

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 16, 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 – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Adam Bradley participated by telephone. Mayor Pengra was excused to attend another meeting.

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 Mortensen, City Treasurer; Aaron Sanborn, Financial Analyst; David Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Councilmember Ireland, as Mayor Pro Tem, called the meeting to order at 4:08 p.m. Mayor Pengra was excused to represent the City at a Prison Relocation Commission public hearing. He was expected to be at City Council meeting later in the evening.

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 only and do not require action by the City Council.

None.

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

15. FY 2015 Final Budget Amendments

Assistant City Administrator/Finance Director Paul Jerome discussed the budget amendments.

General Fund: There were adjustments on banking fees. Attorney fees were divided between the General Fund and Enterprise Funds early in the fiscal year, due to the legal services needed during the sale of the electric and gas utilities, and not quite enough was attributed to the General Fund. Engineering Department personnel costs needed to be adjusted due to the utility sale. Workers' Compensation needed to be adjusted, again due to the sale. The amount needed for dispatch services was underestimated in the approved budget and had to be increased.

Enterprise Funds: \$51,000 was added for water meters, as new growth exceeded expectations.

Debt Service: Reimbursement payments from developers exceeded expectations. That allowed the City to increase its bond payments. The rest of the changes are buy-ins and a bond call. The road bond was paid off, but some agent fees were unaccounted for.

Impact Fees: Reimbursement agreements are brought to the Council throughout the year. An amendment is needed to “true up” all of the impact fees. This is strictly related to revenue coming from growth.

Councilmember Bradley asked Mr. Jerome what the final increase is from the approved budget to the final budget after all the amendments. Mr. Jerome responded that from all of the budget amendments approved through the year, the increases were \$725,000 for the General Fund, \$237,000 for the Enterprise Funds, \$19,000 for the Special Revenue Funds, \$1.2M for Capital Projects, \$2.1M for Debt Service and \$405,000 for Impact Fees.

Councilmember Bradley asked by what percent the FY 2015 budget increased from what was approved. Councilmember Ireland suggested only looking at the General Fund and Enterprise Funds, since those are the ones the Council has control over. Mr. Jerome said there was about a 10% increase in the General Fund and 20% in the Impact Fee funds. The General Fund increased \$725,000 from the approved budget of \$7.6M. Capital Projects was approved at \$1.223M; the amendments added \$1.205M.

Councilmember Bradley was frustrated that the final budget was so different from the approved budget. He wondered why the Council bothered planning a budget at all. He felt the Council was being asked to approve changes at the last minute, most of which were already promised or spent.

Mr. Jerome pointed out that the assessment areas covered by the Debt Service Funds are governed by assessments received and the financial advisory process. The impact fee reimbursement agreements were brought before Council and approved, but hadn't been in place when the Council approved the budget a year ago. They have to be accounted for in the final budget. Some of the General Fund expenditures, like the Dump Fire payment, were expected, but the City didn't know when they would be invoiced. Others were emergency expenditures like the replacement of the computer servers.

Councilmember Bradley requested a summary of the changes from the approved budget to the final budget in FY 2016, the increase in cost per resident, and where the City is compared to the 25% reserve fund permitted by State statute. He wanted to know what the City can do now to prevent such a large overage a year from now.

Councilmember Ireland noted that most of the amendments have already come before the Council and have already been approved. While the total amendments over the course of the year made a \$725,000 increase, \$192,000 is what is being approved at this meeting. Staff has been carrying out the Council's decisions throughout the year.

Councilmember Bradley said that each time one of those amendments came before the Council, he felt like his hands were tied and the Council was just “rubber stamping” the expenditure. Councilmember Burnham pointed out that there were vigorous debates on the traffic signal and the cemetery before the majority of the Council voted to approve them. Councilmember Bradley said that he voted against both of those, and now he has to swallow an overage.

Councilmember Ireland stated that those decisions were approved by the majority of the Council. These last amendments “true up” some of the numbers so the auditor finds the budget compliant with State regulations.

Mr. Jerome said the City has never exceeded the overall General Fund budget, but the budget is divided into five sections, according to State Code. If there's an overage in one section, the auditor finds the whole budget non-compliant, even if the other sections are under budget.

Councilmember Bradley wanted to know what would happen if the Council denied the motion to approve the amendments. Mr. Jerome said City staff would have to find ways to absorb the changes and would probably be found in budgetary non-compliance by the auditor.

#### 16. FY 2016 Budget Adoption and Certified Tax Rate

Mr. Jerome explained that the certified tax rate is set by the State through the County Assessor's Office. The tax rate is set to make the revenue to the City the same each year, except for growth. In order to increase the revenue amount, the City would have to go through a truth in taxation hearing to raise the rate. Because of an increase in the value of property in Eagle Mountain, this year's rate will decrease from last year's.

Changes from the previous version of the budget include:

- The Planning Department's Travel and Training was changed to drop one certification and add another.
- Sales tax revenue has increased every month beyond what was anticipated in the budget.
- The electric and gas transfer for streetlights has been removed. The Council authorized fund balance to be used. There may be enough sales tax revenue to cover the entire cost.
- Just under \$2000 will go to General Fund balance.

Mr. Jerome said that the FY 2016 General Fund is budgeted at \$8.05M at this time.

Councilmember Ireland requested the FY 2016 General Fund show that the Building, Planning and Engineering Department fees match the costs of the services being provided by those fees, whether in the budget document itself or in an analysis.

City Administrator Ifo Pili asked if Councilmember Ireland wanted the departments to pay for themselves or if he wanted to determine if the fees are being charged appropriately. He said that builders who request many permits at a time create economies of scale that smaller builders can't. There are also fixed costs that don't change. It becomes hard to determine exactly how much each should cost.

Councilmember Ireland said he would be satisfied with a simple analysis showing whether building permit revenue in general exceeds the costs. He also said if 50% of the Engineering or Planning Department's work comes from walk-in customers, then 50% of their budgets ought to be covered by fees. He felt that each sports program ought to pay for itself. The General Fund shouldn't subsidize any of them. He wanted the Youth City Council to have \$1,000 for travel and training, but no other funding. The training should be for Youth Council members who ran for office. Those individuals could come back and share what they learned with others.

Councilmember Burnham asked how the Youth City Council can provide recreational opportunities for others, as is specified in the Youth Council ordinance. Councilmember Ireland said he thought the Youth Council would have to become more functional before they were funded for that. Any costs incurred by the Youth Council helping with special events ought to be part of the Events Department budget.

Councilmember Burnham asked about the Senior Advisory Council. Councilmember Ireland said he would leave that to the Senior Council liaison. Mayor Anderson of Cedar Fort has talked to him about officially combining both Senior Councils into a joint program.

Moving on to Capital Projects, Mr. Jerome said they include a monument sign for the cemetery and Priority One and Two road projects. The Priority Two projects would be completed with utility sale proceeds.

Councilmember Ireland felt that it was important to show taxpayers what they're getting from the sale of the gas and electric utilities. Mr. Jerome said that would be done preliminarily in July, and in final form after the audit. Councilmember Ireland felt that the White Hills project should be paid for by Capital Projects funds rather than utility sale proceeds.

Councilmember Bradley proposed removing Mt. Airey Drive from the road project list. Public Works Director Dave Norman stated that the project list was generated by the expertise of Assistant Public Works Director Jeff Weber and his staff. Mr. Weber and his staff could look at re-ordering priorities if the Council requested it.

Councilmember Bradley wanted the White Hills project moved to Priority One and Mt. Airey Drive removed entirely. He didn't want to vote for the street he lives on to be a priority. Councilmember Ireland pointed out that this agenda item is about a dollar amount, not which roads will be repaired.

Mr. Pili asked what staff should do if Mr. Weber and his staff felt that Mt. Airey Drive should be a priority. Councilmember Bradley said he would support that. Councilmember Ireland said he would like staff to come before Council and discuss it.

Councilmember Ireland wanted to know why the cemetery monument sign would cost \$60,000. Ms. Kofoed responded that it's a sign and a wall to buffer the cemetery from Eagle Mountain Blvd.

In Impact Fees, the Cedar Valley Water Company and Meadow Ranch Holdings reimbursement agreements, which have already been approved, were added.

Councilmember Bradley asked Councilmember Ireland how many of the last seven annual budgets he voted in favor of. Councilmember Ireland said it was probably three. Councilmember Bradley asked what Councilmember Ireland would change in this budget to enable him to vote for it.

Councilmember Ireland explained that he would have voted for one previous budget if he had had complete information beforehand, but he didn't receive the information, so he voted against it. In another year, the tax rate went up because property values went down, according to the State formula, and he felt the City should have allowed the tax revenue to go down instead. This year, property values increased so the tax rate is going down to keep revenue flat.

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

**MOTION:**            *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or*

*exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Steinkopf seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:31 p.m.

#### **7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Adam Bradley participated by telephone. Mayor Pengra was excused to attend another meeting.

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 Mortensen, City Treasurer; Aaron Sanborn, Financial Analyst; David Norman, Public Works Director; Chris Trusty, City Engineer; Linda Peterson, Public Information Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Ross Fowlks, Fire Chief; Dep. Kantor, Sheriff's Deputy.

#### 4. CALL TO ORDER

Mayor Pro Tem Ryan Ireland called the meeting to order at 7:08 p.m.

#### 5. PLEDGE OF ALLEGIANCE

Marianne Smith led the Pledge of Allegiance.

#### 6. INFORMATION ITEMS/UPCOMING EVENTS

- **City Offices Closed** – The City offices and Library will be closed Thursday, July 2 and Friday, July 3 in observance of the Independence Day holiday. The Library will also be closed Saturday, July 4. The offices and library will be closed again on Thursday, July 23 and Friday, July 24 in observance of the Pioneer Day holiday. The library will also be closed Saturday, July 25.
- **Pony Express Parkway Improvements** – Information regarding UDOT's Pony Express Parkway Improvements Project, happening now through the end of August, is available on the City website, News section.
- **Sports Programs** – Registration is currently open for adult men's and co-ed softball, fall youth soccer, and The Ranches Golf Club's July golf camp. Click on the Recreation button the main page of the City website for more information.
- **Seniors' Ice Cream Social** – The Seniors (ages 55+) will hold an ice cream social on Monday, June 22 at 5:00 p.m. in the City Council chambers.
- **Fireworks Restrictions** – Fireworks restrictions will be in place in the city again this summer holiday season. Restricted areas will be similar to last year. Information will be posted on the City website in the News section in the next couple of days. A map of restricted areas is available on the Unified Fire Authority website at [unifiedfire.org](http://unifiedfire.org).

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

Marianne Smith asked about upcoming road projects. She wanted to know if there would be ground-up asphalt left over to use on Lake Mountain Road, as there was last year. Public Works Director Dave Norman said the asphalt millings would be processed at Public Works and used to surface part of Lake Mountain Road.

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 the staff and residents for a great Pony Express Days.

Councilmember Burnham

Councilmember Burnham thanked everyone who attended the prison relocation open house. She also appreciated those, including the Mayor, who are at the State Capitol this evening at another prison relocation meeting.

Councilmember Westmoreland

Councilmember Westmoreland was very impressed with the attendance at the prison relocation open house and all of the work that was put into Pony Express Days. He also wanted to recognize Councilmembers Burnham and Ireland, who didn’t file to run for another term, for their service and leadership.

Councilmember Bradley

Councilmember Bradley apologized for not being at the meeting in person. He appreciated Ms. Kofoed and the Council for enabling him to participate by phone. He was proud of the community for their attendance at the prison relocation open house and their support of Pony Express Days. He also commended Councilmembers Burnham and Ireland for their service on the Council. He was grateful for those who filed to run for office and make the effort to join the Council. He appreciated the City staff, especially Mr. Jerome, Mr. Pili and Mayor Pengra, for putting together the budget.

Councilmember Ireland

Councilmember Ireland thanked City staff, volunteers and residents for a fantastic Pony Express Days. There was a great turnout at the prison relocation open house. Residents can still contact their state representatives with their concerns regarding the prison relocation. He asked City Recorder Finn Kofoed to explain the election cycle to residents.

Ms. Kofoed said there is a list of candidates online. Eleven people filed, which means there will be a primary election on August 11, reducing the candidate list to six. The polling locations will be open from 7:00 a.m. to 8:00 p.m. She encouraged everyone to register to vote. New move-ins who have previously registered to vote in Utah can vote provisionally. The general election will be held on November 3.

9. APPOINTMENTS

- A. Youth City Council

Mayor Pro Tem Ireland introduced Britney Shunn, who was just elected Youth City Council Mayor.

**MOTION:** *Councilmember Burnham moved to appoint Britney Shunn Youth City Council Mayor for a one-year term. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Ms. Shunn.

Mayor Pro Tem Ireland announced the names of the other Youth City Council members: Klarissa Mahler, Millene Whatcott, Annabelle Petersen, Belle Foster and Davis Butcher.

## **CONSENT AGENDA**

### 10. MINUTES

A. May 19, 2015 – Regular City Council Meeting

### 11. BOND RELEASE – Into Warranty

A. O’Fallon’s Bluff, Plat C

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

## **SCHEDULED ITEMS**

### **PUBLIC HEARING**

#### 12. MOTION – Consideration of a proposal to create an Agriculture Protection Area on 182.85 Acres of Property.

This item was presented by Planning Director Steve Mumford. This proposal would create an agriculture protection area on 182.85 acres of property located in the southern portion of Eagle Mountain City, directly south of the City’s wastewater treatment facility. The property is currently being used for raising mink and alfalfa. The State Code requires that five conditions be met before property can be designated an agriculture protection area:

1. Whether or not the land is currently being used for agriculture production.
2. Whether or not the land is zoned for agriculture use.
3. Whether or not the land is viable for agriculture production.
4. The extent and nature of existing or proposed farm improvements.
5. Anticipated trends in agricultural and technological conditions.

This designation protects the property from negative effects of surrounding development. It must be reviewed in twenty years.

*Mayor Pro Tem Ireland opened the public hearing at 7:28 p.m.*

Sam Allen stated that Lehi has agriculture protection areas. There is no provision for informing future property buyers that there will be odors coming from the areas. He asked if the City can do something to warn future residents.

*Mayor Pengra arrived at 7:30 p.m. Mayor Pro Tem Ireland turned the meeting over to him.*

Ms. Kofoed said that Keith Jonsson requested her to make a statement on his behalf. He has significant investment in that area and is supportive of the agriculture protection zone.

City Attorney Jeremy Cook stated that State Code requires that any subdivision plat that has property within 300 feet of the agricultural protection area have a note to that effect.

*Mayor Pengra closed the public hearing at 7:31 p.m.*

Councilmember Bradley felt that this zoning allows some property owners not to play by the same rules as everyone else does. Although the agriculture operation has been there for a long time, he didn't think they should be able to create a nuisance for neighbors.

Councilmember Burnham said that when she lived in an area near a vineyard, it went out of business after complaints from neighbors who moved in around it. The city responded to the complaints by placing restrictions on it that drove the company out of business. She felt that farmers who invested a great deal of money in their operations should be protected from complaints by those who move in nearby knowing the farm operation is there.

Councilmember Westmoreland asked if there is any limit to the number of animals allowed in an agriculture area. Mr. Cook said there is not, unless there are so many that they become a threat to public health, safety or welfare.

Councilmember Burnham asked what recourse the property owners would have against the City, if the application was rejected after both the County Agriculture Board and the Planning Commission approved it. Mr. Cook said the applicants could appeal to district court. He recommended that, if the Council doesn't approve the motion, they table rather than deny it, so that the City could talk with the applicant further.

Mr. Mumford said that the applicants attended the last Planning Commission meeting and stated that their intent was to avoid the problems they've seen in Lehi, as new development conflicts with existing agricultural operations. They originally made this request about ten years ago and were denied, so they are making another application.

Councilmember Westmoreland felt that this zoning gives the owners too much latitude to do what they want, with potential for abuse.

Mayor Pengra stated that he saw this as a property rights issue, allowing the owners to continue the land use they've practiced for generations.

**MOTION:** *Councilmember Ireland moved to approve an agriculture protection area on 182.85 acres of property. Councilmember Burnham seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

13. **PUBLIC HEARING**

ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Approving the Amended Spring Run Master Development Plan.

This item was presented by Planning Director Steve Mumford. This is an applicant-proposed amendment to the Spring Run Master Development Plan to change “Pod 3” from Town Center Commercial, allowing 237 residential units, to Residential zoning, allowing 156 residential units. The property is located east of the Meadow Ranch neighborhood and northwest of the new Ranches Parkway northern extension. Parcel Numbers: 58-033-0281, 58-033-0282.

The Planning Commission recommended approval, with the condition that no additional plats may be approved before an overall amendment of the MDP is approved that addresses the freeway, commercial property, fire station, and community park. UDOT plans to eventually make Wride Memorial Highway a freeway. The developers have committed to work with City staff to amend the master development agreement.

*Mayor Pengra opened the public hearing at 7:49 p.m. As there were no comments, he closed the hearing.*

Councilmember Steinkopf said that the fencing/wall requirement needed to be clarified. A wooden fence would deteriorate in a few years.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, approving the amended Spring Run master development plan with the amended conditions. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The conditions referred to are as follows:

1. No additional plats may be approved before an overall amendment of the MDA is approved that addresses the freeway, commercial property, fire station, and community park.
2. Make the following changes:
  - Fix the open space calculations on the MDP table;
  - Increase Pocket Park A to 1.08 acres;
  - Adjust the density on Pod 3 to 6.95 du/ac & 150 total units;
  - Remove the words “Town Center” from Pod 3;
  - Move the Eagle Mountain City Boundary line to the actual city boundary.

**PUBLIC HEARING**

14. MOTION – Consideration of the Spring Run, Plat B Preliminary Plat.

This item was presented by Planning Director Steve Mumford. The applicant-proposed subdivision located east of the Meadow Ranch neighborhood and northwest of the new Ranches Parkway northern extension, contains 150 single-family lots on 25.43 acres in “Pod 3” of the Spring Run Master Development Plan. Parcel Numbers: 58-033-0281, 58-033-0282.

*Mayor Pengra opened the public hearing at 7:52 p.m.*

Jim Allred, one of the applicants, said that when the master plan was approved four years ago, commercial development was appropriate for the area. With recent road changes, residential development is now preferred. There will be commercial development nearby. The change to residential lowers the density, which is unusual in land development.

Councilmember Ireland stated that, as the City moves from commercial to residential, the amount of open space needs to increase. He requested additional open space.

Mr. Allred responded that the first phase has over 20 acres of open space, which is quite a lot. He and his partners look forward to working with City staff to plan the best way to use the open space.

*Mayor Pengra closed the public hearing at 7:58 p.m.*

Mr. Mumford asked Mr. Allred what kind of fence they planned to install inside the development. Mr. Allred stated that it would be a non-warping material such as hardy board or wood-grained vinyl.

Councilmember Steinkopf was concerned that the commercial areas need to have a wall for several reasons, including sound buffering.

**MOTION:**        *Councilmember Burnham moved to approve the Spring Run, Plat B preliminary plat, with the conditions stated in the staff report, and an additional condition that street names duplicating any already in use be changed. Councilmember Ireland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The conditions are as follows

1. This approval is contingent on the amendment to the Spring Run MDP allowing 150 single-family residential lots in the town center area.
2. All lot frontages within the project must meet City standards (55 feet minimum except for the patio homes adjacent to the park).
3. Any traffic flow issues brought up by the traffic engineer must be resolved to the satisfaction of the City Engineer. If the resolution causes major redesigns, then this plan must return to the Planning Commission and City Council for reconsideration.
4. A six-foot privacy fence or decorative wall must be installed along the perimeter of the project with the infrastructure for each final plat. A detail of the fence/wall design and color shall be reviewed for approval by the City Council.
5. Plat shall not contain any road names that are the same or similar to existing road names in the city.

#### **PUBLIC HEARING**

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

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. Utah State Code requires that any final increases in the budget be adopted after a public hearing and prior to the fiscal year ending. The City's budget is being amended to cover all anticipated expenditures

through the fiscal year ending June 30, 2015. The amended budget should cover all eventualities so that the City will not be cited for budgetary non-compliance.

Mr. Jerome recapped the presentation he made in Work Session, which is reported in pages 1-3 of these minutes.

*Mayor Pengra opened the public hearing at 8:07 p.m. As there were no comments, he closed the hearing.*

**MOTION:** *Councilmember Westmoreland moved to approve an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2014-2015 budget. Councilmember Burnham seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

### **PUBLIC HEARING**

16. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2015-2016 Budget and Certified Tax Rate.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. Utah State Code requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 22. The tentative budget was accepted by the City Council on May 5, 2015 and a public hearing was held on May 19, 2015. The final budget will be the document that governs the expenditures for FY 2015-2016. The ordinance also approves the certified tax rate for the fiscal year.

Mr. Jerome recapped the presentation he made in Work Session, which is reported in pages 3-4 of these minutes.

*Mayor Pengra opened the public hearing at 8:19 p.m.*

Sam Allen showed a stack of papers he said were City credit card statements. He felt that City employees shouldn't eat at restaurants using City credit cards. He said City employees received average raises of 14%. He didn't feel they were worth that. He wanted all money for food expenditures removed from the City budget because the employees are untrustworthy. He wanted all the Councilmembers to tell him immediately if they would vote to remove all spending for food from the budget. Mayor Pengra stated that the Councilmembers could respond if they wanted during the discussion.

Mayor Pengra said he normally doesn't argue with residents when they speak. However, he wanted to know when Mr. Allen would begin to communicate rather than attack. Much of this information that Mr. Allen was referring to was from before the current administration. Changes have been made. Mayor Pengra felt it's good for residents to criticize government and make it better, but calling people worthless and pigs isn't useful.

Mr. Allen said that the City charged him for the records he requested, which should have been on the State transparency website for free. Mayor Pengra pointed out that City staff was spending a tremendous amount of time responding to a State audit instigated by a complaint by Mr. Allen, followed by a large GRAMA request. Mr. Allen asked why he should pay \$1,000 to uncover the City's fraud and waste.

Mayor Pengra stated that his office is open to Mr. Allen at any time, the same as for any other resident. Mr. Allen said he doesn't listen to politicians, he watches what they do. He said he would see tonight whether the Council stands with the employees, who are untrustworthy, or the residents.

*Mayor Pengra closed the public hearing at 8:27 p.m.*

Councilmember Westmoreland stated that he appreciated all the work Mr. Allen put into his research. Much of what has been wrong has been dealt with. Part of the Council's job is to watch City expenditures, and that's what they do. Not everything has been fixed perfectly, and there are business perspectives that support different approaches to providing the best, most well-rounded service to the City's residents. The Councilmembers invest their time researching and then using their expertise and judgment about how best to serve the City. Critiquing is not a problem. The Mayor, staff and City Council have worked hard to make improvements.

Councilmember Burnham said that there are occasions when it is appropriate to spend money on food. However, things are done differently than they used to be. The City Council Christmas party was potluck and everyone helped. As a volunteer at the library, she went to a State Library Board meeting. She and the others from the City paid for their own lunches. The staff are aware of Mayor Pengra's and Mr. Pili's expectations. The implications of staff dishonesty aren't true. Leadership styles are different and spending decisions are different. Mr. Pili's style is much different than previous administrations and improvement is continuing. Personally, when she goes somewhere on City business, she doesn't take the per diem City allows.

Councilmember Bradley thanked Mr. Allen for speaking and putting time into his report. He suggested that any time a resident has a concern, they should speak to the Mayor and Councilmembers. He couldn't call for all food spending to be removed, but he could work with the Mayor and staff and continue in the road that Mayor Pengra has paved to bring more consciousness to this kind of spending. He couldn't support one-sided viewpoints, and he felt that sometimes Mr. Allen's accusations have a one-sided viewpoint. As far as GRAMA requests are concerned, some are large enough that they need to be paid for so that all the taxpayers don't pay for individual requests. He has read part of Mr. Allen's report and will read the rest, then talk to Mr. Allen and the Mayor about it.

Mayor Pengra spoke to Mr. Allen, saying his statements that all City employees are dishonest and not worth their raises are inflammatory. He asked how much time Mr. Allen has spent with any one of them. He said all the employees are willing to meet the expectations made of them. Sometimes there are adjustments that need to be made, but the employees work very hard for every resident of the City. They deal with the type of fires Mr. Allen starts and still do their jobs. Mayor Pengra has taken a lot of time to discuss concerns with residents. But he didn't believe Mr. Allen was interested in communication. He looks to stir up and start fires. In spite of that, Mr. Allen is welcome to come to Mayor Pengra's office and talk to him.

Mayor Pengra asked for additional Council discussion on the budget. Councilmember Burnham asked for \$1,200 in the Youth Council budget for training, rather than \$1,000. There is summer training held that might help revitalize the Youth Council. She would like to offer scholarships to those who ran for Youth City Council office. She also requested \$200 in Youth Council general funds for use in working on City events.

Councilmember Ireland asked Ms. Kofoed to talk about the monument proposed for the entry to the cemetery. She said that the monument entrance feature and wall was in the design process and it was estimated to cost approximately \$60,000. The goal is to have the entry monument, as well as an enclosure separating the cemetery from the road. Mayor Pengra noted that there is a line item in the budget for trees in the City, with some of those to be planted in the cemetery.

Councilmember Ireland stated that this budget has a continuation of a \$100,000 placeholder for Wride Memorial Park and wanted to know what the plan is for that. Mayor Pengra responded that it was intended for lights at the ball fields. They will cost much more, so a grant has been applied for. The \$100,000 may be used as a match for the grant. The Council may decide to use revenue funds or some of the proceeds from the utility sale.

Councilmember Bradley said the \$60,000 money for the cemetery monument could be better spent. His goal is to spend money in a way that benefits the most people, not on an unnecessary sign for an unnecessary place.

Councilmember Steinkopf felt that the cemetery should be made as presentable as possible.

Ms. Kofoed pointed out that last year, because there was no clear entrance to the cemetery, people used the property for recreation in the snow. As time goes on, people may unintentionally desecrate graves unless the cemetery property is clearly defined. It needs to look like a finished product to honor people who bought plots there as their final resting places. The plan was to finish it in phases. She strongly recommended that something be done to improve the entrance and make it look like a cemetery.

Councilmember Bradley felt that the cemetery boundary could be defined without spending an unnecessary amount of money.

Mayor Pengra felt that a one-time, \$60,000 expense that doesn't increase ongoing maintenance costs and moves the project towards completion is worthwhile. He is focused on completing the projects that have been started.

Councilmember Ireland asked about the \$750,000 solids-handling project. Public Works Director Dave Norman said it will cover the first half of the entire project. The Sewer Department needs to install a screw press system. The technology that was installed several years ago isn't processing the amount the City needs processed.

Mayor Pengra stated that the Sewer Department is trucking out up to 15 loads a day, three days a week. It's an inefficient use of equipment and manpower.

Mr. Pili asked for a report on the water project north of Wride Memorial Highway. The north area needs more water pressure and a redundant system. The project estimate is \$2.3M. Administration has considered putting that amount into the budget as a placeholder. The majority of the funds will come from impact fees. If it isn't added now, Administration will come back with a budget amendment.

Councilmember Ireland asked if baseball fees could be increased in this budget, so the revenue amount will cover the program costs. Mr. Jerome noted that the Finance Dept. has been considering analyzing youth sports fees.

**MOTION:** *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the Eagle Mountain City fiscal year 2015-2016 budget and certified tax rate, with the following changes: \$40,000 rather than \$60,000 for the cemetery monument, increasing the revenue from youth sports by \$10,000, allocating \$1,200 for Youth Council travel & training and \$200 to Youth Council general funds. Councilmember Ireland seconded the motion.*

Councilmember Burnham said she reduced the amount for the cemetery entrance monument out of respect for Councilmember Bradley's concern about the cost. He thanked her, and thanked Mr. Mumford and Ms. Kofoed for the emailed pictures of the monument design. He admired it and said in 20 years he would vote for it. This year, \$40 would be more correct, because if it can't be what it should be, then the Council shouldn't waste any money on it.

Councilmember Ireland pointed out that the amount is a placeholder. The final design will come back before the Council before the money is spent. Councilmember Bradley responded that if the priority is to announce a beautiful cemetery, a monument is a great choice. If the priority is to protect the land, a monument won't do it. He felt that most of the budget is made up of placeholders.

Mr. Pili stated that a discussion of whether or not to have a cemetery is a philosophical discussion. The Council voted to have a cemetery, and the City needs to finish its projects. It's not about throwing up a fence, it's about honoring the dead that are buried there. Mr. Pili respected Councilmember Bradley for stating his position. If the rest of the Council agrees, then the City needs to stop the project.

Mayor Pengra said, on the premise of completing projects, the cemetery should be seen through to completion. Although Councilmember Bradley didn't agree with creating the cemetery, the Council voted for it. Right now the cemetery is a lawn. People deserve to bury their loved ones in a cemetery, not just a lawn. Most of the proceeds from the utility sale will be used for completing projects. He would have no problem with spending some of that money on the cemetery.

Councilmember Steinkopf pointed out that the cemetery does provide some fee revenue to the City, unlike some projects the City pays for. He said it was important to him to make it look like a cemetery.

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

## **PUBLIC HEARING**

17. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning 16.17 Acres from Agriculture to Residential.

This item was presented by Planning Director Steve Mumford. This is an applicant-proposed rezone of 16.17 acres from Agriculture to Residential. The property is located on the west side of Lake Mountain Road approximately ½ mile southeast of Pony Express Parkway and is known as the Glenmar development. Parcel Numbers: 58-040-0042, 58-040-0043.

*Mayor Pengra opened the public hearing at 9:36 p.m.*

Marianne Smith, the applicant, hoped that the Council will approve the project. She and her husband have set a minimum lot size of 1+ acres because they feel it's important to buffer between the City core and the larger lots up the hill. She was hopeful that the decision will lead to peace between the neighbors, because there has been some contention.

Mayor Pengra read a statement from Elise Erler of the State Institutional Trust Lands Administration (SITLA) in support of the project.

Sterling Hunt supported the rezone. He was also in support of the commercial storage rezone that will be considered later in the meeting.

*Mayor Pengra closed the public hearing at 9:41 p.m.*

Discussion ensued on what minimum lot size should be allowed and how the various lot sizes should be buffered.

Mayor Pengra invited Ms. Smith to speak. She said that a two-acre minimum would stop the development. They wouldn't be able to afford the required fees plus the paving. She thought a variety of lot sizes was healthy for the area.

Mayor Pengra said he is strongly in favor of property owners' rights. Land use decisions are probably more impactful than virtually anything else the Council does. However, developments also affect the City. Lake Mountain Road is a rural residential road. It's only intended to serve a small number of residents. There are no plans to make it a City-maintained, asphalt road. In addition, new developments far away from existing developments create costs for maintaining infrastructure across empty land.

**MOTION:** *Councilmember Bradley moved to table an Ordinance of Eagle Mountain City, Utah, rezoning 16.17 acres from Agriculture to Residential.*

The motion failed for lack of a second.

**MOTION:** *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning 16.17 Acres from Agriculture to Residential, with a minimum lot size of one acre. Councilmember Westmoreland seconded the motion.*

Councilmember Ireland questioned whether City ordinance allowed septic systems on one-acre lots or only on those larger than one acre. Councilmember Burnham amended her motion.

**AMENDED MOTION:** *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning 16.17 Acres from Agriculture to Residential, with a minimum lot size that allows septic systems. Councilmember Westmoreland seconded the motion.*

There was discussion on if it would be possible to develop in this area without first constructing a collector road.

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

## **PUBLIC HEARING**

18. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning 85 Acres from Agriculture to Residential and 11.11 Acres from Agriculture to Commercial Storage.

This item was presented by Planning Director Steve Mumford. This is an applicant-proposed rezone of approximately 85 acres from Agriculture to Residential and 11.11 acres from Agriculture to Commercial Storage. A majority of the property is located near 5504 N Lake Mountain Road, and 5.5 acres are located immediately south of 5121 N Lake Mountain Road. They are known as Eagle Mountain Benches / Eagle Mountain Ranches. Parcel Numbers: 59-006-0028, 59-006-0046, 59-006-0055, 59-006-0042, 59-006-0054.

If the commercial storage is approved, the Future Land Use Plan and General Plan will need to be amended. All conditional and permitted uses will then need to be considered for that land. The Planning Commission recommended approval of the residential portion, with a minimum lot size of one acre or larger, and no residential lots on the land restricted by the powerline corridor. They recommended denial of the commercial storage portion.

*Mayor Pengra opened the public hearing at 10:20 p.m.*

Jeff Scott, applicant, spoke in favor of the rezone, saying it will prevent smaller-lot developments in the area. Smaller lots have already been approved nearby. He said the City needs a storage facility and stated that the road would be paved as part of the development.

Doug Sutton said the rezone would prevent smaller lots in the area and the City needs the commercial storage facility.

Christy Barnes said residents in her neighborhood in City Center already use Lake Mountain Road and she would like to live there.

Karen Scott said that she brought signatures from 66 people who want to live in the development.

Kim O'Donnell said the rezone would potentially displace the animal sanctuary that he and his wife Karen operate on their land along Lake Mountain Road.

Mike Heber asked that, if the residential rezone is approved, the commercial not be approved.

Greg Jeppson objected to the rezone. He wanted to maintain his rural neighborhood.

James Taylor objected to the rezone and wanted the area preserved.

Melinda Martin said additional traffic on Lake Mountain would be unsafe.

Jody Hooley said the rezone would be incompatible with existing lots and the road.

*Mayor Pengra closed the public hearing at 10:58 p.m.*

**MOTION:**        *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning 85 acres from Agriculture to Residential, with the conditions stated*

*in the staff report; excluding a rezone of 11.11 acres from Agriculture to Commercial Storage.*

The motion failed for lack of a second.

**MOTION:** *Councilmember Ireland moved not to adopt an Ordinance of Eagle Mountain City, Utah, rezoning 85 acres from Agriculture to Residential and 11.11 acres from Agriculture to Commercial Storage. Councilmember Bradley seconded the motion. Those voting yes: Adam Bradley, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Donna Burnham. The motion passed with a vote of 4:1.*

Councilmember Ireland addressed those in the audience who were involved with the two rezone applications. He commended them for their respect for one another and hoped that they would continue to be neighbors and friends, despite their differences of opinion.

Mayor Pengra stated that he gave more thought to this issue than any other agenda item he's ever considered. He had to balance individual property rights against what is best for the City as a whole, and his conclusion was that these rezones were not in the best interests of the City.

19. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Adopting an Addendum to the Interlocal Cooperation Agreement between Utah County and Eagle Mountain City Concerning the Utah County Communications Tower.

This item was presented by City Recorder Fionnuala Kofoed. The proposed amendment to the interlocal agreement with Utah County, approved in March 2013, documents the additional GPS equipment that Eagle Mountain City has installed in the Utah County communications site south of Cedar Pass Ranch.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving an addendum to the interlocal cooperation agreement between Utah County and Eagle Mountain City concerning the Utah County communications tower. Councilmember Westmoreland seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

*Councilmember Bradley was excused at 11:00 p.m. and was unavailable for the vote.*

20. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Adopting an Interlocal Cooperation Agreement between Utah County and Eagle Mountain City for the Administration of the 2015 Municipal Elections.

This item was presented by City Recorder Fionnuala Kofoed. The proposed interlocal agreement documents the terms for the joint administration of the 2015 Municipal Primary and General Elections. Utah County will provide manpower and equipment to count all ballots for the Primary and General Elections.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, adopting an interlocal cooperation agreement between Utah County and Eagle Mountain City for the administration of the 2015 municipal elections in the*

*amount of \$7,274.41 and authorize the Mayor to sign the contract. Councilmember Westmoreland seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

21. BID AWARD – Consideration of a Bid Award to Jones and DeMille for the Design of the 2015 Water Projects.

This item was presented by City Engineer Chris Trusty. The proposed bid award is for the design and construction of water lines to provide a redundant water source from the CWP pipeline to the northern region of Eagle Mountain City. This will ensure adequate water pressure and flow in this area, in the event that well #2 has to be taken offline.

**MOTION:** *Councilmember Westmoreland moved to award a bid to Jones and DeMille for the design of the 2015 water projects in the amount of \$127,590.00 and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

22. BID AWARD – Consideration of a Bid Award to Staker Parson Companies for the 2016 Road Improvements Projects.

This item was presented by Public Works Director Dave Norman. The 2016 road improvement projects include a rotomill and pave from Ranches Parkway to Hidden Valley Parkway along Pony Express Parkway; a rotomill and pave from Windhover Road to Saddleback Drive along Ranches Parkway; a pulverize and pave from Wride Hwy to Autumn Drive along Sunset Drive; and a rotomill and pave from Heritage Drive to Frontier Street along Cedar Trails Way.

**MOTION:** *Councilmember Burnham moved to award a bid to Staker Parson Companies for the design of the 2016 road improvements projects in the amount of \$588,942 and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Steinkopf

No comment.

Councilmember Burnham

No comment.

Councilmember Ireland

Councilmember Ireland asked Mayor Pengra to report on the prison relocation meeting he attended this evening. Mayor Pengra responded that the Commission wasn’t listening to the public comments. They were simply going through the motions.

Councilmember Westmoreland

No comment.

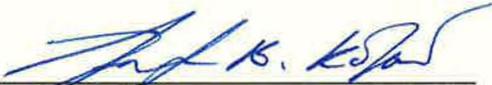
Councilmember Bradley

No comment.

24. 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.
25. COMMUNICATION ITEMS
  - A. Upcoming Agenda Items
  - B. Financial Report
26. ADJOURNMENT

**MOTION:** *Councilmember Ireland moved to adjourn the meeting at 11:07 p.m. Councilmember Westmoreland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JULY 7, 2015



\_\_\_\_\_  
Fionnuala B. Kofoed, MMC  
City Recorder