

Eagle Mountain City Council Minutes 2015, Part 4

Dates of City Council Meetings:

- October 6, 2015
- October 20, 2015
- November 17, 2015
- December 1, 2015

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 6, 2015

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

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

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Brad Hickman, Parks & Recreation Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

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

- A. **Presentation – Citizen Survey**

- BYU MPA student Nicole Christiansen, recently an intern in the Administration Department, presented the results of the Citizen Survey. This year, the survey was emailed to residents with utility accounts, in addition to posting links on social media and the City website, which provided more responses than in previous years.

After describing the methodology used for the survey, Nicole presented the results (department results rounded to the nearest whole percent).

Elected Officials: 89.92% neutral to very satisfied.
Administration: 91.25% neutral to very satisfied.
Finance Department: 86.49% neutral to very satisfied.
City Recorder: 93.72% neutral to very satisfied.
Economic Development: 61.45% neutral to very satisfied.
Public Communication: 92.91% neutral to very satisfied.
Planning Department: 70.21% neutral to very satisfied.
Building Department: 80.10% neutral to very satisfied.
Code Enforcement: 46.33% neutral to very satisfied.
Special Events: 81.53% neutral to very satisfied.
Library: 87.11% neutral to very satisfied.

Ratings of services and other issues can be found in the survey document.

The Council discussed the results of the survey, taking into consideration the very small number of responses. Mayor Pengra said the survey will be discussed thoroughly at another time.

B. Discussion – Value Ranking System for Public Improvements

This was a continuation of the discussion held at a special Work Session on September 29th regarding the use of the proceeds from the sale of the City's gas and electric utility systems. Mayor Pengra updated the list of proposed projects based on that discussion.

He began by asking each Councilmember for their overall vision of how the utility sale proceeds should be used.

Councilmember Steinkopf wanted to spend the money on "impact projects," those that would benefit the residents the most, but wouldn't be covered by the City budget in the near future. He would like to see a destination park that would serve all abilities.

Councilmember Burnham also wanted a destination park that would serve a lot of residents. She wanted a small component of that to be designed for autistic children. It would need a fence to keep the children from running out. She would also like existing, unfinished projects completed.

Councilmember Ireland agreed that a destination park, perhaps a discovery park, would be a good use for the funds. He would also like to complete projects around the City.

Councilmember Westmoreland wanted to ease Eagle Mountain's bond burden and save the City and taxpayers money. He would also like to promote an active, healthy lifestyle which includes an agricultural component. He wanted to use water in a productive way. He also wanted unfinished projects completed.

Councilmember Bradley said he felt this is money that can be spent on more than the basics. He wanted to build something that will last for a long time, but that wouldn't be a maintenance burden in the long term. He said the City should pay off debt and take this unusual opportunity to invest. He wanted to finish or fix projects that have never been completed. While he had been against spending the funds on trails, he decided building connecting paths would be positive for the residents. He agreed with the suggestions for a destination park as an improvement to Wride Memorial Park. A skate park in The Ranches and a splash pad in City Center would be nice. He'd also like to improve the bike park.

Mayor Pengra discussed the project list, as amended after last week's meeting and including information from the Citizen Survey. This is still a preliminary list. Partial construction of Bobby Wren Blvd. is on the list, as well as completion of Golden Eagle Road and Eagle Mountain Blvd. Wride Memorial Park improvements, including construction of a parking lot and improvement of the northern portion of the park are on the list, as well. Additionally, there will be a major contribution from a developer for that northern section.

In response to a question, Mr. Pili said Neptune Park cost Saratoga Springs \$2.2M.

At Mayor Pengra's request, Mr. Mumford went through the project list and removed all trails except those that provide connectivity between neighborhoods. Mayor Pengra suggested \$500,000 for landscaping in The Ranches and \$500,000 for landscaping in City

Center. The matching program for parks in existing subdivisions was reduced from \$5M to \$1M.

\$867,000 was proposed for paying off Special Assessment Areas.

Mayor Pengra listed the other projects remaining in the proposed project list:

- cemetery fence
- splash pad upgrade
- trail connectivity projects
- streetscaping
- the City's 20-year anniversary
- bike park improvements
- benches, shade structures and garbage cans along the trails
- improvements to the SilverLake Amphitheater
- improvements to medians along Pony Express Parkway
- small bleachers in parks for recreation spectators
- fencing for the rodeo grounds
- previously approved road projects
- improvements to Pioneer Park
- remodeling of the basement in the Community Development Building
- restrooms at Smith Ranch, Walden and Pioneer Parks

In addition to the utility sale proceeds, there will be a small revenue stream from past-due accounts receivable remaining from gas and electric utility accounts.

Discussion ensued on which items were approved to be funded by the General Fund budget, and how much money was available to pay for them. Finance Director Paul Jerome stated there is \$1M remaining in the utility proceeds after the proposed projects, as well as \$2M budgeted in the General Fund. Mr. Pili said he planned on these projects being funded by the proceeds from the utility sale, however, the road projects could be switched to the Capital Projects Fund if the Council wanted to.

Councilmember Burnham noted that the \$1M Mayor Pengra requested for water projects wasn't listed in the potential projects list. Mayor Pengra stated he didn't list it specifically because some of those water projects are included on the project list.

Councilmember Burnham noted the splash pad proposal was removed from City Center and moved to Wride Memorial Park. She felt it should be in an established neighborhood. Mayor Pengra suggested it should be part of a destination park because more people will know about it, but was amenable to placing it in a neighborhood park.

Councilmember Steinkopf felt a splash pad might not fit in with team sports. He would like to see more special-needs playgrounds.

Councilmember Ireland stated that the 56 acres in Wride Park is a lot of land to fill. He thought it was important to consider how activity areas are grouped. Children's play areas should be separate from team sports fields. He wondered if there were cost savings to building the park in fewer phases, perhaps with help from a developer. Discussion ensued on the phasing of the park.

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

9. Minutes

Councilmember Steinkopf asked whether the discussion of street construction included a 4” minimum layer of asphalt. City Engineer Chris Trusty explained that the construction standards stated the depth of asphalt on major roads would depend on the results of geotechnical studies. Any road in the City that has a 3” depth will have to be increased to a 4” depth in places where repairs are made that cut into the asphalt.

11. Budget Amendments

Assistant City Administrator/Finance Director Paul Jerome described the proposed budget amendments, including carry-over expenditures that were approved in the prior fiscal year, a replacement dump bed for a snow plow truck, a water system improvement plan, a waterline extension for the North Service Area, various General Fund capital projects (building improvement, a road project, etc.), an impact fee analysis, and impact fee facilities plans.

Councilmember Ireland asked which amendments have already been paid for. Mr. Jerome said only the trail crack seal has already been done.

Mayor Pengra explained the Dispatch Center expenditure was approved in FY 2015, but all of the money wasn’t spent in that fiscal year, so it had to be brought into this fiscal year as a budget amendment.

Councilmember Steinkopf asked what the City will get for the \$5,000 water consultant fee. Mayor Pengra responded it will be a two-day consultation, probably followed by a presentation to the Council. The consultant will identify ways in which the City can most easily make improvements at a low cost.

Councilmember Bradley wanted the total to be shown on the first page of the amendments.

Councilmember Burnham said the sources of the money should be on the first page, as well.

Councilmember Bradley asked about the water improvement plan. Mayor Pengra said that it follows from the sale of the utilities. Now that the City doesn’t have its own electric utility, it’s paying around \$650,000 per year to pump water. The plan will determine how to minimize the City’s water pumping costs.

Councilmember Bradley wanted to know why the North Service Area waterline was a budget amendment rather than being included in the fiscal year budget. Mr. Pili said the need was known during the budget process, but the amount was unknown. The same goes for the Community Development Building project.

Councilmember Bradley asked about the wastewater impact fee analysis. Mr. Trusty said it’s been in process for quite a while. It was expected to be finished during the last fiscal year, but it took longer than expected.

Councilmember Bradley asked why it would take \$10,000 to analyze the park impact fees. Mr. Trusty said it would cost more like \$8,400. Eagle Mountain’s park impact fees are among the

lowest in the county. Based on the value of the City's parks, the park impact fees should be much higher.

12. Historic Preservation Ordinance

Recent development applications have brought up the need for a code to both protect unique archeological and historic resources and to allow developers adequate flexibility to protect these sites. Sites would have to meet specific criteria to be designated as protected and placed on a City registry.

Councilmember Ireland asked why historical preservation needs to be added to the Municipal Code. Mr. Jerome responded that, while the developer who owns the petroglyph sites has been very cooperative, future sites may be found which don't receive that kind of cooperation. Historic preservation studies are already required by the State for any projects funded by grants.

The rest of the agenda was left for the Policy Session, as time ran out in Work Session.

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

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

Mayor Pengra adjourned the meeting at 6:24 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Brad Hickman, Parks & Recreation Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:09 p.m.

5. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1250 presented a flag ceremony.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Candidates' Debate** – A debate for City Council candidates will be held on Thursday, October 15 at 7 p.m. at Frontier Middle School.
- **Trick or Treat Village** – Eagle Mountain City's annual Trick or Treat Village offers FREE fun for everyone. This year's activities include Village Row, Monster Mash dance, games, contests, candy, and more! The event will be held on Saturday, October 24 from 10:00 a.m. to 2:00 p.m. at Nolan Park. Businesses are invited to register for a booth. There is a registration link on the City website, Calendar.
- **General Election** – The 2015 Municipal Election will be held on Tuesday, November 3. Early voting for the General Election runs from Tuesday, October 20 to Friday, October 30 at City Hall, with the following schedule:
 - Tuesday: 8:00 a.m. – Noon
 - Monday, Wednesday, Thursday, Friday: 1:00 p.m. – 5:00 p.m.For up-to-date election information, please visit www.eaglemountaincity.com/election.
- **Bag the Leaf** – The City will once again be offering the Bag the Leaf collection program. The City will provide free leaf bags to residents through November 30, while supplies last. Bags can be picked up at City Hall or The Ranches HOA office. There will be curbside pick-up on weekdays. You may email Larry at ldiamond@emcity.org to notify us when you have bags ready for pick up. For complete program information, please visit the City website, News section.

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

Matt Visser, representing the Youth Council, asked the City to come to the Youth Council and let them know what they can do to help the City. On the amendment to the outdoor lighting ordinance, he said no exception should be made for businesses.

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 everyone to the meeting, especially the Boy Scouts.

Councilmember Burnham

Councilmember Burnham congratulated Troop 1250 on the flag ceremony. She reminded everyone of the candidates' debate on October 15.

Councilmember Ireland

Councilmember Ireland congratulated the Boy Scouts on the great job they did on the flag ceremony. He asked everyone to become informed about the candidates and vote.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone. He said Utah made national news recently when an HOA passed an ordinance against flying the American flag. He encouraged everyone to fly the flag regularly.

Councilmember Bradley

Councilmember Bradley welcomed the Boy Scouts, who were from his neighborhood, and the firefighters in the audience. He mentioned that, in the Work Session, the Council discussed the Citizen Survey. Councilmember Bradley said he would look at the results and act accordingly. He asked Mayor Pengra if a communications alert system has been implemented in the City. Public Information Director Linda Peterson stated that the Everbridge system isn't in place yet because it's a county-wide system that is still being implemented.

Mayor Pengra

Mayor Pengra appreciated the Boy Scouts attending the meeting. He discussed a memorandum of understanding between multiple stakeholders on the proposed target shooting ban on the east side of Lake Mountain. Although it doesn't directly involve the Council, Mayor Pengra wanted them to know about anything he does that involves the City's interests.

He reminded everyone to wear safe, light-colored or reflective costumes for Halloween.

CONSENT AGENDA

9. MINUTES

- A. September 15, 2015 – Regular City Council Meeting

10. BOND RELEASES – Out of Warranty

- A. Autumn Ridge, Phase II
- B. Valley View Ranch, Plat A, Phase 4
- C. Valley View Ranch, Plat A, Phase 6

MOTION: *Councilmember Ireland 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

11. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2015-2016 Annual Budget.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The proposed amendments to the FY 2015-2016 annual budget include rollover funds for the Dispatch Center, improvements to the skate park and the Eagle Park entrance, water planning and a water line, completion of the basement in the Community Development Building, trees, trail crack seal, a new dump bed for a snow plow truck, and road projects.

Councilmember Bradley stated that he would like to see the total fiscal impact on the front page of the spreadsheet.

Mayor Pengra opened the public hearing at 7:33 p.m. As there were no comments, he closed the hearing.

Councilmember Bradley asked what specific funding source would be used for the water and sewer capital projects. Mr. Pili said it would be a combination of sources, including impact fees and the Water Fund.

Councilmember Bradley asked what funding would be used for the Community Development Building project. Mr. Pili said it could potentially come from the utility sale proceeds.

Mayor Pengra noted that the remodel of the Community Development Building is a direct result of the utility sale.

Councilmember Ireland stated that, in the past, budget amendments have often been brought to the Council after the money has already been spent. In this case, the budget is being amended before the projects are approved later in this meeting. He wanted to know why.

Mr. Pili said most of the projects have already been approved, but exact costs hadn't been determined before.

Councilmember Ireland said he would prefer the budget amendments be presented as separate agenda items, so Councilmembers who objected to one or more amendments could vote on them individually.

Mayor Pengra moved the vote on the budget amendment to the end of the agenda, so the projects being funded can be approved before their funding is approved.

PUBLIC HEARING

12. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 17.58 of the Municipal Code for Historical Preservation.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The purpose of the proposed ordinance is to designate important historical and archaeological sites in Eagle Mountain, encourage the preservation of important historical and archaeological site locations, and avoid the unnecessary or inadvertent disturbance of these sites, including prehistoric or historic human remains. Having an ordinance in place also allows the City to apply for historical preservation grants.

City staff will work closely with developers to minimize disruption to the projects while protecting the sites.

A City register will be created to list the sites. A historic preservation board may be created. Sites must meet the following criteria:

- The site is located within the boundaries of Eagle Mountain City.
- The items that contribute to the important historical or archaeological site are a minimum of one hundred (100) years old (either by record or by the determination of experts or state historic preservation officers).
- The site retains its integrity in that there are no major alterations that have obscured or destroyed the significant archaeological features.

One other criterion from the following list will also have to be met:

- The site is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register under the provisions of 36 CFR 60.6(s).
- The site is associated with events that have made a significant contribution to the broad patterns of the prehistory or history of the city, state, or nation.
- The site is associated with lives of persons significant in the prehistory or history of the city, state, or nation.
- The site embodies the distinctive characteristics of a rare or unique type, period or method of construction, or that it represents the work of a master, or that it recognizes high artistic values or style, or that it represents a significant and distinguishable entity whose components may lack individual distinction.
- The site has yielded or may be likely to yield information important in prehistory or history.

Records of the sites will be protected, meaning they will not have to be produced for records requests, which will avoid disclosing the locations of the sites that need to be kept safe from vandalism or theft.

Councilmember Westmoreland asked if this creates any disincentive for developers to disclose sites they discover. Mr. Jerome said it is designed to encourage the developer to work with City staff.

Councilmember Ireland said most of the sites are already known. Mr. Jerome responded that there are sites whose location haven't been disclosed and very likely others that haven't been discovered.

City Attorney Jeremy Cook pointed out the ordinance provides a framework for protecting private property rights as well as historical sites. A written framework is required so the sites are dealt with in a consistent manner.

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 adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 17.58 of the Eagle Mountain Municipal Code for historical preservation. 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.*

PUBLIC HEARING

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Amending Chapter 17.56 of the Eagle Mountain Municipal Code for Outdoor Lighting.

This item was presented by Planning Director Steve Mumford. The proposed Code amendment for outdoor lighting would allow for parking lot light poles to be up to 30' in height, provided that motion sensor dimmers are installed.

Mayor Pengra opened the public hearing at 8:17 p.m.

Mayor Pengra read a comment from Jody Hooley, a resident who was unable to attend the meeting. Ms. Hooley asked the Council to protect the City's dark sky. She said that the ability to see stars and constellations was more important than businesses wanting to locate here but objecting to the City's lighting standards.

Matt Visser said the City shouldn't change its ordinances to satisfy business owners. If they don't want to comply with City ordinances, they can go somewhere else. He asked what would happen if a stray dog walked through a parking lot and repeatedly set off the motion sensors.

Mayor Pengra closed the public hearing at 8:20 p.m.

Mayor Pengra noted that when the outdoor lighting ordinance was approved, it was expected to have changes. The change in the height of the light poles didn't change the total lumens allowed. In addition, 17 feet is an unusual height. Most light poles in commercial areas of the City are around 30 feet high.

Councilmember Ireland said he looked at the International Dark-Sky Association's website and found that taller light poles actually allow less light to escape than shorter poles do.

Councilmember Burnham said Questar made a good case for the taller light poles. City staff looked into the issue and found the Dark-Sky Association didn't advocate light poles shorter than 30 feet tall.

Councilmember Bradley stated that he voted for the change in the ordinance because it made sense to him. He asked Planning Director Steve Mumford if Eagle Mountain is eligible for a Dark-Sky Association certification. Mr. Mumford said it's very hard to achieve. It's extremely restrictive and requires a lot of legislation.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 17.56 of the Eagle Mountain Municipal Code for 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.*

14. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Adopting a Bicycle and Pedestrian Master Plan.

This item was presented by David Foster of Alta Planning. The proposed resolution adopts a Bicycle and Pedestrian Master Plan, to be used in conjunction with the Parks and Open Space Master Plan, as a guide to future development within the City.

Alta Planning focuses on active transportation, meaning walking and biking. The plan makes facility and program recommendations to enable residents to safely increase their active transportation. The plan includes standardized bicycle and pedestrian facility development.

Alta Planning designed the plan to accommodate the City's unique, very young demographic through programs and infrastructure to allow them to get around without having to drive and to instill lifelong walking and biking habits. Biking and walking mitigate air quality problems, improve individuals' health and provide economic benefits to cities by attracting jobs and workforce.

Infrastructure, safety, funding, programs and encouragement were all addressed. Right now, almost all of Eagle Mountain's active transportation infrastructure consists of shared-use paths. A more developed system includes on-street bike lanes, shared roadways, protected bike lanes, shared-use paths and safe crosswalks.

Mayor Pengra asked if it was possible to create a map that showed the locations of the recommended facilities.

Councilmember Steinkopf stated he'd like to see bicycle racks at school bus stops. Mr. Foster said the design standards included recommendations for bike racks, spacing, and how to coordinate them with transit.

Councilmember Ireland asked if the plan has been presented to the major developers, the youth of the City and other key stakeholders. Mayor Pengra responded that it was advertised on social media, in Mayor's announcements and discussed at two public events.

Councilmember Ireland asked if there was any feedback from developers, since this would probably increase the costs of development. Mr. Foster said the plan used the standard street cross sections that would be adopted with the upcoming Master Transportation Plan. The notification list for the public meetings was comprehensive, but attendance was fairly poor. Mr. Mumford said developers and other stakeholders, such as the Alpine School District, will have more opportunities to comment.

Councilmember Bradley asked how much the plan cost the City. Mr. Mumford responded that the Mountainland Association of Governments paid for most of it through grants, and will pay for some additional design work, if necessary.

Mayor Pengra said he sits on the Active Transportation Committee of the Wasatch Front Regional Council. Eagle Mountain is far ahead of other cities because it's not trying to fit bicycle lanes into long-existing, crowded streets.

Councilmember Westmoreland asked if the City's horse and ATV trails could be incorporated into this plan. Mayor Pengra responded that most of those are on private land and are for a different recreational use.

MOTION: *Councilmember Bradley moved to adopt a Resolution of Eagle Mountain City, Utah, adopting a Bicycle and Pedestrian Master Plan. Councilmember Westmoreland 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.*

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Amending and Supplementing Assessment Ordinance No.19-2013, Adopted on September 17, 2013 to Amend the Assessment List in Assessment Ordinance No. 19-2013 and Reaffirm the Levying of Assessments Against Certain Properties in Assessment Area 2013-1; Establishing the Effective Date of the Amended Assessment Ordinance; and Related Matters.

This item was presented by City Attorney Jeremy Cook. The proposed ordinance amends Assessment Area 2013-1, which was adopted by the City Council in September, 2013 for property

in the Spring Run development. The developer is subdividing the property and desires to have the assessment in Zone C allocated to each lot in order to allow for the assessments on individual lots to be paid and released at the time the lots are sold.

Lewis Young Robertson & Burningham created a list of individual lots and their assessments. This agenda item approves this list as an amendment to the original Assessment Ordinance.

Councilmember Ireland wanted the City to set guidelines to determine what kinds of projects merit assessment areas. Mayor Pengra agreed that it needs to be done.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, amending and supplementing Assessment Ordinance No.19-2013, adopted on September 17, 2013 to amend the assessment list in Assessment Ordinance No. 19-2013 and reaffirm the levying of assessments against certain properties in Assessment Area 2013-1; establishing the effective date of the amended Assessment Ordinance; and related matters. 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. BID AWARD – Consideration and Award of Bid to Horrocks Engineering for the City’s Park Impact Fee Facilities Plan Update.

This item was presented by City Engineer Chris Trusty. Horrocks Engineering will update the City’s Impact Fee Facilities Plan (IFFP) which will identify new facilities that will be needed to support future growth and to make recommendations for funding. After the IFFP is completed, the City would award a professional services contract to a financial institution for the Impact Fee Analysis. Changes to the City’s impact fees would require a 90-day waiting period before they became effective.

City Engineer Chris Trusty said the park impact fees haven’t been updated since 2012. Research by City staff indicated the park impact fees are far too low.

Councilmember Ireland asked how Horrocks was chosen. Mr. Trusty said Horrocks specializes in value-based assessments of IFFPs and are very competitive in their pricing.

Councilmember Ireland asked if this amount could come out of the \$288,000 budgeted for parks. Mr. Trusty explained that the \$288,000 covers the landscape maintenance with Elite Grounds.

MOTION: *Councilmember Burnham moved to award a bid to Horrocks Engineering for the City’s Park Impact Fee Facilities Plan update in the amount of \$8,436 and authorize the Mayor to sign the contract. Councilmember Ireland seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

17. BID AWARD – Consideration and Award of Bid to Lewis Young Robertson & Burningham (LYRB) for the City’s Wastewater Impact Fee Analysis.

This item was presented by City Engineer Chris Trusty. LYRB will update the Wastewater Impact Fee Analysis (IFA). The IFA will use the costs outlined in the Impact Fee Facilities Plan. This is the process used to set impact fees for new growth in the City. It is anticipated that this process

will take 4 weeks to complete. The completed document will be presented to the City Council before the end of the year, after which a 90-day waiting period will be required before changes to the City's impact fees would be implemented.

The IFA follows an update of the wastewater Impact Fee Facilities Plan. It was expected to be part of the fiscal year 2015 budget, but the IFFP took longer than expected to complete.

MOTION: *Councilmember Burnham moved to award a bid to Lewis Young Robertson & Burningham (LYRB) for the City's Wastewater Impact Fee Analysis in the amount of \$7,310 and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

11. Budget Amendments – Vote on Item Previously Discussed.

Councilmember Ireland said \$15,000 is approved for Public Works professional services in the adopted budget. He wanted to know whether that should cover the last two agenda items. Public Works Director Dave Norman said it is for a pretreatment program. \$5,000 has been spent on the first phase. A second phase might be needed.

Councilmember Ireland discussed the \$3.2M amendment for the North Service Area waterline extension. Mr. Trusty said the design is almost done. The plan is to have the line installed and operational by April.

Councilmember Ireland asked what the next step would be if this amendment is not approved. Mr. Trusty responded that it would probably still be taken out to bid. Mr. Trusty would bring another budget amendment before the Council, this time with an actual bid amount. If an amendment was denied at that time, there would need to be a moratorium on building in the north area of the City.

Mr. Pili pointed out that going out to bid without a budgeted amount to spend puts the bidders at risk of expending a lot of time and effort to bid for a project that isn't funded. It's unheard of for a city to do that.

Councilmember Ireland felt bidders would bid to the amount budgeted. Mr. Trusty replied the project will be awarded to the lowest responsible bidder.

Mr. Jerome said the project could be paid entirely from the Water Fund, although it would take the fund virtually to zero. However, the Water Fund can borrow from the Sewer Fund if needed. Mayor Pengra placed part of the expense on the proposed project list for the utility sale proceeds to prevent the Water Fund from being spent down to zero. However, the utility proceeds could be paid back by the Water Fund over several years.

Councilmember Ireland didn't believe existing residents who paid into the gas and electric utilities ought to have to loan utility sale proceeds to benefit future development.

Mayor Pengra felt doing it this way will offer two net benefits. It would charge a lower interest rate than a bond would carry. It would also prevent an increase in water rates by creating a revenue stream over several years.

Councilmember Ireland didn't believe bonding should be part of the discussion, since it is possible to pay for the project out of current funds. He wanted to know how the City would go about charging interest for loaning utility sale proceeds to the Water Fund.

Mr. Pili said if interest was charged, it would be included in the Impact Fee Facilities Plan.

Councilmember Burnham asked that any loan considered from the utility sale proceeds include clear numbers so the Council can make an informed decision.

Mr. Pili explained that he's comfortable with reducing the Water Fund to zero because the City owns 750 acre feet of Central Water Project (CWP) water that can be sold for \$3M if needed. He said the reason the City is dealing with this financial issue is that the City paid a \$2.8M judgment recently from the Water Fund due to a lawsuit, and has also been making payments to CWP.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2015-2016 annual budget, reducing the water optimization expenditure from \$127,590 to \$30,000; removing the North Service Area waterline extension, to be brought back at the next Council meeting; and funding all budget amendments without using any proceeds from the sale of the electric and gas utilities. Councilmember Bradley seconded the motion.*

Councilmember Westmoreland asked what impact the changes made by the motion would have.

Mayor Pengra said the road projects would be funded by the Capital Improvements Fund. He believed removing the waterline project will have a negative effect.

Councilmember Ireland said he wanted to know the analysis of every way the waterline project might be paid for. He didn't like the idea of using the utility sale proceeds for a long-term project.

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

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

Councilmember Steinkopf

No comment.

Councilmember Burnham

Councilmember Burnham asked Mr. Pili to get her on the Economic Development Board contact list, since they held a meeting and she wasn't notified. Mr. Pili said it was an exploratory meeting to see if the board would be able to continue. There was no quorum and no decisions were made, and said he would make sure she is on the list.

Councilmember Ireland

Councilmember Ireland appreciated people accommodating him.

Councilmember Westmoreland

No comment.

Councilmember Bradley

Councilmember Bradley asked to be informed of City employee activities so he can be involved and support them. He thanked the Mayor and staff for all their hard work.

Mayor Pengra

Mayor Pengra appreciated how the Council works together with him for the City.

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

None.

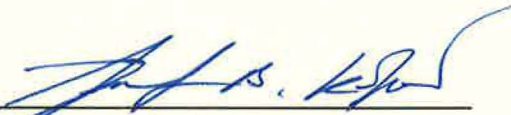
20. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

21. ADJOURNMENT

MOTION: *Councilmember Westmoreland moved to adjourn the meeting at 10:19 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 OCTOBER 20, 2015.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 20, 2015

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

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

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; David Mortensen, City Treasurer; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Ikani Taumoepeau, Economic Development Director; David Norman, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Brad Hickman, Parks & Recreation Director; Linda Peterson, Public Information Director; Ross Fowlks, 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 only and do not require action by the City Council.

A. Presentation – RDA

Because reimbursement has been requested by a property owner in an Economic Development Area (EDA), City Administrator Ifo Pili reviewed how a Redevelopment Agency works. The City Council serves as the Redevelopment Agency Board for Eagle Mountain. A Redevelopment Agency creates and oversees three kinds of development areas. Urban Development to mitigate blight, Economic Development to bring high-quality jobs to the City, and Community Development to bring mixed-use and retail developments into the City. The property owner's proposal will be presented in a future meeting.

B. Review – The Enchanted Pony Party Company Conditional Use Permit

When the company's owner applied for a business license and conditional use permit, her neighbors were very concerned that she might not keep the parties entirely within her property and that there might be on-street parking. The business license and permit were issued conditioned on a one-year review by the City Council. As there have been no complaints, no action was taken.

C. Discussion –Value Ranking System for Public Improvements

Paul Jerome, Assistant City Administrator and Finance Director, stated that since the last City Council meeting, Mayor Pengra and City staff have reviewed the cost of each public improvement which may be funded by the proceeds from the utility sale, as well as items to be added to the budget. Budget items include side paths, traffic signals, road projects, trail projects, and the remodeling of the Community Development Building. The total cost will be approximately \$2.2M, which will still allow the City's fund balance to total about 20%.

The discussion then moved to the items to be funded by the utility sale proceeds. Councilmember Westmoreland suggested using some of the money for emergency preparedness, specifically to purchase mobile generators for uses such as powering the City's well pumps. The generators might be useful outside of emergency situations, as well.

Councilmember Bradley suggested doing a survey to solicit ideas from the public as to how they would like the utility proceeds spent. He brought up paying off debt or making a payment to each resident who paid into the utility services. Mayor Pengra thought it would be very difficult to determine which residents should be paid. Debt payment was discussed, including paying off low-interest debt vs. paying for public improvements now which will be more expensive in the future.

Councilmember Burnham noticed the splash pad planned for City Center was off the project list. Mayor Pengra said it had been included in the projects for Wride Memorial Park. Councilmember Burnham felt it should be located in a City Center park, where it would be in walking distance for quite a few residents. Councilmember Ireland thought it might be a good addition to Pioneer Park.

Mayor Pengra said the City has been approved for a matching grant to complete the baseball complex for Wride Park. In addition, a developer in discussions with the State and Institutional Trust Lands Administration (SITLA), the major landowner in the area, is interested in providing a significant improvement to Wride Park. Mayor Pengra asked the Council to list their expectations for Wride Park. Ideas included:

- trees throughout the park
- a splash pad
- an amphitheater
- highlighting the Pony Express Trail
- playgrounds serving the needs of children of all ages from toddlers to teens
- playground equipment for special-needs children
- final completion of the ball field complex
- landscaping, including native landscaping required by SITLA

Councilmember Burnham suggested holding an open house after a landscape architect creates designs with various choices, so residents can give input.

Mayor Pengra ask the Council to come up with a not-to-exceed dollar amount to spend on the park. Councilmember Ireland suggested \$7.5M. Councilmembers Steinkopf and Westmoreland agreed. Councilmember Bradley thought that would build a park that was too expensive to maintain. He preferred a limit of \$5M.

Parks and Recreation Director Brad Hickman discussed maintenance costs for the park. The City has a contract with Elite Grounds. They could do all the grounds maintenance for less than a 25% increase to the contract.

Councilmember Burnham wanted money allocated for other parks, as well. Councilmember Ireland wanted to add completion of the paseos in City Center, to be funded by the money that was removed for payment of the special service area debt.

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

13. Budget Amendment

This \$3.2M budget amendment would fund a waterline and pump station in the Upper North and North Service Areas. The pump station will match an existing pump station. This will increase the capacity of the water system without building another water tank. Another tank will have to be added in several years.

Most of the \$3.2M will be reimbursable by impact fees, except for any part that benefits existing homes, rather than new building.

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

Mayor Pengra adjourned the meeting at 6:15 p.m.

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

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; Ikani Taumoepeau, Economic Development Director; David Norman, Public Works Director; Steve Mumford, Planning Director; Brad Hickman, Parks & Recreation Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Trick or Treat Village** – Eagle Mountain City's annual Trick or Treat Village offers FREE fun for everyone. This year's activities include Village Row, Monster Mash dance, games, contests, candy, and more! The event will be held on Saturday, October 24 from 10:00 a.m. to 2:00 p.m. at Nolan Park. Businesses are invited to register for a booth. There is a registration link on the City website, Calendar.

- **Election** – The 2015 Municipal Election will be held on Tuesday, November 3. Early voting for the General Election will be held through October 30 at City Hall, with the following schedule:

Tuesday: 8:00 a.m. – Noon

Monday, Wednesday, Thursday, Friday: 1:00 p.m. – 5:00 p.m.

For up-to-date election information, please visit www.eaglemountaincity.com/election.

- **Bag the Leaf** – The City will once again be offering the Bag the Leaf collection program. The City will provide free leaf bags to residents through November 30, while supplies last. Bags can be picked up at City Hall or The Ranches HOA office. Curbside pick-up will be available on weekdays. Residents may email Larry at ldiamond@emcity.org to notify him when they have bags ready for pick up. For complete program information, please visit the City website, News section.

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

Jared Gray objected to \$7.5M of the utility sale proceeds being spent on Wride Memorial Park when the residents of Eagle Mountain want parks improved throughout the City. The Special Events Committee has put on events at the rodeo grounds without asking for City money. He didn't feel so much money should be spent on other parks when the rodeo grounds aren't being maintained. All the parks should be given equal consideration.

Jeff Ruth was against spending \$7M on Wride Memorial Park. He thought some of the money should be spread among the other parks. He also wanted road projects completed and Pony Express Parkway widened between City Center and The Ranches.

Matt Visser, an advisor to the Youth City Council, announced the Youth City Council will be collecting food donations at the Food Truck Roundup. The donations will stay in Eagle Mountain. Those not needed in Eagle Mountain will go to the food pantry in American Fork, which is the closest food pantry to Eagle Mountain. He also objected to the amount proposed to be spent on Wride Memorial Park. He wanted existing parks to be improved before money is spent on a park no-one can walk to. He didn't think the Council should decide to complete road projects without professional assistance.

Mayor Pengra pointed out that the City has a professional City Engineer and Streets Department.

Wendy Lojik asked the Council to work with her to involve citizen volunteers in gathering information from residents on how the proceeds of the utility sale might be spent.

Mary Monson felt the government should be as debt-free as possible. She proposed spending some of the utility sale proceeds on a recreation center with a pool and basketball courts, which would benefit families in the City and attract businesses by providing amenities for their employees. She suggested a domed building to decrease construction and maintenance costs. Residents could hold fundraisers to help fund the project. Mayor Pengra gave Ms. Monson his phone number and invited her to meet with him and discuss the issue.

Cody Hurst wanted the proceeds of the utility sale to be spent to maintain and upgrade existing City facilities and landscaping, rather than on new items. He wanted the road medians xeriscaped rather than upgrading the sprinkler system. He also wanted City staff rather than the HOA to maintain public property in The Ranches.

Joseph Jones asked that the utility sale proceeds be used for paying off debt rather than for purchasing nonessentials.

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 the Council has spent a great deal of time discussing the use of the utility sale proceeds. In some cases, paying off low-interest debt isn't financially beneficial. He would like to see money spent on multiple parks.

Councilmember Burnham

Councilmember Burnham appreciated all the input the Council has been receiving. She would love to receive more. She explained that the land between City Center and The Ranches is owned by SITLA, which will not permit the City to widen the road. In regard to the recreation center, the utility sale provided one-time funds. A recreation center would involve a lot of long-term staff and maintenance expenses. She felt it's important to spend the utility funds on many diverse projects and that's what the Council is doing.

Councilmember Ireland

Councilmember Ireland encouraged everyone who goes to the Food Truck Roundup to bring some canned food for the Youth Council donation drive. He asked everyone to vote in the general election.

Councilmember Westmoreland

Councilmember Westmoreland appreciated the public comments and said it was good to know that residents were passionate about being involved in the City. He was concerned about how low the voter turnout has been in this election cycle and encouraged everyone to vote.

Councilmember Bradley

Councilmember Bradley thanked everyone attending the meeting and those who attended the City Council candidates' debate. He asked residents to vote and to encourage their neighbors to vote. He appreciated hearing ideas about how to spend the utility sale proceeds and wanted to hear more comments. He supported the Special Events Committee, but wanted it to be clear that the City paid a lot of the expenses for the rodeo. He wanted individual Councilmembers to be involved in mentoring Youth Council members. He pointed out that the Council isn't consulted on how to build roads. The City hires professionals.

Mayor Pengra

Mayor Pengra reserved comment until later in the meeting.

9. PROCLAMATION – Type I Diabetes Awareness

Mayor Pengra read the proclamation aloud. He stated that a young Eagle Mountain resident contacted City Recorder Fionnuala Kofoed, asking if the Council would pass a proclamation in support of Type 1 Diabetes Awareness Week, November 9-15.

Councilmember Bradley asked what help a proclamation gives to those suffering from diabetes. Mayor Pengra said information on diabetes will be posted on the City website. City Hall will be

lighted with blue lights during that week, which is the signature color for Type 1 diabetes awareness. He asked Mr. Ruth to come back up and suggest what might help. He said getting the City Center fire station back up and running would get emergency medical help much faster to those who need it, such as his wife, who suffers from Type 1 diabetes. Councilmember Bradley said the City is fast-tracking the fire station repair.

Ms. Kofoed pointed out that seeing City Hall lit up in blue could make a child with diabetes feel special and that people cared. With an incurable disease, being cared about helps.

MOTION: *Councilmember Bradley moved to approve a proclamation declaring November 9 - 15 Type 1 Diabetes Awareness Week. 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.*

10. APPOINTMENTS

A. Economic Development Board

- I. Ryan Myers – 1 year term
- II. Jim Rohan – 1 year term
- III. Evan Berrett – 3 year term
- IV. Christopher Jones – 3 year term

MOTION: *Councilmember Ireland moved to appoint Ryan Myers to the Economic Development Board for a one-year term. 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.*

MOTION: *Councilmember Ireland moved to appoint Jim Rohan to the Economic Development Board for a one-year term. 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 Ireland moved to appoint Evan Berrett to the Economic Development Board for a three-year term. 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.*

MOTION: *Councilmember Ireland moved to appoint Christopher Jones to the Economic Development Board for a three-year term. 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.*

Ms. Kofoed administered the oath of office to those appointees who were able to attend the meeting.

CONSENT AGENDA

11. MINUTES

- A. September 29, 2015 – Special City Council Meeting
- B. October 6, 2015 – Regular City Council Meeting

12. RESOLUTION

- A. Appointment of a Representative to the Utah Valley Dispatch Special Service District Board

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

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2015-2016 Annual Budget.

The proposed amendment to the fiscal year 2015-2016 annual budget is for the North Service Area waterline extension. The public hearing for this budget amendment was held on October 6, 2015.

Public Works Director Dave Norman stated the North and Upper North Service Areas need additional water service for existing housing and any additional homes. The waterline will extend from Pony Express Parkway near the fire station, along the powerline corridor to Wride Memorial Highway, across to Spring Run Parkway. Segments will run along Wride Memorial Highway as far as the entrance to North Ranch. An additional pump station will be built to provide redundancy with the existing pump station and also to service a future storage tank which will be built in the Upper North Service Area.

The project is included in the Capital Facilities Plan. It is eligible for impact fee reimbursements for those parts that benefit new building rather than existing homes.

Councilmember Ireland asked how long the project would take to be completed. Mr. Norman responded it will go out to bid in the next two months. It's expected to be completed by summer. It should solve all the water issues being experienced in those northern service areas.

Councilmember Ireland asked Mr. Pili to explain how such projects are paid for. Mr. Pili said they can be paid for through assessment areas, which allows developers to build infrastructure and be reimbursed through assessments on each lot sold. If a project is on the Capital Facilities Plan, it can be paid for through impact fees or impact fee reimbursements. If a developer builds facilities that are larger than their developments need, to benefit additional areas, the City will reimburse them. Some projects are paid for through bonding.

Discussion ensued on the options for paying for this particular project. Mr. Pili said it qualified for virtually any mechanism available to the City. As far as debt is concerned, this would be capital debt, secured by the ratepayers and the water system. Eagle Mountain has no general obligation debt, and this project would not create any. It could be paid for by the Water Fund balance, rather than by bonding, but that would deplete the Water Fund.

Councilmember Ireland noted the reimbursement schedule of impact fees relies on growth. He asked Mr. Pili for his estimate of how long it would take to reimburse the \$3.2M. Mr. Pili gave a very rough estimate of two years.

Councilmember Ireland thanked the Mayor and staff for accommodating the request that this item be brought back at this meeting with additional details on how to pay for it.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2015-2016 annual budget to include funding for the North Area waterline project in an amount not to exceed \$3,221,615, the cost to be paid by the Water Fund. 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. MOTION – Consideration of Projects to be Completed with the Proceeds From the Gas and Electric Utility Sale.

Upon review of the list of proposed projects to be completed with the proceeds from the utility sale, the Council may approve the list or individual items on the list.

Mayor Pengra addressed some of the comments made during the public comments section of the meeting. He agreed with Joseph Jones that, overall, debt is bad and cash is good. However, municipal finance is not entirely analogous to personal finance. If the utility proceeds are used to pay off low-interest debt now, projects that will improve the community not done now will cost more in the future.

Mr. Pili pointed out that municipal “wages” come from taxes. Families want their wages to go up. Municipalities want to keep their taxes as low as possible.

Mayor Pengra noted xeriscaping the street medians will be covered by street landscaping funding included in the project list.

Mayor Pengra discussed Ms. Monson’s suggestion of a recreation center. The operational budget of a recreation center is large and ongoing. City staff has made inroads on the long list of projects that need completion, Those projects are designed to improve Eagle Mountain. Funneling money into ongoing recreation center operation and maintenance will divert funds from those City improvements.

On the suggestion of conducting a survey, Mayor Pengra said it’s been a tremendous amount of work to assimilate the suggestions that have been given already. In hindsight, he thought it would have been helpful to have more direct communication.

There was a request for restrooms in some parks. Mayor Pengra stated that \$240,000 is proposed for restrooms in three existing parks.

Mayor Pengra read a comment from Sandy White. She asked that part of the utility proceeds be saved for the future. She also asked that the youth baseball equipment be improved, especially batting helmets with face guards. Last year, a player was badly injured by a ball that hit her face.

Discussion ensued on setting a not-to-exceed amount to spend in Wride Park. Councilmembers discussed the process of spending the money. City Recorder Fionnuala Kofoed reminded them that, based on the City's purchasing policy, some projects would come before the City Council for approval.

Mayor Pengra asked Mr. Pili what the next step in improving the park will be. Mr. Pili said once a maximum amount for the park is determined, staff will hire a landscape architect to produce some designs. Mr. Hickman is writing a request for proposals. He pointed out that the early phases will probably be the most expensive, because water, sewer and electric lines will have to be extended to the park.

Mayor Pengra and the Council went through the list of potential projects.

Projects remaining in the list:

Rodeo grounds fencing
20-year celebration matching funds
Trails completing connectivity from neighborhoods to main trails
Medians in Pony Express and Ranches Parkways
Park amenities match program
Wride Memorial Park
Cemetery fence
Nolan Park splash pad upgrade
Bike park improvements
Benches, shade structures and trash cans along trails
Hidden Canyon detention pond completion
SilverLake amphitheater improvement
Park restrooms
Paseos

Projects removed from the list:

Spectator bleachers in smaller parks

Councilmember Bradley repeated his objection to spending \$100,000 on the cemetery. Councilmember Steinkopf felt a completed cemetery would make Eagle Mountain look more complete. Mayor Pengra said it was an incomplete City project that needed completion. Councilmember Burnham spoke about having to bury her first child, and how much harder it would have been to bury her child in an unfenced cemetery that could be desecrated by recreational vehicles. Ms. Kofoed described a recent experience of selling a burial plot to a family who was sad to bury their daughter in an unfinished cemetery that looked like a field. Ms. Kofoed told them City staff is committed to finishing the cemetery. The City owes it to the residents to complete the cemetery out of respect for those who are and those who wish to be buried there.

Mayor Pengra said the list will be further refined and discussed at the December 1 City Council meeting.

MOTION: ***Councilmember Ireland moved to adjourn the meeting at 9:56 p.m.***
 Councilmember Bradley seconded the motion.

As no motion had been made on item 14, the motion to adjourn was voted down.

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

MOTION: *Councilmember Ireland moved to approve the remaining projects to be completed with the proceeds from the gas and electric utility sale. 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.*

Approved projects:

Cost Est.	Project Information
\$270,000	Already approved & underway
\$654,040	Utility account unpaid amounts in collection process (could come in lower)
\$7,500,000	Baseball complex, parking, tie together, access, unique feature, PE Trail native
\$400,000	Finish completion of trails where gaps currently exist
\$500,000	Re-landscape some medians on PE Parkway in the Ranches
\$500,000	Landscape medians on PE Parkway in City Center that are not currently
\$1,000,000	City to match funds raised from residents or HOAs for park improvements
\$100,000	Fencing at Cemetery to ensure protection of the area
\$150,000	Water reuse system in addition to some feature fixes
\$100,000	Parking on north side of Nolan Park
\$40,000	Pavilion with tables near splash pad at Nolan Park
\$1,000,000	Finish landscaping of areas along trail system adjacent to PE Parkway
\$100,000	Leverage EMC's 20th anniversary to entice further economic development
\$25,000	Fix areas of bike park that are in disrepair
\$50,000	Similar to what has been done along trails in the Ranches
\$50,000	Completion of clean out area in the storm drain system at Hidden Canyon Park
\$200,000	Create a series of slides on unfinished part of Silver Lake Park
\$8,000	Perimeter fencing for security purposes at rodeo grounds
\$320,000	\$80k bathroom kit that includes utility installation.
\$850,000	Improvements to undeveloped paseos on City Center
\$500,000	Ensure ability to supply water from wells in emergency situations

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

None.

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.

None.


17. COMMUNICATION ITEMS

A. Upcoming Agenda Items

18. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 9:59 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 NOVEMBER 17, 2015.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 17, 2015

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

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

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; 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 only and do not require action by the City Council.
 - A. **Presentation – Water Conservation, Brad Lancaster**
Mr. Lancaster is a consultant who has been reviewing Eagle Mountain's water system and resources, specifically how water can best be used to provide value for the City.
 - B. **Presentation – Utah Valley Women's Initiative, Glynis Tolerico**
Ms. Tolerico described the programs and goals of the Utah Valley Women's Initiative.
 - C. **Discussion – RDA**
Economic Development Director Ikani Taumoepeau discussed the Gateway Economic Development Area. An economic development area uses tax increment financing to encourage commercial development in a specific area of undeveloped land. The Gateway EDA was approved several years ago. City Administration is ready to activate it and will bring a proposal to the Council for approval at the meeting on December 1.
 - D. **Discussion – Pole Canyon Master Development Agreement**
City Attorney Jeremy Cook explained the proposal to amend the Pole Canyon Master Development Agreement (MDA). In connection with the MDA, the City entered into agreements with the White Hills Sewer Special Service District (WHSSD) and the White Hills Water Company (WHWC) to take over both systems. Both agreements need to be amended to reflect recent issues. In addition, a regional park was required in the original MDA. Other amenities are being negotiated in its place. These items will be voted on in a future meeting.
2. **AGENDA REVIEW** – The City Council will review items on the Consent Agenda and Policy Session Agenda.

13. Eagle Mountain Benches/Eagle Mountain Ranches

Mayor Pengra asked Planning Director Steve Mumford to describe any significant changes to this item since it was last reviewed by the City Council. Mr. Mumford said there were no significant changes made at the October 27 Planning Commission meeting. The Commission recommended the Council approve the application, with the condition that all lots be a minimum of one acre. They tabled the application at a previous meeting, until the City Council could make a decision on how to address road pavement issues on Lake Mountain Road. The Council has since decided Lake Mountain Road will remain a rural residential road, which must be paved by developers as they develop property along the road. The City may install a gate on Lake Mountain Road as a traffic calming measure until the entire length is paved.

Mr. Mumford reviewed the City's criteria for rezoning. Developments must comply with the Future Land Use and Transportation Plan and must be compatible with surrounding uses or provide buffering for incompatible uses. He reminded the Council that their decision either to approve or deny will be considered valid by the courts if it is reasonably debatable that the action promotes the general welfare. It is not required to be based fully on findings of fact.

The only new public comment that has been received has been a proposal to transition from the existing five-acre lots to three-acre lots and then to one-acre lots. If the Council wants to approve that, it will have to be included in the motion, or the Municipal Code would have to be amended before the applicant submits a subdivision plat application. The Code currently requires minimum one-acre lots next to agricultural building lots.

Issues that need to be considered as part of a plat application, but not as part of the rezone approval, include whether building may be allowed under the powerline corridor, road paving, natural gas service, trail requirements, etc.

Councilmember Bradley said he has received only negative public comments. One resident told him his property rights would be infringed because the resident wouldn't be allowed to graze animals up to the property line of the one-acre lot. Mr. Mumford said according to the Municipal Code, an agricultural use wouldn't be affected by a residential lot. However, there is potential conflict between the individuals owning the lots.

Mr. Mumford said he had received a couple of comments from owners of undeveloped land nearby who were in favor of the rezone.

18. Upper Hidden Valley Master Development Agreement

Upper Hidden Valley is located south of the Hidden Hollow Elementary School. The Land Use Element of the Hidden Valley Master Development Plan was approved by the City Council on December 2, 2008. Since that time the project was divided into the Upper Hidden Valley and Lower Hidden Valley project areas. An agreement for the Lower Hidden Valley area was signed by Mayor Jackson on May 4, 2011. The Land Use Element approval vested the Upper Hidden Valley with a maximum number of units in each area of the project, land uses and the major road layout for the project, along with the parks, open space, and trail network.

The approval of a Master Development Plan is conditioned on approval of a Master Development Agreement. The City and the developers are working through some final issues. Because this is a large, complex project, the developers are requesting that this agreement be finalized well before construction begins. Other agreements must still be completed and funding must be put in place.

Funding will be complex because of the size of the project and the number of developers. The developers hoped the City would agree to create an assessment area, but that was not approved.

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

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

Mayor Pengra adjourned the meeting at 6:33 p.m.

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

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

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

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:05 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **SR 73 Planning Study** – UDOT is holding an open house to discuss transportation concepts related to Wride Memorial Hwy (SR 73) on November 18 from 5:30-7:30 p.m. at Black Ridge Elementary. Public input is requested. The study team is working with local governments to identify concepts that are compatible with city plans and accommodate potential transit, bike, and trail improvements.
- **Turkey Trot** – The City's annual walk/run will be held on Thanksgiving morning at 8:00 a.m. Registration is available now on the City website, Events calendar. The event starts at Hidden Hollow Elementary and finishes at Pony Express Parkway across from City Hall. Prizes will be awarded in several categories. Entry is FREE, but registration is required.
- **Tree Lighting Ceremony** – The City's annual tree lighting ceremony will be held on Friday, December 4 from 6:30 p.m. to 8:00 p.m. at City Hall. Festivities include meeting Santa,

vendors, hot chocolate, an essay contest, a gingerbread house contest, and a tree decoration auction. Vendors are wanted. Please contact the City Events Department if you are interested.

- **Santa on the Fire Truck** – Another holiday tradition will be held on Saturday, December 5 starting at 8:00 a.m. when Santa will be visiting Eagle Mountain neighborhoods on the fire truck. Please make sure children stay on sidewalks and do not run into the street. The fire truck is not able to go down dead-end streets and may not be able to drive down every street due to time restrictions. Listen for sirens and watch in your neighborhood for the fire truck. Proceed safely to the area where the fire truck is. The end time is approximate. We will post on the City Facebook page and send an email notification when Santa is finished making the rounds.
- **Youth Tech Jam** -- Eagle Mountain City is offering a free community event for youth ages 9-18 who are interested in computer programming. Come learn how to make apps and games. Free food and awesome prizes! Registration is required, as well as a laptop. Must register by December 1. First 100 to register get a free t-shirt. For more information and to register, please visit emcitytechjam.org.

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

Tiffany Ulmer made a suggestion for the Santa on the Fire Truck event. Since the truck can't go down every street, perhaps a time could be posted for when Santa will be at City Hall. She made a presentation about the cemetery monument and wall. She thought the brick wall would invite kids and teenagers to climb, sit and draw on the wall. She proposed a cast iron fence, which is a more traditional fence for a cemetery, allows visibility from the street and doesn't encourage vandalism.

Steve Conger, Chair of the Cemetery Board, said he's a Fire Captain for the City. He sometimes gets questions from those he helps on ambulance calls, if the victim doesn't survive, about whether they can bury their loved one in Eagle Mountain. He appreciated the Council's bringing the cemetery along as far as they have. He and the Cemetery Board are anxious to see it completed. They felt that a wrought iron only enclosure will make it look a little like a jail.

Mike Owens thanked everyone who was involved in his campaign for City Council. He congratulated those who were elected. He stated the cemetery needs improvement, since the City built it and is committed to completing it. It's not who for those who are buried there, but for those who are mourning. He read the names of those who are buried there. He hoped the Council would make the decisions needed to make it a place of solace for people who mourn.

Britney Shunn, Mayor of the Youth City Council, thanked Councilmembers Burnham and Ireland for working with the program. The Youth Council is currently working with Jesus Feeds on a food drive. They're also preparing an anti-bullying conference to be held next year. She invited all eligible youth to attend the Youth Council meetings.

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 everyone in attendance. He wished everyone a happy holiday time.

Councilmember Burnham

Councilmember Burnham appreciated everyone in the room for taking an interest in their city. She congratulated those who were elected to the City Council and wished everyone happy holidays.

Councilmember Ireland

Councilmember Ireland thanked Ms. Shunn for coming and sharing what the Youth Council is doing. He appreciated working with the Youth Council and invited more youth to attend. He congratulated the Councilmembers-elect. He offered his condolences to the people in France who suffered from last week's bombings. He encouraged City residents to appreciate the freedoms and peace they enjoy from living in this community. He thanked law enforcement and fire service personnel who keep everyone safe.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone and thanked them for being at the meeting. He appreciated the communications he receives from residents. He hoped, as the City works through its growth and challenges, that people can find common ground and look out for each other.

Councilmember Bradley

Councilmember Bradley was pleased to see a full room. His thoughts went out to the terror victims in Paris. He was there about two weeks before the attacks. The images of their first responders reminded him of the City's first responders and what they're willing to risk to keep others safe. He congratulated those elected to City Council, but wished there had been better voter turnout. He thanked Councilmembers Burnham, Ireland and Steinkopf for their service on the Council. He brought up the recent small business meeting and invited all owners of small businesses to attend future meetings.

Mayor Pengra

Mayor Pengra congratulated the new Councilmembers and thanked those whose terms are ending. He's appreciated working with them. He also said there are many things going on in the world involving strong disagreements between neighbors, sometimes to the point of terrorist attacks. He hoped everyone would remember that they're all neighbors. He loved how Eagle Mountain people care about each other.

CONSENT AGENDA

9. MINUTES

- A. October 20, 2015 – Regular City Council Meeting

10. BOND RELEASES – Out of Warranty

- A. Evans Ranch, Plat B1
- B. Meadow Ranch, Plat 7

11. SITE PLANS

- A. AUB Church / Private School
- B. Jiffy Lube
- C. Spring Run Church

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

12. MOTION - The City Council will Recess the Meeting and Convene as the Official Board of Canvassers to Canvass the Eagle Mountain City General Election.

This item was presented by City Recorder Fionnuala Kofoed. The Board of Canvassers reviewed the report of election results, prepared by the City Recorder as the Election Official, and considered and approved the report of the results, execution of the report and certification of the final vote totals for persons on the ballot. State law requires that the City Council, as the Board of Canvassers, canvass the 2015 General Election no sooner than seven (7) days and no later than fourteen (14) days after the election.

MOTION: *Councilmember Ireland moved to adjourn as the City Council and reconvene as the Board of Canvassers. 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.*

- B. MOTION – Consideration and Approval of the Report of the Eagle Mountain City General Election of November 3th, 2015, Verifying the Results of the Election by Ratifying the Results of the Canvass; Accepting the Report of the Election Official and Certifying the Election Results; and Declaring the City Council Candidates, Reported by the Election Official as Receiving the Highest Number of Ballots, to be Elected.

City Recorder Fionnuala Kofoed presented the final figures received from the Utah County Elections Office. Each Councilmember received a Certificate of Canvass. The total number of votes cast was 1,618, which constituted a 16% voter turnout. Stephanie Gricius received 905 votes, Ben Reaves received 766 votes and Colby Curtis received 700. She asked the Board to canvass the election by motion.

Councilmember Bradley asked how much it cost to run the election with a contract with the County Elections Office, as opposed to running it entirely with City staff. Ms. Kofoed responded the regular cost of an election is \$12,000. This election cost somewhat less than \$17,000, partly because it was expensive to pay poll workers to run the early voting. Although this election was monetarily more expensive, the burden lifted from City staff was very valuable. It removed the City Recorder's Office staff from the political issues that accompany an election.

Mayor Pengra noted that the City is growing so fast that counting paper ballots is becoming untenable. Ms. Kofoed said when staff counts paper ballots, they start at 3:00 p.m. and it takes until 11:00 p.m.

MOTION: *Councilmember Ireland moved to approve the report of the Eagle Mountain City General Election of November 3, 2015, verifying the results of the election by ratifying the results of the canvass, accepting the report of the Election Official, certifying the election results, and declaring the City Council candidates reported by the Election Official as receiving the highest number of ballots to be elected.*

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.

C. MOTION – The Board of Canvassers will Adjourn and Reconvene as the City Council.

MOTION: *Councilmember Burnham moved to adjourn as the Board of Canvassers and reconvene as the City Council. 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

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 98.39 Acres from Agriculture to Residential.

This item was presented by Planning Director Steve Mumford. This is an applicant-proposed rezone of approximately 98.39 acres from Agriculture to Residential. A majority of the property is located near 5504 N. Lake Mountain Road, and 5.5 acres are located immediately south of 5121 N. Lake Mountain Road. They are known as the Eagle Mountain Benches and Eagle Mountain Ranches subdivisions.

Mr. Mumford recapped his presentation from Work Session, reported on page 2 of these minutes.

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

Waleed Hamouda, who owned land adjacent to the developers' land, supported the rezone application. There are one-third-acre lots on Lake Mountain Road near the church. When he is ready to develop his land, he planned to develop one-third-acre lots. He didn't understand how any taxpaying residents could be prevented from using the road. He's heard people complaining that trees would be cut down, but most homeowners leave several trees on their property. He said the complaints about having more neighbors speeding down the road could be resolved by enforcing the traffic laws.

Greg Jeppson, a resident of Lake Mountain Road, wanted any development in the area to be compatible with current, agricultural development. He was concerned about safety in the use of Lake Mountain Road and thought the proposal to install a gate on the road was an inadequate solution. He was concerned about increased noise and pollution. He thought this unique area of Eagle Mountain should be preserved. Development would displace the local animals. The original City plan indicated that area should be maintained in its original state.

Milinda Martin, a resident of Lake Mountain Road, has been reading the Master Plan and has found many reasons not to rezone. The Master Plan says the area "currently zoned for agricultural uses will likely remain so for the foreseeable future." Requiring five-acre lots doesn't infringe the owners' property rights. She felt the Council's decision needed to be based on property rights and police powers. Police powers are health, safety and law enforcement. The rezone would make the street less safe. It would put more of a strain on the water system and cause water and air pollution. The Master Plan says Eagle Mountain should be Utah's most desirable place to live and that steps must be taken to preserve natural vegetation. One of the elements of conservation integration is the natural environment.

Stephanie Gricius said she was asked to read a statement from several residents. The statement asked that the rezone be tabled until the updated Transportation Master Plan has been adopted. It isn't reasonable to say the rezone supports the general welfare or greater good. It was fiscally irresponsible for the City to maintain so much roadway for the benefit of a few, and the City may have to finish the road between property owners, which would burden all the taxpayers. Paving the road would make it a *de facto* collector road. Before approving additional rezoning for Lake Mountain Road, Airport Road should be completed. The City should wait until it has enough money in impact fees to support the road project. The surrounding property owners, who would be adversely affected, should be given consideration.

Kim O'Donnell said "precedent" was mentioned several times in the Planning Commission meeting, which means an event that precedes others. In the early 1990s, some landowners purchased agricultural land. The City wasn't incorporated until 1996. The precedent for agricultural land along Lake Mountain Road was set before the City was incorporated.

Jody Hooley believed the property should remain agricultural. She felt her property rights would be impacted due to compatibility and transition issues. Suburban residents come in and object to the agricultural lifestyle among their neighbors. She objected to "leapfrog zoning," meaning one-acre lots at one end of the road, then an eight-acre lot, potentially followed by one-acre lots before the five-acre lots. She also felt the rezone would contribute to flooding.

Mayor Pengra read an email he received from Debbie Souza-Pappas, director of Second Chance Wildlife Rehabilitation. She has seen the toll taken on wildlife due to loss of habitat. The areas being considered for rezoning are prime habitat for prey that eagles rely on for food.

Jennifer Morrison felt the City's growth momentum is so fast, that it's in danger of going off the rails. She didn't want to lose the unique qualities of the City. The land in the rezone area was set aside to be agricultural land. She takes her kids to the animal sanctuary every year. She didn't think the rezone should be approved until there is an alternative road ready.

Carl Wetzel bought five acres in 1993. The first mayor said the City would supply them with water, which didn't happen. The mayor also said, at that time, that they could divide their lot into two lots, and that didn't happen either. He supported the rezone. It won't threaten anyone or the animal shelter. He thought additional development would create less flooding and less fire danger. He thanked the Councilmembers for their time.

Ilene Wetzel supported the residential rezone. She bought five acres twenty years ago. Her taxes go to the City and she would like to see the development come in. She's waited many years to be able to be able to develop her land. As development comes in and the roads are constructed, there will be fire hydrants to control fires and there will be more chance to hook up to the City sewer system.

James Taylor said development will never stop in that area. His concern was more septic tanks and more traffic on Lake Mountain Road. He was also worried about development in Hidden Valley affecting the traffic on the road. He wanted development done right.

Karen Scott, one of the developers requesting the rezone, said the traffic in the subdivision will be going north, not past those residents who have been worried about traffic. Most of the driveways won't enter Lake Mountain Road. She said wild animals like raccoons are a nuisance. Hawks and eagles look great, but they kill chickens. The land is not suitable for agriculture. She and her

husband have complied with all the requirements of the Municipal Code, the Fire Code, and the Future Land Use Plan of the General Plan. They've given easements to Airport Road and to landlocked landowners. There will be a retention pond. City zoning is for half an acre and they've made minimum one-acre lots. They plan to build a green-home subdivision.

Ken Olson thinks it's a reasonable use of one's property, based on being part of a city rather than a rural county area, to have one-acre lots. They're both eligible for large animals. He's lived in South Jordan for 26 years and there are farms adjacent to small lots and townhomes. The traffic hasn't increased very much and no one is infringing on each other's property rights. He supports the rezone and doesn't think one-acre lots infringe on anyone's property rights. Requiring lots larger than one acre makes it very hard to do anything with the property.

Jeff Scott, one of the developers requesting the rezone, said the whole project is designed to be energy-efficient. He has a contractor ready to build an energy-efficient home on one of the lots to demonstrate what an energy-efficient home would be like. He believed most people who develop land plant more trees than they take out. Their purpose is to share the land so other people can enjoy it. All the lots will be sized from slightly over one acre up to two acres. There will be an easement going from Lake Mountain Road to Airport Road and they will pave Lake Mountain Road. There will be a road leading to properties that are currently landlocked.

Mayor Pengra closed the public hearing at 8:28 p.m.

Councilmember Westmoreland asked if Mr. Scott had said he would build some three-acre lots. Mr. Scott stated some of the lots near the powerline could be two to three acres.

Councilmember Westmoreland asked if part of the powerline corridor would be reserved for a trail. Mr. Mumford said the Master Plan shows a regional plan going through the City in the utility corridor.

Councilmember Bradley asked Mr. Scott if he planned to continue the trail. He said he could either continue the trail or give the City an easement through the corridor.

Councilmember Westmoreland asked Mr. Scott if he had considered buffering between his property and adjoining properties. Mr. Scott pointed out the Municipal Code states that one-acre lots are acceptable buffering next to five-acre lots.

Councilmember Burnham asked the Council to discuss buffering.

Councilmember Steinkopf said he felt the buffering between Stonebridge and Cedar Pass Ranch has worked well.

Councilmember Bradley said the Municipal Code requirement of one-acre lots didn't help in this situation. He felt Lake Mountain Road is a unique part of the City. He thought it might be workable to allow smaller lots on the west side of the road and keep the east side more rural.

Councilmember Ireland said the Scotts aren't losing any property rights if this rezone is denied. They have the right to develop five-acre lots. Granting the rezone gives them additional rights. Granting the rezone could potentially have a negative impact on others. The Council needs to be very careful when approving rezones, not to harm anyone else. He lives in a neighborhood much like the one being proposed. It's very different than the rural nature of Lake Mountain Road.

Councilmember Bradley would like Lake Mountain Road to remain rural, similar to Cedar Pass Ranch.

Discussion ensued on how buffering might work in this case.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning approximately 98.39 acres from Agriculture to Residential, with a minimum one-acre lot size, except for the 5-acre Eagle Mountain Ranches parcel, and the one adjacent to Mike Kieffer's property must be a minimum of two acres.*

The motion failed for lack of a second.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning approximately 98.39 acres from Agriculture to Residential, that all the border lots in the rezone be a minimum of five acres, with interior lots stepping down from four to three to two to one acre lots. Councilmember Steinkopf seconded the motion.*

Councilmember Bradley asked Mr. Scott if such a motion would allow him to go forward. Mr. Scott said the five-acre parcel could be divided in half, but the motion for the larger parcel would need to follow the current Code requirement of one-acre parcels.

Councilmember Burnham said she would vote against this due to the transitioning. Some adjacent landowners approve of it and one is definitely against it. Also, the stepped-down lots would be hard to create.

MOTION: *Councilmember Ireland amended his motion to move to adopt an Ordinance of Eagle Mountain City, Utah, rezoning approximately 98.39 acres from Agriculture to Residential, that all the border lots in the rezone be a minimum of five acres, with interior lots stepping down from four to three to two to one acre lots, with sewer to be stubbed in. Councilmember Steinkopf did not accept the amendment.*

The Council voted on the previous motion. Those voting no: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion failed with a unanimous vote.

MOTION: *Councilmember Ireland moved to deny an Ordinance of Eagle Mountain City, Utah, rezoning approximately 98.39 acres from Agriculture to Residential. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Donna Burnham. The motion passed with a vote of 4:1.*

Councilmember Burnham pointed out the only way the applicant can have this item reconsidered is if two of the Councilmembers voting against it requested that it be considered again. Otherwise, the project would have to show significantly changed circumstances in the area.

PUBLIC HEARING

14. Heatherwood, Amended Preliminary Plat and Amended Heatherwood, Phase 1, Final Plat.

- A. MOTION – Consideration of the Amended Heatherwood, Preliminary Plat.
- B. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Amending the Heatherwood, Phase 1, Final Plat.

Heatherwood on the Green was approved by the City Council on November 15, 2005. This development comprises 200 units on 20.45 acres of land. This land was vested and zoned with The Ranches Master Plan. Since the approval of this project, part of Phase 1 has been built. A portion of Phase 1 and all of Phase 2 are unbuilt. There are two separate applications with this project: a recorded plat amendment and a preliminary plat amendment. There is also an application for a one-lot final plat for a future church lot.

The recorded Heatherwood Amended Plat 1 consists of 96 units. Forty-four units have been built or are in the process of being built. In Plat 1 on the east side of Desert Canyon Road there are 10 units that are recorded but have not been built. The purpose of the recorded plat amendment is to vacate those 10 units. The 10 vacated units will be combined along with a portion of Heatherwood Phase 2 to create one single lot that will be purchased from the developer for a future church site.

The preliminary plat amendment will create two new phases (Phases 2 & 3). The phases will consist of the vacated units from the recorded plat amendment and the originally approved Heatherwood Phase 2 development, which was never recorded with Utah County.

The new preliminary plat will feature a redesign of the units' configuration. With Phase 1, the configuration of the units created issues with drainage and snow plowing/stacking. The new configuration will align the end units parallel with the other units. The new design will allow for better drainage and create more areas for snow stacking and plowing. All of the units will also be unattached from one another and feature rear-loading garages. All of the utilities and infrastructure are already on site for this project.

Mayor Pengra opened the public hearing at 9:22 p.m. As there were no comments, he closed the hearing.

Councilmember Bradley was concerned about traffic flow through residential areas to the Porter's Crossing Town Center. Mr. Mumford said there are no plans at present to build a through street.

Councilmember Westmoreland asked about the drainage issues in the first phase. The applicant said the rain gutters in the first phase pointed straight down from the buildings. In the new construction, the gutters will run out to the street and there will be room to push snow out back.

MOTION: *Councilmember Ireland moved to approve the amended Heatherwood preliminary 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.*

MOTION: *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Heatherwood, Phase 1, final 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.*

PUBLIC HEARING

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Amending The Cove at Rock Creek, Plat 2 Final Plat.

This item was presented by Planning Director Steve Mumford. This proposed amendment to The Cove at Rock Creek, Plat 2 adds one additional unit, taking the total unit count from 23 units to 24 units. This property is located south of the existing Rock Creek Development, off of Rock Creek Road and Clear Rock Road.

Mayor Pengra opened the public hearing at 9:34 p.m. As there were no comments, he closed the hearing.

Councilmember Ireland asked if the Council could approve the amendment under the current park improvement/open space code. Mr. Cook said the subdivision was vested with the Code that was in place when the final application was filed. The requirements can't be changed retroactively.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Cove at Rock Creek, Plat 2, with the condition that a park fee in lieu be assessed on the additional unit, per the City's current Municipal Code. Councilmember Westmoreland seconded the motion.*

The applicant stated that he believed the original plat was approved with excess open space. If the new open space requirements were adopted after the application was filed, there would be no reason to consider a park fee in lieu. If the excess open space meets the current requirements, there also won't be a need for a park fee in lieu.

Councilmember Ireland declined to amend the motion. He felt the applicant should improve the open space beyond what was approved before the additional building was proposed.

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

The applicant objected to the park fee in lieu because it could be applied to any park in the City. Mayor Pengra committed to spending the fee on this subdivision.

PUBLIC HEARING

16. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Creating an Industrial Overlay Zone.

This item was presented by Planning Director Steve Mumford. This staff-proposed amendment to the City's Development Code (Title 17 of the Municipal Code) adopts an industrial overlay zone. The zone is intended to encourage development around the wastewater treatment plant by allowing slightly reduced design standards. This will provide a buffer between the treatment plant and higher-end businesses outside the overlay zone.

Mayor Pengra opened the public hearing at 9:51 p.m. As there were no comments, he closed the hearing.

Councilmember Burnham pointed out that “commercial laundries” are permitted uses and “commercial and industrial laundries” are conditional uses. “Laundry and dry cleaning establishments” are also conditional uses. Mr. Mumford suggested retaining “laundry and dry cleaning establishments,” making it a conditional use and dropping the other two.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, creating the Sewer Industrial Overlay Zone, removing commercial laundries and commercial and industrial laundries from the use table.*

The motion failed for lack of a second.

MOTION: *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, creating the Sweetwater Industrial Overlay Zone, removing “commercial laundries” and “commercial and industrial laundries” from the use table. 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. AGREEMENT – Consideration of a Franchise Agreement between Eagle Mountain City and Sena Wave, LLC.

This item was presented by City Attorney Jeremy Cook. The proposed franchise agreement documents the terms and conditions for Sena Wave, LLC to install, operate, repair and maintain an internet services network within Eagle Mountain City. They would lay service lines in City utility easements.

Councilmember Ireland asked if there would be any significant difference between this agreement and the agreement with Direct Communications. Mr. Cook responded that this one provides more protections for the City.

MOTION: *Councilmember Ireland moved to approve the revised franchise agreement between Eagle Mountain City and Sena Wave, LLC. 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.*

18. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Upper Hidden Valley Master Development Agreement.

This item was presented by Planning Director Steve Mumford and City Attorney Jeremy Cook. The proposed resolution formally approves the Upper Hidden Valley Master Development Agreement. Upper Hidden Valley is located south of the Hidden Hollow Elementary School.

Mr. Mumford and Mr. Cook recapped the presentation they made in Work Session, which is reported on pages 2 and 3 of these minutes.

The agreement calls on the City to acquire a right-of-way across private land through eminent domain if the developers are unable to negotiate a right-of-way. There is one parcel owned by the Bureau of Land Management and another the City foreclosed on that might be sold before this project is ready for construction. Elise Erler of SITLA, one of the developers, explained there are

cross-easements going through the property almost all the way to Pony Express Parkway. However, if the required rights-of-way aren't acquired all the way through the property, the project could be stalled. Ms. Erler said Airport Road leads towards the Upper Hidden Valley area, but there is some private land in between.

Councilmember Ireland wanted to know if the City could be obligated to build a section of road if the proper rights-of-way aren't acquired. Mr. Cook said the developer would have to build it. As a system improvement, it would be reimbursable by impact fees. He recommended language be added to the agreement to specify the road has to be built prior to the project being built to assure that traffic wouldn't go onto Lake Mountain Road, to the extent that Lake Mountain Road hasn't been developed to handle that traffic.

Mayor Pengra asked if the road would be part of the backbone improvements. Mr. Mumford said the backbone improvements constitute Lake Mountain Road into the project and Pony Express Parkway into the project.

Councilmember Ireland asked whether Ms. Erler thought Hidden Valley Parkway would be extended to Pony Express Parkway before Airport Road was completed. Ms. Erler responded that there was a specific time line, but she couldn't remember the details at the moment. When the plan was put together in 2008, there wasn't a focus on roads. However, the intent was to bring residents from Upper Hidden Valley straight to the Mid Valley area.

Mayor Pengra said the roadways should be addressed with the Master Transportation Plan.

Mr. Cook said another issue will be mining operations. Currently, developers can mine materials on their properties, but have to use them on-site. In this project, there is so much material that needs to be mined that the developers want an alternative permit process. Mr. Cook recommended leaving the possibility open, but allowing the City the option of denying it.

Mayor Pengra asked if the City could deny mining on SITLA property. Ms. Erler said SITLA, as a State agency, has the right to ignore City regulations, but they are voluntarily subjecting themselves to City ordinances. They are requesting a way to remove excess mined materials, if necessary.

The next issue of concern is park improvements. The developers have agreed to comply with the City's current regulations for park space, although they were entitled to comply with the requirements in place in 2008. The current requirements are beneficial to both the City and the developers. If new Code changes are made before the agreement is signed, the City won't be able to enforce them on the developers.

Mayor Pengra was concerned that the Council just imposed a current Code amendment on a previously-approved project with the Rock Creek vote. Mr. Cook said that might be the case. However, the developer has the right to withdraw its amendment applications. Upper Hidden Valley is different because the developers aren't asking for a change, but for vesting. This complies with the State Code.

Mayor Pengra stated the City applies development standards because leaving development entirely up to individuals doesn't provide a structure for consistent development.

Mr. Cook recommended the Council table this item, due to the unresolved issues.

Councilmember Westmoreland asked if the issue of setbacks from ridgelines has been resolved. Mr. Mumford said that hasn't been specified in the agreement.

Ms. Erler said the ridgeline is too steep to be buildable. SITLA's intent is not to build at the top of the buildable slopes, except in areas that won't be visible. Ruining the view of the ridgeline wouldn't be an advantage to the developers.

Mayor Pengra asked if that should be specified in the agreement. Ms. Erler felt the process is too far along to add this to the agreement, plus the City doesn't have a Code governing it. Ms. Erler pointed out that the City built a water tank on the ridgeline and was able to hide it from view.

Mr. Mumford said his main concern was that there be a trail system and public amenities at the ridgetop, which can be addressed with the preliminary plat.

Councilmember Ireland wanted to know if a regional park should be included in the plan. There's plenty of room for hiking and biking, but there might be a need for space for more organized recreation. Mr. Mumford said it might be best to allow the parks to be governed by the requirements in place when the development is built.

Mayor Pengra called for a motion.

MOTION: *Councilmember Ireland moved to table a Resolution of Eagle Mountain City, Utah, approving the Upper Hidden Valley Master Development Agreement. 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.*

19. BID AWARD – Consideration of an Award of Bid to Utah Correctional Industries for Construction of a Wall and Entrance for the Pony Express Memorial Cemetery.

This item was presented by Parks and Recreation Director Brad Hickman. The City Council approved funding for a wall and monument entryway for the Pony Express Memorial Cemetery. The proposed bid awards the contract to Utah Correctional Industries.

Mr. Hickman described the process of bidding the project. Early in the year, the Council budgeted \$40,000 for the wall and entrance. Another \$100,000 was allocated from the proceeds of the utility sale. Staff researched the project to find the most durable structure possible that would allow for visibility into the cemetery. They sent the design out for engineering bids. The design consists of a 500-foot rock entry monument and wall. Utah Correctional Industries returned a "do not exceed" bid, meaning they will only charge the actual cost. As a State entity, they are not allowed to make a profit.

Councilmember Bradley stated \$40,000 was allocated for the entry monument and \$100,000 was allocated for a fence around the cemetery. Councilmember Burnham agreed. Councilmember Ireland said the minutes of the last meeting said the \$100,000 was for a fence around the cemetery.

Mr. Hickman reminded the Council the parcel being considered now is not the entire cemetery property. Security fencing would be fine around the section that's currently being utilized, but a permanent structure wouldn't fit the entire property.

Councilmember Ireland said the property is clearly visible as a cemetery now. The four-wheeling that happened last winter isn't likely to happen again. He didn't understand why the Cemetery Board is recommending this particular style of wall.

Mayor Pengra said this has been discussed multiple times. No other design has been proposed. One of the problems the City has with retaining active boards is that the Council doesn't accept their advice.

City Recorder Fionnuala Kofoed stated that the Cemetery Board reviewed the designs of several other cemeteries over the last two years. The first rendering was created by Ken Sorenson when he worked in the Planning Department. It was presented to the Council.

Councilmember Steinkopf stated a rock wall will last much longer than wrought iron.

Mr. Hickman reminded the Council the figures he presented in the past were very approximate. UCI's bid is much lower than estimates he's received from private companies.

Councilmember Bradley wanted only the entryway and about 50 feet of wall. The rest of the active area should be fenced with wrought iron. The additional acreage can be dealt with later.

MOTION: *Councilmember Steinkopf moved to award a bid to Utah Correctional Industries for construction of a wall and entrance monument for the Pony Express Memorial Cemetery for an amount not to exceed \$140,000 and authorize the Mayor to sign the contract.*

The motion failed for lack of a second.

Councilmember Ireland asked that the Cemetery Board present a design for a \$40,000 entryway monument. Mr. Hickman stated the estimates he received from the private sector for that were around \$56,000. UCI estimated \$35,000 to \$40,000.

MOTION: *Councilmember Ireland moved to award a bid to Utah Correctional Industries for construction of a wall and entrance monument for the Pony Express Memorial Cemetery for an amount not to exceed \$40,000 and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland and Tom Westmoreland. Those voting no: Adam Bradley and Richard Steinkopf. The motion passed with a vote of 3:2.*

Councilmember Westmoreland asked what kinds of fencing would be acceptable for the cemetery. Mr. Hickman said other cemeteries in the state used wrought iron, precast walls or brick structures. The design Mr. Hickman presented, which was approved by the Cemetery Board, is similar in color and materials to other monuments around the City.

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

None.

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

None.

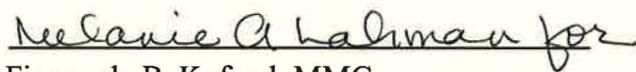
22. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

23. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 11:50 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 DECEMBER 1, 2015.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

December 1, 2015

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

Directly Following the RDA Meeting

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

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Chris Trusty, City Engineer; Kent Partridge, Building Official; Jeff Weber, Assistant Public Works Director; Zac Hilton, Streets Supervisor; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, 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 only and do not require action by the City Council.
 - A. Presentation – Northwest Utah County Study, by SITLA/FRI.
 - B. Presentation – Proposed Development of Golf Course Lots, by Kristine Whetzel.
 - C. Presentation – Completion of Parks Projects, by Aaron Sanborn.
 - D. Presentation – Youth Soccer, by Steve Bowler, Utah Youth Soccer League #20.

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

17. Porter's Crossing Town Center Master Development Plan Amendment

Planning Director Steve Mumford explained that the applicant is proposing changes to the densities, housing types, road layout, and open space system in the Porter's Crossing Town Center project, and has been working with City staff on the creation of a master development agreement. The proposed plan removes a future road connection to the northwest, instead proposing a connection to St. Andrews Drive in the Eagle's Gate neighborhood to the west. The plan includes the relocation of the existing park.

The maximum number of housing units is the same (726), and the housing types and densities have been shifted in an effort to comply with the City Council's previous condition of approval: *The Master Development Agreement must include language requiring that Area 3 provides a variety of housing products.*

Changes are proposed for the densities and configuration of the single-family and single-family cottage lot areas in the northern section of the project. Mr. Mumford noted the higher-density housing is located adjacent to the commercial areas, providing the residents with walkable access to businesses, as well as to parks, trails and potential future transit.

The proposal contains three neighborhood parks. The major utility corridor remains as open space, as well as the natural washes and detention areas.

Councilmember Burnham asked why 100 parking spaces were planned for the parks. Gerry Tully, the engineer for the project, said the number of spaces is approximate and will be distributed among the parks.

Mayor Pengra asked if the culverts could be engineered to allow water to run off onto the ground and percolate in. Mr. Tully said the design team is working on water conservation alternatives.

Councilmember Ireland asked Mr. Mumford about the amenities required by the proposed density. Mr. Mumford answered that higher densities require a clubhouse and possibly a swimming pool. The amenities will be specified in the master development agreement.

Councilmember Bradley asked about the extension of St. Andrew's Drive. Mr. Mumford said the intent was to benefit the residents by providing access to the Porter's Crossing Town Center commercial area, without creating extra traffic through the neighborhood.

Brad Hickman, Parks and Recreation Director, said the park will be improved with a three-way match from the City, the Ranches HOA and the residents. The park hasn't been completed pending a decision on the road alignment.

24. Pole Canyon Agreement Second Amendment

Dave Pack, CEO of the Utah National Parks Council of the Boy Scouts of America, discussed a Boy Scout camp which may be located in the Pole Canyon area. Boy Scout camps are used not only by Scouts, but by all kinds of youth and service groups.

Councilmember Ireland asked for more details on the agreement. Mr. Pack described the facilities normally located on Boy Scout camps. The Boy Scouts would begin using the property immediately for tent camping with minimal facilities. Additional facilities would be built as funds were raised. Road access would have to be worked out first.

Councilmember Bradley asked what benefit this would give to Eagle Mountain's taxpayers. Mr. Pili stated that the approved plan for a regional park wouldn't be built for possibly thirty years and would require City maintenance once it was built. A Boy Scout camp would be an immediately-available facility and would be privately maintained.

Mayor Pengra noted an indirect benefit of the camp will be a marked increase in traffic count, which will increase State funding for major transportation projects and will encourage businesses to locate in Eagle Mountain.

Councilmember Ireland stated most Boy Scout camps are far away from cities. He asked Mr. Pack how a Boy Scout camp would be compatible with nearby residents. Mr. Pack said the camping areas would be located near BLM land. Day-use program areas would be closer to residential areas.

Councilmember Westmoreland asked how much additional water would be required. Nate Shipp, one of the developers, said the Pole Canyon water system has enough capacity to serve both the camp and the wake park that may be constructed next to it.

City Attorney Jeremy Cook discussed the changes to the White Hills Water Company transition agreement. WHWC is a private water company. As part of the master development agreement, the City agreed to take over the system. The system was not up to City standards, so the developer obtained a bond through the Utah Drinking Water Board. The bond is secured through the developer's assets. After the improvements were made, it was determined that additional improvements were required. The City has been working with the developer to secure additional funds and determine who is responsible to pay for the improvements. The amended agreement details the payment responsibilities. The agreement also specifies the use of excess capacity in the well. There is one remaining issue of the water use calculation for the existing White Hills subdivision. Mr. Cook requested that, if the Council approves the agreement, they approve it conditioned on the City Engineer's water use calculation.

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

Mayor Pengra adjourned the meeting at 6:29 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Chris Trusty, City Engineer; Kent Partridge, Building Official; Jeff Weber, Assistant Public Works Director; Zac Hilton, Streets Supervisor; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

Mayor Pengra adjourned the City Council meeting and convened a Redevelopment Agency meeting. After the Redevelopment Agency meeting, he reconvened the City Council meeting.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Tree Lighting Ceremony** – The City’s annual tree lighting ceremony will be held on Friday, December 4 from 6:30 p.m. to 8:00 p.m. at City Hall. Festivities include meeting Santa, vendors, hot chocolate, essay contest, gingerbread house contest, and tree decoration auction.
- **Santa on the Fire Truck** – Another holiday tradition will be held on Saturday, December 5 starting at 8:00 a.m. when Santa will be visiting Eagle Mountain neighborhoods on a fire truck. Please make sure children stay on sidewalks and do not run into the street. The fire truck is not able to go down dead-end streets and may not be able to drive down every street due to time restrictions. Listen for sirens and watch in your neighborhood for the fire truck. Proceed safely to the area where the fire truck is. End time is approximate. We will post on the City Facebook page and send an email notification when Santa is finished making the rounds.
- **Youth Tech Jam** -- Eagle Mountain City is offering a free community event for youth ages 9-18 who are interested in computer programming. Come learn how to make apps and games. Free food and awesome prizes! Registration is required, as well as a laptop. Must register by December 1. First 100 to register get a free t-shirt. For more information and to register, please visit emcitytechjam.org.
- **Seniors’ Christmas Dinner** -- The Seniors (ages 55+) will hold a Christmas Dinner party at the Camp Williams officers’ club on December 14 at 5:00 p.m. Admission fee is \$2.50, including dinner, a photo, and entertainment by Nathan Osmond. Visit the City website, Events calendar for registration information.

Mayor Pengra announced a special video presentation honoring the outgoing City Councilmembers, Donna Burnham, Ryan Ireland and Richard Steinkopf. After the presentation, they were presented with plaques in appreciation of their service.

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

Justin Pitcher, a resident of Eagle’s Gate represented several of his neighbors. They opposed the plan to extend St. Andrew’s Drive to the Porter’s Crossing Town Center. It would require moving the neighborhood park, which the residents have raised money for. The additional traffic would be hazardous for the children in the neighborhood. He felt the City had communicated poorly with the residents of Eagle’s Gate about the changed road plan. He did appreciate the communication received from the Mayor concerning water rights. He felt the road extensions planned on the north side of the neighborhood would be adequate for traffic needs.

James Crandall thanked the outgoing Councilmembers for their service. He expressed appreciation for the work done on Stagecoach Drive. He asked that a large pile of dirt left on his neighbor’s property from that project be removed. He felt the White Hills park doesn’t meet the completion agreement, and asked that the City communicate with residents about what still needs to be done.

Mayor Pengra asked Mr. Crandall to speak to him later about the agreement.

Stephanie Gricius spoke on behalf of a number of City residents. They opposed using City funds to pay the remainder of the cost of the rodeo bleachers purchased from Wasatch County. They felt the existing agreement should stay in place. The Council shouldn't vote on the motion until they have a written agreement documenting it.

Ms. Gricius played an audio clip from Colby Curtis. Mr. Curtis addressed four items on the agenda. He was against extending St. Andrew's Drive to Porter's Crossing Town Center. The residents of the neighborhood have been saving up to complete a park, which would have to be moved if the road is extended. He believed the road should follow the northern alignment originally planned. He opposed the City making the final payment on the rodeo bleachers. He said the agreement with the Rodeo Committee should remain the same, unless the lease agreement is also revised to require the Committee to pay fair market value for leasing the rodeo grounds. He felt the density transfers requested in the Upper Hidden Valley agreement should be limited to a maximum of 10%, and only between adjacent pods. He also said the decision on the Pole Canyon annexation amendment should be made by White Hills residents, because if the proposed Boy Scout camp is built, they will lose the park they were promised.

Brandon Watters supported the Boy Scout camp. He asked if the Pole Canyon agreement could be moved earlier on the agenda, as there were many Boy Scouts in the audience who wanted to see how the item is dealt with.

Jeremy Hurren opposed the proposed expansion of Wride Memorial Highway. He didn't understand why development in the affected areas has been allowed. He felt the City should prohibit development in those areas until the plan is finalized and take the lead in proposing another plan. He said a freeway in residential areas would be unsafe for children living there.

Zac Huish expressed his appreciation for the Mayor and Council's efforts in opposing the prison relocation. He and his family recently moved to a home in Sage Valley. Last week, he learned of the proposed realignment of Wride Memorial Highway. He didn't feel building permits should be allowed in the areas likely to be affected by the highway realignment.

Ben Tanner, a resident of Smithfield Drive, appreciated the Mayor and Council's efforts to oppose the prison relocation. He asked that no building permits be allowed on the north side of Wride Memorial Highway.

Mayor Pengra said the highway expansion is a big issue that requires extensive conversations, which will be held, with a lot of public input. It is not a City project. The alignments are proposals; they're not set yet. Although City staff didn't know what alignments the Utah Department of Transportation was going to propose, they knew the highway might be expanded, so they required developers to leave rights-of-way unbuilt. UDOT's proposals are much larger than staff expected. The City has no legal power to stop developers from building homes on their property because there is no written plan from UDOT. He has asked UDOT to hold some neighborhood meetings about the highway.

Jen Morrison told the Council about some of the good things happening in the City. She mentioned the Friends In Need animal rescue, the teenagers who volunteered to staff the haunted house, the Eagle Mountain Arts Alliance, and others. She opposed the City paying for the remaining cost of the rodeo bleachers. She felt that if the City made that payment, when the benefit goes to a service organization that committed to pay it, it should make a contribution in the same amount to each of the other service organizations in the City.

Jeff Ruth was concerned that the Rodeo Committee might cancel some events if the City didn't help them pay for the rodeo bleachers. He felt the City should take some money from the \$7.5M proposed for Wride Park and pay off the bleachers.

Peggy Hunziker spoke about the amendment to the Pole Canyon agreement, specifically Section 1 regarding building permits, Section 2 regarding the water company, Sections 10 and 11 regarding use of excess water capacity, and the new Section 17 regarding residents paying for part of the improvements to the water system.

Bruno Hunziker discussed the regional park requirements in the Pole Canyon annexation agreement, which were diminished in the first amendment and are being entirely changed with this second amendment. He felt if White Hills was going to lose its regional park, the existing park should be considerably improved. He expressed appreciation for the outgoing Councilmembers.

Mayor Pengra said he wished the public comments could be discussed further now, but the length of the agenda wouldn't allow it.

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 full room of attendees at the meeting. He's enjoyed the four years he's spent serving on the City Council and has also enjoyed working with the Mayor and Council. They have the residents' best interests in mind. The staff is great and works very hard.

Councilmember Burnham

Councilmember Burnham said it's been an honor to serve on the City Council for the last eight years. Getting to know the City's residents has been the best thing about serving on the Council. For instance, when a water main broke yesterday, City employees were working in very cold weather and residents were bringing them hot chocolate and thanking them rather than complaining about the water being shut off.

Councilmember Ireland

Councilmember Ireland thanked everyone for being at the meeting, especially the Cub Scouts and Boy Scouts. He said participation from residents is what makes good decisions. He thanked his wife and family for their support. He thanked the Mayors, Councilmembers and City staff he's worked with during his time on the Council. He noted that the Councilmembers who are leaving have 20 years of experience among them. He encouraged everyone to stay involved.

Councilmember Westmoreland

Councilmember Westmoreland said it's been an honor and privilege to work with Councilmembers Burnham, Ireland and Steinkopf. It's not easy to work out difficult decisions, and they have done it with dignity and class. He also appreciated how many residents attended this meeting. Residents with differing opinions can see each other as opportunities rather than opposition.

Councilmember Bradley

Councilmember Bradley welcomed everyone attending the meeting. He thanked Councilmembers Burnham, Ireland and Steinkopf for their example and hard work. He encouraged everyone to be involved to whatever extent they can. He appreciated Mayor Pengra's ability to give and take with the Council and residents. He wished everyone merry Christmas and happy holidays.

Mayor Pengra

Mayor Pengra spoke about how dedicated the City's employees are. Yesterday's water main break was a prime example. The employees worked from around 7:30 a.m. until after 2:00 a.m. without complaining. He thanked the employees who worked through that situation.

CONSENT AGENDA

9. MINUTES

A. November 17, 2015 – Regular City Council Meeting

10. BOND RELEASES – Out of Warranty

- A. Meadow Ranch Phase 5, Plat 3
- B. Meadow Ranch Phase 5, Park
- C. Arrival, Phase 1

11. SITE PLANS

- A. Foxwood/Woodhaven Church
- B. Eagle Mountain Storage Facility

12. 2016 MEETING SCHEDULE

13. CHANGE ORDER

A. 2016 Road Repair Project – Morgan Asphalt

14. RESOLUTION

A. Consolidated Fee Schedule – Collection Fees

15. BID AWARD

A. Community Development Building – Magleby Construction

16. PRELIMINARY PLAT

A. Evans Ranch, Plat D

MOTION: *Councilmember Bradley 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

Item 24 was moved to the beginning of the Scheduled Items.

PUBLIC HEARING

17. A. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Porter's Crossing Town Center Master Development Plan Map.

This item was presented by Planning Director Steve Mumford. Mr. Mumford described the proposed changes to the master development plan map: the location of parks, some adjusted land uses and a potential connection to St. Andrew's Drive. No additional units are proposed. There are several exhibits along with the plan which discuss open space, parks and recreation, and potential improvements to drainage washes to allow them to be used as improved open space.

Councilmember Burnham noted Porter's Crossing was originally intended to extend northwest. Mr. Mumford explained the northwest alignment wouldn't be useful for connecting the Eagle's Gate neighborhood to the Porter's Crossing Town Center commercial area

Mayor Pengra opened the public hearing at 9:31 p.m.

Stephanie Gricius was concerned about increased traffic through the Eagle's Gate neighborhood. She felt the traffic created by the future expansion of Cory Wride Memorial Highway would flow through the neighborhood if St. Andrew's Drive was connected to Porter's Crossing. She's spoken to many of the residents there and they don't want the road extended or the park moved.

Mayor Pengra closed the public hearing at 9:34 p.m.

City Engineer Chris Trusty said, while traffic will increase, the lower speed limits in the subdivision will keep quite a bit of it on the larger roads. The northern alignment would keep some of the traffic out of the neighborhood, but the angle of the connection would not be as safe as the St. Andrew's connection.

Mayor Pengra said Porter's Crossing and St. Andrews Drive aren't conducive to through traffic. Drivers are likely to use the larger streets that move traffic more quickly.

Councilmember Steinkopf noted that St. Andrews has a median in the center of the road, which will slow traffic. He suggested putting some additional stop signs along the road to discourage traffic.

Councilmember Ireland asked if the Council could request a traffic study. Mr. Mumford said a traffic engineer is working on the project, but he didn't know what level of detail was being studied. Gerry Tully, an engineer representing the developer, said the traffic study should be completed in a couple of weeks. He recommended maximizing the connectivity between neighborhoods. The structure of St. Andrew's Drive naturally slows traffic, which will discourage through traffic and direct it to the larger streets with higher speed limits. He asked the Council to approve this item. Anything that needs to be adjusted based on the traffic study can be done with the approvals of individual areas.

MOTION: *Councilmember Bradley moved to table an Ordinance of Eagle Mountain City, Utah, amending the Porter's Crossing Town Center Master Development Plan Map until a traffic study can be completed. 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.*

B. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Porter’s Crossing Town Center Master Development Agreement.

This item was removed from the agenda.

PUBLIC HEARING

18. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting an Impact Fee Enactment for a Sanitary Sewer Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

This item was presented by City Engineer Chris Trusty. The Wastewater Impact Fee Enactment adopts the Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) and enacts the impact fees they recommend. Once adopted, there is a 90-day waiting period before the revised impact fees can be assessed to new building permits. The IFA recommends the maximum reasonable impact fee that could be charged to new development based on provisions in the State Code.

Fred Philpot of Lewis Young Robertson & Burningham stated the IFFP identified specific components within the impact fee statute. Then a proportionate share analysis is completed that defines dollar amounts. There are reimbursement agreements that affect the impact fee calculations, as well.

Mayor Pengra opened the public hearing at 9:54 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Steinkopf moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting an impact fee enactment for a sanitary sewer impact fee; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same and other 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.*

19. MOTION – Consideration of a Final Payment to Wasatch County for the Rodeo Grounds Bleacher Purchase with the Proceeds from the Gas and Electric Utility Sale.

This item was presented by City Administrator Ifo Pili. The Pony Express Special Events Committee requested that Eagle Mountain utilize a portion of the proceeds from the gas and electric utility sale to pay the balance of what is owed to Wasatch County for the rodeo bleachers. There has been some disagreement as to whether the Committee should make the payment, as stated in their agreement for use of the rodeo grounds. Mr. Pili stated that the Committee found the bleachers at a much lower cost than City staff could find and they also provided a great deal of volunteer labor to install them. In addition, a developer made a substantial donation to the cost. Eagle Mountain has had no out-of-pocket expense for an amenity that it owns. By making this payment, the City would own \$240,000 bleachers for only \$45,000.

Councilmember Ireland wanted to know if the City would have the option to make the payment if the Special Events Committee fails to do so. Mr. Pili said it could. If the payment isn’t made, Wasatch County can repossess the bleachers.

Mayor Pengra stated if the Special Events Committee fails to pay, the City will have to pay. There has been considerable discussion in the City about privatizing activities. The Special Events Committee has done so. Requiring the Committee to make the final payment may limit their ability to succeed. If the City makes the payment, the Committee will be more financially stable and will be able to continue providing privately-managed and funded events.

Councilmember Bradley said the utility sale proceeds are taxpayer dollars, or rate payer dollars. He felt the Committee is capable of making the bleacher payment as agreed and should do so.

Councilmember Westmoreland didn't see this as a subsidy, but as a responsible decision for a City asset. It facilitates a private group stepping up to provide value to residents. The venue is valuable to the City as a place to hold many kinds of events.

Councilmember Steinkopf said the Special Events Committee has been very successful in providing value to Eagle Mountain. As they continue to succeed, they will continue to improve Eagle Mountain.

MOTION: *Councilmember Steinkopf moved to approve a final payment to Wasatch County for the rodeo grounds bleacher purchase with the proceeds from the gas and electric utility sale in the amount of \$45,000. Councilmember Burnham seconded the motion.*

Councilmember Ireland asked if an agreement could be made that that the Special Events Committee will refund the payment out of the proceeds of future events.

Councilmember Burnham pointed out that the Committee already donates money to the community. She didn't feel the Council could or should control how a nonprofit organization contributes to the City.

*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.*

Mayor Pengra said that whenever someone displays goodwill by giving a donation, he felt it should be driven by the giver's own priorities.

Councilmember Ireland said he fully supports the Committee and was only concerned about funds from the utility sale being used for this payment.

20. AGREEMENT – Consideration of an Impact Fee Reimbursement Agreement between Eagle Mountain City and RCA65, LLC.

This item was removed from the agenda.

21. AGREEMENT – Consideration of a Reimbursement Agreement between Eagle Mountain City and Silver Lake Land, LLC.

This item was presented by City Attorney Jeremy Cook. Silver Lake Land, LLC owns property located north of the SilverLake project. As part of a development project, Silver Lake Land, LLC

planned to build an eight-inch sewer line. They upsized it to a fifteen-inch line for the benefit of the City's sewer system. The impact fee reimbursement agreement would reimburse Silver Lake Land, LLC for the difference between the cost of the eight-inch line and the fifteen-inch line through a yearly reimbursement based upon impact fees collected for development within the project area.

MOTION: *Councilmember Ireland moved to approve a reimbursement agreement between Eagle Mountain City and Silver Lake Land, LLC in the amount of \$28,620. 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.*

22. AGREEMENT – Consideration of a Reimbursement Agreement between Eagle Mountain City and Eagle 12, LLC.

This item was presented by City Attorney Jeremy Cook. The proposed reimbursement agreement documents the terms and conditions for reimbursement of impact fees to Eagle12, LLC for a waterline that was constructed for the Sunset Ridge development. Eagle12, LLC built a larger line than was needed for its project at the City's request. The Impact Fee Reimbursement Agreement would reimburse Eagle12, LLC for the difference between the line required to service Sunset Ridge and the larger capacity the City requested. The reimbursement will be made through a yearly payment based upon impact fees collected for development within the project area.

MOTION: *Councilmember Ireland moved to approve a reimbursement agreement between Eagle Mountain City and Eagle 12, LLC in the amount of \$37,658.03. 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.*

A typographical error was found which raised the correct total to \$39,478. The Council agreed to allow the correct payment amount without a new motion.

23. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Upper Hidden Valley Master Development Agreement.

This item was presented by City Attorney Jeremy Cook. The proposed resolution formally approves the Upper Hidden Valley master development agreement. Upper Hidden Valley is located south of the Hidden Hollow Elementary School.

This item has been presented to the Council in the past. Since then, several changes have been made to the draft agreement.

Paragraph 2.8 deals with removal of rock from the site. The Municipal Code requires the developers to use any extracted material on site or apply for an extractive industries overlay zone. The developers requested permission to apply for an interim use to remove excess material if needed. City staff felt that would be allowable, as long as the City has complete discretion over whether to allow or deny the application.

Paragraph 5.1 was expanded to clarify that Hidden Valley Parkway is to connect to Airport Road. A connection to Lake Mountain Road will only be allowed at the City's discretion. The wording

on eminent domain was changed to indicate that the City will consider the use of eminent domain, entirely at its own discretion.

Paragraph 35 states that the developer must begin installing the backbone improvements within fifteen years. If not, the City may give written notice to complete a significant portion of the backbone improvements within five years. If the developers fail to do so, the City may terminate the agreement.

Paragraph 36 clarifies that this project is vested with the current Municipal Code, with specific exceptions spelled out.

Exhibit K specifies that the City is not obligated to issue assessment area bonds, and describes the process to be followed if it does so.

Councilmember Ireland wanted the wording referring to eminent domain removed from the document. Future City Councils would still have the option to use eminent domain. He felt including the wording implies that this Council supports using it for this project.

He asked Mr. Cook about the assessment area language. Mr. Cook said there was a lot of discussion over several years about how to use an assessment area when SITLA wasn't allowed to participate. The language addresses that, without committing the City to create one. This project will be hard to develop without an assessment area, due to the amount of improvements that need to be made and the number of developer groups involved. The language binds the developers to a process without binding the City to use it.

Mayor Pengra stated this project will never be completed without an assessment area. It would require massive developer funding for infrastructure.

Councilmember Bradley asked if there were any staff concerns that weren't resolved. Mr. Mumford said the termination clause is indefinite. The developers could complete part of the infrastructure and then leave it unfinished. If it was decided to the City, the City would have to maintain it.

Mr. Cook said the biggest risk is that they're vested with the current Code. If the developers wait too long to build the project, this vesting may be incompatible with the future Code. The time frame in the draft agreement is a compromise worked out at length between the developers' and Eagle Mountain's time frames.

Mayor Pengra said this property is one of the most beautiful and valuable in Eagle Mountain. At this point, the landowners are in agreement as to what a cohesive framework for development will be. Approving this master development agreement will ensure that it remains so, which will be a huge asset to the community.

Councilmember Ireland mentioned one of the public comments suggested only allowing 10% density transfers and only between adjacent pods. He asked what Mr. Mumford thought of that. Mr. Mumford felt a 10% density transfer between adjacent pods, with a staff-level approval, would be reasonable.

Ryan Bybee, one of the applicants, said the density transfer as discussed would be fine.

MOTION: *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Upper Hidden Valley Master Development Agreement, with the following changes: in section 2.2, transfer densities not to exceed 10% and only between adjacent Land Use Pods; section 5.1, delete the reference to eminent domain; and include the redlines in Exhibit K. 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.*

24. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Pole Canyon Annexation and Master Development Agreement.

This item was presented by City Administrator Ifo Pili and City Attorney Jeremy Cook. The amendment primarily addresses revisions to the required regional park facility contained in Section 8.2 of the Annexation and Master Development Agreement and revisions to the White Hills Water Company Transition Agreement for funding, construction and payment of additional improvements to the White Hills water system.

City Administrator Ifo Pili briefly reviewed the Pole Canyon annexation. One requirement of the annexation agreement was the construction of a twenty-acre regional park. The developers have agreed to donate 100 acres to the Boy Scout organization for camp ground instead of building the park. A wake park may be located next to the camp.

Mr. Pili noted that the only recourse Eagle Mountain has to be sure the developers meet their obligations is not to issue building permits until the obligations are met. No permits have been issued, which indicates the Council is making sure the agreement is being fulfilled. The amendments are intended to make the Pole Canyon area more attractive for development. Unless the area is viable for development, the developers won't continue to improve it.

Mayor Pengra pointed out that the second amendment to the agreement includes a master trail system, including a publicly-accessible trailhead and other regional recreational uses which must be agreed upon by both the developers and the City. Any regional park is unlikely to be built sooner than 30 years from now. The Boy Scouts of America has the capital to develop a camp much sooner.

Discussion ensued on whether a private Boy Scout camp would be an acceptable alternative to a public regional park. Councilmember Bradley asked if some of the 100 acres could be open to the public, rather than limited to the Boy Scout camp. Nathan Shipp, one of the developers, said that could be a consideration, but he wasn't prepared to commit to it at this meeting. There will be public parks throughout the development project.

The other issue involved in the amendment was the White Hills water system. Mr. Cook stated that the City committed to take over the system, conditioned on the system being brought up to City standards. The agreed-upon improvements were made, but additional deficiencies were discovered. Because these deficiencies were not anticipated in the original agreement, the developers didn't believe they should pay the entire cost of the improvements. The City agreed to pay \$9.25/month per water connection towards the debt service. By comparison, other Eagle Mountain residents pay \$20/month for debt service for the City's water system. White Hills residents will still pay a water rate comparable to that of other residents in the City.

Councilmember Ireland explained that the solution provided by the amendment will allow Eagle Mountain to take ownership of the water system right away and have the improvements completed within six months. He asked if the Water Department would need to hire any additional staff to operate the White Hills water system. Mr. Pili said the work will be absorbed by existing staff.

Mr. Cook pointed out that the agreement allows the developers to use some of the excess capacity of the wells, but only at Eagle Mountain's discretion, and only by paying the City's culinary water rate.

Peggy Hunziker asked if the park and water issues were connected or if one could pass without the other. Mayor Pengra explained that they're both part of the amendment. He said the City has looked at every possibility for solving the problems with the water company. This is the only solution that prevents the residents of White Hills from paying for all of the remaining improvements themselves. It allows the City to bring the water system up to an acceptable standard, including the issues that weren't discovered until after the transition agreement was signed.

Bruno Hunziker asked how much the White Hills water rate would be if the amendment passes. Mayor Pengra said the City will absorb some of White Hills' costs to keep their rates equivalent to those of other Eagle Mountain residents. Approving this amendment will release State funds to improve the water system. It will also satisfy the developer's responsibility to provide a regional park. There will be quite a few additional steps before the water system is ready to be part of Eagle Mountain's water system. At that point, the City will own the entire system and both of the wells.

James Crandall wanted the Mayor, Council and staff to know that the residents of White Hills appreciate their work. They just want to be treated fairly.

Julie Myers, a resident of White Hills, said the amendment states the residents of White Hills will pay back most of the loan. Mayor Pengra assured her that he, Mr. Pili and Mr. Cook have been working for the White Hills' residents best interests and the developers have cooperated with them. Mr. Pili stated that the State funding is half loan and half grant. The residents are paying back 68% of the loan, not the grant, and the City will absorb enough of the cost to keep the residents' rate similar to the other residents of Eagle Mountain.

Corbett Douglas also asked if the votes on the water and the park could be separated. He said Scouts leave their camps dirty. He didn't want the City stuck with cleaning up after them. Mayor Pengra said the Boy Scout organization will be responsible for cleaning up.

Mr. Cook requested a correction if the amendment is approved, to say the approval reflects the water amount calculated by the City Engineer.

MOTION: *Councilmember Bradley moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Second Amendment to the Pole Canyon Annexation and Master Development Agreement, conditioned on section 8.2 being amended to say "not less than 100 acres," requiring the Boy Scouts of America to set aside no less than five acres for public use, and subject to the City Engineer's final verification of the water amounts in section 4.10. Councilmember Burnham seconded the motion.*

After additional discussion, Councilmember Bradley amended the motion.

AMENDED MOTION: *Councilmember Bradley moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Second Amendment to the Pole Canyon Annexation and Master Development Agreement, conditioned on section 8.2 being amended to say “not less than 100 acres,” requiring the Boy Scouts of America to allow some sort of public access to the 100 acres for Eagle Mountain residents, and subject to the City Engineer’s final verification of the water amounts in section 4.10. Councilmember Burnham accepted the amendment. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

25. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 15 of the Municipal Code for Construction Standards.

This item was presented by City Engineer Chris Trusty. This proposed revision to Chapter 15.10 of the Municipal Code would require that landscape areas are graded appropriately to drain away from roadways and not onto road sections. It states that, where possible, roadways should be built above the existing terrain to prevent the roadways from becoming the low spot for the area. Drainage away from the roadways should extend the life of the asphalt and prevent traffic issues that might occur from flooding events.

The amendment to Chapter 15.60 would require that paving be done only when the temperature is at least 50 degrees and expected to remain so long enough to complete a reasonable amount of paving.

Councilmember Ireland thanked Mr. Trusty for making these revisions as he requested, and doing so before the end of the year so he could make the motion and vote on it.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 15 of the Municipal Code for construction standards. 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.*

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

None.

27. 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.

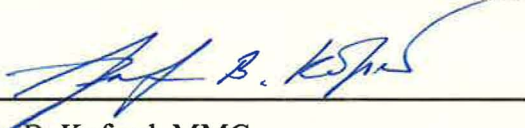
28. COMMUNICATION ITEMS

A. Upcoming Agenda Items

29. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 11:17 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 JANUARY 5, 2016.



Fionnuala B. Kofoed, MMC
City Recorder