

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 7, 2014

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: Adam Bradley, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Councilmember Burnham participated telephonically.

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

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

Mayor Pengra moved Chief Andrus' items to the beginning of the meeting, as he had to leave for St. George as soon as possible for fire training.

Items 15, 16 & 17. Purchase Agreement, Interlocal Agreement & Board Member.

Chief Andrus discussed two items on the agenda. Item 15 is a purchase agreement with Unified Fire Authority (UFA). UFA agreed to pay \$500,000 to the City to make up for the impact fees that the City will no longer be able to collect. The agreement was made over a year ago, but the UFA Board approved it only recently.

Councilmember Bradley asked if the \$500,000 would pay for both stations or only one. City Attorney Jeremy Cook said that the payment is for both fire stations.

Councilmember Bradley asked how the amount was determined. Chief Andrus explained that part of it was in lieu of impact fees that were intended for the remodeling done on Fire Station #2. The remodeling was completed before all of the impact fees were collected.

Councilmember Westmoreland asked if the \$500,000 covers all financial liability for the City. Chief Andrus said it does. However, because adequate notice was not posted, the agreement will be tabled until the January 21 meeting.

Regarding item 16, the interlocal agreement with the Unified Fire Authority, Chief Andrus said that the document formalizes an agreement that was made last January. A written document was never signed. The agreement will be executed after the purchase agreement is executed, so it will also be tabled until the January 21 meeting.

Item 17 is an appointment to the Unified Fire Service Area Board. Mayor Pengra will be appointed as the City's representative to the Board.

1. PRESENTATION – Open & Public Meetings Act Training (*Presented by Jeremy Cook*)

State law requires annual training on the Open and Public Meetings Act. The Act requires the State and all its public agencies and political subdivisions to conduct the people's business openly. A meeting is defined as the convening of a public body with a quorum present for the purpose of discussing, receiving public comments on or acting upon a matter over which the public body has jurisdiction or advisory power. Advisory board meetings are public meetings. An agenda must be posted at least 24 hours before the meeting. Meetings may be held electronically, meaning that members may participate by electronic means.

Closed meetings may only be held for discussions of character, professional competence or physical or mental health of an individual; strategies for collective bargaining; pending and imminent litigation; purchase, exchange or lease of real property; deployment of security personnel or devices; or allegations of criminal misconduct. These items may be discussed in open meetings if the public body votes to do so.

Closed meetings may only be held following an open meeting in which 2/3 of the public body votes to hold the closed meeting. The motion has to state the reason and location of the closed meeting and the vote of each member. Closed meetings must be recorded and may have written minutes. Both recordings and minutes are protected under GRAMA.

Records of an open meeting include the notice, agenda, minutes and recording. The recording has to be complete, unedited and properly labeled. Independent parties can record, as long as the recording process doesn't interfere with the meeting.

Items not on the agenda may be discussed but may not be voted on. Minutes must include date, time and place of the meeting, names of those present, substance of items on the agenda, record of the votes taken, names of every person providing testimony, substance of the testimony, and any other information that a member requests to be entered into the minutes.

Councilmember Ireland pointed out that even if a member is not present at a meeting, he or she may still vote on the minutes of the meeting. The City must make pending (not yet approved) minutes available to the public within 30 days after the meeting, and within three business days after the minutes are approved by the public body. Written minutes, rather than the recording, are the official record of the meeting.

Intentional violation of the closed meetings portion of the Open and Public Meetings Act is a Class B misdemeanor.

Councilmember Westmoreland asked if both Work Session and Policy Session are video recorded. Mr. Cook said only the Policy Session is video recorded. Councilmember Westmoreland asked why. City Recorder Finn Kofoed explained that it takes approximately 5 hours to render the Policy Session video file. Public Information Director Linda Peterson added that, on average, it takes about 8 hours to render the video. Adding Work Session would make it unmanageable. The audio recordings are also posted on the City website.

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

Item 12A. Parkside Development Agreement.

Councilmember Steinkopf asked, if the exterior of the dwelling has to be 75% masonry materials, what will the other 25% be? Mr. Mumford said it should be stucco, brick, rock, fiber cement or vinyl siding.

Councilmember Steinkopf asked why the CC&Rs say that the City should be a partner in the enforcement of HOA codes? Mr. Cook said that statement is straight out of the City Code, but should be re-evaluated. He would prefer that the City only enforce City Code.

13. Gateway Final Plat

Councilmember Ireland asked when the park improvements will be built. Mr. Mumford responded that the pocket park, tot lot and detention basin will be installed with the first phase of the project. Scott Kirkland, the developer, added that quite a bit of landscaping needs to be installed along the road in the first plat. The improved open space will be maintained by The Ranches HOA.

Councilmember Bradley asked how the development's trails connect to the City's other trails. The response was that some of them only serve the subdivision. There is one trail that will connect to trails leading to Lone Tree.

Councilmembers asked about the towers on the hills. The towers are meant to resemble fire lookout towers for children to climb.

Mr. Kirkland and his partners are working with interested parties on how to preserve the petroglyphs. They would like to leave them alone until development comes closer to avoid calling attention to the petroglyphs to prevent vandalism.

18. Bid Award for Design of a Traffic Signal.

Councilmember Ireland asked which warrant was met in the warrant study completed by Horrocks Construction. Public Works Director Chris Trusty said the four-hour peak traffic warrant was met.

Councilmember Bradley asked if a crash study was ever done. Lt. Eric McDowell said crash data is very limited. There have only been about six accidents at the intersection in the last four years, although there have been many close calls and complaints. Lt. McDowell said the biggest danger of the intersection is the many pedestrians crossing between residential and commercial sites. He felt that a traffic signal is the safest solution for pedestrian safety.

Discussion ensued about increased traffic that will result from the grocery store. Mr. Trusty pointed out that the warrant study was conducted in March. If it had been conducted during the summer, pedestrian traffic would have been much higher.

Councilmember Westmoreland asked what capital projects were planned to coincide with the installation of the traffic signal. Mr. Trusty said the Central Water Project pipeline is being constructed, and he would like to install the traffic light at the same time that the pipeline reaches the intersection.

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

Mayor Pengra moved the City Administrator Information Items ahead of the Agenda Review out of respect for the members of the Cemetery Board who were in attendance to give an update on the status of the cemetery.

- A. Cemetery Update – Robert Hill, Cemetery Board
- B. Corridor Preservation Property Purchase – Steve Mumford

SR 73 Realignment

Matt Parker of UDOT discussed the planned realignment of SR 73. Pioneer Crossing currently ends at SR 68, which is Redwood Road. The road will be extended 1.5 miles to SR 73. SR 73 will be realigned, and the realigned section will be named Crossroads Boulevard. Construction is expected to begin in May and be completed in October. The extension will be built with two lanes in each direction, with room at the sides for an extra lane to be built on each side in the future, as well as acceleration and deceleration lanes.

Mr. Parker introduced Josh Palmer; however, he didn't speak at the microphone and was inaudible to the recording system.

Cemetery Update

Bob Hill explained that the board is anxious to provide residents a final resting place. It's hard on families to have to bury their loved ones far from home. The board has considered several sites, but has run into obstacles with each one. They've settled on a 20-acre piece of land owned by the City, adjacent to the rodeo grounds. By using City-owned land, the board's limited budget could be used to do a proper job of developing the site. Additionally, it's in an easy-to-find location across from a church, with plenty of parking.

The next step is City Council approval. If the Council approves the site, the board will be able to begin working with the landscape architect. They've considered having separate sections for children and for veterans. A children's section seems like a good idea. There is a veterans' cemetery at Camp Williams, so that may not be as useful to the community.

Corridor Preservation

Planning Director Steve Mumford said that the City has been working to preserve future right-of-way corridors along SR 73. The owner of Clearview Estates set aside 150' width, parallel to SR 73, for future sale to UDOT. The Planning and Public Works Departments are now working with a property owner to preserve a corridor along SR 73 where it enters the northwest corner of the City. Funding can be obtained from the Local Corridor Preservation Fund administered by Utah County.

Mr. Mumford said that he has talked to the Saratoga Springs engineer about the project.

Councilmember Westmoreland asked how long the County money will be available. Mr. Mumford said that any money allocated to the City will be returned to the County fund if the City doesn't use it.

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

MOTION: *Councilmember Steinkopf 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.*

POLICY SESSION – CITY COUNCIL CHAMBERS

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

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

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

Adam Bradley led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Christmas Tree Disposal** -- Our Parks Department is offering free pick up and disposal of live Christmas trees through January 16. Simply place your live tree, stripped of all decorations, on top of the curb in front of your home. Please do not place trees in the gutter, as they impede parking and snow plows. For condo neighborhoods, a list of locations to leave your tree is available on the City website, News section.
- **City Offices Closed** – The City offices and Library will be closed on Monday, January 20 for the Martin Luther King, Jr. holiday.
- **Story Time** – Story Time at the Library starts on January 22. Story Time is geared towards children ages 3-5, although all ages are welcome. It is a few stories, some songs, and sometimes even a craft. In February there will also be a program geared towards children 18 months-3 years old. It will be in conjunction with Kids on the Move. Check out the "Events" tab on the Library page of the City website for more information.
- **Pioneer Crossing Extension Open House** – UDOT will hold an open house on Thursday, January 23 at Westlake High from 5:00 to 8:00 p.m. to provide information on a proposed extension of Pioneer Crossing. Notices will be posted on the City website and social media when more information is available.
- **Seniors' Pizza & Movie Night** – The Seniors (ages 55+) will hold their monthly group activity, pizza and a movie, on Monday, January 27 at 5:00 p.m. at City Hall. Admission is free.
- **Library Fine-Free Event** – The Library will be waiving fines for items currently checked out that have fines through February 7.

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

Bryan Free commented on the purchase agreement with the Unified Fire Authority. He asked if a formal real estate appraisal was done before setting the price. He also asked how the new Mayor and Councilmembers planned to communicate new information and projects to City residents. He also wanted to know about the traffic signal planned for the intersection of Pony Express and Ranches Parkways.

Mayor Pengra thanked Mr. Free for participating in public comments. He stated that he asked the same question about the Unified Fire Authority purchase. He explained that the price covers the impact fees that the City will no longer collect on Fire Station #2. As far as communication is concerned, he will be working on a communications plan that will offer more opportunities for residents to communicate with elected officials. He said the traffic light bid award is only for a design at this point, not for construction.

Fred Peeples congratulated the Mayor and new members of the Council. He commented on the proposed traffic signal. He didn't feel that it was a good use of taxpayer funds, nor was there enough traffic to justify the cost of its installation. City Administrator Ifo Pili said the funding comes from transportation impact fees paid by developers. Mayor Pengra stated that, while current traffic doesn't require a traffic signal, upcoming residential and commercial traffic will require it.

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

No comments.

CONSENT AGENDA

10. MINUTES
A. December 3, 2013 – Regular City Council Meeting
11. BOND RELEASE (INTO WARRANTY)
A. Southmoor Phase 2
12. DEVELOPMENT AGREEMENT
A. Parkside
B. Evans Ranch Plat B-1
13. FINAL PLAT
A. Gateway Phase A Plat 1

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.*

SCHEDULED ITEMS

14. MOTION – Consideration and Approval of Appointment of a City Councilmember as Mayor Pro Tempore.

This item was presented by Mayor Pengra. The City Council will appoint a Councilmember as Mayor Pro Tempore for a one-year term to cover for the Mayor in the event of his absence. Mayor Pengra proposed appointing Councilmember Burnham as Mayor Pro Tempore.

MOTION: *Councilmember Ireland moved to appoint Councilmember Burnham as Mayor Pro Tempore. 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.*

15. AGREEMENT – Consideration and Approval of an Interlocal Agreement with the Unified Fire Authority for the Acquisition of Fire Protection, Emergency Response and Emergency Medical Service.

This item was presented by City Attorney Jeremy Cook. In conjunction with the annexation of the municipal boundaries of Eagle Mountain City into the Unified Fire Service Area (formerly Salt Lake Valley Fire Service Area), the City agreed to join the Unified Fire Authority, an interlocal entity. The Interlocal Agreement formalizes the City's agreement to join the Unified Fire Authority and the transfer of certain assets and personnel as set forth in the Interlocal Agreement. The Unified Fire Service Area is a taxing entity, while the Unified Fire Authority is the interlocal organization that provides the fire service.

Mr. Cook recommended that this item be tabled until the next meeting to coincide with a vote on item 16.

See motion on item 16.

16. AGREEMENT – Consideration and Approval of a Purchase Agreement with the Unified Fire Authority.

This item was also presented by Mr. Cook. The Purchase Agreement is a separate agreement referenced in the Interlocal Agreement that formalizes the transfer of Eagle Mountain City's two fire stations to Unified Fire Authority for the amount of \$500,000.00.

Mr. Cook recommended that this item be tabled until the next meeting. The agreement can't be voted on because the required notice wasn't posted soon enough.

MOTION: *Councilmember Steinkopf moved to table an interlocal agreement and a purchase agreement with the Unified Fire Authority. 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.*

17. RESOLUTION – Consideration and Approval of a Resolution of Eagle Mountain City, Utah Appointing a Member Representative to the Boards of the Unified Fire Service Area and the Unified Fire Authority.

This item was presented by Mayor Pengra. As a member of the Unified Fire Service Area and the Unified Fire Authority, it is necessary for Eagle Mountain to appoint a member representative to both Boards annually. Mayor Pengra will be the new representative.

MOTION: *Councilmember Ireland moved to approve a Resolution of Eagle Mountain City, Utah appointing a member representative to the boards of the Unified Fire Service Area and the Unified Fire Authority. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

18. BID AWARD – Consideration and Approval of a Bid Award for Signal Light Design at the Intersection of Ranches and Pony Express Parkways.

This item was presented by Public Works Director Chris Trusty. This is a bid award for professional design services for a proposed traffic signal at the intersection of Ranches and Pony Express Parkways. This project was included in the FY 2014 budget.

A warrant study was completed by Horrocks Engineering. A warrant study evaluates nine different warrants to determine whether a traffic signal should be installed. Horrocks recommended that the City consider installing a traffic signal, so the project was added to the Capital Facilities Plan. The project will be coordinated with the water line project that is under construction. Horrocks bid for the design and construction management and is the lowest responsible bidder.

Councilmember Ireland asked what the impact would be if the underground electrical lines for the traffic signal were installed now, and the traffic signal built later. Mr. Trusty said it was possible, but he recommended doing the complete design now, so it will be ready when the signal is installed.

MOTION: *Councilmember Steinkopf moved to approve a bid award for a signal light design at the intersection of Ranches and Pony Express Parkways to Horrocks Engineering in the amount of \$27,437 and authorize the Mayor to sign the agreement. Councilmember Westmoreland seconded the motion.*

Councilmember Westmoreland asked Mr. Trusty when the City is likely to meet more of the criteria in the warrant study. Mr. Trusty replied that one is pedestrian traffic, which might have been met if the study had been done during warmer weather. Another is the volume of vehicular traffic, which has to exceed a certain number of daily vehicle trips in an eight-hour period. The traffic count nearly met the requirement. The report stated that if a high traffic generator (such as the grocery store) is constructed near the intersection, the standard will be met sooner.

Councilmember Westmoreland felt that the City should take some time to prepare for the cost of a traffic signal. He wasn't sure that a traffic signal would provide the most improvement in safety.

Councilmember Steinkopf stated that there has already been one auto-pedestrian accident at the intersection, which he felt was enough to indicate that a traffic signal is needed for safety.

Councilmember Westmoreland asked what would happen to the funds for the traffic signal if they are not used right now. Mr. Pili explained that the funds come from transportation impact fees paid by developers. The money belongs to the City and could potentially be allocated to another transportation project.

Councilmember Ireland felt that the City ought to at least lay conduit while the street is dug up for the water line. He noted that many intersections in Salt Lake City are only provided with orange flags for pedestrians to carry across the street.

Energy Department Adam Ferre pointed out that the bid award is only for a design. He won't know what electrical facilities will need to be installed until the design is completed.

Mayor Pengra asked if Horrocks only designs traffic signals or if they could design something else that would make the intersection safer. Mr. Trusty said he wasn't familiar enough with Horrocks to answer.

Councilmember Bradley asked how much a warrant study costs. Mr. Trusty responded that the last one was part of the Capital Facilities Plan, so there was no additional cost. They would do an update to the current warrant study for somewhere around \$2,000.

Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

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

Councilmember Burnham

Councilmember Burnham thanked City Recorder Fionnuala Kofoed for enabling her to participate by telephone. She was sorry she missed this first meeting with the new Mayor and Councilmembers and looked forward to working with them.

Councilmember Steinkopf

Councilmember Steinkopf welcomed the new Mayor and Councilmembers and said 2014 is going to be a great year. He also noted that Noelle Pikus-Pace, an Eagle Mountain resident, is close to being on the Olympic team in the skeleton race.

Councilmember Ireland

Councilmember Ireland expressed appreciation for those who attended this meeting.

Councilmember Westmoreland

Councilmember Westmoreland thanked everyone who attended the meeting and was grateful for this opportunity to serve the City. He referred to Mr. Free's comment about communication. He hoped to be able to use his professional experience to help with that.

Councilmember Bradley

Councilmember Bradley said it was an honor to represent the residents of Eagle Mountain. He commended Mr. Free and Mr. Peebles for making public comments and congratulated Mayor Pengra for a successful first meeting.

Mayor Pengra

Mayor Pengra appreciated the residents who came to the meeting and looked forward to serving the citizens for the next four years.

20. 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.

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

22. ADJOURNMENT

MOTION: *Councilmember Steinkopf moved to adjourn the meeting at 7:54 p.m. 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.*

APPROVED BY THE CITY COUNCIL ON JANUARY 21, 2014.



Fionnuala B. Kofoed, CMC
City Recorder