

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

**June 17, 2014**

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

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

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

ELECTED OFFICIALS PRESENT: Adam Bradley, Donna Burnham, Ryan Ireland (arrived 4:45 p.m.), Richard Steinkopf and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Finance Director/Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Mortensen, City Treasurer; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Ken Sorensen, City Planner; Steve Olsen, Energy Department; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Eric McDowell, Sheriff's Deputy.

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

1. PRESENTATION – North Utah County Transit Study (*Presented by Chad Eccles, MAG*)
2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

None.

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

14. FY 2014 Budget Amendments

Finance Director Paul Jerome stated that State statute requires that any amendments needed to account for additional expenditures or revenues must be approved before June 22. In this fiscal year, the amendments include additional attorney fees for litigation, banking fees (although there are none, some may be incurred before the end of the fiscal year). An HVAC repair is included in this budget, but may not be expended until the next fiscal year.

Community development events has been a separate fund due to the amount of revenue raised by sponsorships. Since those are now minor, the fund will be folded back into the General Fund. Public Safety added a school resource officer and deputy overtime. Some ambulance billing still remains from before fire service was provided by UFA.

Some amendments have already been approved: a City Planner, a Building Inspector, a road bond payment and additional Public Works expenses such as snow removal and paved road maintenance.

In the Debt Service Fund, as assessment areas are developed, landowner payments are applied to paying down the bonds. There was one refunding for the purpose of getting a lower interest rate.

#### 15. FY 2015 Budget Adoption

Mr. Jerome described the changes in the General Fund since the previous version, including a decrease in Library costs and an increase in the General Fund to account for an error in the formula used to move Special Events personnel costs. Some other revenue sources were reduced, which may not occur, but are consistent with conservative budgeting.

In the Enterprise Fund, the solids handling project in the Sewer Fund is expected to cost less than previously estimated, which also changed the amount that can be reimbursed by impact fees. The Evans Ranch sewer line project will be partially paid for through a development agreement and reimbursed later, and partially paid for by the fund balance.

City Administrator Ifo Pili said that this issue will be explained in more detail when the Evans Ranch sewer line agreement is discussed later in the meeting.

#### 16. Culinary Water Impact Fee Enactment

Cody Deeter of Lewis Young Robertson & Burningham (LYRB) stated that LYRB has been working with City staff for several months, preparing an impact fee update and recommendation for new water rates. The hearing that will be held during policy session will allow the public to comment on the proposed fees which will be required to pay for anticipated growth in the City. The impact fee enactment process is specified in State statute.

Mr. Deeter presented the calculations used to determine the new culinary water system impact fees. Fees vary based on the cost of providing adequate service to each area of the City.

New impact fees become effective 90 days after the ordinance is adopted.

#### 17. Development Code Amendments

Planning Director Steve Mumford said the subdivision approval process is being streamlined. The proposed process will allow the City Council, Planning Commission and Planning Department to focus more on land use and long-term planning than on individual plat approvals.

In this proposal, preliminary plats will be approved by both the Planning Commission and the City Council, so the Council can impact the plans in the beginning rather than later in the process as final plats. Final plats will be approved by the Development Review Committee. If there are major changes to the development after the preliminary plat is approved, the developers will have to go through a preliminary plat amendment process. Minor amendments will be handled by the DRC.

Development agreements will be eliminated in favor of a notice of decision, which will precede final plat approval and include all the conditions of approval, including time lines for the next steps.

Mayor Pengra added that this plan will create a more specific park plan at preliminary plat approval.

Councilmember Burnham pointed out that this process will allow residents to make comments earlier in the process, when they can have more influence on the outcome.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the

purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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

The meeting was adjourned at 5:49 p.m.

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

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

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

### 5. CALL TO ORDER

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

### 6. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

### 7. INFORMATION ITEMS/UPCOMING EVENTS

- **Early Voting** -- Early voting for the County Primary Election on June 24, 2014 will continue at City Hall from 1:00 p.m. to 5:00 p.m. from Wednesday, June 18 through Friday, June 20. For election information, please visit the County website at [utahcounty.gov](http://utahcounty.gov).
- **Town Hall Meeting** – A Town Hall Meeting to present information and address any questions or concerns regarding the proposed sale of the City's gas and electric utilities will be held on June 19, 2014 at Frontier Middle School at 7:00 p.m. Representatives of Questar Gas and SESD will be present at this meeting, as well as the Mayor and City Councilmembers.
- **Fireworks Restrictions** – As our July holidays approach, please be aware that fireworks are restricted in several areas within Eagle Mountain City. Information on restricted areas is available on the City website, News section. For the Independence Day and Pioneer Day holidays, discharge of fireworks is allowed July 1 – July 7, and July 21 – July 27. Curfew is midnight on July 4 and 24, 11:00 p.m. on other days. Illegal fireworks are never allowed and may be confiscated by the Fire Department or Sheriff's Office, with the potential for the users being cited.
- **EM Business Forum** – The next meeting of the EM Business Forum will be held on Thursday, June 19 at Rockwell High, beginning at 6:00 p.m. A presentation on Google+ for businesses

will be given. The business forum is a free monthly meeting for local business owners or those interested in starting a business. More info is available at embusiness.org.

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

Fred Peebles wanted to confirm that the bike park money is still in the budget. Mayor Pengra said it is. He also spoke on the planned traffic light at the intersection of Ranches and Pony Express Parkways. He said that immediately on the south side of the intersection the speed limit drops from 35 mph to 25 mph. He asked what provision has been made to keep that transition safe.

Public Works Director Chris Trusty said that that issue hadn't been addressed, but it will be looked into.

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

Councilmember Steinkopf

Councilmember Steinkopf welcomed those who attending the meeting.

Councilmember Burnham

Councilmember Burnham thanked the residents who participated in the budget process. She hoped that residents will attend the Town Hall meeting and provide their input to the Mayor and Council.

Councilmember Ireland

Councilmember Ireland encouraged residents to attend the Town Hall meeting on Thursday to become informed about the proposed sale of the electric and gas utilities.

Councilmember Westmoreland

No comment.

Councilmember Bradley

Councilmember Bradley asked that residents attend the Town Hall meeting or contact Councilmembers to give their input. He thanked those who helped with and/or participated in Pony Express Days.

Mayor Pengra

No comment.

## CONSENT AGENDA

10. MINUTES

- A. May 20, 2014 – Regular City Council Meeting

11. DEVELOPMENT AGREEMENT

- A. SilverLake, Plat 9

12. FINAL PLATS

- A. Meadow Ranch Phase 5, Plat 3
- B. Valley View Phase A, Plat 7 Amended

C. The Cove at Rock Creek, Plat 1

13. SITE PLAN

A. The Cove at Rock Creek

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

Councilmember Bradley noted that he would prefer that The Cove at Rock Creek have its own pool and clubhouse, rather than use the existing Rock Creek amenities.

**SCHEDULED ITEMS**

**PUBLIC HEARING**

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Final Amendments to the Fiscal Year 2013-2014 Budget.

This item was presented by Finance Director Paul Jerome. The Utah State Code requires that any final increases in the budget be adopted after a public hearing and prior to the fiscal year ending. The City's budget is being amended to cover all anticipated expenditures through the fiscal year ending June 30, 2014. The amended budget should cover all eventualities so that the City will not be cited for budgetary non-compliance.

Mr. Jerome recapped the presentation he made in Work Session.

*Mayor Pengra opened the public hearing at 7:21 p.m. As there were no comments, he closed the hearing.*

**MOTION:** *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah authorizing the final amendments to the fiscal year 2013-2014 budget. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

**PUBLIC HEARING**

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

This item was presented by Finance Director Paul Jerome. The State Code requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 22. The preliminary budget was accepted by the City Council on May 6, 2014. The final budget will be the document that governs the City's expenditures for FY 2014-2015.

Mr. Jerome recapped the presentation he made in Work Session.

*Mayor Pengra opened the public hearing at 7:26 p.m. As there were no comments, he closed the hearing.*

Councilmember Westmoreland felt that the capital investment in paving equipment would need to be managed carefully. He asked if a reporting system could be set up so that the Council can see that the equipment is being used efficiently. Public Works Director Chris Trusty responded that an annual report similar to the snow removal report could be provided.

Councilmember Burnham suggested that the amount to be raised by the Youth Council be changed from \$1500 to \$500. They're primarily a youth civic service organization, not a fundraising organization.

**MOTION:** *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah adopting the fiscal year 2014-2015 budget, with the condition that Youth Council revenue be changed from \$1500 to \$500. Councilmember Steinkopf seconded the motion.*

Councilmember Bradley asked why the Council hadn't been given more specific costs of the Evans Ranch sewer line project before this meeting.

Mr. Pili explained that City staff didn't want to approve the Enterprise Fund budget without precise numbers for the Evans Ranch sewer line agreement, which were not fully negotiated until last weekend.

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

#### **PUBLIC HEARING**

16. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Culinary Water Impact Fee Enactment.

The proposed ordinance enacts and updates the culinary water impact fee imposed as a condition of development in Eagle Mountain City. Impact fees are a onetime charge to new developments for the purpose of defraying the cost of capital improvements and facilities necessitated by development. The Ordinance incorporates and approves amendments to the City's Culinary Water Impact Fee Facilities Plan and Culinary Water Impact Fee Analysis.

Cody Deeter of Lewis Young Robertson & Burningham reviewed the presentation he made in Work Session.

*Mayor Pengra opened the public hearing at 7:40 p.m. As there were no comments, he closed the hearing.*

**MOTION:** *Councilmember Ireland moved to adopt an ordinance of Eagle Mountain City, Utah adopting the Eagle Mountain City culinary water impact fee enactment. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

## **PUBLIC HEARING**

### 17. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 16 of the Eagle Mountain Municipal Code.

This item was presented by Planning Director Steve Mumford. The proposed code amendments modify Chapter 16.05.220 Tables (Public Hearing, Land Use Authority, Appeal Authority), Chapter 16.20 Preliminary Plats, Chapter 16.25 Final Plats, and Chapter 16.30 General Requirements for All Subdivisions.

Mr. Mumford reviewed the presentation he made during Work Session.

*Mayor Pengra opened the public hearing at 7:44 p.m. As there were no comments, he closed the hearing.*

Councilmember Ireland said that the lack of public comment suggests that the developers are in favor of the amendments. He asked Mr. Mumford if he had gotten feedback from developers who work in Eagle Mountain. Mr. Mumford said the Planning Department asked for input from builders and developers late last year. Most of the input was positive.

Councilmember Westmoreland was happy that the Council will be involved in reviewing developments earlier in the process.

**MOTION:**        *Councilmember Steinkopf moved to adopt an ordinance of Eagle Mountain City, Utah amending Chapter 16 of the Eagle Mountain Municipal Code, as submitted. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The changes recommended by staff are as follows (quoted from the Planning Department staff report):

1. Preliminary Plats
  - a. Preliminary plats will be reviewed by both the Commission and the Council, with a public hearing at the Planning Commission.
  - b. Major amendments to a plat would require approval by the Commission and Council.
    - i. Major amendments include an increase in lots or units, a decrease in improved open space, or a significant change to a road or lot configuration.
  - c. Minor amendments would be approved by the Development Review Committee (DRC).
    - i. Minor amendments include changes that do not fall into the category of “major amendments.”
2. Final Plats & Final Plat Amendments
  - a. Final Plats would be reviewed for approval by the Development Review Committee (DRC). These plats should conform to the approved preliminary plat. If they do not (except for minor modifications), an amendment to the preliminary plat would be required prior to any approval of the final plat.
3. Development Agreements
  - a. In order to further streamline the process, development agreements would be replaced by a “notice of decision,” which would include all of the conditions of approval, including timing of open space / park improvements, fencing requirements, bonding requirements, etc. It would also include legal protections for the City. A notice of decision would be

produced after the preliminary plat approval and possibly after the final plat approval. These would be sent to the developer and filed with the City Recorder. It would not require City Council approval.

4. Site Plans and Conditional Uses

- a. We are not proposing any changes at this time to these applications. Changes will likely be forthcoming.

18. AGREEMENT – Consideration of a Funding Agreement for the Evans Ranch Sewer Line.

The City has determined that a new sewer trunkline is necessary in order to remove an existing pump station and provide more reliable sewer service to existing residents, and provide sewer service for future growth in the Evans Ranch and SilverLake project areas.

**MOTION:** *Councilmember Burnham moved to approve a funding agreement for the Evans Ranch sewer line. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

19. BID AWARD – Consideration of a Bid Award to Advanced Paving for the 2014 Pony Express Parkway Chip Seal Project.

The Pony Express Parkway chip seal project includes the placement of a lightweight chip seal on Pony Express Parkway from Eagle Mountain Boulevard to Sandpiper Road.

**MOTION:** *Councilmember Steinkopf moved to approve a bid award to Advanced Paving for the 2014 Pony Express Parkway Chip Seal Project in the amount of \$209,809 and authorize the Mayor to sign the agreement. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

20. BID AWARD – Consideration of a Bid Award to Morgan Asphalt for the 2014 Pony Express Parkway Rotomill and Overlay Project.

This item was presented by Public Works Director Chris Trusty. The 2014 Pony Express Parkway Rotomill and Overlay Project includes a rotomill from Ranches Parkway to SilverLake Parkway along Pony Express Parkway.

**MOTION:** *Councilmember Burnham moved to approve a bid award to Morgan Asphalt for the 2014 Pony Express Parkway Rotomill and Overlay Project in the amount of \$458,612 and authorize the Mayor to sign the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

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

This item was presented by Finance Director Paul Jerome. Mr. Jerome explained that the City collects a fee for TSSD. When TSSD raises the rate, the City needs to raise its rate in order to

collect the increased amount and pass it on to TSSD. The Board of the Timpanogos Special Service District (TSSD) has approved a rate increase of 13.8%. Currently, the TSSD component of the NSA wastewater rate is \$22.75 per month. It is recommended that it be increased to \$25.89 per month, which brings the overall rate for the NSA to \$41.14 per month from the current rate of \$38 per month.

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

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

Councilmember Steinkopf

No comment.

Councilmember Burnham

No comment.

Councilmember Ireland

No comment.

Councilmember Westmoreland

No comment.

Councilmember Bradley

No comment.

Mayor Pengra

Mayor Pengra was happy with the budget, especially as a first-time budget for himself and two Councilmembers. He planned on the budget being even better next year.

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

None.

24. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

25. ADJOURNMENT

**MOTION:** *Councilmember Ireland moved to adjourn the meeting at 7:56 p.m. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JULY 15, 2014.



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Fionnuala B. Kofoed, CMC  
City Recorder