

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 2, 2014

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

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

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

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

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

Mayor Pengra called the meeting to order at 5:06 p.m.

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

None.

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

16. Bleacher Purchase Agreement

Jim Smith, representing the Rodeo Committee, said the vendor that the City and the committee contracted with for the rodeo bleachers has not performed according to the agreement. Although the vendor says bleachers, possibly temporary ones, will be in Eagle Mountain in time for the rodeo, the committee doesn't want to take a chance of being without bleachers.

At the same time, Heber City has made bleachers available for sale. The proposed contract would require Eagle Mountain to pay Wasatch County Parks and Recreation District \$90,000.00: \$50,000.00 to Wasatch County and \$40,000.00 to Bleachers International for installation. The remaining balance of \$70,000.00 owed to the county will be paid by the Pony Express Rodeo Committee in three payments: \$25,000.00 due November 1, 2015, followed by \$25,000.00 due November, 1 2016, and a final payment of \$20,000.00 due on July 1, 2017.

Mr. Smith emphasized that the committee is not just trying to build a rodeo facility, but a community facility that will be suitable for hosting a variety of activities. He realized that the Council may not feel a new agreement will be in the best interests of the City. If so, he doesn't expect the Council to approve it. He felt that the risk to the City is minimal for the benefits that can be expected.

Councilmember Ireland asked for a copy of the Rodeo Committee's budget. He wanted to know if the payments the committee will need to make are realistic, given their budget. Mr. Smith distributed copies to the Council and discussed the figures with them. Discussion ensued on

projected income and expenses for the rodeo and other events the committee planned to hold in the near future.

Mayor Pengra asked about miscellaneous costs, such as the opening ceremony and sponsor flags. Mr. Smith responded that the expenses would be minimal. Mayor Pengra asked if the committee had enough volunteers to work the event. Mr. Smith said that each committee member in charge of an area was responsible to get enough volunteers and let the committee know if they needed help to find more. Advertising has also been arranged for, including radio, television and newspapers. Water stations and restrooms are contracted.

Mayor Pengra noted that City staff has not seen the bleachers, specifications or engineered drawings. The Building Department will have to inspect the bleachers. The Mayor asked Building Official Kent Partridge if he would need engineered drawings. Mr. Partridge said he would need the specifications.

The City will need proof of insurance before the rodeo.

Sponsorship funds listed in the written budget are already collected. Some events are entirely sponsored, so their expenses are not included.

Councilmember Bradley asked how the \$10,000 the City has paid to Bleacher Builders will be recouped. City Attorney Jeremy Cook explained that the City could require an agreement with the Rodeo Committee for repayment or make a damage claim with Bleacher Builders. Councilmember Bradley felt that, since Bleacher Builders hasn't complied with its previous agreement, it was unlikely that the City will be able to collect the \$10,000.

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

No Closed Executive Session was held.

Mayor Pengra adjourned the Work Session at 6:35 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

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

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

4. **CALL TO ORDER**

Mayor Pengra called the meeting to order at 7:15 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Road Work** – The chip seal project on Pony Express Parkway from Eagle Mountain Blvd. to Sandpiper Road and the southbound side of Ranches Parkway is scheduled to be finalized this weekend. Work on Pony Express Parkway will be done on Saturday. Watch for a pilot car and lane closures. Work on Ranches Parkway will be done on Sunday. The southbound side will be closed, with the northbound side accommodating both directions of traffic.
- **Camp Williams Joint Land Use Study Open Houses** – The public is invited to attend one of two upcoming open houses to provide information and seek public input on the Camp Williams Joint Land Use Study involving the cities of Eagle Mountain, Herriman, Saratoga Springs and Lehi, and Salt Lake and Utah Counties. The open houses will be held from 6:00 p.m. to 8:30 p.m. on Monday, September 8 at Herriman City Hall and Tuesday, September 9 at Saratoga Springs City Hall. More information is available at www.campwilliamsjlus.com.
- **5K Run/Walk and Family Fun Night** – The Cupcake Charity of Eagle Mountain will hold a 5K Cake Walk/Run and Family Fun Night on Friday, September 12 in support of the Maynes family of Eagle Mountain. The Family Fun Night part of the event will be held at Nolan Park from 5:30 p.m. to 8:30 p.m. The 5K will start at 7:00 p.m. and Kids' Fun Run at 8:00 p.m. More info can be found at cupcakecharity.com.
- **Creepy Crawlies** – Miss Eagle Mountain, Alyssa Diaz, will host a kids' Creepy Crawlies event on Saturday, September 13 from 11:00 a.m. to 12:00 p.m. at City Hall. Activities include a lizard feeding and viewing of spiders and insects, a treat, and a photo with Miss Eagle Mountain. Cost is \$5. Registration is available at City Hall or online via the City website, Events page, for an additional \$1 convenience fee.

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

Peggy Hunziker spoke on the water issues in White Hills. Farmers have installed a 10" line in the White Hills culinary water tank, which dropped the residential water pressure to 10 lbs. all weekend. When the area was annexed to the City three years ago, the water system was supposed to be turned over to the City within a year. She asked the Mayor and Council not to accept the system until the water pressure is raised. She would like the farmers to be on a separate water system. She asked that the City not allow DAI to have any building permits until the problems have been corrected, since the water system is unable to serve any additional demands.

Mayor Pengra said that he has been notified of the issues with the water system and has asked the City Engineer to speak with the water company.

Bruno Hunziker thanked the Mayor for going out to White Hills during the rain storm a couple of weeks ago to see in person what happened. He said that he doesn't mind how much water the farmers use, as long as the tank is always full. He felt that the farmers would agree to use the other pump. He said DAI and the water company don't respond to his requests for help, but the City does.

Luke Pannell asked for clarification on the municipal energy tax. He said the White Hills residents are taxed 3%, but the City Attorney told him that the new ordinance would only apply to White Hills. He didn't know if the residents using City power pay the same tax. According to the Work Session presentation, City residents are not paying 6%. He wanted know why the tax couldn't be done away with entirely. If everyone ends up being served by Rocky Mountain Power, they will all be charged 6%, which will go to the State Tax Commission and then be returned to the City. He doesn't want to be charged an additional tax by the City when he's not served by Eagle Mountain utilities. He was willing to pay taxes, but not to a city that doesn't do anything for him. He thanked the Mayor for coming out to his neighborhood to see how the rain storm affected it.

Mayor Pengra disagreed with Mr. Pannell's statement that the City employees don't do anything for him. The City Engineer has been out to assess the storm drain and sewer issues. Road repairs were done recently. More issues will be handled in due time. He felt that credit ought to be given where credit is due.

Corbet Douglas questioned whether the municipal energy tax was necessary. The City will receive revenue from taxing the power company, which the company will recoup from the residents. He felt the City shouldn't tax the customers an additional 6%.

City Attorney Jeremy Cook explained that since 2003, the City has taxed third-party providers 3%. In 2005, the City raised the tax on City-owned utility customers to 6%. Tonight's proposal will bring White Hills customers to the same rate as other City residents. The tax is designed to defray the costs of providing power through third-party providers, who use City roads and require considerable time working with City staff. The City will have costs even after the utilities are sold, if the sale is goes through. Almost every municipality charges this tax to recoup its costs.

Wendy Lojik thanked the Mayor and staff for working so hard to protect the citizens and property in the City. She appreciated how much work and effort is extended by each City employee. The Rodeo Committee is made up of many people with extensive business experience. They appreciate the support they've been given.

Elizabeth Brady asked the Council to support all the activities shared by the residents, including the rodeo. Her money goes to support many activities that her family doesn't use, but she does so because they're important to others. Her children are part of the FFA, as are over 400 children. The rodeo helps them learn leadership and community involvement, and now it's being threatened. The Rodeo Committee has complied with the guidelines they've been given. The City hasn't eliminated other sports activities and she asked that the FFA opportunity not be eliminated, either.

Mayor Pengra stated that everyone is passionate about what's important to them and other opinions may be expressed negatively because they're felt strongly, too. He believed that ultimately, solutions can be found.

Cassandra Burgess said she is the President of the local FFA chapter. The rodeo is the chapter's biggest fundraiser for the year. The chapter can't function without it. It allows the chapter to provide service to the community. She asked the Council not to take the rodeo away from them. The rodeo is the place where the FFA fits in.

Mayor Pengra read a comment emailed by Nick Jessen. Mr. Jessen appreciated the work of the City Council and staff on the sale of the utility system. He hoped that constructive dialog can be held on what is best for Eagle Mountain. He felt strongly that the sale is in the City's best interest. He urged the Council to lead the City in the best direction. He asked everyone discussing the rodeo tonight to do so respectfully. He has become overly emotional at times on the subject, and committed to refocusing on what is best for Eagle Mountain, which is first to respect our neighbors for a harmonious community. He was excited to understand more of the financials on the rodeo. He supported all those who are making an effort to constructively bring the City together.

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

Councilmember Steinkopf

Councilmember Steinkopf thanked everyone attending the meeting and asked everyone to obey the traffic laws now that school is in session.

Councilmember Burnham

Councilmember Burnham echoed Councilmember Steinkopf's remarks. She was grateful for the input the Council receives from the residents. She appreciated that the citizens of Eagle Mountain are willing to work towards solutions.

Councilmember Ireland

Councilmember Ireland expressed appreciation for the meeting attendees. He congratulated Cassandra Burgess for her public comment, since many adults are too nervous to make public comments. He encouraged those who don't feel comfortable making public comments to contact the Council by emailing council@emcity.org.

Councilmember Westmoreland

Councilmember Westmoreland said communication and working things out makes a stronger community.

Councilmember Bradley

Councilmember Bradley apologized for not being present. He was in Chicago on business. He thanked the attendees for their comments and their concern for the City.

Mayor Pengra

Mayor Pengra noted that some of the people sitting in the room have attended Council meetings consistently. Hearing input from citizens is the way government is supposed to work.

CONSENT AGENDA

9. MINUTES

- A. August 19, 2014 – Regular City Council Meeting

10. BOND RELEASES – Into Warranty

- A. Autumn Ridge, Phase 2
- B. Meadow Ranch 5, Phase 2

11. APPOINTMENTS

- A. Appointment of Residents to Supervise the Appraisal of the Electric Utility System
- B. Resolution Appointing Adam Ferre as UAMPS Board Representative and Ifo Pili as an Alternate

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

SCHEDULED ITEMS

12. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Section 3.10.020 of the Municipal Code for Municipal Energy Sales and Use Tax.

This item was presented by City Attorney Jeremy Cook. The Eagle Mountain City Council adopted a 6% energy sales and use tax in the 2005 fiscal year budget. As part of the proposed gas and electric utility sale, the City needs to update the Municipal Code to reflect the increase that took effect on July 1, 2005.

Mr. Cook explained that the municipal energy sales and use tax is levied against energy providers. When the City adopted the 6% tax in 2005 for Eagle Mountain City power customers, it neglected to adopt a similar tax for customers of third-party power vendors. The purpose of this ordinance is to have all power customers in the City pay a uniform tax rate, and to be clear that this tax will continue after the sale of the power and gas utilities, if the sale is approved.

Councilmember Westmoreland asked what it would mean to residents and the City if the ordinance wasn't passed. Assistant City Administrator Paul Jerome said that the tax only applies to power and gas use, not on base rates or the other utilities provided by the City. For the 2015 budget year, the City expects to receive \$850,000 if the tax is made consistently 6%.

City Administrator Ifo Pili said the 6% tax will cost each resident about \$20 per year. Without the tax, the City will lose about \$850,000 per year. To put that in context, the City receives about \$1M per year in property taxes.

Councilmember Westmoreland asked if the utility tax is earmarked or if it goes to the General Fund. Mr. Pili said it goes to the General Fund.

Mayor Pengra stated that the tax defrays the cost of providing utility services to City residents.

MOTION: *The proposed ordinance failed for lack of a motion.*

13. MOTION – Designation of Individuals to Prepare For and Against Arguments for the Voter Information Pamphlet for the Sale of the Electric Utility System.

This item was presented by City Recorder Fionnuala Kofoed. In accordance with Utah Code Ann. 20A-7-402, Eagle Mountain City will prepare a local voter information pamphlet to address the sale of the electric utility that will be presented as a ballot question at the November 4, 2014

general election. Upon review of the applications, the City Council will determine one person to draft arguments for the ballot proposition and one to draft arguments against it.

Royce Van Tassell has applied to write the argument for the question and Ashly Lower has applied to write the argument against it. In the beginning of October, the Recorder's Office will send a postcard to all registered voters in the City, directing them to the City website, where the arguments will be posted. In accordance with the statute, the arguments will reflect the opinions of the authors and must be 500 words or less.

Councilmember Westmoreland expressed appreciation for those who volunteered to write these arguments.

Councilmember Steinkopf asked Ms. Kofoed how many registered voters there are in Eagle Mountain. Ms. Kofoed said the last information she had indicated almost 10,000 voters.

Ms. Kofoed stated that there is still time to register to vote, either online, by mail or in person at the County Elections Office.

MOTION: *Councilmember Burnham moved to designate Royce Van Tassell to write the 'for' argument and Ashly Lower to write the 'against' argument for the voter information pamphlet for the sale of the electric utility system. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

14. BID AWARD – Consideration and Award of Bid to Great Western Landscape for an Irrigation System for the Pony Express Memorial Cemetery.

This item was presented by Recreation Director Brad Hickman. The proposed bid is for the installation of an irrigation system at the Pony Express Memorial Cemetery. The City will provide the materials. The bid covers labor for installing the system and grading, hauling, spreading and leveling of all topsoil throughout the cemetery.

Councilmember Burnham asked Councilmember Bradley about his concern about the amount of land that should be landscaped. Councilmember Bradley felt that finishing one third of the proposed area would be plenty to fill the City's cemetery needs for now. He didn't want to waste time, energy or resources on area that won't be used for several years.

Councilmember Ireland felt the entire irrigation system should be built as one, engineered system; however, less area should be sodded. Each fall another section should be hydroseeded as needed.

MOTION: *Councilmember Ireland moved to award the bid alternate to Great Western Landscape for an irrigation system for the Pony Express Memorial Cemetery in the amount of \$48,889.00 and authorize the Mayor to sign the agreement. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Adam Bradley, The motion passed with a vote of 4:1.*

15. BID AWARD – Consideration and Award of Bid to Great Western Landscape for Sod for the Pony Express Memorial Cemetery.

This item was presented by Recreation Director Brad Hickman. The proposed bid is for the installation of sod at the Pony Express Memorial Cemetery. City staff recommended sod rather than hydroseeding. Turf is easier to establish and can be used sooner than hydroseed.

Councilmember Ireland asked Mr. Hickman how trees would be added to the cemetery landscaping. Mr. Hickman said that staff wanted to purchase trees this fall, after the irrigation system is installed, and hold a volunteer project for planting.

MOTION: *Councilmember Steinkopf moved to award a bid to Great Western Landscape for one acre of sod for the Pony Express Memorial Cemetery to Great Western Landscape. Councilmember Burnham seconded the motion.*

Mr. Hickman clarified that the system as planned will only have five valves. The whole area can be watered in 35 minutes.

Councilmember Westmoreland asked what the savings would be if the agreement is reduced to one acre. City Engineer Chris Trusty stated that the bid is based on a unit price. If the project is halved, staff would have to go back to the bidder and see if the unit price would remain the same.

Mr. Pili explained that residents are already purchasing burial plots in various areas of the first phase of the cemetery. To give some perspective, the two acres proposed is only half the size of the soccer field across the road from Mid Valley Park.

Mayor Pengra pointed out that sodding or hydroseeding by sections will leave mismatched areas of lawn. He felt that the Cemetery Board has done a good job of planning the landscaping.

AMENDED MOTION: *Councilmember Steinkopf amended his motion to award a bid to Great Western Landscape for two acres of sod, as presented in the bid, for the Pony Express Memorial Cemetery. Councilmember Burnham accepted the amendment.*

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

16. AGREEMENT -- Consideration of a Purchase Agreement with Wasatch County for Bleachers.

Due to potential problems with the current contract for bleachers for the rodeo arena, the Rodeo Committee is requesting that the City Council consider approving an agreement with Wasatch County. This bleacher purchase would require \$50,000 up front from the City, as well as up to \$40,000 in installation costs. The remaining \$70,000 would be divided into three payments. \$25,000 will be due on November 1, 2016, \$25,000 on November 1, 2017 and a final payment of \$20,000 on July 1, 2017. The final payment will include interest accrued at 4% on the outstanding debt. This item was added to the agenda at the request of Councilmembers Burnham and Steinkopf.

Mayor Pengra invited Jim Smith of the Rodeo Committee to present the committee's proposal. Mr. Smith explained that the bleacher vendor the committee contracted with has not performed as expected. There's a strong chance he won't provide bleachers in time for the rodeo. The committee has been keeping in contact with Wasatch County and would like to purchase bleachers for sale in Heber City.

Councilmember Ireland asked why Wasatch County wants to sell these nearly-new bleachers. Mr. Smith responded that the arena in Heber needs a different style of bleachers for their new facility. Councilmember Ireland wanted to know what kind of flooring will be under the bleachers. Mr. Smith said the installation agreement with Bleachers International includes whatever is needed to support the bleachers.

Mr. Smith said if the Council approves the agreement tonight, the bleacher tear-down will begin tomorrow. Committee President Jared Gray owns a trucking company and will transport them. Mr. Smith noted that the Committee isn't asking for any money from the City other than what was provided by the amendment to the Pole Canyon development agreement. He also pointed out that the bleachers will belong to the City and will facilitate other community events held on the rodeo grounds.

Councilmember Westmoreland asked what alternatives the committee had in case the Council voted "no" on the contract. Mr. Smith said the committee could hope that Bleacher Builders fills its contract, although based on previous experience, he's doubtful of that. If necessary, the committee could use portable bleachers that pull behind a truck. Each section holds about 250 people and Heber City has agreed to allow the committee to use its portables.

Councilmember Westmoreland asked about the Rodeo Committee being required to reimburse the \$10,000 the City advanced to Bleacher Builders. Mr. Smith said that, although the committee hasn't met on the subject, he was confident that the committee would cover the cost, although they might request some time to do so.

Councilmember Ireland asked what City staff would need to do to confirm that these bleachers meet the City's public safety requirements. Building Official Kent Partridge said he would need the manufacturer's engineer to let him know what size the footings would need to be. He would also need manufacturer's specifications for the bleachers, and then the Building Dept. could provide a building permit to Bleachers International for the installation. Mr. Smith will get those specifications for Mr. Partridge.

Councilmember Westmoreland asked Mr. Cook to describe the key differences between this agreement and the one with Bleacher Builders. Mr. Cook stated that Wasatch County will require a security interest in the bleachers, which Bleacher Builders did not. If the Rodeo Committee was not able to pay the \$70,000 remaining after the City's payment, the City would have to consider whether it would be interested in paying it or returning the bleachers to Wasatch County. Mr. Cook felt that this agreement holds much less risk than the previous one. Bleachers International is a company the City has done business with in the past, and Wasatch County is a public entity.

Councilmember Ireland asked Mr. Jerome to look up how much money the demolition derby made. Mr. Jerome said in 2013 ticket sales were approximately \$18,000 and there were \$9,700 in sponsorships. Mayor Pengra said the figures for 2012 were similar.

Councilmember Burnham said she asked the City's previous events director, Angie Ferre, if she thought the Rodeo Committee would be able to produce the rodeo. Ms. Ferre has read through the committee's plans and thinks they are thorough and will work. For one thing, there are professional riders on the committee, who have attended many rodeos and know how rodeos save money. Councilmember Burnham felt that, even if the rodeo failed, which she didn't expect, the City's only loss would be the cost for the bleachers. The cost could be recouped by selling the bleachers or by holding other events.

MOTION: *Councilmember Burnham moved to approve a purchase agreement with Wasatch County for bleachers, with the following changes: changing item 2 to state that the Rodeo Committee will provide trucking and adding that the Rodeo Committee will reimburse the \$10,000 paid to Bleacher Builders if the money has not been received by November, 2017. Councilmember Steinkopf seconded the motion.*

Mr. Cook suggested that, rather than adding the \$10,000 payment clause to the bleacher agreement, it be added as an addendum to the rodeo grounds lease agreement.

AMENDED MOTION: *Councilmember Burnham moved to approve a purchase agreement with Wasatch County for bleachers, with the following changes: changing item 2 to state that the Rodeo Committee will provide trucking and adding an addendum to the Rodeo Grounds Lease Agreement that the Rodeo Committee will reimburse the \$10,000 paid to Bleacher Builders if the City has not received the money by November, 2017.*

Councilmember Steinkopf accepted the amendment.

Mayor Pengra told Mr. Smith that he will be happy to help the committee when the rodeo is held and hopes it is successful. He is uncomfortable with many aspects of this, including adding items to the agenda at the last minute. It fails the expectation the Administration has set up with staff, and creates extra work for the staff and the attorney. Having experience with risk assessment, he felt that the committee has put itself into a difficult position with overly optimistic revenue estimates.

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

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

Councilmember Steinkopf

No comment.

Councilmember Burnham

Councilmember Burnham appreciated Mayor Pengra's graciousness through the rodeo discussion, which has been a difficult topic for him.

Councilmember Ireland

No comment.

Councilmember Westmoreland

Councilmember Westmoreland said that some votes are emotional. He appreciated the Mayor, Council and staff working well together.

Councilmember Bradley

Councilmember Bradley thanked the audience for its support for the community. He voted no on some of the votes tonight because he felt that the City can be more conservative with its spending and financial risk.

Mayor Pengra

No comment.

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

Councilmember Burnham said the Youth Council has a meeting this Thursday and will discuss the results of its recent election.

19. COMMUNICATION ITEMS
A. Upcoming Agenda Items
B. Financial Report

20. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 9:01 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*



EAGLE MOUNTAIN CITY
City Council Staff Report
SEPTEMBER 16, 2014

Project: **Business License Denial Appeal**
Applicant: Tiffany Felix, The Enchanted Pony Party Company
Request: Business License Appeal
Type of Action: Public Hearing, Action Item

Planning Commission Action

The Planning Commission denied the business license application 3-0. The Commission cited concerns that included outside activity, the number of guests, and traffic generation.

Background

The applicant has resubmitted the application with minor amendments to mitigate some of the concerns of residents, staff, and the Planning Commission.

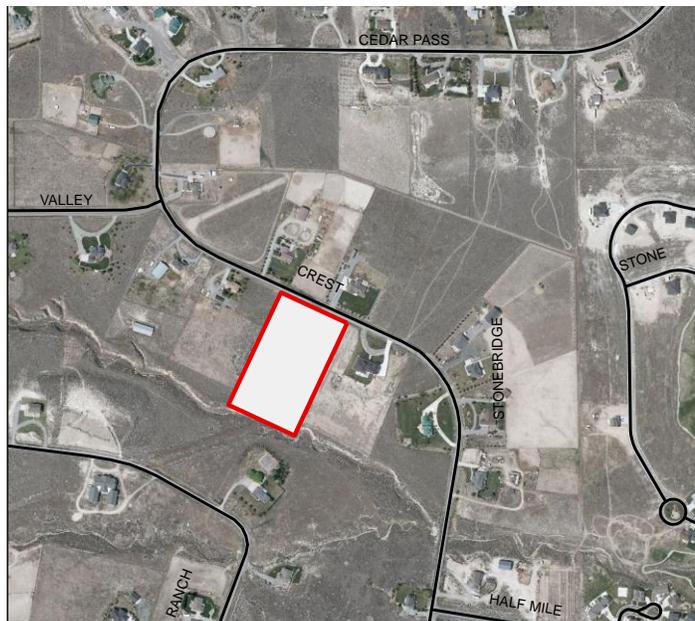
Location

The appeal to the City Council is for a home-based business license denial for The Enchanted Pony Party Company, located at 2918 E. Crest Road in the Cedar Pass Ranch subdivision.

Application

The business offers single pony rides and onsite pony ride birthday parties. All the activities will be outside in the rear of the property. Parking will also be located behind the house in a 66' X 78' gravel area that can hold approximately 14 cars. The property is 5.25 acres and houses equestrian facilities.

The applicant has amended the business license application to limit the maximum number of guests to 24, and a maximum of twelve cars 1-2 times a week between 10:00 AM and 12:30 PM. The applicant is also limiting the number of individual rides to 3 per day, with a maximum of 1 car per day, and no more than 3 appointments per week between the hours of 10:00 AM to 5:00 PM. Originally, the applicant requested to host 30-40 guests for group parties 1-2 times a week, and 2-3 guests for single pony rides on an appointment basis.



The original license application was denied by staff due to traffic generation and outside activity.

Section 17.65.060, *Generally applicable standards for all home businesses*, states:

“K. Traffic Generation. Traffic generation for home businesses shall not exceed 12 clients per hour and 24 per day.”

“E. Outdoor Activity. All home business activity, except passive storage, shall be carried out within the home or an accessory building and shall not be observable by the general public or from the street in front of the residence, unless specifically approved in the home business license for such activities as outdoor play time for preschools or day care centers. Garage doors shall remain closed while business activity is conducted therein.”

Process

The Development Code requires the License Official to deny the license based on the amount of traffic generated. In response to the applicant's appeal to the Planning Commission denial, the City Council shall conduct a public hearing and review the application of the proposed business and may approve, approve with conditions, or deny the application of the proposed home business. An approval must be based on findings of fact showing that the increased traffic does not negatively affect the residential character of the neighborhood or the neighboring properties. If the application is denied, the applicant may appeal to the district court within 30 days of the decision.

Attachments: Application, Applicant's Narrative



EAGLE MOUNTAIN

BUSINESS LICENSE APPLICATION

(801) 789-6634 • 1650 E STAGECOACH RUN, EAGLE MOUNTAIN, UT 84005 • WWW.EAGLEMOUNTAINCITY.COM

OFFICE USE ONLY

UPDATED 02/2012

Application Received By:	Date:	License #:
Amount Paid:	Receipt #:	<input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit/Debit Card

SECTION I: BUSINESS & APPLICANT INFORMATION

Applicant Name: <u>Tiffany Felix</u>	Applicant Phone Number: <u>801 633 0432</u>
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Business Name: <u>The Enchanted Pony Party Company</u> <small>If the "Business Name" is other than - EXACTLY - the "Applicant Name", the business must be registered with the Department of Commerce and have both an "ENTITY #" & "RENEW BY DATE", (see page 1 of the "Business License Application, paragraph #1, for more information).</small>	Business Phone Number: <u>801 633 0432</u> <small>This number will be published.</small>
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Business Address: <u>2918 E Crest Rd Eagle Mountain 84005</u>	Fax Number: <u> </u>
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Mailing Address: <u>2918 E Crest Rd Eagle Mountain UT 84005</u>
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Email Address: <u>enchantedponyparty@yahoo.com</u>	Sales Tax Number: <u>622 016753</u>
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Business Category: <input checked="" type="checkbox"/> Services <input type="checkbox"/> Dining <input type="checkbox"/> Health & Medical <input type="checkbox"/> Education <input type="checkbox"/> Shopping

Web Address: <u>www.enchantedponypartyco.blogspot.com</u>	Include my business in the mobile app listing: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Department of Commerce Business Registration Number (AKA Entity #): <u>8693199-0160</u>	"Renew by date": <u>April 21, 2015</u>
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<input checked="" type="checkbox"/> Home-Based Business <input type="checkbox"/> Commercial Business	State Registration: <input type="checkbox"/> Sole-Proprietor <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> LLC <input type="checkbox"/> LP <input type="checkbox"/> LLP
--	---

SECTION II: DESCRIBE BUSINESS

TEPPC will offer on-site pony-ride birthday parties and individual pony rides by appointment.

SECTION III: FLOOR PLAN / SITE PLAN

Home business license applicants: use the space below to draw your home floor plan where the office will be located, label the level of the house, (i.e. main floor, basement), the rooms and exits. Commercial business applications must include a site plan.

please see attached.

SECTION IV: ANSWER THE FOLLOWING QUESTIONS

1-2 parties per week.

- 1. What are the hours of operation? parties may be held any morning Monday-Sat usually from 10-1230p. Pony rides would be Monday-Sat by appointment, anytime between 10a-5pm
- 2. Current number of employees including yourself: 1 Estimated future number of employees: 1 will be family members or relatives dep. on weather.
- 3. Will your business involve door to door sales? no
- 4. Will you or anyone employed by you be working with minors? yes. If yes, a background check is required for each employee or person(s) working with minors.
- 5. Will your business generate light, noise, or odors? yes. noise associated with a child's party.
- 6. Is it necessary to have clients come to your home? yes. If yes, how many clients do you anticipate in a week? 50 +/- day? 24 max at a single time? a party may have as many as 24 guests
- 7. If applicable, will any equipment be stored at your home? no If yes, this product must be stored in the home or garage or completely screened from view of neighbors and street. How will you meet this requirement? n/a
- 8. If applicable, what is the total square footage of your home? n/a square footage occupied by business? n/a
- 9. Will your home office / business be located in the basement? no
If yes, was the basement or room in the basement completed with a building permit? n/a (see page 1 of the "Business License Application, paragraph #4, for more information).
- 10. Will your business create increased traffic demands? yes. I can limit the number of cars coming for parties to 10-12, or any other reasonable number.

SECTION V: SUPPORTING MATERIALS

- 1. **Fire Extinguishers.** Evidence of a number 5 class 2A 10BC fire extinguisher or the proper extinguisher required by the current Fire Code, (home offices with employees or customers frequenting the home).
- 2. **Traffic Plans.** Home Business that will increase the traffic level in a neighborhood will be required to submit a reduced (11" x 17") traffic plan.
- 3. **Site Plan.** If applicable, a site plan of the business location.
- 4. **Professional License.** If applicable, a copy of a professional license. The Recorder's Office will inform you if your application requires a professional license.
- 5. **Background Check.** A background check is required when any business or employee thereof is dealing with minors. The applicant and any employee dealing with minors shall provide an "Authorization for a Background Check" form; a member of the Recorder's Office can get this form for you. The applicant is responsible to pay a \$7.00 fee, required by the current consolidated fee schedule, for a background check.
- 6. **Fee.** The processing fee of \$25.00 for a home office only, \$75.00 for a home office requiring inspections, or \$75.00 for a commercial business.

SECTION VI: VERIFICATION OF ACCURACY - ACKNOWLEDGEMENT OF RESPONSIBILITY

I, the undersigned, having authority to do so in behalf of the business applying hereon, do hereby agree to the condition of this application to conduct business in complete accordance with Eagle Mountain City ordinances and all County, State, and Federal regulations governing operation of such business. I acknowledge that this is not a business license, but is an application for such; operating without a license may result in penalty fees. Approval or denial of this application is based on accurate, complete information provided and reviews/inspection performed, as required.

Signature of Authorized Business Agent/Owner: [Signature] Date: 8/15/14

SECTION VII: ACKNOWLEDGEMENT OF PUBLIC INFORMATION

I, the undersigned, do hereby acknowledge that the information contained in this application is public information.
Signature of Authorized Business Agent/Owner: [Signature] Date: 8/15/14

HOME BUSINESS PERFORMANCE STANDARDS CHECKLIST

- **17.65.060 A. Floor Area.** A Home Business shall not occupy more than (1/3) of the total floor area of dwellings. Exception may be granted for daycares, preschools, and businesses that offer instruction classes.
- ★ ○ **17.65.060 B. Employees.** Home Businesses shall have no more than one (1) on-premise employee who is not a member of the resident family or household.
- ★ ○ **17.65.060 C. Parking.** Home Businesses shall provide adequate parking (which may include both on-street and off-street parking) to be determined by the Planning Director, License Official, designee, or Planning Commission. Vehicles used by the business (other than passenger cars without signage) shall not be parked on the site, unless enclosed parking is utilized to shield the vehicles from view.
- **17.65.060 D. Outdoor Storage.** Outdoor storage associated with a Home Business shall be subject to the same performance standards governing other outdoor storage on residential lots.
- ★ ○ **17.65.060 E. Outdoor Activity.** All Home Business activity, except passive storage, shall be carried out within the home or an accessory building and shall not be observable by the general public or from the street in front of the residence, unless specifically approved in the Home Business license for such activities as outdoor play time for preschools or daycare centers. Garage doors shall remain closed while business activity is conducted therein.
- ★ ○ **17.65.060 F. Hours of Operation.** Home Businesses that receive customers, clients, or students shall operate only between 7:00 a.m. and 9:00 p.m.
- **17.65.060 G. Hazardous Materials.** No Home Business shall use hazardous materials or generate hazardous wastes that increase the danger of fire or cause fumes or odors that may constitute a nuisance or pose a danger to neighboring residents. Home Businesses are subject to inspection for compliance with the International Fire Code.
- ★ ○ **17.65.060 H. Noise and Light.** All Home Businesses shall comply with the City's noise ordinance. Home Businesses are prohibited from generating or projecting light that is objectionable or potentially harmful to other residents.
- **17.65.060 I. Exterior Appearance.** No Home Business shall alter the exterior of the home to differ from the residential use of colors, materials, construction or lighting. The property from which a Home Business is constructed must be in full compliance with all other City laws, codes and ordinances.
- **17.65.060 J. Retail Sales.** Home Businesses are not to be established solely for the sale of merchandise (except for greenhouses or internet- and mail order-based Home Businesses). Service-related Home Businesses may conduct incidental retail sales provided that the sales do not increase traffic.
- ★ ○ **17.65.060 K. Traffic Generation.** Traffic generation for Home Businesses shall not exceed twelve (12) clients per hour and twenty-four (24) per day.
- **17.65.060 L. Multiple Home Business Licenses.** More than one home business license may be issued for a residence; provided, that the home businesses or the accumulative effects of the home businesses do not violate the approval criteria.
- **17.65.060 M. Building Codes.** Building inspections are required for Day Care providers, preschools, hair salons and other Home Businesses that the Building Official determines present elevated potential health and safety concerns. In these cases the Home Business shall be conducted in areas of a home where the Building Department has issued a permit and performed the building inspections. All Home Businesses shall comply with the standards and requirements of the International Building Code and any requirements the Chief Building Official and/or Fire Chief deem necessary to protect the health, safety, and welfare of the public.
- **17.65.070 Prohibited Home Businesses.** Automobile-related businesses such as auto repair, body, and painting; retail or wholesale sales that are not incidental to the Home Business (except for point of sale that is not conducted at the home); engine repair; metal fabrication or assembly shops, sexually oriented businesses and health care businesses (not including massage therapists, chiropractors, psychiatrists, or orthodontists).

I have read the above Home Business standards from Chapter 17.65 of the Municipal Code, and I understand and will comply with the Home Business Chapter. Any violation(s) of this ordinance can result in the revoking of my Home Business License.

Applicant's Printed Name: Tiffany Felix

Applicant's Signature: Tiffany Felix

Date: 8/15/14

APPROVALS

Deputy Recorder:

Date:

Building Department:

Date:

Fire Department:

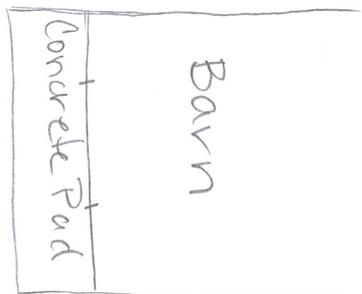
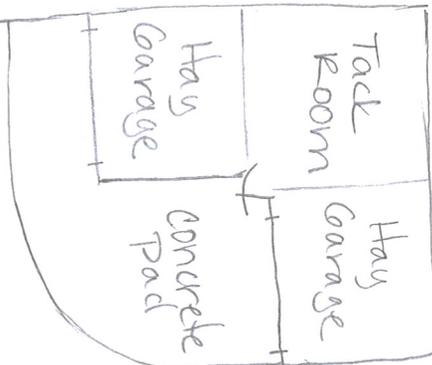
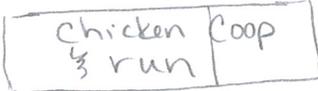
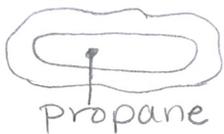
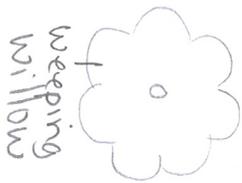
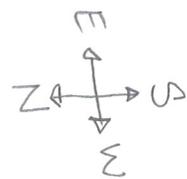
Date:

Staff conditions of approval:

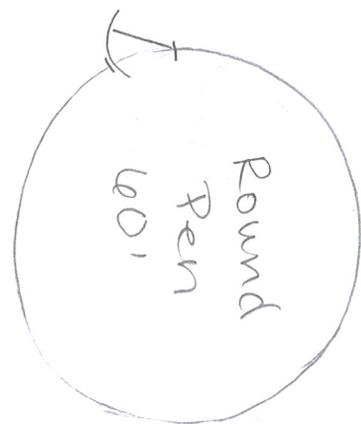
Site Plan

Property Line

Property line



Gravel
Parking
approx 66'x78'
can accommodate
12-14 cars



Mom's Apt.

Ratio

Main House

Party Area

Pergola

Playground

Garden

Fruit Trees



Property line

Property Line

The Enchanted Pony Party Company, LLC

Tiffany Felix, Owner; 801-633-0432

1. Summary of The Enchanted Pony Party Company, LLC
 2. Associated City Codes
 3. Associated Cedar Pass Ranch HOA CC&R's
-

1. Summary of The Enchanted Pony Party Company, LLC

The Enchanted Pony Party Company, LLC will provide on-site pony-ride birthday parties and individual pony rides by appointment.

Pony-ride birthday parties will be scheduled 1-2 times a week, and they will always be held in the morning—usually between 10am-12:30pm—due to high summer temperatures in the afternoon and our Eagle Mountain winds that can build during the day and make outside parties uncomfortable. Each party will be limited to a maximum of 24 guests (made up of children and adults) and a maximum of 12 cars (though this number can be lowered in order for me to be granted the business license). I have a large gravel parking area behind my house where guests will park so cars will not be lined up on the road. Party guests will remain in my fenced back yard unless they are at the arena for rides or visiting our other animals (children will be required to be accompanied by an adult).

Individual pony rides will be by appointment and, depending on the weather, may be scheduled anytime between 10am-5pm. Individual rides will be limited to 3 rides and 1 car per day, 1-3 appointments per week. Guests will park in the gravel parking area behind my house, as for the pony-ride parties.

I will have liability insurance through The Ark International Group, and will be required to comply with their high standards of safety and horse/pony care.

This business is appropriate for the equestrian nature of the Cedar Pass Ranch area, and if anything is visible to passersby, it will appear no different than if I were hosting a personal party of family and friends and giving pony rides to my guests, something I have done many times.

2. City Codes associated with The Enchanted Pony Party Company, LLC

17.65.060 B. Employees: The business employees will consist of myself, and also occasionally my husband or 17 year-old niece who may assist me with leading the pony rides during parties if 2 ponies are used. *This complies with the stated code requirement.*

17.65.060 C. Parking: We have a 66' x 78' gravel parking area behind our house which can accommodate 12-14 cars. *This complies with the stated code requirement.*

17.65.060 F. Hours of Operation: Parties will be held during the hours of 10am-1230pm and pony rides will be held during the hours of 10am-5pm. *This complies with the stated code requirement.*

17.65.060 H. Noise and Light: The noise associated with my business will be the sounds related to a child's outdoor party. This noise will be no louder than when we have personal parties or when my children and relatives are playing outside. There will be no light generated by my business. *This complies with the stated code requirement.*

17.65.060 K. Traffic Generation: Per party the number of cars will be limited to 12 and the number of guests will be limited to 24. My guests will arrive at the same time and depart at the same time. *Depending on how the code is interpreted, this may or may not strictly comply with the stated code requirement, and may require a variance.* Per individual pony-ride appointment, the number of cars will be limited to 1 and the number of guests may be between 4-5 (1-3 children for pony rides and 1-2 accompanying adults). *This complies with the stated code requirement.*

3. Cedar Pass Ranch HOA CC&R's associated with The Enchanted Pony Party Company, LLC

Many of my Cedar Pass Ranch neighbors appeared and spoke at the Planning Commission meeting on August 12, 2014 where I presented my appeal of the commission's initial denial of my business license application. Most of the speakers were not in favor of the commission granting my appeal. The speakers' concerns ranged from noise and dust production due to the pony rides, guests' parking on the road, the parties bringing in people from outside the neighborhood, the additional traffic damaging our neighborhood roads, among others. I have addressed some of their concerns in section 2 above.

Several of the speakers attempted to use various codes in our HOA's CC&R's to show that my business was not allowed. To answer this point, there is nothing in the CC&R's that implicitly states that homeowners may not have a home business, as well as, no part of my pony-ride business violates any of the CC&R's as they are written.

**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
SEPTEMBER 16, 2014**

TITLE:	Resolution – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule.		
APPLICANT:	TSSD		
<small>GENERAL PLAN DESIGNATION</small> N/A	<small>CURRENT ZONE</small> N/A	<small>ACREAGE</small> N/A	<small>COMMUNITY</small> North Service Area

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Public Notice Webpage

REQUIRED FINDINGS:

**Public Works Board
Recommendation**

Vote: N/A

Prepared By:
Fionnuala Kofoed for
David Norman

NOTES/COMMENTS:

RECOMMENDATION:

That the City Council approves a resolution amending the Consolidated Fee Schedule, reducing the Sewer Impact Fee to \$2,475.00.

BACKGROUND:

Eagle Mountain City collects Sewer District Impact Fees for Timpanogos Special Service District (TSSD). The TSSD Advisory Board recently approved an amendment to their Impact Fee Analysis resulting in the slight decrease to the fee. The decrease from \$2,563.00 to \$2,475.00 was effective August 22, 2014 and refunds will be issued to those affected by the change.



Timpanogos Special Service District

PLEASANT GROVE ★ AMERICAN FORK ★ LEHI ★ ALPINE ★ HIGHLAND

CEDAR HILLS ★ EAGLE MOUNTAIN ★ SARATOGA SPRINGS ★ SUN CREST

Telephone 756-5231 Fax 756-1472

Mailing Address: P.O. Box 923 — American Fork, Utah 84003

Job Site Address: Timpanogos Wastewater Treatment Plant — 6400 North 5050 West, Utah County, Utah

August 28, 2014

Honorable Mayor Pengra
1650 East Stage Coach Run
Eagle Mountain, Utah 84005

Dear Mayor,

At our last board meeting, the Advisory Board for the Timpanogos Special Service District approved an amendment to the recently adopted Impact Fee Analysis prepared for the District by Bowen, Collins and Associates and Zion's Bank. Adopting an amendment to the Impact Fee Analysis results in a slight decrease to the dollar amount currently assessed for the District's Sewer Impact Fee. The fee will decrease from \$2,563.00/Equivalent Residential Unit (ERU) to \$2,475.00/ERU. Because the fee is decreasing, and is not increasing, the new fee is to become effective immediately, beginning August 22, 2014. Please inform the appropriate individuals in your City to this change.

The District will need to refund the difference in Impact Fees collected since March 21st, 2014 to the City. We will be contacting each city to see how to best accomplish this task. The recommendation to amend the Impact Fee is a result of on-going litigation and recommended by our legal counsel.

Please do not hesitate to contact me with any questions.

Sincerely,

Jon E. Adams, District Manager
Timpanogos Special Service District

Cc: Mr. Ifo Pili, City Administrator
Mr. Beverly Bowman, Bldg/Planning Dept.
Mr. David Norman, Board Representative
File

RESOLUTION NO. R- -2014

**A RESOLUTION OF
EAGLE MOUNTAIN CITY, UTAH, AMENDING THE
EAGLE MOUNTAIN CITY CONSOLIDATED FEE SCHEDULE**

WHEREAS, the City Council of Eagle Mountain City is empowered by law to adopt resolutions establishing fees for municipal services and has established an equitable system of fees for providing municipal services; and

WHEREAS, the City Council has determined that it is necessary and appropriate to adopt an Easement Review Fee; and

WHEREAS, the City Council finds that it is in the public interest to reaffirm all fees and charges previously enacted in the Eagle Mountain City Consolidated Fee Schedule except for those fees and charges which are specifically amended or changed in this resolution;

NOW, THEREFORE, be it resolved by the City Council of Eagle Mountain City as follows:

1. The Consolidated Fee Schedule attached hereto as Exhibit A and the fees and charges set forth therein are hereby enacted and adopted for services received from Eagle Mountain City.
2. This Resolution is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other resolutions, ordinances, or laws except to effect modification of the fees reflected in the Consolidated Fee Schedule. The fees listed in the Consolidated Fee Schedule supersede present fees for services specified, but all fees not listed remain in effect. Where this Resolution imposes a higher fee than is imposed or required by existing provisions, resolution, ordinance, or law, the provisions of this resolution shall control.

This Resolution shall take effect at 12:01 a.m. on **September 17, 2014**.

EAGLE MOUNTAIN CITY, UTAH

ATTEST:

Chris Pengra, Mayor

Fionnuala B. Kofoed, City Recorder

CERTIFICATION

The above resolution was adopted by the City Council of Eagle Mountain City on the 16th day of September 2014.

Those voting aye:

Those voting nay:

<input type="checkbox"/>	Adam Bradley	<input type="checkbox"/>	Adam Bradley
<input type="checkbox"/>	Donna Burnham	<input type="checkbox"/>	Donna Burnham
<input type="checkbox"/>	Ryan Ireland	<input type="checkbox"/>	Ryan Ireland
<input type="checkbox"/>	Richard Steinkopf	<input type="checkbox"/>	Richard Steinkopf
<input type="checkbox"/>	Tom Westmoreland	<input type="checkbox"/>	Tom Westmoreland

Fionnuala B. Kofoed, City Recorder

Exhibit A

EAGLE MOUNTAIN CITY

CONSOLIDATED FEE SCHEDULE

Effective September 17, 2014

- 1.1.19. Use of the City Hall Building for small events (accommodating less than 25 people) involving snacks and beverages..... \$100.00 + \$15.00 per hour (\$35.00 per hour on weekends)
..... (of which \$50.00 is kept by the City for deep cleaning)
- 1.1.20. Use of the City Hall Building for large events (accommodating 26 or more people) not involving food .
..... \$600.00 + \$15.00 per hour (\$35.00 per hour on weekends)
..... (of which \$200.00 is kept by the City for deep cleaning)
- 1.1.21. Use of the City Hall Building for large events (accommodating 26 or more people) involving food
..... (\$600.00 + \$15.00 per hour on weekends)
..... (of which \$200.00 is kept by the City for deep cleaning)
- 1.1.22. Candidate Filing Fee \$50.00
- 1.1.23. Easement Review Fee \$750.00

1.2. Library:

1.2.1. Photocopies:

- 1.2.1.1. Black & White ONLY \$0.10 per page
- 1.2.1.2. Computer Copies..... \$0.10 per page
- 1.2.1.3. Scan/Email for each increment of 10 pages \$1.00

1.2.2. Faxes:

- 1.2.2.1. Faxes for each increment of 10 pages \$1.00

1.2.3. Overdue Fines:

- 1.2.3.1. Books \$0.10 per day/per item
- 1.2.3.2. DVD's & Videos..... \$0.50 per day/ per item
- 1.2.3.3. Inter-Library Loan Materials..... \$0.50 per day/per item
- 1.2.3.4. Audio Books \$0.50 per day/per item

1.2.4. Fees:

- 1.2.4.1. Lost/Stolen Library Card Replacement \$3.00
- 1.2.4.2. Inter-Library Loan Fee \$3.00 per item
- 1.2.4.3. Non-Resident Fee..... \$80.00 per family/per year or \$40.00 for 6 mos.
- 1.2.4.4. Processing Fee for Lost/Damaged Items \$5.00 per item + cost
- 1.2.4.5. Returned Check Fee \$25.00
- 1.2.4.6. Sent to Collections \$20.00
- 1.2.4.7. Computer use without an Eagle Mountain Library Card (effective 03/01/2014)\$1.00 per ½ hour

1.2.5. Overhead Projector:

- 1.2.5.1. Use Fee.....\$75.00 refundable deposit + \$5.00 per day (3 day Maximum)

1.2.6. Repairable Damage:

- 1.2.6.1. Dust Jacket (torn or missing) \$1.00
- 1.2.6.2. Spine Repair \$2.00
- 1.2.6.3. Torn Page \$1.00
- 1.2.6.4. Missing Barcode.....\$1.50 per occurrence

- 1.2.6.5. Wavy/Wrinkled Page Damage\$2.00 per occurrence
- 1.2.6.6. Missing RFID Tag (Radio Frequency Identification) \$2.50
- 1.2.7. Major Damage:
 - 1.2.7.1. Items damaged beyond repair, deemed “unusable”, unable to circulate
 A prorated fee based on shelf-life of book and number of times item has checked out.
 - 1.2.7.2. To Determine Fee.....
 Average life of book divided into cost of book. Multiply this by number of check outs.
 Subtract that total from the total cost of book to get prorated amount.
- 1.2.8. Media Collection Fees:
 - 1.2.8.1. Missing Video Case \$1.00
 - 1.2.8.2. Missing DVD Case \$2.00
 - 1.2.8.3. Missing Audio Book CD.....\$7.00 per missing item/if cannot replace one disk,
 Patron will be charged full replacement cost.
- 1.2.9. Proctoring Fee:
 - 1.2.9.1. Non-Residents of Eagle Mountain \$10.00
- 1.3. Animal Control:
 - 1.3.1. Dog License Fee \$1.00 Administration Fee
 +fees per Utah County Animal Control Shelter Fee Schedule
 - 1.3.2. Redemption Fees..... per Utah County Animal Control Shelter Fee Schedule
 And associated pickup and impound costs
- 1.4. Building:
 - 1.4.1. Fees charged for building permits are set forth in the Current Building Code, fee schedule amended as noted below.
 - 1.4.2. Commercial Plan Review Fees 65% of the permit fee per Current Building Code
 - 1.4.3. Residential Plan Review Fees... 25% of the permit fee per UBC 107.3
 - 1.4.4. Plan Review Fee for Registered Plans 25% of the permit fee
 - 1.4.5. Refunds for permits issued will be limited to 80 percent of the permit costs, no later than 90 days after the date of fee payment. No refunds for plan review costs will be given if the plan review has been conducted.
 - 1.4.6. One-percent surcharge per building permit (Utah Code):
 - 1.4.6.1. 80% submitted to Utah State Government
 - 1.4.6.2. 20% retained by City for administration of State Collection
 - 1.4.7. Buildings of unusual design, excessive magnitude, or potentially hazardous exposures, may, when deemed necessary by the Building Official, warrant an independent review by a design professional chosen by the Building Official. The cost of this review may be assessed in addition to the building permit fee set forth in subsection 1.4.2 above.
 - 1.4.8. Temporary Occupancy Fee \$100.00 plus 120% of value of uncompleted items
 - 1.4.9. Plumbing Fees..... \$10.00 per fixture + \$25.00 for sewer
 - 1.4.10. Mechanical Fees..... \$20.00 per furnace, \$10.00 per AC, \$8.00 per exhaust fan, \$50.00 per boiler

-Under 400,000 BTUs
- 1.4.11. Electrical 0.075% x Sq. ft.
- 1.4.12. Board of Appeals (Current Building Code) \$100.00
- 1.4.13. Residential Buildings with basements – Fees charged for building permits are set forth in the Current Building Code.
- 1.4.14. Plan Review Fees for re-checking of plans \$200.00 + \$50.00 per hour after 1st hour
- 1.4.15. Fast Track Fee (Residential Only) \$400.00
- 1.4.16. Re-inspection fee..... \$50.00 per trade

1.5. Business License Fees:

- 1.5.1. Commercial Business License \$75.00
- 1.5.2. Home Based Business License..... \$25.00
Administrative note: Initial transition year changing from June expiration to annual expiration will be prorated from July 1 to anniversary date.
- 1.5.2.1. Home Based Business License with Inspections..... \$75.00
- 1.5.3. Business License Renewal Late Charge 45 days after expiration date25% Additional
- 1.5.4. Duplicate License (lost original, changing address, name of business, etc.)..... \$10.00
- 1.5.5. Temporary Licenses: Canvasser, Solicitors, and Other Itinerant Merchants
 - 1.5.5.1. Application Fee \$75.00
 - 1.5.5.2. License Fee \$10.00 for 10 consecutive calendar days
 - 1.5.5.3. Home Sales License Fee \$2.00 for 10 consecutive calendar days
 - 1.5.5.4. License for Public Assemblies of 30 or more people \$100.00 per day
- 1.5.6. Background Checks (when applicable).....\$7.00 (as charged to City)
- 1.5.7. Bond for Contracting Bonding License \$5,000.00
- 1.5.8. Liquor License \$300.00
- 1.5.9. Film Permit.....\$75.00
(Non-profit organizations and student productions are exempt)

1.6. Ordinance Enforcement:

- 1.6.1. Abatement of injurious and noxious real property and unsightly or deleterious objects or structures
..... Actual cost of abatement plus 20% of actual cost
- 1.6.2. Sign Impound Release Fee..... \$150.00 per sign (Except as abated by the City Council)

1.7. Community Development:

- 1.7.1. Master Development:
 - 1.7.1.1. Land Use Concept Plan* \$250.00
 - 1.7.1.2. Master Development Plan Application or Amendment \$6,000.00
 - 1.7.1.3. Capital Facility Plan Amendment Application Fee per Development \$9,750.00
 - 1.7.1.4. Concept Capital Facility Plan Amendment \$1,000.00
- 1.7.2. Rezoning Request \$1,350.00
- 1.7.3. Conditional Use:

1.7.3.1. Conditional Use (new)	\$500.00
1.7.3.2. Conditional Use (amendment)	\$200.00
1.7.3.3. Accessory Apartments	\$230.00
1.7.3.4. Application Fee – Alternative Animal Management Plan.....	\$25.00
1.7.3.5. Application Fee – Hobby Breeder License	\$75.00

1.7.4. Subdivisions:

1.7.4.1. Subdivision Concept Plan*	\$300.00 + \$5.00 for each ERU over 40
1.7.4.2. Revised Approved Plat and Recorded Plat Amendment Fee (per amended lot)	\$1,500.00 + \$25.00 per lot
1.7.4.3. Preliminary Plat Processing Fee.....	\$400.00 + \$60.00/Lot

1.7.4.4. Condominium Fees:

1.7.4.4.1. Conceptual Review*	\$650.00 + \$10.00 per ERU
1.7.4.4.2. Preliminary Plat Review	\$1,500.00 + \$26.00 per ERU
1.7.4.4.3. Site Plan and Final Plat Review.....	\$1,900.00 + \$50.00 ERU

1.7.4.5. Final Plat & Development Agreement Processing Fee	\$400.00 + \$95.00/Lot
--	------------------------

1.7.4.6. Inspection Fees: (Based on Engineers’ Estimate of the Project Cost).....	3.2%
.....of the first \$750,000.00 estimate, 1% of the estimate amount exceeding \$750,000.00	

1.7.4.7. Contractors, Subdivisions & Building Bonds:

1.7.4.7.1. Performance and Guaranty	110% of Value plus 2 year warranty
1.7.4.7.2. Contractor Infrastructure Protection Deposit.....	\$1,000 Cash deposit for one home or \$5,000.00 cash deposit for more than one concurrent home or project.
1.7.4.7.3. Owner Builder Protection Deposit.....	\$1,000.00 Cash deposit

1.7.4.8. Lot Split Application Fee	\$1,600.00
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1.7.4.9. Lot Line Adjustment Fee.....	\$575.00
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1.7.4.10. Revised Approved Construction Plans	\$600.00
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1.7.4.11. Recordation Fee.....	\$800.00
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1.7.4.12. Minor Plat Recording Fee.....	Staff Time + Utah County Recording Fee
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1.7.5. Site Plan Review Fees:

1.7.5.1. Residential Master Site Plan Review Fee.....	\$2,000 (5-10 Acres), \$4,000 (10 Acres +)
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1.7.5.2. Residential Site Plan Review Fee.....	\$60.00/DU
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1.7.5.3. Non-Residential Master Site Plan Review Fee	\$2,000 (5-10 Acres), \$4,000 (10 Acres +)
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1.7.5.4. Non-Residential Site Plan Review Fee	\$4,000.00 + \$250.00 per acre
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1.7.5.5. Temporary Non-Residential Site Plan Review Fee	\$1,580.00
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1.7.6. Annexation:

1.7.6.1. Application Fee	\$1,500.00 + \$5.00 per acre
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1.7.6.2. Capital Facility Plan Amendment Application Fee per Development	\$9,750.00
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1.7.7. Signs:

1.7.7.1. Permit Fee per Sign Face	\$50.00 (except as abated by the City Council)
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- 1.7.7.2. Sign Lease Fee As determined by the City Council
- 1.7.7.3. Sign Lease Application Fee..... \$50.00
- 1.7.8. Streets:
 - 1.7.8.1. Street dedication or vacation \$300.00
 - 1.7.8.2. Street name change application \$100.00
 - 1.7.8.3. New street sign for name change approval
- 1.7.9. Board of Adjustment: variance, non-conforming use, conditional use appeal, appeal of Zoning Administrator \$100.00
- 1.7.10. Disposal of City Property: An amount to be set by action of the City Council on a case by case basis depending on the cost to the City and a fair and equitable charge to the applicant.
- 1.7.11. Application for Amendment to the General Plan and Development Code including text and map amendments in the nature of property rezoning shall be subject to an application fee of \$400.00 (No fee is associated with suggestions from the public in the nature of improvements in the law, to amend the development code or general plan)
- 1.7.12. Land Disposal Application Fee \$150.00
- 1.7.13. Utah County Surveyor Review Fee \$125.00
(To be charged to initiating parties of annexations, disconnects, service district boundary creations or adjustments, consolidation of multiple local entities, or boundary adjustments between local entities.)

*Concept fees shall be credited towards additional application fees. Specifically, the processing fee required by the next application process shall be reduced by the amount paid for the concept plan review.

1.8. Utility Rates and Fees:

- 1.8.1. Concrete Inspection Permits:
 - 1.8.1.1. Curb and gutter.....\$1.00 per linear foot
 - 1.8.1.2. Sidewalk.....\$0.75 per linear foot
- 1.8.2. Excavation Permits, Asphalt/Concrete Cuts/Unimproved Surface:
 - 1.8.2.1. Minimum fee for cuts in paved surfaces more than 3 years old \$300.00
 - 1.8.2.2. Minimum fee for cuts in paved surfaces 3 years old or less..... \$2,000.00
- 1.8.3. Grading Permit:
 - 1.8.3.1. 101 - 1,000 Yd³\$27.00 (1.5 hrs staff time)
 - 1.8.3.2. 1,001 – 10,000 Yd³..... \$54.00 (3 hrs staff time)
 - 1.8.3.3. 10,001 – 100,000 Yd³.....\$108.00 (6 hrs staff time)
 - 1.8.3.4. Over 100,000 Yd³.....\$216.00 (12 hrs staff time)
- 1.8.4. Water Rates Services Fees:
 - 1.8.4.1. Deposit \$40.00
 - 1.8.4.2. Monthly Base Rate \$20.00
 - 1.8.4.3. Residential Tiered Water Rates:

<u>Small Lots Usage</u>	<u>Large Lots Usage (1,000 gallons)</u>	<u>Rate (Per 1,000 Gallons)</u>
Up to 65 kgal	Up to 120 kgal	\$0.80

65 – 115 kgal	120 – 170 kgal	\$0.85
115 – 165 kgal	170 – 230 kgal	\$0.90
Over 165 kgal	Over 230 kgal	\$0.95

1.8.4.4. Commercial & Industrial Tiered Water Rates:

	<u>Base Rate</u>	<u>Commercial</u>	<u>Institutional</u>
			\$20.00
Tier 1	Low	0	0
	High	170	500
	Cost	\$0.80	\$0.80
Tier 2	Low	170	500
	High	220	750
	Cost	\$0.85	\$0.85
Tier 3	Low	220	750
	High	-	-
	Cost	\$0.90	\$0.90

- 1.8.4.5. Construction Water Fee..... \$100.00
- 1.8.4.6. Construction Water Hydrant Rental Deposit..... \$900.00
- 1.8.4.7. Construction Water Hydrant Rental Fee \$10.00 per day for first 30 days;
\$100.00 per calendar month thereafter; together with Water Usage Rate of \$0.80 per kgal
- 1.8.4.8. Open Space Usage Rate \$0.80 per kgal
- 1.8.4.9. Meter Connection Fees: (In addition to Impact Fees where applicable)

- 1.8.4.9.1. Single Family Residential (meter size 5/8” or 3/4”) \$450.00
- 1.8.4.9.2. Commercial, Industrial or Multi Family Residential

<u>Water Meter Size</u>	<u>Connection Fee</u>
3/4”	\$450.00
1”	\$640.00
1 1/2”	\$1,260.00
2”	\$1,920.00
3”	\$3,600.00
4”	\$5,120.00

- 1.8.4.9.3. Impact Fee Addition when applicable
- 1.8.4.10. Contractors shall provide a PVC construction water jumper approved by the City. A fee will be charged for construction water usage prior to a water meter installation by the city. In addition to the regular fee any damage to the water system by the contractor, will be repaired by the contractor responsible at his expense plus any additional city fees.
- 1.8.4.11. Damage to hydrant or hydrant meter by contractor will be deducted from the Water Hydrant Deposit.
- 1.8.5. CWP Water Rate..... \$6,975.00 per acre foot
(CWP Water Rate shall increase by \$125.00 per year on July 1 of each calendar year unless otherwise adjusted by the City).
- 1.8.6. Banked Water Transfer Fee \$250.00

1.8.7. Sewer Rate and Fees:

- 1.8.7.1. Single Family Residential Usage Rate per ERU\$15.25 per month
 - 1.8.7.1.1. NSA Treatment Fee per ERU\$25.89 per month
 - 1.8.7.1.2. SSA Capital Bond Payment Fee per ERU\$27.75 per month
- 1.8.7.2. Reuse Water \$0.70 per gal
 - 1.8.7.2.1. Schools, Businesses and Churches
.....80% of water used for culinary purposes
- 1.8.7.3. Single Family Residential Connection Fee \$100.00 per ERU
(Impact Fee Additional Where Applicable)
- 1.8.7.4. Commercial, Industrial or Multi Family Connection Fee
.....Estimated Cost of Connection plus 15% Administration Fee
- 1.8.7.5. North Service Area Facilities – Extraterritorial Service Connection Fee for each single-family residential connection \$150.00
- 1.8.7.6. North Service Area Facilities – Extraterritorial Services Line Capacity Fee for SID 98-1 for each single-family residential unit..... \$470.00
- 1.8.7.7. North Services Area Facilities – Timpanogos Special Service District Connection Fee for each single family residential unit **\$2485.00**
Fee Breakdown: **\$2475.00** for TSSD - \$10.00 EMC Administrative Fee
- 1.8.7.8. North Service Area Facilities – Extraterritorial Sewer Service Usage Fee\$42.84 month

1.8.8. Natural Gas Rate and Fees:

- 1.8.8.1. Service Deposit \$40.00
- 1.8.8.2. Natural Gas Rates:

	Gas Rates	Rate
Residential	Customer Charge (\$/month)	\$9.47
	Energy Charge (\$/dekatherm)	\$6.74
Commercial/Government	Customer Charge (\$/month)	\$47.33
	Energy Charge (\$/dekatherm)	\$6.74
Industrial	Customer Charge (\$/month)	\$378.60
	Energy Charge (\$/dekatherm)	\$6.74
Large Industrial	Customer Charge (\$/month)	\$378.60
	Wheeling (\$/Dekatherm)	\$1.00

- 1.8.8.3. Single Family Residential Connection Fees
 - 1.8.8.3.1. Single Family Residential Connection Fee (2lb/4oz meter sets)..... \$1,502.90
 - 1.8.8.3.2. Rock Adder\$14.00/lf
 - 1.8.8.3.3. Frost Adder.....\$11.00/lf
- 1.8.8.4. Commercial, Industrial, or Multi Family Connection Fee
.....Estimated Cost of Connection plus 15% Administration Fee
- 1.8.8.5. Natural Gas and Electric Infrastructure Layout for Residential Subdivision and Offsite Layout per contract with Intermountain Consumer Professional Engineers, Inc. (ICPE):
 - 1.8.8.5.1. All subdivision.....\$1,000.00 – First 15 lots or less
 - 1.8.8.5.2. Subdivisions with 16 or more lots ...\$30.00/lot for lots in excess of 15 lots

1.8.8.5.3. Off sites will be calculated according to the following rates on a time and expenses basis:

Project Engineer	\$76.00 - \$86.00 per hour
Engineer.....	\$66.00 - \$76.00 per hour
Design Technicians.....	\$64.00 - \$74.00 per hour
CADD Drafter	\$39.00 - \$45.00 per hour
Mileage	\$0.50 per mile

1.8.8.5.4. Eagle Mountain City will charge a five percent (5%) administration fee to the total cost of the project.

1.8.8.5.5. Eagle Mountain Developers will provide electronic (AutoCAD) drawings/maps (drawings) of new/re-platted subdivisions, showing easement locations (public utility easements or PUEs); the arrangement of the sewer, water, roads, sidewalks, lot boundaries, and landscaping areas (green spaces); and other improvements. Overall development plans for all planned phases of large multi phase (plat) subdivisions should be provided to allow for a coordinated design of the electric and natural gas infrastructure. These drawings will be used as the background for electric and natural gas infrastructure layouts. Separate drawings will be developed for the electric and natural gas infrastructure.

1.8.8.5.6. Eagle Mountain City will provide paper or electronic (AutoCAD) drawings (electronic drawings are preferred) of existing natural gas and electric infrastructure included in existing developments off sites at that border subdivisions for which infrastructure layouts are to be prepared. If this information is not available, field surveys will be completed on a time and expenses basis to obtain the required information. This includes time to verify the existence of above grade existing facilities at the point(s) of interconnection between existing and new subdivisions only.

1.8.8.6. Collection of Infrastructure damage costs will be levied against the contractor bond posted with the City if the damage is caused by a contractor and will be collected as a surcharge on the monthly utility services billing if damage to City facilities is caused by a customer.

1.8.8.7. Infrastructure damage will be assessed at full costs to repair, including all direct and indirect cost expended by the City. Additional penalties will be pursued as allowed by Utah Law.

1.8.8.8. Fee Structure:

- 1.8.8.8.1. Materials Direct Cost + 15% (Acquisition, Storage, Handling)
- 1.8.8.8.2. Labor Direct Cost + 100% (Overtime & Benefits)
- 1.8.8.8.3. Vehicles Hourly Rates:

½ - ¾ ton pick-up truck	\$25.00 per hour
1 ton pick-up/tooled utility bed.....	\$50.00 per hour
7000 Series to 10 wheels dump	\$75.00 per hour
Backhoe	\$100.00 per hour
Heavy Equipment (Digger Derrick, Bucket Truck, Loader, Track Hoe, etc.)	\$125.00 per hour
Eagle Mountain City Fee	\$500.00
Administration cost for each incident	10%
.....(Billing, Cash, Receipting, Collection)	

1.8.9. Electric Power Rate and Fees:

1.8.9.1. Service Deposit \$40.00

1.8.9.2. Electric Rate Schedules:

	Electric Rates	Rate
Residential <i>(Residential electric rate expires at the end of the October 2013 billing cycle.)</i>	Customer Charge (\$/month) Energy Charge (\$/kWh)	\$9.00 \$0.0995
Residential <i>(Residential electric rate takes effect at the beginning of the November 2013 billing cycle.)</i>	Customer Charge (\$/month) Energy Charge (\$/kWh)	\$10.14 \$0.10459
Open Space Irrigation Time Clock	Service Charge (\$/month) Energy Charge (\$/kWh)	\$10.14 \$0.10459
Commercial/Government Non-Demand (Demand <25 kW)	Service Charge (\$/month) Energy Charge (\$/kWh)	\$51.84 \$0.09313
Commercial/Government Demand Low Load Factor(1)(2)	Service Charge (\$/month) Demand Charge (\$/kW) Energy Charge (\$/kWh)	\$165.57 \$7.57 \$0.03430
Commercial/Government Demand High Load Factor(1)(2)	Service Charge (\$/month) Demand Charge (\$/kW) Energy Charge (\$/kWh)	\$296.91 \$7.17 \$0.03430
Large Power (Demand > 200kW)	Service Charge (\$/month) Demand Charge (\$/kW) Energy Charge (\$/kWh)	\$753.70 \$7.16 \$0.03430

(1) High load factor applies to customers with an average monthly load factor greater than 30%
Load Factor = (kWh purchased/720)

(2) Annual peak Demand between 25kW and 200 kW

1.8.9.3. Single Family Residential Connection Fees:

1.8.9.3.1. Single Family Residential Connection Fee up to 200 Amps \$654.16

1.8.9.3.2. Single Family Residential Connection Fee over 200amps ...Estimated cost plus 15%

1.8.9.4. Commercial, Industrial or Multi-Family Connection Fee

.....Estimated Cost of Connection plus 15% Administration Fee

1.8.9.5. Single Phase Temporary Power \$175.00

1.8.9.6. Three Phase Temporary Power

..... Estimated Cost of Connection + 15% Administration Fee

1.8.9.7. Open Space_Irrigation Time Clock Connection Fee..... \$350.00

1.8.9.8. Rescheduling Fee \$50.00

(Fee to be charged to contractors who request temporary power, utility meter, or service lateral installation and are not ready.)

1.8.9.9. Net Metering Electrical Connection Fee for Existing Residential Dwellings:

1.8.9.9.1. New Meter \$300.00

1.8.9.9.2. Credit for Net Excess Kilowatt Hours (kWh) generated by customer ...\$.04per kWh

(Credit applies when the energy generated by customer and distributed back to the City's electric distribution system during the billing period, or any portion thereof, exceeds the energy supplied to the customer by the City's electric distribution system.)

1.8.9.10. Reconnect/Disconnect Fee \$25.00

1.8.10. Storm Water Fee \$4.00 per ERU

1.9. Park:

Park Use Deposit Fee..... **Up to \$1,000***

***Set at time of application which may be up to \$1,000.00, depending on the use and rental time.**

1.9.1. Park Reservation:

	Resident	Non-Resident
Nolan Park <i>Pavilion Only</i>	\$15 – ½ day (10am to 2pm/4pm to dusk) \$30 – full day (10am to dusk)	\$25 – ½ day (10am to 2pm/4pm to dusk) \$50 – full day (10am to dusk)
Eagle Park Commons <i>Pavilion Only</i>	\$25 – ½ day (10am to 2pm/4pm to dusk) \$50 – full day (10am to dusk)	\$50 – ½ day (10am to 2pm/4pm to dusk) \$75 – full day (10am to dusk)
Silver Lake Amphitheater	\$25 – ½ day (10am to 2pm/4pm to dusk) \$50 – full day (10am to dusk)	\$50 – ½ day (10am to 2pm/4pm to dusk) \$75 – full day (10am to dusk)
Silver Lake Amphitheater <i>Pavilion Only</i>	\$15 – ½ day (10am to 2pm/4pm to dusk) \$30 – full day (10am to dusk)	\$25 – ½ day (10am to 2pm/4pm to dusk) \$50 – full day (10am to dusk)
Pioneer Park <i>Pavilion Only</i>	\$15 – ½ day (10am to 2pm/4pm to dusk) \$30 – full day (10am to dusk)	\$25 – ½ day (10am to 2pm/4pm to dusk) \$50 – full day (10am to dusk)
Walden Park <i>Pavilion Only</i>	\$15 – ½ day (10am to 2pm/4pm to dusk) \$30 – full day (10am to dusk)	\$25 – ½ day (10am to 2pm/4pm to dusk) \$50– full day (10am to dusk)
Meadow Ranch Park B <i>Pavilion Only</i>	\$25 – ½ day (10am to 2pm/4pm to dusk) \$50– full day (10am to dusk)	\$50 – ½ day (10am to 2pm/4pm to dusk) \$75 – full day (10am to dusk)
Sage Valley Park <i>Pavilion Only</i>	\$25 – ½ day (10am to 2pm/4pm to dusk) \$50– full day (10am to dusk)	\$50 – ½ day (10am to 2pm/4pm to dusk) \$75 – full day (10am to dusk)
Pony Express Park <i>Pavilion Only</i>	\$25 – ½ day (10am to 2pm/4pm to dusk) \$50– full day (10am to dusk)	\$50 – ½ day (10am to 2pm/4pm to dusk) \$75 – full day (10am to dusk)
Overland Trails Park <i>Pavilion Only</i>	\$25 – ½ day (10am to 2pm/4pm to dusk) \$50– full day (10am to dusk)	\$50 – ½ day (10am to 2pm/4pm to dusk) \$75 – full day (10am to dusk)
Eagle Point C <i>Pavilion Only</i>	\$25 – ½ day (10am to 2pm/4pm to dusk) \$50– full day (10am to dusk)	\$50 – ½ day (10am to 2pm/4pm to dusk) \$75 – full day (10am to dusk)
North Ranch <i>Pavilion Only</i>	\$25 – ½ day (10am to 2pm/4pm to dusk) \$50– full day (10am to dusk)	\$50 – ½ day (10am to 2pm/4pm to dusk) \$75 – full day (10am to dusk)

1.9.2. Soccer Field Rental:

1.9.2.1. Four-hour block, including line painting and restrooms \$250.00

1.9.2.2. Four-hour block, not including line painting and restrooms \$60.00

1.9.2.3. One hour, alone or in addition to a four-hour block, no line painting or restrooms ... \$15.00

1.9.3. Arena Fee Schedule:

1.9.3.1. Daily Rental, w/arena preparation 5 hrs and above \$350.00

1.9.3.2. Hourly Rental, arena as is less than 5 hrs \$30.00/hr

1.9.3.3. Full arena preparation water/worked \$75.00

1.9.3.4. Groomed Preparation Single Pass \$25.00 per work

1.9.3.5. Annual Single Riding Pass \$50.00

1.9.3.6. Annual Family (living at home dependents) Riding Pass \$100.00

1.9.3.7. Stall Rental 1-23 Daily \$15.00 first day/\$5 after

1.9.3.8. Day usage per-horse\$5/day per horse

Arena users must execute an application for arena use for each rental or have an arena use application on file at City Offices and verify availability of the arena for rental. Arena and stall rentals, hourly and daily will include a minimum deposit set at the time of application which may be up to \$1,000.00 depending on the use and rental time. All stall rentals and animal storage areas do not include feed or water (water is available on site) it's the renters responsibility for caretaking of the rented space and animals within. All rentals are interruptible at any time by the City to sponsor an event.

1.9.4. Sheriff's Office:

1.9.4.1. Personnel Fee – Deputy (four hour minimum)\$53.00 per deputy per hour

1.9.4.2. Vehicle Fee \$0.50 per mile per vehicle

1.9.5. Energy Department:

1.9.5.1. Personnel Fee..... Direct Cost + 100% (Overtime & Benefits)

1.9.5.2. Spider Box Rental, includes 100' of cord \$50.00

1.9.5.3. Additional 50' of cord \$15.00

1.9.6. Public Works Department:

1.9.6.1. Personnel Fee..... Direct Cost + 100% (Overtime & Benefits)

1.9.7. Cemetery Fees:

1.9.7.1. Purchase of Burial Plot Fee:

1.9.7.1.1. Eagle Mountain City Resident \$550.00

1.9.7.1.2. Non-Resident \$1000.00

1.9.7.2. Interment (opening/closing of the burial plot):

1.9.7.2.1. Adult \$300.00

1.9.7.2.2. Infant..... \$200.00

1.9.7.3. Weekend/Holiday (additional fee that municipal cemeteries charge to cover labor for overtime/holiday pay) \$300.00

1.9.7.4. Inspection fee (City staff will inspect the vault to ensure that the headstone is set correctly and according to regulations.) \$35.00

2. General Utility Fees:

PAYMENT OF CHARGES, REIMBURSEMENT FOR PROFESSIONAL FEES, AND COLLECTION OF PAST DUE ACCOUNTS. This section amends, enacts new provisions and restates and consolidates prior resolutions of the City Council of the City of Eagle Mountain and clarifies the requirement for collection of facilities, construction payments, past due accounts and other remedies to collect past due accounts from development applicants and others.

2.1. As additional fees for development review and approval, each development applicant shall be responsible to reimburse the City of Eagle Mountain for all excess fees and charges plus 10% administrative costs incurred by the City of Eagle Mountain in the review and processing of the development applicants application for Subdivision, site plan review, building permit, Master Site Plan (original or amended) or other development review. Existing application fees stated above payable by applicants include reasonable monetary charges for professional services required to the City to review and process the developers application, however, if the project or development review requires more professional or other third party services than anticipated and provided for in the original application fee, the developer shall be responsible to reimburse the City for the excess reasonable fees and charges incurred in the review, processing and compliance assurance required by the City to complete consideration of the developers application. Such fees and charges shall accrue to, and are payable by, the

- development entity which executes the development application, or enters into a development agreement with the City of Eagle Mountain as required under the City Development Code.
- 2.2. The City shall bill developers for excess reimbursable fees accruing under paragraph A above and all other charges on a regular basis within forty-five (45) days of the payment of such reimbursable fees and/or accrual of other charges to the developer by the City. The billing by the City shall be in reasonable detail to permit the developer applicant to determine the reason for the expenditure, the project for which the fees or charges were incurred, and the rate or other basis for the reimbursement or other charge. Billings for reimbursable fees are due upon receipt and if the balance due is not paid within thirty (30) days of mailing, the developer applicant account is delinquent and the developer applicant is in default on its reimbursement fee obligations to the City. Every billing statement from the City to a developer shall be deemed correct, accurate, undisputed and due in full unless the City Treasurer is notified in writing of a dispute bill in reasonable detail to ascertain the exact question or matter in dispute within thirty (30) days of the postmarked date on the mailed statement or the date of hand-delivery if the statement is not delivered through the U.S. Mail.
- 2.2.1. Developer applicants, or their representatives, may informally confer with City staff to obtain further information, ask questions, and receive clarification of charges included on the billings. An informal conference may result in changes to the invoice from the City to the developer applicant.
- 2.2.2. If the invoice is corrected or changed, the developer applicant shall pay the corrected invoice within fifteen (15) days after receipt of a corrected invoice.
- 2.2.3. If the developer applicant does not dispute the billing, request information and engage in an informal conference with staff concerning the billing, the invoice shall be due thirty (30) days from the date of the invoice. Billed invoices shall be due and payable to the City thirty (30) days from the date of the invoice in the case of undisputed invoices and fifteen (15) days after receipt of a corrected invoice in the case of an invoice corrected after an informal conference or corrected after a decision by the City council.
- 2.2.4. If the developer applicant disputes any charge on the invoice from the City to the developer applicant, the developer applicant shall pay the amount of the invoice and notify the City in writing of the dispute, indicating each disputed item and the reason each disputed item is disputed. The total sum of all disputed items shall constitute the contested amount of the payment by the developer applicant to the City.
- 2.3. The City Treasurer shall receive the disputed payment and the contested amount and shall notify the City Recorder of the contested payment. The City recorder shall notify the Mayor and provide the Mayor and Council with the statement of dispute received from the developer applicant.
- 2.3.1. The City Council shall consider the payment dispute in a regularly scheduled City meeting. Notice of the time, date and place of the meeting where the disputed statement will be considered by the City Council will be mailed to the developer applicant not less than five (5) days before the date of the meeting. The developer applicant may be present and present any statement or evidence supporting the developer applicant's position with respect to the dispute.
- 2.3.2. City Council shall cause the party to whom disbursement was made by the City to be present at the hearing on the disputed amount and after hearing all of the relevant evidence and statements of parties and staff, the City Council shall vote on each disputed item and determine whether or not to direct a refund to the developer applicant for any disputed charge. A final decision by the City Council may be made in the absence of the developer applicant disputing the statement in dispute.
- 2.4. Developer applicants must remain in good standing with all amounts due and payable to the City paid as such amounts become due. Developers or Master Developers who are delinquent in payment of reimbursable fees and charges to the City except facilities construction fee payments under Section 2.4.1, 2.4.2 and 2.4.3, or other charges to the City, are deemed to be in default and all processing of all applications before the City staff, Planning Commission or City Council shall be tabled until the developer applicant's default is cured by the timely payment of all fees and charges or the execution of an agreement for the payment of all fees and charges

acceptable to the City Treasure or Administrator. Except as provided below, City staff are specifically instructed to verify that each Master Developer or developer applicant is in good standing with respect to all fees and charges owed to the City before presenting developer applications to the Planning Commission agenda or the City Council agenda, and specifically before recordation of plats or final signing and approval of site plans, building permits, or other development approval applications.

- 2.4.1. Master Developers obligated to facilities construction fee payments to the City who are not current in the payment of all facilities fee construction payments and all major development applicants within the respective master development areas where the Master Developer is not current on all facilities fee construction payments, may qualify to continue to process major development subdivision applications as provided by the Development Code under special rules established in this Section 2.4.1 and in Section 2.4.2 and 2.4.3.
 - 2.4.2. Whenever a Master Developer is not current in the payment of facilities fee construction obligations, major development subdivision applications may be processed by the Planning Commission and City Staff and City Engineer up to consideration of the final plat of the subdivision by the City Council. No final vote shall be taken on the final plat or on the approval of a development agreement if the Master Developer or subdivider is in default in the payment of facilities fee construction obligations to the City. The Council shall not vote on the final plat or the subdivision development agreement for the period of time the Developer remains in default in the payment of the facilities fee obligations. The vote may be scheduled on the final plat and subdivision development agreement after the expiration of the period of time equal to the time between the date the facilities fee payment should have been paid to the City by the Master Developer and the date the payment was received by the City.
 - 2.4.3. Master Developers may qualify for the alternative processing provisions described in Sections 2.4.1 and 2.4.2, but shall only be qualified for the alternative processing if the Master Developer is current at the date of each processing request in the completion of all outstanding projects required to be completed at the date of the processing request. Master Developer projects include, but are not limited to, the completion of all subdivision development improvements required to be constructed by the Master Developer, the completion of parks or other improvements, or the completion of other public improvements or dedication of open space consistent with the Master Developer's.
- 2.5. Utility customer's accounts are due and payable by the last day of each month. Customers who do not pay the full amount of the utility billing invoice on or before the last day of the month are in default and are subject to disconnection of utilities and collection of the delinquent amounts. This section describes the process for notification, termination of services, penalty/reconnection fees, and provision for deferred payments schedule contracts.
- 2.5.1. Delinquent accounts will be charged a fee of the greater of \$25.00 (twenty-five dollars) or 1% of the delinquent balance amount at the beginning of each month the accounts are delinquent.
 - 2.5.2. A final notice will be sent to the billing address within ten (10) days after the first working day of the month notifying the customer that if full payment of the past due balance is not received within seven (7) days after the notice that their service(s) will be subject to termination. Customers will be invited to contact City staff during this seven (7) day period to make special arrangements under extenuating circumstances, which may be approved by the City under the provisions of Section 2.5.4 below.
 - 2.5.3. Services terminated for non-payment shall not be reinstated (reconnected) until payment of the past due account balance along with a reconnection fee of \$50 has been paid to the City. The reconnection fee shall be charged, unless the City has received payment at or before 5:00 p.m. on the day specified by the City, regardless of whether or not the service(s) were actually terminated. City employees who perform the actual shutoff are not allowed to receive payment for Utility Services.
 - 2.5.4. A deferred payment schedule contract may be entered into with a delinquent customer, provided that the deferred payment schedule does not extend for a period of more than (1) year, provides for a specific amount in addition to payment of their current bill, to be paid each month together with interest as provided in Paragraph 2.6 below. Utility customers who do not comply with the terms of an

executed deferred payment schedule contract, are subject to termination of service after the City provides the final notice provided in Section 2.5.2 above. Service terminated after default on a deferred payment contract shall not be reinstated until the past due balance has been paid in full. The City may, at its discretion, require an additional utility deposit be paid up to an amount equal to two (2) times the average monthly billing for the utility service.

2.5.5. Customers will be charged a \$75.00 fee to turn utilities on for three business days. If the request is made for the utilities to be activated on Friday, then Saturday and Sunday would count as one business day and their 3-day period would then go from Friday through Monday.

2.6. All bills for utility service, invoices for reimbursable fees or other charges owed to the City of every kind and nature except for returned checks shall be charged a fee of twenty five dollars (\$25.00) or 1% of the unpaid balance whichever is greater.

2.6.1. Each check or other instrument tendered to the City for payment of an obligation to the City and returned to the City as a dishonored instrument shall accrue the maximum penalty, services charges and other allowable fees for recovery of the amount due allowed by Utah law.

2.6.2. Unpaid City accounts may be sent to Collections after a reasonable attempt has been made to collect the unpaid amounts. Collections will be pursued to the full extent of the law. A \$50 fee will be added to any account sent to collections.

OTHER FEES. This Consolidated Fee Schedule is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other resolutions, ordinances, or laws except to effect modification of the fees reflected above. The fees listed in the Consolidated Fee Schedule supersede present fees for services specified, but all fees not listed remain in effect. Where this Consolidated Fee Schedule imposes a higher fee than is imposed or required by existing provisions, resolution, ordinance, or law, the provisions of this Resolution shall control.