

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

**April 1, 2014**

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

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

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

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

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

Mayor Pengra called the meeting to order at 4:04 p.m.

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

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

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

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

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

- B. Discussion – TM Crushing Impact Fees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### POLICY SESSION – CITY COUNCIL CHAMBERS

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

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

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Tom Westmoreland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

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

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

None.

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

Councilmember Steinkopf

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

Councilmember Burnham

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

Councilmember Ireland

No comment.

Councilmember Westmoreland

No comment.

Councilmember Bradley

No comment.

Mayor Pengra

No comment.

9. APPOINTMENTS

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

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

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

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

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

**CONSENT AGENDA**

10. MINUTES

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

11. FINAL PLATS

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

12. SITE PLAN

A. Eagle Mountain Jr. Seminary

13. DEVELOPMENT AGREEMENT

A. Autumn Ridge Phase 2

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

**SCHEDULED ITEMS**

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

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

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

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

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

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

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

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

This item was removed from the agenda.

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

Councilmember Steinkopf

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

Councilmember Burnham

No comment.

Councilmember Ireland

No comment.

Councilmember Westmoreland

No comment.

Councilmember Bradley

No comment.

Mayor Pengra

No comment.

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

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

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

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

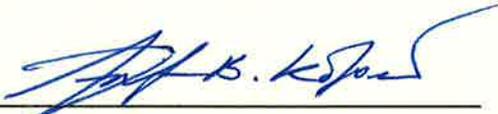
19. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Report

20. ADJOURNMENT

**MOTION:** *Councilmember Ireland moved to adjourn the meeting at 7:32 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON APRIL 15, 2014.

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

Fionnuala B. Kofoed, CMC  
City Recorder