

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 19, 2013

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

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

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

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

1. DISCUSSION – Eagle Mountain Properties Master Development Plan Amendment Introduction – Matthew Godfrey

Mayor Jackson introduced Mr. Godfrey, who is the former mayor of Ogden. During his administration, Ogden went from blight to a thriving business community through redevelopment.

Mr. Godfrey explained that his company assisted in securing the contract for Ridley's to open a grocery store in Eagle Mountain. They also helped with acquiring funding for the business incubator program. They now work with Eagle Mountain Properties/Monte Vista Ranch in developing their 6,200 acres. They view real estate development as community and economic development.

The first task will be to amend the development agreement. The number of units in the master development agreement will be reduced. The agreement will no longer reference the 1997 City Development Code, which will align it more closely with the City's current practices. It may include constructing an office building to promote economic development. \$750 dollars per unit will be provided for public improvements in City Center; and there will be improvement of regional parks. There will be a commitment to build 500 homes in City Center and to drive additional services in the area.

Councilmember Burnham asked how much of an extension would be requested as part of the amended agreement. Mr. Godfrey said there is extension language, but he couldn't recall exactly how much time was requested.

Councilmember Ireland was concerned about having one large HOA representing a great deal of property, which means each property owner has very little voice in the operations of the HOA. Mr. Godfrey said there was an appropriate size for an HOA, depending on the neighborhood. He agreed that it shouldn't be so large as to minimize the value of a homeowner's vote.

Councilmember Burnham said that the current agreement allows the landowner to move amenities in any way he wants to. Some property owners, for example, paid a premium for golf course lots

but golf courses were eliminated from the plan. Some residents are also concerned about setbacks. Some developments have had flooding issues. Mayor Jackson explained to Mr. Godfrey that the current agreement allows the landowner to make zoning changes without going through a proper zoning procedure.

Mr. Godfrey assured the Mayor and Council that he would not be involved in any project that was unscrupulous or dishonest in any way. He planned to maintain a balance between homeowners' rights and market-driven zoning changes.

Councilmember Ochsenhirt stated that he has struggled with maintaining appropriate driveway lengths to keep people from parking on the street. He also felt that HOAs should be the smallest and most personal form of government. Large HOAs tend to take on the form of a government, which quashes the will of individuals. The agreement should include oversight of HOAs. He objected to micromanaging neighborhoods by creating exceptions to the Development Code.

Mr. Godfrey agreed that the agreement should contain language limiting the size of HOAs.

Councilmember Steinkopf asked if there is a future for the airport. Mr. Godfrey replied that airports can be great economic drivers, but they do have costs such as use of large amounts of land, noise issues, etc. He would like to see a strong economic study done before any decision on the airport is made.

Mr. Pili introduced Scot Hazard, who represented Arsenal Soccer Club, which operates about 55 teams in northwestern Utah County. He proposed a partnership between the City and Arsenal to build a soccer complex in the SilverLake area.

Mr. Hazard also discussed the Talon's Cove gravel pit, which supplies aggregate to the Granite Asphalt plant. The City originally waived the impact fees with the conditional use permit. Mr. Hazard requested more electric power for the pit and plant without paying impact fees. The site is a temporary use, although it's a very long term.

Councilmember Ireland asked how waiving the fees would impact the City's utility bonds. Mr. Ferre said that was a question for the City's financial advisor, Laura Lewis.

Mr. Pili stated that the question is whether waiving the impact fees is worth selling additional power.

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

14A. Meadow Ranch Development Agreement

Councilmember Painter asked about the \$109,000 required for park improvements. Mr. Mumford said that the cost estimate for the design included in the agreement is \$124,000.

Councilmember Painter also asked why there were “no parking” signs listed in the bond requirements. Chief Andrus replied that some areas need to have parking prohibited so that fire engines can access all areas of the development.

Developer Monte Kingston said there will be no HOA, but Brian Haskell has been hired to do design review.

15A. Evans Ranch Final Plat

Councilmember Steinkopf asked about the temporary retention pond where the future Evans Ranch Drive will be located. He felt the street might flood if the ground became saturated. Public Works Director Chris Trusty wasn't at the meeting to answer the question, but Mr. Mumford said there will be several more reviews.

Councilmember Painter asked about the sewer lines. He wanted to know why the first three homes will be on one sewer line and the rest on another. Mr. Norman replied that the first three (model) homes won't impact the existing sewer line. The bulk of the homes, which will be built somewhat later, will not connect to the existing line that uses the lift station.

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

A. Salary Survey Presentation – Mike Swallow, Technology Net

Mr. Swallow said the salary survey has been very methodical, with a lot of input from the employees. He showed a PowerPoint presentation illustrating City employees' compensation as compared to average compensation in similar organizations, with the goal of bringing Eagle Mountain salaries in line with the average. Each employee was asked to fill out a survey instrument and meet with a member of his staff. His company's salary proposals are based on a point system valuing equity, responsibility, difficulty and work environment. The average entry-level salary was 3% below average, while higher-level jobs were about 10% low. The study only includes salary, not benefits.

Councilmember Ochsenhirt asked if this meant that virtually every employee in the City is underpaid. Mr. Swallow responded that wasn't necessarily so. Many individuals fall within the average range.

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 Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:50 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

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

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

Aidan Larson led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Bag the Leaf** – This is the last week of our Bag the Leaf program. Free leaf collection bags are available at City Hall or The Ranches HOA office during business hours through tomorrow. Residents may leave bagged leaves on top of curbs and contact our storm drain department for pick up and disposal. More information is on the City website.
- **Seniors Thanksgiving** – The Seniors will have a Thanksgiving service project activity on Monday, November 25 at 5:00 p.m. at City Hall.
- **Turkey Trot** – Registration is open for the Thanksgiving Day Turkey Trot. Visit the City Events page of our website to register for this free event or register the day of the event. The walk/run starts at Hidden Hollow Elementary at 8:00 a.m. The finish is at Eagle Park Entry (across from City Hall). Free donuts and hot chocolate for all participants. Prizes for the following categories: top three men age 18+, top three women age 18+, top three girls 17 and under, top three boys 17 and under and the largest group or family registered.
- **City Offices Closed** – The City offices and Library will be closed on Thursday, November 28 and Friday, November 29 for the Thanksgiving Day holiday.
- **Gravel Pit** – Mayor Jackson contacted the BLM and determined that the gravel pit on Lake Mountain Road is operating illegally. BLM has obtained a cease and desist order. No permit was ever given.

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

Marcie Taylor brought pictures of the Lake Mountain Road gravel pit. She was happy for the progress made on the issue. She reported on her recent experiences with gravel trucks and the damage to the wash. Mayor Jackson asked her to give the pictures to City Attorney Jeremy Cook for use in fighting the gravel pit.

Mike Kieffer said the progress on the gravel pit is good news. He had four concerns if the pit is allowed to operate: damage to the gravel road, trucks being driven unsafely, damage to the water run-off containment ditch, and seeing that a bond is placed to pay for any damage left when the mine closes.

Jennifer Morrison spoke on the preservation of historic sites in the City. She wanted to see more education for citizens on the ancient and more recent history of the City, including the petroglyphs located in the City. She wanted more efforts to protect the petroglyphs. The land is being damaged by target shooting and littering. She would like the City to prioritize a preservation resolution, an anti-vandalism ordinance and applying for preservation grants.

Heather Woffinden urged the Council to work on preserving the City's historical locations and artifacts. She wanted a group to be organized to catalog and preserve these locations and artifacts, and to educate residents about them.

Jeremy Nielson asked if the City was still planning to fund next year's rodeo. He is on the rodeo committee and has several sponsors already lined up. The rodeo has won awards every year since it was established three years ago. He requested an opportunity for the rodeo committee to meet with the City to specify the City's involvement in the rodeo this year.

Becky Jones thanked the Mayor and Council for repairing the walking paths in City Center. She thanked Mayor Jackson and Councilmember Ochsenhirt for all they've done while in office. She hoped that the City as a whole would come together and recognize the progress that has been made.

Marianne Smith asked if there is a bond in place for cleaning up the damage that has already been caused by the gravel pit's operations. Mayor Jackson said the City will continue to work on the gravel pit issue.

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 residents to the meeting and thanked those who made public comments.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked those who attended the meeting. He reminded residents not park on the street during the winter, so the roads can be plowed as quickly as possible, and to help their neighbors if they have trouble keeping their sidewalks shoveled.

Councilmember Ireland

Councilmember Ireland expressed appreciation to everyone who participated in the election and congratulated those who were elected. He mentioned the 150th anniversary of the Gettysburg Address and read some excerpts.

Councilmember Burnham

Councilmember Burnham congratulated those who were willing to serve the City by running for election and those who voted, especially those who took the time to be educated voters.

Mayor Jackson

Mayor Jackson noted that the City now has a full-time code enforcement officer. He'll be writing citations for cars illegally parked during the winter.

10. PRESENTATION – CAFR Award, presented by Dean Lundell, UGFOA President

11. APPOINTMENTS

- A. Senior Council – Tonette Roberts, 4-year term
- B. Veterans Board – Luke Pannell, 4-year term; Kindra Jones, 4-year term; Casey Jones, 2-year term; and Elizabeth Hoepfner, 2-year term
- C. Youth Council – Jason Olson, Mayor; Weston Dastrup, Recorder; Taylor Jensen, Secretary; Jace Christian, Treasurer; and Christian Ulibarri, Public Relations.

MOTION: *Councilmember Burnham moved to approve the appointments as presented. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Jason Olson, Weston Dastrup, Jace Christian, Christian Ulibarri, Kindra Jones and Luke Pannell. Those appointees not in attendance at the meeting will receive the oath of office at another time.

CONSENT AGENDA

12. MINUTES

- A. October 15, 2013 – Regular City Council Meeting

13. BOND RELEASE – Out of Warrantly

- A. Rock Creek, Phase 2

14. DEVELOPMENT AGREEMENT

- A. Meadow Ranch V, Plats 1 & 2

15. FINAL PLAT

- A. Evans Ranch, Phase B, Plat 1

Councilmember Painter asked Planning Director Steve Mumford how Evans Ranch, Phase B, Plat 1, could be approved without completed infrastructure. Mr. Mumford explained that the initial plat was not ready in time to build the model homes before winter, so this is being proposed as a stop-gap measure.

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

SCHEDULED ITEMS

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

The Board of Canvassers will review the report of election results prepared by the City Recorder as the Election Official, consider and approve the report of the results, execution of the report and certification of the final vote totals for persons on the ballot. Pursuant to State law, it is necessary that the City Council, as the Board of Canvassers, canvass the 2013 General Election no sooner than seven (7) days and no later than fourteen (14) days after the election.

MOTION: *Councilmember Ochsenhirt moved to recess the meeting and convene as the Official Board of Canvassers to canvass the Eagle Mountain City General Election. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

B. MOTION – Consideration and Approval of the Report of the Eagle Mountain City General Election of November 5th, 2013, 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 Mayoral and City Council Candidates, Reported by the Election Official as Receiving the Highest Number of Ballots, to be Elected.

City Recorder Fionnuala Kofoed announced the results of the General Election: Chris Pengra, Mayor; Adam Bradley and Tom Westmoreland, City Council. She then explained the vote counting process. Additional absentee and provisional ballots were counted this afternoon. State law required that the final result not be announced until the final canvass. She asked the Board of Canvassers to verify the results of election, certify the election results with any necessary corrections, and declare elected the mayoral and City Council candidates with the highest number of votes to be Mayor and City Council members.

MOTION: *Boardmember Painter moved that the Board of Canvassers verify the results of the election by ratifying the results of the canvass, accept the report of the Election Official and certify the election results, and declare a four-year mayoral term to Christopher Pengra and four-year City Council terms to Adam Bradley and Tom Westmoreland. Boardmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

MOTION: *Boardmember Burnham moved to adjourn the meeting as the Board of Canvassers and reconvene as the City Council. Boardmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. PUBLIC HEARING – Regarding the Issuance and Sale of Not More Than \$2,600,000 Aggregate Principal Amount of Water and Sewer Revenue Bonds, Series 2013 and To Allow Public Input Regarding Any Potential Economic Impact That the Project Described Herein to be Financed With the Proceeds of the Series 2013 Bonds May Have on the Private Sector.

This item was presented by Laura Lewis of Lewis Young Robertson & Burningham. She began by congratulating City staff on receiving the UGFOA budget award. She said it's a difficult award to get and few cities in Utah even attempt it.

The purpose of the public hearing is to receive comments from the public related to the issuance of the 2013 Water & Sewer Revenue bonds so the pricing committee can make a final determination on issuance. The purpose for issuing these bonds is to generate proceeds to construct a pipeline from the City to the Central Utah Water Conservancy District's (CUWCD) wholesale water system. The City has entered into contracts to purchase water from CUWCD and this pipeline will provide access to that water. The original amount of the bonds was reduced by approximately \$2M from the original estimate, as the City was able to negotiate with CUWCD to pay for portions of the original project.

Councilmember Ireland asked Ms. Lewis to explain the 1.25% over cost that the City is required to maintain. She said that a debt service covenant legally requires that for every \$1.25 the City has in net revenue, it may only have \$1.00 in debt.

Mayor Jackson opened the public hearing at 7:59 p.m. As there were no comments, she closed the hearing.

This was a public hearing and did not require a 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 Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Mayor Jackson

No comment.

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.

Councilmember Steinkopf reported that a group from Eagle's Gate subdivision has spoken before the Parks and Recreation Advisory Board regarding improvements to their park and will be coming before the Council in the near future.

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

21. ADJOURNMENT

MOTION: *Councilmember Ochsenhirt moved to adjourn the meeting at 8:01 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON DECEMBER 3, 2013.



Fionnuala B. Kofoed, CMC
City Recorder