MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 2, 2016

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: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves 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 Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Management Analyst; Jessica Alvarez, Human Resources Manager; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Jeff Weber, Facilities and Operations Director; Zac Hilton, Streets/Storm Water Manager; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:04 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 only and do not require action by the City Council.

   Assistant City Administrator/Finance Director Paul Jerome stated that Ace Disposal, the City's solid waste contractor, recently told him that the recycling contractor they use is about to begin charging Ace $25 per ton. Residents' February utility bill will include an announcement that a recycling rate increase will be discussed at the next City Council meeting. The rate may increase to $5.00 per can. Before the rate is raised, residents will be given the opportunity to opt out of the recycling program. Mayor Pengra asked if the recycling program can be discontinued. Mr. Jerome said he will look into that.

   Mr. Jerome introduced Ron Stewart of Gilbert & Stewart, CPAs, who reported on the FY 2015 financial audit. The audit found that transactions have been fairly reported. The review of processes and controls found them to be working properly. The audit evaluated compliance with State requirements for budgetary compliance, fund balance, Utah Retirement Systems, enterprise fund transfers, tax levy recognition, restrictive tax, open and public meetings, GRAMA and conflicts of interest. The City was found in compliance in all areas. Mr. Stewart commended Mr. Jerome and his staff for having the City's financial system in good order.

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

   13. Change Order – Community Development Building Basement Project.
   City Engineer Chris Trusty stated this change order consisted of three items: preparation for installation of an elevator, additional electrical work, and minor remodeling of the main floor to accommodate one of the departments moving from City Hall. The project will come in over

budget and the additional funds will come from the proceeds of the utility sale. Mayor Pengra pointed out that this project was carefully planned, but moving entire departments from one building to another has required some adjustments.

15. Entrance Signs for Porter's Crossing Town Center and SilverLake.

Councilmember Curtis felt the SilverLake sign didn't match the look and feel of the City. Councilmember Bradley was more concerned that it fit its surroundings. It's completely different from the existing SilverLake sign. Planning Director Steve Mumford said the developer wanted the sign to be different from the existing sign, which was installed by a previous developer.

Councilmember Reaves wondered if the Porter's Crossing Town Center sign would have to be moved if the road had to be widened.

Councilmember Westmoreland asked about the Porter's Crossing Town Center sign being located partially in the right-of-way. Mr. Mumford said signs are often located in the right-of-way. The Municipal Code requires those to be approved by the City Council.

Because of the need for discussion, Mayor Pengra moved this item from the Consent Agenda to Scheduled Items.

17. CUWCD Amended and Restated Water Supply Agreements.

City Administrator Ifo Pili stated these agreements are being amended to reduce the short-term cost to the City. The original take-down schedule required the City to accept and pay for much more water than will be needed in the near future. The payments that would have had to be made last year and this year would have totaled $7M. Under the amended agreements, the City will have no payments either this year or next.

Mayor Pengra noted that these agreements were made before the economy flattened. CUWCD understands that Eagle Mountain, as well as other cities that entered into water supply agreements, are in a different economic situation than they were at that time.

Councilmember Gricius questioned how much the annual water fee might fluctuate. Mr. Cook said he would look into it.

18. Policies and Procedures Manual.

Human Resources Manager Jessica Alvarez described the proposed changes to the City's policies and procedures.

- Employees who accrue compensatory time before changing to exempt status will have one year to use the compensatory time.
- Holiday premium pay ($50) will only be paid to those who work five hours or more on a holiday. Holiday premium pay is separate from emergency premium pay.
- Employees are required to maintain a record of their work hours. The record will be allowed to be in either paper or electronic form.
- Because the City sold the electric and gas utilities, Energy Department employees will be removed from the on-call list. The on-call week will begin on Tuesday, rather than Monday.
- The $50 Sunday premium pay will be removed. Sundays are regular work days for some employees.
- Because there are no longer any part-time employees who receive benefits, all references to benefits for part-time employees have been removed.

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 professional competency of an individual pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: ***Councilmember Curtis moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the professional competency of an individual, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

Mayor Pengra adjourned the meeting at 5:25 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves 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 Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Chris Trusty, City Engineer; Kent Partridge, Building Official; Jeff Weber, Facilities and Operations Director; Zac Hilton, Streets/Storm Water Manager; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Jeff Thompson, Code Enforcement Officer; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:03 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. PRESENTATION – Utah Municipal Clerks Association Presentation of Certification to Deputy Recorder Johna Rose.

City Recorder Fionnuala Kofoed and Board members of the Utah Municipal Clerks Association presented Deputy Recorder Johna Rose with a plaque for her certification as a Certified Municipal Clerk.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **City Offices Closed** – The City offices and Library will be closed on Monday, February 15 in observance of the President's Day holiday.

- **Youth Baseball Registration** – Youth baseball registration is open through March 6. Click on the Recreation button on the home page of the City website, and click on Sports Programs, Youth Sports.
- **Miss EM Pageant Orientation** – Another orientation meeting will be held for those interested in participating in the Miss Eagle Mountain scholarship pageant. The meeting will be held on February 3 in the Council Chambers at 6:00 p.m. The pageant is open to Eagle Mountain, Cedar Fort, and Fairfield residents ages 17-23.
- **Princess Academy** – A Princess Academy with Miss Eagle Mountain Ella Barlow will be held in the Council Chambers on Saturday, February 13 from 10:00 a.m. to noon. Activities include crafts, nail painting, a luncheon, and more! The entry fee is $10. Registration will be available soon on the City website, Calendar.
- **Easter Egg Hunt** – Save the date: The City's annual Easter Egg Hunt will be held on Saturday, March 26 at 10:30 a.m. SHARP at Nolan Park.

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

Matt Morrison thanked the Mayor and City Council for the work they do, including the traffic signal being installed at the intersection of Mt. Airey Drive and Cory B. Wride Memorial Highway. He expressed appreciation for Sen. David Lifferth, a former Mayor and Councilmember of Eagle Mountain, who invited the City's Youth Council to the State Capitol yesterday to visit the Legislature. In reference to item 18, he asked why Sunday is considered a regular work day. Mayor Pengra explained that there are Sewer Department employees who are regularly scheduled on Sundays.

Mayor Pengra explained the removal of Sunday premium pay. Some employees are hired with the understanding that Sunday will be part of their regular work week.

Mike Kieffer said he lives on five acres on Lake Mountain Road and loves Eagle Mountain. He wants to be a farmer, but has to live near population centers to make a living in information technology. Proposals have been discussed recently for development on Lake Mountain Road. He asked that the Council not react to them too quickly. He would like to have that area remain agricultural. He thanked the Mayor and Council for the work they do for the City.

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

Councilmember Curtis

Councilmember Curtis thanked Mr. Kieffer for his comments and said he appreciated everyone who tries to help make Eagle Mountain a better community. He thanked the law enforcement officers who handled the recent SWAT incident in the City. He said the Youth City Council is growing their program and focusing on civic involvement with the City.

Councilmember Bradley

Councilmember Bradley welcomed everyone attending the meeting and those will view the video. He reminded people not to park on the street when snow need to be plowed. He encouraged the Youth Council to be active and invite their friends to join. He congratulated Johna Rose on her certification. He thanked emergency responders for their handling of the recent event.

Councilmember Reaves
Councilmember Reaves thanked everyone attending the meeting. The only way the Council can help the City is with the involvement of the residents. He commended the City's public safety personnel. He said the road was backed up this morning because of the snow, but drivers were driving carefully and letting backed-up drivers into traffic.

Councilmember Westmoreland
Councilmember Westmoreland thanked those in attendance and welcomed them.

Councilmember Gricius
Councilmember Gricius complimented the City's first responders. She appreciated the residents who helped one another in the snowstorm and thanked the employees who plowed the streets.

Mayor Pengra
No comment.

10. APPOINTMENTS
    A. Eagle Mountain City Recorder – Fionnuala B. Kofoed
    B. Eagle Mountain City Treasurer – David Mortensen
    C. Parks and Recreation Advisory Board
        i. Jerry Chizmadia
        ii. Drew Curley
        iii. Jared Gray
        iv. Amy Plott
        v. Jake Webb

MOTION: ***Councilmember Curtis moved to reappoint Fionnuala B. Kofoed to the office of Eagle Mountain City Recorder. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Bradley moved to reappoint David Mortensen to the office of Eagle Mountain City Treasurer. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Gricius moved to appoint Jerry Chizmadia to the Parks and Recreation Advisory Board for a term of three years. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Gricius moved to appoint Drew Curley to the Parks and Recreation Advisory Board for a term of three years. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Gricius moved to appoint Jared Gray to the Parks and Recreation Advisory Board for a term of two years. Councilmember Westmoreland seconded***

the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

MOTION: ***Councilmember Gricius moved to appoint Amy Plott to the Parks and Recreation Advisory Board for a term of two years. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Gricius moved to appoint Jake Webb to the Parks and Recreation Advisory Board for a term of two years. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

Deputy City Recorder Melanie Lahman administered the oath of office to all the appointees, except for Jake Webb, who was unable to attend the meeting. He will receive the oath at a later time. Ms. Kofoed and Mr. Mortensen are appointed officials who are required by State statute to re-take the oath of office after each municipal election.

CONSENT AGENDA

11. MINUTES
    A. January 5, 2016 – Regular City Council Meeting

12. BOND RELEASES – Into Warranty
    A. Sweetwater, Phase 5
    B. Sweetwater, Phase 6

13. CHANGE ORDER
    A. Community Development Building Basement Project – Magleby Construction, Inc.

14. FY 2015 AUDIT – Acceptance of the FY 2015 Financial Audit *(Ron Stewart)*

Item 15 was removed from the Consent Agenda and discussed during Scheduled Items.

MOTION: ***Councilmember Curtis moved to approve the Consent Agenda, removing items 15A and 15B. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

15. ENTRANCE SIGNS
    A. Porter's Crossing Town Center Entrance Sign

Councilmember Westmoreland brought up the issue of the entrance signs being located in the public right-of-way. Planning Director Steve Mumford responded that monument signs are

normally located at least partially in the right-of-way because locating them behind the right-of-way would make them difficult to see.

Councilmember Westmoreland asked how many signs would have to be moved if Pony Express Parkway was widened. Mr. Trusty said no signs would have to be moved if the road was widened. If transit is added west of the road, moving signs will be a comparatively minor expense.

The developer submitted a plan yesterday moving the sign entirely into the right-of-way. Councilmember Gricius preferred to keep the sign partially in the right-of-way and partially on private property.

Councilmember Bradley approved of placing the sign entirely in the right-of-way.

MOTION: ***Councilmember Bradley moved to approve the Porter's Crossing Town Center sign entirely in the right-of-way, as requested by the applicant. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley and Tom Westmoreland. Those voting no: Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion failed with a vote of 2:3.***

MOTION: ***Councilmember Gricius moved to approve the Porter's Crossing Town Center sign according to the original request, partially on private property and partially in the right-of-way. Councilmember Curtis seconded the motion.***

Councilmember Westmoreland asked exactly what partially on and partially off meant. The staff report showed the sign approximately 2/3 on the right-of-way and 1/3 on the applicant's property.

Councilmember Gricius felt the sign being completely in the right-of-way would put it too close to the clear vision triangle.

Councilmember Reaves said the sign is 22 feet wide, much bigger than the community entrance signs and might be a hazard by being too close to the road.

Councilmember Curtis said a sign of that size being so close to the road would be unattractive.

Mayor Pengra allowed Nick Christensen of Allied Signs to speak to the Council. He said he's measured the site. The sign would be 17 feet away from the curb even with it being entirely within the right-of-way.

Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 4:1.

A. SilverLake Entrance Sign (east entrance)

Councilmember Curtis didn't think the sign fits the look and feel of the neighborhood. Councilmember Bradley agreed.

Councilmember Gricius stated if the sign is to say "Eagle Mountain," it should be spelled out, not abbreviated.

Mayor Pengra asked what standard is used for rejecting a design. Mr. Cook said the Council could reject it if they didn't approve of the way it looked.

Councilmember Bradley wanted the sign to say "Eagle Mountain" because it will be located at an entry to the City.

Mayor Pengra didn't want to dictate how the developers represented their company, but he also didn't want the sign to say "Eagle Mountain." It would become a *de facto* City entry monument, and he wanted specifically-designed entry monuments.

MOTION: ***Councilmember Gricius moved to approve the SilverLake entrance sign. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Those voting no: Colby Curtis. The motion passed with a vote of 4:1.***

16. AGREEMENT – Consideration of an Impact Fee Reimbursement Agreement between Eagle Mountain City and RCA65, LLC.

This item was presented by City Attorney Jeremy Cook. The proposed reimbursement agreement documents the terms and conditions for reimbursement of certain impact fees to RCA65, LLC for water, wastewater, storm water, and road improvements that were larger than necessary to service RCA65's project at the Ranches Parkway extension.

Mr. Cook stated that this is the City's standard reimbursement agreement, used when a developer constructs utility infrastructure that is larger than needed for the development being built, at the City's request. The extra size benefits the City; therefore, the City reimburses the cost difference through impact fees.

MOTION: ***Councilmember Westmoreland moved to approve an impact fee reimbursement agreement with RCA65, LLC. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

17. CENTRAL UTAH WATER AGREEMENTS
    A. Consideration of an Amended and Restated Water Supply Agreement between Central Utah Water Conservancy District and Eagle Mountain City for Sale of CWP Municipal and Industrial Water.
    B. Consideration of an Amended and Restated Water Supply Agreement between Central Utah Water Conservancy District and Eagle Mountain City for Sale of CWP Municipal and Industrial Water.

This item was presented by City Attorney Jeremy Cook. The proposed amendments to the 2009 and 2010 agreements primarily amend the take-down schedule in the agreements and correspondingly increase the cost per acre-foot of the water in conjunction with the delay in the take-down schedule.

Under the original agreements, the take-down schedule required payments far too high for the City to pay. The amended agreements lengthen the take-down schedule, allowing manageable payments, with no payments for this year and next year.

Councilmember Reaves asked about the payment schedule in the 2009 agreement. Mr. Cook stated the original schedule required payments last year and this year. The amended agreement delays payment until fiscal year 2017 (July 2017). The fees will be waived for fiscal years 2015 and 2016.

Councilmember Gricius said she had been concerned about the fee changing from year to year. She & Mr. Cook found clarification in the amended agreement specifying the amount of the fee change.

MOTION: ***Councilmember Bradley moved to approve the amended and restated FY 2009A water supply agreement with the Central Utah Water Conservancy District for the sale of municipal and industrial water. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. Those voting no: Stephanie Gricius. The motion passed with a vote of 4:1.***

Councilmember Gricius asked Mr. Cook if the 2010 agreement also had the effect of moving back the take-down schedule. Mr. Cook said it did.

MOTION: ***Councilmember Westmoreland moved to approve the amended and restated FY 2010A water supply agreement with the Central Utah Water Conservancy District for the sale of municipal and industrial water. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. Those voting no: Stephanie Gricius. The motion passed with a vote of 4:1.***

18. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Policies and Procedures Manual.

This item was presented by Human Resources Manager Jessica Alvarez during Work Session, as reported on pages 2 and 3 of these minutes. The proposed amendment to the Eagle Mountain City Policies and Procedures Manual updates the benefit policy for part-time employees. The policy also amends the $50 holiday premium pay policy, removes the Sunday premium pay and makes other general updates.

MOTION: ***Councilmember Gricius moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Policies and Procedures Manual, with the addition of removing "works on a holiday because of an emergency situation" from Overtime Pay/Special Situations.***

Councilmember Gricius said the additional change mentioned in the motion referred to employees who were already receiving time-and-a-half for working in an emergency.

Mr. Pili stated he suggested that change for clarity. No employees receive a $50 emergency premium.

Councilmember Bradley seconded the motion.

Councilmember Curtis asked how many employees are affected by the removal of Sunday premium pay. Mr. Pili said one Sewer Department employee has to work on Sunday each week.

Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

The changes to the Policies and Procedures Manual include the following:

- References to benefits for part-time employees were removed.
- Sunday premium pay was eliminated.
- Holiday premium pay was limited to those who work more than five hours on a holiday.
- Employees who have accrued compensatory time before changing to exempt status will have one year from the status change to use it.
- References to Energy Department employees were removed, as the City no longer has an Energy Department.
- The reference to working on a holiday because of an emergency situation was removed.

19. BID AWARD – Consideration and Award of Bid to Gunthers, Inc. for the Installation of an HVAC System for the Community Development Building Basement Project.

This item was presented by City Engineer Chris Trusty. The proposed bid is for the installation of the heating, ventilation and air conditioning system for the Community Development basement completion project. This project was bid separately from the rest of the basement project in order to save costs.

Gunthers did the design work for the system. It was the only bidder for the installation.

Councilmember Gricius objected to awarding the contract after receiving only one bid. Mr. Trusty stated the project was bid twice over 4 - 5 weeks. City staff personally called 4 - 5 contractors and invited them to bid. He thought that, with the amount of HVAC jobs available at the moment, contractors don't feel a need to come out to Eagle Mountain to work. The City has had trouble getting bids for several projects recently.

MOTION: ***Councilmember Westmoreland moved to award a bid to Gunthers, Inc. for the installation of an HVAC system for the Community Development Building basement project in the amount of $50,186.00 and authorize the Mayor to sign the contract. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

20. BID AWARD – Consideration and Award of Bid to Able Access Elevator for the installation of an Elevator for the Community Development Building Basement Project.

This item was presented by City Engineer Chris Trusty. The City Council approved the award of the elevator contract in February of 2015, but City staff was unable to obtain bids for the rest of the basement project until recently. Once the general contract for the basement was awarded, City staff contacted the elevator contractor to revive the elevator bid. The agreement proposed by the contractor removed liability for damages arising from an improperly installed elevator. The general contractor agreed to take the elevator contractor as a subcontractor for a cost of $11,000. On the advice of the City Attorney, City staff proposes considering the low bid for this project nonresponsive for failure to accept liability, rejecting the bid, and awarding the project to the next low bidder, Able Access Elevator, in the amount of $57,111.00.

Councilmember Gricius thanked the City staff who found and dealt with the liability issue.

MOTION: ***Councilmember Curtis moved to reject the previous bid from Schindler and award a bid to Able Access Elevator in the amount of $57,111.00 for the installation of an elevator for the Community Development Building, and authorize the Mayor to sign the contract. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

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

Mayor Pengra announced a discussion of future development on Lake Mountain Road. He asked Mr. Cook to summarize what has been attempted so far and present some possible solutions.

Mr. Cook discussed creating an overlay zone east of Lake Mountain Road and south of the powerline corridor. The overlay zone would allow smaller lots than the current Agriculture Zone, but larger than the one-acre lots allowed by the City's current transitioning code. An overlay zone is both a zoning change and a Code amendment, so it would have to receive Planning Commission approval, as well as City Council approval.

Another option would be to amend the City's buffering requirements to create a more gradual transition.

Councilmember Bradley didn't see a need to change Lake Mountain Road. He liked the five-acre lots. He would approve of three-acre lots, but the landowners told him they would be unable to make any money on lots that large. He didn't think homes should be located close to power lines, which is likely to happen with smaller lots. He didn't want to patchwork the City with overlays, but he thought Lake Mountain Road might be unique enough to warrant an overlay.

Mr. Cook noted that there is no way to bind a future Council from changing the zoning of Lake Mountain Road.

Councilmember Gricius suggested the Council pass a resolution stating their intention that Lake Mountain Road remain an area of large lots. She felt it would offer direction without infringing on landowners' rights.

Mayor Pengra pointed out that no solution will solve all of the problems with access, traffic and transitioning. He said the 5 to 3 to 1-acre transitioning plan would prohibit some owners of 5-acre lots from subdividing their property. It could also introduce an incompatible use into land that is agricultural. He felt the only way not to harm existing rights is to leave the current property owners' Agriculture zoning as it is.

Councilmember Gricius asked the other Councilmembers how they felt about adopting a resolution expressing support for keeping Lake Mountain Road a large lot, agricultural area.

Councilmember Curtis appreciated Councilmember Gricius' intent, but didn't see what such a resolution would accomplish.

Councilmember Gricius said a resolution would steer the conversation and put developers on notice that the Council has an expectation for that area.

Mayor Pengra stated the Land Use Plan for Lake Mountain Road will come up for review when the General Plan is updated. The issue that prompted this discussion, Jeff and Karen Scott's development, is only at the rezone stage. Land use for the project won't be considered until a preliminary plat is presented.

Mayor Pengra said a Code amendment is being considered that will mandate a one-year waiting period after a rezone is denied, before it can be resubmitted without significant change. The amendment would clearly define what a significant change is. It would prevent repeated submittals with minor changes, but leave a property owner free to resubmit projects.

Councilmember Reaves wanted to know if there's a way to preserve the existing property owners' agricultural rights while allowing other owners to develop their property for residential uses, without causing undue traffic congestion. He didn't want landowners restricted from developing their land. Development will come, and he didn't want to set a precedent that would hurt growth.

Mayor Pengra pointed out that agricultural use could mean a pig farm or a mink farm. Any residential use would be incompatible.

Councilmember Reaves felt specific Code language could allow for "smart development," which would minimize conflicts and encourage mixed uses. Residents could know what uses they're moving into when they buy property.

Mayor Pengra said State law doesn't allow cities to mandate real estate disclosures.

Mr. Cook noted that an overlay zone controls new development, while the "right to farm" section in the Municipal Code (17.20.070) says smells, noise and extended hours of operation are to be expected when people move next to agricultural property.

Councilmember Gricius asked Mr. Cook if the Code section could be clarified to add some additional protections to agricultural land. Mr. Cook said that could be done, but cautioned the Council not to overdo it.

Councilmember Bradley said people's property rights only extend to the zoning on the property when it's purchased. Changing zoning in order to make money is not an inherent right.

Councilmember Reaves said he was looking for a middle ground.

Mayor Pengra stated that he didn't plan to place this issue back on the agenda until the Council has had a chance to discuss it. When two Councilmembers are ready to request an agenda item, he will put it on the agenda. In the meantime, he will pursue the issue of a Code amendment. He reminded them that whatever they considered should stand on its own merits, not be connected to a particular project or landowner.

Mr. Cook was concerned that a resolution would create uncertainty. He was also unsure whether the resolution would have to be repealed in the future. That kind of uncertainty could lead to litigation.

Councilmember Gricius asked what time frame the Mayor was considering on a Code amendment creating a one-year cooling-off period. Mayor Pengra asked Mr. Cook if he could have a draft ready for the next Planning Commission meeting. Mr. Cook said he could have a draft ready as a discussion item.

Councilmember Curtis asked what the best approach would be from a planning perspective. Mr. Mumford said it would be important to put a specific designation in the Future Land Use and Transportation Plan. By State law, this would require any landowner to comply. Mayor Pengra felt that would introduce other problems. He would prefer to update the entire General Plan at once, which would also make it compatible with the Master Transportation Plan.

Councilmember Gricius noted that Rural Residential is a vaguely-defined zone. It might be preferable to create another, more defined zone. She asked the rest of the Council for their opinions.

Councilmember Westmoreland was generally in favor of that area remaining agricultural. He did express concern about residential lots being too close to a powerline corridor.

Councilmember Reaves said he agreed with keeping Lake Mountain Road agricultural. He also thought the Council should be open to looking at other options. The majority of landowners aren't using their land agriculturally. He wanted landowners to be free to develop their property, but wanted to avoid piecemeal development.

Councilmember Bradley said he might be in favor of agricultural use on Lake Mountain Road.

Councilmember Curtis wanted the Council to "think outside the box." He wanted the area to stay in the lower range of density.

Councilmember Gricius stated she's not opposed to compromise. She's read codes from many government entities looking for solutions. After hours of study, she hasn't found a way to a successful compromise.

Councilmember Curtis
Councilmember Curtis—see liaison report.

Councilmember Bradley
After Councilmember Curtis' report, Councilmember Bradley suggested that at least one Youth Council member attend each City Council meeting and that all have City Council mentors.

Councilmember Reaves
Councilmember Reaves—see liaison report.

Councilmember Westmoreland
Councilmember Westmoreland—see liaison report.

Councilmember Gricius
Councilmember Gricius—see liaison report.

Mayor Pengra

Mayor Pengra said he is working with Utah State University on water conservation. The University has requested funding from the State for a water-efficient landscaping program and for a grant program for water conservation projects.

22. 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 Curtis said the Youth City Council has grown from three to ten members. The Council is working with the Pony Express Rodeo Committee and the Mascot Miracles Foundation on an event for terminally ill children to be held during Pony Express Days. The Youth City Council voted not to attend the ULCT Local Officials' Day. They requested permission to use the money for other purposes. Mayor Pengra said they can use the money for the best purposes they have, bearing in mind that these are tax dollars. Mr. Pili asked that they follow the City's purchasing policy.

Councilmember Bradley reported that the Economic Development Board met and has some good plans coming up.

Councilmember Reaves attended the Planning Commission meeting. He and Councilmember Curtis will alternate attending the meetings. The Parks and Recreation Board has five new members.

Councilmember Westmoreland attended the Library Board meeting. He had a conflict with the Cemetery Board meeting. He asked Jared Gray for a report. Mr. Gray was appointed Vice-Chair of the Board. They discussed the contracts for completing the entry monument and fencing.

Councilmember Gricius met with the Military and Veterans Advisory Board. They have plans for helping local veterans.

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

24. ADJOURNMENT

MOTION: ***Councilmember Curtis moved to adjourn the meeting at 9:52 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

APPROVED BY THE CITY COUNCIL ON FEBRUARY 16, 2016.

Fionnuala B. Kofoed, MMC
City Recorder