhouse elevations must be reviewed for approval by City Council & be consistent in style and color with the townhomes or homes.
5. All lighting must comply with the City's "dark sky" lighting standards in EMMC Chapter 17.56.
6. The plans must be reviewed by the Fire Marshal for approval.

Councilmember Ireland asked how "more architectural variations" in condition 2 could be quantified. Mr. Mumford read the requirements in the Municipal Code aloud. Discussion ensued on what should specifically be required for this project. Mayor Pengra invited the developer's representative, Bronson Tatton, to describe the plans for meeting this requirement. Mr. Tatton did so. Mr. Mumford recommended that the rear elevations be approved with varied elements rather than plain walls.

There will be a 100-foot buffer between the development and the power line corridor. The clubhouse will be similar in style and color to the townhomes. A pool won't be required, due to the number of units.



Councilmember Burnham asked what common space the cluster homes are sharing. Mr. Tatton said that the north-south corridor is 32 feet wide, the east-west corridor is 19 feet wide. There's also clubhouse open space, the power line corridor and a 12-acre park.

Councilmember Ireland asked which roads will be private and how they'll be maintained. Mr. Tatton said that the only public roads will be Woodhaven Blvd. and the loop road. City Attorney Jeremy Cook said the City has no obligation to maintain the private roads. Mr. Tatton said the HOA's obligation to maintain the roads is written into its CC&Rs.

Mr. Cook asked if the lots along the south edge of the development front onto any private roads. Mr. Tatton said they front a public road. Mr. Cook requested that the all the common areas to be maintained by the HOA be designated on the plat map.

Mr. Mumford stated that the Planning Department recommends some additional conditions of approval. One is an August 31 deadline for the construction of an entrance monument. Mr. Tatton agreed to that condition, to be enforced by suspension of building permits.

Mr. Tatton discussed how the developer plans to meet the conditions of approval.

Councilmember Westmoreland asked if there were any concerns about the wash. Mr. Mumford said that the applicants are only required to grade the wash to work for detention and to alleviate the steep slopes. Mr. Tatton noted that all the residential construction is located well away from the wash. Mr. Mumford acknowledged that having a park near a wash can create safety issues. These can be alleviated by installing a fence along the edge of the park closest to the wash. The City could consider using impact fees to construct a fence in the future.

Mr. Mumford stated that the Planning Commissioner who voted against the approval felt that there should be more usable open space within the townhome and cluster home development. He said the garages are still the dominant feature of the front elevations of most of the townhomes, which doesn't comply with the City's Multi-Family Design Standards. He also felt that the townhomes should have been interspersed with several of the cluster homes to provide a better neighborhood feel. He didn't feel that the developer responded adequately to the concerns that had been raised.

Residents who spoke at the Planning Commission public hearing wanted a traffic study, because they felt the streets in and around the project are inadequate to handle the traffic that will be generated. They were concerned about fencing and about safety considerations around the wash. City Engineer Chris Trusty agreed that a traffic study is warranted.

#### 19. Meadows Storage

Mr. Mumford explained that the developers of Meadows Storage have requested removal of a condition of approval for the project. Since the project was approved, Alpine School District built Black Ridge Elementary School. The school project included a trail along Sunset Road. The developers contend that building trails on both sides of Sunset Road will be more dangerous for schoolchildren than having only one trail. They also said that ownership of the property has changed. They no longer own the land on which the trail would be built.

The Planning Department recommends that the request be denied. The trail has been required since 2001 and the requirements for the trail were already decreased recently by eliminating the

landscaping requirement. The principal of Black Ridge and several other people contacted Mr. Mumford asking that the request be denied.

Scott Weber and Dave Hall, the applicants, described their concern that, with trails on both sides of Sunset Drive, schoolchildren will jaywalk at any point on Sunset Road rather than crossing at the crosswalks. In addition, they no longer own the property on which the trail would be constructed.

Discussion ensued on who owns the land and on the location of crosswalks. City Engineer Chris Trusty pointed out that UDOT's concern is not only schoolchildren, but connectivity with other trails, as well.

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.

Mayor Pengra adjourned the meeting at 6:18 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Donna Burnham, Ryan Ireland and Tom Westmoreland. Adam Bradley participated by telephone. Richard Steinkopf was excused.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy Recorder; Linda Peterson, Public Information Director; Ikani Taumoepeau, Economic Development Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:08 p.m.

5. PLEDGE OF ALLEGIANCE

Ryan Ireland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Spring Clean-Up/Dump Passes** – Eagle Mountain City will not be offering spring clean-up dumpsters this year as we have typically done in April, due to demands on staff time. The City offers two free dump passes per household per year. For the month of April we will provide an additional dump pass if needed. Passes are available at the reception desk or Utility Billing office at City Hall. The Ranches HOA also offers two dump passes per year.
- **Household Hazardous Waste Collection Day** – The Utah County Health Department is offering a drop-off of household hazardous waste such as paint, pesticides, medications, and electronics on Saturday, April 11 from 9:00 a.m. to 3:00 p.m. at Provo Towne Center Mall's



west parking lot. For a complete list of acceptable items and more information, please visit [www.utahcountyhealth.org/hhw](http://www.utahcountyhealth.org/hhw).

- **United for Adoption Fun Run** – Join Miss Eagle Mountain Alyssa Diaz for a Fun Run to benefit an adoptive family on Saturday, April 25 from 10:00 a.m. to noon. More information and registration is available on the City website, Calendar.
- **Bicycle & Pedestrian Plan** – On Tuesday, April 28 from 5:00-7:00 p.m., an open house will be held during the food truck roundup at the Eagle Mountain Business Park in The Ranches to offer information about a proposed bicycle & pedestrian plan for the city. Residents are invited to visit the information booth in the food truck area.
- **Miss Eagle Mountain Pageant** – The 2015 Miss Eagle Mountain Pageant will be held on Saturday, May 2 at 7:00 p.m. at Frontier Middle School. Tickets are \$6 and will be available at the door or soon on the City website, Calendar.

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

Fire Chief Rand Andrus stated that he has been transferred to the southeast area of Salt Lake County. He introduced Battalion Chief Ross Fowlks of the Unified Fire Authority, who will be the liaison for Eagle Mountain. Chief Kelsey will be the Assistant Chief for the area including Eagle Mountain. Chief Fowlks said that he's worked for UFA for 25 years. He's looking forward to working with Eagle Mountain. Mayor Pengra thanked Chief Andrus for everything he's done for the City.

Adonna Geddes stated that she's a resident of SilverLake and a former member of the Parks and Recreation Advisory Board. She felt that townhomes would not be an attractive sight at one of the entrances to the City, especially with the possible relocation of the prison to Eagle Mountain. She thanked the Mayor and Council for their time and their service.

Marianne Smith said that she read the Mayor's blog and was happy that he was making inroads in opposing the prison. She asked if there were bumper stickers available. She stated that she spoke to Public Works Director Dave Norman, who told her that the new chipped road surface would not be extended to her end of Lake Mountain Road until next year. Mrs. Smith said she would prefer not to have it graded, because it makes the road worse. She hoped there would be a way to smooth the road surface. She asked when the site for the prison relocation would be finalized.

Mayor Pengra said the Prison Relocation Commission has to make a recommendation to the Governor and the Legislature by August 1 of this year.

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

Councilmember Burnham

No comment.

Councilmember Ireland

Councilmember Ireland thanked the staff for all the effort they put into the preliminary budget that was presented during Work Session.

Councilmember Westmoreland

No comment.

Councilmember Bradley

Councilmember Bradley, speaking by phone, apologized for not being present at the meeting. He thanked Chief Andrus for his hard work for the City, and welcomed the new Chief. He echoed Councilmember Ireland's comment on the budget.

Mayor Pengra

No comment.

9. PRESENTATION – Recognition of Service for the Eagle Mountain City Energy Department.

Mayor Pengra said that the City wanted to recognize the Energy Department for what it has done from 1997 to the present to bring the City from a small place to its current size. He read a plaque that will be hung in City Hall, expressing appreciation and listing the names of the department's employees at the time the gas and electric utilities were sold. Steve Olsen and Adam Ferre accepted the award in behalf of the department.

10. PROCLAMATION – Declaring April 19, 2015 a Day of Congenital Diaphragmatic Hernia Awareness.

Mayor Pengra read a letter and proclamation he received from Josh Hendley, a resident of Saratoga Springs, requesting that Eagle Mountain declares April 19 a day for awareness of congenital diaphragmatic hernia.

Councilmember Bradley expressed his support for those suffering from this birth defect, and to their families.

**MOTION:** *Councilmember Westmoreland moved to approve a proclamation declaring April 19, 2015 a day of congenital diaphragmatic hernia awareness. Councilmember Bradley seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland and Tom Westmoreland. The motion passed with a unanimous vote.*

**CONSENT AGENDA**

11. MINUTES

- A. March 17, 2015 – Regular City Council Meeting

Councilmember Westmoreland corrected the record of his vote on item 12. The “no” vote was his, not Councilmember Bradley's.

12. BOND RELEASE – Out of Warranty

- A. Sweetwater, Plat 3

13. BOND RELEASE – Into Warranty

- A. Sweetwater, Plat 4

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda, with the vote on item 12 corrected. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland and Tom Westmoreland. The motion passed with a unanimous vote.*



## SCHEDULED ITEMS

14. **PUBLIC HEARING – Regarding the Issuance of Not More Than \$600,000 Aggregate Principal Amount of Water and Sewer Revenue Bonds, Series 2015 and to Receive Input from the Public with Respect to any Potential Economic Impact that the Project Described Herein to be Financed with the Proceeds of the Series 2015 Bonds May Have on the Private Sector and Related Matters.**

This item was presented by City Attorney Jeremy Cook. The City Council previously approved a parameters resolution authorizing the sale of sewer and revenue bonds at the March 17, 2015 City Council meeting and set a public hearing for April 7, 2015. The public hearing allows the public to comment on the issuance of the bonds.

These bonds will be funded by a loan from the State of Utah. The funds will be used to construct a sewer line from White Hills to the City wastewater treatment plant.

*Mayor Pengra opened the public hearing at 7:34 p.m. As there were no comments, he closed the hearing.*

Councilmember Bradley asked if the City had considered using the proceeds of the utility sale to pay for the project, rather than bonding for it. Mayor Pengra responded that the State requires the City to manage the loan funds in the form of bonds. This format also allows the developer to participate in the cost.

This item was a public hearing only. No action was taken by the City Council.

### **PUBLIC HEARING**

15. **ORDINANCE – Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2014-2015 Budget.**

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The proposed amendments to the fiscal year 2014-2015 budget include an increase to the landscape maintenance agreement and funds for capital projects for the completion of specific parcels of open space within the City.

Mr. Jerome explained the amendments.

- A college student intern position for the Public Information Office. The intern will assist the Public Information Director and will learn how a municipal public information office functions.
- A full-time employee for the Parks Department to help with the increased open space being maintained by the Parks Department.
- An increase in the landscape maintenance agreement with Elite Grounds, to cover cemetery maintenance and additional park space.
- Engineering costs for the CWP pipeline.
- Completion of improvements in several parks.

Councilmember Bradley said he couldn't support spending \$10,000 on a parade float for Miss Eagle Mountain and her attendants. He felt it would be a frivolous expense. Mayor Pengra stated

that, while this expenditure is difficult for him to accept, one of Miss Eagle Mountain's duties is to represent the City in other cities' parades. He has consulted with the Special Events Director, who believed that the City will receive value from it.

City Recorder Fionnuala Kofoed said that the City used an old, refurbished float for several years. Last year, after that float wore out, the Special Events Department had to rent cars for Miss Eagle Mountain and her attendants to ride in during each parade. The City could rent a float, but renting a car or a float isn't cost-effective. Ms. Kofoed stated that Eagle Mountain has supported the Miss Eagle Mountain program for years, and one of the winner's duties is to be an ambassador for the City. Participating in the parades is good advertising for the City.

*Mayor Pengra opened the public hearing at 7:52 p.m. As there were no comments, he closed the hearing.*

**MOTION:** *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2014-2015 budget. Councilmember Westmoreland seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 3:1.*

16. MOTION – Approval of SilverLake, Plats 14 & 15, Preliminary Plat.

This item was presented by Planning Director Steve Mumford. This subdivision is located on the east side of Woodhaven Boulevard, east of the roundabout at the end of SilverLake Parkway, just north of the Tickville Wash. It includes 96 townhome units, 24 cottage lots (small-lot single-family), 30 single-family lots, a future community park property, a small clubhouse and common open space.

Mr. Mumford described the proposed project and the conditions of approval. The Planning Commission recommended approval, with conditions. There was one dissenting vote, and that Commissioner asked Mr. Mumford to express his concerns to the City Council. Mr. Mumford did so. A detailed discussion of the project was held during Work Session and is found earlier in these minutes.

Councilmember Bradley said several residents have called him about this development. Some of them said they were told at the time they bought their homes that there wouldn't be any townhomes in the area. Mr. Mumford stated that the SilverLake master development agreement has been amended several times. It always included mixed residential development until 2011, when multi-family homes were eliminated. In 2013, the property for this section of SilverLake changed hands and the new owners added townhomes.

Councilmember Bradley asked about the definition of "cluster homes." He didn't feel that the cluster homes in this project complied with the definition in the Municipal Code.

Mr. Mumford said that SilverLake 11 through 13 have similar homes, which were approved by the Council at meeting the definition. The Council has the discretion to interpret the definition in the Code.



**MOTION:** *Councilmember Ireland moved to approve the preliminary plat for SilverLake, Plats 14 and 15 with the revised conditions of approval cited in Work Session, changing condition #2 to state that “side variation” means bay windows.*

Nate Hutchinson of Flagship Homes clarified that Flagship is happy to provide a traffic study, as long as they are only expected to improve roads within the subdivision. City Engineer Chris Trusty explained that a traffic signal, for instance, would be included in the Capital Facilities Plan because it benefits more than one subdivision.

*Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 3:1.*

The conditions of approval are as follows:

1. Stucco shall not exceed 25% of any front elevation and elevation facing a public street.
2. Developer shall improve the side elevations with bay windows rather than bumpouts.
3. The clubhouse shall be a minimum of 1,200 sq ft & \$1,000 per unit cost.
4. All lighting must comply with the City’s “dark sky” lighting standards in EMMC Chapter 17.56.
5. The entryway monument sign at Woodhaven Boulevard and Pony Express Parkway shall be constructed prior to August 31, 2015. A plan/design for this monument must be approved by the City prior to construction.
6. Developer shall cause the easement for the Welby Jacob Canal to be vacated prior to recordation of the plat.
7. A traffic study shall be required with the first final plat, and developer shall comply with all traffic study recommendations.
8. The rear elevations for the townhomes fronting Woodhaven Boulevard shall be as approved by the Planning Commission (the same as the front elevations of the private street-facing townhomes in the project).
9. The front elevations of the private street-facing townhomes shall be as approved by the Planning Commission (including the rock/stone wainscot and entryways).
10. The community park area shall be graded to be appropriate for future park development (to the satisfaction of the City Engineer), and dedicated to the City prior to recordation of the first subdivision plat in this project.

17. MOTION – Approval of SilverLake, Plats 14 & 15, Site Plan.

This item was presented by Planning Director Steve Mumford. This subdivision is located on the east side of Woodhaven Boulevard, east of the roundabout at the end of SilverLake Parkway, just north of the Tickville Wash. It includes 96 townhome units, 24 cottage lots (small-lot single-family), 30 single-family lots, a future community park property, and a small development clubhouse and common open space.

**MOTION:** *Councilmember Ireland moved to approve the site plan for SilverLake, Plats 14 and 15, with the same conditions of approval as the preliminary plat. Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 3:1.*

18. AGREEMENT – Approval of the 1<sup>st</sup> Addendum to the 2014 Elite Grounds, Inc. Agreement for Landscape Maintenance.

This item was presented by City Attorney Jeremy Cook. The proposed amendment for landscape maintenance increases the scope of work to include property that has recently been improved or future dedication of property to the City that will need to be maintained. The fee will be increased by 2.5%

**MOTION:** *Councilmember Ireland moved to approve the 1<sup>st</sup> addendum to the 2014 Elite Grounds, Inc. agreement for landscape maintenance. Councilmember Burnham seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland and Tom Westmoreland. The motion passed with a unanimous vote.*

19. MOTION – Approval of a Request to Remove a Condition of Approval for the Meadow Ranch Storage Subdivision.

This item was presented by Planning Director Steve Mumford. This is a developer request to remove a condition of approval for the Meadow Ranch Storage subdivision, requiring the extension of an eight-foot asphalt trail along the west side of Sunset Drive. The developer's opinion is that the request to install the trail is redundant, as the Alpine School District recently installed a trail along the east side of Sunset Drive with the construction of Black Ridge Elementary School.

Councilmember Bradley asked if the trail the developers want eliminated was part of the original plan when they purchased the property. Mr. Mumford said it was part of the original approval and part of the site plan. Councilmember Bradley stated that the more walking paths are available, the better.

Councilmember Burnham didn't think the developers should be excused from building the trail. They already have a "free" trail because of the trail built by an adjoining developer.

*Councilmember Ireland was excused at 8:30 p.m.*

Scott Weber, one of the applicants, said this is the first he's heard that trails were required on both sides of the road. He felt the students would be less safe if they could easily cross the street at any point along the road. He was also unaware that they could be required to build a trail on property they didn't own.

Mayor Pengra stated that Eagle Mountain is about to approve a budget amendment for improving property that doesn't belong to the City. It will have to construct trails to provide connectivity, only because there are trails that aren't connected. If it's a safety issue, that's fine. He didn't think safety was as much of an issue in this case.

Councilmember Westmoreland asked Mr. Cook if the City could reassign responsibility for the trail to another owner. Mr. Cook said that normally, when property owners divide a property previously owned by one party, they work out responsibility through an internal reimbursement agreement. On the other hand, the project was approved with the trail, and they can be expected to fulfill the requirements of the original agreement.



Mr. Trusty stated that UDOT will expect the trail to be completed before the traffic light is installed. If it's not installed by a developer, it will have to be installed by the City.

Councilmember Burnham wanted to know why UDOT wants the City to connect trails across Wride Highway. Mr. Trusty agreed that it's unsafe to encourage people to cross the highway.

**MOTION:** *Councilmember Bradley moved to deny a request to remove a condition of approval for the Meadow Ranch Storage subdivision. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley and Tom Westmoreland. Those voting no: Donna Burnham The motion passed with a vote of 2:1.*

Councilmember Bradley appreciated the applicants attending the meeting and putting significant effort into explaining their position. He wanted developers to be concerned about children's safety. If a safety concern develops, it will be the responsibility of the school and the parents. The developers won't be held accountable for that.

20. MOTION – Approval of the Utah County 2015 Municipal Recreation Grant Project.

This item was presented by City Recorder Fionnuala Kofoed. Utah County provides an annual recreation grant to cities, funded by the restaurant tax. The Commission has determined the funding for the 2015 Municipal Recreation Grant Program. This year's grant is \$13,292.38. Funding is based on the 2012 Official Census Data population estimates. The proposed project is for the completion of the improvements to property located on the southwest corner of the intersection of Bobby Wren Boulevard and Pony Express Parkway, also referred to as Wren's Roost. The funds will be used to purchase fitness equipment for that park. All County funds are available on a reimbursement basis, meaning the City will purchase the equipment and be reimbursed by the County.

Councilmember Bradley asked where the idea of Wren's Roost park came from. Mayor Pengra said two residents asked about getting fitness equipment for the park. Councilmember Burnham, who lives in Eagle Park, asked her neighbors what they thought. Ms. Kofoed said it was discussed several years ago. Mr. Hickman said five to six exercise stations can fit into the park comfortably.

**MOTION:** *Councilmember Burnham moved to approve the Utah County 2015 municipal recreation grant project. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham and Tom Westmoreland. The motion passed with a unanimous vote.*

21. RESOLUTION – Adoption of a Resolution of Eagle Mountain City, Utah, Approving an Interlocal Cooperation Agreement for Road Project Funding.

This item was presented by City Engineer Chris Trusty. Provo and Eagle Mountain are both members of the Mountainland Association of Governments (MAG). Certain funds available through MAG had been designated for the widening of a portion of Pony Express Parkway in Eagle Mountain City. This project is also eligible for federal aid funds, but the federal funds would require Eagle Mountain to provide a match. In order to maximize the availability of all funding sources, Eagle Mountain City has agreed to allow Provo to utilize the MAG funds for a project in Provo that is not eligible for federal funds, and in return, Provo has agreed to pay the Matching Share, required for the federal aid funds, for the Pony Express Project.



Councilmember Burnham asked if the Provo City Council has approved the agreement. Mr. Trusty said they haven't yet, but he wanted to get it approved sooner than later.

**MOTION:** *Councilmember Westmoreland moved to adopt a Resolution of Eagle Mountain City, Utah, approving an interlocal cooperation agreement for road project funding. Councilmember Bradley seconded the motion. Those voting yes: Adam Bradley, Donna Burnham and Tom Westmoreland. The motion passed with a unanimous vote.*

22. BID AWARD – Award of Bid to Black & McDonald for Streetlight Maintenance and Management in Eagle Mountain.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The proposed bid award is for the comprehensive streetlight management and maintenance of City streetlights that includes, but is not limited to: routine maintenance, emergency repair service, customer service and dispatch, a comprehensive streetlight database, GIS mapping, and compliance with Rocky Mountain Power requirements.

Mr. Jerome stated that the City went out to bid for this project last month. Only one bid was received.

Councilmember Bradley asked why there was only one response to the bid. Mayor Pengra explained that Black & McDonald is the only local firm capable of providing the service. Other cities have had similar results to requests for bids for streetlight servicing.

Councilmember Bradley asked whether the City has the capacity to do the work in-house. Mayor Pengra said it could be done with another full-time employee and additional equipment; however, Black & McDonald has already inventoried all of the streetlights in the City as part of their work for Rocky Mountain Power. They have the capacity to do streetlight plan reviews for new developments and help write new Municipal Code language if needed. They will come out once per month, look at every streetlight and repair as needed. Their system works faster than any other since they're a contractor for Rocky Mountain Power.

**MOTION:** *Councilmember Westmoreland moved to award a bid to Black & McDonald for streetlight maintenance and management in the amount of \$61,831.00 per year, and authorize the Mayor to execute the agreement. Councilmember Burnham seconded the motion. Those voting yes: Adam Bradley, Donna Burnham and Tom Westmoreland. The motion passed with a unanimous vote.*

23. 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 reported that the Military and Veteran Advisory Board changed its meeting date to the fourth Wednesday of the month to resolve the schedule conflict between both the boards she's assigned to. She also said that there is confusion between the Cemetery Board and the Military Board about who should design a veterans' memorial for the cemetery.

Mayor Pengra said that there are no specific plans yet for any section of the cemetery. Right now, all that's being considered is an entry monument and a fence. There have been discussions, but

there has been no assignment yet. Ms. Kofoed mentioned that she's had a discussion with Erika Douglas from the Military Board. She explained that there is no funding, at this time, for a memorial. Ms. Douglas said the Board is interested in looking for funding. Ms. Kofoed said that it was ok for the Veterans Board to research funding options.

Mayor Pengra asked all the Councilmembers, as board liaisons, communicate to their boards how much the City appreciates their help. The boards need to be sure, however, that they don't provide information to the public in the City's name.

Marianne Smith, a member of the Cemetery Board, asked if the board could allow people to come to their meetings to discuss design ideas. Ms. Kofoed said they could.

Councilmember Westmoreland

No comment.

Councilmember Bradley

Councilmember Bradley appreciated being able to participate by telephone. He thanked Mr. Mumford and his staff providing such a thorough report on the SilverLake item.

Mayor Pengra

Mayor Pengra said that the latest information on the prison relocation issue can be found on his blog.

24. 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.

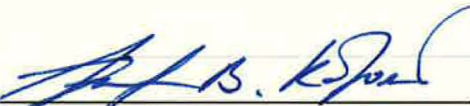
25. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

26. ADJOURNMENT

**MOTION:** *Councilmember Burnham moved to adjourn the meeting at 9:15 p.m. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MAY 5, 2015.



Fionnuala B. Kofoed, MMC  
City Recorder



MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 5, 2015

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: Mayor Chris Pengra, Councilmembers Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Linda Peterson, Public Information Director; Ikani Taumoepeau, Economic Development Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Kent Partridge, Building Official; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:05 p.m.

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

A. UDOT PRESENTATION – Pony Express Extension Project

Sydne Jacques from Jacques and Associates stated that the final microsurfacing of the Pony Express extension will begin on Monday. Scott Henrickson discussed the Pony Express widening project. A center lane will be added from 800 West to Redwood Road. A traffic signal will be added at 200 West. UDOT asked him to share with the Council that the traffic signal and the one at Redwood Road will be timed to improve traffic flow. The trail will be extended from the high school to Porter's Crossing. A trail will also be constructed from 200 West to Redwood Road.

Councilmember Bradley asked where on Pioneer Crossing the construction will be done. Ms. Jacques said it was the piece built last fall from Redwood Road to the connection.

Utah Lake Commission

Mr. Pili introduced Eric Elliott from the Utah Lake Commission. He was recently appointed to the Utah Lake Commission. He stated that the Commission is hosting tours for 4<sup>th</sup> grade classes at Utah Lake State Park. The Utah Lake Festival will be held on June 6<sup>th</sup>. During the last few years, the carp removal program has been successful, with 60% of the carp removed. Invasive phragmites weed removal is being done to allow native species to grow. The lake's water level is low this year, which is to be expected after the dry winter.

Mr. Elliott requested feedback from the Council on management of the lake. One of the current projects is to complete the trail system around the lake, which will link into other waterway trails. The Commission would like to have Eagle Mountain's trails linked into that system.



Mayor Pengra stated that there was some discussion in the past about development credits being used as one of the mechanisms for implementing that. He asked if eminent domain was being considered. Mr. Elliott said that eminent domain is not being considered. There is discussion about adding that back into consideration. At the moment, the Utah Division of Forestry, Fire and State Lake is working with property owners. The Mountainland Association of Governments (MAG) has funding to implement the trail. Development ordinances in cities along the trail area are adopting ordinances requiring trails to be included in new developments.

Councilmember Ireland asked how many miles of the trail from Saratoga Springs to Provo are incomplete and when they will be completed. Mr. Elliott said there's a large gap between Saratoga Springs and Lindon. A few small sections need to be completed between the Murdock Canal Trail and the Provo River Trail.

Councilmember Westmoreland asked how much land around Utah Lake is privately owned versus publicly owned. Mr. Elliott was unsure, but there are some areas in dispute between the State and private owners.

Councilmember Westmoreland asked why the landowners around the lake haven't developed their land into recreational use. Mr. Elliott responded that for many years, the public perception of the lake was bad because it was very polluted. Before it was polluted, it was a popular recreation destination. Now that the lake is cleaner, recreation facilities are starting to be built. There will be dredging in some bays of the lake.

Councilmember Burnham asked which bays would be dredged. Mr. Elliott said it would be the inner harbor at Utah Lake State Park and the channel accessing the lake.

Councilmember Steinkopf asked about quagga mussels. Mr. Elliott said none have been seen in Utah Lake, although juvenile quagga mussels have been found in Deer Creek. Boats need to be sanitized before leaving Deer Creek to make sure the mussels are not carried into the lake. Councilmember Steinkopf asked about connecting Eagle Mountain to the Lakeshore Trail to Saratoga Springs. Mr. Elliott said that a trail to Redwood Road is very close to the trail in Saratoga Springs.

Councilmember Bradley asked about the bridge that's been proposed across Utah Lake. Mr. Elliott said that it will probably be built in the future, but there's not enough residential development yet to make the project economically feasible.

Mayor Pengra said he had a conversation with Shawn Seager, a planner at MAG, about the Utah Lake Crossing bridge. The bridge is part of the long-term vision plan, which means that there are no specific plans for it. It's expected to be a toll road, which won't be feasible for many years.

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

Mayor Pengra noted that item 14, the agriculture protection area, has been removed from the agenda.

## 12. Code Amendments – Parks and Open Space

Mr. Mumford stated that the Planning Department reviewed the City's parks and open space requirements. They came up with the following goals:

- Creative, unique, destination parks
- Better improvements and amenities (not just the bare minimum or the basics)
- More quality and less quantity
- Parks improved earlier in the process
- Finished parks
- Parks designed as a key feature in developments, not just the unbuildable or left-over pieces
- Encouragement of larger parks, combined with other projects
- Simplification of the process for developers

To achieve those goals, the Planning Department proposes a simpler process for calculating park requirements, 1000 sq. ft. per unit, rather than buildable acreage. Park classifications would be combined into "improved open space." Developers would still be able to buy down some of the acreage, upon Council approval, by improving the amenities provided within the parks. If less than two acres of improved open space are required, developers would have the option of paying a fee-in-lieu for improvement of nearby parks. Natural open space areas would not count towards improved open space, although trails would be counted by linear foot.

Parks would need to be completed with the project infrastructure, unless it was not reasonable possible. In that case, a 200% bond could be required.

Councilmember Burnham asked whether that was considered a taking, or would the release of the bond prevent that. City Attorney Jeremy Cook said that, according to State law, it would not be a taking. There is some dispute about interpreting that section of the law.

The point system for park improvements would be changed to allow a point value based on actual costs of equipment, not ground preparation or equipment installation. The current system is 70 points per acre. The new system would be 100 points per acre, but the change in calculation would mitigate any increase in costs. Most of the calculations would be based on \$500 per point.

Councilmember Westmoreland suggested giving more weight to larger, better-quality trees. Mayor Pengra noted that trees installed younger adapt and grow better than larger trees.

Parks would be required to be built on less than a 15% slope, which is already required in the Municipal Code and makes it less likely that parks will be built on unbuildable land. Acreage minimums would be implemented, with a fee-in-lieu required in the event of a smaller acreage requirement. The Planning Commission preferred to keep small, neighborhood parks, so that requirement might be dropped.

It might be feasible to ask residents for suggestions as to what they would prefer in park amenities. The Planning Department has also studied what park amenities are most desirable nationally. Many of these are themed parks, or special-needs accessible.

Councilmember Ireland asked about how the City would encourage co-location of parks and schools. He was concerned about the fee-in-lieu possibly being based on a timeline determined by



the City Council. He felt that any directions from the City to developers should be specific. Mr. Mumford agreed that should be stricken or made more specific.

Councilmember Ireland asked if the Parks and Recreation Advisory Board has seen the plan. Mr. Mumford said they hadn't. Mayor Pengra stated that the Board hasn't been able to convene a quorum in quite a while.

### 13. Municipal Code Amendments – Septic Systems

*Item 13 was discussed prior to item 12.*

Planning Director Steve Mumford stated that this was a discussion item recently, followed by feedback from the City Council. The Planning Department's research indicates that the Environmental Protection Agency estimates that approximately 20 – 25% of all U.S. homes use septic systems. Of those, 10 – 20% malfunction each year. Several months ago, the Utah County Health Department spoke to the Planning Department about their concerns about the number of septic systems in use in Eagle Mountain, mostly north and south of Cory Wride Highway. Other master plans have been approved to use septic systems. The Health Department is concerned about potential oversaturation that could eventually lead to groundwater pollution and bedrock that could lead to sewage to surface. Some of the lots in Valley View are half-acre lots, which don't allow enough room for the required redundant septic systems. The Municipal Code allows septic systems on lots as small as half an acre and on lots over 300 feet from the nearest sewer line.

The Planning Department proposes the following Code amendments:

- Septic Systems would only be allowed in the following situations:
  - Lots in an existing septic system subdivision
  - Property larger than 5 acres and not in a subdivision
  - Lots larger than 2 acres and at least ¼ mile from an existing sewer line
- A plat note would require owners to connect once a sewer line is within 300 feet of the building, and to support an assessment area, if proposed.
- The City may require property owners to connect to the sewer system at the property owner's expense if the septic system is polluting the storm water or groundwater, impairing any culinary wells, or violating the Water Source Protection Overlay Zones (which Planning is working on adding to the zoning map).

Councilmember Burnham asked for a definition of "subdivision" in this case. Mr. Mumford responded that it would include any subdivision plat that is approved and recorded at Utah County, no matter how few lots it contains.

Mayor Pengra asked what the estimated cost is to connect a home to a sewer line 300' feet away. City Engineer Chris Trusty said the line itself could be \$30.00 per linear foot, as well as manholes, easements and/or rights-of-way.

Councilmember Bradley asked how deep the City's wells are and if the City's groundwater is at risk. Public Works Director Dave Norman said the well pumps are set between 500 and 600 feet. Groundwater levels start around 300 feet, depending on the location being drilled.

Craig Bostock, Water Quality Program Manager of the Utah County Health Department, stated that the Department isn't sure whether the ground water is at risk. However, the volume of

wastewater that's being discharged into the ground is in a very localized area. Proper geotechnical studies haven't been done. There could be an unknown access from the bedrock to the groundwater.

Councilmember Bradley said he hesitated to enact new legislation based on an unknown. Mr. Bostock stated that it's a grave concern to the Health Department because of the high concentration of septic systems in a small area. There is some permeable bedrock known to be in the nearby area.

Councilmember Ireland asked for a comparison of nearby cities' septic issues.

Mr. Bostock said that northeast Provo used to be solely on septic systems. A few lots still have no access to sewer systems. Provo no longer allows residential septic systems. Genola is entirely on septic systems, with a minimum lot size of 2.2 acres. The Utah Administrative Code states that each bedroom in a home equates to 150 gallons of sewage per day.

Mayor Pengra asked if there are many examples of groundwater pollution from septic systems in Utah. Mr. Bostock said there were serious issues in the Duchesne County area. Two homes were swallowed by a sinkhole and three or four others were rendered unlivable. There has never been a statewide nitrate study in groundwater. Nitrates are the disease-causing elements in fecal matter. Mr. Norman said that Eagle Mountain does local studies, which have not shown dangerous levels.

Mayor Pengra asked what aspects of local geography cause specific concerns. Mr. Norman stated that the rock on the foothills is fractured, not solid. City water percolates from the west canyons through the foothills near the northern edge of the City.

Mr. Bostock stated that the deepest system that can be constructed on a half-acre lot is a deep-wall system, which only allows for disposal of waste, not treatment. No water can evaporate into the air.

Tyler Plewe of the Health Department said that a deep trench system is designed for areas that will only allow for that kind of system, like high mountain areas. Eagle Mountain has enough flat land for conventional systems.

Councilmember Bradley asked what ordinances the County, State or City has that requires landowners to use a particular system. Mr. Plewe said landowners are free to choose which system to use.

Councilmember Bradley asked if one acre would be an acceptable size for a conventional septic system. There are very few two-acre lots in the City, so the proposed requirement for two acres doesn't fit. He asked if there were any studies about acceptable densities throughout the U.S. He wanted to know what density would create an actual problem. Mr. Bostock said in Utah it's a potential problem, since nitrate studies aren't done here. They are done in other areas of the U.S.

Councilmember Steinkopf asked how many lots have been approved with septic tanks north of Wride Highway. Mr. Mumford didn't have the exact number, but it's in the hundreds. Most of them are one acre or larger.



Councilmember Bradley stated that one of the things that makes Eagle Mountain a great place to live is the opportunity to build on large lots. However, he felt that one-acre lots are large enough to incentivize developers to build here.

Mr. Norman stated that one-acre lots don't have a wide enough frontage to make the cost of installing a sewer system prohibitive. Two-acre lots would be more restrictive.

Mayor Pengra invited Scot Hazard, a developer working north of Wride Highway, to make some comments. Mr. Hazard said that his primary concern is in private property rights. He felt that requiring larger lots for septic systems constitutes a "taking" of sorts. Prohibiting septic systems on half-acre lots reduces the value of the lots. He suggested that the City collect impact fees for sewer systems to be installed along with other utility infrastructure. He felt that the large amounts of water being discussed by the Health Department are primarily gray water, not sewage. Also, it's very expensive to require residents to retroactively change from septic systems to sewer once a sewer line is built nearby. He suggested getting more information before adopting additional regulations. The only failures of septic systems he knew of in Eagle Mountain have been in improperly installed systems that were easily repaired. He didn't know of any lots that have been required to have redundant septic systems. He didn't feel that groundwater was a consideration, since no nitrogen escalation has been seen. His property in Michigan has a septic system next to shallow groundwater, with no problems. He suggested any new regulation be based on very specific data.

Councilmember Ireland asked Mr. Hazard why installation of sewer lines is treated differently from other infrastructure required to be constructed before homes can be built. Mr. Hazard stated that gas, power, water and telephone don't have to flow downhill. Lift stations are unreliable. Depth and distance are limiting factors. If sewer service was readily available to him, he would have installed it because it's a good selling point.

Mr. Bostock noted that all the residential lots in Arrival, Valley View and Clearview are using mechanical lift stations lift waste into the septic tanks from the basements. Septic tanks are required to be buried not more than four feet into the ground, which requires pumps. The purpose of the regulation is to protect groundwater. The Health Department is in full support of the proposed regulations. The fact that there are unknowns doesn't eliminate the need for proactive solutions.

#### 15. Approval of a Land and Water Fund Grant Application

Economic Development Director Ikani Taumoepeau described the grant application. This grant is intended to improve sports fields in Cory Wride Park. The grant application was approved by the State last year. It requires the City to match 50% of the funds. The match can come from park impact fees or a loan from proceeds of the utility sale, or some other way.

Councilmember Westmoreland asked how long it would take to finalize the grant. Mr. Taumoepeau responded that the application is essentially approved. An environmental assessment needs to be completed and the National Park Service needs to give its approval before the work can begin.

#### 16. FY 2015-2016 Tentative Budget Ordinance

Asst. City Administrator/Finance Director Paul Jerome described the changes that have been made to the proposed budget since the presentation at the March 16 meeting.



### General Fund -- \$7.9M

- Travel and Training, Memberships and Crossing Guard Supplies were decreased.
- Animal Control and Blue Stakes were increased.
- Plat fee revenues were changed to more closely reflect projections.

The net effect of the changes to the General Fund was a \$14,000 decrease.

### Enterprise Funds (Solid Waste, Water, Wastewater, Storm Water) -- \$6.8M

- One additional water technician for retrofitting, repairs and growth of the water system
- Maintenance fees for CWP water shares

### Capital Projects

- \$20,000 to cover road improvements to prepare for a UDOT signal light on Wride Memorial Highway at Sunset Drive.
- \$17,500 to rebuild the Council Chambers audio system.
- \$25,000 to replace school zone signs & lighting with solar-powered, programmable signs.

### 17. Storage Building Site Plan

This is an application for a storage shed to be located on a leased area of a parcel in an Industrial Zone near the Eagle Mountain Community Development Building. The applicant is requesting a waiver of some of the development standards required in an Industrial Zone: architectural review, landscaping, uses within buildings, trash storage and screening requirements.

The application was considered at Development Review Committee and Planning Commission meetings. They recommend approval with the following conditions:

- Only storage of equipment is allowed within the structure.
- Maintain gravel access road to provide year-round emergency access.
- Provide portable fire extinguishers inside the building.
- Provide street improvements for frontage as required by the City Engineer.

Mayor Pengra invited the applicant, Willis Miller, to discuss the application. Mr. Miller explained that he leases the property from Monte Vista Ranch. He wants to have his earth-moving equipment protected from the weather. The lot has a temporary power pedestal, which hasn't been used in about a year. The building doesn't need power, water or plumbing because it's only a dry storage shed. Mr. Miller has constructed a gravel road on the property as part of the lease agreement with the landowner.

Councilmember Westmoreland asked if fuel would be stored on the site. Mr. Miller said there are empty fuel tanks on the site. If fuel onsite is a problem, he won't store any there. Councilmember Westmoreland asked if any liability issues would be created if the Fire Department was able to contain a fire, but not put it out, because of lack of a fire hydrant. Chief Ross Fowlks said that the Fire Marshal has reviewed the plan. Even if there was inadequate access to the site, other structures are far enough away that there wouldn't be any danger of a fire spreading.

Councilmember Burnham asked whether approving this request would make any exceptions that have not been granted to Brent Sanderson, an adjoining property owner who has made requests in the past that have been denied. Mr. Mumford stated that he remembered Mr. Sanderson requesting a repair shop or an RV storage lot. Either would require more conditions than a storage shed.

Councilmember Ireland noted that Mr. Willis is planning to store only his own equipment there.



### 17. Consolidated Fee Schedule

Mr. Jerome stated that the City's utility sale left it without a way to manage the streetlights. Repair, replacement and power will have to be paid. The Council has approved a maintenance agreement with Black and McDonald. The streetlight fee would pay for that agreement with a small fund margin to cover cost increases.

Mayor Pengra said one of the most frequent complaints he gets from residents is dissatisfaction with streetlights. The fund margin will quickly be used up by bringing streetlights up to acceptable standards. There is an issue, however, with the fact that the City doesn't have a current, written standard for placement of streetlights. One of the services offered by the maintenance contract is writing a streetlight plan in conjunction with City Planning staff.

Councilmember Westmoreland asked if the fee would be charged to all residents, whether or not they lived in a subdivision with streetlights. Mr. Jerome responded that because everyone drives on major roads in the City, everyone uses streetlights.

3. 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 Ireland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:28 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Linda Peterson, Public Information Director; Ikani Taumoepeau, Economic Development Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Kent Partridge, Building Official; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:19 p.m.

5. PLEDGE OF ALLEGIANCE

Ifo Pili led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

**Pony Express Rodeo** – The Pony Express Special Events Committee is holding the 2015 Pony Express Rodeo on May 22, 23, and 25. The committee will also be holding a demolition derby on the last night of Pony Express Days, June 6. Tickets for both events are available on their website at ponyexpressspecialevents.com.

**City Offices Closed** – The City offices and Library will be closed on Monday, May 25 in observance of the Memorial Day holiday. The Library will also be closed on Saturday, May 23.

**Prison Relocation Open House** – The Utah Prison Relocation Commission will host an open house/Q&A session on Tuesday, June 2 from 4:00-9:00 p.m. at Frontier Middle School. From 4:00-9:00 p.m., attendees can browse informational displays and talk with staff members from the PRC, the Utah Department of Corrections, the Commission on Criminal and Juvenile Justice, and the PRC's consulting team. From 7:00-9:00 p.m. there will be a moderated Q&A session.

**Pony Express Days** – Pony Express Days will be held from June 2-6. The event schedule and information will be posted on the City website at eaglemountaincity.com/PED by the end of this week. Enjoy fun traditions like the carnival, parade, 5K and family fun night, as well as new events like a dodge ball tournament and pancake dinner. Vendors, talent stage performers, and volunteers wanted. Contact the Events Department.

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

Carla Flores, a resident of Pioneer Addition, spoke about allowing one-acre lots along Lake Mountain Road. Her family would like to buy a lot on Lake Mountain Road, but can't afford two acres. Mayor Pengra asked if she was referring to the proposed septic tank standards, which she said she was.

Kristy Barnes, a resident of Pioneer Addition, also wanted to live on Lake Mountain Road, but couldn't afford a two-acre lot.

Mayor Pengra said there will be a public hearing on the septic tank issue later in the meeting and asked that the others who wanted to speak on that issue wait for that public hearing.

Wendy Lojik thanked the City for its support of the Miss Eagle Mountain Pageant. She said it's a great program that teaches all the girls new skills and provides scholarships for some of them.

Fred Peebles spoke on the streetlight maintenance fee. He felt that the 6% energy sales and use tax should cover the cost.

Colby Curtis thanked the Mayor and Council for being fiscally responsible, however, he felt that it's time to spend some of the \$50,000 allocated to fighting the prison relocation. There's a Prison Relocation Commission meeting coming up that should be attended by City residents. Mayor Pengra said that a notification will go out as part of the City newsletter. Additionally, electronic signs will be placed on main roads a week prior to the meeting. Mayor Pengra invited residents to send emails with any additional suggestions.

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



### Councilmember Steinkopf

Councilmember Steinkopf welcomed those attending the meeting and encouraged them to make comments. He asked everyone to drive carefully when school gets out at the end of the month.

### Councilmember Burnham

Councilmember Burnham asked for volunteers to act as advisors to the Youth City Council. The last Youth City Council meeting had no attendance except for her and councilmember Ireland. The program desperately needs someone to lead it.

### Councilmember Ireland

Councilmember Ireland echoed Councilmember Burnham's comments. He thanked everyone who has commented or will comment. He invited everyone to enjoy Pony Express Days, the rodeo and the demolition derby.

### Councilmember Bradley

Councilmember Bradley appreciated how cordial and inviting Mayor Pengra is in encouraging residents to speak at the meetings. He encouraged everyone to participate in the budget process, even if it's only one question. He echoed the request for Youth Council advisors. He attended the Miss Eagle Mountain Pageant; it was great to see a group of young women showing their talents and they deserved all the recognition and praise they received. He encouraged everyone to support Pony Express Days, both the City events and the other events. Most importantly, he asked residents to support the effort against moving the prison to Eagle Mountain. There will be a meeting at Frontier Middle School on June 2 that needs to be well-attended. He asked the City to do everything in its power to educate the public, including a stand-alone flyer sent to every home, banners along the streets, a dedicated portion of the website, a booth at Pony Express Days, and a spot in the parade. He felt that the City should hire a lobbyist to lobby the Legislature. Even if the City is selected by the Prison Relocation Commission, the Legislature could vote it down.

### Councilmember Westmoreland

Councilmember Westmoreland said the Mayor and staff have done a remarkable job in fighting the prison being relocated to Eagle Mountain. However, the fight isn't over. Whether or not a lobbyist is in order, he supported every avenue of educating the public. In addition, events like Pony Express Days are put on by volunteers and encouraged everyone to attend. He said that one of the great things about Eagle Mountain is the open space. As the City grows, residents need to be more conscientious about doing outdoor activities away from residential areas.

### Mayor Pengra

Mayor Pengra echoed what has been said on the prison relocation issue. It's very important that everyone possible attends the meeting on June 2. Sparse attendance will give a message that the residents do not oppose having the prison in Eagle Mountain. He urged residents to invite their neighbors and ask their neighbors to invite others.

9. PRESENTATION – ACE Disposal, Inc. recycling program, presentation of check to Rockwell Charter High School.

Eagle Mountain's agreement with ACE Disposal includes a donation of a percentage of ACE's revenue from the recycling program to City schools. Representatives of ACE Disposal presented a check to Rockwell Charter High School.

## CONSENT AGENDA

### 10. MINUTES

A. April 7, 2015 – Regular City Council Meeting

### 11. BOND RELEASE – Into Warranty

A. Parkside, Phase A

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Bradley seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

## SCHEDULED ITEMS

### PUBLIC HEARING

### 12. ORDINANCE – Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City Municipal Code.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amends Chapters 16.30, 16.35, 17.10, & 17.30 of the Municipal Code for the City's parks and open space standards.

Mr. Mumford reviewed the goals discussed in Work Session, which are noted in the Work Session section of these minutes.

*Mayor Pengra opened the hearing at 8:06 p.m.*

Colby Curtis asked if this proposal addresses the issue of developers using unbuildable land, such as land under power lines, to count as park space. Mr. Mumford said those parks would be allowed in some cases, but there is some flexibility.

Doug Sutton asked if the proposal removes density as a standard. Mr. Mumford responded that the standard would change from acreage-based to density-based.

*Mayor Pengra closed the hearing at 8:11 p.m.*

Councilmember Burnham was concerned about subdivisions that don't have HOAs. They wouldn't have HOA-maintained neighborhood parks. The homebuyers might be paying towards a larger park that was farther away. She also felt that 200% would be an excessive park bond. She would prefer 125%.

Councilmember Ireland calculated that a subdivision of 88 lots would be required to have a park, based on the two-acre minimum. Subdivisions of 87 lots or lower would be required to pay a fee-in-lieu, which might be applied to a larger, nearby park.

Mr. Mumford read a section of the proposed standards. "Parks smaller than two (2) acres will generally be maintained by the community association or local homeowners' association. If no



HOA exists or will exist for the project, a fee-in-lieu or improvement of an existing public park may be required.”

Councilmember Bradley clarified that the new standard would prevent the City from having to maintain parks of less than one acre.

Councilmember Westmoreland asked what would happen to a developer’s park bond if the developer goes out of business. Mr. Mumford said that the City would use the money to complete the park. If there is an HOA in place, the City would need to have a completion agreement with the HOA.

Councilmember Westmoreland asked if a lower bond amount would increase the risk that the City wouldn’t have enough money to complete the park. City Attorney Jeremy Cook said that is currently handled by limiting the number of building permits that can be pulled before the park is built. However, this is a more difficult process.

Councilmember Ireland asked about the difference between a park escrow bond and a park fee-in-lieu. Mr. Mumford explained that a fee-in-lieu applies if the developer is not going to install a park. Since it’s a cash payment, it’s timed differently to prevent the developer from having to pay a lot of money up-front. Councilmember Ireland felt that both processes should have the same timing.

Mr. Cook suggested requiring the fee-in-lieu for each plat at recordation, rather than limiting building permits if a park isn’t installed by the required deadline.

Councilmember Ireland proposed the following first sentence for section 11: “If the applicant elects, or the City Council requires the applicant, to pay a fee-in-lieu of park construction, the fee is due with the recordation of each plat.” Mr. Cook and Mr. Mumford agreed to that.

Councilmember Burnham stated that, in the early days of the City, park money went into the General Fund, which meant that residents might not receive a park near their homes. Finance Director Paul Jerome said it would be possible to receipt the money into an account that specified what general area the money should be used for.

Discussion ensued on how those funds can be receipted to benefit the residents of those specific developments.

Mayor Pengra pointed out that the City Council regulates those expenditures and the residents can hold the Council accountable.

Councilmember Ireland asked if he could delete the word “generally” from the line in section 8 that refers to ten-year storm water detention basins. City Engineer Chris Trusty said that would be acceptable.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, Amending Chapters 16.30, 16.35, 17.10, & 17.30 of the Eagle Mountain Municipal Code, with the following changes:*

*In Section 16.35.105,*

- *Section 8, sentence 1, delete the word “generally”*

- *Section 10, sentence 1, change the park escrow percentage from 200% to 150%;*
- *Section 11, the first sentence to read, “If the applicant elects, or the City Council requires the applicant, to pay a fee-in-lieu of park construction, the fee is due with the recordation of each plat.”*
- *Section 11, second sentence to read, “The fee-in-lieu is calculated at \$5.75 per square foot of required park space.”*
- *Section 11, final sentence to read, “If the developer is required to improve an existing park, the improvements shall be made prior to recording the first plat.”*

*Councilmember Burnham seconded the motion.*

The Council discussed creating a list of specific trees that developers can choose from to be planted in parks. Mayor Pengra said that Brad Hickman, the Recreation Director, reviews all park plans.

*Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

Councilmember Ireland thanked Mr. Mumford and all of the staff who worked on this ordinance. He said it’s a big step forward for the City.

#### **PUBLIC HEARING**

#### 13. ORDINANCE – Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City Municipal Code.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amends Chapters 13.20, 15.45, & 17.25 of the Municipal Code for the City’s septic system standards.

Mr. Mumford reviewed the presentation he made during Work Session, which is noted in the Work Session section of these minutes.

Councilmember Westmoreland asked for information on percolation tests. Mr. Trusty explained that a percolation test is only done about ten feet deep. It doesn’t give any information on the subsurface strata.

*Mayor Pengra opened the hearing at 8:50 p.m.*

Doug Sutton thanked the Mayor and Council for the opportunity to speak. He owned a construction company and was a licensed septic installer. He said that septic systems fail because they’re designed, installed or maintained improperly. He would like to have a one-acre lot and felt that many other people would, as well.

Karen Scott agreed with Mr. Sutton. She said that her well was over 500 feet deep and a septic system would not contaminate her well. A two-acre lot size minimum for a septic system would be cost-prohibitive for young families. She thanked the Mayor and Council for having part of Lake Mountain Road surfaced with rotomill grindings. The road is much safer to drive on.

Marianne Smith thanked the Mayor and Council for the discussion on the park ordinance. She was concerned about the two-acre lot size minimum for septic systems. She had just submitted a plan



for eleven one-acre lots. She said the Lake Mountain Road area was originally planned to have larger lots with nicer homes. She was amazed that the Health Department had no statistics on the Eagle Mountain area. Her well is over 600 feet deep and wouldn't be polluted by a septic system. A septic system uses microbes to clean the water and the effluent that comes out of it is gray water. She and her neighbors felt that the community needs to grow in the right direction. She was concerned about people who would like to get out of small subdivision lots, but not leave the City. She wanted to know where executives of new businesses would live, or those with solar homes. She felt the proposed ordinance is arbitrary, because an acre is plenty of room for a septic system.

Ken Olsen, who owns property on Lake Mountain Road, opposed the amendments. He felt that it would devalue the land and make landowners subject to their neighbors. If a neighbor didn't develop their land, an owner could be stuck with worthless land. He felt the State should be the governing body. He wanted the flexibility to put lots of various sizes on his land. A two-acre minimum would be very limiting. He didn't think there was any evidence of ground water pollution. He felt there was evidence that septic systems charge the groundwater. He said there can be problems with any kind of water treatment system. He has final plats already approved in Valley View and wanted to know if amendments to the Code would affect those. Mayor Pengra said the master development agreement will stand.

Gary McDougal said basements get flooded with sewage because they're connected together by sewer lines. A disaster that put a treatment plant out of operation would create a larger problem downhill than separate systems. He felt that the amendments would affect property rights. It's easier to take away property rights than to get them back. He said oversaturation wasn't an issue. He didn't think there was any evidence of groundwater pollution, or that potential pollution was an issue. The EPA reports of failure rates included systems in high-water-table areas.

Lee Brown said he lived on the other side of the valley and felt that changing the Code for one problem that hasn't been proven was extreme. He said the Environmental Protection Agency (EPA) is doing a land grab of surface water.

Mayor Pengra said he designed a sewer system for an orphanage in Mexico. There are three ways to clean wastewater: mechanical, biological and chemical. The biggest issue is the smaller lots, where a mistake in operating the system could kill the biological organisms that break down the effluent. Then the system clogs and sewage clogs the porous nature of the soil, which over saturates the ground and breaks down the mechanical process.

[Inaudible comment from audience.]

Mayor Pengra said he agreed with the comment, but on half-acre lots, there's not much room. Once the leach field is killed, it's dead for a long time.

[Inaudible comment from audience.]

Mayor Pengra said the concern is the deep well systems. As remote as the problem could be, half-acre lots are too small. One-acre lots would be more acceptable, but there has to be room to install a secondary system. He was also concerned about the "leapfrog" development in the City. He would prefer development from the center out.

*Mayor Pengra closed the hearing at 9:18 p.m.*

Councilmember Burnham asked where in the Code it said that half an acre is the minimum requirement.

City Engineer Chris Trusty said the Code doesn't specifically say half an acre. The City defers to the County requirement. Public Works Director David Norman explained that the standard is based on soil types. The County requires that a replacement system (a house and two septic systems) can't be designed on less than half an acre.

Councilmember Burnham wanted to know if the Code could be changed from half an acre to an acre if half an acre isn't specified in the Code. Mr. Norman said it would supersede the State, which most of the cities do by not allowing septic systems. Cities can't be more lax than State Code, but they can be stricter.

**MOTION:** *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code to set a minimum lot size of one acre for septic systems. The motion failed for lack of a second.*

**MOTION:** *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code as presented in the staff report, with the exception of changing the minimum lot size for septic systems from two acres to one acre. Councilmember Ireland seconded the motion.*

Councilmember Burnham expressed concern that if a resident builds a house with a septic system on a one-acre lot, they'll have to spend tens of thousands of dollars to connect to a sewer system if one is built later within 300 feet of their home. She felt that was an unfair requirement.

Councilmember Ireland pointed out that the proposed changes don't say anything about timing. Section D says only that buyers will be informed ahead of time that they may have to hook up to a sewer system in the future.

Mr. Mumford clarified that the one-acre minimum is a net one-acre lot, including easements.

*Those voting yes: Adam Bradley, Ryan Ireland and Tom Westmoreland. Those voting no: Donna Burnham and Richard Steinkopf. The motion passed with a vote of 3:2.*

The Code changes called out in the staff report are as follows:

- Septic systems would only be allowed in the following situations:
  - Lots in an existing septic system subdivision
  - Property larger than 5 acres and not in a subdivision
  - Lots larger than 1 acre and at least ¼ mile from an existing sewer line
- A plat note will require owners to connect once a sewer line is within 300 feet of the building, and to support an assessment area, if proposed.
- The City may require property owners to connect to the sewer system at property owner's expense if the septic system is polluting the storm water or groundwater, impairing any culinary wells, or violating the Water Source Protection Overlay Zones.



**PUBLIC HEARING**

14. MOTION – Consideration of a Proposal to Create an Agriculture Protection Area on 182.85 Acres of Property.

This item was removed from the agenda.

**PUBLIC HEARING**

15. MOTION – Approval of a Land and Water Conservation Fund Grant Application for an Outdoor Lighting System for the Cory B. Wride Memorial Park.

This item was presented by Economic Development Director Ikani Taumoepeau. Eagle Mountain City is proposing to submit an application for a Land and Water Conservation Fund Grant. This is a federal grant to the State of Utah that is sub-granted to local governments for specific outdoor recreation projects. If the City is successful in obtaining the grant, the funds will be used to pave a parking lot and walking trails, and install lighting near the baseball quad at Cory B. Wride Memorial Park.

Mr. Taumoepeau stated that the State approved this grant application last November. The total project cost is \$578,000. The City would be reimbursed \$289,000. The grant is administered by the National Park Service and funded by fees paid by companies drilling for oil and gas offshore. Federal approval is required before the City receives the funds.

Councilmember Bradley had some concerns about the park. The first was blowing dust. He wanted to know if the paving would be enough to lessen that. Mr. Taumoepeau said it wouldn't be enough, because the park is out where there's no wind barrier. However, the pavement will be an improvement. This project is the largest expenditure in this phase of the park improvement project.

*Mayor Pengra opened the hearing at 9:49 p.m.*

Tyler Shimakonis, a member of the Parks and Recreation Advisory Board. He commended City staff for getting this grant application approved. The City committed to completing this park several years ago. The grant allows Eagle Mountain to get more done with less money. He officiates a lot of sports, and he sees adults and families participating. The Parks and Recreation Advisory Board supports the approval of this grant.

Ben Reaves, a member of the Parks and Recreation Advisory Board, said this is the first real, large-scale opportunity to add value to the park and to the residents' recreational activities.

*Mayor Pengra closed the hearing at 9:53 p.m.*

Councilmember Bradley said that the City is at the tipping point of whether Cory Wride Park will be properly completed or not. Approving this indicates that the City is willing to finish the park entirely.

Mayor Pengra asked if the Council was opposed to using part of the utility sale proceeds to improve this park.

Councilmember Ireland was in favor, but he encouraged that it be carefully planned, prioritized and budgeted. He wanted the use of the utility sale proceeds to be tracked, so in the future it will be clear what the City gains from the funds.

Mr. Pili pointed out that there is \$300,000 in park impact fee funds. The addition of the grant will allow the project to be completed without any funds from the utility sale proceeds.

**MOTION:**        *Councilmember Bradley moved to approve a Land and Water Conservation Fund grant application for an outdoor lighting system for the Cory B. Wride Memorial Park. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

Councilmember Ireland stated that he really appreciated Mr. Taumoepeau's initiative in finding this grant. However, he objected to the grant coming through the National Park Service. The fees paid by offshore drillers are administered at the federal level, then passed down to the state level. He didn't think offshore drilling should be used to fund sports lights in Eagle Mountain City. He felt that Eagle Mountain residents should pay for Eagle Mountain sports facilities.

16. RESOLUTION – Approval of a Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2015-2016 and Setting a Public Hearing for Adoption of the Final Budget.

This item was presented by Finance Director/Assistant City Administrator 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 19, 2015 and the final budget will be adopted on June 16, 2015.

Mr. Jerome described the changes that have been made since the tentative budget was released:

General Fund -- \$7.9M

- Travel and Training, Memberships and Crossing Guard Supplies were decreased.
- Animal Control and Blue Stakes were increased.
- Plat fee revenues were changed to more closely reflect projections.

The net effect of the changes to the General Fund was a \$14,000 decrease.

Enterprise Funds (Solid Waste, Water, Wastewater, Storm Water) -- \$6.8M

- One additional water technician for retrofitting, repairs and growth of the water system
- Maintenance fees for CWP water shares

Capital Projects

- \$20,000 to cover road improvements to prepare for a UDOT signal light on Wride Memorial Highway at Sunset Drive.
- \$17,500 to rebuild the Council Chambers audio system.
- \$25,000 to replace school zone signs & lighting with solar-powered, programmable signs.

**MOTION:**        *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, adopting the Eagle Mountain City tentative budget for fiscal year 2015-2016*



*and setting a public hearing for adoption of the final budget. Councilmember Burnham seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

17. MOTION – Approval of a Site Plan for a Storage Shed.

This item was presented by Planning Director Steve Mumford. The site plan application is for a storage shed for construction equipment on a 131.7 acre parcel owned by Monte Vista Ranch LC. The building is a steel structure that is approximately 56' x 40'. The site is located west of the City's Public Works facilities.

**MOTION:** *Councilmember Ireland moved to approve a site plan for a storage shed, with the following conditions:*

- 1. Only storage of equipment is allowed within the structure.*
- 2. Maintain gravel access road to provide year-round emergency access.*
- 3. Provide portable fire extinguishers inside the building.*
- 4. Provide street improvements for frontage as required by the City Engineer.*
- 5. There can only be one tenant.*

*Councilmember Burnham seconded the motion.*

Councilmember Bradley objected to allowing an exemption from the Municipal Code.

Mayor Pengra was concerned about the utilities that were set up on the other side of the property line, and with the history of the property and how it's been used in the past. Mr. Miller has had electricity on the property for a long time. He wants to have water there. If this is approved, there will be a permanent structure that would normally require an 8" water line and a looped water system. It's unknown what else will be built near the property.

Councilmember Westmoreland asked if the Council was making a distinction between a shed and an industrial building. Mr. Mumford said that isn't defined in the Municipal Code.

*Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 4:1.*

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

*Item 18 was discussed prior to item 16.*

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. Prior to the sale of the electric and gas systems, the cost to maintain City streetlights was built into the electric fees charged to each account holder. As a result of the sale of the electric and gas systems and in order to continue to maintain the streetlights, the City proposes to implement a streetlight maintenance fee of \$1.71 per ERU. A single family, residential dwelling is equal to an ERU.

Mayor Pengra stated that it's important to set the foundational level to put things right, even if it's unpopular. Fast residential growth requires generating revenues to cover expenses. All the costs can't be placed on homeowners. If this fee were made part of property tax, owners of large houses will pay more for streetlight maintenance than owners of smaller houses, even though they receive essentially the same benefit.

The cost of streetlight maintenance is a relatively fixed expense. In addition, taxes go up and down, while this is a fixed expense. While the City has made significant cuts to the cost of running the government, this is an expense that was discussed from the beginning of the utility sale proposal.

Councilmember Bradley stated that streetlight maintenance costs should come from the 6% municipal energy sales and use tax.

Mr. Jerome noted that if this item is tabled, he'll continue to work on finding an alternative funding source for this expense so the budget will be ready in time for the budget adoption date in June. This fee would be expense-neutral to the General Fund.

Mr. Pili stated that the State allows three revenue sources for municipal government: property tax, sales tax and the municipal energy sales and use tax. The City receives approximately \$1.2M in annual property tax. The General Fund budget is \$8-9M. Police services alone cost over \$2M. Property tax doesn't even cover half of the City's policing costs. The municipal energy sales and use tax has to be used towards government funding. The streetlight fee is a new expense to the City. The City needs to charge to service the expense. The cost could be absorbed if the City Council directs that, but it's prudent management to fund this expense with a fee.

The municipal sales and use tax seems like a reasonable source for paying the expense, but it needs to be used to fund an \$8-9M budget.

Mayor Pengra said no one wants to put another fee on the residents, but a growth rate of 500 homes per year means every City department is being stretched. Taking additional funds from the General Fund can be done, but there's a consequence in terms of lower services.

**MOTION:**        *Councilmember Westmoreland moved to table a Resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule until the next City Council meeting. Councilmember Ireland seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 4:1.*

Mr. Pili asked if the Council was requesting that staff bring back other options to absorb the cost. Mayor Pengra said the agenda item will be brought back as it stands for a vote, but there will also be additional context and options, should the Council decide not to improve it.

Councilmember Ireland stated that if the item was to be voted up or down tonight, he would vote no. He wanted to know what failure of the item would mean from a budgetary standpoint. He felt that one-time funds are not an option for him. He was willing to consider taking other costs out of the 6% tax and use one-time funds to pay for those.



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

Councilmember Bradley

No comment.

Councilmember Burnham

Councilmember Burnham reminded everyone to get the word out about the Prison Relocation Commission meeting on June 2.

Councilmember Ireland

No comment.

Councilmember Steinkopf

No comment.

Councilmember Westmoreland

No comment.

Mayor Pengra

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.

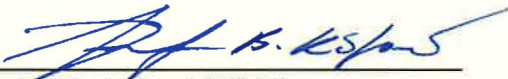
21. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

22. ADJOURNMENT

**MOTION:** *Councilmember Ireland moved to adjourn the meeting at 10:47 p.m. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MAY 19, 2015.



Fionnuala B. Kofoed, MMC  
City Recorder

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 19, 2015

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: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Johna Rose, Deputy City Recorder; Melanie Lahman, Deputy City Recorder; David Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:17 p.m.

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

City Administrator Ifo Pili invited Fire Chief Ross Fowlks to make a presentation. Chief Folks reported that Councilmember Adam Bradley attended Fire School 101 last Friday, which is a class designed to introduce elected officials to how the fire service works. He showed pictures of Councilmember Bradley participating in the class.

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

10. May 5, 2015 Minutes

Councilmember Steinkopf pointed out a spelling error in the minutes.

13. FY 2015 Budget Amendments

Assistant City Administrator/Finance Director Paul Jerome presented changes to the fiscal year 2015 budget. The budget will be amended to include funds to pay for the energy costs the City will be paying to Rocky Mountain Power and Questar Gas for the rest of FY 2015, due to the sale of the City's electric and gas utility systems. There will also be an amendment to replace the SaaN and Exchange servers, which are beyond their five-year replacement dates.

In Public Safety, the City has received invoices of \$25,000 for the Wiley Fire in 2006 and \$125,000 for the Dump Fire in 2012.

In the Fleet Fund, truck #70 needs to be rebuilt, which was an unexpected expense.

Councilmember Bradley asked why the City didn't budget funds for the server replacements. Mayor Pengra responded that Mr. Taumoepau took over supervision of the IT services recently.



Staff has been discussing switching to more cloud-based services. In addition, the budget process doesn't allow for holding money over from one year to another.

Councilmember Bradley asked the same question about the fire payments. Mr. Jerome said fire costs take years to determine. It isn't known in what budget year the funds will be needed. Mr. Jerome has been keeping a placeholder in the budget, knowing that the payment would have to come from fund balance through a budget amendment.

Mayor Pengra stated that he's been talking with Mr. Jerome about running a multi-year line item for computer server replacements.

Councilmember Ireland suggested replacing one of the servers just after the start of the new budget year on July 1, so the server replacements could be staggered in separate budget years.

In the Enterprise Funds, \$100,000 was added to pay for emergency repairs to Well #1. Public Works Director David Norman explained that the pump at the bottom of the well wore out.

#### 14. FY 2015-2016 Budget

Mr. Jerome stated that the FY 2015 IT budget was reduced and part of it moved to FY 2016. A meeting expense line item was added for one department that had no meeting budget. The tuition reimbursement budget was reduced. The Military and Veterans Board proposed projects that will cost \$2,600. The yellow ribbon and care package budgets have been moved from the Public Information budget to the Military and Veterans Board budget.

The net effect of the changes is a decrease of approximately \$2,000.

If the proposal for a streetlight fee fails, the City may use \$125,000 of the proceeds from the utility sale for one-time funding for streetlight maintenance.

Another option, if the streetlight fee proposal fails, would be to cut expenses from the General Fund to avoid using proceeds from the utility sale. Those cuts would eliminate travel and training and reduce the budget for salary parity, as well as make other reductions. A third option would be not to decrease personnel-related expenses, but increase revenue. Because the City budgets so conservatively, there is room to increase revenue estimates by \$125,000.

Councilmember Westmoreland asked if the City had ever budgeted so closely to projected income. Mr. Jerome said it has always budgeted very conservatively.

Mayor Pengra clarified the options, aside from the streetlight fee: budget less conservatively, cut General Fund expenditures or use one-time utility sale proceeds with a new solution in the next budget year.

Councilmember Westmoreland wanted to know if a tax increase was an option for paying for streetlight maintenance.

Mayor Pengra didn't feel that operational changes could create \$125,000 in savings. If not, covering the streetlight maintenance expense would require imposing either a fee or a tax.

Mr. Pili noted that personnel-related cuts are a temporary solution. They're not sustainable over the long term. He felt that one year's experience will give a clearer picture of how much streetlight maintenance will cost and whether growth will cover the cost.

Councilmember Steinkopf asked how much money the City makes on its investments. Mr. Jerome said it's approximately \$65,000 per year in interest. He was concerned about using a temporary solution and having to implement more tax and fee increases in the future. A year would be the maximum time he would be comfortable postponing a permanent solution.

Mr. Jerome listed the remaining proposed changes to the budget. In the Enterprise Funds, the City will allocate money for electricity and gas costs. There will be a slight decrease in storm drain maintenance costs. The parade float expenditure will be removed from Capital Projects because it was approved as a budget amendment for fiscal year 2015.

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 5:35 p.m.

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

ELECTED OFFICIALS PRESENT: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Johna Rose, Deputy City Recorder; Melanie Lahman, Deputy City Recorder; David Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

#### 4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:08 p.m.

#### 5. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1652 presented a flag ceremony.

#### 6. INFORMATION ITEMS/UPCOMING EVENTS

- **Pony Express Rodeo** – The Pony Express Special Events Committee is holding the 2015 Pony Express Rodeo on May 22, 23, and 25. The committee will also be holding a demolition derby on the last night of Pony Express Days, June 6. Tickets for both events are available on their website at [ponyexpressspecialevents.com](http://ponyexpressspecialevents.com).



- **City Offices Closed** – The City offices and Library will be closed on Monday, May 25 in observance of the Memorial Day holiday. The Library will also be closed on Saturday, May 23.
- **Prison Relocation Open House** – The Utah Prison Relocation Commission (PRC) will host an open house/Q&A session on Tuesday, June 2 from 4:00-9:00 p.m. at Frontier Middle School. From 4:00-9:00 p.m., attendees can browse informational displays and talk with staff members from the PRC, the Utah Department of Corrections, the Commission on Criminal and Juvenile Justice, the PRC's consulting team, and some PRC members. From 7:00-9:00 p.m. there will be a moderated Q&A session. The Tuesday Food Truck Underground will relocate to the middle school that evening.
- **Pony Express Days** – Pony Express Days will be held from June 2-6. The event schedule and information are posted on the City website at [eaglemountaincity.com/PED](http://eaglemountaincity.com/PED). Enjoy fun traditions like the carnival, parade, 5K and Family Fun Night, as well as new events, including a dodgeball tournament and pancake dinner. Volunteers for the parade and carnival are wanted. Contact the Events Department.

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

Mayor Pengra read a public comment from Christopher Jones, saying that the City needs a recreation center.

Charles Carlisle thanked Mayor Pengra for providing information on the prison relocation on his blog. He said that the Legislature seemed to lack concern for cities the prison relocation will impact. There aren't enough roads in this area to handle the increased traffic.

Marianne Smith thanked Mayor Pengra for his work on the prison relocation issue and providing information about it to City residents. She said her friends' home was vandalized and their dog was killed and hung up in the yard and asked for help from the Sheriff's Office.

Mayor Pengra said police reports need to be filed in cases like that. He hoped that more people would participate in the Neighborhood Watch program.

Lt. Eric McDowell asked Ms. Smith to talk to him later about the vandalism case. He wasn't aware of it. He recommended that residents keep their garage doors closed to prevent thefts, and watch out for their neighbors' property. He also said parents should know where their children are at night. Many petty thefts are committed by juveniles.

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 everyone for being at the meeting. He was happy for the rain that's been falling lately, and reminded everyone to turn off their sprinklers when it's raining. He said in his neighborhood, kids take their bikes and scooters the school bus stops, then they are stolen. He bought a bicycle rack for the bus stop on his street, so the kids can lock up their bikes.

Councilmember Burnham

Councilmember Burnham said there are lots of great events coming soon. She hoped many people would attend them. She also asked residents to attend the prison relocation information meeting

being held at Frontier Middle School on June 2. She asked Mayor Pengra if it would be all right to put up signs advertising the meeting. Mayor Pengra said there's a new signage law, so he'll look into it. City Attorney Jeremy Cook said the new State law applies to political signs. Informational signs fall under the Municipal Code.

Councilmember Burnham suggested that people not announce on Facebook that they're going places. It's led to robberies in homes where people were known to be away.

Councilmember Ireland

Councilmember Ireland thanked the Boy Scouts for the flag ceremony.

Councilmember Westmoreland

Councilmember Westmoreland welcomed the Boy Scouts and the Miss Eagle Mountain Royalty.

Councilmember Bradley

Councilmember Bradley said it's important for residents to encourage their neighbors to attend the prison relocation meeting. He asked Mayor Pengra what the City will do to advertise the meeting. He mentioned that he attended Fire School 101 last Friday. It's an annual event to educate public officials about the Unified Fire Authority.

Mayor Pengra

Mayor Pengra stated that Public Information Officer Linda Peterson has been working on an informational postcard to be sent to all residents of Eagle Mountain. The City has requested permission to distribute flyers at the schools. They're waiting for a response from Alpine School District. They have also requested a booth at the meeting on June 2. Electronic road signs will be posted on main roads for a week before the meeting. There will also be information on the main page of the City website.

9. INTRODUCTION – Miss Eagle Mountain Royalty

Miss Eagle Mountain, Ella Barlow, introduced herself and her attendants. Kaylie Blacka is the first attendant, Katie Spencer is the second attendant and McKell Finch is the third attendant.

Miss Eagle Mountain's platform is "Fostering Childhood: Every Child Needs a Chance." Her family had the opportunity to foster two boys last year. She plans to assist the Christmas Box House, a temporary housing facility for children in foster care, by raising funds and holding a coat drive. She has partnered with the Utah Foster Care Association.

**CONSENT AGENDA**

10. MINUTES

- A. May 5, 2015 – Regular City Council Meeting

11. BOND RELEASE – Into Warranty

- A. Evans Ranch, Plat B2
- B. Evans Ranch, Plat B3
- C. SilverLake, Plat 10
- D. Skyline Ridge, Plat 1C

12. BOND RELEASE – Out of Warranty



A. Southmoor, Phase 2

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda with the spelling correction requested by Councilmember Steinkopf. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

## **SCHEDULED ITEMS**

### **PUBLIC HEARING**

13. ORDINANCE – Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2014-2015 Budget.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The proposed amendments to the FY 2014-2015 budget include utility costs; computer equipment; wildfire suppression; vehicle maintenance; and well repairs.

Mr. Jerome recapped the presentation he made during Work Session, which is found on pages 1 to 2 of these minutes.

*Mayor Pengra opened the public hearing at 7:46 p.m.*

Destry Johnson asked if the budget would be posted anywhere for the public to read. Mayor Pengra stated that it is available in the City Council meeting documents online and in the Recorder's Office.

Christopher Jones asked where the amendments were coming from. Mr. Jerome described the budget line items that will pay for the amendments. Mayor Pengra explained the reserve funds required by the State. Each city must retain at least 5% but not more than 25% of its General Fund budget in a reserve fund for emergencies such as the well failure which is responsible for a \$100,000 budget amendment.

*Mayor Pengra closed the public hearing at 7:53 p.m.*

Councilmember Ireland reiterated his preference that the computer servers be replaced in different budget years, meaning the end of FY 2015 and the beginning of FY 2016.

**MOTION:** *Councilmember Ireland moved to approve an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2014-2015 budget. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

### **PUBLIC HEARING**

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2015-2016 Budget. *This is not an action item – the final budget will be adopted June 16, 2015.*

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The 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 5, 2015. The City Council held the public hearing on May 19, 2015 and will adopt the final budget, as proposed or with amendments, at the June 16, 2015 City Council meeting. The final budget will be the document that governs the expenditures for FY 2015-2016.

Mr. Jerome recapped the presentation he made in Work Session, which is found on pages 2 to 3 of these minutes.

*Mayor Pengra opened the public hearing at 8:01 p.m.*

Christopher Jones asked how much the homeowners' associations (HOAs) will be contributing to the cost of streetlight maintenance. He said that some HOAs are collecting fees but not providing any services. He hadn't found anything in State or county law regulating them, but said that cities other than Eagle Mountain are regulating HOAs. He asked why there was a \$50,000 increase in sewer costs, when expansion is paid for by impact fees. He also wondered why law enforcement costs \$2M per year. He felt the county should provide law enforcement services out of the taxes paid by residents. He also felt that the City ought to be investing in people by providing a recreation center, and investing in landscaping in City Center. He commended the Mayor, Council and staff on the good work they're doing.

Mayor Pengra thanked Mr. Jones for his comments. Mr. Jerome explained the financial issues in running the sewer system. The \$50,000 line item is not a fee increase. It shows the cost of paying Rocky Mountain Power for electricity to run the system and is covered by funds the City already has.

Mr. Pili said that the \$2M in law enforcement costs works out to about \$75 per resident, which is in the low range of what similarly-sized Utah cities pay. Regarding HOAs, the City has no authority over them because they are private organizations created by residents and protected from local government regulation.

Mr. Jones asked if HOAs receive their authority through the City. Mr. Cook explained that HOAs are licensed through the State. A city can make an agreement with a developer for maintenance of improvements in a subdivision, requiring that an HOA be created to maintain the improvements, but that is the only connection between a city and an HOA.

Mayor Pengra invited Mr. Jones to visit with him, Mr. Pili, Mr. Jerome or any of the City Councilmembers to discuss his concerns.

Fred Peeples stated that the taxes City residents pay for police and fire services are well spent. He thought that the Unified Fire Authority (UFA) was going to pay the City's costs for the Dump Fire as part of Eagle Mountain's annexation to UFA. He stated the Council approved \$5,000 for bike park maintenance last year and wanted to know if that money was still in the budget.

Mayor Pengra responded that he thought what was said at the time the City was annexing to UFA was that, had the City been a member of UFA at the time of the Dump Fire, UFA would have absorbed the costs. Mr. Pili said the \$5,000 for the bike park is still in the budget.

*Mayor Pengra closed the public hearing at 8:23 p.m.*



Councilmember Ireland asked residents to read the budget, ask questions and give feedback before the Council votes on it on June 16.

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

Prior to the sale of the electric and gas systems, the cost to maintain City streetlights was built into the electric fees charged to each account holder. As a result of the sale of the electric and gas systems and in order to continue to maintain the streetlights, City staff recommended implementing a streetlight maintenance fee of \$1.71 per account. This item was tabled from the May 5, 2015 City Council meeting.

Mr. Pili said the City staff recommends implementing this fee.

Councilmember Bradley stated that fees are a way to tax residents. He thought that fees could be imposed when different parts of the City need to pay different rates. This fee is intended to be paid equally, and should therefore be a tax. He wanted the cost of streetlight maintenance to be covered by the budget without any additional charge to the residents.

Councilmember Burnham said that the maintenance and electricity costs should come from the budget, but the initial costs could come from utility sale proceeds.

Councilmember Westmoreland stated that any time there is discussion of raising taxes or fees, it's important to have hard data. He felt that using utility proceeds to pay the initial costs of streetlight maintenance will give the City time to find out exactly what ongoing streetlight maintenance is going to cost.

Councilmember Ireland said that all the money the City collects goes into the General Fund. He didn't like mandatory General Fund fees, saying they should be for optional expenses for which people receive direct benefits, such as sports registrations. Anything residents are required to pay for should be a tax. As for how to pay for streetlight maintenance before setting either a fee or a tax, whether it's by using utility sale proceeds or taking it from the budget, it's all one-time money.

Councilmember Steinkopf was concerned that not deciding now would lead to more fees in the future. He would like to have it in the budget by next year.

Mayor Pengra explained that this fee was proposed from an analysis of how the utility sale would impact the City budget. There has been opposition from both the Council and members of the public. The budget is very tight. There's not much room to absorb \$125,000, but it can be tried for a year. He didn't want to go year to year cutting things that are needed to cover the costs of the streetlights.

The resolution failed for lack of a motion.

Mr. Pili asked for clarification of what the Council wanted. He asked for a \$125,000 placeholder for purposes of balancing the budget. The City budgets so conservatively that there probably will be adequate revenue, but the placeholder will allow the budget to balance until staff knows whether there will be revenue or whether the budget will have to be cut.

Councilmember Ireland preferred to reserve the utility sale funds for capital improvements.

16. RESOLUTION – Adoption of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Policies and Procedures Manual.

This item was presented by City Attorney Jeremy Cook. The proposed amendment to the Eagle Mountain City Policies and Procedures Manual adopts a media use policy.

Mr. Cook stated that this amendment clarifies the City's media policy, so that employees know what media use is and isn't acceptable in relation to their work, particularly in regard to social media.

**MOTION:** *Councilmember Bradley moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Policies and Procedures Manual. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

17. 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 Burnham

Councilmember Burnham stated that the budget amendment requested by the Military and Veterans Advisory Board came about because of the City's budget procedures. The Board had hoped to raise the funds, but the City couldn't guarantee that the funds would be used for the Board's projects. All outstanding funds collapse into the General Fund at the end of the fiscal year.

Councilmember Ireland

Councilmember Ireland announced that Youth City Council elections will be held on June 9. He would like to see lots of young people run for the Council and vote in the election. The Council is still looking for advisors. He thanked the staff for how promptly they respond to his questions.

Councilmember Westmoreland

Councilmember Westmoreland noted that the Planning Department held an open house about the City's trails and open space plans at a recent Tuesday Food Truck Round-up. It was very successful.

Councilmember Bradley

No comment.

Mayor Pengra

Mayor Pengra discussed fundraising. The issue is how to account for funds raised but not spent during a fiscal year. Mayor Pengra was willing to discuss it with staff. Mr. Jerome clarified that funds spent in the same fiscal year in which they were raised are not a problem. Funds to be rolled forward into the next year need to be accounted for in order to keep them from collapsing into the General Fund.



Mayor Pengra noted that several City boards aren't functioning at this time. He's met with all of them. He recommended that the Economic Development and Public Works Boards be dissolved and perhaps replaced with other solutions. He also suggested that the Parks and Recreation Board be absorbed into the Cemetery Board, which is functioning well. The Library Board and Military Boards are also functioning well. Councilmember Ireland suggested involving groups of residents in specific projects, rather than creating ongoing boards.

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.

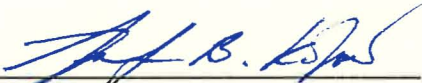
19. COMMUNICATION ITEMS

A. Upcoming Agenda Items

20. ADJOURNMENT

**MOTION:** *Councilmember Ireland moved to adjourn the meeting at 9:15 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JUNE 6, 2015.



Fionnuala B. Kofoed, MMC  
City Recorder

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 16, 2015

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, Richard Steinkopf and Tom Westmoreland. Adam Bradley participated by telephone. Mayor Pengra was excused to attend another meeting.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Financial Analyst; David Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Councilmember Ireland, as Mayor Pro Tem, called the meeting to order at 4:08 p.m. Mayor Pengra was excused to represent the City at a Prison Relocation Commission public hearing. He was expected to be at City Council meeting later in the evening.

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

None.

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

15. FY 2015 Final Budget Amendments

Assistant City Administrator/Finance Director Paul Jerome discussed the budget amendments.

General Fund: There were adjustments on banking fees. Attorney fees were divided between the General Fund and Enterprise Funds early in the fiscal year, due to the legal services needed during the sale of the electric and gas utilities, and not quite enough was attributed to the General Fund. Engineering Department personnel costs needed to be adjusted due to the utility sale. Workers' Compensation needed to be adjusted, again due to the sale. The amount needed for dispatch services was underestimated in the approved budget and had to be increased.

Enterprise Funds: \$51,000 was added for water meters, as new growth exceeded expectations.

Debt Service: Reimbursement payments from developers exceeded expectations. That allowed the City to increase its bond payments. The rest of the changes are buy-ins and a bond call. The road bond was paid off, but some agent fees were unaccounted for.



Impact Fees: Reimbursement agreements are brought to the Council throughout the year. An amendment is needed to “true up” all of the impact fees. This is strictly related to revenue coming from growth.

Councilmember Bradley asked Mr. Jerome what the final increase is from the approved budget to the final budget after all the amendments. Mr. Jerome responded that from all of the budget amendments approved through the year, the increases were \$725,000 for the General Fund, \$237,000 for the Enterprise Funds, \$19,000 for the Special Revenue Funds, \$1.2M for Capital Projects, \$2.1M for Debt Service and \$405,000 for Impact Fees.

Councilmember Bradley asked by what percent the FY 2015 budget increased from what was approved. Councilmember Ireland suggested only looking at the General Fund and Enterprise Funds, since those are the ones the Council has control over. Mr. Jerome said there was about a 10% increase in the General Fund and 20% in the Impact Fee funds. The General Fund increased \$725,000 from the approved budget of \$7.6M. Capital Projects was approved at \$1.223M; the amendments added \$1.205M.

Councilmember Bradley was frustrated that the final budget was so different from the approved budget. He wondered why the Council bothered planning a budget at all. He felt the Council was being asked to approve changes at the last minute, most of which were already promised or spent.

Mr. Jerome pointed out that the assessment areas covered by the Debt Service Funds are governed by assessments received and the financial advisory process. The impact fee reimbursement agreements were brought before Council and approved, but hadn't been in place when the Council approved the budget a year ago. They have to be accounted for in the final budget. Some of the General Fund expenditures, like the Dump Fire payment, were expected, but the City didn't know when they would be invoiced. Others were emergency expenditures like the replacement of the computer servers.

Councilmember Bradley requested a summary of the changes from the approved budget to the final budget in FY 2016, the increase in cost per resident, and where the City is compared to the 25% reserve fund permitted by State statute. He wanted to know what the City can do now to prevent such a large overage a year from now.

Councilmember Ireland noted that most of the amendments have already come before the Council and have already been approved. While the total amendments over the course of the year made a \$725,000 increase, \$192,000 is what is being approved at this meeting. Staff has been carrying out the Council's decisions throughout the year.

Councilmember Bradley said that each time one of those amendments came before the Council, he felt like his hands were tied and the Council was just “rubber stamping” the expenditure. Councilmember Burnham pointed out that there were vigorous debates on the traffic signal and the cemetery before the majority of the Council voted to approve them. Councilmember Bradley said that he voted against both of those, and now he has to swallow an overage.

Councilmember Ireland stated that those decisions were approved by the majority of the Council. These last amendments “true up” some of the numbers so the auditor finds the budget compliant with State regulations.



Mr. Jerome said the City has never exceeded the overall General Fund budget, but the budget is divided into five sections, according to State Code. If there's an overage in one section, the auditor finds the whole budget non-compliant, even if the other sections are under budget.

Councilmember Bradley wanted to know what would happen if the Council denied the motion to approve the amendments. Mr. Jerome said City staff would have to find ways to absorb the changes and would probably be found in budgetary non-compliance by the auditor.

#### 16. FY 2016 Budget Adoption and Certified Tax Rate

Mr. Jerome explained that the certified tax rate is set by the State through the County Assessor's Office. The tax rate is set to make the revenue to the City the same each year, except for growth. In order to increase the revenue amount, the City would have to go through a truth in taxation hearing to raise the rate. Because of an increase in the value of property in Eagle Mountain, this year's rate will decrease from last year's.

Changes from the previous version of the budget include:

- The Planning Department's Travel and Training was changed to drop one certification and add another.
- Sales tax revenue has increased every month beyond what was anticipated in the budget.
- The electric and gas transfer for streetlights has been removed. The Council authorized fund balance to be used. There may be enough sales tax revenue to cover the entire cost.
- Just under \$2000 will go to General Fund balance.

Mr. Jerome said that the FY 2016 General Fund is budgeted at \$8.05M at this time.

Councilmember Ireland requested the FY 2016 General Fund show that the Building, Planning and Engineering Department fees match the costs of the services being provided by those fees, whether in the budget document itself or in an analysis.

City Administrator Ifo Pili asked if Councilmember Ireland wanted the departments to pay for themselves or if he wanted to determine if the fees are being charged appropriately. He said that builders who request many permits at a time create economies of scale that smaller builders can't. There are also fixed costs that don't change. It becomes hard to determine exactly how much each should cost.

Councilmember Ireland said he would be satisfied with a simple analysis showing whether building permit revenue in general exceeds the costs. He also said if 50% of the Engineering or Planning Department's work comes from walk-in customers, then 50% of their budgets ought to be covered by fees. He felt that each sports program ought to pay for itself. The General Fund shouldn't subsidize any of them. He wanted the Youth City Council to have \$1,000 for travel and training, but no other funding. The training should be for Youth Council members who ran for office. Those individuals could come back and share what they learned with others.

Councilmember Burnham asked how the Youth City Council can provide recreational opportunities for others, as is specified in the Youth Council ordinance. Councilmember Ireland said he thought the Youth Council would have to become more functional before they were funded for that. Any costs incurred by the Youth Council helping with special events ought to be part of the Events Department budget.



Councilmember Burnham asked about the Senior Advisory Council. Councilmember Ireland said he would leave that to the Senior Council liaison. Mayor Anderson of Cedar Fort has talked to him about officially combining both Senior Councils into a joint program.

Moving on to Capital Projects, Mr. Jerome said they include a monument sign for the cemetery and Priority One and Two road projects. The Priority Two projects would be completed with utility sale proceeds.

Councilmember Ireland felt that it was important to show taxpayers what they're getting from the sale of the gas and electric utilities. Mr. Jerome said that would be done preliminarily in July, and in final form after the audit. Councilmember Ireland felt that the White Hills project should be paid for by Capital Projects funds rather than utility sale proceeds.

Councilmember Bradley proposed removing Mt. Airey Drive from the road project list. Public Works Director Dave Norman stated that the project list was generated by the expertise of Assistant Public Works Director Jeff Weber and his staff. Mr. Weber and his staff could look at re-ordering priorities if the Council requested it.

Councilmember Bradley wanted the White Hills project moved to Priority One and Mt. Airey Drive removed entirely. He didn't want to vote for the street he lives on to be a priority. Councilmember Ireland pointed out that this agenda item is about a dollar amount, not which roads will be repaired.

Mr. Pili asked what staff should do if Mr. Weber and his staff felt that Mt. Airey Drive should be a priority. Councilmember Bradley said he would support that. Councilmember Ireland said he would like staff to come before Council and discuss it.

Councilmember Ireland wanted to know why the cemetery monument sign would cost \$60,000. Ms. Kofoed responded that it's a sign and a wall to buffer the cemetery from Eagle Mountain Blvd.

In Impact Fees, the Cedar Valley Water Company and Meadow Ranch Holdings reimbursement agreements, which have already been approved, were added.

Councilmember Bradley asked Councilmember Ireland how many of the last seven annual budgets he voted in favor of. Councilmember Ireland said it was probably three. Councilmember Bradley asked what Councilmember Ireland would change in this budget to enable him to vote for it.

Councilmember Ireland explained that he would have voted for one previous budget if he had had complete information beforehand, but he didn't receive the information, so he voted against it. In another year, the tax rate went up because property values went down, according to the State formula, and he felt the City should have allowed the tax revenue to go down instead. This year, property values increased so the tax rate is going down to keep revenue flat.

3. 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 Steinkopf seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Adam Bradley participated by telephone. Mayor Pengra was excused to attend another meeting.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Financial Analyst; David Norman, Public Works Director; Chris Trusty, City Engineer; Linda Peterson, Public Information Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Ross Fowlks, Fire Chief; Dep. Kantor, Sheriff's Deputy.

#### 4. CALL TO ORDER

Mayor Pro Tem Ryan Ireland called the meeting to order at 7:08 p.m.

#### 5. PLEDGE OF ALLEGIANCE

Marianne Smith led the Pledge of Allegiance.

#### 6. INFORMATION ITEMS/UPCOMING EVENTS

- **City Offices Closed** – The City offices and Library will be closed Thursday, July 2 and Friday, July 3 in observance of the Independence Day holiday. The Library will also be closed Saturday, July 4. The offices and library will be closed again on Thursday, July 23 and Friday, July 24 in observance of the Pioneer Day holiday. The library will also be closed Saturday, July 25.
- **Pony Express Parkway Improvements** – Information regarding UDOT's Pony Express Parkway Improvements Project, happening now through the end of August, is available on the City website, News section.
- **Sports Programs** – Registration is currently open for adult men's and co-ed softball, fall youth soccer, and The Ranches Golf Club's July golf camp. Click on the Recreation button the main page of the City website for more information.
- **Seniors' Ice Cream Social** – The Seniors (ages 55+) will hold an ice cream social on Monday, June 22 at 5:00 p.m. in the City Council chambers.
- **Fireworks Restrictions** – Fireworks restrictions will be in place in the city again this summer holiday season. Restricted areas will be similar to last year. Information will be posted on the City website in the News section in the next couple of days. A map of restricted areas is available on the Unified Fire Authority website at [unifiedfire.org](http://unifiedfire.org).



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

Marianne Smith asked about upcoming road projects. She wanted to know if there would be ground-up asphalt left over to use on Lake Mountain Road, as there was last year. Public Works Director Dave Norman said the asphalt millings would be processed at Public Works and used to surface part of Lake Mountain Road.

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 staff and residents for a great Pony Express Days.

Councilmember Burnham

Councilmember Burnham thanked everyone who attended the prison relocation open house. She also appreciated those, including the Mayor, who are at the State Capitol this evening at another prison relocation meeting.

Councilmember Westmoreland

Councilmember Westmoreland was very impressed with the attendance at the prison relocation open house and all of the work that was put into Pony Express Days. He also wanted to recognize Councilmembers Burnham and Ireland, who didn’t file to run for another term, for their service and leadership.

Councilmember Bradley

Councilmember Bradley apologized for not being at the meeting in person. He appreciated Ms. Kofoed and the Council for enabling him to participate by phone. He was proud of the community for their attendance at the prison relocation open house and their support of Pony Express Days. He also commended Councilmembers Burnham and Ireland for their service on the Council. He was grateful for those who filed to run for office and make the effort to join the Council. He appreciated the City staff, especially Mr. Jerome, Mr. Pili and Mayor Pengra, for putting together the budget.

Councilmember Ireland

Councilmember Ireland thanked City staff, volunteers and residents for a fantastic Pony Express Days. There was a great turnout at the prison relocation open house. Residents can still contact their state representatives with their concerns regarding the prison relocation. He asked City Recorder Finn Kofoed to explain the election cycle to residents.

Ms. Kofoed said there is a list of candidates online. Eleven people filed, which means there will be a primary election on August 11, reducing the candidate list to six. The polling locations will be open from 7:00 a.m. to 8:00 p.m. She encouraged everyone to register to vote. New move-ins who have previously registered to vote in Utah can vote provisionally. The general election will be held on November 3.

9. APPOINTMENTS

- A. Youth City Council

Mayor Pro Tem Ireland introduced Britney Shunn, who was just elected Youth City Council Mayor.

**MOTION:** *Councilmember Burnham moved to appoint Britney Shunn Youth City Council Mayor for a one-year term. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Ms. Shunn.

Mayor Pro Tem Ireland announced the names of the other Youth City Council members: Klarissa Mahler, Millene Whatcott, Annabelle Petersen, Belle Foster and Davis Butcher.

## **CONSENT AGENDA**

### 10. MINUTES

A. May 19, 2015 – Regular City Council Meeting

### 11. BOND RELEASE – Into Warranty

A. O’Fallon’s Bluff, Plat C

**MOTION:** *Councilmember Westmoreland moved to approve the Consent Agenda. Councilmember Burnham seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

## **SCHEDULED ITEMS**

### **PUBLIC HEARING**

#### 12. MOTION – Consideration of a proposal to create an Agriculture Protection Area on 182.85 Acres of Property.

This item was presented by Planning Director Steve Mumford. This proposal would create an agriculture protection area on 182.85 acres of property located in the southern portion of Eagle Mountain City, directly south of the City’s wastewater treatment facility. The property is currently being used for raising mink and alfalfa. The State Code requires that five conditions be met before property can be designated an agriculture protection area:

1. Whether or not the land is currently being used for agriculture production.
2. Whether or not the land is zoned for agriculture use.
3. Whether or not the land is viable for agriculture production.
4. The extent and nature of existing or proposed farm improvements.
5. Anticipated trends in agricultural and technological conditions.

This designation protects the property from negative effects of surrounding development. It must be reviewed in twenty years.

*Mayor Pro Tem Ireland opened the public hearing at 7:28 p.m.*



Sam Allen stated that Lehi has agriculture protection areas. There is no provision for informing future property buyers that there will be odors coming from the areas. He asked if the City can do something to warn future residents.

*Mayor Pengra arrived at 7:30 p.m. Mayor Pro Tem Ireland turned the meeting over to him.*

Ms. Kofoed said that Keith Jonsson requested her to make a statement on his behalf. He has significant investment in that area and is supportive of the agriculture protection zone.

City Attorney Jeremy Cook stated that State Code requires that any subdivision plat that has property within 300 feet of the agricultural protection area have a note to that effect.

*Mayor Pengra closed the public hearing at 7:31 p.m.*

Councilmember Bradley felt that this zoning allows some property owners not to play by the same rules as everyone else does. Although the agriculture operation has been there for a long time, he didn't think they should be able to create a nuisance for neighbors.

Councilmember Burnham said that when she lived in an area near a vineyard, it went out of business after complaints from neighbors who moved in around it. The city responded to the complaints by placing restrictions on it that drove the company out of business. She felt that farmers who invested a great deal of money in their operations should be protected from complaints by those who move in nearby knowing the farm operation is there.

Councilmember Westmoreland asked if there is any limit to the number of animals allowed in an agriculture area. Mr. Cook said there is not, unless there are so many that they become a threat to public health, safety or welfare.

Councilmember Burnham asked what recourse the property owners would have against the City, if the application was rejected after both the County Agriculture Board and the Planning Commission approved it. Mr. Cook said the applicants could appeal to district court. He recommended that, if the Council doesn't approve the motion, they table rather than deny it, so that the City could talk with the applicant further.

Mr. Mumford said that the applicants attended the last Planning Commission meeting and stated that their intent was to avoid the problems they've seen in Lehi, as new development conflicts with existing agricultural operations. They originally made this request about ten years ago and were denied, so they are making another application.

Councilmember Westmoreland felt that this zoning gives the owners too much latitude to do what they want, with potential for abuse.

Mayor Pengra stated that he saw this as a property rights issue, allowing the owners to continue the land use they've practiced for generations.

**MOTION:** *Councilmember Ireland moved to approve an agriculture protection area on 182.85 acres of property. Councilmember Burnham seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

13. **PUBLIC HEARING**

ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Approving the Amended Spring Run Master Development Plan.

This item was presented by Planning Director Steve Mumford. This is an applicant-proposed amendment to the Spring Run Master Development Plan to change “Pod 3” from Town Center Commercial, allowing 237 residential units, to Residential zoning, allowing 156 residential units. The property is located east of the Meadow Ranch neighborhood and northwest of the new Ranches Parkway northern extension. Parcel Numbers: 58-033-0281, 58-033-0282.

The Planning Commission recommended approval, with the condition that no additional plats may be approved before an overall amendment of the MDP is approved that addresses the freeway, commercial property, fire station, and community park. UDOT plans to eventually make Wride Memorial Highway a freeway. The developers have committed to work with City staff to amend the master development agreement.

*Mayor Pengra opened the public hearing at 7:49 p.m. As there were no comments, he closed the hearing.*

Councilmember Steinkopf said that the fencing/wall requirement needed to be clarified. A wooden fence would deteriorate in a few years.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, approving the amended Spring Run master development plan with the amended conditions. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The conditions referred to are as follows:

1. No additional plats may be approved before an overall amendment of the MDA is approved that addresses the freeway, commercial property, fire station, and community park.
2. Make the following changes:
  - Fix the open space calculations on the MDP table;
  - Increase Pocket Park A to 1.08 acres;
  - Adjust the density on Pod 3 to 6.95 du/ac & 150 total units;
  - Remove the words “Town Center” from Pod 3;
  - Move the Eagle Mountain City Boundary line to the actual city boundary.

**PUBLIC HEARING**

14. MOTION – Consideration of the Spring Run, Plat B Preliminary Plat.

This item was presented by Planning Director Steve Mumford. The applicant-proposed subdivision located east of the Meadow Ranch neighborhood and northwest of the new Ranches Parkway northern extension, contains 150 single-family lots on 25.43 acres in “Pod 3” of the Spring Run Master Development Plan. Parcel Numbers: 58-033-0281, 58-033-0282.

*Mayor Pengra opened the public hearing at 7:52 p.m.*



Jim Allred, one of the applicants, said that when the master plan was approved four years ago, commercial development was appropriate for the area. With recent road changes, residential development is now preferred. There will be commercial development nearby. The change to residential lowers the density, which is unusual in land development.

Councilmember Ireland stated that, as the City moves from commercial to residential, the amount of open space needs to increase. He requested additional open space.

Mr. Allred responded that the first phase has over 20 acres of open space, which is quite a lot. He and his partners look forward to working with City staff to plan the best way to use the open space.

*Mayor Pengra closed the public hearing at 7:58 p.m.*

Mr. Mumford asked Mr. Allred what kind of fence they planned to install inside the development. Mr. Allred stated that it would be a non-warping material such as hardy board or wood-grained vinyl.

Councilmember Steinkopf was concerned that the commercial areas need to have a wall for several reasons, including sound buffering.

**MOTION:** *Councilmember Burnham moved to approve the Spring Run, Plat B preliminary plat, with the conditions stated in the staff report, and an additional condition that street names duplicating any already in use be changed. Councilmember Ireland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The conditions are as follows

1. This approval is contingent on the amendment to the Spring Run MDP allowing 150 single-family residential lots in the town center area.
2. All lot frontages within the project must meet City standards (55 feet minimum except for the patio homes adjacent to the park).
3. Any traffic flow issues brought up by the traffic engineer must be resolved to the satisfaction of the City Engineer. If the resolution causes major redesigns, then this plan must return to the Planning Commission and City Council for reconsideration.
4. A six-foot privacy fence or decorative wall must be installed along the perimeter of the project with the infrastructure for each final plat. A detail of the fence/wall design and color shall be reviewed for approval by the City Council.
5. Plat shall not contain any road names that are the same or similar to existing road names in the city.

## **PUBLIC HEARING**

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Final Amendments to the Fiscal Year 2014-2015 Budget.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. 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, 2015. The amended budget should cover all eventualities so that the City will not be cited for budgetary non-compliance.

Mr. Jerome recapped the presentation he made in Work Session, which is reported in pages 1-3 of these minutes.

*Mayor Pengra opened the public hearing at 8:07 p.m. As there were no comments, he closed the hearing.*

**MOTION:** *Councilmember Westmoreland moved to approve an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2014-2015 budget. Councilmember Burnham seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

### **PUBLIC HEARING**

16. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2015-2016 Budget and Certified Tax Rate.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. 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 5, 2015 and a public hearing was held on May 19, 2015. The final budget will be the document that governs the expenditures for FY 2015-2016. The ordinance also approves the certified tax rate for the fiscal year.

Mr. Jerome recapped the presentation he made in Work Session, which is reported in pages 3-4 of these minutes.

*Mayor Pengra opened the public hearing at 8:19 p.m.*

Sam Allen showed a stack of papers he said were City credit card statements. He felt that City employees shouldn't eat at restaurants using City credit cards. He said City employees received average raises of 14%. He didn't feel they were worth that. He wanted all money for food expenditures removed from the City budget because the employees are untrustworthy. He wanted all the Councilmembers to tell him immediately if they would vote to remove all spending for food from the budget. Mayor Pengra stated that the Councilmembers could respond if they wanted during the discussion.

Mayor Pengra said he normally doesn't argue with residents when they speak. However, he wanted to know when Mr. Allen would begin to communicate rather than attack. Much of this information that Mr. Allen was referring to was from before the current administration. Changes have been made. Mayor Pengra felt it's good for residents to criticize government and make it better, but calling people worthless and pigs isn't useful.

Mr. Allen said that the City charged him for the records he requested, which should have been on the State transparency website for free. Mayor Pengra pointed out that City staff was spending a tremendous amount of time responding to a State audit instigated by a complaint by Mr. Allen, followed by a large GRAMA request. Mr. Allen asked why he should pay \$1,000 to uncover the City's fraud and waste.



Mayor Pengra stated that his office is open to Mr. Allen at any time, the same as for any other resident. Mr. Allen said he doesn't listen to politicians, he watches what they do. He said he would see tonight whether the Council stands with the employees, who are untrustworthy, or the residents.

*Mayor Pengra closed the public hearing at 8:27 p.m.*

Councilmember Westmoreland stated that he appreciated all the work Mr. Allen put into his research. Much of what has been wrong has been dealt with. Part of the Council's job is to watch City expenditures, and that's what they do. Not everything has been fixed perfectly, and there are business perspectives that support different approaches to providing the best, most well-rounded service to the City's residents. The Councilmembers invest their time researching and then using their expertise and judgment about how best to serve the City. Critiquing is not a problem. The Mayor, staff and City Council have worked hard to make improvements.

Councilmember Burnham said that there are occasions when it is appropriate to spend money on food. However, things are done differently than they used to be. The City Council Christmas party was potluck and everyone helped. As a volunteer at the library, she went to a State Library Board meeting. She and the others from the City paid for their own lunches. The staff are aware of Mayor Pengra's and Mr. Pili's expectations. The implications of staff dishonesty aren't true. Leadership styles are different and spending decisions are different. Mr. Pili's style is much different than previous administrations and improvement is continuing. Personally, when she goes somewhere on City business, she doesn't take the per diem City allows.

Councilmember Bradley thanked Mr. Allen for speaking and putting time into his report. He suggested that any time a resident has a concern, they should speak to the Mayor and Councilmembers. He couldn't call for all food spending to be removed, but he could work with the Mayor and staff and continue in the road that Mayor Pengra has paved to bring more consciousness to this kind of spending. He couldn't support one-sided viewpoints, and he felt that sometimes Mr. Allen's accusations have a one-sided viewpoint. As far as GRAMA requests are concerned, some are large enough that they need to be paid for so that all the taxpayers don't pay for individual requests. He has read part of Mr. Allen's report and will read the rest, then talk to Mr. Allen and the Mayor about it.

Mayor Pengra spoke to Mr. Allen, saying his statements that all City employees are dishonest and not worth their raises are inflammatory. He asked how much time Mr. Allen has spent with any one of them. He said all the employees are willing to meet the expectations made of them. Sometimes there are adjustments that need to be made, but the employees work very hard for every resident of the City. They deal with the type of fires Mr. Allen starts and still do their jobs. Mayor Pengra has taken a lot of time to discuss concerns with residents. But he didn't believe Mr. Allen was interested in communication. He looks to stir up and start fires. In spite of that, Mr. Allen is welcome to come to Mayor Pengra's office and talk to him.

Mayor Pengra asked for additional Council discussion on the budget. Councilmember Burnham asked for \$1,200 in the Youth Council budget for training, rather than \$1,000. There is summer training held that might help revitalize the Youth Council. She would like to offer scholarships to those who ran for Youth City Council office. She also requested \$200 in Youth Council general funds for use in working on City events.



Councilmember Ireland asked Ms. Kofoed to talk about the monument proposed for the entry to the cemetery. She said that the monument entrance feature and wall was in the design process and it was estimated to cost approximately \$60,000. The goal is to have the entry monument, as well as an enclosure separating the cemetery from the road. Mayor Pengra noted that there is a line item in the budget for trees in the City, with some of those to be planted in the cemetery.

Councilmember Ireland stated that this budget has a continuation of a \$100,000 placeholder for Wride Memorial Park and wanted to know what the plan is for that. Mayor Pengra responded that it was intended for lights at the ball fields. They will cost much more, so a grant has been applied for. The \$100,000 may be used as a match for the grant. The Council may decide to use revenue funds or some of the proceeds from the utility sale.

Councilmember Bradley said the \$60,000 money for the cemetery monument could be better spent. His goal is to spend money in a way that benefits the most people, not on an unnecessary sign for an unnecessary place.

Councilmember Steinkopf felt that the cemetery should be made as presentable as possible.

Ms. Kofoed pointed out that last year, because there was no clear entrance to the cemetery, people used the property for recreation in the snow. As time goes on, people may unintentionally desecrate graves unless the cemetery property is clearly defined. It needs to look like a finished product to honor people who bought plots there as their final resting places. The plan was to finish it in phases. She strongly recommended that something be done to improve the entrance and make it look like a cemetery.

Councilmember Bradley felt that the cemetery boundary could be defined without spending an unnecessary amount of money.

Mayor Pengra felt that a one-time, \$60,000 expense that doesn't increase ongoing maintenance costs and moves the project towards completion is worthwhile. He is focused on completing the projects that have been started.

Councilmember Ireland asked about the \$750,000 solids-handling project. Public Works Director Dave Norman said it will cover the first half of the entire project. The Sewer Department needs to install a screw press system. The technology that was installed several years ago isn't processing the amount the City needs processed.

Mayor Pengra stated that the Sewer Department is trucking out up to 15 loads a day, three days a week. It's an inefficient use of equipment and manpower.

Mr. Pili asked for a report on the water project north of Wride Memorial Highway. The north area needs more water pressure and a redundant system. The project estimate is \$2.3M. Administration has considered putting that amount into the budget as a placeholder. The majority of the funds will come from impact fees. If it isn't added now, Administration will come back with a budget amendment.

Councilmember Ireland asked if baseball fees could be increased in this budget, so the revenue amount will cover the program costs. Mr. Jerome noted that the Finance Dept. has been considering analyzing youth sports fees.



**MOTION:** *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the Eagle Mountain City fiscal year 2015-2016 budget and certified tax rate, with the following changes: \$40,000 rather than \$60,000 for the cemetery monument, increasing the revenue from youth sports by \$10,000, allocating \$1,200 for Youth Council travel & training and \$200 to Youth Council general funds. Councilmember Ireland seconded the motion.*

Councilmember Burnham said she reduced the amount for the cemetery entrance monument out of respect for Councilmember Bradley's concern about the cost. He thanked her, and thanked Mr. Mumford and Ms. Kofoed for the emailed pictures of the monument design. He admired it and said in 20 years he would vote for it. This year, \$40 would be more correct, because if it can't be what it should be, then the Council shouldn't waste any money on it.

Councilmember Ireland pointed out that the amount is a placeholder. The final design will come back before the Council before the money is spent. Councilmember Bradley responded that if the priority is to announce a beautiful cemetery, a monument is a great choice. If the priority is to protect the land, a monument won't do it. He felt that most of the budget is made up of placeholders.

Mr. Pili stated that a discussion of whether or not to have a cemetery is a philosophical discussion. The Council voted to have a cemetery, and the City needs to finish its projects. It's not about throwing up a fence, it's about honoring the dead that are buried there. Mr. Pili respected Councilmember Bradley for stating his position. If the rest of the Council agrees, then the City needs to stop the project.

Mayor Pengra said, on the premise of completing projects, the cemetery should be seen through to completion. Although Councilmember Bradley didn't agree with creating the cemetery, the Council voted for it. Right now the cemetery is a lawn. People deserve to bury their loved ones in a cemetery, not just a lawn. Most of the proceeds from the utility sale will be used for completing projects. He would have no problem with spending some of that money on the cemetery.

Councilmember Steinkopf pointed out that the cemetery does provide some fee revenue to the City, unlike some projects the City pays for. He said it was important to him to make it look like a cemetery.

*Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 4:1.*

## **PUBLIC HEARING**

17. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning 16.17 Acres from Agriculture to Residential.

This item was presented by Planning Director Steve Mumford. This is an applicant-proposed rezone of 16.17 acres from Agriculture to Residential. The property is located on the west side of Lake Mountain Road approximately ½ mile southeast of Pony Express Parkway and is known as the Glenmar development. Parcel Numbers: 58-040-0042, 58-040-0043.

*Mayor Pengra opened the public hearing at 9:36 p.m.*

Marianne Smith, the applicant, hoped that the Council will approve the project. She and her husband have set a minimum lot size of 1+ acres because they feel it's important to buffer between the City core and the larger lots up the hill. She was hopeful that the decision will lead to peace between the neighbors, because there has been some contention.

Mayor Pengra read a statement from Elise Erler of the State Institutional Trust Lands Administration (SITLA) in support of the project.

Sterling Hunt supported the rezone. He was also in support of the commercial storage rezone that will be considered later in the meeting.

*Mayor Pengra closed the public hearing at 9:41 p.m.*

Discussion ensued on what minimum lot size should be allowed and how the various lot sizes should be buffered.

Mayor Pengra invited Ms. Smith to speak. She said that a two-acre minimum would stop the development. They wouldn't be able to afford the required fees plus the paving. She thought a variety of lot sizes was healthy for the area.

Mayor Pengra said he is strongly in favor of property owners' rights. Land use decisions are probably more impactful than virtually anything else the Council does. However, developments also affect the City. Lake Mountain Road is a rural residential road. It's only intended to serve a small number of residents. There are no plans to make it a City-maintained, asphalt road. In addition, new developments far away from existing developments create costs for maintaining infrastructure across empty land.

**MOTION:**        *Councilmember Bradley moved to table an Ordinance of Eagle Mountain City, Utah, rezoning 16.17 acres from Agriculture to Residential.*

The motion failed for lack of a second.

**MOTION:**        *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning 16.17 Acres from Agriculture to Residential, with a minimum lot size of one acre. Councilmember Westmoreland seconded the motion.*

Councilmember Ireland questioned whether City ordinance allowed septic systems on one-acre lots or only on those larger than one acre. Councilmember Burnham amended her motion.

**AMENDED MOTION:**    *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning 16.17 Acres from Agriculture to Residential, with a minimum lot size that allows septic systems. Councilmember Westmoreland seconded the motion.*

There was discussion on if it would be possible to develop in this area without first constructing a collector road.

*Those voting yes: Donna Burnham and Tom Westmoreland. Those voting no: Adam Bradley, Ryan Ireland and Richard Steinkopf. The motion failed with a vote of 2:3.*



## **PUBLIC HEARING**

18. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning 85 Acres from Agriculture to Residential and 11.11 Acres from Agriculture to Commercial Storage.

This item was presented by Planning Director Steve Mumford. This is an applicant-proposed rezone of approximately 85 acres from Agriculture to Residential and 11.11 acres from Agriculture to Commercial Storage. A majority of the property is located near 5504 N Lake Mountain Road, and 5.5 acres are located immediately south of 5121 N Lake Mountain Road. They are known as Eagle Mountain Benches / Eagle Mountain Ranches. Parcel Numbers: 59-006-0028, 59-006-0046, 59-006-0055, 59-006-0042, 59-006-0054.

If the commercial storage is approved, the Future Land Use Plan and General Plan will need to be amended. All conditional and permitted uses will then need to be considered for that land. The Planning Commission recommended approval of the residential portion, with a minimum lot size of one acre or larger, and no residential lots on the land restricted by the powerline corridor. They recommended denial of the commercial storage portion.

*Mayor Pengra opened the public hearing at 10:20 p.m.*

Jeff Scott, applicant, spoke in favor of the rezone, saying it will prevent smaller-lot developments in the area. Smaller lots have already been approved nearby. He said the City needs a storage facility and stated that the road would be paved as part of the development.

Doug Sutton said the rezone would prevent smaller lots in the area and the City needs the commercial storage facility.

Christy Barnes said residents in her neighborhood in City Center already use Lake Mountain Road and she would like to live there.

Karen Scott said that she brought signatures from 66 people who want to live in the development.

Kim O'Donnell said the rezone would potentially displace the animal sanctuary that he and his wife Karen operate on their land along Lake Mountain Road.

Mike Heber asked that, if the residential rezone is approved, the commercial not be approved.

Greg Jeppson objected to the rezone. He wanted to maintain his rural neighborhood.

James Taylor objected to the rezone and wanted the area preserved.

Melinda Martin said additional traffic on Lake Mountain would be unsafe.

Jody Hooley said the rezone would be incompatible with existing lots and the road.

*Mayor Pengra closed the public hearing at 10:58 p.m.*

**MOTION:**        *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning 85 acres from Agriculture to Residential, with the conditions stated*

*in the staff report; excluding a rezone of 11.11 acres from Agriculture to Commercial Storage.*

The motion failed for lack of a second.

**MOTION:** *Councilmember Ireland moved not to adopt an Ordinance of Eagle Mountain City, Utah, rezoning 85 acres from Agriculture to Residential and 11.11 acres from Agriculture to Commercial Storage. Councilmember Bradley seconded the motion. Those voting yes: Adam Bradley, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Donna Burnham. The motion passed with a vote of 4:1.*

Councilmember Ireland addressed those in the audience who were involved with the two rezone applications. He commended them for their respect for one another and hoped that they would continue to be neighbors and friends, despite their differences of opinion.

Mayor Pengra stated that he gave more thought to this issue than any other agenda item he's ever considered. He had to balance individual property rights against what is best for the City as a whole, and his conclusion was that these rezones were not in the best interests of the City.

19. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Adopting an Addendum to the Interlocal Cooperation Agreement between Utah County and Eagle Mountain City Concerning the Utah County Communications Tower.

This item was presented by City Recorder Fionnuala Kofoed. The proposed amendment to the interlocal agreement with Utah County, approved in March 2013, documents the additional GPS equipment that Eagle Mountain City has installed in the Utah County communications site south of Cedar Pass Ranch.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving an addendum to the interlocal cooperation agreement between Utah County and Eagle Mountain City concerning the Utah County communications tower. Councilmember Westmoreland seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

*Councilmember Bradley was excused at 11:00 p.m. and was unavailable for the vote.*

20. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Adopting an Interlocal Cooperation Agreement between Utah County and Eagle Mountain City for the Administration of the 2015 Municipal Elections.

This item was presented by City Recorder Fionnuala Kofoed. The proposed interlocal agreement documents the terms for the joint administration of the 2015 Municipal Primary and General Elections. Utah County will provide manpower and equipment to count all ballots for the Primary and General Elections.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, adopting an interlocal cooperation agreement between Utah County and Eagle Mountain City for the administration of the 2015 municipal elections in the*



*amount of \$7,274.41 and authorize the Mayor to sign the contract. Councilmember Westmoreland seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

21. BID AWARD – Consideration of a Bid Award to Jones and DeMille for the Design of the 2015 Water Projects.

This item was presented by City Engineer Chris Trusty. The proposed bid award is for the design and construction of water lines to provide a redundant water source from the CWP pipeline to the northern region of Eagle Mountain City. This will ensure adequate water pressure and flow in this area, in the event that well #2 has to be taken offline.

**MOTION:** *Councilmember Westmoreland moved to award a bid to Jones and DeMille for the design of the 2015 water projects in the amount of \$127,590.00 and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

22. BID AWARD – Consideration of a Bid Award to Staker Parson Companies for the 2016 Road Improvements Projects.

This item was presented by Public Works Director Dave Norman. The 2016 road improvement projects include a rotomill and pave from Ranches Parkway to Hidden Valley Parkway along Pony Express Parkway; a rotomill and pave from Windhover Road to Saddleback Drive along Ranches Parkway; a pulverize and pave from Wride Hwy to Autumn Drive along Sunset Drive; and a rotomill and pave from Heritage Drive to Frontier Street along Cedar Trails Way.

**MOTION:** *Councilmember Burnham moved to award a bid to Staker Parson Companies for the design of the 2016 road improvements projects in the amount of \$588,942 and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

23. 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 Burnham  
No comment.

Councilmember Ireland  
Councilmember Ireland asked Mayor Pengra to report on the prison relocation meeting he attended this evening. Mayor Pengra responded that the Commission wasn’t listening to the public comments. They were simply going through the motions.

Councilmember Westmoreland  
No comment.

Councilmember Bradley

No comment.

24. 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.
25. COMMUNICATION ITEMS
  - A. Upcoming Agenda Items
  - B. Financial Report
26. ADJOURNMENT

**MOTION:** *Councilmember Ireland moved to adjourn the meeting at 11:07 p.m. Councilmember Westmoreland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JULY 7, 2015



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Fionnuala B. Kofoed, MMC  
City Recorder