# MINUTES
# EAGLE MOUNTAIN CITY COUNCIL MEETING

**January 6, 2015**

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

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

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Norman, Public Works Director; Adam Ferre, Energy Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Utah County Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:09 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information 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.

   Before the agenda review, Mayor Pengra noted that, at last month's special City Council meeting, funds were approved to fight the proposed relocation of the State Prison to Eagle Mountain. At tonight's meeting, a plan was to be proposed for spending that money. Since then, he and the Council have decided that the City shouldn't need a lobbyist when it has a full-time Mayor to advocate for its interests. If a lobbyist appears to be necessary in the future, a specific plan will be brought before the Council.

   He and City staff have a meeting tomorrow with The Louis Berger Group and Epic Engineering to try and reconcile the difference between their estimates for the infrastructure costs and the City's estimates, based on their data. He and staff will make a presentation to the Prison Relocation Committee and invite them to visit the site. Mayor Pengra has consulted with outside legal counsel to get preliminary information on what legal defenses the City would have and what strategy the City might be able to use. It was only information gathering at this stage, not retaining counsel.

   10. FY 2014 Audit Report

   Ron Stewart of Gilbert & Stewart, the City's Auditor, reviewed the fiscal year 2014 audit.

   Mr. Gilbert read the opinions section of the audit report and stated that it represents the best auditing opinion a city can receive. The City has received a Government Finance Officers' Association Distinguished Budget Award for each of the last four years, which requires reporting above the State's requirements.

12. Harmony Preliminary Plat

Planning Director Steve Mumford presented the changes in the development agreement since the last time it was presented to Council.

Housing style definitions now match those in the Municipal Code.

The applicant would not agree to a redefinition of "single row" to include more variety in lot size and fewer small lots. He maintains that "single row" means three lots in a row.

Councilmember Burnham asked for more specific language: "No more than three homes in a row of the same elevation or color shall be located along a single row of homes."

Councilmember Bradley suggested amending the City's architectural standards to specifically indicate that style and color of adjacent homes need to be different.

The applicant agreed to install 22' of driveway from the property line (the sidewalk) to the home.

Transitioning and landscaping will be reviewed at the site plan level. Densities for the multi-family areas are shown in the master development plan. The City's intent is that densities go from multi-family condos to townhomes to single-family homes.

The applicant agreed to comply with the drainage standards in the Municipal Code at the time of final plat and/or building permit submittal.

Councilmember Ireland felt that the parks should be designed so that they can work as detention basins and still work as practice fields for children's teams.

In discussion, the applicant stated that the project will have a homeowners' association (HOA), but no language concerning the HOA was added to the agreement.

In a previous meeting, the Council asked for more architectural standards, but the applicant didn't agree to that or to add plat approval expirations or minimum performance standards.

The Council had also asked for additional parks large enough for team sports use, but the applicant didn't agree. He has complied with the parks and open space standards in the 1997 Development Code. While the applicant supports the preservation of the Pony Express Trail, he did not agree to improve the open space along the Pony Express Trail, because the standards have already been met.

Mayor Pengra pointed out that the City has no comprehensive plan for the Pony Express Trail. The general intent is to have fairly natural landscaping along the Trail so that it doesn't lose its historical appearance.

Councilmember Ireland felt that the City should create a comprehensive plan for the Trail.

Mayor Pengra suggested that a plan be considered in the next budget process.

Councilmember Ireland said he contacted Mike Wren, the applicant's representative, yesterday about the plans for the HOA. He wanted to clarify the HOA's responsibilities. Mr. Wren provided a written description as follows:

"The Harmony development, including the commercial and multi-family areas, will be part of the Harmony Homeowners' Association (HOA). All of the parks and public spaces, identified as Parcels A through W on the Harmony preliminary plat, will be dedicated to Eagle Mountain City with the respective final plats. All trail corridors and certain other spaces (M through W) will be maintained by the HOA, which will have rights of access for that maintenance. All of the parks and open space areas are to be maintained by Eagle Mountain City."

Mr. Wren clarified that all of the open spaces, including the trails between the lots, will be owned by the City. The HOA will have rights of access to the areas it will maintain. Parcels M through W will be maintained by the HOA.

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

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

The meeting was adjourned at 5:05 p.m.

**POLICY SESSION – CITY COUNCIL CHAMBERS**

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Norman, Public Works Director; Steve Mumford, Planning Director; Linda Peterson, Public Information Director.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Christmas Tree Disposal –** The City offers free Christmas tree disposal. Leave live Christmas trees, stripped of all decorations, on your curb (not in the gutter) now through January 16 and we will pick it up as soon as possible and dispose of it for you.
- **Utilities Mapping –** FYI, employees of Rocky Mountain Power and Questar Gas are going to be in neighborhoods doing mapping and checking meters and the gas system in preparation for the utility sale. This will include coming onto residential property. Employees should be in marked vehicles and uniforms and have ID. This process will take approximately a couple of months.
- **Women's Volleyball –** The City Parks and Recreation Department is offering registration for Women's 6 on 6 Volleyball through January 19. Single players looking for a team may also sign up via a link on the Recreation page of the City website.
- **City Offices Closed** – The City offices and library will be closed Monday, January 19 for the Martin Luther King Jr. holiday.

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

Marianne Smith wished the Mayor and Council happy new year and asked for the latest information on the prison relocation.

Mayor Pengra stated that the Prison Relocation Commission has reduced the sites being considered to three, one of which is Eagle Mountain. The City Council passed a resolution at a special meeting last month, providing $50,000 from the budget for a lobbyist. Since then, the Mayor and Council have decided that the Mayor will be able to present the City's position as well as a lobbyist. He will continue to have meetings with the Commission to reconcile their assumptions about the site and their relocation cost figures with the City's. If it becomes clear that the Commission understands the City's position and moves ahead anyway, it may be time to hire a lobbyist.

Mrs. Smith asked if there are any upcoming meetings scheduled and if would help to have residents attend meetings. Mayor Pengra said that when a meeting is scheduled, he'll let residents know. He feels that resident involvement is important to the process.

Drew Curley, president of the Cold Springs HOA, let the Mayor and Council know that several sub-HOAs are suing The Ranches HOA for failure to provide services to residents. He encouraged the Council and Planning Commission to carefully consider what an HOA really provides when new subdivisions are proposed.

Charles Carlile was at the December 22nd Prison Relocation Commission meeting. He's very angry at the State government and is concerned about the negative effects on the City. He's angry about Sen. Mark Madsen not representing his constituents. Senator Madsen is legal counsel for John Walden, the landowner who offered his land for the prison relocation.

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

<u>Councilmember Steinkopf</u>
Councilmember Steinkopf was happy to be at the meeting after his absence. He advised everyone to avoid breaking a hip.

Councilmember Burnham
Councilmember Burnham thanked the Mayor and the residents for their efforts to oppose the prison being relocated to Eagle Mountain. She also asked residents not to be disrespectful of the cemetery. It's not meant for recreation like four-wheeling. She also asked residents to call the Sheriff's Office non-emergency dispatch number if they see people using the cemetery for recreation.

Councilmember Ireland
Councilmember Ireland expressed his appreciation to Finance Director Paul Jerome and his staff for their hard work on the budget audit.

Councilmember Westmoreland
Councilmember Westmoreland welcomed everyone to the meeting and looked forward to a good new year.

Councilmember Bradley
Councilmember Bradley welcomed Councilmember Steinkopf back to attending meetings after his injury. He encouraged residents to be involved in the State Legislature's session. He also asked them to be involved in the City budget process, which will begin shortly.

Mayor Pengra
Mayor Pengra said he was putting together a State of the City report, which will be completed by the end of this month.

**CONSENT AGENDA**

9. MINUTES
   A. December 2, 2014 – Regular City Council Meeting

10. FY 2014 AUDIT – Acceptance of the FY 2014 Financial Audit

11. BOND RELEASE – Into Warranty
   A. SilverLake, Plat 8
   B. Valley View North, Plat A-5

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

Mr. Jerome thanked his staff for all the work they put into the audit process, and thanked the City's auditors for their efforts.

**SCHEDULED ITEM**

12. AGREEMENT – Consideration of a Development Agreement for the Harmony Preliminary Plat.

This item was presented by Steve Mumford, Planning Director. The Harmony preliminary plat is a 772-acre project located southwest of the Overland Trails subdivision and west of Pony Express

Parkway. The project contains 2,535 single-family lots, 92 acres of future multi-family housing, 27 acres of commercial land, six churches, a junior high school site, and various parks. This plat was approved by the Planning Commission on March 25, 2014. One of the conditions was that a development agreement be approved by the City Council. It was presented to the City Council at the December 2, 2014 meeting. The Council denied the application and requested that the developer and staff work out issues with the project.

The Planning Department has been working with the applicant since that meeting. About half of the issues have been resolved. The others will remain as the applicant requested. Mr. Mumford gave a brief review of those issues, which were discussed in Work Session.

Councilmember Bradley said he didn't like high-density projects, but a variety of housing is good for a city. He believed that the high-density areas of this project should be closer to a major roadway. However, he felt the City needs to comply with the owner's property rights and master development agreement.

**MOTION:** ***Councilmember Ireland moved to approve a development agreement for the Harmony preliminary plat, as amended. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

Mayor Pengra said he supported the Council's decision. The needs of the community have to be balanced against the owner's property rights. The owner has made concessions, even though he felt he had the right not to make them.

Councilmember Westmoreland thanked Mike Wren, the owner's representative, for being at the meeting tonight.

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

<u>Councilmember Steinkopf</u>
No comment.

<u>Councilmember Burnham</u>
Councilmember Burnham said the City is in need of Youth City Council advisors. Mr. and Mrs. Hill have been doing it for five years or more. Fionnuala Kofoed, City Recorder, said they have been serving since April, 2008.

<u>Councilmember Ireland</u>
No comment.

<u>Councilmember Westmoreland</u>
No comment.

<u>Councilmember Bradley</u>
No comment.

Mayor Pengra
No comment.

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

None.

15. COMMUNICATION ITEMS
    a. Upcoming Agenda Items
    b. Financial Report

16. ADJOURNMENT

**MOTION:** ***Councilmember Ireland moved to adjourn the meeting at 7:52 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

APPROVED BY THE CITY COUNCIL ON JANUARY 20, 2015.

Fionnuala B. Kofoed, MMC
City Recorder