

Eagle Mountain City Council Minutes 2014

Dates of City Council Meetings:

- January 7, 2014
- January 21, 2014
- February 18, 2014
- March 4, 2014
- March 18, 2014
- April 1, 2014
- April 15, 2014
- May 6, 2014
- May 20, 2014
- June 17, 2014
- June 19, 2014
- July 15, 2014
- August 5, 2014
- August 19, 2014
- September 2, 2014
- September 16, 2014
- October 7, 2014
- October 21, 2014
- November 18, 2014
- December 2, 2014
- December 10, 2014

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 7, 2014

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, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Councilmember Burnham participated telephonically.

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

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

Mayor Pengra moved Chief Andrus' items to the beginning of the meeting, as he had to leave for St. George as soon as possible for fire training.

Items 15, 16 & 17. Purchase Agreement, Interlocal Agreement & Board Member.

Chief Andrus discussed two items on the agenda. Item 15 is a purchase agreement with Unified Fire Authority (UFA). UFA agreed to pay \$500,000 to the City to make up for the impact fees that the City will no longer be able to collect. The agreement was made over a year ago, but the UFA Board approved it only recently.

Councilmember Bradley asked if the \$500,000 would pay for both stations or only one. City Attorney Jeremy Cook said that the payment is for both fire stations.

Councilmember Bradley asked how the amount was determined. Chief Andrus explained that part of it was in lieu of impact fees that were intended for the remodeling done on Fire Station #2. The remodeling was completed before all of the impact fees were collected.

Councilmember Westmoreland asked if the \$500,000 covers all financial liability for the City. Chief Andrus said it does. However, because adequate notice was not posted, the agreement will be tabled until the January 21 meeting.

Regarding item 16, the interlocal agreement with the Unified Fire Authority, Chief Andrus said that the document formalizes an agreement that was made last January. A written document was never signed. The agreement will be executed after the purchase agreement is executed, so it will also be tabled until the January 21 meeting.

Item 17 is an appointment to the Unified Fire Service Area Board. Mayor Pengra will be appointed as the City's representative to the Board.

1. PRESENTATION – Open & Public Meetings Act Training (*Presented by Jeremy Cook*)

State law requires annual training on the Open and Public Meetings Act. The Act requires the State and all its public agencies and political subdivisions to conduct the people's business openly. A meeting is defined as the convening of a public body with a quorum present for the purpose of discussing, receiving public comments on or acting upon a matter over which the public body has jurisdiction or advisory power. Advisory board meetings are public meetings. An agenda must be posted at least 24 hours before the meeting. Meetings may be held electronically, meaning that members may participate by electronic means.

Closed meetings may only be held for discussions of character, professional competence or physical or mental health of an individual; strategies for collective bargaining; pending and imminent litigation; purchase, exchange or lease of real property; deployment of security personnel or devices; or allegations of criminal misconduct. These items may be discussed in open meetings if the public body votes to do so.

Closed meetings may only be held following an open meeting in which 2/3 of the public body votes to hold the closed meeting. The motion has to state the reason and location of the closed meeting and the vote of each member. Closed meetings must be recorded and may have written minutes. Both recordings and minutes are protected under GRAMA.

Records of an open meeting include the notice, agenda, minutes and recording. The recording has to be complete, unedited and properly labeled. Independent parties can record, as long as the recording process doesn't interfere with the meeting.

Items not on the agenda may be discussed but may not be voted on. Minutes must include date, time and place of the meeting, names of those present, substance of items on the agenda, record of the votes taken, names of every person providing testimony, substance of the testimony, and any other information that a member requests to be entered into the minutes.

Councilmember Ireland pointed out that even if a member is not present at a meeting, he or she may still vote on the minutes of the meeting. The City must make pending (not yet approved) minutes available to the public within 30 days after the meeting, and within three business days after the minutes are approved by the public body. Written minutes, rather than the recording, are the official record of the meeting.

Intentional violation of the closed meetings portion of the Open and Public Meetings Act is a Class B misdemeanor.

Councilmember Westmoreland asked if both Work Session and Policy Session are video recorded. Mr. Cook said only the Policy Session is video recorded. Councilmember Westmoreland asked why. City Recorder Finn Kofoed explained that it takes approximately 5 hours to render the Policy Session video file. Public Information Director Linda Peterson added that, on average, it takes about 8 hours to render the video. Adding Work Session would make it unmanageable. The audio recordings are also posted on the City website.

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

Item 12A. Parkside Development Agreement.

Councilmember Steinkopf asked, if the exterior of the dwelling has to be 75% masonry materials, what will the other 25% be? Mr. Mumford said it should be stucco, brick, rock, fiber cement or vinyl siding.

Councilmember Steinkopf asked why the CC&Rs say that the City should be a partner in the enforcement of HOA codes? Mr. Cook said that statement is straight out of the City Code, but should be re-evaluated. He would prefer that the City only enforce City Code.

13. Gateway Final Plat

Councilmember Ireland asked when the park improvements will be built. Mr. Mumford responded that the pocket park, tot lot and detention basin will be installed with the first phase of the project. Scott Kirkland, the developer, added that quite a bit of landscaping needs to be installed along the road in the first plat. The improved open space will be maintained by The Ranches HOA.

Councilmember Bradley asked how the development's trails connect to the City's other trails. The response was that some of them only serve the subdivision. There is one trail that will connect to trails leading to Lone Tree.

Councilmembers asked about the towers on the hills. The towers are meant to resemble fire lookout towers for children to climb.

Mr. Kirkland and his partners are working with interested parties on how to preserve the petroglyphs. They would like to leave them alone until development comes closer to avoid calling attention to the petroglyphs to prevent vandalism.

18. Bid Award for Design of a Traffic Signal.

Councilmember Ireland asked which warrant was met in the warrant study completed by Horrocks Construction. Public Works Director Chris Trusty said the four-hour peak traffic warrant was met.

Councilmember Bradley asked if a crash study was ever done. Lt. Eric McDowell said crash data is very limited. There have only been about six accidents at the intersection in the last four years, although there have been many close calls and complaints. Lt. McDowell said the biggest danger of the intersection is the many pedestrians crossing between residential and commercial sites. He felt that a traffic signal is the safest solution for pedestrian safety.

Discussion ensued about increased traffic that will result from the grocery store. Mr. Trusty pointed out that the warrant study was conducted in March. If it had been conducted during the summer, pedestrian traffic would have been much higher.

Councilmember Westmoreland asked what capital projects were planned to coincide with the installation of the traffic signal. Mr. Trusty said the Central Water Project pipeline is being constructed, and he would like to install the traffic light at the same time that the pipeline reaches the intersection.

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

Mayor Pengra moved the City Administrator Information Items ahead of the Agenda Review out of respect for the members of the Cemetery Board who were in attendance to give an update on the status of the cemetery.

- A. Cemetery Update – Robert Hill, Cemetery Board
- B. Corridor Preservation Property Purchase – Steve Mumford

SR 73 Realignment

Matt Parker of UDOT discussed the planned realignment of SR 73. Pioneer Crossing currently ends at SR 68, which is Redwood Road. The road will be extended 1.5 miles to SR 73. SR 73 will be realigned, and the realigned section will be named Crossroads Boulevard. Construction is expected to begin in May and be completed in October. The extension will be built with two lanes in each direction, with room at the sides for an extra lane to be built on each side in the future, as well as acceleration and deceleration lanes.

Mr. Parker introduced Josh Palmer; however, he didn't speak at the microphone and was inaudible to the recording system.

Cemetery Update

Bob Hill explained that the board is anxious to provide residents a final resting place. It's hard on families to have to bury their loved ones far from home. The board has considered several sites, but has run into obstacles with each one. They've settled on a 20-acre piece of land owned by the City, adjacent to the rodeo grounds. By using City-owned land, the board's limited budget could be used to do a proper job of developing the site. Additionally, it's in an easy-to-find location across from a church, with plenty of parking.

The next step is City Council approval. If the Council approves the site, the board will be able to begin working with the landscape architect. They've considered having separate sections for children and for veterans. A children's section seems like a good idea. There is a veterans' cemetery at Camp Williams, so that may not be as useful to the community.

Corridor Preservation

Planning Director Steve Mumford said that the City has been working to preserve future right-of-way corridors along SR 73. The owner of Clearview Estates set aside 150' width, parallel to SR 73, for future sale to UDOT. The Planning and Public Works Departments are now working with a property owner to preserve a corridor along SR 73 where it enters the northwest corner of the City. Funding can be obtained from the Local Corridor Preservation Fund administered by Utah County.

Mr. Mumford said that he has talked to the Saratoga Springs engineer about the project.

Councilmember Westmoreland asked how long the County money will be available. Mr. Mumford said that any money allocated to the City will be returned to the County fund if the City doesn't use it.

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

MOTION: *Councilmember Steinkopf 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 aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

POLICY SESSION – CITY COUNCIL CHAMBERS

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

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

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

Adam Bradley led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Christmas Tree Disposal** -- Our Parks Department is offering free pick up and disposal of live Christmas trees through January 16. Simply place your live tree, stripped of all decorations, on top of the curb in front of your home. Please do not place trees in the gutter, as they impede parking and snow plows. For condo neighborhoods, a list of locations to leave your tree is available on the City website, News section.
- **City Offices Closed** – The City offices and Library will be closed on Monday, January 20 for the Martin Luther King, Jr. holiday.
- **Story Time** – Story Time at the Library starts on January 22. Story Time is geared towards children ages 3-5, although all ages are welcome. It is a few stories, some songs, and sometimes even a craft. In February there will also be a program geared towards children 18 months-3 years old. It will be in conjunction with Kids on the Move. Check out the "Events" tab on the Library page of the City website for more information.
- **Pioneer Crossing Extension Open House** – UDOT will hold an open house on Thursday, January 23 at Westlake High from 5:00 to 8:00 p.m. to provide information on a proposed extension of Pioneer Crossing. Notices will be posted on the City website and social media when more information is available.
- **Seniors' Pizza & Movie Night** – The Seniors (ages 55+) will hold their monthly group activity, pizza and a movie, on Monday, January 27 at 5:00 p.m. at City Hall. Admission is free.
- **Library Fine-Free Event** – The Library will be waiving fines for items currently checked out that have fines through February 7.

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

Bryan Free commented on the purchase agreement with the Unified Fire Authority. He asked if a formal real estate appraisal was done before setting the price. He also asked how the new Mayor and Councilmembers planned to communicate new information and projects to City residents. He also wanted to know about the traffic signal planned for the intersection of Pony Express and Ranches Parkways.

Mayor Pengra thanked Mr. Free for participating in public comments. He stated that he asked the same question about the Unified Fire Authority purchase. He explained that the price covers the impact fees that the City will no longer collect on Fire Station #2. As far as communication is concerned, he will be working on a communications plan that will offer more opportunities for residents to communicate with elected officials. He said the traffic light bid award is only for a design at this point, not for construction.

Fred Peeples congratulated the Mayor and new members of the Council. He commented on the proposed traffic signal. He didn't feel that it was a good use of taxpayer funds, nor was there enough traffic to justify the cost of its installation. City Administrator Ifo Pili said the funding comes from transportation impact fees paid by developers. Mayor Pengra stated that, while current traffic doesn't require a traffic signal, upcoming residential and commercial traffic will require it.

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

No comments.

CONSENT AGENDA

10. MINUTES
A. December 3, 2013 – Regular City Council Meeting
11. BOND RELEASE (INTO WARRANTY)
A. Southmoor Phase 2
12. DEVELOPMENT AGREEMENT
A. Parkside
B. Evans Ranch Plat B-1
13. FINAL PLAT
A. Gateway Phase A Plat 1

MOTION: *Councilmember Ireland moved to approve the consent agenda. Councilmember Steinkopf 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

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

This item was presented by Mayor Pengra. The City Council will appoint a Councilmember as Mayor Pro Tempore for a one-year term to cover for the Mayor in the event of his absence. Mayor Pengra proposed appointing Councilmember Burnham as Mayor Pro Tempore.

MOTION: *Councilmember Ireland moved to appoint Councilmember Burnham as Mayor Pro Tempore. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

15. AGREEMENT – Consideration and Approval of an Interlocal Agreement with the Unified Fire Authority for the Acquisition of Fire Protection, Emergency Response and Emergency Medical Service.

This item was presented by City Attorney Jeremy Cook. In conjunction with the annexation of the municipal boundaries of Eagle Mountain City into the Unified Fire Service Area (formerly Salt Lake Valley Fire Service Area), the City agreed to join the Unified Fire Authority, an interlocal entity. The Interlocal Agreement formalizes the City's agreement to join the Unified Fire Authority and the transfer of certain assets and personnel as set forth in the Interlocal Agreement. The Unified Fire Service Area is a taxing entity, while the Unified Fire Authority is the interlocal organization that provides the fire service.

Mr. Cook recommended that this item be tabled until the next meeting to coincide with a vote on item 16.

See motion on item 16.

16. AGREEMENT – Consideration and Approval of a Purchase Agreement with the Unified Fire Authority.

This item was also presented by Mr. Cook. The Purchase Agreement is a separate agreement referenced in the Interlocal Agreement that formalizes the transfer of Eagle Mountain City's two fire stations to Unified Fire Authority for the amount of \$500,000.00.

Mr. Cook recommended that this item be tabled until the next meeting. The agreement can't be voted on because the required notice wasn't posted soon enough.

MOTION: *Councilmember Steinkopf moved to table an interlocal agreement and a purchase agreement with the Unified Fire Authority. 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.*

17. RESOLUTION – Consideration and Approval of a Resolution of Eagle Mountain City, Utah Appointing a Member Representative to the Boards of the Unified Fire Service Area and the Unified Fire Authority.

This item was presented by Mayor Pengra. As a member of the Unified Fire Service Area and the Unified Fire Authority, it is necessary for Eagle Mountain to appoint a member representative to both Boards annually. Mayor Pengra will be the new representative.

MOTION: *Councilmember Ireland moved to approve a Resolution of Eagle Mountain City, Utah appointing a member representative to the boards of the Unified Fire Service Area and the Unified Fire Authority. 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.*

18. BID AWARD – Consideration and Approval of a Bid Award for Signal Light Design at the Intersection of Ranches and Pony Express Parkways.

This item was presented by Public Works Director Chris Trusty. This is a bid award for professional design services for a proposed traffic signal at the intersection of Ranches and Pony Express Parkways. This project was included in the FY 2014 budget.

A warrant study was completed by Horrocks Engineering. A warrant study evaluates nine different warrants to determine whether a traffic signal should be installed. Horrocks recommended that the City consider installing a traffic signal, so the project was added to the Capital Facilities Plan. The project will be coordinated with the water line project that is under construction. Horrocks bid for the design and construction management and is the lowest responsible bidder.

Councilmember Ireland asked what the impact would be if the underground electrical lines for the traffic signal were installed now, and the traffic signal built later. Mr. Trusty said it was possible, but he recommended doing the complete design now, so it will be ready when the signal is installed.

MOTION: *Councilmember Steinkopf moved to approve a bid award for a signal light design at the intersection of Ranches and Pony Express Parkways to Horrocks Engineering in the amount of \$27,437 and authorize the Mayor to sign the agreement. Councilmember Westmoreland seconded the motion.*

Councilmember Westmoreland asked Mr. Trusty when the City is likely to meet more of the criteria in the warrant study. Mr. Trusty replied that one is pedestrian traffic, which might have been met if the study had been done during warmer weather. Another is the volume of vehicular traffic, which has to exceed a certain number of daily vehicle trips in an eight-hour period. The traffic count nearly met the requirement. The report stated that if a high traffic generator (such as the grocery store) is constructed near the intersection, the standard will be met sooner.

Councilmember Westmoreland felt that the City should take some time to prepare for the cost of a traffic signal. He wasn't sure that a traffic signal would provide the most improvement in safety.

Councilmember Steinkopf stated that there has already been one auto-pedestrian accident at the intersection, which he felt was enough to indicate that a traffic signal is needed for safety.

Councilmember Westmoreland asked what would happen to the funds for the traffic signal if they are not used right now. Mr. Pili explained that the funds come from transportation impact fees paid by developers. The money belongs to the City and could potentially be allocated to another transportation project.

Councilmember Ireland felt that the City ought to at least lay conduit while the street is dug up for the water line. He noted that many intersections in Salt Lake City are only provided with orange flags for pedestrians to carry across the street.

Energy Department Adam Ferre pointed out that the bid award is only for a design. He won't know what electrical facilities will need to be installed until the design is completed.

Mayor Pengra asked if Horrocks only designs traffic signals or if they could design something else that would make the intersection safer. Mr. Trusty said he wasn't familiar enough with Horrocks to answer.

Councilmember Bradley asked how much a warrant study costs. Mr. Trusty responded that the last one was part of the Capital Facilities Plan, so there was no additional cost. They would do an update to the current warrant study for somewhere around \$2,000.

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

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

Councilmember Burnham

Councilmember Burnham thanked City Recorder Fionnuala Kofoed for enabling her to participate by telephone. She was sorry she missed this first meeting with the new Mayor and Councilmembers and looked forward to working with them.

Councilmember Steinkopf

Councilmember Steinkopf welcomed the new Mayor and Councilmembers and said 2014 is going to be a great year. He also noted that Noelle Pikus-Pace, an Eagle Mountain resident, is close to being on the Olympic team in the skeleton race.

Councilmember Ireland

Councilmember Ireland expressed appreciation for those who attended this meeting.

Councilmember Westmoreland

Councilmember Westmoreland thanked everyone who attended the meeting and was grateful for this opportunity to serve the City. He referred to Mr. Free's comment about communication. He hoped to be able to use his professional experience to help with that.

Councilmember Bradley

Councilmember Bradley said it was an honor to represent the residents of Eagle Mountain. He commended Mr. Free and Mr. Peeples for making public comments and congratulated Mayor Pengra for a successful first meeting.

Mayor Pengra

Mayor Pengra appreciated the residents who came to the meeting and looked forward to serving the citizens for the next four years.

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

None.

21. COMMUNICATION ITEMS
- a. Upcoming Agenda Items
 - b. Financial Report

22. ADJOURNMENT

MOTION: *Councilmember Steinkopf moved to adjourn the meeting at 7:54 p.m. Councilmember Ireland 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 JANUARY 21, 2014.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 21, 2014

Budget Retreat 2:00 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

2:00 P.M. - 4:00 P.M. BUDGET WORK SESSION – MAIN CONFERENCE ROOM

1. BUDGET VISION RETREAT – Discussion item only, no action will be taken on the budget.
2. MEDIA TRAINING

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

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

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

Mayor Pengra called the meeting to order at 4:25 p.m.

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

Due to a technical difficulty, the audio recording didn't begin until several minutes into the meeting.

13. Evans Ranch Final Plat

Councilmember Bradley stated that a resident asked him about the timing of the construction. Nate Shipp, representing DAI, said the homes will be built starting at the north end of the development. The LDS Church is buying a lot and will build on its own schedule.

Councilmember Ireland asked how the sewer line will work. Mr. Shipp explained that all of the lots except for the three model homes will be on one outfall line leading into SilverLake. Once the line is connected, the lift station will be removed.

14. Fiscal Year 2013 Financial Audit

Ron Stewart, a partner in Gilbert & Stewart, the City's contracted, independent audit firm, reported on the fiscal year 2013 financial audit. The audit report expressed an "unqualified opinion" that the financial records present an accurate picture of the City's finances, according to generally accepted accounting principles. This is the best opinion that a city can receive.

Mr. Stewart explained the audit report by individual pages. He described the various City fund accounts and the financial controls that are in place. The report indicated that the Community

1 Development Fund was overspent by \$32,000. Some of the debt service funds were also
2 overspent.
3

4 Councilmember Bradley asked if Mr. Stewart found any gross misrepresentations in the City's
5 financial records. He replied that there were none; however, he suggested that the Finance
6 Department be a little more careful to be sure that all the numbers match up. A few accounts had
7 some discrepancies, which he felt happened inadvertently.
8

9 17. Consolidated Fee Schedule

10 Finance Director Paul Jerome said that the fee for the first trash can on each account will be
11 reduced by one dollar and that dollar would be applied to the storm drain fee for each account.
12 This will allow the City to adequately fund the storm drain system.
13

14 Councilmember Ireland asked what services the Storm Drain Department will provide using those
15 extra funds. Public Works Director Chris Trusty responded that the department will be able to
16 meet new state requirements for inspections and pollution prevention plans. They would also like
17 to control spring run-off in the Hidden Valley area.
18

19 Councilmember Steinkopf asked if the rate changes will result in a net decrease for the residents.
20 Mr. Jerome explained that the trash fee decrease will directly offset the storm drain fee increase.
21

22 Councilmember Ireland asked if the reduction in the trash fee reflects the reduction in tipping fees
23 at the landfill. Mr. Jerome said the reduced tipping fees provide the funds to cut the trash fee,
24

25 Councilmember Westmoreland asked how long the City will be able to avoid raising trash fees.
26 Mr. Jerome said the City's contract allows for a slight increase in fees each year, but the fund has
27 enough of a balance that residents' fees won't have to be raised in the near future.
28

29 The electric rescheduling fee will be raised to reflect the actual cost of City personnel having to
30 return to properties that are unprepared for scheduled inspections.
31

32 The Library fees will pay for repair to moisture-damaged items; scans and emails provided to
33 residents; and use of computers by those without library cards. The computer use fee will be
34 effective on March 1; the others will be effective immediately.
35

36 18. Bid Award for a Transportation Master Plan Update.

37 The Master Transportation Plan has not been updated in eight years. The Plan will take a new
38 UDOT freeway alignment into consideration; as well as future road alignments at the Saratoga
39 Springs border, traffic projections at build-out, non-vehicular traffic and mass transit.
40

41 Proposals have been received from three companies. InterPlan's price was significantly less than
42 others. Cities which have used them recently have been very pleased with their services.
43

44 Councilmember Bradley referred to the "balanced planning policy." Mr. Trusty explained that that
45 referred to coordinating future planning with other local and regional entities, as well as developers
46 working in the City.
47

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

A. Rockwell Charter School Water Agreement (*Presented by Darren Beck, Warren Price and Wendy Lojik*)

Rockwell is requesting that the City contract for water and maintenance for their playing fields, in exchange for allowing the fields to be used for City sports programs. The school would like to collaborate with the City by providing facilities when needed. The building is available; the playing fields and a track are in the planning stages.

Mayor Pengra said he looked forward to working in partnership with Rockwell.

Mr. Beck noted that there is an open position on Rockwell's board of directors and invited City Council members to consider serving on the board.

Councilmember Bradley asked if there is a precedent for this kind of agreement, perhaps between other towns and the school district. Mr. Pili said that there wasn't. City Attorney Jeremy Cook clarified that the City would not be providing water to Rockwell, but waiving the requirement that Rockwell provide water to the City when the fields are developed.

Councilmember Bradley asked what the financial impact would be to the City's taxpayers. Mr. Pili responded that Rockwell actually owes water rights to the City. Two elementary schools have also not provided water rights. The City chose to waive the water debt of existing schools and the district agreed to provide the required water rights for new schools. While the water will cost the City money, it will receive the use of needed playing fields and clean up a weedy area at one of the entrances to the City.

B. Rural Economic Development Loan/Grant

Ikani Taumoepeau, Economic Development Director, explained that when the Business Incubator Program was initiated, it was expected to last for seven years, based on the available funds, none of which came from tax revenue. The City has been seeking out grants to extend the program without using taxpayer dollars. A 0% interest grant/loan (REDL/G) was received from the USDA last year. REDL/G funds are designed to build the economies of rural areas. The funds will extend the incubator program approximately ten years. The program has depended on a partnership with Direct Communications. DirectCom proposes to build an office building, which will provide much-needed business space.

Councilmember Bradley asked why the City is doing this. Economic Development Director Ikani Taumoepeau explained it will provide office space for businesses in Eagle Mountain. He said that Eagle Mountain is one of the worst locations for economic development. This loan/grant program levels the playing field.

Councilmember Bradley felt that the free market should take care of needs like that. He felt that taking money from the Federal government to help a private company amounts to socialism.

Mr. Pili said that the City government can choose to do nothing to provide jobs and diversify the tax base. For those in government who want to do something about it,

this is the least intrusive method. The money doesn't come from taxpayer funds, but from repayments by other recipients on previous loans.

Councilmember Bradley asked what the REDL/G will cost the City. Mr. Pili answered that there will be a \$60,000 up-front cost, which will be paid back. The \$60,000 will come from the original \$500,000 incubator fund.

Diane Bradshaw of Direct Communications noted that her company is a utility, not a real estate company, and is not looking to profit on the deal. Their goal is to help the City prosper and increase its economic development, which will ultimately benefit the company, because it plans to stay in Eagle Mountain.

C. Storm Water Management

Public Works Director Chris Trusty presented an introduction to the Municipal Separate Storm Sewer System (MS4), the UPDS and the Storm Water Management Program (SWMP). The EPA published the Storm Water Phase 2 Rule in 1999 in an effort to protect the nation's watersheds. The Utah Department of Environmental Quality administers the program in Utah. Municipalities in urban areas are required to develop a Storm Water Management Plan.

Some of the steps the City will take to comply with the law include joining the Utah County Storm Water Coalition, training employees in inspection and reporting, mapping the storm water system, creating a storm system maintenance schedule, adopting a storm water ordinance, and educating builders and contractors.

Mr. Trusty said that the State used to apply these requirements only to larger cities, but has gradually included smaller cities. Last year, the State included cities as small as 10,000 population. It expects City leadership to take ownership of complying with this program.

Mayor Pengra felt that this appeared to be a "big brother" kind of Federal program. He wanted to see some discretion allowed to cities. Mr. Trusty said there is some discretion in the City's enforcement, but the State will audit each city and penalize noncompliance.

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

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

The Closed Executive Session was cancelled after the motion was made.

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

6. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:02 p.m.

7. PLEDGE OF ALLEGIANCE

Ryan Ireland led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- **City offices closure** – The City offices, including Utility Billing and the Library, will be closed tomorrow, January 22 from 7:30 a.m. to 9:00 a.m. for mandatory staff training.
- **Pioneer Crossing Extension open house** – UDOT will hold an open house on Thursday, January 23 at Westlake High School from 5:00 to 8:00 p.m. to provide information on a proposed extension of Pioneer Crossing. More information is available on the City website, Events page.
- **Miss EM orientation** – An orientation meeting for the 2014 Miss Eagle Mountain Scholarship Pageant will be held on Saturday, February 1 at 10:00 a.m. Young women ages 17-24 are eligible to participate in the pageant, which is affiliated with the Miss America organization. More information is available on the City website, Events page.

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

None.

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

Councilmember Steinkopf

Councilmember Steinkopf mentioned Noelle Pikus-Pace and Dan Burton, Eagle Mountain athletes. Noelle qualified for the U.S. Olympic Team in skeleton and Dan is biking to the South Pole.

Councilmember Burnham

Councilmember Burnham apologized for not attending the last meeting in person. She was sick. She congratulated the new Mayor and Councilmembers.

Councilmember Ireland

Councilmember Ireland expressed appreciation for those attending the meeting. He encouraged residents to participate in the budget process that will go on over the next few months. The more input the City receives from residents, the better they can represent the public's needs.

Councilmember Westmoreland

Councilmember Westmoreland encouraged public involvement in City government.

Councilmember Bradley

Councilmember Bradley thanked those who attended the meeting and asked them to provide input for the budget process.

Mayor Pengra

Mayor Pengra noted that there was a budget discussion session earlier this afternoon. The public is always welcome to participate.

11. APPOINTMENTS

- A. Eagle Mountain City Recorder – Fionnuala B. Kofoed
- B. Eagle Mountain City Treasurer – David Mortensen

State law requires that the City Recorder and City Treasurer be reappointed after a municipal election.

MOTION: *Councilmember Bradley moved to appoint Fionnuala B. Kofoed as City Recorder and David Mortensen as City Treasurer. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

Mayor Pengra administered the oath of office to Ms. Kofoed and Mr. Mortensen.

CONSENT AGENDA

12. MINUTES

- A. January 7, 2014 – Regular City Council Meeting

13. FINAL PLAT

- A. Evans Ranch, Plat B-3

14. FY 2013 AUDIT – Acceptance of the FY 2013 Financial Audit

Mayor Pengra asked Finance Director Paul Jerome to explain the findings identified in the FY 2013 City budget by the auditor. Mr. Jerome explained that all budget amendments have to be completed before the fiscal year actually ends, which can make it difficult to get all funds properly appropriated. The Community Development Fund went over budget. Also, additional payments were made on two of the SAA bonds, the storm water fund isn't currently treated as an enterprise fund and ended up going over budget, and the transportation impact fee fund had enough money to make the road bond payment for the year, which wasn't originally budgeted for due to lack of funds.

The other issue concerned General Fund employees who work in part for the Enterprise Funds. Due to the economic crises, some employees who left, were not replaced and the amount of work they do for the enterprise funds should have been attributed to the remaining employees. If this had been recognized, then the issue of the backup for the transfer not matching the actual transfer would not have been the case.

Mayor Pengra clarified that the issues were about appropriation. The funds never went into negative balances; the transactions weren't reflected in the budgeting process.

MOTION: *Councilmember Westmoreland moved to approve the consent agenda. Councilmember Ireland 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

Mayor Pengra moved item 16 ahead of item 15.

15. AGREEMENT – Consideration and Approval of an Interlocal Agreement with the Unified Fire Authority for the Acquisition of Fire Protection, Emergency Response and Emergency Medical Service.

In conjunction with the annexation of the municipal boundaries of Eagle Mountain City into the Unified Fire Service Area (formerly Salt Lake Valley Fire Service Area), the City agreed to join the Unified Fire Authority, an interlocal entity. The Interlocal Agreement formalizes the City's agreement to join the Unified Fire Authority and the transfer of certain assets and personnel as set forth in the Interlocal Agreement. This item was tabled from the January 7, 2014 City Council meeting, in order to allow for adequate public notice.

MOTION: *Councilmember Steinkopf moved to approve an interlocal agreement with the Unified Fire Authority for the acquisition of fire protection, emergency response and emergency medical service. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration and Approval of a Purchase Agreement with the Unified Fire Authority.

The Purchase Agreement is a separate agreement referenced in the Interlocal Agreement that formalizes the transfer of Eagle Mountain City's two fire stations to Unified Fire Authority for the amount of \$500,000.00. This item was tabled from the January 7, 2014 City Council meeting, in order to allow for adequate public notice.

MOTION: *Councilmember Ireland moved to approve a purchase agreement with the Unified Fire Authority. Councilmember Steinkopf 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. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule.

This item was presented by Finance Director Paul Jerome. There are several proposed amendments to the Consolidated Fee Schedule. One is to decrease the Solid Waste Fee for garbage collection by a dollar and increase the Storm Drain Fee by a dollar, to reflect the actual cost for these services. The amendments also include an increase to the Electric Rescheduling Fee. The proposal is to increase the fee to \$50 to recover the true cost to the Energy Department and bring the fee in line with the Building Department's Re-inspection Fee. The intent is to discourage builders who repeatedly schedule inspections when their projects aren't ready, forcing inspectors to go out to job sites numerous times. The City Library fees will be increased to cover repairing water damage to returned books, charge those without library cards for computer use, and scan and email items for residents.

Councilmember Burnham commented that another advantage to the library computer fee is that it will encourage more residents to get library cards. Increasing library cards per capita helps with the library certification process.

Councilmember Westmoreland asked for the history and purpose of the storm drain fee. Mr. Jerome explained that the Storm Drain Fund was established for building systems that divert storm water away from homes and businesses. This includes curb-and-gutter, drains, swales and washes. As the City expands, it becomes more costly to maintain those systems. Mr. Trusty said that until recently, the City didn't have a Storm Drain Department. Storm drain maintenance came from the Streets Department, which was funded by B & C road funds. Road maintenance was shorted to subsidize storm drain maintenance.

Councilmember Westmoreland pointed out, for the benefit of the residents who were not at the Work Session, that the reduction in trash fees was the result of a reduction in tipping fees at the landfill.

MOTION: *Councilmember Burnham moved to adopt a resolution of Eagle Mountain City, Utah, amending the Consolidated Fee Schedule, with the stipulation that the library computer use fee change not take effect until March 1. 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.*

The approved fees are as follows:

- Increase of \$1 per month per ERU for Storm Drain maintenance
- Decrease of \$1 per month on the Solid Waste 1st can rate
- Increase the Electric Rescheduling Fee to \$50.00
- \$2.00 fee per item for wavy/wrinkled page damage
- \$1.00 fee per item scanned or emailed by staff for residents
- \$1.00 fee per ½ hour of computer use without an Eagle Mountain library card

18. BID AWARD – Consideration and Award of Bid to InterPlan for the Eagle Mountain City Master Transportation Plan Update.

This item was presented by Public Works Director Chris Trusty. This is a bid award for the City's Master Transportation Plan Update.

Mr. Trusty said that, about a year ago, the Planning Commission recommended that the City's Master Transportation Plan be updated. It hasn't been updated by an independent, outside party in many years. The update will include a thorough review of the existing system, followed by recommendations for future corridors, including transit and non-motorized transportation. It will include guidelines for right-of-way preservation and recommendations for updates to the impact fees to accomplish right-of-way preservation. It will coordinate with other local entities, including Saratoga Springs, MAG, UDOT and Utah County.

InterPlan is also working on the Northern Utah County Transportation Plan, which will be an advantage in creating a future transportation plan for Eagle Mountain.

MOTION: *Councilmember Steinkopf moved to award a bid to InterPlan for the Eagle Mountain City Master Transportation Plan Update in the amount of \$39,936.00 and authorize the Mayor to sign the agreement. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

Councilmember Bradley asked when the plan would be completed. Mr. Trusty said InterPlan will begin holding public hearings shortly. The target date is for completion of the plan is June 1.

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

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Councilmember Ireland

Councilmember Ireland asked how the Council board liaison assignments would be made. After discussion, Mayor Pengra made assignments as follows:

- Councilmember Bradley to the Planning Commission and the Military and Veterans Advisory Board
- Councilmember Ireland to the Senior Council and Library Board
- Councilmember Burnham to the Youth City Council
- Councilmember Steinkopf to the Cemetery Board and the Public Works Board
- Councilmember Westmoreland to the Economic Development Board and the Parks and Recreation Advisory Board

Councilmember Westmoreland

No comment.

Councilmember Bradley

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.

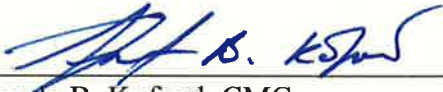
None.

21. COMMUNICATION ITEMS
a. Upcoming Agenda Items

22. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 7:53 p.m. Councilmember Steinkopf 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 FEBRUARY 18, 2014.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 18, 2014

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 – COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Jason Hall, Recreation Director; Chas Glenn, Special Events Director; 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 and do not require action by the City Council.

A. DISCUSSION – Traffic Signal at Pony Express and Ranches Parkways
(Presented by Chris Trusty) Before taking the traffic signal design out to bid, City staff wanted to update the Council on the proposed project and its alternatives. Mr. Trusty noted that the funds which would be used for this project are impact fees paid by developers and are restricted to transportation projects.

Councilmember Westmoreland felt that if the City starts installing traffic signals, more traffic signals will follow. Mr. Trusty explained the traffic patterns on the City's main roads. He didn't think additional signals would be warranted any time soon.

Councilmember Steinkopf stated that the traffic signal should include left turn arrows to improve pedestrian safety.

B. PRESENTATION – Pony Express and Ranches Parkways Landscape
(Presented by Brad Hickman) Mr. Hickman reviewed the complaints the City received about sprinkler irrigation on Ranches Parkway and Pony Express Parkway. The system is very complex, old and patched together. There are over 400 valves on the system along both roads. The goals of the proposed two-wire irrigation system are to reduce overspray and runoff, cancel watering during rain, limit watering time and adjust water flow seasonally.

Councilmember Bradley asked if the City would control the irrigation system or if the Ranches HOA would control it through their maintenance contract. Mr. Hickman explained that City staff would give the HOA access to the system through a pass code and would be able to monitor the HOA's water use.

Councilmember Ireland asked how xeriscaping would figure into this system. Mr. Hickman responded that the irrigation system will be able to water shrubs with a lower water flow than would be required by grass.

Councilmember Bradley asked what the return on investment would be. Mr. Trusty offered to put together an estimate.

- C. PRESENTATION – Eagle’s Gate Park Improvement Project
(Presented by David Benight, Parks and Recreation Board Chair) The Parks & Recreation Advisory Board received a request from residents of the Eagle’s Gate subdivision to replace the volleyball court in the Eagle’s Gate Park with a court for another activity. For two previous requests for park improvements, the Council has agreed to match funds dollar for dollar with the funds raised by the residents. In this case, the matching fund amount would be \$12,000. Maintenance would be the responsibility of the HOA.

Councilmember Bradley asked where Mr. Benight thought that the funds might be taken from the budget. Mr. Benight suggested that unused funds for the future “Wren’s Roost” park were a possibility; however, he felt the Eagle’s Gate park project should be an item for the upcoming year’s budget.

Councilmember Ireland asked Mr. Benight how many other volleyball courts are in City parks. Mr. Benight said that the Parks and Recreations Board plans to begin tallying the various improvements needed in all City parks.

- D. PRESENTATION – 2014 PRCA Rodeo *(Presented by Ifo Pili)*
City Administrator Ifo Pili described a proposal to transfer the rodeo to a 501(c)3 organization. However, the City has a stock contract that it must pay, whether it sponsors a rodeo or not. Mr. Pili contacted the contractor to see if there was a way the City could cancel that contract if it doesn’t hold a rodeo. The contractor wasn’t willing to cancel the contract.

Mayor Pengra noted that the City’s event staff now consists of only one full-time and one part-time employee, neither of whom has experience in running a rodeo.

City staff has discussed Pony Express Days and Mayor Pengra directed them to put together a plan as to what the City could reasonably sponsor for the City celebration. Assistant City Administrator Jason Walker explained that last August, staff recommended that the rodeo, concert and demolition derby be eliminated from Pony Express Days. A third party entity would be allowed to sponsor those events if they wished to. This conclusion was based on a survey of City residents.

Based on the survey information, staff recommends focusing Pony Express Days on events that interest local residents rather than those that attract visitors from other areas. The least-attended events have been eliminated and some events will be moved to other dates during the summer.

According to the proposal, Pony Express Days will be held from June 3-7. The City’s cost would be reduced to approximately \$25,000.

Councilmembers questioned costs, including paying outside groups to march in the parade, while City residents pay to march. The expenditures for the events being moved to the rest of the summer should be included in the cost estimate. Costs for vendor booths and Family Fun Night were also discussed.

Mayor Pengra said that this is an initial proposal and will be refined.

Justin Loera of the Economic Development Board spoke about the possibility of having a third party produce the concert. He was in discussions with Legacy Media and Refinement Records last year. The discussions ended in December. Since then, Legacy and Refinement have indicated that they're no longer interested in producing the concert, but are willing to help with it. Discussion ensued on ways the concert might be managed.

Fireworks aren't on the current proposal, but may be considered.

Wendy Lojik spoke on the rodeo. She's been involved in volunteering for City events since she moved to Eagle Mountain nine years ago. About a week ago, she asked the previous Special Events Director, Angie Ferre, for a breakdown of rodeo costs.

Ms. Lojik said she wanted to set up a volunteer Rodeo Committee to work with the City to support smaller events at the rodeo grounds. Although she loves the professional rodeo, she felt that multiple smaller events would be a better use of the grounds than a large event. Mayor Pengra commended her for wanting to do what's right for the community. He said that the City would be willing to continue to discuss what could be done to support her efforts.

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

12. Resolution Designating Surplus Property

Councilmember Burnham asked why the City is disposing of so many vehicles. City Administrator Ifo Pili explained that vehicles are surplus based on when the City can receive the best return on them. Vehicles are purchased through the State contract at a discount. Using the rotation schedule, vehicles can sometimes be surplus at a zero loss.

Public Works Director Chris Trusty stated that the Fleet Division tries to rotate 20% of fleet vehicles per year. Surplus vehicles are sold through a vehicle auction which is used by other municipalities.

Mayor Pengra said that State law requires that municipal vehicles be declared surplus before they're sold. He noted that if the Council was uncomfortable with the vehicle list, some could be removed. He felt that the Tahoe should be surplus because it would free up funds for more than one more modest vehicle.

13. Pony Express Days Agreement

This is a discussion item for the purpose of receiving direction from the Council as the future of the Pony Express Days rodeo. The City is required to pay the stock contract whether it sponsors a rodeo or not. If it sponsors a rodeo, there will be costs beyond the stock contract. If it doesn't,

there is the option of surplusing the equipment at a future City Council meeting and selling it for about \$120K, making it a net-zero transaction.

There was discussion on raising ticket prices, as well as the possible results of defaulting on the stock contract, which could include a lawsuit.

Mayor Pengra asked who would run the rodeo if the City sponsored it. Councilmember Westmoreland asked Ms. Lojik if she represented herself or a group. Ms. Lojik said she represents a group. Additional members are expected to join the group as plans are finalized.

Councilmember Bradley suggested that the City pay the stock contract expense and allow the volunteer Rodeo Committee to do everything else.

Councilmember Burnham discussed the possibility of allowing a Rodeo Committee to manage the rodeo grounds and split the revenue with the City.

Councilmember Westmoreland pointed out that there is little time left to resolve the issue of the stock contract. Ms. Lojik said that she and the people she work with are accustomed to working quickly. Councilmember Westmoreland asked how long it would take to set up an LLC. Ms. Lojik said it could be done in three days.

City Attorney Jeremy Cook said that the law only allows the City to assist nonprofit entities, and contribute only up to one percent of its budget.

Mayor Pengra worked out some initial numbers as to the amount the LLC would have to raise before the rodeo.

15. Rocky Mountain Power Agreement

Mr. Cook explained that this agreement was mandated by a change in State law. It requires Rocky Mountain Power to identify all the customers it is serving within a city's boundaries and enter into an agreement to continue to service those customers. The change allows Rocky Mountain Power to provide the City with two years' notice, at which point the City would have to take over providing those services. For Eagle Mountain, that means it will need to service White Hills. The City requested an extension beyond two years, but Rocky Mountain Power denied the request. They said they may grant such a request in the future.

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.

MOTION: *Councilmember Burnham moved to adjourn the meeting and reconvene in Policy Session at 7:00 p.m. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:14 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; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Jason Hall, Recreation Director; Chas Glenn, Special Events Director; 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

Tom Westmoreland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Polar Plunge** –The Saratoga Springs and Lehi Police Departments will hold their annual Polar Plunge fundraiser, diving into Utah Lake to benefit the Special Olympics. The event is on Saturday, February 22 at the Utah Lake Pelican Bay Marina. Registration is online at sout.org.
- **Seniors' Valentine's Dinner** –The Seniors will host a free Valentine's dinner on Monday, February 24 at 5 p.m. in the City Council Chambers.
- **Exceptional Kids Club** –The Exceptional Kids Club is a monthly activity for special needs children and their siblings. On Thursday, February 27 there will be a Valentine's Day craft activity from 4:00 p.m. to 6:00 p.m. in the City Council Chambers. Admission is free but registration is required, on the Events page of our City website.
- **Run-off flooding** –With warmer temperatures some residents are experiencing run-off flooding. If you are in need of sand bags, our Storm Drain Department can respond. Please report any flooding issues to the hotline at 801-789-5959, option 5. We have posted tips to help homeowners to prevent flooding on the City website, News section.
- **Noelle Pikus-Pace** –Congratulations to Eagle Mountain resident Noelle Pikus-Pace for earning the silver medal at the Olympics! The City hopes to be part of a welcome home event for her when she returns next week.

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

Nikki Wickman was concerned about the condition of Eagle Mountain's roads. She felt that, although some City funds are not authorized by law for road repair, funds could be found to improve roads if City government felt that it was a high enough priority.

Jennifer Morrison opposed the rodeo, as she had in a public comment four years ago on the same subject. She objected to the fear and stress caused to the animals used in rodeo events. She would

like to see those who think the rodeo improves the community, improve it by beautifying trails, picking up litter and planting community gardens.

Justin Loera of the Economic Development Board said that while he supports the Rural Economic Development Loan/Grant as a member of the Board, he felt that each business benefitted should pay towards the costs so they aren't paid out of City funds. Mayor Pengra allowed a discussion period.

Councilmember Bradley opposed the grant/loan program due to the Federal government's involvement.

Councilmember Westmoreland supported the program based on the fact that there is no private entity that will step in. The program helps level the playing field for small businesses in an underdeveloped area.

Councilmember Ireland felt that it would be hypocritical for someone to criticize the Federal government on one hand and accept money from it on the other hand.

Councilmember Burnham believed that the City shouldn't be in the business of supporting one business over another by facilitating a building loan.

Councilmember Steinkopf said the City shouldn't give an edge to one business over another.

Mr. Loera responded that, while he agrees with the Councilmembers philosophically, the City doesn't have any private investors and has a history of being unable to bring in commercial, industrial and retail businesses. This loan will help the community by providing cost-effective office space for local businesses.

Kent Rawlings spoke on behalf of Diane Thompson, whose husband died this morning. Diane and her family are petitioning for permission to bury her husband in the land set aside for the city cemetery. Mayor Pengra offered his condolences and promised to continue the discussion with the family.

Wendy Lojik stated that she is willing to support a professional rodeo in Eagle Mountain by forming an LLC immediately and working with other interested individuals. She has experience with business, volunteers and events. She also wants to pursue holding other events at the rodeo grounds.

Kade Panek is the president of the Rodeo Committee this year. He said that whether or not the City supports a professional rodeo, it needs to support the facility. It's one of the best arenas in the state. He mentioned that Tyler Allen was diagnosed with cancer two years ago and the western community put together a benefit event for him that raised over \$20,000. The Rodeo Committee is willing to manage the facility and show that it can be self-sufficient.

Wendi Baggaley loved the fact that the City plans to make Pony Express Days smaller and hold it a little bit later in June. She said the cemetery has been a dream of hers for years, since she delivered a stillborn son. Mayor Pengra pointed out that the Pony Express Days changes are a proposal and haven't been voted on by the City Council.

Kyle Vaughn objected to the comment that rodeo stock was mistreated. It's well taken care of. He felt rodeo costs could be cut to make them manageable. He'd like to see other events held at the rodeo grounds.

Mayor Pengra asked the rodeo supporters how important it was that the rodeo be professional. Two residents responded that a professional rodeo would be better, but an amateur rodeo would be acceptable if that's all that could be approved.

Christa Black said she runs a youth rodeo association and about half of her participants come from Eagle Mountain. She couldn't run the association without the rodeo grounds for the kids to ride in. It's the only association in northern Utah. She'd like the chance for the rodeo community to show what it can do.

Robert Hill, a member of the Cemetery Board, stated that the LaVar Thompson family understands that if they are allowed to bury him in the cemetery land, there will be no grass or landscaping and the grave will be in a construction zone. They've agreed to that. He asked that the Council move this forward. If necessary, he would pay for the grave.

Michael Thompson, LaVar Thompson's son, asked that his father be buried in the cemetery land near the rodeo grounds. The family is willing to put a fence around the grave site.

Jeremy Nielson, vice-president of the Rodeo Committee, asked the City Council sponsor the rodeo this year. The Rodeo Committee is willing to be responsible for the rodeo after this year and hold other events, as well.

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

Councilmember Steinkopf

Councilmember Steinkopf appreciated the public comments and thanked everyone who attended the meeting.

Councilmember Burnham

Councilmember Burnham appreciated those who attend meetings and those who watch the meeting videos. She especially appreciated the young people who come to the meetings. She offered to be a rodeo volunteer. She expressed her condolences to the Thompson family.

Councilmember Ireland

Councilmember Ireland said it was awesome to see the room full and encouraged residents to continue finding ways to be involved. He expressed his condolences to the Thompson family. He encouraged everyone to watch video of Noelle Pikus-Pace's silver medal race in the Olympics.

Councilmember Westmoreland

Councilmember Westmoreland invited residents to voice their opinions any time, not just during City Council meetings.

Councilmember Bradley

Councilmember Bradley appreciated those who made public comments. He said that he attended Deputy Cory Wride's funeral last week. It was impressive to see communities line the motorcade

route. He offered his condolences to the Wride family and to the Thompson family. He was very proud of Noelle Pikus-Pace.

Mayor Pengra

Mayor Pengra said his comments had been expressed by the Council members.

9. PROCLAMATION – Non-traditional Students

Mayor Pengra read the proclamation. It was requested by the Utah Valley University non-traditional student recruiting office.

MOTION: *Councilmember Westmoreland moved to adopt the proclamation as read. The motion died for lack of a second.*

CONSENT AGENDA

10. MINUTES

- A. January 21, 2014 – Regular City Council Meeting

11. FINAL PLATS

- A. Evans Ranch, Plat B-2

12. RESOLUTION – DECLARATION OF SURPLUS PROPERTY

- A. Vehicles
- B. Miscellaneous Pumps and Fans
- C. Miscellaneous Sprinkler Parts

MOTION: *Councilmember Ireland moved to approve the consent agenda. Councilmember Burnham 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

13. MOTION – Consideration of Eagle Mountain City Conducting the 2014 PRCA Rodeo and Management of Funds.

This item was presented by Assistant City Administrator Jason Walker. Eagle Mountain City has a contract for a rodeo supplier to produce and conduct a professional rodeo and slack performance at the Eagle Mountain City Rodeo Grounds. In the event that the City does not hold a rodeo, funds for the contract will need to be resolved.

Mr. Walker gave a brief presentation, summarizing the presentation he made in Work Session.

Councilmember Burnham asked if holding Pony Express Days later in the month will conflict with another city's celebration. Mr. Walker said the proposed dates don't conflict with Saratoga Springs. Mayor Pengra said the dates don't conflict with any local cities. Mr. Walker said that the old dates sometimes conflicted with school graduations.

Mr. Pili said that the City needs to pay the stock contract. The question is whether the Council wants to pay more than that. Mr. Pili requested specific recommendations from the rodeo supporters in attendance as to what, specifically, they would like the City to do.

Wendy Lojik said they would like the City to pay the stock contractor fee; \$14,000 for half of the purse; \$1,250 for PRCA dues; WPRA dues of \$300 (offset by funds from the award the City received from WPRA); use of the rodeo grounds during the year, use of the tractor when it's available during the rodeo and at other times, and use of the mule and the flatbed truck during the rodeo, all at no charge. They would also need the City to cover the cost of police and fire services during the rodeo.

Councilmember Ireland asked who would cover the cost of the bleachers. Ms. Lojik said the Rodeo Committee would. They're looking into some used bleachers that may be available. She was confident that they could manage the seating.

Councilmember Burnham asked Lt. McDowell if Sheriff's service during Pony Express Days is budgeted for this year. Lt. McDowell said it's not budgeted separately from the rest of the personnel funds. It comes from the standard Sheriff's Office contract with the City. She asked Chief Andrus about fire service costs. Chief Andrus said if it's even partially City-sponsored, fire service is provided at no additional charge. If the Rodeo Committee sponsors it in the future, they'll have to negotiate with UFA.

Mayor Pengra pointed out that fire service is paid for by taxes. Since law enforcement is paid for through a contract, he asked Lt. McDowell how the service would be charged. Lt. McDowell responded that if the service exceeds the contracted hours, the City will have to pay the additional charges.

Ms. Lojik asked if volunteers, rather than deputies, can assist with parking. Lt. McDowell said that volunteers can direct parking, but any traffic direction on roads has to be done by deputies.

Mayor Pengra figured up the fees and found that the City was being asked to contribute \$76,650 plus the stock fees. Mr. Panek said those may be contributed by a local rancher.

Councilmember Ireland asked City Attorney Jeremy Cook what is required in order for a third party to use City grounds. Mr. Cook said that the third party would have to be adequately insured for every event, with the City listed as a named insured. Temporary bleachers would require a separate insurance policy.

[Inaudible comment from the audience]

Councilmember Westmoreland asked Mr. Cook what the deadline is for the City to deal with the stock contract. Mr. Cook responded that there's not a specific date, but the chance of the City having to pay the full amount increases the longer it waits. If the contractor can arrange to stock another event, they may reduce the amount they require the City to pay.

Councilmember Burnham stated that the Rodeo Committee can't be expected to begin fundraising for an event it's not sure it will be able to hold. Delaying the decision on the rodeo may make it impossible for the Rodeo Committee to sponsor the event.

Councilmember Bradley was frustrated at the position the Council is in. He was very much in support of private business and/or in donating the use of the land. But he felt that the City shouldn't be in any kind of private business.

Councilmember Ireland asked what motion the Council was being asked to make, since the money for the rodeo has already been budgeted.

Mr. Pili said it was being brought up because the Special Events Department has been downsized and there is a proposal to downsize Pony Express Days. The City no longer has the staff to put on a rodeo, since the former Special Events Director no longer works for the City and the department staff has been reduced.

Mayor Pengra said the issue is not changing what was done in the last budget vote, but to determine what to do about changed staffing. The vote is about whether to help sponsor the rodeo and how to manage the funds. Either use the allocated funds for the 2014 PRCA rodeo and try to make it happen or pay the \$61,000 and try to find some other way to make the City whole for that expense.

Councilmember Ireland felt that that should be a future budget discussion. Mayor Pengra said no budget amendment is needed, but there is still a question as to how to use the allocated funds and staff would like direction from the Council.

Councilmember Ireland felt that whatever funds are used should be for the benefit of City residents, not necessarily for the benefit of rodeo fans who attend rodeos all over the state.

Mayor Pengra was concerned about entering into a contract with a still-unformed entity with no assets and lots of unknowns; which doesn't mean he lacks confidence in the group members' ability to put on an event. It's a contractual issue.

Councilmember Bradley explained that he struggles with putting his confidence in an unknown group, but not doing so simply wastes \$61,000. However, choosing to work with the Rodeo Committee and hold the rodeo may waste even more money. He didn't know if a vote was really needed. Without a vote, the budget is available, but the staffing isn't adequate, so the rodeo won't be held.

Councilmember Ireland wanted City staff to work with the Rodeo Committee and come up with a contract that limits the City's financial involvement. He would like the 2015 rodeo budget to have no City dollars at all.

Mr. Pili listed the amounts the Rodeo Committee was requesting: \$14,000 (half the purse); \$1,250 (PRCA dues); payment of the stock contract (\$61,400); the use of the tractor, the arena, the mule and the flatbed truck for no charge. The quantifiable charges are \$76,650.

MOTION: *Councilmember Ireland moved that City staff work with the LLC entity to be determined, to put on the 2014 rodeo and write a contract for the Council to consider at a future meeting, which limits the City's financial liability to \$76,650 for half the purse, the PRCA and WPRA dues and payment of the stock contract. Councilmember Burnham seconded the motion.*

Ms. Lojik stated that the Rodeo Committee borrowing City equipment is no different than the City borrowing the Rockwell High School bus.

Mr. Cook clarified that this motion does not create a contract. The motion is to give direction to create a contract to be approved at the next meeting.

Mayor Pengra pointed out that a contract needs to be written by an attorney and entered into with a legal entity.

Councilmember Burnham said that the Rodeo Committee needs to select a few people to come to the office and negotiate with City administration.

Ms. Lojik asked if a City Councilmember would like to be a member of the Rodeo Committee.

Mayor Pengra wanted to state his opinion that he thought the Council was going in the wrong direction. He's been very frustrated with the City for taking the "ready, fire, aim" approach for many years. While the money has been budgeted by the Council, he felt that circumstances have changed considerably since that budget vote. The Council now proposes to give \$76,650 to an entity that has not yet been formed, that has no experience running a rodeo as a production company . . .

Jeremy Nielson interrupted to say that the PRCA stock contractor is in charge of putting on the rodeo as part of his contract. The Rodeo Committee helps him with materials and tasks like parking, moving things, grounds maintenance, bleachers, etc. The contractor and the cowboys carry their own insurance and the LLC will carry its own insurance.

Mayor Pengra said that he was aware that the stock contract is a contract with a production company. However, there are a lot of logistics beyond what the contract covers and the available budget is still \$80,000 below what is needed. The Rodeo Committee has only three months to raise money, plan for a rodeo and execute a rodeo. He wasn't saying that they couldn't do it. He did want to make his opinion clear, as he wouldn't be able to vote on the motion.

Councilmember Ireland explained that he stated the motion as he did to clearly define whether the City should lose \$61,400 today or consider spending \$1,250 in dues now.

Mayor Pengra asked if, as a sign of good faith, the Rodeo Committee could pay the \$1,250 for the dues. Ms. Lojik said that they could. She also said that she was confident the committee could run the rodeo partly based on the fact that she has Angie Ferre available to work with her.

Mayor Pengra said that, once the City agrees to move forward with the rodeo, it is contractually obligated to provide the full purse. Even if the City doesn't come to an agreement with the Rodeo Committee, or the committee isn't able to raise enough funds, the rodeo will have to go forward.

Ms. Lojik said that it's difficult to transition from a government-dependent system to an independent system. She knows that when voters elect officials, they are depending on them to protect public money. She is confident that the committee can accomplish this.

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

Councilmember Burnham expressed appreciation to Mayor Pengra for supporting the Council's decisions, whether he agrees with them or not.

14. RESOLUTION – Consideration and Approval of a Resolution of the City Council of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Storm Water Management Program.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City's Storm Water Management Program (SWMP) will be submitted to the Utah Division of Water Quality (DWQ) as part of the Utah Pollutant Discharge Elimination System (UPDES) Annual Report. This program is a new State requirement that the City needs to comply with.

Mr. Trusty made a presentation explaining the program's requirements.

Councilmember Westmoreland asked if there any major factors that would make the City non-compliant that would need to be fixed. Mr. Trusty replied that there might be some issues with the fact that the Tickville Wash discharges into the headwaters of the Jordan River.

MOTION: *Councilmember Steinkopf moved to adopt a resolution of Eagle Mountain City, Utah, adopting the Eagle Mountain City Storm Water Management Program 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.*

15. AGREEMENT – Consideration and Approval of an Agreement for Electric Service to Existing Customers as of June 15, 2013, Within a Municipal Boundary.

New legislation requires Rocky Mountain Power to enter into an agreement with municipal electric providers for ongoing service to sites within a municipal boundary. The agreement is required to be completed and filed with the Public Service Commission of Utah for approval by June 15, 2014.

MOTION: *Councilmember Burnham moved to approve an agreement for electric service to existing customers as of June 15, 2013, within a municipal boundary. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Steinkopf

Councilmember Steinkopf said the Cemetery Board's goal is to have the cemetery in operation by Memorial Day at the latest.

Councilmember Burnham

Councilmember Burnham asked Robert Hill if the Youth City Council meeting schedule is being changed. Mr. Hill's answer from the audience was inaudible.

Councilmember Westmoreland

Councilmember Westmoreland asked if there will be any discussion of the cemetery at this meeting. Mayor Pengra said that he will talk to Mr. Hill after the meeting and will call the Council into special session if necessary.

Councilmember Bradley

Councilmember Bradley said he's been to three Planning Commission meetings. He was impressed with Planning Director Steve Mumford's preparation and professionalism. He was confident in the Planning Commission's ability to keep development within the boundaries of the City Code.

Councilmember Ireland

No comment.

Mayor Pengra

No comment.

17. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.
18. COMMUNICATION ITEMS
 - a. Upcoming Agenda Items
19. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn the meeting at 9:55 p.m. Councilmember Ireland 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 COUNTY ON MARCH 4, 2014.



Fionnuala B. Kofod, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 4, 2014

Work Session 5:00 p.m. Policy Session 7:00 p.m.

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

5:00 P.M. WORK SESSION – COUNCIL CHAMBERS

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

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

Mayor Pengra called the meeting to order at 5:03 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 and do not require action by the City Council.

A. Pony Express Days / Rodeo

An agreement with the Rodeo Committee will be ready for the City Council meeting on March 18. Mr. Pili introduced Jared Gray, the president of the Rodeo Committee and Wendy Lojik, committee member. The committee has filed its IRS paperwork, they have a draft one-year lease agreement for the facility and the paperwork is ready to send in to the sanctioning organization. Because the rodeo grounds can be used for other events than rodeos, they consider themselves a community improvement committee.

Mayor Pengra asked if the committee was asking for additional funds for bleachers. Ms. Lojik stated that they are looking for answers the committee and the City can work on together. She said that the bleachers are a separate issue from the rodeo.

Mr. Gray said that renting bleachers is a waste. If bleachers are purchased, they're an improvement to City facilities. The committee would like to consider options for buying the bleachers, such as grants or loans. One option is for the City to purchase the bleachers and allow the committee time to pay the money back. Another is to get donations from developers or other interested parties.

There are bleachers available for purchase at half the cost the committee expected. The seller's agent said the bleachers can be purchased from Heber City for less than \$90,000, including transportation and installation.

Councilmember Ireland asked what the legal requirements are for some entity to put improvements on public grounds and certify them as safe.

City Attorney Jeremy Cook said he thought that the City would have to purchase them, after checking with its insurance carrier to determine what issues would need to be addressed.

Councilmember Burnham asked if the City could buy the bleachers and rent them to the committee for a number of years. Mr. Cook said that would probably work, but there's no guarantee that a new, non-profit entity would stay in business for long enough to pay off the contract.

Councilmember Ireland asked if Powder River has reviewed the contract and approved the terms. Mayor Pengra said that they have.

Mr. Gray stated that the contract requires the committee to provide power. The committee can't do that, so they hope the City will cooperate.

Councilmember Burnham hoped that the City will consider what it can do towards purchasing the bleachers. The price is less than two years' rental and the bleachers will add to the City's event facility for more than just the rodeo.

Councilmember Bradley agreed with Councilmember Burnham. He itemized the expenses that the committee is asking for from the City. Jared responded that they are \$61,400 for the stock contract, \$14,000 for half the purse, \$300 for WPRA dues and up to \$1,800 for PRCA dues.

Councilmember Bradley asked what the contingency plan is. Mr. Gray said the contribution from the City is all the committee needs to put on the rodeo, except for their half of the purse. Ticket sales and sponsorships will be extra.

Mayor Pengra was concerned that the plans for the rodeo are getting larger. They've gone from a dirt berm to bleachers and from a small rodeo to a community improvement committee. Ms. Lojik said that she thought she'd explained the scope of her vision earlier.

Mr. Gray said that the larger plans are separate from the rodeo. The rodeo can be held with the City's contribution. Councilmember Bradley asked how the rodeo could be held without bleachers. Ms. Lojik said that the committee can get sponsors for the bleacher rental.

Mr. Gray said if the bleachers are purchased, the committee will be able to hold the rodeo every year without City help. If not, they'll be requesting more help next year.

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

10. Skyline Ridge 1D Land Exchange Resolution

Planning Director Steve Mumford said that the existing plat leaves very little room for constructing park amenities. Exchanging two lots for City land adjacent to the park will allow more usable park space. Councilmember Bradley asked if this approval will be the final approval for the locations of the amenities, as well. Mr. Mumford said their locations can be changed later.

Councilmember Ireland asked what improvements the detention basin has. Mr. Mumford said that he didn't know how improved the basin is right now, but there are plans to improve it further.

11A. Sunset Ridge, Plat 2

Councilmember Steinkopf noted that when construction happens near a roundabout, the roundabout gets badly damaged. He asked how the City can prevent construction vehicle damage to the Lone Tree roundabout. Mayor Pengra said that's a future discussion, since this is only a plat approval. Mr. Trusty can consider the construction standards for roundabouts.

Councilmember Ireland asked about construction access to Sunset Ridge from Lone Tree. Mr. Trusty stated that he has requested that all access to Sunset Ridge be made from Lone Tree Parkway.

Councilmember Westmoreland asked if there is enough banked water left for this project. Mayor Pengra said there was enough. Mr. Cook said he can get an exact amount for Councilmember Westmoreland.

12. Porter's Crossing Town Center Retail Pad A

Trevor Hull of TSquared Consulting said the elevation had been updated to address the Planning Commission's concerns. The designs weren't changed, but the drawing is more detailed than it was. Mr. Hull said that three tenants are ready to go in. The shell is expected to be built by June.

13. Pony Express Memorial Cemetery Plat

Mayor Pengra noted that the final tally of the plots available in this phase of the cemetery is 1256.

Mr. Pili stated that in the past four years, City staff and the Cemetery Board have looked at locations north of SR 73, in City Center, SilverLake and Lone Tree. The location they selected is a section of Pony Express Regional Park. They've spoken to private cemetery operators and to SITLA. This location and the operation plan are the result of extensive research and meetings with other local cities.

At the last meeting, LaVar Thompson's family told the Council he had just passed away that day and asked if he could be buried in the new cemetery. City staff has worked hard to finalize the cemetery and allow Mr. Thompson to be buried there.

Management Analyst Ikani Taumoepeau explained the details of constructing the cemetery and how the responsibilities would be divided among City staff.

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

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

The meeting was adjourned at 6:41 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; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:20 p.m.

5. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1250 presented a flag ceremony.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Planned Power Outage** – There is a planned power outage for a circuit upgrade on Wednesday, March 5 for the SilverLake area. A map of the affected area is posted on the City website, News page. The outage is scheduled for approximately 9:00 a.m. to 12:00 p.m. We appreciate your patience while we complete this necessary upgrade.
- **Run for the Fallen 5K** – An Eagle Mountain resident has organized a 5K run/walk to benefit the family of Sgt. Cory Wride on Saturday, March 15 at 9:00 a.m. in Eagle Mountain. Event details and registration information are available on the City website, Events page.
- **Spring Clean-Up** – The City will offer the annual spring clean-up dumpsters for yard and general waste from April 1-20. Dumpsters will be located near the Public Works building, in front of the wastewater treatment plant. A schedule of when the dumpsters will be emptied and a list of items unacceptable for the dumpsters are available on the City website, News page. The County is offering a household hazardous waste collection day on April 12 at the Provo Towne Centre Mall. Information for this event is also available on our website.
- **Blood Battle Blood Drive** – The third annual Blood Battle blood drive sponsored by Horrocks Engineers and administered by the Red Cross will be held on Tuesday, April 8 in the Council Chambers from 8:00 a.m. to 1:00 p.m. The drive is a friendly competition among northern Utah County cities to provide much needed donations for the blood bank. Eagle Mountain City has been the winner of the battle for the past two years. Employees from Horrocks will donate community service hours to the City with the most donors. Registration is required and is available via the City website, Events page.

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

Diane Thompson thanked the Mayor and Council for opening the new cemetery shortly; soon enough that her husband will be able to be buried there.

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 the residents attending the meeting and thanked them for coming.

Councilmember Burnham

Councilmember Burnham thanked those attending and those who will watch the meeting on video. She appreciated the time and effort the Rodeo Committee has expended on enabling the rodeo to go forward this year. They need some creative thinking to help them put on the event.

Councilmember Ireland

Councilmember Ireland thanked those in attendance, particularly the Scout troop that presented the flag ceremony. He expressed appreciation for the City staff. He asked if they could give more attention to responding in a timely manner to contacts from residents.

Councilmember Westmoreland

Councilmember Westmoreland thanked those attending the meeting and those who send him emails. He encouraged everyone to keep it up.

Councilmember Bradley

Councilmember Bradley commended the Mt. Airey Boy Scouts for the flag ceremony. He said he was excited about the public's excitement about City events, especially the Rodeo Committee's work on the rodeo. He enjoyed the welcome rally at the middle school for Noelle Pikus-Pace, who just returned to Eagle Mountain after winning the silver medal in skeleton at the Olympics. The Mayor, City staff & other volunteers did an impressive job of putting on the event.

Mayor Pengra

Mayor Pengra congratulated the staff for putting on the welcome for Noelle Pikus-Pace on short notice.

CONSENT AGENDA

9. MINUTES

- A. February 18, 2014 – Regular City Council Meeting

10. RESOLUTION

- A. Skyline Ridge 1D Land Exchange Resolution

11. FINAL PLATS

- A. Sunset Ridge, Plat 2
B. Mid Valley Road Phase 1 Amended (aka Eagle Mountain Jr. Seminary)
C. Skyline Ridge 1D

12. SITE PLAN

- A. Porter's Crossing Town Center Retail Pad A

MOTION: *Councilmember Ireland moved to approve the consent agenda with the minutes as amended. Councilmember Steinkopf 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

13. MOTION – Consideration and Approval of the Pony Express Memorial Cemetery Plat.

This item was presented by Economic Development Director Ikani Taumoepeau. The Cemetery Advisory Board has been working for several years on a proposal to develop a cemetery in Eagle Mountain. After considering several locations, the Board recently recommended to the City Council that a portion of Pony Express Park be used for the City cemetery. The proposed plat is the first phase of the cemetery and will contain approximately 1200 plots.

Mr. Taumoepeau spoke to most of the sextons in the county to learn about the most common practices for facilities, regulations and staffing.

Councilmember Bradley commended the staff and the Cemetery Board for their hard work in pursuing this project. He asked Mayor Pengra exactly what the Council is voting on this evening.

Mayor Pengra responded that this is a plat approval. He said the purpose of the detailed presentation was to help the Council understand the overall plans for the cemetery.

City Recorder Fionnuala Kofoed explained that the State requires that the City have a recorded plat before it can go forward with a cemetery. It is possible to amend the plat in the future.

The 5' by 10' lot size was discussed in terms of allowing for upright grave markers, giving people room to move around without walking on other graves and landscaping. It also reduces the long-term maintenance cost. After the first 100 graves, the plan will be re-evaluated.

Wendy Lojik of the Cemetery Board discussed the reasons for the location. The cemetery will be located right next to the Pony Express Trail, which seemed appropriate to the history of the area. The Cemetery Board didn't feel that there would be any problem with locating it in the park.

Councilmember Bradley asked Planning Director Steve Mumford asked how this proposed location fit in with the City's master plan. Mr. Mumford said that there is a master plan for the Pony Express Park, in which the cemetery will be located. Future plans for the surrounding area include larger residential lots near the cemetery and smaller lots farther away from it.

Councilmember Bradley asked if the cemetery location will be a good one in fifty years. He's received public comments concerned about park activities being too rowdy to be adjacent to a cemetery. Ms. Kofoed had mentioned to him that the City owns the parks and can close them during burial services. Mr. Mumford said that cemeteries are located in various kinds of locations all over the country.

Councilmember Ireland noted that Saturday is a popular day for burials. It's also a popular day for ball games. He asked how to maintain a quiet atmosphere. Mr. Pili stated that the first area of the cemetery will be the farthest from the baseball fields. It will be decades before any plots are made available near the ball fields. Councilmember Ireland suggested berming that end of the cemetery to block park activity from the cemetery. He also brought up the need for regional parks and asked if taking this piece of land will change Pony Express Park from a regional to a community park.

Mr. Mumford answered that the City could choose another location for a regional park if necessary.

MOTION: *Councilmember Bradley moved to approve the Pony Express Memorial Cemetery plat. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

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

The proposed amendment to the Consolidated Fee Schedule adds fees for cemetery plots and interments.

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

15. BID AWARD – Consideration and Approval of a Bid Award for the 2014 Landscape Service and Maintenance Contract.

This item was presented by Public Works Director Chris Trusty. The proposed bid award is for the maintenance of specific open space throughout the City. The City entered into a contract with Elite Grounds in April, 2009, with the initial contract based specifically on routine maintenance. The scope of the contract has grown since then and, as such, it was necessary to re-bid the maintenance contract. Elite Grounds was the low bidder.

MOTION: *Councilmember Ireland moved to approve a bid award for the 2014 landscape service and maintenance agreement to Elite Grounds in the amount of \$279,592.00 and authorize the Mayor to sign the contract. 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.*

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

Councilmember Steinkopf

Councilmember Steinkopf said that he thought the Council made a great decision in approving the cemetery plat.

Councilmember Burnham

Councilmember Burnham was unable to attend the Youth City Council meeting because the meeting date was changed. She'll bring a report after the next Youth Council meeting.

Councilmember Ireland

Councilmember Ireland asked that City staff ask Elite Grounds what experience they have in cemetery maintenance.

Councilmember Westmoreland

Councilmember Westmoreland said the Economic Develop Board didn't have a quorum at its meeting. He hoped that in the future, members will participate more actively.

Councilmember Bradley

Councilmember Bradley stated that the Planning Commission is doing a great job at seeing that those who want to build in the City comply with the City Code. He noted how the City is developing recently, adding a grocery store and a cemetery.

Mayor Pengra

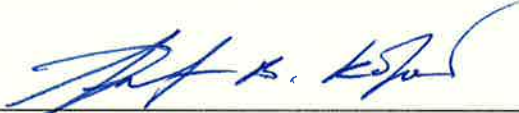
Mayor Pengra said that he is working at getting more information to more people more efficiently. He invited residents to read his blog, mayorsvoice.com. He appreciated those who attended this meeting.

17. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.
18. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
 - B. Draft Cemetery Policies & Procedures
19. ADJOURNMENT

MOTION:

Councilmember Burnham moved to adjourn the meeting at 8:15 p.m. Councilmember Ireland 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 MARCH 18, 2014.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 18, 2014

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 – COUNCIL CHAMBERS

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

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

Mayor Pengra called the meeting to order at 4:06 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 and do not require action by the City Council.

- A. 2011 Gas and Electric Revenue Bonds Status Report

- A. Energy Director Adam Ferre reported on the status of the 2011 Gas and Electric Revenue bonds. The planned projects are almost complete and several additional projects have been added. Both the planned and additional projects have come in under budget, so there are funds remaining in the bonds.

Mr. Pili commended Mr. Ferre and his staff for managing the bond funds so well.

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

14. Pony Express Days Rodeo Appropriation

- Councilmember Bradley asked why the appropriation is capped at \$140,000. City Attorney Jeremy Cook stated that the study needed to list a proposed amount in order to be published. The Council has authority to adjust the amount actually appropriated.

Councilmember Ireland asked why the appropriation is being discussed as a contribution to a nonprofit when part of it is actually being paid to Powder River, a for-profit company. Mr. Cook said the City is making a nonmonetary appropriation to the nonprofit by assigning the benefit of the payment to the nonprofit organization.

Councilmember Burnham asked how an appropriation study is triggered, since the City has aided other nonprofits without doing a study. Mr. Cook said that, according to State statute, a study should always be done when a city provides a nonmonetary contribution to a nonprofit, but the City hasn't done one up until now.

Mayor Pengra allowed representatives of the Rodeo Committee make a presentation.

Councilmember Bradley asked Jared Gray, President of the Rodeo Committee, what changes he would like to see in the contract. Mr. Gray pointed out that the committee hadn't requested \$140,000. He wanted to remove the item regarding bleacher rental, as they plan to buy bleachers. He would like City staff time defined more clearly, to include time for discussions with the City Administrator and City Attorney and perhaps help from City staff with miscellaneous repairs.

Councilmember Burnham mentioned a request made by Mr. Gray in an email, to change the wording that referred to an attempt to continue the rodeo, because they will definitely hold the rodeo.

Councilmember Ireland noted that the resolution only refers to 2014. He asked if there was an expectation for help in the future. Mr. Cook said that in the future there will probably only be a lease agreement for the rodeo grounds. No other assistance is expected.

15. TM Crushing Impact Fee Agreement

Scott Hazard of The Real Estate Group explained that TM Crushing never paid an impact fee because it was planning to be a temporary use. "Temporary" was never defined. TM Crushing has requested additional electrical power and expects to be a long-term temporary power user, so it plans to pay the impact fee for the electric infrastructure it needs. Mr. Hazard requested an installment agreement dividing the fee into four payments.

Councilmember Bradley asked why this question is being brought to the Council. City Attorney Jeremy Cook read Eagle Mountain Municipal Code Chapter 15.110.050, which specifies that impact fee exceptions must be determined by the Council.

16. Rural Economic Development Loan/Grant Program

Economic Development Director Ikani Taumoepeau and Economic Development Board President Justin Loera explained the REDL/G program. It is a Federal program designed to promote small business in underserved rural areas. It is a combination grant/loan program. Direct Communications has requested that the City participate in the program so the company can build an office building. Direct Communications will pay all of the costs, but they need the City to administer the loan for them. The program is not exclusively available to Direct Communications. Any other business in the City can apply to the program through Direct Communications, which has committed to provide the service to other businesses.

Councilmember Bradley asked what risk there is to the City. Mr. Loera said there is no risk because Direct Communications is taking out a bond to guarantee the costs of the building.

Councilmember Ireland asked how the Federal program stays funded if it disburses \$1.3M and only receives \$1M in return. Mr. Loera said as long as the USDA chooses to offer the program and the City's population remains under 50,000, businesses in the City can apply.

Mr. Loera said that the City has lost business development because land was too expensive for the potential buyer. This program might have helped those businesses locate here.

Mr. Pili pointed out that this program provides a revolving loan fund that will serve a niche market that banks don't serve. If an applicant applies for money that could be borrowed from a bank, they'll have to go to the bank rather than the program.

Mr. Taumoepeau noted that Utah Valley University has expressed interest in using some of the office space in the new building for an educational center.

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

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

The meeting was adjourned at 5:51 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; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Ikani Taumoepeau, Economic Development Director; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Adam Ferre, Energy Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1061 presented a flag ceremony.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **PRCA Rodeo Camp** – A PRCA Rodeo Camp will be held on Saturday, March 22, from 9:00 a.m. to 2:00 p.m. at the rodeo grounds. It is free to attend and offers instruction in bareback, saddle bronc and bull riding. Participants will learn about safety techniques, learn the correct spurring moves, have riding equipment checked/fixed, learn chute procedures, handling livestock, working with pick up men and an overall review of the rodeo business. Camps are for ages 8 and older. No live buck-outs. Registration is required and is available on the City website, Events page.
- **Seniors Garden Preparation Class** – The Seniors will host a garden preparation class in the City Council Chambers on Monday, March 31 at 5:00 p.m.
- **Spring Clean-up** – The City will offer our annual spring clean-up dumpsters for yard and general waste from April 1-20. Dumpsters will be located near the Public Works building, in front of the wastewater treatment plant. A schedule for the dumpsters to be emptied and

a list of items unacceptable for the dumpsters is available on the City website, News page. Utah County is offering a household hazardous waste collection day on April 12 at the Provo Towne Centre Mall. Information for this event is also available on the City website.

- **Blood Battle Blood Drive** – The third annual Blood Battle blood drive, sponsored by Horrocks Engineers and administered by the Red Cross, will be held on Tuesday, April 8, in the Council Chambers from 8:00 a.m. to 1:00 p.m. The drive is a friendly competition among northern Utah County cities to provide much-needed donations for the blood bank. Eagle Mountain City has been the winner of the battle for the past two years. Employees from Horrocks will donate community service hours to the city with the most donors. This year's theme is Community Hero, in honor of Sgt. Cory Wride. Donation jars will also be available for Sgt. Wride's family. Registration is required and is available via the City website, Events page.

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

David Busk, of the Executive Board of Directors of the National Little Britches Rodeo Association, presented Mayor Pengra with a plaque thanking Eagle Mountain for its support of the association and its events.

Kristy Strongo, representing the Westlake Ute Football League, said that their 7th grade team won its division and the 5th grade team took third place. The teams also competed in the USA Invitational in Mesquite. They practice and play in Mid Valley Regional Park. Because the program is growing, the League is applying for a grant to expand the playing fields. She requested that the City budget some funds to add to the grant funds.

Bruno Hunziker, a White Hills resident, said that during the last election, he went to several meetings in which a major issue was keeping the cost of Pony Express Days down. He would like the rodeo to be privately managed. He said that when Pole Canyon and White Hills were annexed, the developer promised to build rodeo grounds. He asked the elected officials to hold him to his promise. He asked Mr. Pili to see that the White Hills Park is completed this year.

Heather Woffinden asked the Council to spend no more than the contracted \$61,000 on the rodeo.

Jen Morrison objected to the rodeo. She felt that the money was wasted, rodeo animals are mistreated and the rodeo appeals to nonresidents more than residents.

Brian & Lindsay Bills, owners of the Little Dress-Up Shop, said that they've been unable to find affordable retail space in Eagle Mountain. They asked the Council to support the REDL/G loan and grant program that will be voted on at this meeting.

Luke Pannell, a White Hills resident, said that if the City had held the developer to the master development agreement when White Hills was annexed, the rodeo wouldn't be a problem because a rodeo grounds was to be built as part of the agreement. He encouraged everyone to stop talking about special interest groups and be united, and he asked the Council to support the incubator program and small businesses.

Wendy Lojik, a member of the Rodeo Committee, wanted to clarify what the committee was asking for to help hold the rodeo, as there has been some misunderstanding, especially on social media. The committee is requesting the \$61,400 the City is already contracted to pay the stock

contractor, \$14,000 for half the purse, and the PRCA and WPRCA dues. She said the Rodeo Committee is not just about the rodeo, it's about building the community. She volunteers in every area she can for the community. She's disturbed at how the Rodeo Committee is sometimes portrayed. It had to be started as a new entity to expend funds, but it's composed of experienced volunteers who want to support City events without using taxpayer funds.

Mayor Pengra thanked everyone for speaking and asked that all residents remember that they're one city, even though everyone can't always agree.

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

Councilmember Steinkopf

Councilmember Steinkopf said it's great to hear everyone's comments and to see Boy Scouts attending the meeting. It shows that the City is unified.

Councilmember Burnham

Councilmember Burnham asked those under 18 to stand, and asked those in attendance to give them a round of applause. She loves it when youth are involved in City government. She appreciated all the volunteers who help the community. She asked everyone to remember that the Rodeo Committee is made up of volunteers. Whether or not residents agree with the proposal, they should respect the efforts of the volunteers on the committee. She reminded everyone that the Republican caucus meetings will be held on Thursday.

Councilmember Burnham also said that several months ago, a resident from White Hills asked about the status of the agreement with the developer who annexed White Hills to the City. Mayor Jackson had responded that she would be meeting with the developer to go over the contract and there would be a follow-up report. Councilmember Burnham asked for a copy of the report. Mayor Pengra said he would provide it directly after the meeting.

Councilmember Ireland

Councilmember Ireland expressed appreciation to those in attendance, especially those who made public comments. He loves seeing Boy Scouts in uniforms attending the meeting.

Councilmember Westmoreland

Councilmember Westmoreland said everyone has different opinions, but everyone's goal is to improve the City. He thanked Luke Pannell for reminding the residents of the City to be unified. Working together allows people to get things done, make friends and become interested in each other's concerns.

Councilmember Bradley

Councilmember Bradley was excited to be part of this process and excited for the residents' involvement. He wasn't able to attend the 5K Run for the Fallen, but he heard it was a great, well-run event.

Mayor Pengra

Mayor Pengra thanked Boy Scout Troop 1061 for presenting the flag ceremony.

9. PRESENTATION – I.P.S.A. Safety Awards

Energy Director Adam Ferre stated that the Electrical Department received an award from the Intermountain Power Superintendents' Association for going five years without a lost-time accident. Mayor Pengra commended the Energy and Public Works employees for their focus on safety.

10. PROCLAMATION – Child Abuse Prevention Month

Mayor Pengra read the proclamation declaring April, 2014, Child Abuse Prevention Month.

MOTION: *Councilmember Steinkopf moved to approve the proclamation declaring April, 2014, Child Abuse Prevention Month in Eagle Mountain City. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

Councilmember Ireland said that approving a proclamation doesn't accomplish a lot. He requested that the City actively support child abuse prevention. He suggested putting information and resources on the City's website and Facebook page.

CONSENT AGENDA

11. MINUTES

A. March 4, 2014 – Regular City Council Meeting

12. BOND RELEASE – Into Warranty

- A. Meadow Ranch V, Plat 1 – Subdivision Improvement Bond
- B. Meadow Ranch V, Plat 1 – Onsite Utilities Bond
- C. Sunset Ridge A, Plat 1 – Onsite Utilities Bond

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Burnham 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 – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2013-2014 Budget.

This item was presented by Finance Director Paul Jerome. The proposed amendments to the FY 2013-2014 budget are for paying the fiscal year 2014 road bond payment from the General Fund, reimbursing the transportation impact fee fund for the fiscal year 2013 road bond payment and for HVAC improvements to City Hall.

Mayor Pengra opened the public hearing at 7:47 p.m.

Tyler Shimakonis asked where in the General Fund the money was being taken from to fund the amendments. Mr. Jerome explained that it will come from the unrestricted General Fund balance.

Mayor Pengra closed the public hearing at 7:49 p.m.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2013-2014 budget. Councilmember Steinkopf 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. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving an Assignment and Addendum to the Pony Express Days PRCA Rodeo, Eagle Mountain, Utah Rodeo Contract.

This item was presented by City Attorney Jeremy Cook. Due to budget constraints and changes in policy, Eagle Mountain City will not conduct a 2014 rodeo. Certain residents have formed a non-profit committee, separate from the City, to conduct the rodeo. The City has agreed to rent the rodeo grounds to the committee, and to assign the original rodeo agreement to the non-profit committee. The proposal documents the terms of the agreement.

Jared Gray presented the Rodeo Committee's plan for the rodeo. They noted that the rodeo began in 2010 when the City built the rodeo grounds and hosted the rodeo all within 45 days.

He also discussed options for purchasing bleachers, assuming a nonprofit committee can purchase amenities for public facilities. Mr. Gray said that, because there are plans to build a rodeo grounds in Pole Canyon, the rodeo can be moved to that facility if desired. Other events that could be held in the rodeo grounds include Little Britches rodeos, which are already held there, 4-H, BMX, and a demolition derby.

He noted that some people have objected to the rodeo because it appeals to a relatively small group of residents. He pointed out that there are 43 other parks, plus a splash pad and a skate park, each of which appeals to a limited segment of the population.

Mr. Gray distributed copies of the anticipated budget for the event. He pointed out a number of expenses that the City incurred due to the rodeo that will be paid by the Rodeo Committee if it is allowed to take over the rodeo. He said the committee is only asking for cash support for the stock contract, half of the purse and the PRCA and WPRCA dues. The cost of the stock contract has to be paid by the City whether the rodeo is held or not. As a nonprofit, if the committee acquires any extra funds, the City can approach it for donations to community improvement projects. The Rodeo Committee considers the rodeo itself an improvement to the community.

Mayor Pengra opened the public hearing at 8:04 p.m.

Peggy Hunziker, a resident of White Hills, stated that the Pole Canyon annexation agreement included a promise that a rodeo facility would be built in Pole Canyon by 2015. She said Councilmembers Burnham and Ireland voted for that agreement and had failed to require the developer to meet that commitment.

Paul Riley, a resident of North Ranch, said his daughters had grown up participating in rodeos. He and his family were supporters of the rodeo. Since the approximately \$60,000 being requested by

the Rodeo Committee is contractually required to be paid by the City, the committee will make it useful. As to rodeo participants being a minority, so is every other group of sports fans in the City.

Matt Morrison asked if the City Council has seen proof that the Rodeo Committee has 501©3 nonprofit status. Mayor Pengra said that he had looked it up and it does.

Luke Pannell said that he joined last year's Rodeo Committee two days after returning home from Afghanistan because he cared about the City and the events it holds. This year's Rodeo Committee proposes to take over the rodeo so that the City doesn't have to use taxpayer money to fund it. He noted that the Pendleton Round-Up in Oregon is run by a nonprofit group and brings 50,000 people to the city every year. He wanted Nate Shipp of DAI and the Mayor and Council to do what they agreed to do.

Diana Bird said that before she came to this meeting, she was against the rodeo because of the cost. Through listening to the discussions in this meeting, she felt that the cost was a concern for both sides and was more inclined to support it if it doesn't cost the City too much.

David Busk, of the Little Britches Rodeo Association, stated that all municipal rodeos are run by civic improvement associations and all of them bring money into their communities. If the City is going to allow a rodeo, they should allow experienced people like those on the Rodeo Committee to manage it.

Travis Gray said he's lived in the City for eleven years and has been a rodeo fan his whole life. He hasn't seen a lot of opportunities to volunteer in the City. The rodeo provides the opportunity to volunteer, save the City some money and perhaps provide money for improvements to other parks.

Wendy Pendleton asked about the statement that 20% of the City is horse property. She wondered how much of that property actually had horses. She thought it was a very small percentage. She felt that the City has never held developers to their promises. The developer of her subdivision didn't follow through, and neither has the developer that annexed White Hills to the City.

Nick Jessen came to the meeting to understand more about the rodeo issue. He felt that the issue was creating momentum for the City. If the City is locked into a contract anyway, it should let the committee show the detractors it can be successful.

James Crandall, a White Hills resident, said there's been some talk that support of the rodeo will detract from White Hills getting what it was promised. He felt with the current Mayor and City Council in place, there's a way to make the rodeo happen and bring White Hills more into Eagle Mountain.

Doreen Turner stated that her daughter Brianna is very involved with 4-H. The Eagle Mountain 4-H is huge and is utilizing the rodeo grounds. She asked the City to support the rodeo because of the great opportunity it provides to the youth.

Angie Burgess, a resident of Valley View Ranch, said that she has horses, but doesn't participate in rodeo. She felt that the rodeo is a great opportunity to get to know people and the rodeo grounds will improve the community.

Melissa Garrett has been in Eagle Mountain for 14 years. She felt that the rodeo grounds provide activities for kids and adults and bring money into the City and the surrounding communities.

Dwayne Webber used to come to Council meetings regularly because he needed his water meter moved and the Mayor promised it for years. Then Nate Shipp of DAI promised that for years. The meter was finally moved after Luke Pannell went to Nate Shipp and told him he needed to move the meter. He felt that the City needs to hold him to his commitments.

Becky Painter of Cedar Pass Ranch has all kinds of animals. She's done 4-H for years, almost always in Spanish Fork. 4-H is in Eagle Mountain now, and she encouraged the City to make the rodeo grounds available for kids in 4-H who work with all kinds of animals.

Casey Mascaro said that he plans to move to Eagle Mountain soon and locate his rodeo stock contracting company, Circle J, into the area. He commended the Rodeo Committee for taking on the project. He felt the rodeo could be managed for much less than it has cost so far.

Mayor Pengra closed the public hearing at 8:34 p.m.

MOTION: *Councilmember Burnham moved to adopt a Resolution of Eagle Mountain City, Utah, approving an assignment and addendum to the Pony Express Days PRCA Rodeo, Eagle Mountain, Utah Rodeo contract, removing item 5 from the contract. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a 4:1 vote.*

Item 5, removed from the contract, was an appropriation to help pay for bleacher rental for the rodeo grounds.

Mayor Pengra expressed appreciation for everyone who came to the meeting to talk about the rodeo. He said he didn't support the rodeo because he felt he was elected to be fiscally conservative. He was happy that the Rodeo Committee was willing to raise the money and hold the rodeo.

Councilmember Westmoreland explained that he voted yes because he felt the cost of Pony Express Days needed to be reduced and the rodeo needed to be made private. He was grateful that residents stepped up to make it happen. They will make mistakes and correct them, and will be a model for others who want to take up other public projects.

Councilmember Ireland appreciated everyone being at the meeting, especially those who stepped up to make public comments. He appreciated the Rodeo Committee. He hoped that everyone understood that the City entered into an agreement with a third party to run a rodeo because the City was obligated to pay the \$61,000 to the stock contractor. If a rodeo was held, the City was obligated to pay the entire purse. This agreement reduces the City's obligation to half of the purse. He voted "no" on the rodeo for four years, because he didn't want taxpayer funds committed to make the rodeo happen. He hoped the Rodeo Committee was very successful.

Councilmember Bradley congratulated the Rodeo Committee. He explained that his "no" vote didn't mean he didn't support them. He supported them and their venture; but he couldn't vote to fund a private entity with taxpayer money. He hoped to help however he could.

15. AGREEMENT – Consideration and Approval of an Electrical Service Impact Fee Installment Agreement with TM Crushing.

This item was presented by Energy Director Adam Ferre. TM Crushing leases property north of SR 73 and operates a stone and gravel pit on the property. The proposed agreement is for additional electrical service to the site. If the agreement is approved the City will allow a three-year period in which the company can pay the \$175,452.59 in electric impact fees as a condition to connecting to the system improvement and for new electrical services.

Mr. Ferre explained that TM Crushing began working in Eagle Mountain in 2011, powering their rock crushers with diesel generators. Within a year they decided to connect to the City power system. They installed infrastructure that didn't meet City standards because it was a temporary use. They signed an agreement with the City to maintain it at TM Crushing's cost. The Council waived impact fees on a temporary basis.

The impact fees now need to be paid. TM Crushing proposes to pay the fees in four payments over three years.

Councilmember Bradley asked what would happen if the Council voted this proposal down. He felt that approving the agreement gives the company a three-year, interest-free loan. Mr. Ferre said that TM Crushing will have to pay the fee, be disconnected from the system, or propose another solution.

Councilmember Westmoreland asked who installed the line. Mr. Ferre said that TM Crushing paid the Energy Department to install and maintain the power line. Because it wasn't a permanent location for the line, it wasn't required to meet City standards.

Councilmember Ireland said a temporary, conditional use permit isn't charged impact fees. He asked what the impact to the system will be in 20 years or so when the company is no longer operating in Eagle Mountain. Mr. Ferre said that it will impact the rates. The City has to build a system that meets their need, which is 2000 amps.

MOTION: *Councilmember Westmoreland moved to approve an electrical service impact fee installment agreement with TM Crushing and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting no: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion failed with a unanimous vote.*

Councilmember Ireland asked Mr. Ferre what his next step would be. Mr. Ferre and Mr. Pili responded that they will meet with representatives of TM Crushing, explain the Council vote and discuss their options. Mr. Ferre invited the Councilmembers to email him and Mr. Pili with their suggestions for reasonable terms for an agreement with TM Crushing. The Mayor invited TM Crushing's representatives to send their suggestions to him and the Council.

City Attorney Jeremy Cook pointed out that the two-year time limit on TM Crushing's temporary agreement ends on August 2nd, so they have that long to work out an agreement on paying the impact fees.

16. MOTION – Consideration and Approval of the Rural Economic Development Grant and Loan Letters of Conditions.

This item was presented by Economic Development Director Ikani Taumoepeau and Economic Development Board President Justin Loera. The REDL/G provides zero-interest (0%) loans for ten years to promote sustainable economic development and job creation projects in rural areas. For this project, Eagle Mountain City would serve as a pass-through intermediary for Star West Properties, which is interested in building an 11,000 sq. ft. office building in the Eagle Mountain Business Campus. "Pass-through" means that Eagle Mountain City won't pay any taxpayer money into the program. The \$60,000 grant fee will be paid by Direct Communications. Ultimately, the City will receive \$300,000 for a revolving loan fund to help small businesses.

Councilmember Burnham has struggled with this, largely because she has a hard time taking money from the government. Although this is a wonderful program, she feels that the City should not take money from the Federal government that it doesn't have.

Councilmember Bradley said he objected to this program because he felt that the federal government is side-stepping the free market. However, he is willing to approve it because it fills a need not being met by the private sector.

Councilmember Westmoreland pointed out that this is a loan that will be paid back, so it doesn't add to the national debt. At this point, the City is losing businesses because there is too little commercial space for them to use.

Councilmember Ireland said that banks don't give zero-cost loans because there are costs to giving loans. There are costs to this loan, as well. City employees have already spent a lot of time working on this proposal, which is a cost.

MOTION: *Councilmember Ireland moved not to approve the Rural Economic Development Grant and Loan Letters of Conditions. Councilmember Burnham seconded the motion.*

Councilmember Bradley wondered why the City would vote to fund a private group so it can hold a rodeo, but not to fund a permanent improvement to the City.

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

MOTION: *Councilmember Westmoreland moved to approve the Rural Economic Development Grant and Loan Letters of Condition with the condition that Direct Communications pay the \$60,000 for the grant portion. Councilmember Bradley seconded the motion.*

Councilmember Westmoreland noted that this vote doesn't bind the City to the agreement. This just puts the USDA on notice that the City is interested in the program.

Councilmember Burnham pointed out that banks do make loans for projects like this office building, because all of the office buildings in Eagle Mountain have been built using bank loans.

Councilmember Steinkopf asked Mr. Cook if the Council can require the applicant to pay the \$60,000. Mr. Cook said it could.

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

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

This item was presented by Assistant City Administrator Jason Walker. The Policies and Procedures Manual is being amended to clarify the sick leave policy and to change the time card policy to bring it in line with FLSA guidelines.

The time card policy says that the City can delay payment to employees who fail to complete their time cards properly. Eagle Mountain has never done that in practice, but the wording is in the manual and needs to be removed. The sick leave policy is being changed to clarify that a three-day absence due to illness must be documented by a note from a doctor.

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

18. AGREEMENT – Consideration and Approval of an Interlocal Agreement for NPDES Phase II Storm Water Public Education and Outreach BMPs Compliance.

This item was presented by Public Works Director Chris Trusty. As part of the Storm Water Management Plan, Eagle Mountain City proposes joining the Utah County Storm Water Coalition. The Coalition will provide the City with staff training, public education and outreach opportunities.

MOTION: *Councilmember Burnham moved to approve an interlocal agreement for NPDES Phase II storm water public education and outreach BMPs compliance. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

19. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 13.75 of the Eagle Mountain Municipal Code, Storm Water Management.

This item was presented by City Attorney Jeremy Cook. On February 18, 2014, the City Council adopted the Eagle Mountain City Storm Water Management Program. The program is required in order to comply with the City's Municipal Separate Storm Sewer System (MS4) Permit. The amendments to Chapter 13.75 coincide with the Program.

MOTION: *Councilmember Steinkopf moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 13.75 of the Eagle Mountain Municipal Code, Storm Water Management. 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.*

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

Councilmember Steinkopf

Councilmember Steinkopf reported that he attended the Public Works Board's meeting last week. They discussed the storm drain management program and road maintenance.

Councilmember Burnham

Councilmember Burnham thanked everyone who stayed until the end of the meeting. She felt that there had been some good discussion.

Councilmember Ireland

Councilmember Ireland said that the Library Board meeting scheduled for Thursday has been cancelled due to the caucus meetings scheduled for that evening.

Councilmember Westmoreland

Councilmember Westmoreland thanked everyone for participating. He was glad that the discussions weren't contentious.

Councilmember Bradley

Councilmember Bradley stated that the Planning Commission meeting scheduled for last week was cancelled. He was excited about the process in the meeting tonight.

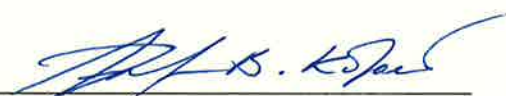
Mayor Pengra

Mayor Pengra congratulated the Rodeo Committee and looked forward to what they bring to the community.

21. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.
22. COMMUNICATION ITEMS
- a. Upcoming Agenda Items
 - b. Financial Report
23. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 9:20 p.m. 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.*

APPROVED BY THE CITY COUNCIL ON APRIL 1, 2014.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 1, 2014

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 – COUNCIL CHAMBERS

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

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

Mayor Pengra called the meeting to order at 4:04 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 and do not require action by the City Council.

- A. Presentation – Jackie Coombs, UAMPS Manager of Customer Service
Ms. Coombs explained that UAMPS is a project-based organization, which means members can choose which projects they participate in. It's a blanket organization which provides economies of scale for members' electricity purchasing.

Ms. Coombs described the City's power use pattern and forecast. She explained how UAMPS allocates power to its members.

She discussed the Smart Energy initiative, which encourages conservation by the residents of member municipalities.

Coal plants around the country are being shut down, so power suppliers are evaluating other sources, including natural gas, solar, wind, geothermal and nuclear power. UAMPS is evaluating new projects as they are presented.

- B. Discussion – TM Crushing Impact Fees

The Council will vote on this issue at a future meeting. Scot Hazard, from whom TM Crushing leases the land they operate on, discussed TM Crushing's request to pay an impact fee in four payments over three years. He felt that, since an impact fee was never due until TM Crushing requested additional power service, it would be reasonable for the Council to allow the company to pay the impact fee over three years.

Councilmember Ireland said he was concerned about setting a negative precedent for future landowners requesting installment payments for impact fees. He suggested changing conditional use permits from two years to three years. Currently, the company is operating under a two-year conditional use permit. He also suggested allowing TM Crushing to pay half of the fee now and half next year.

Councilmember Westmoreland asked what triggered this discussion. Mr. Hazard explained that TM Crushing asked for a higher amperage of electric service. Energy Director Adam Ferre told them that would require a service line that met City standards, rather than the temporary line that serves the plant now.

Councilmember Bradley asked Mr. Hazard what his relationship is to TM Crushing. Mr. Hazard stated that he is the landowner from whom TM Crushing leases the land they operate on. He's represented them throughout their dealings with the City.

Councilmember Bradley asked Mr. Pili about the history of the City's relationship with TM Crushing. Mr. Pili said that the temporary power agreement was a conditional use for a term of two years, which ended in 2013. Mr. Hazard said excavation is now a standard use, rather than a conditional use, since the industrial overlay zone was added last summer.

Councilmember Burnham asked if the impact fees were calculated as though the power line would be permanent. Mr. Hazard said they were. He said that TM Crushing just wanted to work out a way to pay the impact fee without complicating the issue.

Councilmember Bradley suggested allowing the installment payments and adding an additional fee.

Councilmember Ireland stated that there is no guarantee of how long any business will last. Businesses that plan to be permanent pay their impact fees without knowing whether they'll be able to continue operating in the long term. He was concerned that other businesses will want to pay their impact fees in installments, based on the precedent set by TM Crushing.

Councilmember Steinkopf was not in favor of the four-payment suggestion. He knows someone who complains to him regularly about his high impact fees, which he had to pay all at once. This person would react very badly if he found out that another business was allowed to pay impact fees in installments.

Councilmember Burnham asked Mr. Hazard to talk to TM Crushing and bring back the best deal he could. The Council would like to work with them, but four payments is too many.

Councilmember Bradley gave an example of a company that is allowed to pay its impact fees in installments, but fails before the term is up. He felt that since TM Crushing has already been operating and making money, they ought to simply pay the fees.

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

11. Valley View South, Phase A, Plats 4 – 7

Councilmember Ireland said he had received a complaint about an excavating business in that area. Mayor Pengra responded that City staff had them shut down the crusher yesterday.

Councilmember Ireland asked why they didn't have to apply for a conditional use permit before starting to operate. Mr. Pili replied that all that was required was an excavation permit. They were allowed to process rock onsite as long as they use the material for the Valley View development

project. The resident who complained felt that the operation was shaking their home and was not controlling the dust adequately. They also said the company was selling excavated material onsite.

At the meeting with Mr. Pili, the company said they feel they're controlling the dust adequately, but will spray as much water as the City requires. They said they are not selling material on-site, but if any of their employees are doing so, they will be terminated. The City has no proof of material being sold. There's also an issue with the company bringing material on-site from another location. The remaining issue is the shaking being caused to nearby homes. The company doesn't believe that shaking is an issue, but agreed to demonstrate their equipment to City staff tomorrow. The company has agreed to move farther from the residential area immediately.

Councilmember Steinkopf asked if the company needs State permits. Mr. Pili said they would if they were selling from the site. City staff needs proof that they're selling material onsite before they can shut the company down. They can be restricted from bringing material from elsewhere to be processed onsite. However, the material on-site isn't suitable for use in the development and Public Works would rather have good-quality material brought to the site.

Councilmember Ireland asked if the excavation and processing were in preparation for construction in the Valley View plats that may be approved at this meeting. Mr. Trusty said they are. The excavation permit will expire on April 15.

Mr. Pili said the resident would be satisfied if the operation is moved a little farther away from existing homes. The company agreed. Mr. Pili plans to call the resident tomorrow.

Councilmember Bradley felt that the final plats being approved in this item had quite a few issues that needed to be discussed. Mr. Mumford pointed out that the developer will be required to comply with the Planning Commission recommendations listed in the staff report.

Public Works Director Chris Trusty discussed a sewer line planned by Camp Williams which will go through this property. If the sewer line is connected, any lot within 300 feet will be required by State law to connect to it rather than use septic systems. Mayor Pengra noted that Camp Williams does not have funding for the project yet.

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

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

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; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Ikani Taumoepeau, Economic Development Director; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Adam Ferre, Energy Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:13 p.m.

5. PLEDGE OF ALLEGIANCE

Tom Westmoreland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Spring clean-up** – The City will offer its annual spring clean-up dumpsters for yard and general waste from April 1-20. Dumpsters are located near the Public Works building, in front of the wastewater treatment plant. A schedule for the dumpsters to be emptied and a list of items unacceptable for the dumpsters is available on the City website, News page. The County is offering a household hazardous waste collection day on April 12 at the Provo Towne Center mall. Information for this event is also available on our website.
- **Blood Battle blood drive** – The third annual Blood Battle blood drive sponsored by Horrocks Engineers and administered by the Red Cross will be held on Tuesday, April 8 in the Council Chambers from 8:00 a.m. to 1:00 p.m. The drive is a friendly competition among northern Utah County cities to provide much needed donations for the blood bank. Eagle Mountain City has been the winner of the battle for the past two years. Employees from Horrocks will donate community service hours to the city with the most donors. This year's theme is Community Hero, in honor of Sgt. Cory Wride. Donation jars will also be available for Sgt. Wride's family. Registration is required and is available via the City website, Events page.
- **Burn permits** – The State's open burn period ends on May 30. Requirements and application links for burn permits are on the City website, News page. Please be aware that as of last year, different requirements established by the Utah Department of Air Quality are in effect.
- **Child Abuse Prevention Month** – April is Child Abuse Prevention month. Eagle Mountain City is planting blue pinwheel "gardens" in City Center and The Ranches in support of child abuse prevention. Items will be posted on the City website, Facebook, etc. throughout the month to help raise awareness.
- **Easter Egg Hunt** – The annual City Easter Egg Hunt will be held on Saturday, April 19, starting at 10:30 a.m. SHARP. Over 20,000 eggs will be out for the hunt at Nolan Park. Children will be separated into age groups from 3-12 years old. Bring your own baskets. More info available on the Events page of the City website.

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

None.

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

Councilmember Steinkopf

Councilmember Steinkopf reminded everyone to take advantage of the clean-up dumpsters located at the Public Works building until April 20. He asked residents not to leave trash on the pavement if the dumpsters are full. They will be emptied regularly.

Councilmember Burnham

Councilmember Burnham thanked everyone who attended political caucuses last month. She said it's important for people to participate in government.

Councilmember Ireland

No comment.

Councilmember Westmoreland

No comment.

Councilmember Bradley

No comment.

Mayor Pengra

No comment.

9. APPOINTMENTS

- A. Economic Development Board – LaMont Snarr (3-year term)
- B. Parks and Recreation Advisory Board – Ben Reaves (2-year term)
- C. Military and Veterans Advisory Board – Erika Douglas & Kim Cardwell (3-year terms)

MOTION: *Councilmember Ireland moved to LaMont Snarr to a 3-year term on the Economic Development Board and Ben Reaves to a 2-year term on the Parks and Recreation Advisory Board. The motion failed for lack of a second.*

MOTION: *Councilmember Burnham moved to approve the appointments as listed. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Snarr, Mr. Reaves and Ms. Cardwell. Ms. Douglas was unable to attend and will receive the oath at another time.

Mayor Pengra thanked all those who volunteer on City boards, and everyone who volunteers in the City.

CONSENT AGENDA

10. MINUTES

- A. March 18, 2014 – Regular City Council Meeting

11. FINAL PLATS

A. Valley View South, Phase A, Plats 4 - 7

12. SITE PLAN

A. Eagle Mountain Jr. Seminary

13. DEVELOPMENT AGREEMENT

A. Autumn Ridge Phase 2

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland and Tom Westmoreland. Those voting no: Richard Steinkopf. The motion passed with a vote of 4:1.*

SCHEDULED ITEMS

14. AGREEMENT – Consideration and Approval of a Final Payment and Settlement Agreement between Eagle Mountain City and CraCar Construction.

This item was presented by Energy Director Adam Ferre. The proposed agreement addresses all outstanding issues related to the construction of the Energy Building and releases the final payment to CraCar Construction. The City is holding some funds until the contractor completes a few warranty issues. Once those are completed, the City will release the remainder of the funds.

MOTION: *Councilmember Ireland moved to approve a final payment and settlement agreement between Eagle Mountain City and CraCar Construction in the amount of \$57,347.07 for the Energy Building project. Councilmember Westmoreland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 4:1.*

15. AGREEMENT – Consideration and Approval of the Second Amendment to the Golf Course Donation Agreement.

This items was presented by City Attorney Jeremy Cook. In July 2009, Eagle Mountain Links, LLC (Ames Construction) donated The Ranches Golf Course to Eagle Mountain City. There were certain stipulations and agreements that accompanied that donation, including the requirement that Ames relocate and improve Tee Box #12 and the related cart path, which is located closest to Stonebridge Lane and Ranches Parkway. An Amendment to the Golf Course Donation Agreement was approved in February 2011, extending the original completion date from July 2011 to July 2013. The extension was requested because of the economic downturn. The property adjacent to Tee Box #12 has not developed as quickly as was anticipated and the developer has requested that the deadline be extended until July 2016.

Mr. Cook said that there's no detriment to the City by extending the deadline and recommended that the extension be approved.

MOTION: *Councilmember Steinkopf moved to approve the second amendment to the golf course donation agreement. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration and Approval of the First Amendment to the Power Sales Agreement Between Utah Municipal Power Agency and Eagle Mountain City, Utah.

This item was removed from the agenda.

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

Councilmember Steinkopf

Councilmember Steinkopf mentioned that, with the good weather, dirt is starting to be moved for new roads.

Councilmember Burnham

No comment.

Councilmember Ireland

No comment.

Councilmember Westmoreland

No comment.

Councilmember Bradley

No comment.

Mayor Pengra

No comment.

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

Councilmember Ireland said that the Library Board will meet tomorrow at 6:30 p.m.

Councilmember Westmoreland said that the Economic Development Board is working on a new mission statement.

Councilmember Bradley stated that he was unable to attend the Planning Commission last week.

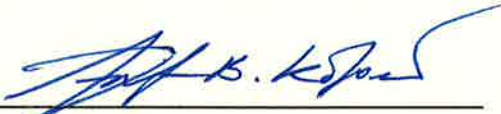
19. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Report

20. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 7:32 p.m. Councilmember Steinkopf 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 APRIL 15, 2014.

A handwritten signature in blue ink, appearing to read "Fiona B. Kofoed", written over a horizontal line.

Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 15, 2014

Work Session 6:00 p.m. Policy Session 7:00 p.m.

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

6:00 P.M. WORK SESSION – COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 6:03 p.m.

1. REVIEW – FY 2014-2015 Preliminary Budget.

Mayor Pengra announced that there will be a special City Council meeting on April 29 for a formal presentation and additional discussion of the preliminary budget. Today's discussion is primarily to answer Council questions.

City Administrator Ifo Pili discussed the Capital Projects Fund. Most of the Capital Projects funds are dedicated to road maintenance projects. Approximately \$100,000 in impact fees is intended for park improvements, and an improved master irrigation control system is planned, primarily to prevent road damage from the irrigation system.

Mr. Pili described departmental budgetary goals. Public Works is developing a five-year plan for road improvement and maintenance. Public Safety is requesting an additional Sheriff's deputy, the Library would like to increase staff hours and the Parks Department wants to increase the parks maintenance contract.

Councilmember Burnham asked about the FY 2014 Capital Projects Fund balance. Mr. Pili responded that it's the total available after all the projects have been completed. Some of those funds are intended to pay the costs for wildfire control which haven't been paid yet. The remainder can be used to increase the reserve fund balance or to fund more projects on the City's list of goals.

Councilmember Burnham asked about the budget for a phased project at the intersection of Bobby Wren Blvd. and Pony Express Parkway. It was budgeted two years ago. She wanted to know what happened to the funds.

Mr. Pili said he didn't know why the project wasn't accomplished. If project funds aren't used in the year they're budgeted, they collapse back into the General Fund. Councilmember Ireland reminded the Council that the project was postponed in the hope that a UTA bus stop could be incorporated into the park.

Mayor Pengra explained that the pavement will need to be properly leveled to keep water from damaging the road. He noted that part of the Capital Outlay Fund is planned for purchasing a paver and roller, which will allow the City to save money by managing those projects in-house. They will also be used for repairs to trails.

Mr. Pili reviewed the rest of the capital projects. The fund has accumulated approximately \$170,00 in impact fees for lights at the Mid Valley Park baseball fields, which is not enough to complete the project yet. Even though it was budgeted, the money can't be used unless enough money becomes available to do a budget amendment. The road maintenance projects are part of a \$500,000, five-year maintenance plan.

The Parks Department requested \$5,000 for landscaping at the bike park. The irrigation system needs to be repaired and landscaping should be upgraded where the park abuts a residential area.

Mr. Trusty described the master control system planned for the Pony Express Parkway/Ranches Parkway irrigation system. It will be constructed in five stages. The Public Works Department directed the contractors installing the Central Utah waterline to place extra conduit for the irrigation control lines, which saved the City approximately \$20,000. There will also be a master control upgrade to the SilverLake amphitheater.

Councilmember Bradley asked if the return on investment for these systems had been calculated. Mayor Pengra said it was about ending the cycle of water damage to roads. It's only the beginning of controlling a long-standing problem.

Mr. Trusty said these roads should have had preventive maintenance only for their first 20 years, but the Streets Department has repeatedly resurfaced water-damaged roads.

Councilmember Ireland didn't think the narrow median strips next to turn lanes should be irrigated at all. They should have decorative rockwork instead.

Mayor Pengra noted that all the discussions about this have been geared towards efficiency. He said that he just sent an email to the Council members containing a spreadsheet covering the savings due to purchasing paving equipment.

Mr. Pili brought up the next item, Westview Heights Park. The playground equipment installed by the developer doesn't meet today's safety standards and needs to be replaced. There may be a grant available to pay part of the cost.

Mr. Pili went on to discuss Eagle's Gate Park. The Parks and Recreation Advisory Board recommended that the City match funds provided by the HOA.

Councilmember Ireland asked about if the FY 2014 fund slated for trees was spent and, if so, where they were planted. Mr. Trusty said most of them will be planted in the spring.

The Library requested shelving for the children's section. The Recreation Department requested sports equipment to accommodate the record numbers of children signing up for the programs. The Events Department is requesting A-frame event signs and a C container for events equipment storage. A phased project is planned to tie the security systems in City Hall and the Energy

Building together and provide evidence-quality recordings that would be admissible in a court of law. The system will store about 30 days' worth of recordings.

Councilmember Burnham asked about page 58 in the preliminary budget document, which said that the City would raise \$90,000 in rodeo sponsorships. Mayor Pengra answered that it's an error. It's not applicable to the FY 2015 budget.

Councilmember Ireland requested an itemization of revenue from community events.

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

None.

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

None.

The meeting was adjourned at 6:57 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; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Cub Scout Troop 1141 presented a flag ceremony.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Spring clean-up** – The City is offering our annual spring clean-up dumpsters for yard and general waste through April 20. Dumpsters are located near the Public Works Building, south of City Hall. A schedule for the dumpsters to be emptied and a list of items unacceptable for the dumpsters is available on the City website, News page.

- **Burn permits** – We are currently in an open burn period, through May 30. Requirements and application links for burn permits are on the City website, News page. Please be aware that as of last year, different requirements established by the Utah Department of Air Quality are in effect.
- **Woman of the Year nominations** -- Nominate one of the outstanding women in Eagle Mountain for the City's Woman of the Year award. In 200 words or less describe why your nominee is deserving of the award. Nominations are due by April 22. Info on how to submit your nomination is available on the City website, News page. The award will be presented at the Miss EM Pageant on May 3.
- **Easter Egg Hunt** – The annual City Easter Egg Hunt will be held on Saturday, April 19, starting at 10:30 a.m. SHARP. Over 20,000 eggs will be out for the hunt at Nolan Park, separated into age groups ranging from 3-12 years old. Bring your own baskets. More info is available on the Events page of the City website.

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

Kendall Saunders said that water work was done in his neighborhood this spring. His driveway was damaged by heavy equipment used in the project. He and his wife have emailed several City employees without receiving a response. He would like a City representative to meet with him next week to make some plans for repairs. Mayor Pengra responded that he will arrange a meeting with Mr. Saunders.

Bruno Hunziker left a message for Mr. Pili eight days ago and didn't receive a response. He appreciated the Mayor's prompt response when he's called. Mr. Hunziker said that he and his wife had a heated conversation with a developer recently. The developer said the park in Mr. Hunziker's neighborhood is complete and ready to be turned over to the City. He also said the sewer trunk line is dumping sewage into his field and threatened to sue the residents. The residents spoke to an attorney who said the developer will have to sue Eagle Mountain City. Mr. Hunziker would like a monthly statement from the City on the status of the sewer line. He would also like the water line under Wilson Ave. repaired.

Marcie Taylor was representing herself, her husband and some neighbors. Lake Mountain Road is becoming hazardous. The residents are requesting road maintenance. They're also having trouble with young people speeding on dirt bikes and drinking. She appreciated all the work the Mayor and Council do.

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

Councilmember Steinkopf

Councilmember Steinkopf stated that the Great Utah Shake-Out will be held on April 17. The event is an opportunity to evaluate one's emergency preparedness and to practice emergency safety skills.

Councilmember Burnham

Councilmember Burnham asked for an update on the cemetery. She would also like to see the White Hills updates sent to Mr. Hunziker. She asked when the City plans to put sod in the cemetery, because when the wind blows it sends dirt all over Eagle Mountain Blvd.

Councilmember Ireland

Councilmember Ireland sent an email this past week about the crosswalks in Overland Trails. The reflective markings need to be replaced. Mayor Pengra said he would address that.

Councilmember Westmoreland

Councilmember Westmoreland said the cleanup dumpsters are surrounded by trash left behind when residents find the dumpsters full. He felt that residents should respect the capacity of the dumpsters and not leave trash around them. Mr. Trusty said the dumpsters were emptied three times a week, which is helping with the trash problem.

Councilmember Bradley

No comment.

Mayor Pengra

No comment.

CONSENT AGENDA

9. MINUTES

- A. April 1, 2014 – Regular City Council Meeting

10. DEVELOPMENT AGREEMENTS

- A. Evans Ranch, Plat B-2
- B. Gateway, Phase A, Plat 1
- C. Valley View South, Plat C

11. BOND RELEASE – Into Warranty

- A. Eagle Point Condominiums, Phase A

12. CHANGE ORDER

- A. CWP Water Line, VanCon

Mayor Pengra explained that the developers of Valley View Plat C have presented a plan for an amended development agreement for Plat D.

City Attorney Jeremy Cook stated that the Valley View C development agreement should be pulled from the Consent Agenda and discussed as a separate item. In addition, the Gateway development agreement needs a minor change and should be made a discussion item.

Councilmember Steinkopf asked if there should be more detail regarding fencing in the Evans Ranch agreement. Mayor Pengra explained that the specific requirements are detailed in the master development agreement.

Councilmember Burnham asked why the VanCon change order is for \$39,643 instead of the original \$22,000. Mr. Trusty explained that the original plan was to drain the line into the existing retention pond, but the road there is being widened, so additional lines are required.

Councilmember Ireland asked about the error in the GIS measurements. Mr. Trusty said that sometimes moving measurements from an AutoCAD map to a GIS system can make what looks like a small error into something large, especially since there are several coordinate systems in use.

Councilmember Westmoreland wanted to know what pump station the change order referred to. Mr. Norman said it is the Central Water Project station.

MOTION: *Councilmember Ireland moved to approve the Consent Agenda, removing items 10B and 10C and moving them to the Scheduled Items. 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.*

SCHEDULED ITEMS

10B. Gateway, Phase A, Plat 1 Development Agreement

Mr. Cook reported that Exhibit 2, the bond requirements letter, failed to include the landscaping and park improvement costs. He asked that the agreement be approved subject to inclusion of those amounts in the bond letter. A specific dollar amount hasn't been calculated yet.

Scott Kirkland, the developer, stated that he just received the dry utilities bond letter today. The development agreement states that the developer shall post a bond prior to construction of those improvements, but he hasn't had a chance to review the drawings. If he doesn't have the development agreement approved, he can't hold a pre-construction meeting with the City Engineer.

Mr. Cook explained that the City doesn't want to design the dry utilities until the final plat is approved. However, no one wants to delay the development. Mr. Kirkland stated that, while the plat was approved a couple of months ago, he only received the design for the dry utilities today. The Energy Department won't even have the materials for the dry utilities for two more months.

Mr. Cook pointed out that the utility letter is not part of the agreement, so the language of the motion just needs to include "subject to the inclusion of landscaping and park improvements in the bond letter."

Councilmember Bradley stated that he was frustrated that "red tape" is delaying a development. He felt the City needs to cultivate a reputation of being easy to work with. Mr. Cook said that he and Planning Director Steve Mumford are trying to streamline the approval process.

Mr. Kirkland stated that he would be willing to pay for the changes the City makes to the design, in order to accelerate the approval process.

Mayor Pengra said changes to the approval process would be made a higher priority.

MOTION: *Councilmember Ireland moved to approve the Gateway, Phase A, Plat 1, development agreement, subject to the inclusion of landscaping and park improvements in the bond letter. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

10C. Valley View South, Plat C, Development Agreement

Mr. Cook explained that the original Valley View master development agreement required construction of a water tank. The water tank was built in 2008, but the land under the tank was never deeded to the City. The developer would like to resolve the issue without delaying Plat C. The development agreement has been amended to allow Plat C to be recorded, but not to allow any other plat in the subdivision to be recorded until the land under the water tank was deeded to the City and the related access easements were provided to the City.

Councilmember Ireland asked why this wasn't a condition for recording Plat C. Mr. Cook explained that the developer's position is that the water tank was built by another party to the master development plan. He didn't feel that his project should be delayed due to an omission by someone else.

Councilmember Burnham asked why some design guidelines were included in the development agreement when they're normally included in CC&Rs. Mr. Cook said that, in this case, they were part of the conditions of approval.

MOTION: *Councilmember Burnham moved to approve the Valley View South, Plat C, development agreement, as amended. 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.*

13. AGREEMENT – Consideration and Approval of the First Amendment to the Power Sales Agreement Between Utah Municipal Power Agency and Eagle Mountain City, Utah.

This item was presented by Energy Director Adam Ferre. On August 12, 2012, Eagle Mountain City entered into a Power Sales Agreement with Utah Municipal Power Agency (UMPA) for the purchase of electric capacity and certain energy requirements from UMPA. The Amendment extends the term of the Agreement through June 30, 2017 and provides for the assignability of the Agreement by Eagle Mountain City.

Councilmember Ireland asked why this amendment needed to be made now. Mr. Ferre explained that there is a thirteen month cancellation period. UMPA wants to be assured that Eagle Mountain will continue to purchase power from them, or else they need enough time to find a replacement customer.

MOTION: *Councilmember Bradley moved to approve the first amendment to the power sales agreement between Utah Municipal Power Agency and Eagle Mountain City, Utah, with a change to the effective date from March to April. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Steinkopf

Councilmember Steinkopf had a list of plants that grow well in this area and offered to give it to Public Information Director Linda Peterson to be included in the newsletter.

Councilmember Burnham

Councilmember Burnham said she's been an unofficial liaison to the Rodeo Committee and they will have some items coming up in the near future.

Councilmember Ireland

No comment.

Councilmember Westmoreland

No comment.

Councilmember Bradley

No comment.

Mayor Pengra

Mayor Pengra thanked everyone for attending the meeting.

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

Councilmember Burnham stated that the Youth Council will meet tomorrow.

Councilmember Westmoreland said the Economic Development Board will meet tomorrow and the Parks and Recreation Board will meet on Thursday.

Councilmember Bradley said that the Planning Commission didn't meet last week. It will meet next week. The Military and Veterans' Board is being reshaped and he looked forward to working with them.

16. COMMUNICATION ITEMS
a. Upcoming Agenda Items

17. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn to a Closed Executive Session at 8:00 p.m. pending an imminent litigation. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Ireland moved to adjourn the meeting at 9:35 p.m. Councilmember Steinkopf 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 MAY 6, 2014.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 6, 2014

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 – COUNCIL CHAMBERS

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

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

Mayor Pengra called the meeting to order at 4:04 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 and do not require action by the City Council.
 - A. **Presentation – Granite Construction**
Chris Faulbeher of Granite Construction introduced himself to the new Mayor and Councilmembers and offered to let them tour the Granite facility in Eagle Mountain if they'd like to.
 - B. **Presentation – Dark Sky Ordinance**
Mayor Pengra explained that a dark sky ordinance is being considered as a result of the JLUS study conducted in cooperation with Camp Williams. Light pollution negatively affects nighttime training flights from Camp Williams. City Planner Ken Samuelson described dark sky ordinances existing in other municipalities. Planning Director Steve Mumford explained the City's current lighting regulations.
 - C. **Presentation – Development Review Process**
Planning Director Steve Mumford updated proposed changes to the development review process. He said that developers have requested a simpler, more consistent, less expensive and faster review process. Residents want honesty from the City to developers and they want their voices to be heard. Decision makers want adequate information, reduced red tape, and fewer instances of decisions that have to be made but will upset residents, and time to focus more on actual planning rather than reviewing subdivisions for compliance with City Code.

Mr. Mumford said the City's internal process can be improved by adding checklists, a cloud-based tracking system, an interdepartmental project management system, how-to guides for builders and residents and simplified City Code requirements.

Improvements to the approval process should cover both legislative and administrative actions. Legislative actions are those that advance the general welfare—rezones, the General Plan, development codes and the land use portions of master development plans. Administrative actions are approvals of subdivision plats site plans and conditional uses. Difficulties arise when residents object to the projects, but the projects comply with City Code.

Preliminary plats are now approved by the Planning Commission. Final plats are recommended to the Council by the Planning Commission and approved by the City Council. Mr. Mumford recommended that the City Council see the plats earlier in the process.

Mr. Mumford suggested that development agreements be signed at the preliminary plat stage, rather than with every final plat. Major amendments to preliminary plats should go back to City Council for approval. Minor amendments could be approved by the Development Review Committee.

Final plats have been approved separately by the City Council. Mr. Mumford recommended that these be approved by the Development Review Committee, unless they show major changes from the preliminary plat, in which case they should be reviewed by the City Council.

Mr. Mumford stated that the impacts to developers will be fewer public meetings, slightly more up-front costs and reduced red tape. Residents would have more information in the beginning of the process, no fewer public hearings, and more focus on comprehensive planning like the General Plan and master plans. Decision makers will be involved at the preliminary plat stage, have fewer staff reports and development agreements to review, and more time for planning rather than approvals.

Mayor Pengra asked when the City Council will see specific action items. Mr. Mumford replied that it should be at the June 17 meeting, or possibly in July.

D. Presentation – Pole Canyon Status Report

Nate Shipp, representing Oquirrh Wood, LLC, the developer of Pole Canyon, gave an update on the development of the property. He said the main focus of the project is economic growth. Due to the poor air quality in the area, State government prohibits any manufacturer that produces 2.5-size particulates from locating in Utah County.

Oquirrh Wood plans to begin building single-family homes adjacent to the White Hills subdivision.

Regarding the obligations in the development agreement, the payment to the City required for the equestrian facility has been made and aerial photographs have been supplied to the City. Utah County required White Hills to be included in the annexation. Part of that requirement is a park in White Hills. The sprinkler system needs a pump station. Once that is installed, the park can be inspected and accepted by the City.

Mr. Shipp proposed an amendment to the development agreement that the rodeo grounds obligation be met by paying \$90,000 towards the cost of bleachers at the current rodeo grounds, followed by construction of a regional recreational facility when there is a need for it.

Another obligation is construction of Pole Canyon Blvd. That will be done in stages. The obligation for the fire station property, near White Hills Park, is that it be deeded to the City upon request. Oquirrh Wood is prepared to deed that property over whenever the City makes the request.

The White Hills Special Service District, which is in charge of wastewater treatment for White Hills residents, isn't up to City standards and needs to be connected to the City system. Oquirrh Wood has submitted a plan to Utah State and hopes to get funding to construct a line.

[Inaudible discussion of sewer rates.]

The White Hills water system needs to be transitioned to the City, which will bring new wells into the City system. Everything is completed except for power to the pump station. However, some sections of the system need repair or replacement beyond the company's obligations. They have requested funding from the State to make those repairs. Having made more repairs than required, they would like an amendment to the transition agreement stating that the warranty period is completed and the City will accept the system.

Councilmember Bradley discussed how the company might have better communication with the residents.

Councilmember Ireland discussed having enough acreage for park space in the annexation.

Mr. Pili invited Jared Gray of the Rodeo Committee to explain to the Council how the \$90,000 might be used for bleachers at the rodeo grounds.

E. Presentation – Cemetery

Brad Hickman, Parks and Recreation Director, reported that a bid award for a road through the cemetery will be presented to the Council at the May 20 meeting. A request for proposals for cemetery landscaping will be sent out shortly. Policies and procedures for the cemetery are also being developed.

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

11C. Clearview Ranch Plats 1 and 2

Councilmember Ireland asked Assistant Public Works Director David Norman if the water and sewer systems are adequate. Mr. Norman responded that they've installed a new water line in the area. There are 97 lots available to be built on in the general area, including lots in the approval process. Adequate water pressure is available now for at least 84 lots, in addition to those already

built on, even though well #2 is out of service. By the time additional lots become buildable, well #2 will be operational and additional infrastructure will be constructed.

13. Evans Ranch Amended Master Development Plan and Amended General Plan

These properties are currently designated as Mixed Use Residential on the City's Future Land Use and Transportation Corridors Map (General Plan Map 2). The developer is proposing to amend this map to add approximately 7 acres of Mixed Use Commercial to the property. The Planning Department considers this an appropriate use for this area, as it is located across from other commercial property, and at a somewhat major intersection (Pony Express Parkway and Porter's Crossing). In fact, this area has been included as Mixed Use Commercial in the Planning staff's draft changes to the General Plan map for quite some time.

The master development plan amendment only adds this property, it doesn't change the approvals for the original property included in the plan. The new property needs a master drainage plan and a new sewer line to the east.

Councilmember Ireland asked how the north property will hook into the sewer line. Mr. Mumford said that a sewer pipe will have to cross Tickville Wash.

Mr. Mumford stated that the cul-de-sac in the project exceeds the maximum 500-foot length in the City Code, but the Code allows for the Planning Commission and City Engineer to grant a waiver. The Fire Code allows up to 750 feet in length. The Fire Marshal has expressed no concerns with this proposal. The City Engineer also supports a waiver in this case, as it provides a good transition from the existing homes in SilverLake. Acceleration and deceleration lanes are also required along Pony Express Parkway for the commercial entrance. This will be added to the master development agreement.

Councilmember Westmoreland was concerned that the agreement calls for a wall or a fence in the buffer between the commercial and townhome areas. He suggested that only a wall be approved. Councilmember Steinkopf said he knows of a number of cities that require walls in buffer zones.

Mr. Mumford stated that a wall can be added to the development agreement as a condition. The developer of the denser use will have to build the wall.

Mayor Pengra asked what was meant in the staff report where it required a better understanding of the planned improvements. Mr. Mumford described the park improvement point system. An area of about 12 acres will need to be improved. The developer is responsible to submit a park plan that he feels is appropriate. The Planning Commission and City Council need to determine what park amenities are appropriate for a given area.

Councilmember Steinkopf was concerned that the park will be difficult for existing residents to access because they'll have to cross Tickville Wash. Public Works Director Chris Trusty said they're working on that and will probably shore up the banks with rip-rap to prevent erosion.

Councilmembers questioned whether the length of the cul-de-sac will be a problem for snow plowing or trash pickup. Mr. Trusty responded that the cul-de-sac radius is adequate for a fire engine, so it should be fine for a dump truck.

The developer, Nate Shipp, explained that the cul-de-sac was designed to keep vehicles from driving through the multi-family home area to SilverLake, which could compromise the safety of those living in the multi-family homes.

Mr. Shipp said he had some great ideas for park amenities, but the point system discourages creative solutions because large facilities get too few points to be cost-effective. He'll submit a plan that satisfies the point system and also one that has better amenities but would require an amendment to the current requirements.

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

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

The meeting was adjourned at 6:37 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:12 p.m.

5. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **New businesses coming to Eagle Mountain** - We can officially announce the following future tenants of the Porter's Crossing Town Center: Subway, Dollar Cuts, and an optometrist's office. There will be a fourth tenant which we will announce as soon as possible. We are happy to welcome these businesses to our community and look forward to future announcements for additional retail pads at the Center.
- **Road work** – Our Streets Department will be doing patching and paving work on Pony Express Parkway from Eagle Mountain Blvd. to Sandpiper Rd. (near Hidden Hollow Elementary School) over the next two weeks. A detour through the Eagle Park subdivision (between Eagle Mountain Blvd and Bobby Wren) may be in place through tomorrow, depending on weather. After that section, flaggers will be used, so please use caution and plan for extra time when driving through this area.

- **Hunter's Education Training** – Hunter's Education Training will be offered on Saturday, May 10 from 8:00 a.m. to 11:00 a.m. at City Hall. Contact information is available on the City website, Events page.
- **Summer Reading Program** – Registration is open through June 7 for the Eagle Mountain Library's free summer reading program. You may register on the Library page of the City website or on the Library's Facebook page.
- **Iron Will Races and Family Events** - Help celebrate the 100th anniversary of Camp Williams at the Iron Will Races and Family Events on Saturday, May 17. Fitness enthusiasts can choose from running, mountain biking, or road biking events. Registration link available on the Events page of the City website. Use the code EAGLE to save \$10 on registration. Or, if you'd rather be a spectator, enjoy activities such as: rock climbing walls, kids' races, mini fire truck rides, mini train rides, police, fire & military vehicle displays, K-9 demonstrations, live music, and food. All-day wristbands for the activities will be sold on-site for \$5.

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

Nathan Ochsenhirt thanked the Mayor and Council for their service. He was concerned about weeds growing in the retention pond in Northmoor subdivision. He'd like them cut down. He said that construction trucks entering the Mr. Airey subdivision from SR 73 are damaging the road. He would like the builders to be held responsible to repair the road. He also wanted the stop line at the corner of Eagle Mountain Blvd. and Russell Road repainted.

Christopher Jones said he's a new resident. He commended the Utility Department, saying they work hard and they're really nice. He felt that the City should provide a gray water system for outdoor watering. He also felt that the \$25 utility late fee was an arbitrary amount. He would like the fee to reflect the actual cost of administration. He said the Library staff is awesome.

Dan Lilly thanked the Mayor and Council for the job they do. He mentioned the Mayor's blog post on Facebook, in which he discussed the irrigation system along the main roads. He felt that it was wrong that the City pays over \$418,000 to irrigate the landscaping along the main roads, when the overspray damages the roads, which then costs taxpayer funds to repair. He would like the system improved, so the funds could be put to better use.

Mayor Pengra responded that, in writing his blog post, he may have been using some incorrect information. However, most of the \$418,000 goes for labor expense, which would transfer to the City government if it takes over operation of the system. He agreed that there needs to be an investment in the system to prevent the roads being watered. He didn't know exactly how soon that could be done, as there are other priorities to balance with the money available to address them.

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

Councilmember Steinkopf

Councilmember Steinkopf reminded everyone that school is ending and there will be more children on the streets. He asked residents to be careful around them.

Councilmember Burnham

Councilmember Burnham also asked that resident be careful of young children in the streets, who are often not using good judgment around vehicles. She recommended going slower than the posted 25 miles per hour speed limit. She also appreciated former Councilmember Ochsenhirt being at this meeting and said she enjoyed working with him when he was on the City Council.

Councilmember Ireland

Councilmember Ireland mentioned that the preliminary budget for the next fiscal year is on this meeting's agenda. He commended the Mayor and staff, especially Finance Director Paul Jerome, for their work on the budget.

Councilmember Westmoreland

Councilmember Westmoreland thanked everyone for coming to the meeting. He appreciated former Councilmember Ochsenhirt and Painter.

Councilmember Bradley

Councilmember Bradley welcomed everyone to the meeting. He said he's received several messages from residents saying that construction noise is disturbing them early in the morning. He suggested that this be looked into. He congratulated the Rodeo Committee for the progress they're making on the rodeo. He thanked those who made public comments.

Mayor Pengra

Mayor Pengra recognized the City's Woman of the Year, Melissa Smith. She supervised the Pony Express Days parade and directed the Miss Eagle Mountain Pageant for the first ten years of its existence. He congratulated the newly-crowned Miss Eagle Mountain, Alyssa Diaz.

9. PRESENTATION – In Recognition of Outstanding Service by Former Mayor Heather Jackson and Former Councilmembers Nathan Ochsenhirt and John Painter.

Mayor Pengra presented a plaque to former Councilmember Nathan Ochsenhirt. He also recognized the service of former Mayor Heather Jackson and former Councilmember John Painter, who were not able to attend the meeting. They will receive their plaques at a later date.

CONSENT AGENDA

10. MINUTES

- A. April 15, 2014 – Regular City Council Meeting

11. FINAL PLATS

- A. SilverLake, Plat 11
B. Porter's Crossing Church Lot
C. Clearview Ranch, Plats 1 & 2

12. CHANGE ORDER

- A. Pony Express Pipeline Project, Change Order #3 – VanCon Construction Company

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

SCHEDULED ITEMS

PUBLIC HEARING

13. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Approving the Amended Evans Ranch Master Development Plan Map and Amending the Eagle Mountain City General Plan.

This item was presented by Planning Director Steve Mumford. The amendment to the Evans Ranch Master Development Plan adds 34.8 acres to the project north of the Tickville Wash. The new area includes 7 acres of commercial property adjacent to Pony Express Parkway, 48 single-family lots, and 134 townhome units. The average single-family lot size will be 7,018 square feet in this area. The General Plan amendment changes the Future Land Use Map to include 7 acres of Commercial property. The remaining 28 acres would maintain the Mixed Use Residential designation.

Mayor Pengra opened the public hearing at 7:47 p.m.

Dan Lilly asked if there would be a road south of the development leading to Redwood Road or if all traffic will be funneled to Pony Express Parkway. Mr. Mumford said the road will connect to Woodhaven Blvd. in SilverLake. MAG plans a future road to the south which will connect to the Mountainview Corridor.

Fred Peeples asked why the cul-de-sac was extended beyond 500 feet in length and what the City received in return for allowing the exception. Mr. Trusty said the limit in the City Code was based on a maximum number of lots, which has been changed since the City's fire service has been taken over by the Unified Fire Authority. The developer wanted to be sure that the road would not be used as a corridor to the SilverLake subdivision.

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

MOTION: *Councilmember Ireland moved to approve an Ordinance of Eagle Mountain City, Utah, approving the amended Evans Ranch master development plan map and amending the Eagle Mountain City General Plan, with the following conditions: those in the Planning commission recommendations, a wall between the commercial and residential areas, and a more detailed parks plan to be included in the master development agreement. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The Planning Commission recommendations listed in the staff report are as follows:

1. Provide acceleration and deceleration lanes on Pony Express Parkway for the commercial access.
2. Amendments to the City Impact Fees Facilities Plan must be coordinated with the City Engineer and if necessary, paid for by the applicant.

3. A buffer zone of 20 feet with trees, ground cover, a wall and berming shall be placed between the commercial and multi-family developments, and between the multi-family and single-family residential developments. This shall be addressed during the site plan review.
4. A master drainage plan is required along with each plat and/or site plan.
5. This new area must comply with the master development agreement requirements, including the bonus density improvements, the community improvement requirements, architectural examples for the townhomes, details of timing for open space and trail improvement, and timing and details of utility improvements.
6. A more detailed parks plan must be included with the master development agreement, including more detail for the improvement of the northern open spaces.

14. AGREEMENT – Consideration and Approval of an Electrical Service Impact Fee Installment Agreement with TM Crushing.

This item was presented by Energy Director Adam Ferre and City Attorney Jeremy Cook. TM Crushing leases property north of SR 73 and operates a stone and gravel pit on the property. The proposed agreement is for additional electrical service to the site. The City will impose a payment of \$175,452.59 in electric impact fees as a condition to connecting to the system improvement and for new electrical services.

In 2012, TM Crushing began operating a stone and gravel pit on property north of SR 73. The gravel pit operation required a three-phase electric connection in order to provide power to the gravel pit operation. Due to the temporary nature of the operation and the ability of the City to recoup some funds through the sale of electricity, the City agreed to furnish temporary electrical power to the site for a period of 24 months and to defer the payment of electrical power impact fees to the City as otherwise required by the City impact fee ordinance for a period not to exceed 24 month.

The two-year period has expired, and TM Crushing is willing to pay the impact fees. However, due to the significant cost, they have requested that the City allow them to pay the impact fee over a period of one year. Mr. Ferre stated that TM Crushing proposes to pay the impact fees in two payments, the first being approximately \$87,000 with ten days after the agreement is executed. The remainder will be paid within the year.

MOTION: *Councilmember Ireland moved to approve an electrical service impact fee installment agreement with TM Crushing. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 4:1.*

15. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2014-2015 and Setting a Public Hearing for Adoption of the Final Budget on May 20, 2014 at 7:00 P.M.

This item was presented by Finance Director Paul Jerome. The State Code requires that the City Council review and tentatively adopt a budget by the first regularly scheduled meeting in May; additionally, the City Council needs to establish the time and place of the public hearing to be held before the final budget is adopted. The public hearing will be scheduled on May 20, 2014 and the final budget will be adopted on June 17, 2014.

Finance Director Paul Jerome explained that the cost per capita to operate the City has fallen from \$577 per resident in fiscal year 2007 to \$284 per resident in the budget now being considered.

Capital projects proposed for the upcoming year amount to just over \$1M. Most of them are road projects. Improvements to Mid Valley Park are also proposed, as well as a master irrigation system for the landscaping along Pony Express and Ranches Parkways, and other miscellaneous items.

The General Fund will amount to approximately \$7.5M this year.

The Enterprise Fund will include two new internal service funds this year for Utility Billing and the GIS system.

Councilmember Ireland said he would like to review the overall plan for Mid Valley Park and the next few steps in the process. He didn't think sports field lights should be a priority. He brought up a number of costs that he felt should be moved to other line items in the budget.

Discussion ensued on the best way to improve Mid Valley Park; whether that should start with lights, seating, more playing fields or restrooms.

Mayor Pengra said he would like the use of the City's park funds to focus on providing a useable facility to the residents. Other parks were included in the discussion, as well.

Councilmember Westmoreland questioned whether membership in the Lehi Area Chamber of Commerce was providing \$5,000 worth of value to the City.

Councilmember Ireland brought up funding for the Youth City Council and Senior Council. He felt they should be more self-supporting.

The discussion moved to City Council training funds. It was decided that the budget would remain as listed, since if the funds are not used, they can go back into the General Fund.

MOTION: *Councilmember Ireland moved to approve a Resolution of Eagle Mountain City, Utah, adopting the Eagle Mountain City tentative budget for fiscal year 2014-2015 and setting a public hearing for adoption of the final budget on May 20, 2014 at 7:00 P.M. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

16. MOTION – Consideration and Approval of the Utah County 2014 Municipal Recreation Grant Project.

This item was presented by City Recorder Fionnuala Kofoed. The Utah County Commission has determined the funding for the 2014 Municipal Recreation Grant Program. Funding is based on the 2012 Official Census Data population estimates. The proposed project is for the completion of the improvements to the Hidden Canyon Park.

The 2014 total funds available to Eagle Mountain City From the recreation grant are \$38,636.38.

This includes funds carried over from 2012 in the amount of \$12,726.49, and 2013 in the amount of \$12,734.15. The allocation for 2014 is \$13,175.74. The proposal is to use the funds to complete the Hidden Canyon Park. The estimate to complete the park is \$83,970.70. \$45,000.00 was provided by Salisbury Construction in a settlement agreement. All County funds are available on a reimbursement basis.

Councilmember Ireland asked whether there would be any neighbors helping with the improvement of the park, as there have been on other park projects. Public Works Director Chris Trusty said that there has already been one Scout project. Neighbors have asked what else they can do.

Councilmember Bradley asked to see the plans for the park. Mr. Trusty said he would look for them and provide them to Ms. Kofoed for distribution to the Council.

MOTION: *Councilmember Bradley moved to approve the Utah County 2014 Municipal Recreation Grant project, improving the Hidden Canyon Park. Councilmember Steinkopf 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
See board report.

Councilmember Burnham
See board report.

Councilmember Ireland
Councilmember Ireland said it's going to be late in the season before the cemetery is sodded. He suggested installing the sprinkler and only sodding as much space as will be needed in the near future.

Mr. Kofoed pointed out that the City can only sell burial lots in areas that are sodded. Councilmember Ireland said it would be fine to limit sales to one area.

Public Works Director Chris Trusty said he's planning to install the irrigation system in August, after the road through the cemetery is constructed, and then install sod after that.

Councilmember Westmoreland
See board report.

Councilmember Bradley
See board report.

Mayor Pengra
Mayor Pengra thanked the Council for the good discussion on the budget. He looked forward to getting input from the public, as well.

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

Councilmember Steinkopf said that the Public Works Board will meet on May 14.

Councilmember Burnham said the Youth City Council needs some encouragement to communicate on meeting times and cancellations and to attend their meetings.

Councilmember Westmoreland reported that Mayor Pengra spoke to the Economic Development Board at their last meeting, outlining a new focus for how they represent the City. He said that the Parks and Recreation Board is hearing from residents about concerns with trails in their neighborhoods.

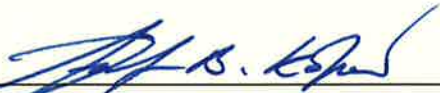
19. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Report

20. ADJOURNMENT

MOTION: *Councilmember Steinkopf moved to adjourn the meeting at 9:40 p.m. 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.*

APPROVED BY THE CITY COUNCIL ON MAY 20, 2014.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 20, 2014

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 – COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Johna Rose, Deputy City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director (participated by telephone); David Mortensen, City Treasurer; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:07 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 and do not require action by the City Council.

- A. Water System Update – Chris Trusty

Mr. Trusty reported that the water pressure in the Meadow Ranch and North Ranch areas has been a problem. The solution is to build a 16" pipeline from the CWP (Central Water Project) pipe to the Wride Memorial Highway and eventually to build a new, two million gallon water tank. Previously, the Council indicated that it wanted this to be a separate system, to be paid for by the residents benefitting from it.

The number of lots platted and approved in the area is a concern. When including them in the model, the amount of future capacity needed to be built into the system is considerably increased. The 2M tank serving Meadow Ranch and North Ranch will need to be built by 2023 and will be located north of SR 73.

A three million gallon tank will need to be built by 2016 to serve the rest of the City. It will be located in City Center. Expansion is continuing on the CWP pipeline project, as well as several other distribution projects.

The new impact fees in the updated Impact Fees Facility Plan will be based on financial analysis provided through a contract with Lewis Young Robertson & Burningham (LYRB). Cody Deeter of LYRB presented some funding options. Discussion ensued on methods for calculating updated impact fees.

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

12. Valley View North Plat A-4 Development Agreement

City Attorney Jeremy Cook noted that the developer, Edge Homes, will transfer the project to Wasatch Land Company. In the agreement itself, item 1.5 will be changed to correct the setbacks.

15. Fiscal Year 2014-2015 Budget Discussion (not an action item)

Councilmember Burnham mentioned the Mayor's blog post requesting resident input on the budget. Mayor Pengra said that most of the input he received was about the irrigation system along Ranches Parkway and Pony Express Parkway.

City Administrator Ifo Pili discussed the Capital Projects Fund. Approximately \$215,000 was not included in an earlier draft of the budget. It will cost approximately \$715,000 complete the five-year street maintenance plan, rather than the \$500,000 originally proposed.

Councilmember Burnham asked where the money would come from. Mr. Pili responded that it would come from the fund balance.

Councilmember Westmoreland asked if the \$715,000 would be hard costs paid to contractors. Mayor Pengra said that it's an estimate based on three projects that have been bid out recently. It doesn't include investment in equipment to be used by City employees. Mayor Pengra said the equipment would come from the capital equipment line item in the Street Department budget.

16. Amendment to the Pole Canyon Development Agreement

Mr. Pili explained that the amendment is a proposed solution to the issue of paying for bleachers for the rodeo grounds. Rather than having the developer install rodeo facilities by 2015, which would be a hardship, the company could pay \$90,000 towards the purchase of bleachers for the existing City Center rodeo grounds this year.

Jared Gray, President of the Rodeo Committee, noted that the seller of the bleachers attended the meeting. The actual price of the bleachers is \$160,000 for approximately 3,600 seats. The \$90,000 would be a down payment on the bleachers and the installation. If the Committee is unable to make any of the payments, the seller is willing to come to Utah from Florida and put on an event to cover the payment. The seller is willing to carry a note for the remaining \$70,000 for 3.5 years, with \$10,000 paid twice a year. Discussion ensued on the details of the note.

Charles Jordan of Bleacher Builders, Inc., explained that he deals with and partners with many event promoters. He could arrange for one of them to stage an event at the City rodeo grounds and have the promoter make the bleacher payment to him.

Mayor Pengra asked Mr. Cook if the rental agreement he wrote said anything about assignability. Mr. Cook stated that the rental agreement allows the Rodeo Committee to rent the rodeo grounds for five years. It doesn't include a purchase agreement for the bleachers; however, it gives the Committee full authority to operate the rodeo grounds.

Mr. Gray asked that the lease agreement be approved contingent on approval of the purchase agreement.

Councilmember Bradley was concerned about some of the wording in the Pole Canyon agreement. He wanted to know what was meant by "any steps necessary" to include the cost in the City's impact fee assessment. Mr. Cook explained that it meant that the City would endeavor to amend

the City's Capital Facilities Plan and Impact Fee Facility Plan to include that, and to defend the pay-back of the \$90,000 to the developer if necessary.

Councilmember Westmoreland asked what the effect of removing the deadline for the Pole Canyon rodeo facility would have. Mayor Pengra stated that the requirement for an equestrian facility would be removed and replaced by a park. Nate Shipp, the developer, said that the park would be constructed based on the value increase of the property based on residential development.

Discussion ensued on the agreement's effect on the future of the Pole Canyon equestrian park.

21. Rodeo Grounds Lease Agreement for Rodeo Grounds

This agreement allows the Rodeo Committee to operate the rodeo grounds for five years. In exchange, they will make the bleacher payments each year. Mr. Cook recommended that the City purchase the bleachers and accept payments from the Rodeo Committee.

Jared Gray, president of the Rodeo Committee, agreed with Mr. Cook that it would be best if the City purchases the bleachers and accept payments from the committee. He noted that the Pole Canyon development agreement amendment, the lease agreement and bleacher agreement must be approved together or none of them will be usable.

Mr. Gray asked what taxes might be need to be paid. Mr. Cook responded that there is no property tax, but others such as vendor taxes would be the responsibility of the committee.

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

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

The meeting was adjourned at 6:20 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Johna Rose, Deputy City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director (participated by telephone); David Mortensen, City Treasurer; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Ifo Pili led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Immunization Clinic** – The Utah County Health Department will offer an immunization clinic at City Hall on Thursday, May 29 from 1 p.m. to 5 p.m. A list of immunizations offered and insurance plans accepted is on the City website, events calendar. Children without insurance can get immunizations for \$15.
- **Pony Express Days** – Pony Express Days will be held June 3-7. Pre-sale carnival tickets are available at City Hall or the following schools: Hidden Hollow, Ranches Academy, and Rockwell High, during business hours. Cost is \$24 for a three-day wristband or \$15 for a single day. For a schedule of events, please visit eaglemountaincity.com/PED.
- **Summer Reading Program** – Registration is open through June 7 for the Library's free summer reading program. You may register on the Library page of the City website or on the Library's Facebook page.

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

Mayor Pengra read a comment from Sandra Williams, who was unable to attend the meeting. Ms. Williams' comment was in support of installing lights at the ball fields in Mid Valley Park.

Wendy Lojik thanked the Mayor and Council for the time they spent in service to the City. She spoke in support of the Youth City Council because it acclimates the City's youth to civic service. With the changes to the rodeo, the Youth Council has lost a significant opportunity for fund raising. She asked that the Council provide financial support to the Youth Council this year while they find new ways to raise their own funds. She felt it was important that the youth and their advisors feel the support of City government.

Nikki Wickman stated that, as she runs along Pony Express Parkway, she sees a lot of trash along the side of the road. She asked if it would be possible for the Parks & Recreation Board to organize some volunteers to pick up trash along the road.

Bruno Hunziker thanked Mayor Pengra for the outstanding job he's doing. Mayor Pengra called Mr. Hunziker last Wednesday to let him know that Cedar Fort would be holding a hearing that evening to discuss a crusher being operated near his neighborhood. He discussed the Pole Canyon equestrian center. He said the developer was required to build it by 2015. Since that is not going to happen, he supported equestrian facilities being built in City Center.

Mayor Pengra explained that SITLA allowed the rock crushing operation to open on their land. Cedar Fort has no recourse for preventing the operation because it's not on their property.

Xeena Arcia explained how the Youth City Council has helped her. She's put a lot of time into the activities and has had opportunities to participate in experiences she would not otherwise have had. She was concerned about the City planning to reduce its financial support for the Youth Council.

Alicia Hill, a Youth Council advisor, was frustrated by the Council's comments at the last City Council meeting. The youth average a turnout of 15-30 to each event they help with. Neither they nor the advisors like the early hours and cold or hot temperatures they work with. She felt that the \$5,000 the City provides the Youth Council is reasonable, especially since the Youth Council repays part of that money through fundraising.

Bob Hill, also a Youth Council advisor, read a number of comments made by the Council at the last meeting. The comments indicated that the Youth Council needed to earn their own money, learn civic responsibilities and provide more service. Mr. Hill pointed out that in the last year, the youth did rodeo and concert parking, ran a free face painting booth, they brought a WW2 veteran to speak and opened the event to all City residents, assisted with the Turkey Trot and Santa on the Fire Truck, the Noelle Pikus-Pace homecoming, parking for Sgt. Wride's vigil and the Run for Wride, the Easter Egg Hunt, the Trick or Treat Village and the Summer Splash. He encouraged the Council to call the advisors before they make hurtful and unprofessional comments about the Youth Council.

Mayor Pengra stated that sometimes budget discussions turn into numbers instead of people. He apologized for any comments he made that may have been hurtful to the Youth Council. He acknowledged that the youth do a lot for the City.

Angie Burgess said that the Rodeo Committee has talked a lot about the Youth Council and the FFA having vendor booths at the rodeo and helping with the rodeo parking so they have opportunities to raise funds for their groups.

Julie Arcia supported the Youth Council and said they earn the funds the City provides for them. She said that residents and officials often say that citizens need to be more involved. Youth Council shows the youth how to be involved and become leaders now and in the future. Her daughter just received a scholarship based on her leadership skills.

Alicia Hill pointed out that the Youth Council is a service group, not a fundraising group. She felt that focusing on fundraising hurts the group's purpose.

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

Councilmember Steinkopf

Councilmember Steinkopf commended the youth for attending the meeting. He was a member of the FFA years ago and it's a great organization, just like the Youth Council.

Councilmember Burnham

Councilmember Burnham was impressed with how many youth were attending this meeting. She mentioned a complaint she received from a resident. There's a dirt pile in his neighborhood that's blowing dust into the road and into his yard. He's reported the problem to the HOA and the City and nothing has been done. She felt that the Youth Council funding issue should be resolved and invited parents to help their children to participate, and encouraged adults to volunteer to work

with them. She suggested holding a combined meeting with the City Council and the Youth Council. She also introduced the winners of the Rodeo Queen competition.

Councilmember Ireland

Councilmember Ireland appreciated the great turnout this evening. He commended Xeena for making a public comment.

Councilmember Westmoreland

Councilmember Westmoreland, participating by telephone, said he was out of town on a City assignment. He wished he could be at the meeting to see all of the youth and their supporters. He was glad they were at the meeting to express themselves.

Councilmember Bradley

Councilmember Bradley appreciated the residents' participation. He congratulated the Miss Eagle Mountain Pageant participants and winners, as well as the Rodeo Queen participants and winners. He was excited that the Youth Council rallied and came to the meeting to express themselves. He apologized if anything he said came out wrong because he respects and supports what they do.

Mayor Pengra

No comment.

9. INTRODUCTION – Miss Eagle Mountain Royalty: Alyssa Diaz, Miss Eagle Mountain; Sadie Whitten, 1st Attendant; and Mckell Finch, 2nd Attendant.

10. APPOINTMENTS

- A. Bob Shawgo, Economic Development Board
- B. Kiera Durfee, Parks and Recreation Advisory Board

MOTION: *Councilmember Ireland moved to appoint Bob Shawgo to the Economic Development Board through December, 2017 and Kiera Durfee to the Parks and Recreation Advisory Board through December, 2015. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

Deputy Recorder Melanie Lahman administered the oath of office to Ms. Durfee. Mr. Shawgo was unable to attend the meeting and will receive the oath of office at another time,

CONSENT AGENDA

11. MINUTES

- A. May 6, 2014 – Regular City Council Meeting

12. DEVELOPMENT AGREEMENT

- A. Valley View North, Plat A-4

13. FINAL PAYMENTS

- A. 2013 Pony Express Widening Project – Geneva Rock
- B. Cedar Pass Ranch, Phase 1, Natural Gas System – Niels Fugal Sons Company, LLC

14. SITE PLAN

A. Rockwell Seminary Site Plan

MOTION: *Councilmember Ireland moved to approve the Consent Agenda, removing item 12 and placing it on the Scheduled Items. Councilmember Burnham 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

12. DEVELOPMENT AGREEMENT – Valley View North, Plat A-4

MOTION: *Councilmember Ireland moved to approve the Valley View North, Plat A-4, development agreement as amended. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The amendments to the agreement, as discussed in Work Session, are as follows: The developer will transfer the project to a new entity. It will be Wasatch Land Company rather than Edge Homes. In the agreement itself, item 1.5 will be changed to correct the setbacks. The agreement will read as follows: “Lots that are one-half to three-quarters of an acre shall have front and rear setbacks of no less than 25 feet and side setbacks combined to be no less than 30 feet, and no side setback to be less than 12 feet. Lots in excess of three-quarters of an acre shall have a front and rear setback of no less than 50 feet and a side yard setback no less than 25 feet.”

PUBLIC HEARING

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2014-2015 Budget. This is not an action item – the final budget will be adopted June 17, 2014.

This item was presented by City staff. 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 6, 2014. The City Council will hold the public hearing on May 20, 2014 and will adopt the final budget, as proposed or with amendments, at the June 17, 2014 City Council meeting. The final budget will be the document that governs the expenditures for FY 2014-2015.

Mayor Pengra opened the public hearing at 7:51 p.m. As there were no comments, he closed the hearing.

16. RESOLUTION – Adoption of the First Amendment to the Pole Canyon Annexation and Master Development Agreement.

This item was presented by City Administrator Ifo Pili. The proposed amendment to the Pole Canyon Annexation and Master Development Agreement removes a deadline by which certain property is required to be developed and dedicated to the City as public rodeo grounds. Instead, the developer will make a \$90,000 payment to the City for the purpose of acquiring bleachers for the City’s rodeo grounds, which will be publicly owned. The Pole Canyon rodeo grounds

requirement will be changed to a regional park of equal value, to be built on a schedule determined by population growth in that area. The cost of the park will be reimbursable to the developer through the collection of impact fees.

Jared Gray, president of the Rodeo Committee, introduced Charles Jordan of Bleacher Builders, the supplier, who offered to reduce the price from \$160,000 to \$90,000 to simplify the transaction. Mr. Gray pointed out that \$160,000 was a great price for the bleachers; the \$90,000 price is excellent.

Councilmember Bradley, while very impressed with the offer, was concerned about agreeing to a purchase without having the details in writing. He suggested that the item be tabled for two weeks until the next meeting. Councilmember Burnham pointed out that no meeting is scheduled in two weeks, due to Pony Express Days.

Councilmember Burnham felt that the purchase should be voted on immediately so that there will be enough time for the bleachers to be delivered and installed.

Councilmember Ireland asked what the timeline is for the signing of the agreement and the installation of the bleachers. Mr. Gray said that the bleachers need to be engineered and delivered, the concrete base has to be poured and cured, and the bleachers have to be constructed and inspected. June 3 would be an absolute last date for the agreement. He asked Councilmember Bradley what discussion needs to be held other than what has been discussed already. Councilmember Bradley felt that there have been quite a few changes to the purchase within the last few days, which should be reviewed by the City Attorney.

Mayor Pengra noted that, while he wasn't against having a rodeo in Eagle Mountain, he has objected to the number of changes that have happened as recently as last weekend. He was particularly concerned about amending a master development agreement and assigning the benefit to a private entity. The price reduction allayed some of his concerns, but he would prefer to vote on a written agreement on June 3.

Councilmember Burnham pointed out that the lease agreement was written a couple of months ago and placed on the Work Session agenda a couple of weeks ago. Changes were made by Mr. Cook in response to concerns by Councilmember Ireland. It was expected to be on the Policy Session agenda for tonight's meeting, but was not. She suggested that the Council vote on the amendment to the development agreement at this meeting, with the money to be assigned to a purchase agreement that would be voted on at a meeting on June 3.

Mr. Cook suggested that the Council vote on both the Pole Canyon agreement and the bleacher agreement at a meeting on June 3.

Councilmember Westmoreland wanted to be sure that the Council voted on the agreement in a timely manner for Mr. Jordan. Mr. Jordan responded that, without a written agreement, the bleachers are still for sale to anyone who offers to buy them. He was willing to hold them for the City until June 3, but he was not willing to wait long enough to have the installation be rushed.

Councilmember Ireland stated that his concern was with the Pole Canyon agreement amendment. He wasn't comfortable with possibly taking \$90,000 from the funds available for building a regional park in Pole Canyon. Discussion ensued as to how a bleacher purchase might affect a future regional park.

Nate Shipp, the developer, stated that the \$90,000 is an advance on the regional park requirement. He is still required to meet the City standards for a regional park, on a schedule determined by growth.

Councilmember Steinkopf asked the Council to take a long-term view of the financial benefits the rodeo will provide the City.

Mr. Pili said that the Pole Canyon agreement provides for more than is required by City Code. The proposed \$90,000 was always planned to be placed towards a rodeo facility. The location of the facility was not specified.

Mayor Pengra called for a motion.

MOTION: *Councilmember Burnham moved to adopt a Resolution of Eagle Mountain City, Utah, approving the first amendment to the Pole Canyon Annexation and Master Development Agreement, adding wording into section 8.2.2 stating that the project will be developed by the date that the aggregate market value of the property, as determined by the Utah County Assessor's Office, is \$250 million; additionally, that the word "consider" is removed, because it conflicts with the first page; and instructing the City to enter into an agreement with Bleacher Builders, Inc., for \$90,000, subject to the approval of the City Attorney. Councilmember Steinkopf seconded the motion.*

AMENDED MOTION: *Councilmember Burnham amended her motion to adopt a Resolution of Eagle Mountain City, Utah, approving the first amendment to the Pole Canyon Annexation and Master Development Agreement, adding wording into section 8.2.2 stating that the project will be developed by the date that the aggregate market value of the property, as determined by the Utah County Assessor's Office, is \$250 million; additionally, that the word "consider" is removed, because it conflicts with the first page; and instructing the City to enter into an agreement with Bleacher Builders, Inc., for \$90,000, subject to the approval of that agreement by the City Attorney; all of this to be subject to approval of a rodeo grounds operation, management and lease agreement with the Pony Express Rodeo Committee. Councilmember Steinkopf accepted the amendment.*

Mayor Pengra expressed concern about making agreements requiring approval of more than one agreement at once.

Mr. Cook was concerned about making a payment to an unfamiliar company before the merchandise is delivered. He made it clear that the Council was deferring the decision to him. He would prefer to have input from the Council; however, he is willing to make the decision as requested.

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

17. AGREEMENT – Approval of a Professional Service Agreement with Lewis, Young Robertson and Burningham (LYRB) for the Update to the Water Impact Fees.

Eagle Mountain City has updated the water system Impact Fee Facilities Plan, and has asked LYRB to evaluate the Impact Fee Analysis. They will also perform an analysis of the City's water rate structure based on upcoming City projects and in conjunction with the City's purchase agreement with the Central Utah Water Conservancy District.

MOTION: *Councilmember Ireland moved to approve a professional service agreement with Lewis, Young Robertson and Burningham (LYRB) for a water fee analysis and rate study up to an amount of \$14,305 and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

18. BID AWARD – Award of Bid to Hunt Electric for the Ranches Parkway Traffic Light Project.

The proposed bid is for the installation of traffic lights at the intersection of Ranches Parkway and Pony Express Parkway.

Councilmember Bradley felt that a traffic light is unnecessary. Only two of the seven warrants have been met and those involve traffic flow rather than safety.

Mr. Trusty explained that the industry standard is that if any two warrants are met, the project is deemed to have met the warrant standards and the traffic signal should be installed. If even one warrant is met, a city could have liability for an accident because it was aware that a danger existed.

Discussion ensued as to how dangerous the intersection is and whether safety could be improved by other methods than a traffic signal.

Mayor Pengra invited Lt. McDowell of the Sheriff's Office to give his opinion on whether the intersection needs a traffic signal. Lt. McDowell said that drivers know how to respond to a traffic signal, but can be unsure when to proceed or yield at a four-way stop. He's personally seen several near-misses between vehicles and pedestrians.

Councilmember Westmoreland's phone connection was lost before the vote on item 18.

MOTION: *Councilmember Burnham moved to award a bid to Hunt Electric for the Ranches Parkway Traffic Light project in the amount of \$93,400 and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham and Richard Steinkopf. Those voting no: Adam Bradley and Ryan Ireland, As there was no vote from Councilmember Westmoreland, Mayor Pengra broke the tie with a yes vote. The motion passed with a 3:2 vote.*

19. BID AWARD – Award of Bid to TerraWorks for the Pony Express Median Landscape Project.

The proposed bid is for landscaping on a section of road along Pony Express Parkway, between Smith Ranch Road and Porter's Crossing, that was widened last year. Landscape for this median

is intended to be a lower water use design than other areas in the Ranches. There will be more xeriscaping, no hills, and no spray heads in the narrow turn areas.

Councilmember Ireland asked if the Council can consider modifying existing medians in other areas on Pony Express and Ranches Parkways. Mr. Trusty said the Public Works Department can make some cost estimates and bring them to the Council for the next budget year.

MOTION: *Councilmember Ireland moved to award a bid for the Pony Express Median Landscape Project to TerraWorks in the amount of \$36,098 and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland and Richard Steinkopf. The motion passed with a unanimous vote.*

20. BID AWARD – Award of Bid for the Pony Express Memorial Cemetery Roadway and Water Main Project.

City staff has solicited bids for the construction of a roadway and a water line to provide irrigation for the first phase of the cemetery project.

MOTION: *Councilmember Bradley moved to award a bid for the Pony Express Memorial Cemetery Roadway and Water Main Project to Kenny Seng Construction in an amount of up to \$145,489 and authorize the Mayor to sign the contract. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland and Richard Steinkopf. The motion passed with a unanimous vote.*

Councilmember Westmoreland's phone connection was restored before the discussion of item 21.

21. MOTION – Approval of a Rodeo Grounds Operation, Management and Lease Agreement with Pony Express Rodeo Committee.

This item was presented by City Attorney Jeremy Cook. The proposed agreement is for the lease of the Eagle Mountain City rodeo grounds, located at 4447 Majors Street, Eagle Mountain, to the Pony Express Rodeo Committee, a non-profit entity. The lease would be for a period of five (5) years, and would require the lessee to pay rent in the amount of \$70,000 over the lease period, which rents would be utilized by the City to purchase additional bleachers for the rodeo facility. The lessee would have the right to utilize the rodeo facility for an annual rodeo and other events.

Jared Gray asked that the City cooperate with the Rodeo Committee on police and fire service. Chief Andrus said that fire service will be provided this year because the City is responsible for the stock contract, which makes the City a co-sponsor of the event. In the future, police and fire service will have to be contracted between the Rodeo Committee and the Sheriff's Office and Unified Fire Authority, unless the committee makes other arrangements permitted by those agencies.

MOTION: *Councilmember Bradley moved to table a rodeo grounds operation, management and lease agreement with the Pony Express Rodeo Committee. The motion failed for lack of a second.*

MOTION: *Councilmember Burnham moved to approve a rodeo grounds operation, management and lease agreement with the Pony Express Rodeo Committee, omitting sections 4.2 and 4.3 and changing section 4.1 to read “rental payment of \$1.00 per year payable on May 1 of each calendar year.” Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

22. 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 when the flagpole in front of City Hall will be repaired. Mayor Pengra said that Colonial Flag is scheduled to come and fix the broken pole, but there’s not a specific date.

Councilmember Westmoreland

No comment.

Councilmember Bradley

No comment.

Mayor Pengra

No comment.

23. 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.

24. COMMUNICATION ITEMS

a. Upcoming Agenda Items

25. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 9:30 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 17, 2014.



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 17, 2014

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 – COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Adam Bradley, Donna Burnham, Ryan Ireland (arrived 4:45 p.m.), Richard Steinkopf and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Finance Director/Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Mortensen, City Treasurer; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Ken Sorensen, City Planner; Steve Olsen, Energy Department; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Eric McDowell, Sheriff's Deputy.

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

1. PRESENTATION – North Utah County Transit Study (*Presented by Chad Eccles, MAG*)
2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

None.

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

14. FY 2014 Budget Amendments

Finance Director Paul Jerome stated that State statute requires that any amendments needed to account for additional expenditures or revenues must be approved before June 22. In this fiscal year, the amendments include additional attorney fees for litigation, banking fees (although there are none, some may be incurred before the end of the fiscal year). An HVAC repair is included in this budget, but may not be expended until the next fiscal year.

Community development events has been a separate fund due to the amount of revenue raised by sponsorships. Since those are now minor, the fund will be folded back into the General Fund. Public Safety added a school resource officer and deputy overtime. Some ambulance billing still remains from before fire service was provided by UFA.

Some amendments have already been approved: a City Planner, a Building Inspector, a road bond payment and additional Public Works expenses such as snow removal and paved road maintenance.

In the Debt Service Fund, as assessment areas are developed, landowner payments are applied to paying down the bonds. There was one refunding for the purpose of getting a lower interest rate.

15. FY 2015 Budget Adoption

Mr. Jerome described the changes in the General Fund since the previous version, including a decrease in Library costs and an increase in the General Fund to account for an error in the formula used to move Special Events personnel costs. Some other revenue sources were reduced, which may not occur, but are consistent with conservative budgeting.

In the Enterprise Fund, the solids handling project in the Sewer Fund is expected to cost less than previously estimated, which also changed the amount that can be reimbursed by impact fees. The Evans Ranch sewer line project will be partially paid for through a development agreement and reimbursed later, and partially paid for by the fund balance.

City Administrator Ifo Pili said that this issue will be explained in more detail when the Evans Ranch sewer line agreement is discussed later in the meeting.

16. Culinary Water Impact Fee Enactment

Cody Deeter of Lewis Young Robertson & Burningham (LYRB) stated that LYRB has been working with City staff for several months, preparing an impact fee update and recommendation for new water rates. The hearing that will be held during policy session will allow the public to comment on the proposed fees which will be required to pay for anticipated growth in the City. The impact fee enactment process is specified in State statute.

Mr. Deeter presented the calculations used to determine the new culinary water system impact fees. Fees vary based on the cost of providing adequate service to each area of the City.

New impact fees become effective 90 days after the ordinance is adopted.

17. Development Code Amendments

Planning Director Steve Mumford said the subdivision approval process is being streamlined. The proposed process will allow the City Council, Planning Commission and Planning Department to focus more on land use and long-term planning than on individual plat approvals.

In this proposal, preliminary plats will be approved by both the Planning Commission and the City Council, so the Council can impact the plans in the beginning rather than later in the process as final plats. Final plats will be approved by the Development Review Committee. If there are major changes to the development after the preliminary plat is approved, the developers will have to go through a preliminary plat amendment process. Minor amendments will be handled by the DRC.

Development agreements will be eliminated in favor of a notice of decision, which will precede final plat approval and include all the conditions of approval, including time lines for the next steps.

Mayor Pengra added that this plan will create a more specific park plan at preliminary plat approval.

Councilmember Burnham pointed out that this process will allow residents to make comments earlier in the process, when they can have more influence on the outcome.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the

purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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

The meeting was adjourned at 5:49 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, Finance Director/Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Steve Olsen, Energy Department; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Eric McDowell, Sheriff's Deputy.

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Early Voting** -- Early voting for the County Primary Election on June 24, 2014 will continue at City Hall from 1:00 p.m. to 5:00 p.m. from Wednesday, June 18 through Friday, June 20. For election information, please visit the County website at utahcounty.gov.
- **Town Hall Meeting** – A Town Hall Meeting to present information and address any questions or concerns regarding the proposed sale of the City's gas and electric utilities will be held on June 19, 2014 at Frontier Middle School at 7:00 p.m. Representatives of Questar Gas and SESD will be present at this meeting, as well as the Mayor and City Councilmembers.
- **Fireworks Restrictions** – As our July holidays approach, please be aware that fireworks are restricted in several areas within Eagle Mountain City. Information on restricted areas is available on the City website, News section. For the Independence Day and Pioneer Day holidays, discharge of fireworks is allowed July 1 – July 7, and July 21 – July 27. Curfew is midnight on July 4 and 24, 11:00 p.m. on other days. Illegal fireworks are never allowed and may be confiscated by the Fire Department or Sheriff's Office, with the potential for the users being cited.
- **EM Business Forum** – The next meeting of the EM Business Forum will be held on Thursday, June 19 at Rockwell High, beginning at 6:00 p.m. A presentation on Google+ for businesses

will be given. The business forum is a free monthly meeting for local business owners or those interested in starting a business. More info is available at embusiness.org.

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

Fred Peebles wanted to confirm that the bike park money is still in the budget. Mayor Pengra said it is. He also spoke on the planned traffic light at the intersection of Ranches and Pony Express Parkways. He said that immediately on the south side of the intersection the speed limit drops from 35 mph to 25 mph. He asked what provision has been made to keep that transition safe.

Public Works Director Chris Trusty said that that issue hadn't been addressed, but it will be looked into.

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

Councilmember Steinkopf

Councilmember Steinkopf welcomed those who attending the meeting.

Councilmember Burnham

Councilmember Burnham thanked the residents who participated in the budget process. She hoped that residents will attend the Town Hall meeting and provide their input to the Mayor and Council.

Councilmember Ireland

Councilmember Ireland encouraged residents to attend the Town Hall meeting on Thursday to become informed about the proposed sale of the electric and gas utilities.

Councilmember Westmoreland

No comment.

Councilmember Bradley

Councilmember Bradley asked that residents attend the Town Hall meeting or contact Councilmembers to give their input. He thanked those who helped with and/or participated in Pony Express Days.

Mayor Pengra

No comment.

CONSENT AGENDA

10. MINUTES

- A. May 20, 2014 – Regular City Council Meeting

11. DEVELOPMENT AGREEMENT

- A. SilverLake, Plat 9

12. FINAL PLATS

- A. Meadow Ranch Phase 5, Plat 3
- B. Valley View Phase A, Plat 7 Amended

C. The Cove at Rock Creek, Plat 1

13. SITE PLAN

A. The Cove at Rock Creek

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 4:1.*

Councilmember Bradley noted that he would prefer that The Cove at Rock Creek have its own pool and clubhouse, rather than use the existing Rock Creek amenities.

SCHEDULED ITEMS

PUBLIC HEARING

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Final Amendments to the Fiscal Year 2013-2014 Budget.

This item was presented by Finance Director Paul Jerome. The Utah State Code requires that any final increases in the budget be adopted after a public hearing and prior to the fiscal year ending. The City's budget is being amended to cover all anticipated expenditures through the fiscal year ending June 30, 2014. 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.

Mayor Pengra opened the public hearing at 7:21 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah authorizing the final amendments to the fiscal year 2013-2014 budget. Councilmember Ireland 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

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

This item was presented by Finance Director Paul Jerome. The State Code requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 22. The preliminary budget was accepted by the City Council on May 6, 2014. The final budget will be the document that governs the City's expenditures for FY 2014-2015.

Mr. Jerome recapped the presentation he made in Work Session.

Mayor Pengra opened the public hearing at 7:26 p.m. As there were no comments, he closed the hearing.

Councilmember Westmoreland felt that the capital investment in paving equipment would need to be managed carefully. He asked if a reporting system could be set up so that the Council can see that the equipment is being used efficiently. Public Works Director Chris Trusty responded that an annual report similar to the snow removal report could be provided.

Councilmember Burnham suggested that the amount to be raised by the Youth Council be changed from \$1500 to \$500. They're primarily a youth civic service organization, not a fundraising organization.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah adopting the fiscal year 2014-2015 budget, with the condition that Youth Council revenue be changed from \$1500 to \$500. Councilmember Steinkopf seconded the motion.*

Councilmember Bradley asked why the Council hadn't been given more specific costs of the Evans Ranch sewer line project before this meeting.

Mr. Pili explained that City staff didn't want to approve the Enterprise Fund budget without precise numbers for the Evans Ranch sewer line agreement, which were not fully negotiated until last weekend.

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

PUBLIC HEARING

16. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Culinary Water Impact Fee Enactment.

The proposed ordinance enacts and updates the culinary water impact fee imposed as a condition of development in Eagle Mountain City. Impact fees are a onetime charge to new developments for the purpose of defraying the cost of capital improvements and facilities necessitated by development. The Ordinance incorporates and approves amendments to the City's Culinary Water Impact Fee Facilities Plan and Culinary Water Impact Fee Analysis.

Cody Deeter of Lewis Young Robertson & Burningham reviewed the presentation he made in Work Session.

Mayor Pengra opened the public hearing at 7:40 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Ireland moved to adopt an ordinance of Eagle Mountain City, Utah adopting the Eagle Mountain City culinary water impact fee enactment. 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

17. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 16 of the Eagle Mountain Municipal Code.

This item was presented by Planning Director Steve Mumford. The proposed code amendments modify Chapter 16.05.220 Tables (Public Hearing, Land Use Authority, Appeal Authority), Chapter 16.20 Preliminary Plats, Chapter 16.25 Final Plats, and Chapter 16.30 General Requirements for All Subdivisions.

Mr. Mumford reviewed the presentation he made during Work Session.

Mayor Pengra opened the public hearing at 7:44 p.m. As there were no comments, he closed the hearing.

Councilmember Ireland said that the lack of public comment suggests that the developers are in favor of the amendments. He asked Mr. Mumford if he had gotten feedback from developers who work in Eagle Mountain. Mr. Mumford said the Planning Department asked for input from builders and developers late last year. Most of the input was positive.

Councilmember Westmoreland was happy that the Council will be involved in reviewing developments earlier in the process.

MOTION: *Councilmember Steinkopf moved to adopt an ordinance of Eagle Mountain City, Utah amending Chapter 16 of the Eagle Mountain Municipal Code, as submitted. 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.*

The changes recommended by staff are as follows (quoted from the Planning Department staff report):

1. Preliminary Plats
 - a. Preliminary plats will be reviewed by both the Commission and the Council, with a public hearing at the Planning Commission.
 - b. Major amendments to a plat would require approval by the Commission and Council.
 - i. Major amendments include an increase in lots or units, a decrease in improved open space, or a significant change to a road or lot configuration.
 - c. Minor amendments would be approved by the Development Review Committee (DRC).
 - i. Minor amendments include changes that do not fall into the category of “major amendments.”
2. Final Plats & Final Plat Amendments
 - a. Final Plats would be reviewed for approval by the Development Review Committee (DRC). These plats should conform to the approved preliminary plat. If they do not (except for minor modifications), an amendment to the preliminary plat would be required prior to any approval of the final plat.
3. Development Agreements
 - a. In order to further streamline the process, development agreements would be replaced by a “notice of decision,” which would include all of the conditions of approval, including timing of open space / park improvements, fencing requirements, bonding requirements, etc. It would also include legal protections for the City. A notice of decision would be

produced after the preliminary plat approval and possibly after the final plat approval. These would be sent to the developer and filed with the City Recorder. It would not require City Council approval.

4. Site Plans and Conditional Uses

- a. We are not proposing any changes at this time to these applications. Changes will likely be forthcoming.

18. AGREEMENT – Consideration of a Funding Agreement for the Evans Ranch Sewer Line.

The City has determined that a new sewer trunkline is necessary in order to remove an existing pump station and provide more reliable sewer service to existing residents, and provide sewer service for future growth in the Evans Ranch and SilverLake project areas.

MOTION: *Councilmember Burnham moved to approve a funding agreement for the Evans Ranch sewer line. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

19. BID AWARD – Consideration of a Bid Award to Advanced Paving for the 2014 Pony Express Parkway Chip Seal Project.

The Pony Express Parkway chip seal project includes the placement of a lightweight chip seal on Pony Express Parkway from Eagle Mountain Boulevard to Sandpiper Road.

MOTION: *Councilmember Steinkopf moved to approve a bid award to Advanced Paving for the 2014 Pony Express Parkway Chip Seal Project in the amount of \$209,809 and authorize the Mayor to sign the agreement. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

20. BID AWARD – Consideration of a Bid Award to Morgan Asphalt for the 2014 Pony Express Parkway Rotomill and Overlay Project.

This item was presented by Public Works Director Chris Trusty. The 2014 Pony Express Parkway Rotomill and Overlay Project includes a rotomill from Ranches Parkway to SilverLake Parkway along Pony Express Parkway.

MOTION: *Councilmember Burnham moved to approve a bid award to Morgan Asphalt for the 2014 Pony Express Parkway Rotomill and Overlay Project in the amount of \$458,612 and authorize the Mayor to sign the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

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

This item was presented by Finance Director Paul Jerome. Mr. Jerome explained that the City collects a fee for TSSD. When TSSD raises the rate, the City needs to raise its rate in order to

collect the increased amount and pass it on to TSSD. The Board of the Timpanogos Special Service District (TSSD) has approved a rate increase of 13.8%. Currently, the TSSD component of the NSA wastewater rate is \$22.75 per month. It is recommended that it be increased to \$25.89 per month, which brings the overall rate for the NSA to \$41.14 per month from the current rate of \$38 per month.

MOTION: *Councilmember Steinkopf moved to adopt a Resolution of Eagle Mountain City, Utah amending the Consolidated Fee Schedule for the North Service Area wastewater rate. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

22. 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

No comment.

Councilmember Westmoreland

No comment.

Councilmember Bradley

No comment.

Mayor Pengra

Mayor Pengra was happy with the budget, especially as a first-time budget for himself and two Councilmembers. He planned on the budget being even better next year.

23. 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.

24. COMMUNICATION ITEMS

A. Upcoming Agenda Items

B. Financial Report

25. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 7:56 p.m. 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.*

APPROVED BY THE CITY COUNCIL ON JULY 15, 2014.



Fionnuala B. Kofoed, CMC
City Recorder

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

Thursday, June 19, 2014

7:00 p.m.

Frontier Middle School, 1427 Mid Valley Road, Eagle Mountain, Utah 84005

7:00 P.M. – AUDITORIUM

ELECTED OFFICIALS PRESENT: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland (arrived at 7:30).

CITY STAFF PRESENT: Paul Jerome, Finance Director/Assistant City Administrator; Fionnuala Kofoed, City Recorder; Adam Ferre, Energy Director; Linda Peterson, Public Information Director.

Mayor Pengra called the meeting to order at 7:10 p.m.

1. Presentation – Staff

Mayor Pengra provided an overview of the purpose of tonight's meeting; the Council would like for residents to have their specific questions addressed following a presentation by Questar Gas and South Utah Valley Electric Service District (SESD). He used the aid of a PowerPoint Presentation and stated the biggest question surrounding this issue is why the City is considering selling utilities; such a transaction would be a waypoint in Eagle Mountain's history. There are many reasons to sell and operational efficiency is one of the most important. Oversight of the utilities takes a significant amount of time and effort from City staff, not just the energy department. That has been done very effectively to this point, but as the City continues to grow it will be necessary to dedicate additional resources to that oversight. By selling the utilities to companies that have been managing such resources for a very long time successfully, it is not necessary for them to divide their efforts as the City would if the decision was made to continue with managing the utilities in-house. Access to future resources is also a big driver for this decision; he reviewed the budgets for gas and electric utilities and noted over half of the budget costs are related to materials and supply, which means the City is, in essence, a distributor. The City purchases electricity and gas and distributes it to customers; in simplistic terms, the City is the 'middle-man'. It will continue to become increasingly complicated for the City to secure those resources at a reasonable price. Mayor Pengra continued reviewing additional reasons to sell the utilities, with a focus on debt reduction. The City currently has \$48 million in debt, primarily in revenue bonds, tied to gas, electric, water and sewer utilities; \$26 million is for gas and electric utilities and that debt would be eliminated on January 2, 2015 if the proposed deal with Questar Gas and SESD is approved. He reviewed future utility infrastructure needs of the City and noted that as the City continues to grow it will be

necessary to improve upon the existing infrastructure and provide new infrastructure at a significant cost. Eagle Mountain is projected to grow 434 percent by the year 2050, which is significant and will require additional infrastructure investment. If the City utilities are sold, that burden will fall to Questar Gas and SEDS, who are both better prepared to accommodate growth and maintain current operations. He also discussed new regulatory requirements relative to utility systems; the regulations tend to be very complicated and will only increase and cause an additional drain on the City's resources. Mayor Pengra then stated there are also some cons to the proposal to sell the utilities. First is the loss of local control over the utilities and there is an argument that once the resources is sold or given away the City will lose total control; that is a valid argument, but the advantage the City has with SEDS is that they are not a private entity and the City has representation on their board of directors. The same is not true for the gas utility and the City would certainly be giving up direct control of the gas system. He added an additional con is that the utility revenues will no longer be available for community improvement, but he noted that there is a misconception that the City can use utility revenues for any City expense; that is not the case and according to government accounting practices, the City is not allowed to use the funds for anything other than the administrative costs of operating the utilities. The City periodically transfers utility revenues to the General Fund to pay a portion of salaries for staff members associated with the utilities and that transfer has actually been reduced drastically over years past. He referenced economic development incentives and stated the City could potentially offer a business certain incentives for locating in the community, but there is a philosophical question as to whether the current rate payers should pay to subsidize those incentives. An additional con that has been identified is the loss of revenue and he revisited his explanation regarding the transfer from utility revenues to the General Fund for salaries; the City can account for that gap of \$242,000 per year by making sacrifices and tightening the budget in other areas. Mayor Pengra then summarized the proposed deal between the City and the two utility entities; Questar Gas would purchase the City's gas utility for \$11.4 million and SEDS would purchase the City's electric utility assets and absolve all debt associated with the electric utility. He has signed good faith offers pertaining to the agreements, but the Council has the ultimate approval authority of the transactions. Both utility entities have addressed their staffing needs associated with assuming ownership of the utilities and all current City utility employees will be guaranteed a new position with either of the utility entities or to stay with the City for similar compensation and benefit packages. The City would retain a recently constructed energy building, which is valued at \$2.6 million and the City would retain approximately \$6 million in the utility fund cash balance.

Brad Markus, Questar Gas, thanked Mayor Pengra, the City Council, and the staff and stated it has been very easy to work with them throughout the negotiation of the potential agreement. Eagle Mountain gets its gas from the Kern River tap at the south end of town; it can handle 6.5 million cubic feet per day and the City's current peak is 6.24 million cubic feet per day, meaning the City is nearing the maximum amount the tap can handle and there will be a need to expand the tap. There is existing Questar infrastructure and it would be relatively easy to connect the two systems to one another at minimal costs. He then discussed a recent transaction between Questar Gas and another Utah municipality and noted there are real advantages to the residents of the City in being able to rely upon

Questar for service. He used the aid of a PowerPoint Presentation to provide a brief overview of the makeup of Questar Gas and the practices the entity uses to keep energy rates low; the company serves 950,000 customers State-wide as well as small portions of Idaho and Wyoming. He also explained how gas is delivered to customers and there was a brief focus on safety for customers. He reviewed how Questar's rates compare to the rates charged by other gas utilities throughout the country and highlighted some of the additional services Questar provides, again with a focus on safety. Customers have access to customer service representatives and technicians 24 hours a day, seven days a week, 365 days each year. The system is maintained well and Questar takes extensive steps to ensure safety of the existing and future infrastructure. Questar also conducts regular customer surveys and continually receives high ranking relative to quality customer service. The company also offers several programs, such as rebate programs that reward customers for taking steps to conserve energy. Mr. Markus concluded that Questar would like to provide service to Eagle Mountain residents and he would be willing to answer any questions regarding the proposed transaction.

Dan Ellsworth, General Manager of SESD, began by providing a brief history of the creation of SESD, which is a special improvement district. SESD is the only real electric service district in the State of Utah and it offers unique opportunities to the communities it serves. The district's interaction with Eagle Mountain has been nothing short of incredible; the honesty and openness of the Mayor, Council, and staff has been great. Mr. Ellsworth acknowledged that SESD is not a big company; it operates 500 miles of overhead line as well as transmission lines that intertwine and feed the cities of Springville, Spanish Fork, Salem, and Payson and they maintain all of their own substations for 3,500 customers. The question has been asked how SESD can afford to purchase a utility that is twice as large as the existing makeup of SESD. This is a unique opportunity for Eagle Mountain to sell the utility to the district and still have representation and a seat on the board. The board of directors is made up of seven members that are very prudent and work hard to vet all options presented to them; the last rate increase implemented by the board occurred in 2009. The board greatly considered the benefits and drawbacks of purchasing the utility as well as how the transaction could impact existing shareholders. After much discussion the board determined the existing rate payers will not be impacted and it makes sense for SESD to broaden its base to set the district up to make additional moves to expand in the future. He discussed operational efficiencies related to the proposed transaction and noted the district can handle the growth by employing the employees that have been working for Eagle Mountain to maintain and serve the system. SESD sees this is a great opportunity to work together and make a better power company to serve the citizens of Eagle Mountain and the current rate payers in south Utah County.

2. Open Discussion, Questions / Answers

Rod Erling stated he lives in the Lone Tree development in the City; he recently moved to the area from Pennsylvania. In that state developers are required to pay for the installation of all infrastructure that is needed to serve a development, including all road improvements. He asked if a developer is required to do the same in Eagle Mountain. Adam Ferre, Energy Director, noted that currently the City requires developers to pay for all infrastructure in a

new development; the only infrastructure cost that is not paid by a developer is something referred to as a 'back-bone' to feed a major development; this includes upsizing existing infrastructure to serve a new development and the developer may pay the initial costs to eventually be reimbursed by the City. Mr. Erling inquired as to how long that policy has been in place in Eagle Mountain. Mr. Ferre stated developers have always been required to install their own infrastructure. The debt the City has incurred has been related to the installation of major improvements, such as transmission lines, substations, and buildings. Mr. Erling asked if the same is true for the new sewage system in Eagle Mountain. Paul Jerome, Finance Director, noted that the City charges impact fees to residents to cover the impact that their home will have on the City's infrastructure; some infrastructure costs are not covered by impact fee revenues, but some of the cost of the sewer plant improvement was paid for by impact fees. Mr. Erling stated he feels the City will be overdeveloped and he asked how the City can prevent that. Mr. Jerome stated the City conducts regular analyses relative to the tools needed to provide for appropriate growth and prevent overdevelopment. In the case of electric and gas resources, the City does not own its own resources and, instead, purchases them through a municipal power agency on the open market. Mr. Erling reiterated his worry is that Eagle Mountain will be overdeveloped. Mr. Ferre noted the City has a five-year Capital Facilities Plan that is used to forecast future development and provide for appropriate impact fees to cover needed infrastructure. Mr. Erling stated there is a single access road in and out of his subdivision; there is a new development being constructed to the west of his subdivision, but he has not noticed anything being done to improve the transportation options in the area or to provide an access road to Route 73. He fears that there will be a major disaster in Eagle Mountain and that residents will not be able to escape or emergency responders will not be able to reach the residents. He focused on Eagle Mountain utilities and he wondered if his water pressure will be impacted and if he will be able to heat his home for a reasonable cost. He concluded that based on his experience with utility companies in Pennsylvania, he has no trust for such entities.

Mayor Pengra noted the point regarding overdevelopment is well taken. He stated that if water pressure reduces below an acceptable level and the City does not address that issue, the City will not be doing its job and that will need to be addressed. The City does everything possible to plan for the impact a new development will have on the existing infrastructure systems and ensure that services being provided to existing residents are not degraded. There is no exact science to preventing such impacts, but the City's utility managers and staff have done a good job at preventing problems or when problems arise they have done a great job at addressing them. He stated, however, that as development increases the City will need to carefully consider the issues raised by Mr. Erling.

Councilmember Burnham stated that she is aware that Pleasant Grove and Lehi cities have water restrictions in place because those cities have overdeveloped and there is not sufficient water to serve all the residents. That is a problem that those cities should have thought of. The drinking water in those cities is so bad that people do not use it and, instead, purchase bottled water for consumption in their homes. Mayor Pengra stated he is thankful the utility infrastructure in Eagle Mountain is relatively new and the City does not experience too many problems. He acknowledged there are some problems in the City and

some residents have low water pressure, but the City is working with the residents of those areas to resolve those problems. He focused on the City's utility rates and stated that a fairly complicated analysis would need to be done to hedge the City's resource and ensure the supply cost for utilities is kept level; the City has done a good job at mitigating risk and keeping the supply cost relatively level, but as the City grows the process to maintain levelness will become more complicated. As coal disappears and power generation plants are retrofitted for gas use there will be a higher demand on the natural gas supply and production facilities, of which the City has no control. Questar has their own production operation and they build the cost of that production into their hedging. If the City were to continue to maintain the utility systems it would be necessary to adjust rates to respond to fluctuations in the cost of services and products. He noted some people may be afraid to work with big business, but in all of his conversations with Mr. Markus and other Questar representatives he has found the interactions very different than those he has had with other large corporations; Mr. Markus has been very forthcoming with him and their leadership will set the tone for this entire transaction.

Sandy White stated there has been mention of the contracted electrical rates through 2017 and she asked if those are fixed rates and if Eagle Mountain residents will be paying a different rate than other SESD customers until that time. Mr. Ferre stated the City currently has a contract with UMPA that provides for a fixed rate with the exception that if they are required to go to market the City will also go to market. The contract has been very consistent and has been in place for the past 10 years; the rates in that contract are secured until 2017, but UMPA is encountering the problems that all other electricity suppliers are experiencing related to the transition from coal to natural gas. The contract follows the load and UMPA does not charge different prices based on a high or low load. He stated Eagle Mountain residents will not experience a rate increase until 2017 and at that time all electricity rates will be based on power generation. Mr. Ellsworth added that the City's rates should actually be held until the year 2022, but he cannot project how rates will adjust after that time because there are several unknown factors relative to power generation. The SESD will also be considering new resources, such as nuclear power. Ms. White stated that Eagle Mountain's current usage based on per kilowatt hours is 775 wattage and SESD's is 9.4 cents. She asked if City residents will pay the 9.4 cents per wattage hour or if the current wattage charge will be maintained. She noted there is a calculator on the Eagle Mountain website that compares the City's rates with the rates charged by SESD, but if the City's rates will be maintained she will not experience any savings until after 2017. Mayor Pengra stated that if the calculator has been misleading in that it has communicated what residents can expect their rates to be once the utility has been sold, he will take responsibility for that. It is his hope that the citizens will experience a savings, but there is no guarantee of that. He stated that the City has purchased a certain level of power to supply the average needs of the citizens; however, there are spikes in the power demand and the City has not purchased power to cover those spikes. When the spike occurs the City must purchase the resource somewhere and that is currently on the open market, which has a serious effect on the total price of the resource. SESD does a good job of building a mechanism into their rate to compensate for those spikes so that residents do not experience continued rate hikes or decreases, but that mechanism must also be accounted for. He added that the City purchases power based on the current

population and when that population increases it will be necessary to purchase additional power, possibly at a higher rate. The agreement with SESD has been structured in a way that he hopes it will be possible to maintain rates for the residents or even reduce the current rates. Ms. White stated she understands that and she also understands market fluctuations, but she simply wanted to know if on January 1, 2015 she will be paying the rate she currently pays to Eagle Mountain or if she will be paying the rate other SESD users pay. Mr. Ellsworth stated Eagle Mountain residents will continue to pay the rates they are currently paying. Ms. White then inquired as to what changes are anticipated relative to the budget billing system that is used to allow residents to pay their utility bill electronically. Mr. Jerome stated that staff anticipates the requirement to generate new utility bills and it may be necessary to remove all users from the electric and gas budget billing system, but keep them on the water budget billing system. Staff is in discussions with the software provider for that program to understand how that change will be handled. He provided an overview of how the budget billing system works and stated he is hopeful there will not be too much of a change experienced by customers. There is the potential for some customers to receive a credit for lower usage than expected, but there is also the possibility that some will be required to pay more before discontinuing service with the City. Ms. White thanked everyone for their hard work on this project and she noted that it is very exciting. Mayor Pengra committed to the citizens to communicate the actual rates as the time for implementing different rates nears.

Jim Bright stated that last year Eagle Mountain joined the Unified Fire Authority (UFA) and the partnership was sold to the citizens by communicating a reduction in utilities to offset the assessment from UFA. He stated that he paid an increase of nearly \$300 last year for that assessment and his question is what happened to the idea that the citizens would be saving money based on utility rates; now the City is proposing selling the utility systems that were expected to be the source of the savings. Mayor Pengra stated that is a valid question; if that is the way the proposal to join the UFA was presented that was improper. He stated UFA is a taxing entity and they have no association with or impact on the City's utilities. He does not think anyone intentionally misrepresented the facts of the matter, but it may have been an oversight if that is the way the partnership was presented. He stated he did something similar to that recently when discussing a \$1 fee reduction in one area of the budget and a \$1 fee increase in another area; he noted that the two fee changes would offset one another and that is true, but ultimately neither fee account has a direct effect on the other. He stated he can understand how the mistake was made in tying the two issues together. He then reiterated the City will lose control of the charges passed on to the residents for utilities, but the argument he would make is that the City would be required to consider increasing utility rates in the event that operational expenses were to rise. He stated he will be honest with the residents when it comes to needing more money to cover certain costs in the City. The City will do everything possible to try to prevent ever taking more money from the residents, but sometimes doing nothing is not an option. Mr. Bright then stated that Mayor Pengra is declaring the connection between the UFA and utility rates as a misrepresentation, but all information was included in the City's Eagle View newsletter that came from the Mayor's office so it is frustrating to him to hear about the sale of the utilities. He stated he is also anxious to hear about the plans for the \$6 million surplus from utilities and stated it may be a good idea to send that money back to the

residents that paid the fees. He thanked the Mayor and Council for their time. He indicated he appreciates the Mayor and what he has been doing, but it is frustrating to him that he was sold on an idea based on false information; the City is now stuck with the UFA that has the ability to raise assessments and with utility companies that will have the ability to raise rates. Mayor Pengra stated he would be willing to talk to Mr. Bright about this issue at a later time. Councilmember Ireland stated that when the City annexed into the UFA taxing district, one of the primary goals of the Council was to do all possible to ensure that the transaction would be revenue neutral for the City. The City adjusted finances so the City did not experience a net gain or loss in the budget. From a service perspective, the City is receiving an increased level of service so there was a slight increase in the overall cost to the residents, though that increase was not significant. From a budget standpoint the transaction is still revenue neutral. Mr. Jerome stated that at the same time the City was considering joining the UFA a rate study was also being conducted by a third-party rate analysis company and the firm that conducted the study recommended that the City lower the gas rate by 15 percent and increase the electric rate by five percent; they also projected the needed rate adjustments over the long term in order to continue to provide service to customers. The statement regarding revenue neutrality and joining the UFA included many moving parts, including utility rates.

Lee Brown stated he lives on Highway 73 by White Hills and he receives electricity from Rocky Mountain Power. He asked whether this transaction will affect him. Mr. Ferre referenced Senate Bill 180 regarding annexation and explained that when a municipal boundary is amended to include territory outside the City and customers currently receiving service from another servicing entity are added to the City, the City is required to extend service to those residents within two years of the annexation. He stated that it will be necessary to examine the districts of SESD to determine what service will be provided to the residents currently using Rocky Mountain Power. Mr. Brown noted that the residents in his area have not received an offer to extend service to them. Mr. Ferre stated that it is very expensive to run a transmission line to that area and the City is using a franchise agreement with Rocky Mountain Power to continue to service the area. The City also has an agreement with the developer of that area by which he will pay some of the costs of the infrastructure to extend service to those residents. Mr. Brown asked if this issue will be resolved in a year. Mr. Ferre said that he expects to renegotiate the agreement. Mr. Brown did not believe that this answered his question and he asked again if the issue will be resolved in one year. Mayor Pengra stated that the City does not have a direct answer to that question; he understands the issue is approaching and if the City is required to extend service to the area next year, it may be necessary to issue a bond and work with the developer to pay the costs of extending service to the residents there. He stated that is the likely outcome if the City retains the electric utility; if the utility is sold to SESD they will likely be in a similar position of the City. Mr. Brown stated that he did want to know if SESD will be responsible to eventually provide service to the residents in the event that the utility is sold. Mayor Pengra answered yes. He stated the City has had very frank and open conversations with SESD about this issue and they are aware of the potential need to extend service to that area. Mr. Brown concluded that he thinks it is a good move to sell the City's utilities.

Charlotte Ducos asked what the debt reduction would do for the City's bond rating. Mr. Jerome stated that he has been in contact with Fitch Ratings relative to the bond rating and retiring the debt will not do anything for the City's bond rating whatsoever. Each bond rating is tied to specific bonds and the remaining bonds for water and sewer would not be impacted. Ms. Ducos asked if the City's ability to bond for other new infrastructure in the City, such as roads, will be greater. Mr. Jerome answered no and stated that roads can only be funded through General Obligation (GO) bonds and those are not connected to the City's utilities or utility bonds whatsoever. Ms. Ducos concluded the City will basically have less debt. Mr. Jerome stated that is correct. Ms. Ducos then asked about the transfers from the utility funds to the General Fund to cover administrative costs; if transfers were only allowed to pay for administrative costs associated with the utilities and the City is planning to sell the utility and will no longer have those costs, she wondered where the cost gap is coming from. Mr. Jerome stated that the transfers for administrative costs have been reduced over time, but \$242,000 has been transferred from the utility fund to the General Fund to cover employee salaries; it will be necessary to find that funding from another area of the budget in order to maintain current staff levels. Ms. Ducos stated that the money transferred should have only been for utility employees and if the utility is sold it will not be necessary to continue to employ those people and pay those costs. Mr. Jerome stated the City will still maintain other utilities and it will be necessary to retain utility staff for those reasons. Ms. Ducos stated that those employees should be funded by the remaining utilities. Mr. Jerome stated that they will and with SESD and Questar taking on the employees that serve the electric and gas utilities, those employee costs will no longer be on the City's books. Ms. Ducos asked if the \$242,000 cost will dwindle down to zero as the transaction is completed or if the City will need to continue to provide some manner of funding. Mr. Jerome stated that the administrative transfer coming from the utility accounts to the General Fund covers other employees not directly working on utilities, such as human resources, building, finance, etc. and it will be necessary to continue to fund those employees as well. Ms. Ducos summarized that the City has been working within the rules to use utility money to fund certain things and it will be necessary to find other funding mechanisms for them. Mr. Jerome agreed. Mayor Pengra stated the City has executive staff and they will work for the City regardless of the utilities maintained by the City; if the City had no utilities, the utilities would not be funding any portion of those costs. The argument could be made that the City may have too much staffing for the operations it oversees, but the City has gone through recent changes to reduce the total cost of administrative staffing, but that has not made up the difference entirely. He stated that the City has a cost for administrative staff and the four utilities pay a portion of those costs. He asked if the cost paid by the two remaining utilities should be doubled to make up the difference by losing the gas and electricity utilities. Ms. Ducos went on to say that the cost was being spread over four utilities and now it is being spread over two, but the City is saying that the staff levels cannot be reduced because the employees still have the same job to do. Mayor Pengra stated that is not accurate; he reiterated that the utility transfers were also paying a portion of the salaries for certain executive staff and those functions will not go away; the question is who to place the burden on. He does not want to place the burden on the remaining two utilities and he would prefer to place the burden on the General Fund. He added that he has been aware of the need to make up the gap and staff has worked to create efficiencies and reduce costs to prepare for this situation. Ms. Ducos then stated that

in the past there have been discussions about Eagle Mountain's utility rates being approximately 15 percent higher than in other cities due to debt service needs; when the initial numbers were presented for this proposed transaction, the City forecasted a \$50 annual savings in utility costs for customers. She stated that a rate increase then occurred and it is her understanding that the change of utility providers will actually be neutral. She inquired as to the benefit to the residents. Mr. Markus referenced the fact that Questar is responsible for the fact that the change in utility providers will be neutral for customers, but he noted that if the residents had been receiving service from Questar previously they would have realized savings over the rates paid to the City. He provided an overview of how Questar's rates are determined, with a focus on the rates being market driven. He is very comfortable saying that the residents will be better off as Questar customers in the long term because the changes in the market can be absorbed by 950,000 customers as opposed to 6,000 customers. Ms. Ducos then inquired as to the anticipated use for the City's energy building once the utility is sold. Mr. Pengra stated that the building will be used to house public safety operations, which are currently located in a trailer, and to accommodate additional staff expansion for many years to come. There are also options to lease the building to other users as well. Ms. Ducos thanked the Mayor and Council for their time and noted she is excited to have the opportunity to explore this option.

Ashly Lower stated that Ms. Ducos had asked if the utility rates charged to the citizens will remain neutral and the Mayor nodded his head yes, but everyone knows that SESD will not be charging their current rates that are used in the rate calculator to determine rate neutrality. Mayor Pengra explained that he was not answering yes, but acknowledging Ms. Ducos' question. Ms. Lower then asked if the City will remain at the .10459 rate; the answer to the question was yes. Ms. Lower asked if the City can send a letter to residents clarifying that the residents will not experience a savings and will instead likely experience an increase of \$120 more per year per household. Mayor Pengra stated he and the Council will communicate the appropriate information to the citizens. Ms. Lower stated residents think they will be saving money and that is likely the reason there are so few people present at this meeting. Mayor Pengra stated that as soon as the contract is firmed up and the City is aware of what the rates will be he will communicate that information to the citizens. Ms. Lower stated she was just told that the rate is .10459 and Questar's rates are public knowledge as well. She asked what information still needs to be firmed up. Mayor Pengra stated he does not wish to carry out rate negotiations in a public meeting, but he addressed Mr. Ellsworth and asked if there are any opportunities to reduce the rates below the number quoted by Ms. Lower. Mr. Ellsworth stated there is a slim chance to reduce those rates and he referenced some opportunities for such reductions. Until he has access to all of the City's utility information, he cannot commit to any definite rate; SESD has not taken the approach that they will be able to lower the rates paid by Eagle Mountain users, but the board wants to be fair and make sure that appropriate rates are charged. Ms. Lower then stated that she is very concerned about property taxes and potential increases to cover the loss of utility revenues and the ability to complete inter-fund transfers. Mayor Pengra stated that is a fair statement, but he disagrees it will occur; the City has addressed all possibilities and there will be an impact to the City's budget, but he feels sales and property tax revenues will continue to increase and can be used to cover the loss of the utility revenues. Mr. Jerome agreed that sales tax revenues continue to increase associated with

population increases at a rate of an average of \$100,000 per year. If current staffing and service levels are maintained, it will be possible to cover the loss of the \$242,000 through that increased sales tax revenue. Although the property tax rate in the City has not increased for years, the amount of property tax revenue the City receives increased each year as a result of an increase in population. Ms. Lower then stated that Eagle Mountain is already viewed as the City with high utility rates and raising those rates will not be good for the City's image. She referenced the statement that the City will be getting out of debt by selling the utilities, but the debt is just being transferred to another entity that serves the citizens and, therefore, the citizens are paying for that debt service. She stated that she hopes everyone will carefully consider and research this idea and she hopes it is possible to hold additional meetings and for more residents to become involved. Mayor Pengra thanked Ms. Lower for sharing her feelings.

Todd Lower, Gas Department, stated that the City's Gas Department also offers many of the same services that are offered by Quester and that were referenced by Mr. Markus earlier in the meeting. He then referenced the system's capacity and noted that it is his understanding from dealing with Kern River that it will only be necessary to implement minor upgrades at the gas tap to accommodate the demand for additional gas from that tap. Mr. Markus stated that it would be necessary to work on the meter station at Kern River and if the utility is owned by Questar the costs for that work will be spread over 950,000 users as opposed to 6,000, if the utility is maintained by Eagle Mountain. He added that connecting the City's gas infrastructure to Questar's infrastructure will provide redundancy in a system that currently has none. Mr. Lower then addressed Mayor Pengra and stated that when he first met him he said that he was not a politician and does not want to be a politician. He stated that Mayor Pengra should really try to be a politician because when asked a direct question about rates it took him 20 minutes and three different people to answer the question. Mayor Pengra stated that this seems to be a misunderstanding and he invited Mr. Lower to stop by his office anytime to talk more about it.

Peeples stated that someone mentioned earlier this evening that discussions regarding this transaction started over a year ago and he asked if that is correct. Mr. Markus stated he made visits to the previous City Administrator inquiring if there was an interest in selling the utility. Mr. Peeples noted that a year ago the citizens were presented with the idea of joining UFA and the citizens were told the cost to join would be offset by a reduction in utility rates; now he hears that this transaction was already being discussed when that commitment was made to the residents. Mr. Markus stated there were no serious discussions until the end of 2013 and early in 2014; earlier discussions were only based on requests from Questar to sell the utility and the previous City Administrator expressed his disinterest. He confirmed that all serious discussions occurred well after the UFA interaction. Mr. Peeples then stated that the City will be giving away control of the utilities and he hopes that in the end the transaction works out well; he is in favor of selling the utilities, but it was not presented appropriately. Mayor Pengra thanked Mr. Peeples for his comments; he focused on the reasons for selling the utility, noting the financial impacts will be minimal for the rate payers. Mr. Peeples stated that he sees the benefits of the transaction and agrees with them.

Jim Shumway stated that he was Mayor of a small community in southeastern Utah for eight years: Blanding, Utah; the community owns their own electricity and natural gas utilities. They had opportunities to sell as did the neighboring city: Monticello. Blanding did not sell, but Monticello did and they have regretted it ever since. Eagle Mountain City bonded for utilities and debt service has been made on those bonds for some time. He asked how much money will essentially be lost in the form of debt service payments as a result of this transaction. Mayor Pengra stated the utility infrastructure has not been paid for by rate payers; it has been paid for through impact fees paid by developers. He asked Mr. Jerome if he knows how much the City has paid in debt service payments to this point. Mr. Jerome stated approximately \$7 million of the original bond amount has been repaid to this point. Mr. Shumway asked if that amount of money will be considered when determining the purchase price to be paid by Quester and SESD. Mr. Jerome stated the current appraised value of the two utilities is approximately \$35 million; the offers to purchase the two utilities are \$26 million, the City will keep the energy building, and will maintain the current \$6 million fund balance; those three things total nearly \$35 million. Mr. Shumway stated that when natural gas infrastructure was installed in 1994 the anticipated payback period was 12 years; after that there was a profit for utilities. If the utilities were maintained by the City, the Council would have the option of refunding users in the event that costs decreased or debt is retired; Questar does not have the option to do that. It was his opinion that the residents will be paying a higher rate for a lower level of service. He added that Mr. Ellsworth had mentioned that SESD participates with UAMPS and he noted that UMAPS is a good entity. The City has the opportunity of working with UAMPS to improve the utility system without selling to SESD. That will allow the City to retain control and if anyone in Eagle Mountain is concerned about the loss of control they should talk to representative of Monticello to understand what their experience has been. Mayor Pengra stated that the City has purchased resource through UAMPS which is an \$8 million resource on the City's books. Mr. Ferre noted that SESD would assume that debt upon the purchase of the utility; the City has only had a few opportunities to participate in power projects with UAMPS and he provided a brief overview of those projects. He indicated SESD brings a lot to the table due to their heavy involvement with UAMPS. He stated it is not possible to guarantee rates for an indefinite amount of time and he has made it clear that now is the right time for the City to determine whether to stay in the utility business or get out. It is his job as Energy Director to find resources that will allow him to maintain the best rates for the City and he would continue to do the same with SESD as well.

Shannon Willis asked if SESD has plans for solar energy options in the future. Mr. Ellsworth stated that there are many options in SESD's current resource portfolio; including hydro, wind, and net metering for customers that want to use solar power to supplement traditional power. SESD must maintain its grid and there must be moderation in offering things like solar power. Users will be allowed to use 5kw of solar power, but they must use a net meter to determine the cumulative kW hours they are using. SESD is cautious of purchasing commercial solar products because the renewables are only 30 percent efficient and that means users would be paying a 100 percent cost for 30 percent service. Ms. Willis then stated that her family lived in Orem for many years and she has compared utility costs in that city to utility costs in Eagle Mountain and her observation is

that the water and sewer utility costs are higher in Eagle Mountain, but the same is not true for gas and electricity. Mayor Pengra stated that including an aggregate cost for all utilities on one bill can give the false impression that the City's utility rates are high; no one has approached this idea with the goal of reducing utility rates because the City's utility rates are actually not out of line with what is being paid in other cities. He refocused on the reasons for selling the utility, including the rapid pace of the changes in the industry, rapid growth in the City that could require additional debt to improve the utilities, and looking into the future to secure the best possible benefit in the long term for the City. Ms. Willis stated that she understands the City needs to be focused on running the City. She appreciated the responses to her questions.

John Brozovich stated he lives in West Mountain and he is an SESD rate payer; SESD has accumulated \$14.6 million in debt and he asked if the Eagle Mountain debt will be amortized over all SESD rate payers or only over the Eagle Mountain rate payers. Mr. Ellsworth stated Eagle Mountain's debt will be calculated into the rates paid by Eagle Mountain residents. Mr. Brozovich stated that means the debt still remains the same for the rate payers from Eagle Mountain. Mayor Pengra stated that is a valid point and he reiterated the main focus is the City's ability to operate the system in the long term and it is important to him that the debt be off Eagle Mountain's books; the debt will be turned over to a company that only focuses on the utility and there is a level of efficiency associated with that.

Sandra Wardle stated she agrees with Mr. Shumway and she is not in favor of selling the utility. She asked why the City would sell its only source of revenue; if the economy crashes again everyone will still need utilities and the City will still get that revenue. The City has debt because it is a young, new city. She then addressed the City Council; the purpose of having a full time Mayor in the past was because the City operates its own utility business; if the utility business will be sold the Council should reevaluate and opt for a part-time Mayor. That will provide half of the Mayor's salary along with the salary for the Energy Director and that money can be used to improve City parks. She stated that she has lived in Eagle Mountain for 16 years and has seen many Mayors and that has been the argument to keep a full time Mayor. Mayor Pengra explained that this is something he has been discussing with the City Administrator. He stated that if this transaction is approved and he decides to seek another term in office after his first four-year term, he will do so with the intent that the position be reduced to part-time. Ms. Wardle asked if the Council can vote to make the Mayor position part-time after the utility sale. Mayor Pengra answered yes and stated he would support the City Council in that decision. He then stated during his campaign he talked about the salary for the position: the salary is \$70,000 and he committed to doing the job for no more than \$50,000 in wages. He noted that his wife does not currently have health insurance and his benefits through the City are paid for in that \$70,000 amount; the money left over after \$50,000 in wages and his benefit costs are donated back to the General Fund. He added that he did not seek this position to make money; rather this is an act of service for him. He stated that it has always been his intention to do good for the community. Ms. Wardle asked if Mayor Pengra would consider stepping down as a full-time Mayor and be a part-time Mayor instead. Mayor Pengra stated he would agree to do that after his first full four-year term; if he sought

reelection he would do so as a part-time Mayor. He stated he has made a commitment for four years and he stepped away from his career to do so and he could not bear the financial impact of becoming a part-time Mayor at this point in his term.

Lynda Shumway stated she wanted to simplify the issue; there are two sides: the utility payers service their own debt and will eventually pay it off. She realizes that in the process there will be necessary upgrades, but theoretically the bond will be paid off one day and the City will retain control of the utility system. This is doable and has been done and it does not sound like net staffing will provide a benefit for selling. On the other hand the citizens will still service the debt through SESD and the amount they pay will not change too dramatically, but the debt will never be paid off and the citizens will never own, debt free, its own utility company. Mention was made that profits can only be used for costs associated with the utility, but that is not how Blanding operated; through the grant writing process, a lot of the profits can be funneled back into the community. Eagle Mountain is one of the very few communities in the entire state in this position; she watched Monticello be so sorry for selling their utility, especially as they noticed their neighbor in Blanding eventually pay off the debt associated with their utility and own it free and clear. Blanding was able to provide lower tax rates and higher benefits. She asked the Council and Mayor to take a good look at the balance sheets; consider whether they want to give up the profits and still maintain the same costs for employees. She asked if the Council wants to throw away the possibility of ever paying off the debt and owning the utility system and maintaining control. If the Council decides to sell there must be a strong benefit or upside that she has not yet seen. Mayor Pengra stated that if the City were not growing at a rapid rate he would agree with Ms. Shumway 100 percent. Or, if the City has more residents to spread the costs to continue to improve the system among, he may feel the same way. Ms. Shumway stated that SESD will also be required to improve the system in the future. Mayor Pengra stated that is correct, but that is their specialty and their operations are very focused. Debt is now always a bad thing for a business and most public companies have debt. When cities bond and take upon public debt, there is often public outcry or caution, at a minimum. He referenced Ms. Shumway's comments regarding using utility revenue to offer benefits to the City; Utah has truth in taxation laws that govern the use of funding sources. The State Auditor is paying very close attention to the use of utility revenues compared to property tax increases. He then asked Mr. Jerome if he is aware of the grant program referenced by Ms. Shumway. Mr. Jerome stated he would need to research that issue and he is not familiar with what has been done in Blanding. He then stated that in the past, many cities have used a transfer from the utility fund to cover administrative costs; they have also charged an arbitrary percent on top of that amount, but that is not something Eagle Mountain has ever done. The State Auditor's Office is recommending legislation to restrict a city's ability to do that. He noted general fund revenues should be used to pay for general operations of the City and utility revenues should pay for utility operations. Mr. Markus then added that Questar purchased the utility in Monticello; it was not owned by the city but by some private individuals. Questar has reinvested millions of dollars into main lines in that city to correct a great number of gas leaks. The advantage to Monticello residents was that those costs were spread across 950,000 customers as opposed to the number of residents that live in Monticello; the city is unique and there was a lack of maintenance in their facility. Mr. Shumway stated that he was talking about the sale of

Monticello's electric utility to Empire Electric; he was not aware that the gas utility had been sold. Mr. Markus explained that the gas utility was not Monticello's to sell and that the utility was owned by private individuals who never maintained the system.

Kathy Bitter asked if the City could sell the gas and electric utilities separately; she is under the impression that cannot be done because the debt for the two systems is intermingled. The answer to Ms. Bitter's question was yes. Ms. Bitter then stated she appreciates this meeting and the transparency it brings to this proposed transaction. She has heard a couple of comments about the connection between the City joining UFA and the decrease of utility rates, but her understanding is that the City joined UFA and the utility rates were lowered at the same time, but the two issues were not connected. She feels there was not sufficient transparency regarding the proposal to join UFA and that is where the miscommunication came from. If the City works to maintain transparency that is where good communication starts. She personally feels that City government should not be in the utility business and she is in favor of the sale; she feels the private sector can do it better. She asked, however, if the citizens will ever get the rate that is advertised on the SESD website, which is currently lower than the rate paid by Eagle Mountain residents. Mr. Ellsworth stated that SESD is working to bring the rates into the same realm, but the obstacle is the City's power purchase contract that does not expire until 2017; utility rates are based on the costs associated in that contract. He believes that soon after the expiration of the contract in 2017, it will be possible to merge the rates. Ms. Bitter asked how that will be possible when the debt associated with the Eagle Mountain system will be built into the rates. Mr. Ellsworth stated that the rest of the SESD system is not debt free; SESD will assume another \$8 million in debt associated with renewables and that has not really been discussed this evening. Ms. Bitter asked if Eagle Mountain residents will eventually be true SESD customers paying the same rate as other customers. Mr. Ellsworth answered yes, but it will take some time to get there. Mr. Ferre added that if this transaction is approved he would work with Mr. Ellsworth to secure additional resources to provide a solid base rate until 2022. Increasing the load and combining resources will give SESD an opportunity to secure those resources.

Mayor Pengra thanked those that attended this meeting and noted that this is the manner in which local government should work. He stated he is available to any resident at any time to talk about this issue further; the same is true for the employees of the City even if they do not agree with him regarding this issue. He noted Council discussions regarding this matter will continue over a long timeline.

Councilmember Ireland stated the five Councilmembers will ultimately be asked to vote on this issue and he appreciates the citizens that have spoken about the issue this evening and he encouraged them to stay involved throughout the entire process. At some point in time there will be a public hearing at a City Council meeting and the Council will have a significant decision to make on behalf of the City; more input regarding the issue will make that a better decision.

Councilmember Burnham stated she needs to excuse herself from the meeting, but she asked residents to feel free to reach out to her to continue to discuss this issue.

Councilmember Westmoreland stated he wishes the issue would have been placed on a ballot in order for all residents to have a vote; since that is not possible it is very important for the citizens to continue to express their feelings. In weighing the costs of the options in maintaining the electric utility, there is no level ground and the City would need to be much more aggressive in improving the system in the future. He stated that as negotiations of a potential agreement continue, the Council will be made aware of the kind of service and relationship the City would enjoy with SESD and Questar and he hopes to receive feedback from residents as those details are made public.

Councilmember Steinkopf thanked all residents for attending and he learned a lot this evening as a result of the question and answer session; that is the purpose of this type of meeting.

Councilmember Bradley also thanked residents for attending and he noted that he appreciates the hard work that has gone into this fact-finding mission to this point. The Council, Mayor, and citizens are working to learn what is best for the City today and in the future. Communication is important and it is important for the citizens to continue to share their feelings and perspectives on this issue; the Council is open indeed and willing to look at all sides of this issue.

Mayor Pengra thanked Mr. Markus and Mr. Ellsworth for attending and answering questions asked by the residents.

Mr. Ferre stated the City has a great utility staff that works very hard and it is difficult for them to be in limbo and operate without clearly understanding their future with the City. He stated that he appreciates his employees and no matter if the utilities are sold or retained by the City, the citizens are in good hands with the utility employees.

3. Adjournment

The meeting was adjourned at 9:38 p.m.

APPROVED BY THE CITY COUNCIL ON JULY 15, 2014.



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

July 15, 2014

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 – 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; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Mortensen, City Treasurer; Dave Norman, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Dept. Director; Linda Peterson, Public Information Director; Rand Andrus, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:09 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 and do not require action by the City Council.

- A. **Pony Express Days**

Pony Express Days sponsorships for 2014 totaled \$7,300. Ticket and fee revenue totaled \$20,121.73. Total revenue, including sponsorships, tickets, and fees was \$27,421.73. Expenses totaled \$87,753.08. Included in the expenses total is \$2,384.63 of 2013 rodeo and derby expenses that weren't paid until fiscal year 2014. The expense total also includes \$63,400 that was paid for the rodeo by agreement with the Rodeo Committee. The net income/(loss) on the general ledger is -\$60,331.35. The adjusted net income/(loss), which includes \$29,799.96 of employee wages and benefits expense and removes the 2013 expenses, is -\$87,746.68). If the \$63,400 that was paid in behalf of the Rodeo Committee is not included in the calculation, the adjusted net income/(loss) would be -\$24,346.68. Discussion ensued clarifying employee costs for Pony Express Days.

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

12. Valley View Plat C Bond Release

Councilmember Bradley asked why the Council approves bond releases if they have no input into the content. City Recorder Fionnuala Kofoed explained that the minutes of the vote create an official record of when subdivisions enter and exit if confirmation is needed in the future.

Public Works Director David Norman pointed out that a formal inspection is required before each bond release.

3. **ADJOURN TO A CLOSED EXECUTIVE SESSION** – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the

purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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

The meeting was adjourned at 5:31 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; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Mortensen, City Treasurer; Dave Norman, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Dept. Director; Linda Peterson, Public Information Director; Rand Andrus, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:05 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Fireworks Restrictions** – Please be aware that fireworks are restricted in several areas within Eagle Mountain City. Information on restricted areas is available on the City website, News section. These restrictions are in place for the safety of residents. Residents who choose to light fireworks in these areas are at risk of financial liability for any fires caused by fireworks. For the Pioneer Day holiday, discharge of fireworks is allowed July 21 – July 27. Acceptable hours are 11 a.m. to 11 p.m. with the curfew extended to midnight on July 24. Illegal fireworks are never allowed and may be confiscated by the Fire or Sheriff's Departments, with the potential of the users being cited.
- **Pioneer Crossing Extension Project** – UDOT has started work on a road extension of Pioneer Crossing to Cory B. Wride Memorial Hwy (formerly known as SR-73). Regular project updates will be posted on the City website, News section and shared via Twitter, Facebook, and email. Lane restrictions begin tonight on Redwood Road and will continue throughout the project.
- **TSSD Rate Increase** – The Timpanogos Special Service District, who provides wastewater service to the City's North Service Area (The Ranches), approved a rate increase of 13.8% recently. Because of this increase, the City Council on June 17 approved a change to the City's wastewater rate for The Ranches from a total of \$38 per month to \$41.14. Notices about this

change will be sent to residents in the next utility bill newsletter and shared via social media and email.

- **City Offices Closed** – The City offices and library will be closed Thursday, July 24 and Friday, July 25 for the Pioneer Day holiday. The library will also be closed on Saturday, July 26.
- **Seniors BBQ** – The Seniors will hold a Barbeque at the Nolan Park pavilion on Monday, July 28 at 5 p.m. Please bring a side dish to share.

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

Marianne Smith expressed concern over large fields near her property that have been plowed and are growing large tumbleweeds. She asked if there is any regulation to control this. She thanked the Council for all the road work that's been done lately and hoped to see more. She requested reflectors on the ends of road medians.

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

Councilmember Steinkopf

Councilmember Steinkopf was happy for the safe 4th of July and encouraged residents to celebrate Pioneer Day safely.

Councilmember Burnham

Councilmember Burnham asked people not to use dangerous fireworks.

Councilmember Ireland

No comment.

Councilmember Bradley

No comment.

Councilmember Westmoreland

No comment.

Mayor Pengra

Mayor Pengra said that things are moving forward with the proposed sale of the electric and gas utilities to Questar and SESD. Residents can get information from the Mayor's blog and Twitter account as it becomes available.

CONSENT AGENDA

9. MINUTES

- A. June 17, 2014 – Regular City Council Meeting
- B. June 19, 2014 – Town Hall Special Meeting

10. CHANGE ORDER

- A. Pony Express Rotomill & Overlay – Morgan Asphalt

11. FINAL PAYMENT

- A. 2013 Electric Main Feeders and Gas Line – Niels Fugal Sons Company, LLC

12. BOND RELEASE – Into Warranty
A. Valley View Ranch South, Plat C

MOTION: *Councilmember Burnham moved to approve the Consent Agenda. Councilmember Ireland 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 – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Oquirrh Mountain Master Development Plan.

This item was presented by Planning Director Steve Mumford. The proposed amendment to the Oquirrh Mountain Master Development Plan reduces the number of dwelling units from 417 to 346. The densities for the project range from 3.2 to 15 dwelling units per acre which was previously 3.7 to 13.7 dwelling units per acre. Tier IV development has been reduced from 3.5 to 2 acres. Tier III development has been reduced from 26.2 to 17 acres, and Tier II development has been increased to 45.1 acres from 36.2 acres. There is a minor reduction in open space from 54.5 to 53 acres.

Mayor Pengra opened the public hearing at 7:23 p.m.

Elise Erler, representing SITLA, stated that SITLA has sorted out some boundary issues with the applicant for Oquirrh Mountain. She felt it was wisely planned and encouraged the Council to approve the plan.

Mayor Pengra closed the public hearing at 7:25 p.m.

Councilmember Westmoreland appreciated the reduction in the density. Mayor Pengra said that the master development plan was previously approved. This action approves the master development agreement associated with the plan.

Councilmember Ireland pointed out that the items for approval at this meeting are the density in the bubble map.

MOTION: *Councilmember Ireland moved to adopt an ordinance of Eagle Mountain City, Utah amending the Oquirrh Mountain Master Development Plan, with the conditions of approval specified in the staff report. Councilmember Burnham 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 Works & Fire

1. Maximum cul-de-sac length is 500 feet. Make sure that the cul-de-sac in PA-11 is not too long.
2. UNIMPROVED OPEN SPACE. Unimproved open space shall not be dedicated/deeded to the City.
3. OPEN SPACE ACCESS. Access to the open space area on the hill shall be provided for

emergency purposes and maintenance.

4. ROAD GRADES. Road grades shall not exceed 10%.
5. OFF-SITE UTILITIES. The applicant shall work with the City Engineer on determining the best solution for the sewer issues. The details shall be included in the Amended Master Development Agreement.

Planning

6. ARCHITECTURAL DESIGNS/EXAMPLES. Specific pictures/renderings of buildings and architecture must be submitted as guidelines for development of different areas of the project. These designs shall be reviewed by the City Council and included as exhibits to the Amended Master Development Agreement.
 7. COMMUNITY IMPROVEMENTS. \$208,400 must be included in the project as community improvements/amenities. The use of these funds must be designated in the Development Agreement.
 8. BONUS DENSITY. The applicant must specify how they will meet the bonus density requirements.
 9. HOA. Specific documentation for a strong Home Owner's Association must be included in the Amended Master Development Agreement.
 10. SLOPES. Building/construction on slopes in excess of twenty-five (25%) percent is not permitted.
 11. PARKS/OPEN SPACE PLANS. The park and open space plans that were submitted with the original Master Development Agreement must be included with the Amended Master Development Agreement as exhibits and should be substantially met in the actual design/construction.
 12. EXTERNAL COMPATIBILITY. 20-foot setback to be added along the southern boundary. This 20-foot building setback is to include a 10-foot landscaped corridor on the applicant's plans and plats – to be one-half of a 20-foot corridor to be cooperatively planned with SITLA, which will provide both the other 10-foot landscaped portion of the corridor and the trail.
 13. PETROGLYPHS. The petroglyphs shall be protected and preserved.
 14. INTERNAL COMPATIBILITY. P9 to P11 (original plan, now areas PA-11, PA-9a, and PA-11B) compatibility to be resolved to Planning Staff's approval.
14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 15.25 of the Eagle Mountain City Municipal Code.

This item was presented by City Attorney Jeremy Cook. The proposed ordinance amends Chapter 15.25 of the Eagle Mountain City Municipal Code adding a permit requirement for earth products processing and storage.

The City allows developers to use material excavated on-site. There has never been a permit process. This permit formalizes the procedure and allows the City greater control over how developers use the excavated material.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah amending Chapter 15.25 of the Eagle Mountain City Municipal Code Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

15. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Adopting the Pony Express Memorial Cemetery Rules and Regulations.

This item was presented by Recreation Director Brad Hickman. The proposed resolution adopts Rules and Regulations for the Pony Express Memorial Cemetery.

Mr. Hickman stated that the proposed rules and regulations represented the best practices City employees found while studying the rules and regulations governing other city cemeteries.

Councilmember Westmoreland said we was very impressed with how quickly and efficiently City staff and the Cemetery Board put this project together.

Ms. Kofoed stated that the City plans to obtain cemetery management software to record all burial records.

MOTION: *Councilmember Steinkopf moved to adopt a resolution of Eagle Mountain City, Utah, adopting the cemetery rules and regulations. 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.*

16. AGREEMENT – Consideration of an Interlocal Cooperation Agreement with the Utah County Sheriff's Office for Law Enforcement Services.

This item was presented by City Attorney Jeremy Cook. The City has been receiving law enforcement services from the Utah County Sheriff's Office under a 2008 contract which expired on June 30, 2014. The City and the County have adjusted the terms of the 2008 contract to add an additional deputy.

Councilmember Bradley felt that Eagle Mountain is a very safe community and commended Lt. McDowell for doing an excellent job with a staff that hasn't increased in seven years. He attended the memorial service for Sgt. Wride and was impressed with the sense of community among law enforcement professionals.

MOTION: *Councilmember Bradley moved to approve an Interlocal Cooperation Agreement with the Utah County Sheriff's Office for law enforcement services. Councilmember Steinkopf 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 said that the Youth City Council will hold a meeting on Thursday at 4:30 p.m. to provide information on the upcoming Youth City Council election. She encouraged youth to get involved with the Council.

Councilmember Ireland

No comment.

Councilmember Westmoreland

No comment.

Councilmember Bradley

Councilmember Bradley expressed appreciation for community involvement. As liaison to the Planning Commission, he appreciated their service to the community.

Mayor Pengra

Mayor Pengra noted that the Youth City Council election will be held on August 12. For the benefit of members of the public who didn't attend Work Session, he invited Asst. City Administrator Paul Jerome to briefly recap the analysis of Pony Express Days presented by Mr. Mortensen at Work Session.

MOTION: *Councilmember Burnham moved to adjourn the meeting at 7:43 p.m. Councilmember Ireland 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 AUGUST 5, 2014.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 5, 2014

Work Session 5:00 p.m. Policy Session 7:00 p.m.

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

5:00 P.M. WORK SESSION – COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Adam Bradley, Donna Burnham and Richard Steinkopf. Tom Westmoreland participated by telephone starting at 6:05 p.m. Ryan Ireland was excused.

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

Mayor Pengra called the meeting to order at 5:07 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 and do not require action by the City Council.

- A. **Update from Rodeo Committee**

Jared Gray, President of the Rodeo Committee, reported that the lease agreement for the rodeo grounds has been signed. The committee met with the stock contractor last weekend. Temporary bleachers will be provided by the vendor for the rodeo, with the permanent bleachers to be constructed after the event. Tickets will go on sale in the next couple of days. The rodeo dates will be Sept 18-20.

The committee has collected \$10,000 in sponsorships and has received commitments for an additional \$25,000. The committee will need a minimum of \$30,000 to produce the event.

- B. **Update on Energy Sale and Use Tax**

Item 1B was postponed until a future meeting.

Mr. Pili noted that the City published a Request for Bids for the Hidden Canyon Park sod and irrigation projects. No bids were received, so the Parks Dept. will do the work in-house. Some of their other projects will need to be delayed while they lay sod and install the irrigation system.

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

13. Porter's Crossing Town Center

Trevor Hull, representing the developers, asked what questions the Mayor and Council had for him.

Mayor Pengra asked what plans are in place to prevent flooding in the event of a serious rainstorm. Mr. Hull responded that the developer had done a storm drain analysis of the entire area. The Tickville Wash is the main route for water. The developers plan to add a pipe through the commercial area and add a box culvert and riprap. In the residential area there will be an 18-inch pipe leading to the border of Saratoga Springs adjacent to this project. A detention pond will be constructed that will be sized to handle all the areas that drain into it through a 24-inch pipe.

Councilmember Steinkopf mentioned the extreme amount of water that went into Tickville Wash during the storm event last week. He was concerned that the pipes Mr. Hull talked about would clog with debris. Mr. Hull explained that there will be a large box culvert in addition to the pipes.

Councilmember Burnham asked what the developer planned for the improved open space. Mr. Hull said that there will be exercise equipment along the trails and pocket parks throughout the trail system. Children are already practicing and playing soccer in the detention pond, which will rarely fill with water. It is sized never to fill entirely. The developers would like to have a community recreation center rather than several small clubhouses.

Councilmember Bradley liked the trail system with the fitness sites. He was concerned about the shape and location of the triangular park in Area 8. He also asked whether the large road through the center of the plan was really going to go all the way through. Mr. Hull said the road as it is sized is a capital improvement, so the developers may ask for some reimbursement from the City.

Councilmember Bradley asked whether the development will have homeowners' associations. Mr. Hull said he would prefer not to have them. He would rather dedicate open space to the City and have City employees maintain it, although he understands that would be an additional burden on the employees. City Attorney Jeremy Cook stated that the decision can be addressed in the master development agreement. He would prefer to leave it flexible. Mr. Hull pointed out that if the development includes clubhouses and/or pools, those amenities will have to be maintained by HOAs. Area 10 is in The Ranches HOA area, so it will have to be included in that HOA.

Councilmember Westmoreland was able to join the meeting at 6:05 p.m., after some telephone connection problems were solved.

Councilmember Westmoreland asked if about 50 of the townhome units in Area 3 could be changed to single-family, detached cluster homes to improve the diversity in Area 3.

Mayor Pengra asked if the trails through the power line corridor were permitted by Kern River, the owner of the property. Steve Olsen of the Energy Dept. said that they are allowed, with some restrictions.

16. DIGIS Wireless Service Tower Site Lease

The Planning Commission approved a Conditional Use Permit for this tower. It will be located behind the water tank on the foothill above the east end of Eagle Mountain Blvd. It will be 12.5 feet tall, which will be minimally visible from residential areas.

Councilmember Burnham asked if the lease payments could be used to fund landscaping in the City Center area, since the tower is located in City Center.

Sarah Nunn, representing DIGIS, answered a Council question on fencing for the site. She said the company prefers not to have a fence enclosing their equipment, since it would shade the solar

panels that power the system. At other sites, fencing seems to draw more vandalism than happens at sites without fencing. If power ever becomes available to the site, DIGIS would be able to remove both the solar panels and the equipment shed. They can paint the equipment in camouflage colors if the City wants them to. They also find that posting a “high voltage” sign keeps vandals away.

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

No Closed Executive Session was held.

The meeting was adjourned at 6:26 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

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

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; Dave Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Linda Peterson, Public Information 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 7:09 p.m.

5. PLEDGE OF ALLEGIANCE

Luke Pannell led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **City Survey** - Eagle Mountain City would love to get your feedback on City government and services. A survey for residents is available through August 15 on the City website, News section. After completing the survey there is a link to enter a drawing for a \$50 utility bill credit. Three credits will be awarded through a random drawing. Winners will be contacted.
- **UDOT Road Project Updates** –Regular project updates for UDOT’s extension of Pioneer Crossing to Cory B. Wride Memorial Hwy (SR 73) and the Redwood and Bangerter interchange project will be posted on the City website, News section and shared via Twitter, Facebook, and email.
- **Mobile App** – The City has cancelled its contract for the mobile app due to unresolved issues with the function of the app and the small number of users. Those who have downloaded the app should uninstall it, as the City will no longer be updating it.

- **Movie in the Park** – The City will hold another free Movie in the Park event on Friday, August 15 at SilverLake Amphitheater. The movie will be “Little Giants” and will start at 9:15 p.m. Candy concessions and food trucks will be on site. Residents are welcome to bring their own food in to picnic. Games for the kids will be offered before show time.

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

Wendy Lojik stated that she has been working on several community projects. Because the dirt road near the rodeo grounds has historical significance, she and some other residents are finding ways to preserve the history of the road. It has three types of historical significance: it’s part of the Pony Express Trail, part of Johnson Army Road (associated with Camp Floyd) and part of the stagecoach route to the West.

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

Councilmember Steinkopf

Councilmember Steinkopf asked residents to drive carefully as students return to school.

Councilmember Burnham

Councilmember Burnham said that the traffic circle and triangle leading to her subdivision are in bad shape and asked that they be improved before all the vegetation dies. She asked for a status report on the trail leading to Vista Heights Middle School. City Engineer Chris Trusty stated that it’s making progress, but it’s behind schedule. It’s been combined with a road widening project, which has slowed the process. Councilmember Burnham said her concern was that Alpine School District will not allow any children to ride a bus unless they have a bus card. She was worried about the children who will need to walk to school. She also said the traffic light at Westlake High School hasn’t been started. Mr. Trusty responded that the trail, road widening and traffic light are all part of the same contract.

Councilmember Bradley

Councilmember Bradley thanked those who helped with filling sandbags during the recent rain storms. He suggested that City employees return to a five-day work week, rather than 4 ten-hour days staggered over a five-day week. He felt that too few employees work on Fridays. He would like the City to consider a “dark sky” ordinance, which was recently discussed in a City Council meeting.

Councilmember Westmoreland

Councilmember Westmoreland apologized for not being at the meeting in person, but was happy he could participate by phone.

Mayor Pengra

Mayor Pengra said that the purpose of a dark sky ordinance is to limit the light output from lighting fixtures to reduce light pollution. It is being worked on by City staff. Regarding a five-day work week, Mayor Pengra has discussed this with City Administration. It may be approved in the future; however, there are specific reasons for having employees work four ten-hour days. Regarding the recent, tragic accidents on Wride Highway, he encouraged everyone to slow down, drive the speed limit, don’t text and drive or drink and drive.

CONSENT AGENDA

9. MINUTES

- A. July 15, 2014 – Regular City Council Meeting

10. BOND RELEASE – Into Warranty

- A. Sunset Ridge, Plat A-1
- B. Evans Ranch, Plat B-1

11. BOND RELEASE – Out of Warranty

- A. Valley View Ranch North, Plats A-1, A-2 & A-3

12. SITE PLANS

- A. Porter's Crossing Town Center Church
- B. Evans Ranch Church

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

SCHEDULED ITEMS

PUBLIC HEARING

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the General Plan and Porter's Crossing Town Center Master Development Plan.

This item was presented by Planning Director Steve Mumford. The proposed amendment to the General Plan rezones 31.09 acres within the Porter's Crossing Master Development Plan from 'Mixed Use Commercial' to 'Mixed Use Residential.' The amendment to the Porter's Crossing Town Center Master Development Plan removes 39.9 acres of commercial space, reduces the gross open space by 6.94 acres, and increases the total residential units from 443 to 766, by replacing commercial acreage with residential. The proposal includes the introduction of new residential designations ranging from single to multi-family dwelling units. Mr. Mumford noted that high-density residential areas are appropriate uses adjacent to commercial areas.

Some of the concerns identified by staff include the park space that is poorly shaped and not centrally located, just because the land isn't buildable. Each of the three residential areas should have its own clubhouse, pool and park. Area 5 has many lots whose frontages are less than the required 55'. Area 3 needs more diversity in its home types.

Mayor Pengra opened the public hearing at 7:33 p.m. As there were no comments, he closed the hearing.

Councilmember Steinkopf asked for details on the fitness stations along the trails. Mr. Hull explained that they will include various fitness equipment, such as inclined benches, pull-up bars and stairs. The nearest similar project is in the lineal park along the Mountainview Corridor in Herriman. Mr. Hull said he would welcome input from the Council on what equipment should be located at the fitness stations.

Councilmember Bradley agreed with the Planning Commission recommendations. In addition, he was concerned about the size, shape and location of the park. He asked Mr. Hull if a soccer or football field would fit in it. Mr. Hull said that they would fit in the park, but the park is more suited to a playground and softball fields. Football and soccer would fit better in Area 9.

Councilmember Westmoreland asked whether Porter's Crossing is wide enough to accommodate the commercial and church traffic and the parking that will come with this master development plan. Mr. Trusty, City Engineer, said the street will accommodate what is being planned.

Mayor Pengra asked Mr. Hull if the original land use plan was a guess as to what the community needed. Mr. Hull said it was. The plan was changed as more information became available. Mayor Pengra asked how the developers came up with the ratio of commercial to residential property. Mr. Hull said that Saratoga Springs' new commercial properties and the Evans Ranch commercial properties are directed at the same customers as the original commercial plans for Porter's Crossing Town Center. The developers decided they needed to delay the project until after Ridley's was open.

Councilmember Westmoreland asked to clarify that what is being voted on is the rezoning, not the details of the development. Mayor Pengra said that was correct.

MOTION: *Councilmember Steinkopf moved to adopt an ordinance of Eagle Mountain City, Utah amending the General Plan and Porter's Crossing Town Center master development plan, with the conditions recommended by the Planning Commission. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The Planning Commission recommendations were as follows:

1. A detailed parks/landscaping plan must be returned to the Planning Commission for a recommendation prior to approval of the master development agreement by the City Council. This plan must include the proposed amenities, trails, trees, and equipment required to meet the point values found in *Table 16.35.130(c) Pocket and Neighborhood Park Elements*.
2. The Master Development Agreement must include language requiring that Area 3 provides a variety of housing products.
3. The cul-de-sac and stub road in Area 5 must be reviewed for approval by the Fire Marshal.
4. Area 5 lots must be revised to reflect the 55-ft minimum frontage standard.
5. The hash-marked space in Area 5 must remain reserved for future community uses approved by the City.
6. The bonus density requirements must be detailed in the master development agreement.
7. The traffic study requirements must be met and detailed in the master development agreement.
8. The wash must either be piped or a 100-foot buffer from the top of the bank must be shown on the plans.
9. This approval is contingent upon a General Plan amendment being approved to allow for these land uses.

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Repealing Chapter 3.35 of the Eagle Mountain Municipal Code for the Sale of a City-Owned Utility.

This item was presented by City Attorney Jeremy Cook. Chapter 3.35 of the Eagle Mountain Municipal Code, requiring a referendum election, is being repealed as it does not comply with state law for the sale of a municipal gas or electric utility.

Mayor Pengra stated that the sale of the electric and gas utilities will significantly change the course of the City. State Code now requires the sale of an electric utility to go to a ballot. State Code doesn't require that for a gas utility. However, the sale of Eagle Mountain's gas utility is completely dependent on the sale of the electric utility. This ballot proposition does not take any tools out of residents' hands. By law, residents could initiate a referendum if they were not satisfied with the outcome of the election.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah repealing Chapter 3.35 of the Eagle Mountain Municipal Code for the sale of a City-owned utility. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

15. AGREEMENT – Consideration of a Purchase Agreement with Cate Rental and Sales, LLC, for an Asphalt Paver and Roller.

This item was presented by Public Works Director Dave Norman. City staff submitted a Request for Bids for an asphalt paver and roller that would allow the Streets Department to do in-house road pavement projects and repairs. Cate Rental and Sales, LLC, was the sole bidder. Mr. Norman explained that the equipment has been in use since June on a rental basis. The rent paid will be credited towards the purchase price. The Streets Dept. has paved over 32,000 square feet of roads in the last month. Last year, City employees paved 55,000 square feet, using rental equipment, during the whole year.

MOTION: *Councilmember Steinkopf moved to approve a purchase agreement with Cate Rental and Sales, LLC, for an asphalt paver and roller in the amount of \$230,160. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration of a Lease Agreement with DIGIS, LLC, for a Wireless Internet Service Site on City-Owned Property.

This item was presented by Planning Director Steve Mumford. The Planning Commission approved a Conditional Use Permit for a wireless internet service site on City-owned property east of the end of Eagle Mountain Blvd. behind the City water tank. The site is 656 sq. ft. and will include a 12.5' tall tower with an equipment shed and a solar array.

Mr. Cook stated that the last sentence of section 5.2(5) should specify that the City won't allow any other tower built in the City to use those frequencies. In addition, the legal description will be added to the agreement

MOTION: *Councilmember Burnham moved to approve a lease agreement with DIGIS, LLC, for a wireless internet service site on City-owned property, with the following changes: striking paragraph 3.2; in section 5.2(5), after the word "lease," adding the words "for this property"; and in section 1.1, adding the actual legal description*

of the property. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, 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 reported that the Rodeo Committee is moving forward. They have sponsorships, bleachers scheduled to arrive in early September, and tickets going on sale tomorrow. The Youth City Council election will be held on August 12.

Councilmember Bradley

No comment.

Councilmember Westmoreland

No comment.

Mayor Pengra

Mayor Pengra explained that at the August 19 City Council meeting, the Council will most likely award a bid to one of the two electric providers interested in purchasing the City's electric utility, assuming both of them submit bids.

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.

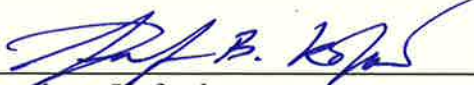
19. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

20. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn the meeting at 8:11 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON AUGUST 19, 2014.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 19, 2014

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 – 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; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Aaron Sanborn, Financial Analyst; James Allred, Management Intern; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 5:07 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 and do not require action by the City Council.

- A. Presentations by Bidders for Eagle Mountain City's Electric Distribution System

Rocky Mountain Power

Mayor Pengra announced that each bidder would have 30 minutes to make its presentation. He flipped a coin to decide who presented first, and Rocky Mountain Power won the toss.

Lucky Morse, Director of Customer and Community Relations for Rocky Mountain Power (RMP), introduced Kathy Hoffman, Community Manager; Paul Murphy, Communications; Megan McKay, Legal; and Brad Shafer, Government Relations. He gave a brief history of the company and described its facilities and other resources available for customer service, power generation, renewable energy, environmental protection and emergency response.

Mr. Morse explained that RMP is offering to purchase Eagle Mountain's power system for \$21.6M, consisting of \$20M for the assets of the power system; \$500,000 for the fleet, inventory and equipment; fair market price for the Public Works Building, at a minimum of \$500K; and \$600K towards system upgrades at the interconnection point with RMP's transmission system. The building referred to is the older Public Works Building, not the newer Energy Building.

The offer will enable the City to completely retire its bonds if it chooses to do so.

Mr. Morse stated that the bid includes job offers to all Energy Department employees, at or above their current total compensation packages. The purchase of the Public Works Building would enable all current Energy Department employees to continue to work in Eagle Mountain City. Those who wish to work in other areas will have that option. Employees would be given all the training they need to integrate into employment with RMP.

Rocky Mountain Power would cooperate with the City to identify ways to enable RMP to work with the City's current contracts with UAMPS and UMPA. The company plans to be involved in Eagle Mountain's economic development. Its commercial and industrial power rates will attract new businesses. There are also line extension allowances.

RMP's rates are among the lowest in the state. They don't expect the need to build any additional generation facilities in the next ten years, which will help keep the rates stable. The rates are scrutinized by the Public Service Commission.

RMP has a strong focus on customer satisfaction, with two 24-hour call centers, one in Portland and one in West Valley City. The system has a 99.7% system reliability rate.

The company would extend its customer energy efficiency programs to City residents. The Cool Keeper program provides a cash incentive to control cooling costs. The refrigerator program pays customers to allow RMP to pick up old refrigerators if they are willing to buy newer, more energy-efficient refrigerators.

Councilmember Westmoreland asked if Rocky Mountain Power was prepared to indemnify the City against the various energy contracts it is currently party to. Mr. Morse responded that while RMP hasn't had time to review the details of the contracts, being able to manage them is a prerequisite to exercising the bid.

Councilmember Westmoreland asked what RMP's position is on the Horse Butte wind farm. Mr. Morse said that the contract will have to be dealt with to make the deal work. He wasn't sure if RMP could assume the agreement.

City Attorney Jeremy Cook said not all of the agreements can be dealt with by RMP until the bid is awarded.

Councilmember Ireland asked what role the City Council would play if the contract were approved today. Mr. Cook stated that all the issues will have to be dealt with in formal agreements, which would be brought to the Council for approval. Neither party will be obligated until a formal agreement was signed by both parties.

All of the major terms of the agreement should be resolved prior to the election. In addition, a gas system purchase with Questar should be finalized before the election. The anticipated closing date is January 1, although there is some flexibility in that date.

Councilmember Ireland asked Mr. Morse to describe another case in which RMP has taken over a municipal power system, and what issues it presented to RMP and the city. Mr. Morse said the company hadn't done that during his time with the RMP, but the company does transactions regularly. All of them involve determining the needs of the other party and finding creative ways to make sure those needs are met.

Councilmember Ireland asked if Mr. Morse had any examples of cities that bought Rocky Mountain Power facilities. Mr. Morse said that there was a recent example of that. It took approximately 3 to 4 years to come up with ways to be sure the customers were protected and make sure that each utility's needs were met.

Rocky Mountain Power's parent company purchased NV Energy in Nevada, which took approximately six to nine months.

Councilmember Burnham asked about line extension allowances. Since much of the City is not built out, it will be expensive in extending lines to newer areas. She wanted to know how RMP would interact with large power users that wished to locate in Eagle Mountain and what role they would expect the City to play. Mr. Morse stated that RMP works with those situations regularly. They work with state and local economic development organizations, providing answers on power costs and load service. Large customers receive line allowances calculated on 16 months of expected revenue, which can offset all or part of the service cost.

Councilmember Steinkopf asked how fast Rocky Mountain Power could put Eagle Mountain customers back online in the event of a widespread power outage affecting both the City and areas of Salt Lake. Mr. Morse said RMP is experienced with major events. There will be a crew located in Eagle Mountain. If the crew in Eagle Mountain is overwhelmed, other crews will be brought in to support them.

Councilmember Bradley asked if the \$21.6M was intended to pay off the City's Horse Butte obligation. Mr. Morse said that Horse Butte will be a separate issue. Councilmember Bradley asked what percentage of its power Rocky Mountain Power generates itself. Mr. Morse said that they purchase some power to keep costs down.

Councilmember Bradley said he looked at the 2013 J.D. Power rankings for large-power, Western region companies, and RMP is just slightly about average. Mr. Morse said that RMP doesn't participate in the J.D. Power studies. They participate in the MSI Market Strategies Satisfaction Survey, which provides more complete information to improve service.

Councilmember Bradley stated that one of the concerns about selling the system to another entity is lack of local control. Mr. Morse responded that the Regional Advisory Board is comprised of customers throughout the service area. RMP gets their feedback to let them know what customers want. The President of the company is the Chair and several senior executives are on the board, as well. It meets three times a year.

Councilmember Bradley was concerned about how Rocky Mountain Power will give the City input on growth of the power system. RMP has a Community Manager assigned to each city. There is an annual meeting with each city to develop a community performance plan. The Community Manager meets with the city regularly during the year.

Councilmember Bradley asked Mayor Pengra if a rate has been determined that City government would pay for power. Assistant City Administrator/Finance Director Paul Jerome stated that the Finance Department calculated that the fiscal year 2015 General Fund power budget is \$23,400. Calculated rates for City departments are as follows:

General Fund facilities:

RMP--\$23,000

SESD--\$16,627

Water Fund facilities:

RMP--just over \$500,000

SESD--\$580,000

Wastewater Fund facilities:

RMP--\$31,000

SESD--\$33,000

Councilmember Bradley asked Mr. Morse why Rocky Mountain Power didn't become the City's power provider when the City was founded. Mr. Morse said that RMP gave the City a price for providing power, and the City administration at the time felt the City could provide its own power for a lower price.

Councilmember Bradley asked about the local control franchise agreement mentioned in the bid document. Mr. Cook stated that Rocky Mountain Power would enter into a franchise agreement with the City to set forth the terms under which they will operate in the City. Most of the facilities are located in public rights-of-way. The agreement will specify how RMP will enter and work in those rights-of-way. Prices and franchise fees are set at a statutory maximum of 6%, so most franchise agreements default to that.

Councilmember Bradley asked how much money Rocky Mountain Power spends on lobbying the State Legislature. Mr. Morse didn't know.

Councilmember Burnham stated that residents had asked her several questions about how the change would affect them. One asked if RMP has an equal payment plan and how it would match up to the City's plan. Mr. Morse said he would ask the billing department if Eagle Mountain customers could be rolled over into Rocky Mountain's plan.

Councilmember Burnham asked if Eagle Mountain residents will have to pay deposits on their accounts. Mr. Morse answered that he believed that all accounts in good standing would be transferred to RMP without paying a deposit. In answer to a question about whether RMP has a military discount, Mr. Morse said that RMP's rates are set statewide and don't allow for a military discount. RMP does have programs that help customers who are struggling to pay their bills.

Councilmember Burnham asked what would happen to customers who are on the equal pay plan and have a deficit at the end of the year. Mr. Jerome responded that the equal payment plan will probably not extend past the end of the year. Potentially, the deficits could be attached to the sewer and gas accounts, which will remain with the City.

Councilmember Westmoreland asked where the closest power generation plant is. Mr. Morse said there's a 600 megawatt station at the old Geneva property in Vineyard. Eagle Mountain's power needs over the next ten years are expected to be absorbed into RMP's current capacity.

Mayor Pengra asked what RMP's plan is to meet the EPA's new clean air standards. Mr. Morse stated that RMP has been upgrading its coal-fired plants for several years to meet higher standards. There is one coal-fired plant in Carbon County that can't be adequately upgraded, so it will be closed.

Mayor Pengra stated that with the new 2.5 particulate standard, there is no commercially available solution for CO2 sequestration and capture. Mr. Morse responded that RMP has been working to meet State and Federal requirements. He believed that the company will be able to meet them.

Councilmember Bradley stated that RMP has never purchased a municipal power system. Mr. Morse clarified that the company has done so, but not during the time he's been with the company.

SESD

Blair Hamilton, Chairman of the South Utah Valley Electric Service District (SESD) Board, introduced his team: Director of Finance Mark Holdaway; Electric Utility Planner Ryan Bagley, Office Manager Jennifer Nelson, two board members and SESD's legal counsel.

Mr. Hamilton described the history and current organization of SESD. He stated that if SESD is selected, it will build a new facility with input from Eagle Mountain City government. City employees would be employed by SESD at the same pay scale as they have with the City. SESD also has an accredited safety program.

Steve Lauritzen, SESD Trustee and Mayor of Woodland Hills, commended the City for considering the proper role of government in deciding whether to sell the power system.

Mayor Lauritzen noted that, since SESD is a public power entity like Eagle Mountain's, it provides power at cost to customers, with no need to satisfy shareholders. The entire Board is made up of local government officials. He said that he often takes developers who are new to the city to SESD to work out development issues.

Mayor Lauritzen said that SESD participates in city celebrations and answers questions from customers while they're at the events.

Nelson Abbott, SESD Trustee and Elk Ridge City Councilman, related an experience Elk Ridge had with SESD. In planning a new water tank, a mistake was made in the plans. SESD worked with Elk Ridge to solve the problem in a way that allowed them to begin building the tank before all the financial details were worked out.

Mr. Abbott said that an elected official of Eagle Mountain will be appointed to the Board of SESD. Every Board meeting is advertised and customers are invited to get on the agenda and discuss their concerns. SESD works with those who develop 500 lots and those who develop two lots.

Mr. Abbott said that service and maintenance will be provided by experienced employees who are familiar with Eagle Mountain. Eagle Mountain employees will be brought into the system with equivalent pay and benefits, including retaining their retirement accounts in the Utah Retirement System, because SESD is a Utah Special Service District.

Mr. Hamilton said SESD felt obligated to assume the \$8 million bonds for the Horse Butte wind power farm. SESD is a member of UAMPS, which assured Mr. Hamilton that SESD will be able to do that. Mr. Hamilton has spoken to UMPA and they are considering whether SESD can assume Eagle Mountain's agreement with UMPA.

Mr. Hamilton stated that SESD is not subject to Public Service Commission regulations, so it is free to adjust rates for unique situations, such as the high pumping costs of the Eagle Mountain power system.

Mr. Hamilton said that during his tenure with SESD, there has never been a disagreement within SESD on how funds should be administered. The annual budget is always available for public inspection.

Councilmember Westmoreland noted that SESD is divided into seven districts. Mr. Hamilton said that Eagle Mountain will be an eighth district and, under the law, SESD is allowed to expand to nine districts and could go to the Legislature to increase that. Councilmember Westmoreland asked why Eagle Mountain wouldn't constitute more than one or two districts, since it will comprise about half the customers of SESD. Mr. Hamilton said that SESD would consider that.

Mr. Hamilton stated that SESD buys power from several sources: Strawberry Water Users' Association water power, wind power, a coal-fired plant, a gas-fired plant in Payson, and assurance from UAMPS guaranteeing that they can meet any need of SESD through 2021. SESD is negotiating to purchase other blocks of hydropower.

Councilmember Burnham was concerned about SESD's small size. She didn't know whether SESD could supply adequate power for a large company that wanted to locate in Eagle Mountain. Mr. Hamilton said that SESD has power resources available from UAMPS and financial resources available from their bonding sources. They view Eagle Mountain as an opportunity for expanding their customer base which fits in well with their plans for expanding their power resources.

Councilmember Burnham asked if SESD has an equal pay plan, if Eagle Mountain customers would have to pay a deposit, and if there is a military discount. Mr. Hamilton responded that customers can pay in any form—cash, credit or check. He stated that all new customers pay a deposit, in order to provide current customers with the greatest possible control over incoming funds. He asked Ms. Nelson what SESD's delinquency rate is. She told him it is under 3%. There is a military discount and SESD helps support a scholarship fund for high school students in memory of a young man from Elk Ridge.

Councilmember Bradley thanked Mr. Hamilton for bringing members of SESD's Board of Trustees. He asked Mr. Hamilton for SESD's strategy for handling a sudden doubling of its customer base. Mr. Hamilton responded that SESD has the same number of employees as Eagle Mountain servicing half as many customers. Because SESD is so spread out, it already services 400-500 miles of line, as well as underground line.

Councilmember Bradley commented that SESD's bid is much lower than Rocky Mountain Power's bid. Mr. Hamilton pointed out that SESD's bid is equivalent to RMP's when SESD's assumption of the City's Horse Butte obligations is taken into account.

Councilmember Bradley appreciated SESD's presentation on local control. That was an important concern for him.

Councilmember Ireland asked Mr. Hamilton what the last municipality was that joined SESD. Mr. Hamilton stated that Payson has been in talks with SESD for two years. They have an agreement to build a shared substation and a 46 kV line. SESD built a new substation near Salem and sold half of it to Salem. Later, SESD built another shared substation in cooperation with Salem.

Mayor Pengra expressed appreciation to both bidders for spending time discussing their bids with the Council.

2. 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.

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

The meeting was adjourned at 6:06 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; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sheriff's Deputy.

3. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:12 p.m.

4. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

5. INFORMATION ITEMS/UPCOMING EVENTS

- **UDOT Road Project Updates** – Regular project updates for UDOT's extension of Pioneer Crossing to Cory B. Wride Memorial Highway (SR 73) and the Redwood and Bangerter interchange project will be posted on the City website, News section and shared via Twitter, Facebook, and email.
- **Mobile App** – The City has cancelled its contract for the Eagle Mountain City mobile app due to unresolved issues with the function of the app and the small number of users. Those who have downloaded the app should uninstall it, as the City will no longer be updating it.
- **Road Work** – Thanks to everyone for their patience as road projects are being completed. The chip seal project on Pony Express Parkway from Eagle Mountain Blvd. to Sandpiper Road is scheduled to be finalized on Saturday, August 23 to Sunday, August 24. Check the City website, News section for info.
- **Eagle Mountain Business Forum** – The EM Business Forum will be held on Thursday, August 21 from 6:30 to 8:00 p.m. at the Thunder Lounge in Ridley's Market. The topic will be business websites and Facebook pages.

- **Seniors' Mini Health Fair** – A free mini health fair will be offered for Seniors (ages 55+) in the City Council Chambers on Monday, August 25 at 5:00 p.m.
- **City Offices Closed** – The City offices and Library will be closed on Monday, September 1 for the Labor Day holiday. The Library will also be closed on Saturday, August 30.

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

Luke Pannell appreciated the sandbags placed in the City during the recent storm event. He asked City Administration to remember that there are flooding problems in White Hills, as well. He would also like to have Stage Coach Road repaired or repaved.

Mayor Pengra responded that the City already has plans to improve Stage Coach Road. The City needs to be contacted when flooding occurs so employees can respond to the problem.

Bruno Hunziker said he's the custodian at Mountain Trails Elementary School. He takes a lot of pride in keeping the school's grounds in excellent condition. The sidewalks leading to the school are full of tall weeds that hide the small children from oncoming traffic. He asked the City to send someone to cut the weeds down.

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

Councilmember Steinkopf

Councilmember Steinkopf noted that the City's first traffic light, at the intersection of Ranches and Pony Express Parkways, is operational now.

Councilmember Burnham

Councilmember Burnham thanked everyone who attended the meeting, as well as those who will be watching the video later and those who have sent in questions. She's impressed with how many people have taken the time to read the bid documents for the electric system sale and ask good questions.

Councilmember Ireland

Councilmember Ireland appreciated those who attended the meeting tonight. He encouraged them to listen to the bid presentations, take some notes and ask questions during the public hearing.

Councilmember Westmoreland

Councilmember Westmoreland thanked the attendees, as well. The decision being made tonight will affect the City far into the future. He reminded everyone to slow down and be alert when driving through the intersection with the traffic signal.

Councilmember Bradley

Councilmember Bradley thanked residents for their involvement. He has spoken to the Mayor and the other Councilmembers about changing Policy Session to help residents to be more active in participating. He said the electric sale decision is significant, and staff and elected officials have considered it long and carefully.

Mayor Pengra

Mayor Pengra said that City staff has put a tremendous amount of time into consideration of the electric system bids. The final decision as to whether or not to sell the power system will be turned over to the residents at the November election. He said that his intent in the beginning of the process was to answer every question about the issue. He underestimated how much time the process would take, especially when the time frame was condensed. He apologized to those who've sent emails to him. He will respond as soon as he can.

CONSENT AGENDA

8. MINUTES

A. August 5, 2014 – Regular City Council Meeting

9. FINAL PAYMENT

A. Eagle Mountain Cemetery Roadway and Waterline Project – Kenny Seng

MOTION:

Councilmember Burnham moved to approve the Consent Agenda. 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

10. AGREEMENT – Consideration of a Bid for Eagle Mountain City's Electric Distribution System and Related Equipment and Facilities.

On July 30, 2014, the City issued a Request for Bids to find a qualified buyer, partner, interlocal entity, or other arrangement related to the sale, lease or transfer of the City's right, title and interest in the City's electric system and transfer of service for the City's existing electric customers. The City Council will consider any and all bids submitted by qualified bidders.

Representatives of SESD and Rocky Mountain Power recapped the presentations they made in Work Session.

Mayor Pengra stated that the City's negotiations with SESD and RMP have been pleasant, honest and open, which the City has appreciated very much.

Mayor Pengra opened the public hearing at 8:25 p.m.

Angela Bratt said that she grew up in Orem and remembers when the RC Willey area was cherry orchards. She is excited for growth, but asked the Council to maintain the small town character of the community. She asked about the flyer mailed out by Rocky Mountain Power, which said customer rates will go down. The numbers on the flyer, compared to her current bill, didn't seem to support that.

Christina Martinez said the military utility discount is important to her family, both because of the financial help and because it shows support and respect for those who serve in the military. She asked that the discount be remembered in the decision on the power system sale.

Luke Pannell said he's a current Rocky Mountain Power customer. He asked how much of the City's utility bond debt will be paid off. He asked how SESD will go about transferring service from City residents who are already being serviced by Rocky Mountain Power. He also wanted to know why the City wants to sell its electric service system, and possibly switch from public to private power.

Isaac Brown asked why Rocky Mountain Power wants to provide service to Eagle Mountain City now, since they didn't want to do so when the City began. Rocky Mountain Power's presentation described their alternative energy program. He would like to hear about SESD's alternative energy program.

Kathy Bitter asked how the City would be added to the SESD Board: would it take over an existing seat or would it take over two seats because it will add so many customers to the system? She asked for a specific rate breakout from Rocky Mountain Power. RMP's tiered rates will affect her family. She wanted to know how the companies would deal with her solar panels.

Bruno Hunziker asked the Council to look carefully at whether SESD can handle the Pole Canyon development. He believes that Rocky Mountain Power can, because of its size.

Isaac Brown said he would like to see a service level agreement in place.

Ashley Lower asked if the City will post a rate calculator once the bid is awarded to one of the bidders. She also wanted to know if the purchaser will build underground power lines like those that are already required in Eagle Mountain or if new developments will have overhead lines.

Mayor Pengra closed the public hearing at 8:44 p.m.

Mayor Pengra stated that the City would negotiate an agreement with the successful bidder requiring them to meet City building code standards such as underground power lines. He also said that the \$26M in gas and electric bonds will be entirely paid off by a combination of proceeds from the sale and City fund balances. There will be cash left over. City staff will have to determine where that cash should be used.

Assistant City Administrator/Finance Director Paul Jerome showed a rate comparison chart. The average customer would save about \$109 with SESD and \$36.64 with RMP. Mr. Jerome clarified that the company figures were taken from their bids. The City figures were calculated by including every account in the City and accounting for every kilowatt-hour.

Councilmember Ireland asked if Mr. Jerome included commercial accounts. Mr. Jerome said that these numbers only used residential accounts, not commercial.

A resident stated that Rocky Mountain Power didn't list its actual rates in their bid, but an average. Mr. Jerome said he has specific figures. RMP used a blended average rate in the flyer it sent out.

Mayor Pengra, as a military veteran, offered his opinion on the active duty military discount. He emphasized that this is his personal opinion and hasn't been discussed with the Council. His belief is that many other residents of the City deal with serious needs: parents of children with disabilities, people with dependent parents, and others. He questioned whether it is the role of government to determine who gets that money. Utilities regulated by the Public Service Commission, such as Rocky Mountain Power, are prohibited from offering a rate benefit to anyone

that isn't offered to everyone. He would like to find a solution that doesn't suddenly take the military discount away, but perhaps phases it out.

Councilmember Ireland stated that if the bid is awarded to RMP and the public vote is favorable, the military discount program will automatically be eliminated. Mayor Pengra pointed out that the City Code requires the military discount. It would have to come from one of the remaining funds, none of which are financially able to support it.

Mayor Pengra invited SESD to explain how they would take over the transmission line to White Hills. Mark Holdaway, Finance Director, said that SESD expects to use \$1.6M in City impact fees to make whatever improvements are necessary to the system. SESD always plans ahead for system construction costs so that facilities aren't built through customer rates.

Mayor Pengra asked what incentives SESD offers in the way of net metering or alternative energy. Mr. Hamilton stated that SESD offers net metering. There has never been a customer who produced more total power than they used. Mr. Holdaway said that SESD uses meters that can measure energy sent back into the system very accurately. SESD reimburses customers for excess energy they produce.

Councilmember Westmoreland asked Mr. Hamilton to specify how many Board seats would be held by Eagle Mountain. Mr. Hamilton stated that SESD has two seats on the Board free and has discussed giving Eagle Mountain two seats. Trustees are not elected to the Board, they are appointed by their municipalities for four-year terms.

Mr. Hamilton noted that SESD is worth \$15M, so it's not as small as some people might think.

Councilmember Westmoreland asked whether Board representation has been based on population or geographical areas. Mr. Hamilton said that it's based on geographical areas.

Mayor Pengra answered a question asked earlier about why RMP wants to provide power to the City when they didn't at the City's beginning. He said that RMP presented a bid requested by the City at the time, and the City felt that they could provide power at a lower cost.

In response to the question asking why the City wants to sell the power system, Councilmember Burnham explained that the City is at a point where it will cost so much to build infrastructure in the near future, it will never be able to get out of the utility business. There's also a philosophical question about whether municipal government should be in the utility business. She emphasized that City employees do an excellent job providing utility service. In addition, when large companies consider locating in Eagle Mountain, they're concerned about whether a city system can deliver as much power as they need.

Mayor Pengra stated that questions arise, even if they're unfounded, about whether a political body can provide services without favoring one developer over another. Economic development is another concern for him. Eagle Mountain has so much land at such good prices that a large commercial operation could easily locate here, which would require large amounts of energy. The utility business also takes up a lot of administrative time and attention.

Councilmember Bradley wanted the public to hear the questions and answers covered in the Work Session. Mayor Pengra pointed out that Work Session was recorded this time and the public can watch it. In the interest of time, he would prefer that.

Councilmember Westmoreland said the appraisal of the power system was approximately \$5M more than RMP's offer. He asked Rocky Mountain Power to comment on that. Mr. Morse stated that RMP looked at the facilities they have and the information available to them, and chose an amount that reflected what Eagle Mountain's power system was worth to them. Councilmember Westmoreland asked whether RMP had seen the appraisal when they made their offer. Mr. Morse said they had seen it.

Mayor Pengra pointed out that the Horse Butte obligation needs to be retired. Its full value is \$8M, although it's not likely to be sold for full value. That's a cost in addition to the offer.

Councilmember Westmoreland said that on page 4, it says that if RMP becomes the electricity provider for Eagle Mountain, the company expects to bring \$100,000 annually in property taxes into the City. Mr. Morse answered that once RMP owns those assets, they expect to pay property tax on them.

Councilmember Westmoreland asked how long RMP expects to maintain its current rates before they request an increase. Mr. Morse replied that RMP has been in a rate case this year which has been settled, which will result in a 2% increase in September and another 1% the following September. They'll file another rate case in 2017.

Councilmember Bradley noted that RMP's rates have increased every year except one for the last 15 years, sometimes five to ten percent. Mr. Morse answered that RMP went through a growth period which required new facilities. They don't expect to build any new facilities in the near future.

Councilmember Ireland asked what assets in Eagle Mountain would create a \$100,000 property tax. Mr. Morse said he's including the Public Works Building, transmission lines, underground lines and service facilities.

Councilmember Burnham said there is a State law limiting electrical improvement districts from serving where retail electric service has been provided within five years before 1985. She asked if RMP had provided service in this area before 1985. She wondered if RMP would challenge SESD's right to provide service in Eagle Mountain. Jeff Richards, General Counsel and Vice President of Rocky Mountain Power, responded that RMP wouldn't challenge SESD if the City chose them. He believed the State law Councilmember Burnham cited meant that SESD would be required to get a certificate of public convenience and necessity through the Public Service Commission.

Allen Smith, attorney for SESD, stated that he's spoken to the City Attorney and believes the statute can be satisfied. He appreciated RMP's willingness not to challenge SESD in the event that the City Council awarded them the bid.

Mr. Cook said SESD would need to seek a certificate or another alternative to serve in this area, perhaps an interlocal agreement. It is possible that the Public Service Commission could deny SESD permission to serve Eagle Mountain. SESD's bid includes three options, with Option 1 being the preferred one.

Councilmember Ireland asked Mr. Pili to explain the next steps after the Council awards the bid. He said that if the bid were to go to SESD, it would have to go to the PSC and receive that

certificate, and/or enter into an interlocal agreement, which would be done as soon as possible after the election. If the bid is awarded to RMP, the next steps would be to resolve the Horse Butte and UMPA contracts. Both bids are contingent on working through these issues. If the City and the bidder can't work through these issues before the election, the ballot question will have to be placed on next year's election.

Councilmember Bradley asked what budget plans the City has for paying another entity for its power use. Mr. Pili explained that the budget was calculated to account for that.

Councilmember Bradley asked Rocky Mountain Power's plan for servicing the Pole Canyon master development plan. Mr. Morse stated that the line extension allowance would help the developer. Customer growth in a given area is worked into RMP's planning process.

Mr. Pili pointed out that the master development agreement holds the developer responsible, not the City.

A resident asked about net metering. Dave Taylor, Manager of Regulatory Affairs for RMP, explained that when residents use more power than they generate, the meter runs forward. When they generate more power than they need, the meter runs in reverse. If the customer generates more than they use all month, the credit rolls over to the next month. Each year in March, any excess credit remaining for the year is donated to low-income assistance programs, because net metering is designed to offset customer usage. If the customer wanted to produce income from power generation, they would have to qualify as a power-selling facility. The law encourages residents to size their power generation to their own needs.

Mr. Taylor explained the difference between Eagle Mountain and RMP rates. Eagle Mountain has a base rate to cover infrastructure, which is higher than RMP's. RMP's tiered rate makes the price of average usage slightly lower than Eagle Mountain's rate, and high usage slightly higher than Eagle Mountain's rate. RMP's tiered rate structure is designed to encourage energy efficiency. The rate structure is described in detail on RMP's website.

MOTION: *Councilmember Burnham moved to approve a bid from Rocky Mountain Power for the purchase of Eagle Mountain City's electric distribution system and related equipment and facilities. Councilmember Ireland seconded the motion.*

Councilmember Ireland asked City staff to work with RMP to come up with a purchase agreement that specifies all of the details of the purchase. He stated that the fact that two companies are bidding on Eagle Mountain's power facilities, and one (Questar) on the gas facilities, proves how well the City has done over the years. He expressed appreciation for that, and reminded residents that the City will still be in the utility business. Eagle Mountain will still provide water, sewer and trash service. All of the residents will still need to make a decision on the vote in November. He said there's a benefit in having a separation of duties. He liked having the gas and electric facilities entirely separated. He preferred private over public facilities where possible.

Councilmember Westmoreland asked if the Council needed to refer to Questar in this. Mr. Cook stated that the bid documents state that this agreement is dependent on making an agreement with Questar also.

Councilmember Ireland thanked Mr. Jerome and his staff for finding the answers to many finance-related questions today as fast as he asked them.

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

Mayor Pengra said that he agreed with the vote, which is a departure from his previous opinion. Previously, he preferred that the bid be awarded to SESD, because previous negotiations with RMP were not positive, transparent or open. Rocky Mountain Power has since changed his perception of that recently and Mayor Pengra hoped that that would continue and had confidence that it would. He appreciated SESD's openness and integrity from the beginning.

Councilmember Bradley thanked SESD and RMP for their participation in this process. It is a tribute to City staff and officials that they built two utilities worthy of purchase. He voted for RMP because he believed private power is the better way for Eagle Mountain's power to be provided. The fact that they produce most of their own power also influenced him. It's up to the voters now to make an informed decision.

11. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Submitting a Ballot Proposition to Eagle Mountain City Residents Regarding the Sale of the City's Electric Distribution System and Facilities.

In compliance with Utah Code Ann. § 10-7-15(1)(a)(ii), Eagle Mountain City intends to submit to the registered voters of Eagle Mountain City, the question of the sale of the City's electric system. The question will be presented to Eagle Mountain City registered voters as a ballot proposition on the November 4, 2014 regular general election.

MOTION: *Councilmember Westmoreland moved to adopt a Resolution of Eagle Mountain City, Utah, submitting a ballot proposition to Eagle Mountain City residents regarding the sale of the City's electric distribution system and facilities; the blanks to be filled in with "Rocky Mountain Power." 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.*

12. 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
No comment.

Councilmember Bradley
No comment.

Councilmember Westmoreland
No comment.

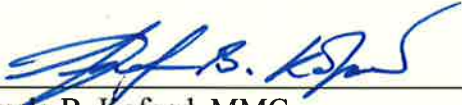
Mayor Pengra

No comment.

13. 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.
14. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
15. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 10:19 p.m. Councilmember Steinkopf 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 SEPTEMBER 2, 2014.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 2, 2014

Work Session 5:00 p.m. Policy Session 7:00 p.m.

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

5:00 P.M. WORK SESSION – COUNCIL CHAMBERS

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

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

Mayor Pengra called the meeting to order at 5:06 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 and do not require action by the City Council.

None.

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

16. Bleacher Purchase Agreement

Jim Smith, representing the Rodeo Committee, said the vendor that the City and the committee contracted with for the rodeo bleachers has not performed according to the agreement. Although the vendor says bleachers, possibly temporary ones, will be in Eagle Mountain in time for the rodeo, the committee doesn't want to take a chance of being without bleachers.

At the same time, Heber City has made bleachers available for sale. The proposed contract would require Eagle Mountain to pay Wasatch County Parks and Recreation District \$90,000.00: \$50,000.00 to Wasatch County and \$40,000.00 to Bleachers International for installation. The remaining balance of \$70,000.00 owed to the county will be paid by the Pony Express Rodeo Committee in three payments: \$25,000.00 due November 1, 2015, followed by \$25,000.00 due November, 1 2016, and a final payment of \$20,000.00 due on July 1, 2017.

Mr. Smith emphasized that the committee is not just trying to build a rodeo facility, but a community facility that will be suitable for hosting a variety of activities. He realized that the Council may not feel a new agreement will be in the best interests of the City. If so, he doesn't expect the Council to approve it. He felt that the risk to the City is minimal for the benefits that can be expected.

Councilmember Ireland asked for a copy of the Rodeo Committee's budget. He wanted to know if the payments the committee will need to make are realistic, given their budget. Mr. Smith distributed copies to the Council and discussed the figures with them. Discussion ensued on

projected income and expenses for the rodeo and other events the committee planned to hold in the near future.

Mayor Pengra asked about miscellaneous costs, such as the opening ceremony and sponsor flags. Mr. Smith responded that the expenses would be minimal. Mayor Pengra asked if the committee had enough volunteers to work the event. Mr. Smith said that each committee member in charge of an area was responsible to get enough volunteers and let the committee know if they needed help to find more. Advertising has also been arranged for, including radio, television and newspapers. Water stations and restrooms are contracted.

Mayor Pengra noted that City staff has not seen the bleachers, specifications or engineered drawings. The Building Department will have to inspect the bleachers. The Mayor asked Building Official Kent Partridge if he would need engineered drawings. Mr. Partridge said he would need the specifications.

The City will need proof of insurance before the rodeo.

Sponsorship funds listed in the written budget are already collected. Some events are entirely sponsored, so their expenses are not included.

Councilmember Bradley asked how the \$10,000 the City has paid to Bleacher Builders will be recouped. City Attorney Jeremy Cook explained that the City could require an agreement with the Rodeo Committee for repayment or make a damage claim with Bleacher Builders. Councilmember Bradley felt that, since Bleacher Builders hasn't complied with its previous agreement, it was unlikely that the City will be able to collect the \$10,000.

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 Work Session at 6:35 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

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

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; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Linda Peterson, Public Information 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 7:15 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Road Work** – The chip seal project on Pony Express Parkway from Eagle Mountain Blvd. to Sandpiper Road and the southbound side of Ranches Parkway is scheduled to be finalized this weekend. Work on Pony Express Parkway will be done on Saturday. Watch for a pilot car and lane closures. Work on Ranches Parkway will be done on Sunday. The southbound side will be closed, with the northbound side accommodating both directions of traffic.
- **Camp Williams Joint Land Use Study Open Houses** – The public is invited to attend one of two upcoming open houses to provide information and seek public input on the Camp Williams Joint Land Use Study involving the cities of Eagle Mountain, Herriman, Saratoga Springs and Lehi, and Salt Lake and Utah Counties. The open houses will be held from 6:00 p.m. to 8:30 p.m. on Monday, September 8 at Herriman City Hall and Tuesday, September 9 at Saratoga Springs City Hall. More information is available at www.campwilliamsjlus.com.
- **5K Run/Walk and Family Fun Night** – The Cupcake Charity of Eagle Mountain will hold a 5K Cake Walk/Run and Family Fun Night on Friday, September 12 in support of the Maynes family of Eagle Mountain. The Family Fun Night part of the event will be held at Nolan Park from 5:30 p.m. to 8:30 p.m. The 5K will start at 7:00 p.m. and Kids' Fun Run at 8:00 p.m. More info can be found at cupcakecharity.com.
- **Creepy Crawlies** – Miss Eagle Mountain, Alyssa Diaz, will host a kids' Creepy Crawlies event on Saturday, September 13 from 11:00 a.m. to 12:00 p.m. at City Hall. Activities include a lizard feeding and viewing of spiders and insects, a treat, and a photo with Miss Eagle Mountain. Cost is \$5. Registration is available at City Hall or online via the City website, Events page, for an additional \$1 convenience fee.

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

Peggy Hunziker spoke on the water issues in White Hills. Farmers have installed a 10" line in the White Hills culinary water tank, which dropped the residential water pressure to 10 lbs. all weekend. When the area was annexed to the City three years ago, the water system was supposed to be turned over to the City within a year. She asked the Mayor and Council not to accept the system until the water pressure is raised. She would like the farmers to be on a separate water system. She asked that the City not allow DAI to have any building permits until the problems have been corrected, since the water system is unable to serve any additional demands.

Mayor Pengra said that he has been notified of the issues with the water system and has asked the City Engineer to speak with the water company.

Bruno Hunziker thanked the Mayor for going out to White Hills during the rain storm a couple of weeks ago to see in person what happened. He said that he doesn't mind how much water the farmers use, as long as the tank is always full. He felt that the farmers would agree to use the other pump. He said DAI and the water company don't respond to his requests for help, but the City does.

Luke Pannell asked for clarification on the municipal energy tax. He said the White Hills residents are taxed 3%, but the City Attorney told him that the new ordinance would only apply to White Hills. He didn't know if the residents using City power pay the same tax. According to the Work Session presentation, City residents are not paying 6%. He wanted know why the tax couldn't be done away with entirely. If everyone ends up being served by Rocky Mountain Power, they will all be charged 6%, which will go to the State Tax Commission and then be returned to the City. He doesn't want to be charged an additional tax by the City when he's not served by Eagle Mountain utilities. He was willing to pay taxes, but not to a city that doesn't do anything for him. He thanked the Mayor for coming out to his neighborhood to see how the rain storm affected it.

Mayor Pengra disagreed with Mr. Pannell's statement that the City employees don't do anything for him. The City Engineer has been out to assess the storm drain and sewer issues. Road repairs were done recently. More issues will be handled in due time. He felt that credit ought to be given where credit is due.

Corbet Douglas questioned whether the municipal energy tax was necessary. The City will receive revenue from taxing the power company, which the company will recoup from the residents. He felt the City shouldn't tax the customers an additional 6%.

City Attorney Jeremy Cook explained that since 2003, the City has taxed third-party providers 3%. In 2005, the City raised the tax on City-owned utility customers to 6%. Tonight's proposal will bring White Hills customers to the same rate as other City residents. The tax is designed to defray the costs of providing power through third-party providers, who use City roads and require considerable time working with City staff. The City will have costs even after the utilities are sold, if the sale is goes through. Almost every municipality charges this tax to recoup its costs.

Wendy Lojik thanked the Mayor and staff for working so hard to protect the citizens and property in the City. She appreciated how much work and effort is extended by each City employee. The Rodeo Committee is made up of many people with extensive business experience. They appreciate the support they've been given.

Elizabeth Brady asked the Council to support all the activities shared by the residents, including the rodeo. Her money goes to support many activities that her family doesn't use, but she does so because they're important to others. Her children are part of the FFA, as are over 400 children. The rodeo helps them learn leadership and community involvement, and now it's being threatened. The Rodeo Committee has complied with the guidelines they've been given. The City hasn't eliminated other sports activities and she asked that the FFA opportunity not be eliminated, either.

Mayor Pengra stated that everyone is passionate about what's important to them and other opinions may be expressed negatively because they're felt strongly, too. He believed that ultimately, solutions can be found.

Cassandra Burgess said she is the President of the local FFA chapter. The rodeo is the chapter's biggest fundraiser for the year. The chapter can't function without it. It allows the chapter to provide service to the community. She asked the Council not to take the rodeo away from them. The rodeo is the place where the FFA fits in.

Mayor Pengra read a comment emailed by Nick Jessen. Mr. Jessen appreciated the work of the City Council and staff on the sale of the utility system. He hoped that constructive dialog can be held on what is best for Eagle Mountain. He felt strongly that the sale is in the City's best interest. He urged the Council to lead the City in the best direction. He asked everyone discussing the rodeo tonight to do so respectfully. He has become overly emotional at times on the subject, and committed to refocusing on what is best for Eagle Mountain, which is first to respect our neighbors for a harmonious community. He was excited to understand more of the financials on the rodeo. He supported all those who are making an effort to constructively bring the City together.

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 attending the meeting and asked everyone to obey the traffic laws now that school is in session.

Councilmember Burnham

Councilmember Burnham echoed Councilmember Steinkopf's remarks. She was grateful for the input the Council receives from the residents. She appreciated that the citizens of Eagle Mountain are willing to work towards solutions.

Councilmember Ireland

Councilmember Ireland expressed appreciation for the meeting attendees. He congratulated Cassandra Burgess for her public comment, since many adults are too nervous to make public comments. He encouraged those who don't feel comfortable making public comments to contact the Council by emailing council@emcity.org.

Councilmember Westmoreland

Councilmember Westmoreland said communication and working things out makes a stronger community.

Councilmember Bradley

Councilmember Bradley apologized for not being present. He was in Chicago on business. He thanked the attendees for their comments and their concern for the City.

Mayor Pengra

Mayor Pengra noted that some of the people sitting in the room have attended Council meetings consistently. Hearing input from citizens is the way government is supposed to work.

CONSENT AGENDA

9. MINUTES

- A. August 19, 2014 – Regular City Council Meeting

10. BOND RELEASES – Into Warranty

- A. Autumn Ridge, Phase 2
- B. Meadow Ranch 5, Phase 2

11. APPOINTMENTS

- A. Appointment of Residents to Supervise the Appraisal of the Electric Utility System
- B. Resolution Appointing Adam Ferre as UAMPS Board Representative and Ifo Pili as an Alternate

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Burnham 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

12. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Section 3.10.020 of the Municipal Code for Municipal Energy Sales and Use Tax.

This item was presented by City Attorney Jeremy Cook. The Eagle Mountain City Council adopted a 6% energy sales and use tax in the 2005 fiscal year budget. As part of the proposed gas and electric utility sale, the City needs to update the Municipal Code to reflect the increase that took effect on July 1, 2005.

Mr. Cook explained that the municipal energy sales and use tax is levied against energy providers. When the City adopted the 6% tax in 2005 for Eagle Mountain City power customers, it neglected to adopt a similar tax for customers of third-party power vendors. The purpose of this ordinance is to have all power customers in the City pay a uniform tax rate, and to be clear that this tax will continue after the sale of the power and gas utilities, if the sale is approved.

Councilmember Westmoreland asked what it would mean to residents and the City if the ordinance wasn't passed. Assistant City Administrator Paul Jerome said that the tax only applies to power and gas use, not on base rates or the other utilities provided by the City. For the 2015 budget year, the City expects to receive \$850,000 if the tax is made consistently 6%.

City Administrator Ifo Pili said the 6% tax will cost each resident about \$20 per year. Without the tax, the City will lose about \$850,000 per year. To put that in context, the City receives about \$1M per year in property taxes.

Councilmember Westmoreland asked if the utility tax is earmarked or if it goes to the General Fund. Mr. Pili said it goes to the General Fund.

Mayor Pengra stated that the tax defrays the cost of providing utility services to City residents.

MOTION: *The proposed ordinance failed for lack of a motion.*

13. MOTION – Designation of Individuals to Prepare For and Against Arguments for the Voter Information Pamphlet for the Sale of the Electric Utility System.

This item was presented by City Recorder Fionnuala Kofoed. In accordance with Utah Code Ann. 20A-7-402, Eagle Mountain City will prepare a local voter information pamphlet to address the sale of the electric utility that will be presented as a ballot question at the November 4, 2014

general election. Upon review of the applications, the City Council will determine one person to draft arguments for the ballot proposition and one to draft arguments against it.

Royce Van Tassell has applied to write the argument for the question and Ashly Lower has applied to write the argument against it. In the beginning of October, the Recorder's Office will send a postcard to all registered voters in the City, directing them to the City website, where the arguments will be posted. In accordance with the statute, the arguments will reflect the opinions of the authors and must be 500 words or less.

Councilmember Westmoreland expressed appreciation for those who volunteered to write these arguments.

Councilmember Steinkopf asked Ms. Kofoed how many registered voters there are in Eagle Mountain. Ms. Kofoed said the last information she had indicated almost 10,000 voters.

Ms. Kofoed stated that there is still time to register to vote, either online, by mail or in person at the County Elections Office.

MOTION: *Councilmember Burnham moved to designate Royce Van Tassell to write the 'for' argument and Ashly Lower to write the 'against' argument for the voter information pamphlet for the sale of the electric utility system. 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.*

14. BID AWARD – Consideration and Award of Bid to Great Western Landscape for an Irrigation System for the Pony Express Memorial Cemetery.

This item was presented by Recreation Director Brad Hickman. The proposed bid is for the installation of an irrigation system at the Pony Express Memorial Cemetery. The City will provide the materials. The bid covers labor for installing the system and grading, hauling, spreading and leveling of all topsoil throughout the cemetery.

Councilmember Burnham asked Councilmember Bradley about his concern about the amount of land that should be landscaped. Councilmember Bradley felt that finishing one third of the proposed area would be plenty to fill the City's cemetery needs for now. He didn't want to waste time, energy or resources on area that won't be used for several years.

Councilmember Ireland felt the entire irrigation system should be built as one, engineered system; however, less area should be sodded. Each fall another section should be hydroseeded as needed.

MOTION: *Councilmember Ireland moved to award the bid alternate to Great Western Landscape for an irrigation system for the Pony Express Memorial Cemetery in the amount of \$48,889.00 and authorize the Mayor to sign the agreement. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Adam Bradley, The motion passed with a vote of 4:1.*

15. BID AWARD – Consideration and Award of Bid to Great Western Landscape for Sod for the Pony Express Memorial Cemetery.

This item was presented by Recreation Director Brad Hickman. The proposed bid is for the installation of sod at the Pony Express Memorial Cemetery. City staff recommended sod rather than hydroseeding. Turf is easier to establish and can be used sooner than hydroseed.

Councilmember Ireland asked Mr. Hickman how trees would be added to the cemetery landscaping. Mr. Hickman said that staff wanted to purchase trees this fall, after the irrigation system is installed, and hold a volunteer project for planting.

MOTION: *Councilmember Steinkopf moved to award a bid to Great Western Landscape for one acre of sod for the Pony Express Memorial Cemetery to Great Western Landscape. Councilmember Burnham seconded the motion.*

Mr. Hickman clarified that the system as planned will only have five valves. The whole area can be watered in 35 minutes.

Councilmember Westmoreland asked what the savings would be if the agreement is reduced to one acre. City Engineer Chris Trusty stated that the bid is based on a unit price. If the project is halved, staff would have to go back to the bidder and see if the unit price would remain the same.

Mr. Pili explained that residents are already purchasing burial plots in various areas of the first phase of the cemetery. To give some perspective, the two acres proposed is only half the size of the soccer field across the road from Mid Valley Park.

Mayor Pengra pointed out that sodding or hydroseeding by sections will leave mismatched areas of lawn. He felt that the Cemetery Board has done a good job of planning the landscaping.

AMENDED MOTION: *Councilmember Steinkopf amended his motion to award a bid to Great Western Landscape for two acres of sod, as presented in the bid, for the Pony Express Memorial Cemetery. Councilmember Burnham accepted the amendment.*

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

16. AGREEMENT -- Consideration of a Purchase Agreement with Wasatch County for Bleachers.

Due to potential problems with the current contract for bleachers for the rodeo arena, the Rodeo Committee is requesting that the City Council consider approving an agreement with Wasatch County. This bleacher purchase would require \$50,000 up front from the City, as well as up to \$40,000 in installation costs. The remaining \$70,000 would be divided into three payments. \$25,000 will be due on November 1, 2016, \$25,000 on November 1, 2017 and a final payment of \$20,000 on July 1, 2017. The final payment will include interest accrued at 4% on the outstanding debt. This item was added to the agenda at the request of Councilmembers Burnham and Steinkopf.

Mayor Pengra invited Jim Smith of the Rodeo Committee to present the committee's proposal. Mr. Smith explained that the bleacher vendor the committee contracted with has not performed as expected. There's a strong chance he won't provide bleachers in time for the rodeo. The committee has been keeping in contact with Wasatch County and would like to purchase bleachers for sale in Heber City.

Councilmember Ireland asked why Wasatch County wants to sell these nearly-new bleachers. Mr. Smith responded that the arena in Heber needs a different style of bleachers for their new facility. Councilmember Ireland wanted to know what kind of flooring will be under the bleachers. Mr. Smith said the installation agreement with Bleachers International includes whatever is needed to support the bleachers.

Mr. Smith said if the Council approves the agreement tonight, the bleacher tear-down will begin tomorrow. Committee President Jared Gray owns a trucking company and will transport them. Mr. Smith noted that the Committee isn't asking for any money from the City other than what was provided by the amendment to the Pole Canyon development agreement. He also pointed out that the bleachers will belong to the City and will facilitate other community events held on the rodeo grounds.

Councilmember Westmoreland asked what alternatives the committee had in case the Council voted "no" on the contract. Mr. Smith said the committee could hope that Bleacher Builders fills its contract, although based on previous experience, he's doubtful of that. If necessary, the committee could use portable bleachers that pull behind a truck. Each section holds about 250 people and Heber City has agreed to allow the committee to use its portables.

Councilmember Westmoreland asked about the Rodeo Committee being required to reimburse the \$10,000 the City advanced to Bleacher Builders. Mr. Smith said that, although the committee hasn't met on the subject, he was confident that the committee would cover the cost, although they might request some time to do so.

Councilmember Ireland asked what City staff would need to do to confirm that these bleachers meet the City's public safety requirements. Building Official Kent Partridge said he would need the manufacturer's engineer to let him know what size the footings would need to be. He would also need manufacturer's specifications for the bleachers, and then the Building Dept. could provide a building permit to Bleachers International for the installation. Mr. Smith will get those specifications for Mr. Partridge.

Councilmember Westmoreland asked Mr. Cook to describe the key differences between this agreement and the one with Bleacher Builders. Mr. Cook stated that Wasatch County will require a security interest in the bleachers, which Bleacher Builders did not. If the Rodeo Committee was not able to pay the \$70,000 remaining after the City's payment, the City would have to consider whether it would be interested in paying it or returning the bleachers to Wasatch County. Mr. Cook felt that this agreement holds much less risk than the previous one. Bleachers International is a company the City has done business with in the past, and Wasatch County is a public entity.

Councilmember Ireland asked Mr. Jerome to look up how much money the demolition derby made. Mr. Jerome said in 2013 ticket sales were approximately \$18,000 and there were \$9,700 in sponsorships. Mayor Pengra said the figures for 2012 were similar.

Councilmember Burnham said she asked the City's previous events director, Angie Ferre, if she thought the Rodeo Committee would be able to produce the rodeo. Ms. Ferre has read through the committee's plans and thinks they are thorough and will work. For one thing, there are professional riders on the committee, who have attended many rodeos and know how rodeos save money. Councilmember Burnham felt that, even if the rodeo failed, which she didn't expect, the City's only loss would be the cost for the bleachers. The cost could be recouped by selling the bleachers or by holding other events.

MOTION: *Councilmember Burnham moved to approve a purchase agreement with Wasatch County for bleachers, with the following changes: changing item 2 to state that the Rodeo Committee will provide trucking and adding that the Rodeo Committee will reimburse the \$10,000 paid to Bleacher Builders if the money has not been received by November, 2017. Councilmember Steinkopf seconded the motion.*

Mr. Cook suggested that, rather than adding the \$10,000 payment clause to the bleacher agreement, it be added as an addendum to the rodeo grounds lease agreement.

AMENDED MOTION: *Councilmember Burnham moved to approve a purchase agreement with Wasatch County for bleachers, with the following changes: changing item 2 to state that the Rodeo Committee will provide trucking and adding an addendum to the Rodeo Grounds Lease Agreement that the Rodeo Committee will reimburse the \$10,000 paid to Bleacher Builders if the City has not received the money by November, 2017.*

Councilmember Steinkopf accepted the amendment.

Mayor Pengra told Mr. Smith that he will be happy to help the committee when the rodeo is held and hopes it is successful. He is uncomfortable with many aspects of this, including adding items to the agenda at the last minute. It fails the expectation the Administration has set up with staff, and creates extra work for the staff and the attorney. Having experience with risk assessment, he felt that the committee has put itself into a difficult position with overly optimistic revenue estimates.

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

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 appreciated Mayor Pengra's graciousness through the rodeo discussion, which has been a difficult topic for him.

Councilmember Ireland
No comment.

Councilmember Westmoreland

Councilmember Westmoreland said that some votes are emotional. He appreciated the Mayor, Council and staff working well together.

Councilmember Bradley

Councilmember Bradley thanked the audience for its support for the community. He voted no on some of the votes tonight because he felt that the City can be more conservative with its spending and financial risk.

Mayor Pengra

No comment.

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

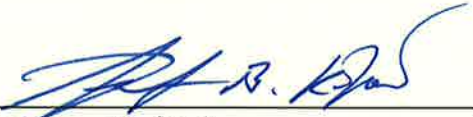
Councilmember Burnham said the Youth Council has a meeting this Thursday and will discuss the results of its recent election.

19. COMMUNICATION ITEMS
A. Upcoming Agenda Items
B. Financial Report

20. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 9:01 p.m. Councilmember Steinkopf 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 SEPTEMBER 16, 2014.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 16, 2014

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 – COUNCIL CHAMBERS

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

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; Dave Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Steve Olsen, Energy Department; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:07 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 and do not require action by the City Council.

- A. **Discussion – Sales and Use Tax**

This item was on the last City Council meeting agenda, but no motion was made. Mr. Pili felt it should be brought back as a discussion item to consider the effect on the City budget. Mr. Pili explained that customers of Eagle Mountain City utilities pay a 6% utility sales and use tax. Customers of other utility providers pay 3%. When the fiscal year 2006 budget was approved, the decision was made to charge 6% to all customers; however, the change was not codified or formalized with the State. If the residents vote to approve the sale of the electric and gas utilities without codifying this 6% tax to non-City utility users, the City will lose that revenue source. State law only allows municipalities three forms of taxation to support their operating budgets: property tax, sales tax and the utility sales and use tax. Without the 6% tax on utilities, the City will have to find a way to make up approximately \$400,000, or cut out that much in services. Selling the gas and electric utilities will already create a \$600,000 shortfall.

City Attorney Jeremy Cook stated that historically, this tax was a franchise fee used to offset the cost of doing business with utility providers. The fee recouped a portion of the road wear, staff time and other costs to the City created by utility providers. The State now requires these costs to be covered by a sales and use tax rather than a franchise fee. The tax rate charged by the municipality has to be approved by the State. Twenty-two of the 26 municipalities in Utah County charge this tax at 6%. The only municipalities that don't charge the tax at all are those with few services: Cedar Fort, Fairfield, Goshen and Genola.

The change needs to be made now because of the State's requirement of 90 days' advance notice before the change is implemented. Waiting will cause a loss of \$100,000 in revenue because of the waiting period.

Councilmember Ireland felt that the fee should be eliminated. Eagle Mountain should go through the truth in taxation process required by the State to raise property taxes, so residents clearly understand that they're paying a cost for utility providers to do business in the City. He felt that municipal government should be funded through property and sales taxes.

Councilmember Burnham felt that the utility tax is a sales tax. Eliminating the utility tax would be no different than eliminating the standard sales tax.

Mr. Pili pointed out that a utility use tax spreads the tax burden over all residents. Only property owners pay property taxes. Every household uses utilities. It allows the City to diversify its income sources.

Mayor Pengra said the utility tax is a consumption tax. The customer can have a direct impact on how much tax they pay based on usage, so the tax incentivizes conservation.

Mr. Cook pointed out that, by making this a discussion item, the City will miss the State deadline for the earliest available quarter of receiving the higher revenue amount. Had it been an action item, the City would have met the deadline.

B. Update – Utility Sale

Mr. Pili stated that after the vote at the last meeting, there were still three contracts that needed to be resolved in order to successfully sell the utilities. The UMPA and Shell contracts are assumable, and Rocky Mountain Power is willing to absorb them into its portfolio. The Horse Butte wind power contract sells power at a higher rate than the current market rate. Eagle Mountain will most likely have to provide a subsidy to a potential buyer to bring the contract down to the market rate. Rocky Mountain Power has indicated it may be willing to give the City an additional \$1 million to help the City sell the Horse Butte contract. Rocky Mountain Power would have to have the transactions approved by the Public Service Commission.

Mayor Pengra noted that these State regulations are in place to make sure that public entities don't make financial decisions that adversely affect the entities or their residents.

C. Presentation – City Survey

Assistant City Administrator Paul Jerome presented the results of the annual City survey. He said that 376 residents completed the survey. The ratings of individual departments all improved from 2013. Most of the ratings of satisfaction with general City government were more positive this year than last. The only ones that didn't rate higher were sports and recreation. Nearly half of the respondents felt that the City provided too many services. Three-quarters of the respondents were satisfied or very satisfied with City services.

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

11. Business License Appeal

Tiffany Felix applied for a business license for Enchanted Pony Rides, which would provide pony ride parties and individual rides. The initial application didn't comply with the Municipal Code. Ms. Felix revised her application. It is much closer to City requirements, but would still require a variance in order to be approved.

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 5:39 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

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

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; Dave Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Steve Olsen, Energy Department; Linda Peterson, Public Information 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 7:00 p.m.

5. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1069 presented a flag ceremony.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Pony Express PRCA Rodeo** – The Pony Express PRCA Rodeo will be held Thursday, September 18, Friday, September 19, and Saturday, September 20 at the Pony Express Rodeo Arena in City Center. The comedy act will be Troy “The Wild Child” Lerwill, a six-time winner of Comedy Act of the Year from the PRCA. Tickets and info are available at www.ponyexpressrodeo.com. Brought to you by the Pony Express Rodeo Committee.
- **Seniors' Back to School Night** – The Senior Council (ages 55+) will hold a Back to School themed evening of fun and games in the City Council Chambers on Monday, September 29 starting at 5:00 p.m. Bring a baby picture or early school picture.
- **North Shore Terminal Reservoir Open House** – The community is invited to an open house on Friday, September 26 from 3:00 p.m. to 7:00 p.m. to view and tour the new North Shore Terminal Reservoir (NSTR) that has been built in the Northwest corner of Saratoga Springs city. The North Shore Terminal Reservoir is the primary storage feature of the CWP project of the Central Utah Water Conservancy District. In this initial phase the reservoir will hold

approximately 10 million gallons of drinking water destined for Eagle Mountain and Saratoga Springs as well as other North Utah County and South Salt Lake County cities.

- **Choir & Orchestra Participants Needed** – The Saratoga Springs Arts Council and the Eagle Mountain Arts Alliance are pleased to announce the first annual multi-community performance of Handel’s Messiah. Rehearsals will be held on Sunday evenings beginning September 14. Performances will be December 8 at Westlake High School and December 21 in Eagle Mountain. Soloist auditions will be held on September 20 and 27. Please email emcc.messiah@gmail.com with questions.
- **Idle Free Awareness Month** – September is Idle Free Awareness Month, a statewide campaign organized by the Utah Clean Cities Coalition to educate drivers about the benefits of being idle free, including: protecting health, saving money, and improving air quality. For more information, please visit www.utahcleancities.org.
- **City Recorder Receives Advanced Designation** – City Recorder Fionnuala Kofoed has earned the Master Municipal Clerk (MMC) designation from the International Institute of Municipal Clerks by completing an advanced continuing education program that prepares participants to perform complex municipal duties. The program has an extensive and rigorous educational component and a professional and social contribution component. The MMC is the highest designation a City Recorder can achieve.

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

Marianne Smith asked the City Council to consider improving the condition of Lake Mountain Road. Every time it’s graded it seems to have more rocks. A layer of road base would solve the problem. When she brought her husband home from the hospital recently, the bumpy road was very hard on him. She also said the chip seal on Pony Express Parkway went up onto the curbing. It’s harder now to see the traffic lane in the dark. She would like to see reflectors installed. Ms. Smith said she thought the new traffic light was the right thing to do.

Pat Bunjes submitted a written comment which Mayor Pengra read. “I live two houses to the west of the Felixes. I’m a proponent and approve of Tiffany’s proposal.”

Mike Boyd spoke in support of Tiffany Felix’s business license application. He felt that the revision to the original application, which reduced the number of clients requested, solved any traffic problem that might have occurred with the original application. Although it might not strictly comply with the requirement that the business be conducted in a building, the Felixes have a corral and a barn to house the parties. He stated that, as a child welfare caseworker, he knows how much equestrian therapy helps children. He said it’s a great opportunity for the City.

Seeing that the remaining public comments were also in regard to the business license appeal, Mayor Pengra announced that he would call those residents up to the microphone during the public hearing.

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

Councilmember Steinkopf

Councilmember Steinkopf was happy to see the Council Chamber full. He reminded everyone to drive carefully now that school is in session.

Councilmember Burnham

Councilmember Burnham announced that the new bleachers are set up at the rodeo arena. The livestock has arrived at the arena and there was a successful ticket sales event today. She encouraged parents to remind their children to walk and ride safely along City streets.

Councilmember Ireland

Councilmember Ireland congratulated Ms. Kofoed on her new certification and thanked her for enabling him to participate in the meeting by telephone.

Councilmember Westmoreland

Councilmember Westmoreland thanked everyone for attending the meeting, especially the youth. He reminded everyone that tomorrow is Constitution Day.

Councilmember Bradley

Councilmember Bradley appreciated citizen participation, including Boy Scouts working on their citizenship merit badges. He congratulated the members of the Youth City Council. He apologized for being absent from the last meeting. He participated by phone, but it's not the same as being here. He encouraged residents to support the rodeo as a community event. He was pleased that the Rodeo Committee took on the project, rather than depending on the government to make it happen. He attended the Utah League of Cities and Towns conference last week and received many comments on how lucky Eagle Mountain is to have both Mr. Pili and Ms. Kofoed as part of City government.

Mayor Pengra

Mayor Pengra thanked everyone for being at the meeting. He encouraged residents to contact him by email at mayor@emcity.org any time they have comments.

9. APPOINTMENTS

- A. Youth City Council
- B. Veterans Board – Kristina Martinez

MOTION: *Councilmember Burnham moved to appoint Kristina Martinez as a member of the Military and Veterans Advisory Board, Christian Ulibarri as Youth City Council Mayor, Jenesis Ortega as Youth City Council Secretary, Mikayla Hill as Youth City Council Recorder, Emily Hill as Youth City Council Public Relations and Weston Dastrup as Youth City Council Treasurer. Councilmember Ireland seconded the motion. Those voting aye: 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 the appointees in attendance: Christian Ulibarri, Jenesis Ortega, Mikayla Hill and Emily Hill. Weston Dastrup and Kristina Martinez were unable to attend and will receive the oath at a later time.

CONSENT AGENDA

10. MINUTES

- A. September 2, 2014 – Regular City Council Meeting

MOTION: *Councilmember Westmoreland moved to approve the Consent Agenda. Councilmember Steinkopf 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

11. MOTION – Consideration of a Business License Appeal for a Home Business.

This item was presented by Planning Director Steve Mumford. The applicant is requesting an appeal for the denial of a home business license to operate pony rides for parties up to 24 guests from one to two times a week, and for single pony rides for 2-3 guests at a time.

Planning Director Steve Mumford explained that this is an appeal by the Enchanted Pony Party Company of a business license denial. The Planning Department rejected the application based on excessive traffic generation. The applicant has since amended her application to bring the traffic issue into compliance with City requirements. The Code requires that all business activity be carried out within the home or an accessory building. The City Council can approve an exception, which would allow the business to be licensed.

Mayor Pengra opened the public hearing at 7:37 p.m.

Mayor Pengra read a comment in support of the appeal, submitted by email. The writer lives three houses away from the applicant. They felt that the City needs more home businesses and that this one would only increase traffic slightly. They asked that the street be kept in good repair and requested a public horseback riding facility nearby.

Glen Krinke stated that he's lived in Cedar Pass Ranch for eleven years. As a businessman, he is excited to see any new business that is a good fit for the community. He was concerned about insurance liability for the HOA and its members if anyone was injured while using the HOA easement on the property in connection with this business.

Mayor Pengra asked City Attorney Jeremy Cook if he felt this was a risk. Mr. Cook said he thought it was very unlikely if the business was conducted entirely on her own property. There are also protections built into the law for use of HOA trails, although trail use is not requested in the application.

Kylie Webster was part of a test party held by Ms. Felix in preparation for this business. Eight cars were there. Ms. Felix provided written information in advance outlining the rules. It was very clear where the cars should park and no one parked on the street.

Trent Jackson stated that he was a neighbor of Ms. Felix and a member of the Economic Development Board. He felt that the amended application fits within the requirements of City Code. There is plenty of parking, the facility is a beautiful riding arena and there would be little noise or traffic impact. Mrs. Felix and her daughter are very accomplished in horsemanship.

Conan Albrecht lives next door to Ms. Felix. He emphasized that Ms. Felix is a great neighbor and very responsible. However, her driveway runs along his property. He was concerned that people would not drive safely. He was also concerned about the noise and about his children playing in

the yard. He felt that the application violates City Code because the business isn't being held within a building and will be visible from the road. He said that when he moved to Eagle Mountain, he moved to a residential neighborhood. He didn't believe that this business belongs in a residential neighborhood.

Julie Hair was not in favor of the application being granted. She didn't want a business opening in the neighborhood. She lives next door to people wanting to open a dog boarding and kennel business. She felt that allowing one business will open the door to additional businesses.

Doug Hair agreed with Mr. Albrecht. He didn't want any business in the neighborhood which didn't take place entirely within the home. He didn't believe the reasons for opening a business matter. The people next door to him have built a large fence around their property and want to open a dog kennel. He didn't understand why this discussion was being held if the application violates City Code.

Mayor Pengra explained that the Municipal Code has an appeal process.

John Hubbard was against this business proposal. The road is very narrow. He wanted to know who would see that the cars park where they should. He was concerned about the poor condition of the road and about increased traffic. He was concerned about the neighbors who want to open a kennel business, as well as the neighbor who is already hauling dirt into his property. He didn't want a business approved that will lead to additional businesses being approved.

Mayor Pengra read a comment from Cindy Orme, who expressed concerns about traffic and noise.

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

Mayor Pengra invited the applicant, Tiffany Felix, to speak. She said that she has liability insurance through the Arc Agency, which requires that the rides take place only inside the arena and that each pony be hand-led by Ms. Felix. She felt that having twelve cars at once is no worse than having twelve cars coming and going individually throughout the day. She felt she made more dust and noise riding her horse in the arena than a pony ride would make. The test parties didn't look any different than when she had family members over having pony rides. She agreed that her request does require a variance, but that is the Council's prerogative according to the City Code. Other businesses interested in opening in her neighborhood would also have to abide by the Code and come to the Council for any variance.

Mayor Pengra asked if the ponies would leave the arena at all. Ms. Felix said her insurance would not allow that.

Councilmember Bradley was proud that the neighbors came to the meeting and have had a courteous discussion about their differences. He didn't feel that approving this application opens flood gates to additional businesses. He commended the Planning Department for denying the original, noncompliant application; which correctly led to the appeal process. He felt this is a worthy exception to the Municipal Code.

Councilmember Westmoreland felt that the main issue was whether the additional traffic constituted a real risk.

Councilmember Burnham appreciated the respect with which the neighbors have treated each other. She felt that the issue was the number of cars, and that the section of the Code was written to protect neighbors from having cars parked on the street. With the parking lot in the back of Ms. Felix's property, she didn't think there would be any on-street parking. She felt that the business fits into the neighborhood and the neighbors would be unlikely to notice much difference from Ms. Felix's family parties. Since the license will have to come up for review each year, she felt that approving it would be acceptable.

Councilmember Steinkopf was concerned about overriding the HOA on this issue.

Mayor Pengra stated that the HOA can't override the Municipal Code. He also didn't know of anything specific in the HOA bylaws that would prohibit this.

Councilmember Bradley asked City Attorney Jeremy Cook about the annual renewal process. He wanted to know whether the variance process would have to be repeated each year.

Mr. Cook stated that it can be added as a condition of approval; otherwise the variance would remain as a conditional use permit.

Councilmember Bradley asked Mr. Cook if an exception to the Municipal Code sets a precedent for approving other businesses. Mr. Cook said it's the duty of the City Council to evaluate each application on its face. Although someone might refer to this approval, there would be no legal effect on their application.

Mayor Pengra asked if a motion to approve could include a condition requiring an annual application for a variance. Mr. Cook said that the annual approval could be made by the Planning Commission or the City Council. Normally, the Planning Commission would make the approval, but the Council could require that the approval could come straight to the Council.

Councilmember Bradley asked how the Council would quantify whether the applicant had met the conditions of approval. Mayor Pengra said it would depend on whether the Code Enforcement Officer was called out multiple times and found violations.

Mr. Mumford noted that the Municipal Code states that any home business that constitutes a nuisance can be brought before the Planning Commission and the license can be revoked.

MOTION: *Councilmember Ireland moved to approve a home business license for Enchanted Pony Rides, with a conditional use variance to be reviewed by the City Council in one year. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

Councilmember Bradley explained that he voted yes because, although he sympathizes with the neighbors, Ms. Felix has demonstrated that she is doing her very best to be a responsible neighbor.

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

This item was presented by Public Works Director Dave Norman. Eagle Mountain City collects Sewer District Impact Fees for the Timpanogos Special Service District (TSSD). The TSSD

Advisory Board recently approved an amendment to their Impact Fee Analysis, resulting in a slight decrease to the fee. The decrease from \$2,563.00 to \$2,475.00 was effective March 21, 2014. Refunds will be issued to those affected by the change.

MOTION: *Councilmember Burnham moved to adopt a resolution of Eagle Mountain City, Utah amending the Consolidated Fee Schedule as outlined in the letter from TSSD. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The letter from TSSD indicated that an impact fee reduction from \$2,563.00 per equivalent residential unit (ERU) to \$2,475.00 per ERU, was effective March 21, 2014.

13. AGREEMENT – Consideration of an Impact Fee Reimbursement Agreement for Twelve Horse Ranch, LLC.

This item was presented by City Engineer Chris Trusty. Twelve Horse Ranch, LLC is in the process of developing a portion of the Ranches Parkway Extension Project. As part of the project, Twelve Horse Ranch has agreed to install a water line. The water line is included in the City's current Capital Facilities Plan and Impact Fee Analysis. The Impact Fee Reimbursement Agreement would reimburse Twelve Horse Ranch, LLC for the cost of the water line.

MOTION: *Councilmember Bradley moved to approve an impact fee reimbursement agreement for Twelve Horse Ranch, LLC, to install a water line included in the City's current Capital Facilities Plan and Impact Fee Analysis. 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.*

14. AGREEMENT – Consideration of an Impact Fee Reimbursement Agreement for Eagle Mountain Holdings, LLC.

This item was presented by City Engineer Chris Trusty. Eagle Mountain Holdings, LLC is in the process of developing Meadow Ranch V, Plats 1-3. The project would normally require the developer to install an 8" water line to service the project. The City has requested that the developer install a 12" water line through portions of the project in order to service future development of property. The impact fee reimbursement agreement would reimburse Eagle Mountain Holdings, LLC for the incremental cost of upsizing the water line from an 8" line to a 12" line.

MOTION: *Councilmember Burnham moved to approve an impact fee reimbursement agreement for Eagle Mountain Holdings, LLC, to reimburse Eagle Mountain Holdings, LLC for the incremental cost of upsizing the water line through Meadow Ranch V, Plats 1-3 from an 8" line to a 12" line. 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.*

15. 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

No comment.

Councilmember Westmoreland

No comment.

Councilmember Bradley

Councilmember Bradley asked when the street reflectors requested by Marianne Smith would be installed. City Engineer Chris Trusty said that they'll be installed soon. The Streets Department was waiting until the chip seal project was completed.

Mayor Pengra

Mayor Pengra stated that there is a line item in the budget allocating \$5,000 for Lake Mountain Road.

Mayor Pengra reported from the external boards he sits on. The Mountainland Association of Governments Transportation Committee discussed a proposal to build a Bus Rapid Transit system from Provo to Orem, which would cost \$75 million immediately, followed by a bond from Utah Transit Authority. Mayor Pengra felt that there were too many needs in the north end of the county and the county as a whole, so he voted no on the proposal. He felt that the cost would be better spent elsewhere. Only two others voted against it, so the motion passed.

Councilmember Steinkopf asked about the future transportation plan meetings that City staff attend. Mr. Trusty responded that they've been meeting with Interplan as part of the City's Master Transportation Plan. There will be a final meeting at the end of the month, followed by an open house in October. Mr. Trusty has a meeting scheduled with UDOT to discuss a traffic signal at Sunset Drive and SR 73, near Black Ridge Elementary School.

Councilmember Bradley asked whether the City Council will hold a special sales tax meeting about the energy sales and use tax. Mayor Pengra said the subject will be discussed at the next meeting.

Mayor Pengra mentioned that the State Code directs how elected officials may talk about a ballot measure. City officials answering residents' questions about the proposed utility sale must be objective. Any Eagle Mountain resource, such as the City email system, may not be used to express personal opinions. The City doesn't control what officials say through their personal communications.

Mr. Cook reiterated that the State Code prohibits any City resource from being used to campaign for a ballot measure. He said that opinions can be expressed in personal communications as long as it's made clear that it is a personal opinion.

Mayor Pengra said that each Council member is obligated to share their judgment with their constituents, as long as they state exactly why and share all the facts; however, the interpretation of the law could lead to the conclusion that City resources should not be used for that. Councilmembers need to use their discretion.

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

Councilmember Bradley will attend the Military and Veterans Board meeting tomorrow.

17. COMMUNICATION ITEMS
 - a. Upcoming Agenda Items

18. ADJOURNMENT

MOTION: *Councilmember Bradley moved to adjourn the meeting at 8:47 p.m. Councilmember Burnham 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 OCTOBER 7, 2014.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 7, 2014

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 – COUNCIL CHAMBERS

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

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

Mayor Pengra called the meeting to order at 4:08 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 and do not require action by the City Council.
 - A. **Presentation – Mid Valley Park Master Plan by MGB+A**

The City has contracted with MGB+A to create a master plan for Mid Valley Park. Jay Bollwinkel and Brandon Ruiz of MGB+A presented two preliminary designs for the Council's review and comments. Each includes playing fields, parking lots, and space for a recreation center and green space. Each design also includes features that recognize the section of the Pony Express Trail that runs through the park. A memorial park is located in the middle of each design. Mayor Pengra has recommended that Mid Valley Park be renamed Wride Memorial Park in honor of Sgt. Corey Wride, who died in the line of duty in 2013. He suggested having a dedication next January, on the anniversary of Sgt. Wride's death, to rename the park Wride Memorial Park.

Councilmember Steinkopf said a resident told him that lacrosse is becoming quite popular. He asked him if lacrosse could be played on these fields. Mr. Bollwinkel responded that the company builds oversized playing fields so each can be used for a variety of sports.

Councilmember Bradley asked if a skate park could be included in the design. Mr. Bollwinkel said that skateboarding is losing popularity. However, the design could include a concrete pad that would accommodate temporary equipment for various sports. The equipment could be changed out to allow different uses for the pad.

Councilmember Ireland suggested a playground near the playing fields. Councilmember Steinkopf suggested a concession stand. Councilmember Bradley wanted as many trees as possible included in the plan.

Planning Director Steve Mumford pointed out that, when the land was deeded to the City by SITLA, there were some deed restrictions that need to be considered in the park design.

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

9. September 16, 2014 Minutes

Mayor Pengra noted that the discussion about the utility sales and use tax indicated that the sale of the utilities will create a \$600,000 shortfall. While that is correct, he wanted to make clear that the money has been accounted for and the City has a plan for making up for that loss. As it wasn't a specific part of the discussion at the meeting, he didn't feel that it needed to be changed in the minutes.

Councilmember Burnham asked why the sales and use tax was not on this meeting's agenda, as was discussed at the last meeting. Mayor Pengra said that since the discussion isn't urgent and this meeting was expected to be fairly long, the item was put off until a future meeting.

10. Gateway Park

This item was removed at the request of the applicant. It will be brought back at a future meeting.

11. Dark Sky Ordinance

Planning Director Steve Mumford explained that there are five principal reasons generally cited for establishing a dark sky ordinance.

1. Degradation of the nighttime visual environment by unsightly and dangerous glare;
2. Lighting practices that produce excessive glare and brightness that interferes with the health and safety of Eagle Mountain City's citizens and visitors;
3. Unnecessary waste of energy and resources in the production of too much light or wasted light;
4. Interference in the enjoyment of property that is not intended to be illuminated at night by light trespass, and the loss of the scenic view of the night sky due to increased urban sky-glow; and
5. The impact of inappropriately designed outdoor lighting that disrupts nocturnal animal behavior, particularly migrating birds and other species.

An important consideration in this case is excessive nighttime light interfering with night vision training at Camp Williams. The dark sky ordinance is one of the measures recommended by the Joint Land Use Study to mitigate impacts between Camp Williams and the surrounding communities.

Basic light pollution control tools include a comprehensive lighting ordinance, restriction of total outside lighting emissions, fully shielded light fixtures, outdoor lighting curfews for industrial and commercial uses, and height limits for light poles, limits on sign lighting, and prohibited light sources. Existing lighting that doesn't comply with the dark sky ordinance will be grandfathered in.

The Planning Commission recommended that the City Council approve the ordinance. The one Commissioner who voted against the recommendation was concerned that less outdoor light would mean less safety for residents who are outdoors at night, and would encourage crime in darkened areas.

Councilmember Ireland wanted the ordinance to clearly define which standards will apply to which type of use: single-family or multi-family residential, commercial, industrial, etc. He

wanted to know if existing, noncompliant uses would be cited with violations right after the ordinance goes into effect. Mayor Pengra reiterated that existing uses would be grandfathered in.

Councilmember Burnham wanted to know how the ordinance would affect temporary work lights.

Mayor Pengra asked how sport courts would be regulated. One resident mentioned to him that his sport court is directly adjacent to Camp Williams. Mr. Mumford responded that if the Council wanted to, they could grandfather in sports courts just as they could do with any other existing use.

Councilmember Ireland asked how enforcement would be handled. He wanted to know what would happen if people didn't pay fines, or if they paid fines but didn't follow up by complying with the ordinance.

Mr. Mumford said that the City's intent in grandfathering is not to require residents to make changes without major renovations to their homes. If the Council is uncomfortable with this section, it can be deleted. Most of the residential requirements are for new construction. The Planning Department will work with the Building Department to add a lighting review to each plan review.

Mayor Pengra said that lighting comes later in the building process, so there will be ample opportunity for homeowners to receive information on outdoor lighting requirements.

Councilmember Burnham asked how available these new lights are for homeowners who want to buy them. City Planner Ken Sorenson said they're available in most home centers.

Councilmember Bradley suggested that the lighting requirements be included in instructions for pulling building permits.

Councilmember Ireland asked how much it will cost to update the City's streetlights. Energy Director Adam Ferre said that most City streetlights are LEDs, which is the industry standard, both for direction of the light output and for cost savings.

Councilmember Bradley asked what the burden will be on City staff and on builders. Mr. Mumford said that the larger builders he's spoken to are generally willing to comply with written standards. Occasionally, it will be a problem for smaller builders. Mr. Mumford and Building Official Kent Partridge said that there will be a little extra work for staff, but nothing significant. There will be some additional complaints for the Code Enforcement Officer to deal with.

Councilmember Bradley asked about grandfathering of existing uses. Mr. Mumford stated again that currently existing lighting will be exempt from the new requirements.

Councilmember Bradley asked if a dark sky standard will reduce public safety. Lt. McDowell of the Sheriff's Office said any well-lit area is safer than a dark area. Mr. Sorenson pointed out that the lighting curfew won't apply to security lighting.

City Attorney Jeremy Cook suggested adding a specific definition of uplighting and exactly what uplighting is prohibited.

Councilmember Westmoreland gave a hypothetical example of installing security lighting to light a driveway after a car has been broken into. He asked what should be done if the HOA objects to

additional downlighting and the City prohibits uplighting. He also asked how low-lumen lighting along a walkway would fit into the lighting standards.

Mr. Mumford said any unshielded lighting would be unacceptable.

Mayor Pengra pointed out that the primary purpose of this ordinance is to avoid impacting Camp Williams with new residential and commercial lighting.

City Recorder Fionnuala Kofoed reported that she has been the project manager for the Camp Williams Joint Land Use project for four years. Twenty-four compatibility issues were identified. Several will be much more difficult for the communities adjacent to the camp to resolve. Outdoor lighting was a relatively simple one that the community representatives felt could be passed in their respective jurisdictions. Excessive light shuts down Camp Williams' night vision training. Eagle Mountain needs to do what it can to be a good neighbor to the camp and sustain its mission.

Councilmember Ireland brought up the signage portion of the ordinance. He didn't feel that the color of the background vs. the color of the foreground would be relevant. Mr. Sorenson pointed out that the Planning Commission has discretion to decide whether a particular sign meets the intent of the code.

Mr. Mumford summarized the Council's main questions as sign lighting, residential uplighting, parking lot lighting and safety. Mr. Cook mentioned that lighting curfews need to be clearly defined.

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

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing the deployment of security personnel, devices or systems, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:16 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

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

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; Dave Norman, Public Works Director; Chris Trusty, City Engineer; Adam Ferre, Energy Department Director; Steve Mumford, Planning Director; Linda Peterson, Public Information 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 7:14 p.m.

5. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1652 presented a flag ceremony.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Transportation Master Plan Open House** –InterPlan and Eagle Mountain City will hold a public open house for the Transportation Master Plan on Thursday, October 9 from 6:30 p.m. to 8:00 p.m. in the City Council Chambers.
- **Election Information/Utility Sale** – Information about the November 4 election and the Eagle Mountain ballot proposition regarding the electric utility sale is available on the City website, News section. Residents will also be receiving a voter information pamphlet in the mail and additional information in The Eagle’s View city newsletter with their utility bill.
- **Bag the Leaf** – The City’s storm drain department is once again offering a free bagged leaf disposal service for residents. Bags are available at City Hall or The Ranches HOA office through the end of November. For program details, please visit the City website, News section or read the News item in The Eagle’s View.
- **Guiding Good Choices Parenting Workshop** – A free parenting workshop is being offered through Communities That Care. Child care and family dinner are included. Please see the City website, Events section for details and registration.

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

Todd Lower wanted to know when the utility sale contracts will be completed. He also asked how far the agreement could change and still be what the Council voted for.

Mayor Pengra responded that the City has made several estimates of when the contracts will be ready; however, the negotiations have taken longer than estimated. They’re continuing as the City continues to work on getting the best price possible. He said that the Council’s vote was subject to continuing negotiations.

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

Councilmember Steinkopf

Councilmember Steinkopf congratulated the Scouts for doing a great job with the flag ceremony. He encouraged residents to attend the transportation master plan open house on Thursday. It’s an important opportunity for residents to give input on the draft plan.

Councilmember Burnham

Councilmember Burnham thanked the Scouts for doing the flag ceremony. She encouraged residents to sign up for City email alerts. She said the rodeo went very well.

Councilmember Ireland

Councilmember Ireland congratulated Rusty Allen, an Eagle Mountain resident, on winning the saddle bronc event at the rodeo. He encouraged residents to register to vote in the general election in November.

Councilmember Westmoreland

Councilmember Westmoreland apologized for not being at the meeting in person, but was grateful to be able to participate by telephone.

Councilmember Bradley

Councilmember Bradley thanked the Scouts and their leaders for the flag ceremony. He thanked the Mayor and staff for their handling of the recent break-in at one of the City's water tanks. He encouraged residents to go to the home page of the City website and sign up for email notifications. He asked residents to become informed and vote.

Mayor Pengra

Mayor Pengra stated that City staff did an amazing job at getting information out quickly about the water tank break-in. He has held meetings about solutions for the future security of the water system. For the present, every water tank is being inspected every day.

CONSENT AGENDA

9. MINUTES

- A. September 16, 2014 – Regular City Council Meeting

MOTION:

Councilmember Burnham moved to approve the Consent Agenda. Councilmember Ireland 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

10. **PUBLIC HEARING**

- A. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning Portions of the Gateway Park Project to Industrial, Commercial, and Commercial Storage zones.
- B. MOTION – Consideration of a Preliminary Plat for Gateway Park.
- C. MOTION – Consideration of a Master Site Plan for Gateway Park.

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

PUBLIC HEARING

11. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Amending the Development Code Regarding Outdoor Lighting.

This item was presented by Planning Director Steve Mumford. The dark sky ordinance concept was presented to the City Council on May 6, 2014. The Council directed staff to prepare a draft ordinance. The proposed draft includes a new chapter addressing outdoor lighting standards (Chapter 17.56 Outdoor Lighting Standards) and amendments to Chapters 15.70, 17.54.050,

17.55.040, 17.72, 17.80, 17.100.060, 17.100.070 of the Municipal Code. The purpose of the ordinance is to preserve the view of nighttime skies and the night vision training mission of Camp Williams.

Mr. Mumford described the Camp Williams Joint Land Use Study, which was designed to improve the interface between Camp Williams and the surrounding communities. Night vision training is one Camp Williams mission that is impacted by local communities. The proposed dark sky ordinance will help reduce light pollution that is problematic for Camp Williams.

Mr. Mumford explained that there are several light emission control methods that can be combined effectively. One is a lighting curfew, tailored to various residential and commercial needs. Another is using a variety of light fixtures which minimize light pollution. Existing light fixtures that violate new Municipal Code requirements would be grandfathered in.

Mayor Pengra opened the public hearing at 7:44 p.m. As there were no comments, he closed the hearing.

Councilmember Ireland felt that the ordinance needed additional work before being approved. The discussion during Work Session covered a lot of the questions and answers that needed to be considered. He encouraged Councilmembers to contact the Planning Department with any further suggestions.

Councilmember Burnham and Councilmember Steinkopf asked for clarification as to what uplighting is prohibited and what is exempt, such as landscape and holiday lighting.

Councilmember Bradley wanted specific details as to any light source that needs to be changed and when the change is required. He felt the ordinance needed to be written in plainer language.

Mayor Pengra summarized the major concerns as: protecting current residents from new costs or restrictions and allowing security lighting for commercial businesses. Mr. Mumford thanked the Council for their comments and said he would provide a new draft of the ordinance for additional comments.

MOTION: *Councilmember Ireland moved to table an ordinance of Eagle Mountain City, Utah amending the Development Code regarding outdoor lighting. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

12. AGREEMENT – Consideration of a Professional Services Agreement with Jackson Engineering, LLC, for the Eagle Mountain/White Hills Sewer Project.

This item was presented by Public Works Director Dave Norman. The proposed agreement is for design and construction management services related to the installation of a lift station and sewer line from White Hills to the City's existing treatment facility to remedy the failing White Hills sewer system.

The project will be funded through a grant and a loan from the State. Although the State has already approved the grant and loan, the engineering agreement must be approved before the State will put the funding in place in the form of revenue bonds.

Mr. Norman said that construction will probably begin in the early spring and take approximately three to four months.

City Attorney Jeremy Cook said that a new fee structure, adequate to support the sewer system, will have to be in place before the bonds are sold. White Hills residents will need to begin paying approximately \$58.00 per month. The City will hold town hall meetings and public hearings to get input from residents before the fees are charged.

Mr. Norman plans to invite State regulators to present the requirements for system operations and fee structures at some of the town hall meetings so residents can clearly understand the process.

Councilmember Bradley asked Mr. Norman to list the total costs of the project.

Mr. Norman said that the amount of the grant from the State Water Quality Board is \$598,000. The loan from the same source is \$490,000, in the form of a 20-year loan at 1% interest. The loan will be paid back through sewer fees paid by White Hills residents. The loan portion of the sewer fee will be approximately \$24.60 per connection. The treatment fee will be about \$27.75. The operation and maintenance cost will be \$5.79 per month.

Councilmember Bradley asked why the treatment lagoons have failed. Mr. Norman explained that lagoons are supposed to move sewage through several bodies of water, in which biological agents treat it, after which it seeps into the ground. At the moment, there is no water in the lagoons and the untreated water is seeping into ground. The White Hills Special Service District should have been maintaining the lagoons and the collection system. The cost of extensive repairs to the system is what will make the White Hills sewer service bills so much higher than they have been in the past.

Mayor Pengra said he felt for the White Hills residents, who've been through a lot. The system has to be fixed and this is the least expensive way to do so. The other option would be to rebuild the entire system.

MOTION: *Councilmember Burnham moved to approve a professional services agreement with Jackson Engineering, LLC, for the Eagle Mountain/White Hills Sewer Project in the amount of \$80,000 and authorize the Mayor to sign the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

13. BID AWARD – Ratification of an Award of Bid to Altec for a Bucket Truck.

This item was presented by Assistant City Administrator Paul Jerome. The vehicle was included in the FY 2013-2014 budget; however, the purchase was not presented to the City Council for approval as it was purchased under “utility equipment” that has a \$125,000 threshold before requiring Council approval. Vehicles are not defined in the City’s purchasing policy as “utility equipment” and any vehicle over \$40,000 requires City Council approval.

MOTION: *Councilmember Burnham moved to ratify an award of bid to Altec for a bucket truck in the amount of \$122,261. Councilmember Ireland seconded the motion.*

Discussion ensued on the process of approving, ordering and receiving the truck.

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

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

Councilmember Steinkopf

Councilmember Steinkopf reminded everyone to attend the transportation open house on Thursday.

Councilmember Burnham

No comment.

Councilmember Ireland

No comment.

Councilmember Westmoreland

No comment.

Councilmember Bradley

See board report.

Mayor Pengra

Mayor Pengra stated that he attended the Military and Veterans Advisory Board meeting. He said their first order of business is to make a recommendation to the Council on how the military utility abatement should be managed in the future.

He also said that a landowner in the City applied to have his land be one of the locations considered for the relocation of the Utah State Prison. He emphasized that the prison relocation plan is in a very early stage. The prison doesn't align with Mayor Pengra's vision for the City. He asked what the Councilmembers thought about it.

City Attorney Jeremy Cook recommended that the issue be placed on the agenda of a future City Council meeting, as it wasn't on the agenda for this meeting.

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

Councilmember Bradley reported that the Military and Veterans Advisory Board met and elected officers. Luke Pannell was elected Board Chair.

16. COMMUNICATION ITEMS

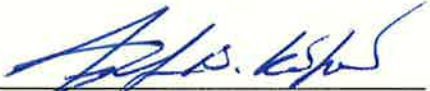
- a. Upcoming Agenda Items
- b. Financial Report

17. ADJOURNMENT

MOTION: ***Councilmember Bradley moved to adjourn the meeting at 8:41 p.m.
Councilmember Burnham 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 OCTOBER 21, 2014.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 21, 2014

Policy Session 7:00 p.m.

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

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; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Dave Norman, Public Works Director; Chris Trusty, City Engineer; Adam Ferre, Energy Department Director; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sheriff's Deputy.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Boy Scout Troops 1250 and 1652 presented a flag ceremony.

3. INFORMATION ITEMS/UPCOMING EVENTS

- **Bag the Leaf** – The City's Storm Drain Department is once again offering a free bagged leaf disposal service for residents. Bags are available at City Hall or The Ranches HOA office through the end of November. For program details, please visit the City website, News section or read the News item in The Eagle's View.
- **Early Voting** – Early voting for the General Election will be held at City Hall from Tuesday, October 21 through Friday, October 31. Hours are 1 p.m. to 5 p.m. most days. On Tuesdays (the 21st and 28th) the hours are 8 a.m. to 1 p.m. Valid ID is required to vote. Polling hours on Election Day, November 4, are 7 a.m. to 8 p.m. Please see the link to the County website on the City website, News section for a map of districts and polling places.
- **Porter's Crossing Road Closure** – Porter's Crossing between Golden Eagle and Clark St. will be closed from 7 a.m. to 5 p.m. on Wednesday, October 22 for construction. The same detour as used previously will be in place. Please plan for extra time, watch speed and follow signs in this area.
- **Trick or Treat Village** – Saturday, October 25 from 10 a.m. to 2 p.m. at Nolan Park. Come dressed in your Halloween best! Admission is free. Animal costume contest. PTA Scarecrow Contest. Monster Mash by Gotta Dance Studio. Come decorate a cookie with our wonderful friends of our Eagle Mountain City Senior Citizens Council. Take home a FREE pumpkin! (while supplies last).
- **Immunization Clinic** – The Utah County Health Department will hold an immunization clinic at City Hall on Thursday, October 30 from 4 p.m. to 5:30 p.m. Information on insurance plans accepted and available vaccines is on the City website, events calendar.

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

None.

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

Councilmember Steinkopf

Councilmember Steinkopf welcomed all the residents who attended the meeting. He asked everyone to be safe on Halloween.

Councilmember Burnham

Councilmember Burnham asked everyone to be educated voters. She reminded voters that there are three constitutional amendments on the ballot.

Councilmember Ireland

Councilmember Ireland appreciated all the Scouts who attended in uniform and those who presented the flag ceremony.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone. He looked forward to the presentation on the proposed utility sale and to hearing the everyone’s comments.

Councilmember Bradley

Councilmember Bradley was excited to hear everyone’s input and answer questions. He appreciated their attendance.

Mayor Pengra

Mayor Pengra said the presentation about the utility sale is meant to be a starting point for a conversation. The point of the meeting is to make sure that everyone’s questions will be answered.

CONSENT AGENDA

6. MINUTES

- A. October 7, 2014 – Regular City Council Meeting

7. FINAL PAYMENT

- A. Pony Express Parkway Rotomill and Overlay – Morgan Asphalt, Inc.

8. BOND RELEASE – Into Warranty

- A. Valley View Ranch, Plat A-4
- B. Valley View Ranch, Plat A-6

MOTION:

Councilmember Ireland moved to approve the Consent Agenda. 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.

SCHEDULED ITEMS

9. PUBLIC HEARING

Ballot Proposition 8 – Shall Eagle Mountain City, Utah, be Authorized to Sell its Electric Distribution System and Related Equipment and Facilities (the “Electric System”) and Transfer Electric Service for Residents in Eagle Mountain City to Rocky Mountain Power?

In accordance with Section 59-1-1605 of Utah State Code, the City Council is required to hold a public meeting to allow equal time for the presentation of arguments in favor of and against Ballot Proposition 8, for the Sale of the Electric System.

City Administrator Ifo Pili explained why the City proposes to sell the electric and natural gas utilities, stating that the primary reason the City wants to sell the utility system is uncertainty in the energy market. The question is whether Eagle Mountain or a professional power company is better able to serve the residents, and which will be able to keep rates lower. The City doesn't generate any power and doesn't own any power sources, other than a share in a wind power project. That makes Eagle Mountain entirely subject to the energy market, based on agreements which are about to expire. One has already expired. The City either needs to make new agreements to purchase power or find ways to generate power. The Environmental Protection Agency (EPA) is enacting new regulations which may result in a 20% reduction in coal power production in the U.S. Much of the City's power and gas supply comes from coal-powered plants.

Utility rates will go up whether the City or private companies provide power and gas. However, Rocky Mountain Power (RMP) generates 93% of its own power. Questar produces 50% of its power. They are somewhat immune from energy market fluctuations. Over the past ten years, Eagle Mountain residents have paid an average of 18% more than RMP and Questar customers.

Mr. Pili said that selling the gas and electric systems will discharge approximately half of the City's bond debt.

The City will lose \$670,000 in General Fund revenue if the utility system is sold. The budget has been cut \$380,000 in the past couple of years in anticipation of possibly selling the system, leaving a \$290,000 impact. Selling will bring in additional sales tax revenue, as will ongoing City growth. With the revenue estimates on those sources, the City will still need to make up a \$25,000 loss, which will be covered by additional budget reductions. The water and sewer systems will have to pay about \$567,000 in annual power and gas bills. Those expenses are already accounted for in this year's budget. There's a remaining revenue shortfall that is projected to be covered by growth, based on the number of building permits being issued.

Eagle Mountain's financial advisors have said that refinancing the remaining bonds will save the City about \$63,000 per year.

In economic development, the City will lose the ability to provide utility rate incentives to new businesses considering locating in Eagle Mountain. However, large companies have indicated that they believe professional companies can provide more power, better redundancy and more reliability than City-owned utilities. The City will gain access to more resources to serve large-scale users. RMP and Questar also offer development fee programs and rebate programs.

Another question residents need to answer with this decision is whether running a power business is part of the role of government.

Mayor Pengra thanked Mr. Pili for creating this presentation. He said that it's a very broad overview of a detailed issue.

Mayor Pengra opened the public hearing at 7:35 p.m.

Bruno Hunziker, a resident of White Hills, stated that White Hills, which was annexed into the City a few years ago against the residents' wishes, is served by Rocky Mountain Power. He stated that a substation will need to be constructed to serve the additional 4,000 homes that are planned for the annexed area. If RMP builds the substation, the cost will be spread over all of its customers, not just the residents of Eagle Mountain. Mr. Hunziker said that White Hills residents like the service they receive from RMP.

Mayor Pengra stated that the transmission line will cost approximately \$1.2 million. Mr. Pili said the substation will cost about \$5 million. The Mayor noted that State law allows RMP to turn over that service area to the City, which would require a transmission line and substation funded by the City.

Donovan Largent, a resident of Highlands on the Green subdivision, asked who would assume the \$27 million in bond debt which was taken out in 2001. He asked who would take over the debt if the electrical system is sold.

Mayor Pengra answered that the City has issued more than one gas and electric bond, beginning in 1996. Over the years, bond debt has fluctuated. The sale would completely retire the gas and electric debt. Asst. City Administrator Paul Jerome said there are two bonds, both of which will be paid by RMP at a cost of \$33 million, so there would be money left over.

Mayor Pengra said the principle is what is best for Eagle Mountain, followed by whether the City can get over the hurdles created by a difficult decision. There are enough funds in the cash from the sale and in the General Fund to take care of the financial obligations that might result from the sale.

Mark Johnson, a resident of City Center, asked whether Eagle Mountain had ever lost a big business opportunity because of owning its own utilities. He also wanted to know whether Eagle Mountain's lower growth rate has been caused in part by a lack of a business revenue base. He also wanted to be able to take advantage of the rebate programs offered by RMP and Questar. He was in support of selling the utilities.

Mr. Pili stated that Eagle Mountain has been visited by a number of major companies over the last seven years. Some of them wanted 50-100 megawatts of power. Eagle Mountain's system peaks at 20 megawatts. RMP has about 9,000 megawatts available in their system.

Mr. Pili pointed out that the sale will not pay off all of the City's utility debt. There will still be water and sewer bonds.

Dan Walker asked why rates will go up even though the bonds will be paid off. He also wanted to know if anyone had considered constructing a wind power facility on the mountain.

Mr. Pili said rates will go up because Eagle Mountain residents will pay the same rates as other customers of those utilities. Mayor Pengra explained that the City's rates are low because the market rate was low last year. The market is higher this year.

Matt Visser felt that residents should base their decision about whether to sell the power system on what is best for the City, not what's best for individuals' utility bills.

Mayor Pengra said the two aren't mutually exclusive. Long-term, the sale benefits both the residents and the City as a whole.

Ryan Hart asked whether selling the utilities would reduce impact fees, and whether the transition would cause any interruption in power.

Mayor Pengra said there wouldn't be any interruption in power if the ownership changes.

Lucky Morse of Rocky Mountain Power explained that RMP offers an allowance towards residential connections. RMP offers extension allowances to commercial and industrial customers. It doesn't charge impact fees. Brad Marcus of Questar explained that the company shares 50% of the line extension costs. The builders and developers pay the other 50%.

In answer to Mr. Walters' question about wind power, Mayor Pengra said that the City has a share in a wind power project in Idaho. The contract rate the City is paying right now exceeds the market value of the power.

Mayor Pengra read a question from Larry Peterson, asking whether the gas and electric debt is per capita, and is the per capita debt in a better position to service the debt? Mr. Jerome responded that the City is currently in a good position to pay its debt, but continued growth will require bonding for additional substations.

Linda Shumway asked if Rocky Mountain Power restricts the use of solar power.

Lucky Morse said that RMP has close to 3,000 customers in Utah who use solar power. The company does have some requirements to allow customers to use solar safely. RMP's net metering program allows customers to feed excess power generated by their solar systems into RMP's network. If the customer's power generation exceeds their usage, they forfeit the excess power.

Steven Fife asked who votes on whether the system is actually sold, the residents or the Council, and how each Council member plans to vote. Mayor Pengra stated that the decision will be made by the residents who vote on the ballot proposition. The State only requires the electric system to be voted on; however, the gas and electric systems share revenue bonds, so they have to be either sold or retained together.

Mayor Pengra gave each Councilmember the opportunity to say how they will vote on the utility sale. Councilmember Steinkopf said he will vote against the sale. Councilmembers Burnham and Ireland said they will vote for the sale. Councilmember Westmoreland explained that he will vote for the sale because of the volatility of the whole power industry. Councilmember Bradley said he will vote for the sale. Mayor Pengra also said that he will vote for the sale.

Christian Judd didn't want the City to grow too much. He moved here to live in a rural, residential community. He wondered why the City wants to sell the utilities now when the City budget is in good condition. He felt that the budget has an uncertain future just as the utilities do.

Mayor Pengra answered that the City will inevitably grow. Landowners have the right to sell their property. However, the City can put policies in place to protect the City's future. The reason for selling now rather than later is that this is the time that the power and gas contracts have to be renewed or allowed to lapse.

Robert Feldt asked what effect the sale would have on the City's other utilities, such as pump maintenance. He said his family doesn't like large cities, but growth is inevitable. He felt that it was important for people to cut their own utility rates by conserving them.

Mr. Pili explained that the Water and Sewer Departments will have to pay power & gas bills of about \$567,000 a year.

Nathan Hatch said he's heard a rumors that the State Prison might relocate to Eagle Mountain, partially based on the City's ability to provide power.

Mayor Pengra responded that Eagle Mountain is no longer on the list of communities being considered.

Tyler Shimakonis asked how the sale would affect impact fees and administrative transfer fees.

Mr. Pili said that impact fees can only be used for future facilities, so they don't affect the General Fund. Administrative transfer fees pay the General Fund for the costs of administering the utilities. The General Fund budget has been adjusted to absorb the loss of those fees.

Mayor Pengra read a question asking if the sale would require residents to upgrade their green-stickered gas appliances. Mayor Pengra said the green sticker program was created to address previous gas supply issues. Appliances are now built to run on any natural gas supplied by a utility.

Matt Harward asked several questions: Are the utilities the City's main source of revenue? Won't the substation need to be built whether the City or RMP builds it? What is the current fund balance? Won't property taxes go up once the profit from the sale is spent? Will selling to RMP put Eagle Mountain back on the list for the prison relocation? Who will the City have to pay to get out of the power contracts now in place?

Mr. Jerome said the main source of revenue for the General Fund is property tax. Utility fund revenues can't be tied to the General Fund, except for a small amount of administrative transfer fees. The Gas Fund has approximately \$6.5M to \$7M. The Electric Fund owes the Gas Fund about \$1.75M.

Energy Director Adam Ferre stated that RMP has a distribution line serving White Hills. No matter who provides power to White Hills, a substation will have to be built. Right now there is a phased plan to run a distribution line to White Hills. If the City keeps the utilities, it will have to pay for that. Lucky Morse said that the State allows RMP to transfer White Hills to City service.

Mayor Pengra stated that the City has budgeted as though \$380,000 is already gone, so the impact of lost revenues will be reduced.

Mr. Jerome said that the City has budgeted very conservatively since 2011, based on four-year tax projections. The State is considering changing the tax revenue formula, which would improve the City's tax revenue stability.

Mayor Pengra said the only contract that will cost money to get out of will be the Horse Butte wind power project. It will cost the difference between market value and what the City is paying.

Mayor Pengra read a question from a resident, who asked whether the City approached the companies or they approached the City, and whether the utilities can be sold in the future if the residents vote "no."

Mr. Pili explained that the City approached all of the companies, because of the uncertainty coming in the energy market. As to whether the opportunity will become available again, it depends on whether anyone would be interested in buying in the future. However, the City needs to deal with the expiring energy contracts now. Power contracts are five to ten year commitments.

Mayor Pengra read a question asking whether there are other cities that have been in similar circumstances and what the result was.

Mr. Pili said that other city utility systems own generating facilities. They also don't have to deal with Eagle Mountain's growth rate.

Mack Allred asked whether the City would try to expand enough to service other communities, if it retains the system.

Mayor Pengra responded that State law only allows municipalities to provide utility service to their own residents.

Mark Johnson asked whether rates will go up if the City retains the utility system. He felt that keeping the system will create more uncertainty than selling it.

Mayor Pengra listed costs that the City will have to pay if the power and gas systems are not sold:

- Employees to fill positions that have gone unfilled
- Vehicles and capital improvements that were not approved in the last budget cycle
- A full-time analyst to manage rates

Energy Director Adam Ferre said he found out today that Kern River upgraded its meter today, so that won't be an expense if the City retains the utility system.

Mr. Pili said a rider determines what the fixed costs are and adds it to the variable costs of power and gas. Questar uses that system and RMP has a tiered rate.

Dan Walker asked if the rider includes other costs.

Mayor Pengra said rates are set by resolution. Riders allow for the variable portion of the rate, so the City Council doesn't have to approve a new resolution every month.

Brad Marcus announced that Questar and RMP will hold a public meeting tomorrow evening at 6:30 at the middle school to answer the public's questions.

Jim Shumway stated that several months ago he was entirely opposed to the utility sale. Based on the information he's reviewed since then, he plans to vote yes. He was the mayor of a small town for eight years. Owning a utility system worked for them because the town wasn't growing. It won't work for a growing city like Eagle Mountain.

Jared Frost asked how much of a rate increase could be expected if the system isn't sold. Mr. Pili said he doesn't know for sure. However, power and gas supplies will definitely become more expensive. He believes that the rates will increase more if the City retains the system.

Councilmember Steinkopf said that, although he plans to vote against the sale, he will support the result of the vote. However, he felt that the City could have made a better deal with the utility companies. He was concerned that there were unresolved issues when the Council voted to accept Rocky Mountain Power's bid. He also felt that Rocky Mountain Power and Questar had only given vague descriptions of what offers they would make to the City's energy employees. Mayor Pengra said that the companies have since made specific offers to all of the affected employees.

Brian Smith asked what costs RMP will absorb in buying the utility system. Mr. Pili responded that there are three contracts involved. RMP has agreed to absorb two of them. The Horse Butte contract will cost at least \$3 million to terminate. RMP has agreed to pay \$2M towards that and the City will pay at least \$1M and possibly \$1.8M. Mr. Smith wanted to be clear that RMP is actually offering to pay more than they originally agreed to.

Councilmember Burnham said that she would vote for the sale because she felt that there is too much uncertainty with remaining in the power business. She also felt that large companies will be more likely to locate in Eagle Mountain if their power will be provided by a large utility company.

Mayor Pengra stated that the concern the large companies have isn't the quality of the system or the employees. It's where the City gets its power from and whether it can provide the amount of power required by large users.

Councilmember Ireland pointed out that if the City retains the system, the Council will continue to be its board of directors. They aren't professional utility managers. Questar and RMP have professional management. Without the power and gas systems, the Mayor and Council will have more time to focus on City government. He encouraged residents to call Councilmembers or email council@emcity.org, contact the Mayor or talk to City employees to have their questions answered.

Councilmember Westmoreland asked how the City's budget billing program will be transitioned to the new system. Mr. Jerome said those who are on budget billing will have to pay the deficit or receive a credit for excess paid. On the question of "if things are so good, why sell now?" he felt that selling now seems to be the safest decision.

Councilmember Bradley said he plans to vote for the sale because it's something the private sector can and should do. He commended City officials and employees for building a system that is good enough to attract buyers. Since the Councilmembers aren't utility professionals, it would be better to have professionals do the job. He also felt that this is an opportunity to reduce the size of the government. He was more concerned about the unknowns of keeping the system than the unknowns of selling it.

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

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

None.

11. 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.

12. COMMUNICATION ITEMS
a. Upcoming Agenda Items

13. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn the meeting at 9:43 p.m. Councilmember Ireland 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 NOVEMBER 18, 2014.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 18, 2014

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 – COUNCIL CHAMBERS

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

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; Jeff Weber, Assistant Public Works Director; Chris Trusty, City Engineer; Steve Olsen, Energy Department; Steve Mumford, Planning Director; Ken Sorenson, City Planner; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:13 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 and do not require action by the City Council.
 - A. Presentation – Proposed Amendment to the Military Utility Abatement Program, by Luke Pannell

Mr. Pannell, Chair of the Military and Veterans Advisory Board, presented a proposal for amending the military utility abatement program. The proposal is designed to show appreciation to the families of military personnel who are deployed out of state or out of the country for sixty days or more. The Board recommended that the abatement be 25% of the family's utility bill. This is a draft proposal that is expected to change as more information becomes available, especially as the sale of the electric and gas utilities is finalized.

Councilmember Burnham asked that the abatement specifically apply to only one home owned by the service member. Mr. Pannell explained that the abatement would only apply to the home of record listed with the military. The service members will be required to provide written orders to document their eligibility for the program.

The proposal would substantially reduce the number of families who qualify for the abatement. The Board recommended that the families who won't qualify for the new program be phased out over ten months.

Mayor Pengra emphasized that the City doesn't intend to "pull the rug out" from families who currently qualify for the abatement. The City will hold internal conversations regarding how to transition to the new program.

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

20. Sewer Truck

Jason Lovell, Fleet Manager, stated that the Sewer Department plans to replace truck #31 with a new, one-ton truck. Truck #31 is no longer adequate for the work that the department needs done. It's 2007 model with approximately 120,000 miles. The new truck was approved in the fiscal year 2015 budget.

Councilmember Bradley asked how much the City is likely to receive by selling truck #31. Mr. Lovell responded that it would be between \$5,000 and \$10,000 at auction. The City plans to sell seven trucks this year and buy three. Trucks are bought on the State contract at approximately \$20,000 below sticker price. They're replaced about every five years for gas-powered trucks and seven years for diesel-powered trucks. The City always buys new trucks for the warranty, and because the State contract doesn't cover used vehicles.

Councilmember Westmoreland asked what the mileage trigger is for selling trucks. Mr. Lovell said it is approximately 100,000, but that varies. The goal is to use the trucks as much as possible, while getting a good price when they're sold at auction.

17. Bond Refunding

Mayor Pengra invited Cody Deeter of Lewis Young Robertson & Burningham to discuss item #17, a bond refunding opportunity. Mr. Deeter said the bond rates are at a historic low, which allows the City to refund (refinance) the bonds at a lower rate than they currently carry. The City will see a significant savings in interest costs. The bond process will be on an aggressive schedule to take advantage of the low rates, which could rise at any time.

Consent Agenda

Mayor Pengra asked if the Council had any questions on the Consent Agenda. Councilmember Bradley asked about the bond release for the tee box relocation. Chris Trusty, City Engineer, responded that the owners of the golf course piped the wash in that area to provide more control during storm events. Fionnuala Kofoed, City Recorder, explained that the contract for the tee box was an amendment to the golf course donation agreement.

Ms. Kofoed stated that the election canvass was completed by the County. The Council is being asked to approve the results of the County's canvass of the ballot question regarding approval of the sale of the utility system.

Councilmember Bradley asked why the City paid a private company to lay down chip seal when Public Works recently purchased a paver. Mr. Trusty explained that chip sealing is a different process than paving.

14. Outdoor Lighting Ordinance

Ken Sorenson, City Planner, said that the Planning Department rewrote the proposed ordinance to incorporate the Council's comments at the October 7 meeting. They added additional definitions, allowed for seasonal decorations, and clarified the language about grandfathering existing lighting into the ordinance. The ordinance generally applies only to new construction, although a major remodel will trigger a requirement to comply with the new ordinance. The Planning Department recommended low-pressure sodium outdoor lighting, which is the standard for cities trying to control light pollution. The ordinance includes specific regulations for permanent sign lighting.

Councilmember Westmoreland asked if any of the regulations were controlled by amount of lumens. Mr. Sorenson said it would have made the ordinance more complicated, so the Planning Department chose to regulate lighting by the opacity of the light instead.

15. Gateway Park Rezone, Plat & Site Plan

The proposed Eagle Mountain Business Park is located northwest of SR73 and Mt. Airey Drive. This property was rezoned in 2013 from Industrial to Commercial Storage and Commercial in preparation for a storage unit development and commercial warehouse/office development. The purpose of the Business Park zone is to provide for professional offices, research and development uses, retail or commercial businesses, light manufacturing and assembly, and multifamily development. The purpose of the Commercial Storage zone is to provide for non-retail commercial sites for storage of vehicles, equipment, and inventory, and associated offices. Two parcels are being preserved for a UDOT right-of-way, in anticipation of a future expansion of Cory Wride Memorial Highway.

Councilmember Bradley asked if the haul truck traffic will damage the road. Scot Hazard, the applicant, said it will, but it will be separated from regular traffic as far as possible. Discussion ensued on traffic issues with the project. Mayor Pengra noted that Mr. Hazard has been patient with UDOT in dealing with the right-of-way for the future highway expansion. UDOT's involvement has slowed the project considerably.

Mr. Mumford said that the northern portion of the property was originally master-planned as residential. It's really not good residential land.

Councilmember Steinkopf said the plan wording allowed for open-air equipment storage. Mr. Hazard responded that open-air storage isn't planned for the Commercial Storage zone. Companies in the Commercial zone will probably store vehicles and equipment outdoors. Councilmember Steinkopf suggested landscaping to improve the view of the project from the road. He asked what maintenance will be done on the road to clean up material spilled from truck loads. Mr. Hazard said that he has a maintenance agreement with the gravel pit operator.

16. Culinary Water Impact Fee Enactment

Chris Trusty, City Engineer, stated that the culinary water impact fee was updated last June. Shortly afterwards, a reimbursement agreement was approved for a water line shown in the Capital Facilities Plan (CFP). The developer of the property needed an eight-inch line for the project, but future development would require a twelve-inch line. The developer agreed to build the larger line, and the City agreed to reimburse him for the upgrade. The upgrade was not included in June's update to the CFP. The item on the agenda at this meeting added the upgrade to the CFP, allowing the City to collect impact fees to pay for it.

19. Hidden Hollow Preliminary Plat

Hidden Hollow is a 34-lot development adjacent to Hidden Hollow Elementary School. This is a revised preliminary plat, due to inclusion of the school site and an adjustment for the steepness of the terrain. Improvement of open space is regulated by a point system. The developer has agreed to improve 1.2 acres of the frontage road in front of the school. This is an alternative to a park, which would be the usual improvement of open space.

Councilmember Westmoreland asked what part of the school property was acquired by eminent domain. Mr. Mumford explained that it was the whole ten acres. Alpine School District and the

developer were unable to come to an agreement on the school site, so the district used eminent domain to acquire the site.

Councilmember Westmoreland also asked what the land to the west and south of the plat would be used for. Mr. Mumford said that the land to the west is going to be maintained as a natural hillside. There is an area closed to Pony Express Parkway could be development. The land to the south is owned by another party and is suitable for a small development. The land to the south could also be a small development.

Councilmember Westmoreland was concerned that the school site isn't large enough. There's too little room for parking and the school is already using portable classrooms. He wanted to know what impact the school would have as additional development is constructed. Mr. Mumford said the school has no buses. Development closer to the school won't require additional parking, as most of the students will walk to school. As the school population increases, the school district will build more schools that will draw off some of the homes that currently send students to Hidden Hollow Elementary.

Councilmember Bradley asked the other Councilmembers if they were willing to make an exception to the Development Code to allow improvement of the frontage road rather than building a park. It is an improvement for the City, but not for the residents in the area. Mr. Mumford explained that a park was planned for the upper area of the development, but it was poorly planned. Half of the park consisted of unusable hillside.

Mayor Pengra asked if Pony Express Parkway will shift to the south at that location, or would the improvements to the frontage road have to be taken out. Mr. Trusty stated that the road will be shifted.

Councilmember Steinkopf suggested some benches and trash cans for the path. Mr. Mumford asked the Council to make suggestions for the landscaping for the development and the path.

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

No Closed Executive Session was held. The meeting was adjourned at 6:05 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. Ryan Ireland participated by telephone starting at 7:50 p.m.

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; Jeff Weber, Assistant Public Works Director; Chris Trusty, City Engineer; Steve Olsen, Energy Department; Steve Mumford, Planning Director; Ken Sorenson, City Planner; Linda Peterson, Public Information 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 7:00 p.m.

5. PLEDGE OF ALLEGIANCE

Cub Scouts Rigel Watt and Logan Webb led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Bag the Leaf** – The City’s Storm Drain Department is offering a free bagged leaf disposal service for residents through November 28. Bags are available at City Hall or The Ranches HOA office through the end of November. For program details, please visit the City website, News section.
- **Bicycle and Pedestrian Master Plan** -- Eagle Mountain is currently developing a bicycle and pedestrian master plan with the goal of connecting the community and making it a place where bicycling and walking are safe, normal, and fun activities for all ages and abilities. Planning efforts are currently underway to solicit public input, identify desired routes and hazards, and develop a shared vision for the future of bicycling and walking in Eagle Mountain. Please visit the News section of the City website to provide input via a survey and mapping tool.
- **Turkey Trot** -- Eagle Mountain City will hold the annual Turkey Trot on Thanksgiving Day, November 27. The event starts at 8:00 a.m. for the Competitive category and 8:15 a.m. for the Leisure category. This event is FREE. Pre-register on the City website, Events page. Prizes and refreshments!
- **Deck the Halls Tree Lighting** -- Friday, December 5 from 6:30 p.m. to 8:30 p.m., the City will hold the annual Christmas tree lighting event. Visit with Santa, drop off a letter in our Santa Mailbox, and enjoy refreshments in the main lobby. An essay contest and gingerbread house contest are also offered. Details on the City website, Events page.
- **Santa on the Fire Truck** – Santa will make his annual visit to Eagle Mountain neighborhoods on the fire truck on Saturday, December 6, from 8 a.m. until finished.

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

Marianne Smith asked when the Streets Department will finish installing reflectors on the medians along the road. She also told the Council that Lake Mountain Road has large rocks on the gravel surface. She asked the Council to budget for some road base to keep the rocks covered. Mayor Pengra said the City is having internal conversations about what to do with Lake Mountain Road. He asked where reflectors are still needed. Mrs. Smith said they’re needed on the narrow strips of median at intersections.

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

Councilmember Steinkopf

Councilmember Steinkopf wished everyone a safe and happy Thanksgiving.

Councilmember Burnham

Councilmember Burnham reported that the Rodeo Committee voted to move the date of the rodeo back to Memorial Day weekend. They have tentatively scheduled a demolition derby and a motocross race. She urged residents to drive safely with the snowfall coming soon.

Councilmember Westmoreland

Councilmember Westmoreland thanked everyone attending the meeting. He reminded residents to use caution and keep their doors locked and their garage doors closed. Many thefts are crimes of opportunity.

Councilmember Bradley

Councilmember Bradley welcomed everyone at the meeting, especially the Scouts. He reiterated the encouragement to go onto the City's website and take the survey about the parks and trails plan. He was very pleased with the turnout for the election on November 4th. He said that a young man who used to be his neighbor took his own life this week. He asked everyone to help each other and notice those who might need a little extra love.

Mayor Pengra

Mayor Pengra thanked Councilmember Bradley for the reminder to help and encourage each other. He was grateful for the voter turnout. He reported that City staff was working at high speed and putting in long hours. He wanted to recognize all they're doing.

He stated that Councilmember Ireland was excused, as he was out of town.

CONSENT AGENDA

9. MINUTES

- A. October 21, 2014 – Regular City Council Meeting

10. BOND RELEASE – Into Warranty

- A. Meadow Ranch, Plat 7
- B. Meadow Ranch V, Plat 3
- C. Arrival, Phase 1

11. BOND RELEASE – Out of Warranty

- A. Tee Box #12 Relocation and Improvement Project – Ames Construction

12. 2014 Ballot Proposition 8 Election Canvass Report

13. FINAL PAYMENTS

- A. Pony Express Parkway Chip Seal – Advanced Paving and Construction, LLC
- B. Cemetery Irrigation Project – Great Western Landscape
- C. Cemetery Landscape Project – Great Western Landscape

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

SCHEDULED ITEMS

PUBLIC HEARING

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Amending the Development Code Regarding Outdoor Lighting.

This item was presented by Steve Mumford, Planning Director. Staff presented the dark sky ordinance concept to the City Council on May 6, 2014 and received direction to prepare a draft ordinance. The proposed draft includes a new chapter addressing outdoor lighting standards (Chapter 17.56 Outdoor Lighting Standards) and amendments to Chapters 15.70, 17.54.050, 17.55.040, 17.72, 17.80, 17.100.060, 17.100.070 of the Municipal Code. The purpose of the ordinance is to preserve the view of the nighttime skies and support the nighttime training mission of Camp Williams. This item was tabled from the October 7 City Council meeting.

Mr. Mumford presented definitions of various types of lighting. He said that current lighting will be grandfathered in under the ordinance. The ordinance will apply to new construction and to extensive renovation projects. Changes to the draft ordinance include a simpler grandfathering clause, grandfathering all existing lighting unless a renovation is extensive enough to require a site plan or a building permit. There is now no retroactive date for mercury vapor lighting. Uplighting is prohibited, except for government flags and seasonal decorations and certain signage. Low-pressure sodium lighting is now recommended rather than required. There is no longer an 11:00 p.m. time limit on recreational lighting such as field lighting. There are changes to the sign ordinance, mostly regarding coloring. White backgrounds create much more light pollution than any other color.

Mayor Pengra opened the public hearing at 7:27 p.m.

Marianne Smith said the school seems to be doing a better job of controlling lighting at night. She asked that the lights at the rodeo grounds be better controlled. She felt that the night sky is beautiful and the view of it should be preserved. Mayor Pengra responded that the City would check on the rodeo lights.

Duff Astin said he works for the Sandy City Police Department, primarily in crime prevention. He said that low-pressure sodium lights have terrible color rendition. Correct color is important in police work. He said the average perpetrator is 15 – 25 years old. As the median age in Eagle Mountain reaches that age group, the City is going to experience more crime. Gas stations are quite dangerous, as are parking lots. The City needs to be careful to have appropriate lighting in those locations. He felt the ordinance was being rushed and needed more work.

Mayor Pengra closed the public hearing at 7:34 p.m.

Councilmember Bradley asked if the prohibition against flashing or moving signs would apply to schools. Jeremy Cook, City Attorney, stated that schools are exempt from many City regulations. He wasn't sure if that extended to signage. Mayor Pengra said signage could be discussed with the school district.

MOTION: *Councilmember Bradley moved to approve an ordinance of Eagle Mountain City, Utah amending the Development Code regarding outdoor lighting. Councilmember Westmoreland seconded the motion. Those voting aye: Adam*

Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

Councilmember Westmoreland stated that this ordinance was difficult for him. He felt that it's dangerous when government deals closely with people's lives and with technology. Fortunately, ordinances can be adjusted as necessary. He appreciated Mr. Astin's comments on color. He also said that when he lived in Lake Tahoe, the city was able to enact a sign ordinance that maintained the mountain feel of the city. That's the intent of this ordinance, without compromising safety.

15. PUBLIC HEARING

- A. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning Portions of the Gateway Park Project to Industrial, Commercial, and Commercial Storage Zones.
- B. MOTION – Consideration of a Preliminary Plat for Gateway Park.
- C. MOTION – Consideration of a Master Site Plan for Gateway Park.

This item was presented by Steve Mumford, Planning Director. The proposed rezone, preliminary plat, and master site plan are for the Gateway Park business park, located northwest of Wride Memorial Highway and Mt. Airey Drive. The rezone changes the Commercial zone to the Business Park zone and makes adjustments to the Commercial and Industrial zones. The preliminary plat includes one 7.06-acre storage unit lot, three industrial lots totaling 9.9 acres, eight commercial lots totaling 10.72 acres, and an 8.29-acre UDOT preservation parcel for future expansion of Wride Memorial Highway. The master site plan depicts a possible layout of each business park and commercial storage lot, with the understanding that each lot will require a specific site plan approval in the future.

Councilmember Ireland joined the meeting by telephone at 7:50 p.m.

Mayor Pengra opened the public hearing at 7:51 p.m. As there were no comments, he closed the hearing.

Mayor Pengra questioned the road access to lot 101, and whether that was changeable if this plan is approved. Mr. Mumford explained that this is a conceptual plan. It can be changed if desired when the final site plan is considered.

Councilmember Westmoreland asked if it typical to have one entrance/exit to a storage facility. Mr. Mumford said that's the norm. Discussion ensued on the front and side appearance of the storage facility.

Councilmember Steinkopf felt that a two-way or three-way stop should be included at the intersection of the gravel pit and the frontage road. Mr. Mumford said that there will be a two-way stop. Scot Hazard, the applicant, pointed out that gravel trucks have been entering Wride Memorial Highway safely for years. He felt that the intersection will be adequate as planned. Mr. Hazard discussed various concepts for the facility with the Council.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah rezoning portions of the Gateway Park Project to Industrial, Commercial, and***

Commercial Storage zones. 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.

MOTION: Councilmember Burnham moved to approve a preliminary plat for Gateway Park, with the conditions listed in the staff report. 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.

The conditions in the staff report are as follows:

1. Developer must provide a water model for the project and must comply with any requirements as a result of the water model.
2. A second access is required for construction or permits for lots 105-111, unless approved by the Fire Marshal.
3. Storm drain calculations and plan must be approved by the City Engineer.
4. Developer must provide an access agreement with UDOT for utilities located within UDOT right-of-way or install utilities outside of the UDOT right-of-way.
5. All offsite sewer will need to be installed prior to construction of phase 1. Provide offsite sewer design with the first final plat.
6. A detailed sign plan is required with the first site plan, including details for an entryway monument for the project. The entryway monument must be completed with the first final plat.

MOTION: Councilmember Westmoreland moved to approve a master site plan for Gateway Park, with the condition listed in the staff report. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

The condition in the staff report is as follows:

Individual site plan approvals are required for each lot. Landscaping, architecture, parking and building layout will be reviewed at that time.

PUBLIC HEARING

16. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Culinary Water Impact Fee Enactment.

This item was presented by Chris Trusty, City Engineer. The proposed ordinance enacts and updates the culinary water impact fee imposed as a condition of development in Eagle Mountain City. Impact fees are a one-time charge to new developments for the purpose of defraying the cost of capital improvements and facilities necessitated by development. The Ordinance incorporates and approves amendments to the City's Culinary Water Impact Fee Facilities Plan and Culinary Water Impact Fee Analysis.

This is an amendment to the culinary water impact fee approved last June. A developer was required to build an eight-inch water line through his subdivision project. Additional development in the area would require a 12-inch line. The developer agreed to build the larger line, with the City reimbursing for the upsizing. The ordinance allows the City to include this project in the

Capital Facilities Plan and collect impact fees to pay for the difference between the 8-inch line and the 12-inch line.

Mayor Pengra opened the public hearing at 8:10 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Bradley moved to approve an ordinance of Eagle Mountain City, Utah adopting the Eagle Mountain City culinary water impact fee enactment. Councilmember Burnham 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. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Authorizing the Issuance and Sale of Not More Than \$11,000,000 Aggregate Principal Amount of Water and Sewer Revenue Refunding Bonds, Series 2014 and Related Matters.

This item was presented by Ifo Pili, City Administrator. The purpose of refunding the water and sewer revenue bonds is to capture economic savings due to the current interest rate environment. This refunding will reduce the overall debt service payments, which will keep more of the water and sewer funds in the City. This refunding does not lengthen the time of debt service. It does reduce the payments, saving the City approximately \$1.5 million.

Mayor Pengra emphasized that this is not an issuance of new debt.

MOTION: *Councilmember Steinkopf moved to adopt a Resolution of Eagle Mountain City, Utah, authorizing the issuance and sale of not more than \$11,000,000 aggregate principal amount of Water and Sewer Revenue Refunding Bonds, Series 2014 and related matters. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

18. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Section 3.10.020 of the Municipal Code for Municipal Energy Sales and Use Tax.

This item was presented by Jeremy Cook, City Attorney. The Eagle Mountain City Council adopted a 6% Energy Sales and Use Tax, the maximum allowed by State law, in the 2005 Fiscal Year budget. As part of the proposed gas and electric utility sale, the City needs to update the Municipal Code to reflect the increase that took effect on July 1, 2005. Although it was approved in the 2005 budget, the correct paperwork was never filed with the State.

The tax replaces the utility franchise fees used to recoup the costs of providing utility service in the City. The tax was previously 3%.

MOTION: *Councilmember Bradley moved to adopt an ordinance of Eagle Mountain City, Utah amending Section 3.10.020 of the Municipal Code for Municipal Energy Sales and Use Tax. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

19. PRELIMINARY PLAT – Consideration and Approval of Hidden Hollow Phase A, Preliminary Plat.

This item was presented by Steve Mumford, Planning Director. The project is located south of Pony Express Parkway and southwest of Hidden Hollow Elementary School. The original proposal consisted of 54 total lots with a density of 4.10 lots per acre and an average lot size of 8,236 sq. ft. The applicant has redesigned the project since the acquisition of a school site within the original project. The current application is for 34 lots with a density of 3.07 lots per acre and an average lot size of 8,542 sq. ft. The proposal adds an access to Pony Express Parkway. There is also an area adjacent to the plan area that is large enough to develop a few more lots.

The developer proposes to use the required park fees to improve the frontage road in front of the elementary school, rather than constructing a very small park. The school playground can act as a park area. The City Engineer will need to review the plans to be sure the subdivision has proper drainage.

Councilmember Ireland asked what the plan is for a small, triangular space next to lot 16. Mr. Mumford said grass and trees will likely be planted there. The City will own the property. Mr. Trusty said he thought it would be maintained along with the property by the frontage road. Councilmember Ireland suggesting making it part of the lot. Councilmember Steinkopf also felt the triangular piece should be part of lot 16.

Discussion ensued on the road alignment. Councilmember Burnham was concerned about having additional traffic near the school entrance.

MOTION: *Councilmember Bradley moved to approve the Hidden Hollow Phase A preliminary plat.*

Councilmember Bradley had additional questions about the triangular piece of land, so he withdrew the motion. He didn't want the City to own a small piece of land that would be difficult to maintain. Mr. Mumford stated that the Parks and Recreation Director objected to having small pieces of land like that to maintain.

MOTION: *Councilmember Bradley moved to approve the Hidden Hollow Phase A preliminary plat, with the condition that the .5 acre open space be made part of lot 16, and with the conditions outlined in the staff report. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

20. AGREEMENT – Consideration and Approval of a Purchase Agreement between Eagle Mountain City and Young Automotive Fleet Sales for a 2015 Chevrolet Silverado 3500HD Sewer Truck.

BACKGROUND: *(Presented by Jeff Weber, Assistant Public Works Director)* The proposed purchase agreement is for a 2015 Chevrolet Silverado 3500HD. This one-ton vehicle will be used for hauling fall protection and confined space entry equipment as well as hauling pumps, motors, generators, a skid steer loader, mini excavators and other equipment used in the Wastewater Department. It would replace vehicle #31, a three-quarter-ton vehicle that is inadequate to do the work required.

Councilmember Ireland asked how much truck #31 would bring at auction. Mr. Weber answered that it would sell for \$5,000 to \$10,000. The truck would have a seven to ten year working life.

Discussion ensued on whether an older truck could be purchased for a lower cost. Mr. Weber explained that the State contract allows cities to purchase vehicles for much less than retail cost.

Mayor Pengra explained that he was against the City buying new trucks in the past. In his position as Mayor, he's found that purchasing vehicles through the State contract gives the City reliable, warranted vehicles. The fleet rotation program ensures that the City always has reliable vehicles which can be sold for a reasonable return.

MOTION: *Councilmember Steinkopf moved to approve a purchase agreement between Eagle Mountain City and Young Automotive Fleet Sales for a 2015 Chevrolet Silverado 3500HD in the amount of \$45,082.07, to replace vehicle #31, which will be sold, and authorize the Mayor to sign the contract. Councilmember Westmoreland seconded the motion.*

Councilmember asked how much this truck would cost at retail. Mr. Weber said it would cost about \$65,000.

Mayor Pengra allowed resident Tobin Gardner to make a public comment. He said that he worked in the service side of a car dealership. He wondered if that would save the City enough money to be useful. Mayor Pengra asked if the State contract allowed for purchasing an older model vehicle. Mr. Weber said there is a time limit for each model year. The City ordered this truck after the time limit. Mr. Weber also said that the truck was ordered without a bed, so it could have a utility bed installed. The bed was also bought on the State contract.

Councilmember Westmoreland stated that he has bought fleet vehicles. They can't be bought straight from a dealer; they have to be ordered to save dealer overhead costs.

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

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

Councilmember Steinkopf

Councilmember Steinkopf wished everyone a happy Thanksgiving.

Councilmember Burnham

See board report.

Councilmember Ireland

Councilmember Ireland thanked the Mayor and Council for allowing him to join the meeting late.

Councilmember Westmoreland

See board report.

Councilmember Bradley

Mayor Pengra

Mayor Pengra thanked everyone for coming to the meeting.

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

Councilmember Burnham said the Youth Council will be helping with the Turkey Trot and Santa on the Fire Truck.

Councilmember Westmoreland stated that the Parks and Recreation Board didn't have a quorum at their last meeting, and the Economic Development Board will meet tomorrow night.

Councilmember Bradley stated that Luke Pannell, Chair of the Military and Veterans Advisory Committee. They're working hard and will be meeting tomorrow. Everyone is welcome to attend.

23. COMMUNICATION ITEMS
- a. Upcoming Agenda Items
 - b. Financial Report

24. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn the meeting at 8:51 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 DECEMBER 2, 2014.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

December 2, 2014

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 – COUNCIL CHAMBERS

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

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; Melanie Lahman, Deputy City Recorder; David Norman, Public Works Director; Chris Trusty, City Engineer; Adam Ferre, Energy Director; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Rand Andrus, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:08 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 and do not require action by the City Council.

No City Administrator items.

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

12. Dispatch Building Agreement

City Administrator Ifo Pili has been on the Dispatch Special Service District Board, representing Eagle Mountain. Originally, the Board wanted to issue a bond to construct the building. Mr. Pili encouraged the Board to pay for the building outright, rather than have a group of entities committed to a bond together. Each entity will pay a proportionate share of the cost, based on the call volume from each city in the district.

Councilmember Ireland noted that the first payment is due on June 30, in this fiscal year. He expected it to be due on July 1. Mr. Pili felt that it would be all right to make the payment in the next fiscal year. The contract also allows entities to make two payments – one in June and one in December. Mr. Pili said that he would check on the dates with the district.

Mayor Pengra felt that this agreement is a good idea. It has been revised from a very expensive to a much less expensive plan.

13. Impact Fee Reimbursement Agreement

City Attorney Jeremy Cook stated that a reimbursement agreement was approved by the Council in September, 2014, for construction of a water line. This amendment adds construction of a road to the agreement.

14. Military Utility Abatement Program

Mr. Cook said that staff has reviewed the recommendation from the Military and Veterans Advisory Board. The Board recommended a 25% reduction in utility bills for service members deployed on active duty. Staff determined that in Springbrook, the City's financial software, it would be very difficult to administer a percentage reduction. They recommend a \$25 per month abatement. A flat fee will also encourage conservation more than a percentage will.

In addition, fewer families will qualify for the new program. The Board recommended a \$10 per month reduction for those on the current program, until the \$100 abatement ends. Staff felt that this is too long, and recommends a two-month reduction period. Not only would ten months be difficult to administer, but by March the gas and electric utilities will be sold. The City would be faced with cutting checks to many of the families on the program, due to the reduction in their City utility bills. Those who will qualify for the new program may apply for it.

Councilmember Bradley asked Finance Director Paul Jerome how much the City will pay for each account on the current program in January and February. Mr. Jerome responded that it would be \$100 per month. Mr. Cook explained that, after February, only those who qualify for the new program will receive a \$25 per month abatement.

Mayor Pengra stated that staff tried to stay as close as possible to the spirit of what the Board recommended. Staff will inform families of the change as soon as possible, so they can prepare. For those for whom this will be a financial burden, staff will work with them on payment plans to relieve some of the stress of the change in programs.

15. Harmony Preliminary Plat

Planning Director Steve Mumford introduced David Church, an attorney will be presenting the Harmony preliminary plat. Harmony is a 772 acre development near the intersection of Pony Express Parkway and Eagle Mountain Blvd.

Councilmember Burnham asked how close the project is to the possible site of the State Prison relocation. Mr. Mumford said it was between two and three miles away.

The Planning Commission has reviewed the preliminary plat several times since 2009. The latest version was approved by the Planning Commission earlier this year, with a recommendation that the development agreement be approved by the Council. Council review was requested because of the size of the plat. The developers believe the 2009 plat is already approved under the 1997 Development Code, and that they are making voluntary concessions requested by the City.

Mr. Mumford said the plat doesn't meet the improved open space requirements under the current code. The plat has no minimum residential lot frontage, which are required under the current code. The design standards, for the most part, comply with the 1997 Development Code. Some of the designs meet the current standards, rather than the 1997 standards. The approved preliminary plat vests the project with single-family density, street configuration and lot layout. Any multi-family or commercial site plan or final plat application submitted after the Eagle Mountain Properties master development agreement expires in three years must be approved according to the Development Code in effect at the time of submittal. Any that are submitted before the expiration would be reviewed under the 1997 code, unless the developers applies under the current code.

Councilmember Burnham asked for clarification that single-family homes will be approved under the 1997 code. Mr. Mumford said that's correct.

If the Alpine School District or the LDS Church chooses not to buy the school or church sites, the developers may re-plat the sites as single-family lots with a density of 3.86 units per acre, with 50-foot-wide frontages. No multi-family structures will be allowed on those sites.

Councilmember Ireland asked what would happen if either of those entities bought a different lot. Mr. Mumford stated that the density would transfer from the new site to the old site. The number of units overall would remain the same.

Mr. Mumford said that the improved open space and trail areas need to be designed with each final plat. Parks and trails need to be built along with the infrastructure for each plat, or the Council may choose to put the park funds in escrow and build a larger park later.

The developers are requesting a ten-year renewal, with automatic renewals not requiring any standard of performance. Mr. Church stated that the developers are adamant that they will not accept any standard of performance requirement for renewals. They plan a 25-year time frame for completion of the development, but they don't want any required termination date.

Mayor Pengra stated that he saw an email in which the developer stated that he and Mr. Pili agreed to the requested renewals. He wanted to make it clear that they had not agreed to it.

Councilmember Burnham expressed her frustration that this is a way to extend the master development agreement that expires in three years. As proposed, this development will continue to create the same problems caused by the master development agreement. Other developers don't have the right to design projects like this one.

Mr. Mumford stated that the City's current Development Code has two-year approval expirations for preliminary plats, unless final plats, however small, are approved within that time. Final plat approvals expire in one year, which provides some incentive to move developments along.

Councilmember Burnham asked what the Council can do to prevent the developer from continuing to build problematic projects. Mr. Mumford responded that the expirations written into the current code will help.

Mr. Mumford explained that there is a long history of meetings and discussions about this project over several years.

Councilmember Burnham asked what happens if the Council votes "no" on the development agreement. Mr. Church responded that the developers will deem the 2009 preliminary plat approved. The purpose of this agreement, in his mind, is to clarify concessions they feel they're making to the City. If the City fails to approve this agreement, the developers believe they can go forward with the 2009 plat and will begin legal action if they're not permitted to. They feel that the 2009 plat vested them with the right to use the master development agreement past the 2017 termination date.

Councilmember Westmoreland stated that, if the Council approves this agreement, they would be relinquishing some of the purposes of City government. Mr. Church agreed, stating that the 1997 City Council vested the developer with extensive rights for 20 years. This proposed agreement does so to a lesser extent. However, the 1997 did provide substantial benefits to the City at its formation.

Councilmember Burnham asked what could be done to inform buyers that they will be purchasing homes near a prison, if the Eagle Mountain location is chosen for the prison. Mr. Church said the prison relocation will be well-known by then. Councilmember Burnham felt that the development will appeal to very young buyers who aren't likely to do adequate research before buying. Mr. Church felt that the City could spread that information, but realtors and others will provide it adequately. Current homeowners will have more negative impacts.

Mr. Mumford discussed the design requirements for single-family homes and frontages for residential lots. They're based on variations required in a "single row of homes." Councilmember Ireland asked how a single row is defined. Mr. Church said he thought it meant from intersection to intersection. Mr. Mumford said that could be specified in the development agreement.

Councilmember Ireland asked what percentage of the improved open space is going to be usable space and how much will be detention bases with grass. The 1997 code allowed those to be counted as improved open space. The current code does not.

Mayor Pengra asked how the drainage will be managed. Chris Trusty, City Engineer, said the developer hasn't specified that yet.

Councilmember Ireland asked what the side setbacks will be for the garden court homes with the 35-foot lot frontages. Mr. Mumford said setbacks will be reviewed with the site plan. Councilmembers Ireland and Burnham expressed concern about drainage between homes. Mr. Church said that there are general building code requirements, not limited to Eagle Mountain, that make sure that drainage is piped to the street. Councilmember Ireland asked how the City can force the builder to do that. Mr. Mumford said there is language in the agreement to that effect, and more specific language can be added.

Councilmember Ireland asked that proper transition from single-family to multi-family housing be defined.

Councilmember Ireland asked whether the City would be confident that the developers would choose a qualified firm to do the traffic study. Mr. Trusty said the City could reject the study if it wasn't done by a qualified firm.

Councilmember Westmoreland asked if the City can require a 25-termination on the agreement, with an option for an extension, if needed, rather than an open-ended agreement. Mr. Church said he could take the request back to the developers. However, they believe they already have the right to an open-ended agreement.

Councilmember Ireland asked who would own and maintain the open space once it's improved. Mr. Mumford answered that it would be the City, unless specified otherwise.

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

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or*

exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

The meeting was adjourned at 5:36 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

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

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; Melanie Lahman, Deputy City Recorder; David Norman, Public Works Director; Chris Trusty, City Engineer; Adam Ferre, Energy Director; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Rand Andrus, Fire Chief; Lt. Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:13 p.m.

5. PLEDGE OF ALLEGIANCE

Adam Bradley led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Deck the Halls Tree Lighting** - Friday, December 5 from 6:30 p.m. to 8:30 p.m. at City Hall. Visit and take photos with Santa and enjoy free refreshments. Winners of the essay and gingerbread house contests will be announced. More details on the City website, Events calendar.
- **Santa on the Fire Truck** – Saturday, December 6 beginning at 8:00 a.m., Santa will be making his annual visit to Eagle Mountain neighborhoods on a fire truck and throwing candy to kids. Please note, the fire truck cannot go down dead-end streets. Please listen for the sirens and safely proceed to the closest area. For their safety, have children stay on sidewalks and not enter the street. There will be a post on the City Facebook page where people can comment with Santa sightings and locations.
- **Messiah performance** – The Eagle Mountain Arts Alliance, in partnership with the Saratoga Springs Arts Council will be holding a performance of Handel's Messiah on Monday, December 8 at Westlake High School, with an encore performance on Sunday, December 21 at the LDS Stake Center on Ira Hodges Parkway in City Center. Admission is free. Details are on the City website, Events calendar.
- **City Offices closed** – The City offices and library will be closed December 24-26 for the Christmas Holiday and January 1 and 2 for the New Year's holiday. The library will also be closed on Saturday, December 27.

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

Tiffany Ulmer stated that the proposed Harmony preliminary plat doesn't show any elementary school sites. She felt they'll be needed. She said that John Walden, the developer, is offering a piece of his land to the State for the prison relocation. She would like to find a way to inform buyers of the possible prison nearby, so they won't buy lots without realizing the value could go down.

Tobin Gardner said there's a prison relocation committee hearing tomorrow. He invited everyone to attend the meeting at 2:00 p.m. at the State Capitol Building.

Mayor Pengra announced a meeting tomorrow regarding the Utah State Medicaid plan.

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

Councilmember Steinkopf

Councilmember Steinkopf wished everyone a good and safe holiday.

Councilmember Burnham

Councilmember Burnham thanked everyone attending the meeting and everyone who volunteers for the City.

Councilmember Ireland

Councilmember Ireland thanked the staff. He announced that the City has a new website and acknowledged Linda Peterson, Public Information Director.

Councilmember Westmoreland

Councilmember Westmoreland wished everyone a merry Christmas and encouraged them to be safe.

Councilmember Bradley

Councilmember Bradley welcomed everyone to the meeting. He was grateful for those who get involved. He invited residents to contact their neighbors about the upcoming meetings and events affecting the City. He recognized Ms. Peterson for the new website and encouraged residents to make suggestions as it is rolled out. He wished everyone happy and safe holidays.

Mayor Pengra

Mayor Pengra said he was opposed to the State Prison possibly being relocated to Eagle Mountain. It won't fit with the community's growth and would create negative impacts to the City.

9. APPOINTMENTS

- A. Planning Commission
 - i. John Linton
 - ii. Matthew Everett
 - iii. Daniel Boles
- B. Cemetery Board
 - i. Steve Conger
 - ii. Tonette Roberts

MOTION: *Councilmember Ireland moved to appoint John Linton, Matthew Everett and Daniel Boles to the Planning Commission for three-year terms and to appoint Steve Conger and Tonette Roberts to the Cemetery Board for four-year terms. Councilmember Steinkopf seconded the motion. Those voting aye: Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Donna Burnham and Adam Bradley. The motion passed with a vote of 3:2.*

CONSENT AGENDA

10. MINUTES

A. November 18, 2014 – Regular City Council Meeting

11. 2015 CITY COUNCIL MEETING SCHEDULE

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Burnham 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

12. AGREEMENT – Consideration of a Dispatch Building Agreement between Eagle Mountain City and the Utah County Dispatch Special Service District.

This item was presented by Ifo Pili, City Administrator. The proposed agreement is for the construction of a new dispatch center to accommodate increased call volume experienced by the Utah Valley Dispatch Special Service District. The volume of calls has increased and it is necessary to build a new building to house dispatching equipment and personnel. Each government entity that is a member of the District will share in the construction costs. The building will be located in Spanish Fork.

Councilmember Bradley asked who will maintain the building and how will maintenance be paid for. Mr. Pili said that each member entity pays a proportionate cost based on its call volume.

Mayor Pengra explained that the other option was to bond for the building, but that would have tied the City to a bond with several other entities and required it to remain in the Service District. Avoiding a bond leaves the City free of entanglement and free to leave the District if that becomes preferable.

MOTION: *Councilmember Ireland moved to approve a dispatch building agreement between Eagle Mountain City and the Utah County Dispatch Special Service District, requesting two capital payments, one on or before June 30, 2015 and the other on December 31, 2015 and authorize the Mayor to sign the contract. 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.*

13. AGREEMENT – Consideration of an Amendment to an Impact Fee Reimbursement Agreement with Twelve Horse Ranch, LLC.

This item was presented by Jeremy Cook, City Attorney. The City Council approved an Impact Fee Reimbursement Agreement for Twelve Horse Ranch, LLC in September, 2014. Twelve Horse Ranch, LLC is in the process of developing a portion of the Ranches Parkway Extension Project. The original reimbursement agreement was for a water line. This revised agreement includes roadway improvement costs in the amount of \$30,392.85. The costs will be collected through impact fees.

MOTION: *Councilmember Ireland moved to approve an amendment to an impact fee reimbursement agreement with Twelve Horse Ranch, LLC and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

14. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending Resolution R-15-2008 and Establishing a Specific Military Service Member Utility Service Abatement.

This item was presented by Jeremy Cook, City Attorney. The proposed resolution amends the terms of the Military Utility Abatement Program. The program is designed to show appreciation to the families of military personnel who are deployed out of state or out of the country for sixty (60) days or more.

The Military and Veterans Advisory Board recommended that the new program have stricter eligibility requirements, a 25% abatement of monthly utility bills, and phasing out the previous abatement program over a ten-month period. Staff reviewed the recommendations and found that a percentage abatement would be difficult to implement with the City's financial software. Phasing the current program out over ten months would extend past the sale of the electric and gas utilities, which would require the City to make direct payments to third-party providers. Staff recommended a \$25 abatement from monthly utility bills and two months' notice of the discontinuation of the previous program. Abating a fixed amount also encourages conservation better than a percentage.

Mayor Pengra noted that the current abatement program has cost the City an average of \$250,000 per year, which isn't sustainable, especially in light of the sale of the electric and gas utilities.

Councilmember Bradley stated that he is the Council liaison to the Military and Veterans Advisory Board. He said they worked hard on this program. They are enthusiastic and will be a great asset to the City. He had recommended a voluntary donation program; however, it would have taken several months to implement. He hoped a voluntary program could be considered in the future, perhaps one that could help any resident going through hard times.

Councilmember Burnham asked Mr. Jerome to explain how a voluntary program would work. Mr. Jerome said the Finance Dept. would set up a general ledger account for the funds. The harder part would be to restructure the bills. At the moment, every payment automatically goes to the payer's account.

Mayor Pengra pointed out that the biggest difficulty would be deciding who gets assistance and how much assistance to give.

MOTION: *Councilmember Bradley moved to adopt a Resolution of Eagle Mountain City, Utah, amending Resolution R-15-2008 and establishing a specific military service member utility service abatement. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Richard Steinkopf and Tom Westmoreland. Those voting no: Donna Burnham and Ryan Ireland. The motion passed with a vote of 3:2.*

15. AGREEMENT – Consideration of a Development Agreement for the Harmony Preliminary Plat.

This item was presented by Steve Mumford, Planning Director. The Harmony Preliminary Plat is a 772-acre project located southwest of the Overland Trails subdivision and west of Pony Express Parkway. The project contains 2,535 single-family lots, 92 acres of future multi-family, 27 acres of commercial land, 36 acres of improved open space, six church sites and a junior high school site. The developer expects it to be a 25-year project.

The project has undergone numerous reviews and revisions since the concept plan was submitted in 2007. In 2010, the developer asserted that the preliminary plat was deemed approved, based on a paragraph in the master development agreement. City staff disagreed. This preliminary plat was approved by the Planning Commission on March 25, 2014, with the condition that the developers obtain a development agreement from the City Council. The developer still asserts that this is an approved plat, and this action is approval of voluntary concessions.

The Eagle Mountain Properties master development agreement allows almost all land uses for many of its land use zones. It allows for submittal under either the 1997 Development Code or the current code. The 1997 code has no minimum lot frontage. The Pioneer Addition and Sweetwater subdivisions were hybrids of both codes.

The multi-family density is not approved. It is conceptual. It would have to be approved at the final plat or site plan phase. Anything submitted for approval after the master development plan expires in three years will have to be evaluated under the current code.

The 36 acres of improved open space includes detention basins. It is the amount required under the 1997 code, 2.5 acres per 400 homes. The City Engineer has discretion to require a traffic study for each final plat. If the plat will degrade any road's level of service to "D" or less, the developer will be required to improve the road or halt building until the road is improved through impact fees.

The developer is requesting automatic five-year renewals, unless doing so would present compelling, valid and substantial harm, which is a very difficult standard to meet.

Councilmember Westmoreland asked who chose how both Development Codes were hybridized in approving the previous developments. Mr. Mumford said he would have to research that. He said it generally involved architectural standards and narrower lot frontages.

Mayor Pengra said it most likely had to do with the flexibility provided for in the developer's original master development agreement. It did set a precedent that the City is willing to allow exceptions like that.

Councilmember Burnham stated that she has concerns about counting detention basins in the improved open space. That won't leave enough park space for new residents. They'll need to use existing parks, which will make those less accessible to current residents. She thinks the language on the alternative block designs is too vague. She doesn't like the section about lot layout and lot size variations. She thinks the developer's concession is very minor. The multi-family transitioning is not described. She would prefer the transition requirement in the current code; but at least a specific description of what the transition will be. She has trouble with the architectural standards wording and especially with the wording of the expirations.

Councilmember Ireland felt driveway length was inadequate. It's important to minimize parking on the street.

Councilmember Steinkopf said room should be left so that cars parked in driveways won't extend over the sidewalks.

MOTION: *Councilmember Burnham moved to deny the development agreement for the Harmony preliminary plat and ask that the developer come back and meet with us over these issues that we've discussed to see if we can find some common ground in the development agreement. Councilmember Ireland seconded the motion.*

Before the Council voted, Mayor Pengra asked Councilmember Burnham to restate the motion. Councilmember Burnham stated that they would come back to the table with staff to address some of these issues, and bring back to the Council something that we could find more common ground with, especially some of the clarifying verbiage. Mayor Pengra summarized it as a motion to deny, and come back to the table to go through some of these issues with staff, with Councilmember input.

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

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

Councilmember Steinkopf

Councilmember Steinkopf wished everyone a safe and happy holiday.

Councilmember Burnham

Councilmember Burnham expressed her support of those who serve in the Armed Forces. She didn't want her vote on the utility abatement to give the impression and she didn't support them. She feels that voluntary assistance is a better way to give support to them.

Councilmember Ireland

Councilmember Ireland echoed Councilmember Burnham's comments. He appreciated Linda Peterson organizing the welcome home processions for returning service members.

Councilmember Westmoreland

See board report.

Councilmember Bradley

Councilmember Bradley appreciated his fellow Councilmembers' comments and opinions. He felt it's important for the public to understand that the Council's job is to protect the current and future condition of the City. He was grateful that staff and Council can keep that as a priority. He's enjoyed his first year on the Council. He encouraged residents to be involved in any manner.

Mayor Pengra

Mayor Pengra wished everyone happy holidays.

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


Councilmember Westmoreland said there is nothing new to report from the Parks and Recreation Advisory Board. The Economic Development Board is making progress on refining target clusters for promoting economic development.

18. COMMUNICATION ITEMS
a. Upcoming Agenda Items

19. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 8:16 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 JANUARY 6, 2015.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

December 10, 2014

Policy Session 5:00 p.m.

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

5:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Assistant City Administrator/Finance Director Paul Jerome; Public Information Director Linda Peterson; City Recorder Fionnuala Kofoed.

1. CALL TO ORDER

Mayor Pengra called the meeting to order at 5:00 p.m. He led the audience in the Pledge of Allegiance.

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

Mayor Pengra stated that word was released last night that Saratoga Springs is not being considered as one of the potential new locations for the Utah State Prison; he congratulated Saratoga Springs and stated that he is happy that neither Saratoga Springs nor Eagle Mountain need to worry about the location that was being considered in Saratoga Springs. He announced, however, that there is a location on the south end of Eagle Mountain City that is being considered for the relocation. An agent of the property owner approached him last year and asked for his input relative to the site being presented to the State of Utah for consideration for the prison site and he expressed that he was not interested because he did not feel the land use was the right fit for Eagle Mountain because it will damage the City's ability to secure economic development opportunities that would help the community be healthy.

Councilmember Steinkopf stated that he is also not in favor of the relocation of the prison to the property referenced by Mayor Pengra; he feels it would cause the City many difficulties and he is anxious to hear others' comments regarding the proposal.

Councilmember Burnham thanked everyone in attendance this evening and she thanked the "No Prison in Saratoga Springs or Eagle Mountain" group; she noted their voice has been powerful and she appreciates all the work that has been done. She encouraged residents to make comments and to stick to the facts rather than make emotional arguments that will

Mayor Pengra moved to item 3, the proposed resolution opposing the possible relocation of the Utah State Prison to Eagle Mountain City, and invited public comments from those in attendance.

3. MOTION – Consideration of a Resolution of Eagle Mountain City, Utah, Opposing the Possible Relocation of the Utah State Prison to Eagle Mountain City.

Mayor Pengra stated the City has opposed the relocation of the prison to Eagle Mountain or Saratoga Springs since the community was announced as a potential relocation site. He read the proposed resolution for the record of the meeting.

Councilmember Bradley stated that he has a few comments regarding the resolution; the fourth paragraph of the resolution asks that the State of Utah slow the tempo of the prison relocation site selection process and he would suggest that the resolution be amended to ask that Eagle Mountain be removed from the process altogether. He added that paragraph number 1 under the section stating “now therefore be it resolved” the resolution should ask that the State of Utah not consider land in Eagle Mountain or in the Cedar Valley in order to broaden the area that the resolution covers. He stated he would love for all Councilmembers to be allowed to sign the document rather than just the Mayor. He then invited public comments regarding the proposed resolution.

Colby Curtis stated he lives in SilverLake and noted he will be speaking on behalf of the “No Prison in Saratoga Springs or Eagle Mountain” group. He thanked all citizens and elected officials for their support and for everyone for joining forces to become the most effective citizenry possible. The group has been told by multiple City and State leaders that the resident outreach has become a force to be reckoned with and the magic of this situation is only possible because everyone has joined together. He addressed those that have been involved and told them that what they are doing is working and now is the time to get louder and continue to express their opinions while being respectful and kind in their communication with other people. He stated the more action the public can take will make the job of the elected officials easier in stopping the prison relocation to Eagle Mountain. He encouraged everyone to contact all elected representatives, the Prison Relocation Committee, the Governor, the Utah Taxpayers Association, and anyone else that may have input regarding the prison relocation. He asked that only factual information be shared and that the economics of the proposed move be called into question; citizens should ask why the legislators would consider locating a prison in a high growth area and why prison relocation committee meetings are being scheduled at the same time that citizens have been told that the process has been slowed and specifically why a meeting was scheduled for December 22 when many residents will likely be travelling for the holidays or otherwise unavailable. He stated the citizens need to put pressure on the prison relocation committee and other elected officials; he invite everyone to go to social media and continue to share factual arguments regarding the issue with everyone that they know. He stated the “No Prison in Saratoga Springs or Eagle Mountain” group is made up of residents of both cities and there is no question that both cities will stand together in defending the entire

Stephanie Greeson stated she lives in Meadow Ranch in Eagle Mountain. She noted that according to the Utah Foundation, Eagle Mountain will grow an estimated 434 percent, which is an increase of 92,900 people and that increase alone will be more than the estimated 2050 population of Draper. Eagle Mountain will have literally double the population of the current site, so if encroachment is a problem in Draper right now the State will be in a worse position in the future if the prison is moved to Eagle Mountain. Tax dollars will be wasted moving the prison to an inappropriate place and the same issues will still exist. She stated similar issues exist with other potential locations, such as Fairfield and Cedar Fort which are slated to see growth of 3,177 percent and 1,775 percent respectively. She wonders what the State is thinking when considering Eagle Mountain as a location for the prison.

Amy Plott stated she is an Eagle Mountain resident. She thanked the City Council and City leaders for not being swayed or bought relative to this issue. She is grateful to know the City is fighting to do the right things and represent the citizens. She added that the issue with the prison being in Draper comes down to money and the value of the property and she agreed that the value of property in Eagle Mountain is continuing to increase and moving the prison to the City would negatively impact that positive increase. Her family was drawn to Eagle Mountain by the young population and kids everywhere; it seemed like the safest, most beautiful place to live. Her children are in fear of a prison moving to the City. Utah is a massive state with much open space and the focus of the prison site should not be on the prisoners and their families, but rather how the prison will impact those living near a prison, especially children.

Heidi Baldereen stated she is a resident of Saratoga Springs. She stated that out of the top six potential sites, two were in Utah County, but there is no citizen representation on the prison relocation committee from Utah County. She would like to address that lack of representation and also point out that there is a heavy east side representation on the committee and an unfair balance of power has been present throughout the entire process. There have been particular conflicts of interest that have given her pause; whether someone is a resident of Saratoga Springs or Eagle Mountain is of less importance than one's qualification as a resident of the State of Utah. Everyone's tax dollars will subsidize the relocation of the prison at a far higher expense than a renovation of the current prison. The relocation is not a fiscally responsible decision and she wonders why the Utah Taxpayers Association has chosen not to get involved. They should be the State's ally in spending responsibly and the citizens' personal watchdog, but it appears they have been muzzled. Representatives of the Utah Taxpayers Association have refused to take a stance on this enormous issue and she wondered why. She asked that everyone consider the following information: the current president of the Utah Taxpayers Association, Senator Howard Stevenson, resides in Draper and the physical location of the Association's office is Draper. The current president of the Senate, Wayne Neiderhauser, who represents the ninth district of Sandy and Draper helped last March to pass Senate Bill 72, which was the bill advocating the move of the prison from Draper to another location. It appears he personally stands to benefit from the sale of more than 30 acres of undeveloped property near the prison, which would increase dramatically in value if the prison is relocated. Also heavily involved in the process is House Speaker Greg Hughes, resident of Draper and

that community acceptance of a prison is very important. If the community does not want the prison as a resident there will not be enough volunteers and resources to support it. She stated there is limited access to hospitals and courts and the distance from those amenities will only increase the costs of the project.

Sheryl Carr stated she is the president of the homeowners association (HOA) for Cedar Pass Ranch and stated that she wanted to be on record expressing the HOA's opposition to the prison. The vast majority of the people that chose to live in Draper chose to live in a City with a prison. The current residents of Eagle Mountain will be denied that choice if the prison is moved to the City; they chose to live in a City without a prison and the decision makers are not taking that into consideration. If the prison needs to be rebuilt due to its age, it should be rebuilt in its current location where people chose to reside knowing of its existence.

Laurie Gail stated she is an Eagle Mountain resident, but she has lived in Sandy and Draper in the past. Her father helped to build the prison in Bluffdale and she can remember nights where her community was on lock down because a prisoner had escaped. She moved to Eagle Mountain because she thought she had found a hidden paradise. She loves the community and is broken hearted that it would be considered as a potential home for a prison. She is very upset about many of the changes in the community and she will fight to protect the place she loves to live to the end.

Mayor Pengra stated that Eagle Mountain is growing very rapidly and there is only so much the City can do about it. The population continues to increase each year and the City is doing everything to preserve the open space and rural feel of the City during that growth.

Jerry Goff stated he does not think moving the prison is a smart idea. He has driven by many prisons in many different states and he has noticed warning signs to alert travelers that the prison is 25 miles away and not to pick up hitchhikers. The same types of signs are needed along Interstate-15 near Draper. He added that it is ridiculous to waist over \$300 million on the relocation project and each person in attendance at tonight's meeting would be responsible for over \$11,000 for the project that they are not in favor of. He does not feel the residents should be forced to pay for something they do not want. He is completely opposed to prison relocation.

Troy Penningham stated he is a resident of Saratoga Springs and his concern is the negative impact the prison relocation could have on Alpine School District. The District covers all communities in northern Utah County, including Saratoga Springs and Eagle Mountain. The District has approximately 71,000 students enrolled in all schools and spends approximately \$5,100 per year to educate each student. If the Prison Relocation Committee and the State of Utah decide to relocate the prison to Eagle Mountain, the Alpine School District will be required to educate eligible inmates at the prison; this would stretch already limited resources even further. The proposed Eagle Mountain site sits on 640 acres; since the State would pay no property taxes for the site, the District would lose all tax revenue for the property and would lose property taxes from any potential homes or businesses that would have otherwise built on the property. Worst of all is that the prison

A resident (no name given) thanked the City Council and Mayor for their support and hard work on this issue. She has lived in Utah for 35 years and lived in many different areas. She was drawn to Eagle Mountain because it is a peaceful place and a strong community. When someone is in need, everyone helps them. There are strong moral values in the community and a prison will only tarnish the City's name. It would hinder City development and affect taxes and future businesses. It would affect families and their children as well. She feels the City cannot allow a group of investors focused only on financial gain to walk on the City and its residents. It is necessary for the citizens to put up a fight and be strong. She thanked everyone that has pooled resources and time and efforts to fight the issue and attend the meeting tonight. She thanked the residents of Saratoga Springs for their support and she encouraged everyone to continue to show what the residents of the community are made of.

Victor Smith stated he is a State of Utah employee and has worked for the Department of Corrections for 16 years. He is not representing his employer in any way, but wanted to state some facts and dispel some rumors. He stated that there has not been an actual escape from the current prison since 1982; technology, security, and staff training is the best in the United States. He stated a new prison would not necessarily be a structure that looks like a castle and is scary in nature; it could actually be aesthetically pleasing that would not be an eyesore for the City. There may be some accuracy to the claims that the prison would impact the economics of the City, but at its current home in Draper, the prison is surrounded by very nice and expensive homes as well as new businesses. He stated that when the current prison director took over, part of his vision for the facility was to incorporate civilian jobs in the institution so there are mechanics, culinary artists, electricians, and plumbers. This could present employment opportunities for residents of the community. He stated the prison is not all bad.

Mayor Pengra thanked Mr. Smith for stating his opinion in a room full of people that are opposed to the project. He agrees with some of Mr. Smith's points, but there are a couple of things about the prison that are in direct conflict with the overall vision for the City. He does not fault the landowner for submitting his property for consideration as a potential site for the prison because he is free to do so, but the City is also free to fight that application if it is deemed that the land use would not be appropriate for the community. The City passed a dark sky ordinance recently to maintain the rural feel of the community and the prison could not comply with that ordinance. The City cannot sustain its current budget based on residential development solely without infusing business development. The one thing Eagle Mountain has is huge power transmission lines, high pressure gas lines, and fiber lines; these are the things that are attractive to businesses and this would be a good place for them. The prison is in conflict with economic development and it could also hurt the quality of life of the community.

Mayor Pengra then read comments made two individuals that submitted their comments in writing:

"I have seen tremendous growth and change in our community that improves our family's lives. Our City seems to be blossoming and the possibility of the State prison

due to the fact that citizens of Eagle Mountain leave the City to make their purchases and do business. The best way to move forward would be for the State to consider sub-prisons throughout the State so that there is not a need for such a large prison. She added she does not believe her children would be violated by having a prison located in the City, just as the people of Draper or Gunnison have never had that problem living their daily lives. She would hope that the people that are citizens of this great Country and State of Utah will consider that they have the opportunity to be part of the justice system and support people and families on both sides of the penal system. Eagle Mountain may have never been considered if the City's utility systems had not been sold and she feels that the prison will offer more stability to the City and to City Center itself.

Mayor Pengra stated he wanted to make sure he has not given any misinformation relative to the stability of the City. He noted the City's budget is very conservative and is just fine with no danger or running out of money. At issue is the standard of the City and he hopes he has not given anyone the impression that the City is in trouble financially. Sustained and continued growth, based on residential development, is difficult for any city to manage. There are potential economic benefits that the City could realize if the prison were to locate here, but in his opinion, when looking at the total impact, the benefits of the prison would be offset by some of the negative problems it would create. He thanked Ms. Jensen for her point of view.

Katie Mortensen stated she is a resident in City Center; one of her biggest concerns is that the proposed site is on flat ground with no hills to block it and it is located within a couple of miles of a school. The lights and towers would be in clear view of the school and the homes that house the children that live and go to school there. This is not a good place for a prison or the visitors that will be going in and out of the facility. A prison would also deter businesses from locating in Eagle Mountain. People who build homes in Draper did so with full knowledge of the prison being located there and their home values will not be changed if the prison stays there; however, the home values in Eagle Mountain will decrease if the prison is built here as has happened in other states when prisons have been built in small towns. This is no different than demanding a check for thousands of dollars from each homeowner. It is stealing and it is wrong. The prison would be a burden to the school district as it would not be able to afford to fund reeducation programs. She concluded that the community does not have representation in the decision making process and that is not right.

Alyssa Beck stated she will focus on taxpayer dollars; if renovating the existing prison is a more responsible way to spend taxpayer dollars she does not understand why a prison relocation is even being considered. The local school district is ranked last in the State on the amount of money spent per student and that is unacceptable. It is despicable that money that should be spent on children and their futures would be wasted on the prison. She is disgusted by the people that stand to make money as a result of their conflicts of interest in the entire process. With the number of school shootings and school overcrowding, the money should and can be used better.

would hate for any member of the Council to vote in opposition to adopting the resolution because that would make the statement less effective. Mayor Pengra noted that the resolution does not automatically commit \$50,000 to the cause, but invited discussion regarding the issue.

Councilmember Westmoreland stated spending \$50,000 is not something this City Council takes lightly; from his perspective, it is worth spending money on resisting the prison relocation because of the long term economic impact the prison relocation could have on the City. One of his chief concerns is the inevitable tax burden that the prison would put on residents as the City would be forced to develop and improve infrastructure to serve the prison. Tonight's meeting has been refreshing to him; it is great to see the residents of Eagle Mountain united with the residents of Saratoga Springs. He reiterated the prison would create a financial burden for the community. There is no major freeway corridor running through Eagle Mountain and there also is no hospital. He noted many residents moved to Eagle Mountain because of its affordability and the peace and quiet and the prison would change that dramatically. It is his feeling the City will need to spend some money to communicate clearly and effectively the concerns of Eagle Mountain relative to the potential prison relocation.

Councilmember Ireland stated that he understands that some may feel the need to spend money on the effort. He wondered what the actual dollar amount would be, that will be spent, in addition to staff time and the time of the Council and Mayor, prior to the first Tuesday in January. The proposed resolution is essentially the City's statement to the public, the media, and especially the Prison Relocation Committee regarding opposition to the prison and that statement can be made without declaring a dollar amount. He would like additional thought to be put into the budget for the cause between now and the first City Council meeting in January. Now is the time to make a plan and the Council can take formal action on the plan on January 6. He concluded that he would prefer that the proposed resolution not include a dollar amount.

Councilmember Burnham stated that she agrees with Councilmember Ireland. She is not opposed to spending money to fight the relocation of the prison to Eagle Mountain, but she feels the best way to fight is together, publicly. She does not feel that hiring an attorney will help the City's cause because it has been her experience while serving as an elected official that she is not influenced by attorneys or lobbyists. She is better influenced by residents when they express their thoughts and concerns. Eagle Mountain's State Representative David Lifferth is present this evening and he does a great job and works very hard representing Eagle Mountain. She reiterated that some money may need to be spent, but she is not sure that hiring a lawyer at this point, is the best use of the City's money. She noted, however, that if the City is selected as the prison relocation site, it would be appropriate to hire an attorney. She would encourage people to attend the next Prison Relocation Committee meeting as possible. The City may even be able to supply vehicles to people that would like to attend and use signage directing people to the meeting site so that it is possible to make a group statement and have everyone organized to address the members of the committee once the meeting has concluded.

would spend money and he would not expect that would cost more than \$5,000. Councilmember Bradley stated Mayor Pengra can spend that amount of money without Council approval, but he likes the idea of including the \$50,000 in the budget and judging by residents' applause this evening they are supportive of it, too. He stated that any expense in excess of \$10,000 would need Council approval prior to Mayor Pengra proceeding, so the \$50,000 declaration is harmless. Councilmember Burnham stated Mayor Pengra would not need to seek additional approval if the \$50,000 is included in the resolution. Mr. Jerome clarified that the budget amendment would require Council approval and such a budget amendment would be provided to Council for consideration once the City has an idea of the actual cost of any services needed for the cause. Councilmember Bradley offered a hypothetical situation: he asked what would happen if the Council were to adopt the resolution including the reference to the \$50,000 amount and Mayor Pengra then decided to hire an attorney or lobbyist who planned to charge \$25,000. He asked if the Council would be required to act upon a budget amendment before that \$25,000 could be paid to the lobbyist. Mr. Jerome stated the most likely scenario would be that the City would retain the lobbyist, but would not amend the budget until the next possible Council meeting. He stated the lobbyist would not be paid until after services had been rendered. Councilmember Bradley asked if the Mayor would be able to legally pay the lobbyist before the budget amendment. City Recorder Kofoed noted that any expenditure in excess of \$10,000 for contracted services would be brought back to the Council for consideration; if the contract were approved, Administration would start the process of preparing for a budget amendment. She stated the opposite could be true as well; the budget amendment could be approved before the contract. Regardless, any expenditure, over \$10,000, not included in the budget will ultimately come to the Council for approval. Councilmember Bradley asked if the resolution including the reference to \$50,000 would result in a budget amendment. Mr. Jerome answered no.

Councilmember Burnham stated she understands the need for the City to make a clear statement. She then asked for a spokesman for the group "No Prison in Saratoga Springs" to answer a question: she noted Saratoga Springs has been fighting the fight and she wondered what Eagle Mountain can do financially to help continue that fight. A representative of the group stated that his group needs help getting the word out about the cause, whether that is done with signage or other communication efforts. The citizens have spent a lot of their own money for the cause and they feel the City should do the same. Councilmember Burnham stated that she completely agrees and is willing to spend money for public outreach. She stated she is not saying the City should donate to the citizens group, but it may take the burden off that group if the City begins to do something relative to public outreach. She reiterated she is not opposed to spending money. The Council then engaged in discussion and debate regarding the language to be included proposed resolution, with Councilmember Ireland noting he would like to add an additional clause to the resolution directing staff to come back to the City Council at the January 6 meeting with their plan for expending funds for the cause. Mayor Pengra stated he is hopeful that Eagle Mountain will have been removed from the list of cities for consideration for the prison relocation.

- *In the final section, add a fourth paragraph, directing staff to prepare a plan for how the money would be spent to be presented at the January 6, 2015 meeting.*

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

4. Adjournment

MOTION: *Councilmember Bradley moved to adjourn the meeting at 7:13 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The meeting adjourned at 7:13 p.m.

APPROVED BY THE CITY COUNCIL ON JANUARY 20, 2015.



Fionnuala B. Kofoed, City Recorder