



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

April 3, 2018

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

3:00 P.M. SITE VISIT – CORY B. WRIDE MEMORIAL PARK

ELECTED OFFICIALS PRESENT: Councilmember Melissa Clark, Councilmember Ben Reaves, and Councilmember Colby Curtis.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Brad Hickman, Parks and Recreation Director; Steve Mumford, Community Development Director; Melanie Lahman, Chief Deputy Recorder.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. Councilmember Donna Burnham was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Analyst; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jeff Weber, Facilities/Operations Director; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; B.J. Eccles, Sheriff's Deputy.

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

1. **CITY ADMINISTRATOR INFORMATION ITEM** – This was an opportunity for the City Administrator to provide information to the City Council. This item was for information only and did not require action by the City Council.

A. PRESENTATION – FY 2018-2019 Preliminary Budget

City Treasurer David Mortensen presented the initial version of the fiscal year 2019 preliminary budget. The total expenditures by budget area were as follows:

General Fund:	\$12,700,262
Enterprise Funds:	\$11,210,553
Impact Fee Funds:	\$2,976,000
Capital Projects Fund:	\$2,230,000
Debt Service Funds:	\$836,108

General Fund revenues were expected to be slightly lower than expenditures, so approximately \$129,807 of the Fund Balance Reserve will need to be used to balance the budget. The largest of the General Fund Capital Projects will be widening a section of Pony Express Parkway, construction of a road to service the new high school and HAWK crosswalk signals. Mr. Mortensen noted the per capita cost of government during fiscal year 2018 was \$330.88, compared to \$321.53 for fiscal year 2019. These were approximations based on statistical analysis. The precise cost varies as funds are received and expended.

Mr. Mortenson planned to make additional presentations to the City Council throughout the budget process.

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

14. MOTION – Professional Service Agreement between Eagle Mountain City and Vision Internet for Website Redesign and Maintenance.

This agreement was tabled at the last City Council meeting.

Management Analyst Evan Berrett stated City staff recently put out a request for proposals to update the website with a more attractive and functional design.

Mr. Berrett stated the proposal from Vision Internet, the City's current website provider, was the most complete and cost-effective of all the responses received. Vision has improved its hosting provision since it began working with Eagle Mountain and had provided a detailed plan for significant improvements.

Councilmember Curtis felt the cost was too high for what was being offered, especially for annual maintenance and specialty items on various pages. Adam Isern, representing Vision, assisted Mr. Berrett in explaining the procedure and costs of customizing and maintaining the website.

15. MOTION – Disposal of Significant, Real Property Identified as Utah County Parcel Number 58:034:0181.

City Attorney Jeremy Cook stated this item would be discussed in Closed Executive Session.

16. MOTION – Eagle Point, Plat J Amended Preliminary Plat.

City Planner Tayler Jensen said this development would be located east of Lake Mountain Road, adjacent to Eagle Point I. The plat amendment was being requested due to several lots being combined and sold as a church site. The Planning Commission recommended approval of the project with several conditions. The developers have already complied with most of them, as follows:

- Lot count reduced by 13 (original submittal was for 184 units)
- Setback exhibit compliant with City setback standards requiring 15' in the front, 22' for driveways, 5' and 10' (15' Total) for side yards, and 20' at the rear.
- Floyd Ct. added between Mercer Dr. and Ophir Dr. to comply with the connectivity code.

- All lots on Ophir Dr. increased to greater than 10,000 SF in size.
- 36 total lots to be made larger than 10,000 SF.

17. MOTION – Gateway Park, Plat 3 Preliminary Plat.

Planning Manager Mike Hadley stated the proposed plat was for six lots on 15.76 acres, west of and adjacent to Eagle Mountain Storage. The property was zoned Business Park and Industrial. There would be a temporary second access onto Wride Memorial Hwy., which would either be removed with the highway expansion or become a permanent access onto a future frontage road.

Councilmember Clark asked if there were any plans to use part of the space for recreational vehicle storage. Mr. Hadley said there was RV storage in the existing storage units.

Councilmember Curtis asked if the developers would create an overall landscape plan, rather than depending only on the landscape provided by the buyers of individual lots. Mr. Mumford said there could at least be an overall plan for streetlights along the road and preliminary landscape plans for the individual lots.

Mayor Westmoreland wanted to ensure land was left available as a right-of-way for a frontage road or highway expansion and possibly a light rail line.

City Attorney Jeremy Cook stated a possible solution would be to place the parking lot closer to the road rather than the buildings.

18. MOTION – Sunset Ridge Amended Preliminary Plat.

Mr. Hadley said the Sunset Ridge plat amendment included redesign of some of the roads and changes in the configuration of some of the lots. The changes reduced the need for grading and should eliminate blasting entirely.

The Council and staff discussed where trails and roads should be located for safety and connectivity.

City Engineer Chris Trusty noted the City recently applied to the Mountainland Association of Governments for funding for some road widening in the area.

Brian Haskell, representing the applicants, offered to answer any questions. After speaking to the Planning Commission, the applicants were considering eliminating the trail corridor, since it appeared to cause more problems than benefits.

19. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 3.10 of the Eagle Mountain Municipal Code Related to the Municipal Energy Sales and Use Tax.

Assistant City Administrator/Finance Director Paul Jerome stated this tax was levied on electric and gas utility bills. In researching how to encourage large businesses to locate in Eagle Mountain, City Administration found that most states didn't charge this tax. They felt that relieving this tax would help to attract such businesses, large data centers in particular.

Councilmember Curtis asked whether the natural gas portion of the energy tax should be included in this change. Mr. Jerome said large data centers used very little natural gas in their operations. The proposal could be changed to specify that it applied to electricity only.

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 Gricius 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 Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:48 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. Councilmember Donna Burnham participated by telephone.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Economic Development Manager; Evan Berrett, Management Analyst; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Ross Fowlks, Fire Chief; B.J. Eccles, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:06 p.m.

5. PLEDGE OF ALLEGIANCE

Stephanie Gricius led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Adaptive Easter Egg Hunt – An Easter egg hunt for individuals with disabilities and their families will be held Saturday, April 7 at Frontier Middle School. Meet the Easter Bunny from 12:00-12:45 p.m. The egg hunt will begin at 12:45 p.m. sharp. This event is organized by Western Utah County Family to Family Network and is not restricted to Eagle Mountain residents.
- Neighborhood Watch Community Meeting – The next community meeting featuring information and training related to Neighborhood Watch, Community Emergency Response

Team, Eagle Mountain Emergency Communications Team, and Volunteers in Police Service will be held Thursday, April 12 from 7-9 p.m. in the City Council chambers. Those interested are invited to attend anytime within that time period.

- Utah County Household Hazardous Waste Collection Day – Utah County residents with household hazardous waste items such as old gasoline, paint, fluorescent light bulbs, batteries and unused medications will be offered safe disposal of these items at a Household Hazardous Waste Collection Day on Saturday, April 14 from 9 a.m. to 3 p.m. The collection will take place in the west parking lot of the Provo Towne Centre Mall in Provo. For details, including a list of what will or will not be collected, please visit the City website, Events calendar.
- Service Day at Camp X – The new Boy Scout Camp in Eagle Mountain (temporarily named Camp X) is holding a community service day on Saturday, April 14. Various projects will help prepare the camp for its opening this summer. Visit utahscouts.org/serviceday for more info and to register. Community Clean-up – Registration is open for volunteers for the annual citywide Community Clean up event, to be held Saturday, April 21 from 8 a.m. to Noon. Individuals, groups, families, and anyone who wants to participate is welcome. Volunteers receive a breakfast snack, lunch, and a swag bag. Info at www.emcity.org/cleanup.
- Grand Marshal Nominations – Eagle Mountain City and Pony Express Special Events extend the opportunity to the community to nominate a deserving individual to be the Grand Marshal for this year's Pony Express Days. The nominee will be recognized at the Rodeo, Demolition Derby, Grand Parade and Extreme Enduro events. Please visit emcity.org/ped parade page for details on nomination requirements.

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

Dan Richards asked about the process of cleaning and improving the detention pond next to his house in the Arrival subdivision. The Council and staff discussed how to have that work completed.

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

Councilmember Gricius

Councilmember Gricius welcomed everyone to the meeting.

Councilmember Clark

Councilmember Clark wanted to highlight some great things going on in the City. She said the City recently had an Easter egg hunt for children. The Youth Council helped in various ways. A resident planned an Easter egg hunt for teens, who got to spend a little while just being kids. Streets and Storm Water Manager Zac Hilton recently purchased a scarifier blade to better grade gravel roads.

Councilmember Reaves

Councilmember Reaves welcomed everyone to the meeting.

Councilmember Curtis

Councilmember Curtis congratulated the new Miss Eagle Mountain royalty.

Councilmember Burnham

No comment.

Mayor Westmoreland

Mayor Westmoreland said the groundbreaking for the new Boy Scout camp would be held on Wednesday, April 18 from 10:00 a.m. to 12:00 p.m.

9. RECOGNITION

- A. John Painter, Mayor
- B. Adam Bradley, City Councilmember

Mayor Westmoreland presented plaques to former Mayor John Painter and former Councilmember Adam Bradley and thanked them for their outstanding service to the City.

CONSENT AGENDA

10. MINUTES

- A. March 6, 2018 – Regular City Council Meeting

11. CHANGE ORDERS

- A. 2018 Crack Seal Project – CKC Asphalt
- B. Cory B. Wride Memorial Park, Phase 1B

12. BOND RELEASES – Into Warranty

- A. Overland Phase A, Plat 1
- B. Spring Run Phase B, Plat 2

13. RESOLUTION – Declaration of Surplus Property

- A. Vehicles

MOTION: *Councilmember Curtis moved to approve the Consent Agenda, specifying the amount of the Wride Memorial Park change order as \$372,630.49 and indicating a change to the minutes stating that Councilmember Clark asked a question about the RFP on item 15, rather than Councilmember Burnham. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

14. MOTION – Professional Service Agreement between Eagle Mountain City and Vision Internet for Website Redesign and Maintenance.

Management Analyst Evan Berrett presented this proposed agreement for website redesign and maintenance. The website redesign would significantly improve search functionality, ease of use and content organization. This item was tabled from the March 6, 2018 meeting. Having reviewed

several proposals, staff felt the Vision proposal was the best option. Since the March 6, City staff worked with Vision staff to negotiate a decrease in annual costs and revise the agreement to be more specific about what it covered.

Councilmember Curtis thought the cost of the agreement was too high. He stated a number of ways he felt the website could be updated for a lower cost. He also objected to approving a five-year contract with automatic rate increases.

Mr. Berrett responded staff had reviewed all of the bids for the agreement and Vision was the most cost-effective for the services requested. He asked exactly what Councilmember Curtis was requesting, so he could include it in a new request for proposals if this agreement was not approved. He felt it was not likely that staff would receive lower bids if the project was re-bid.

Councilmember Curtis stated his remaining objections to the agreement. He wanted better management of documents related to subdivision plats and better live-streaming of Council meetings than what was proposed. He felt a five-year maintenance contract was too constricting.

Councilmember Reaves asked if this was the lowest bid. Mr. Berrett stated the City had initially hired Revize Software. The amount they bid was lower, but their service was unacceptable. Staff had to cancel the agreement.

Adam Isern of Vision Internet stated the cost was affected by the term of the agreement. Vision generally priced agreements on a five-year schedule. Their proposal to Eagle Mountain was heavily discounted. He believed Vision's management wouldn't agree to less than three years.

Mr. Pili stated the Council didn't appear to be ready to make a decision. He suggested tabling the agreement until the Council felt ready to vote on it.

MOTION: *Councilmember Curtis moved to table a professional service agreement between Eagle Mountain City and Vision Internet for website redesign and maintenance so that the contract can be further negotiated and the Council's concerns can be addressed. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

15. MOTION – Disposal of Significant, Real Property Identified as Utah County Parcel Number 38:302:0005.

This item was discussed during the Closed Executive Session.

MOTION: *Councilmember Gricius moved to approve the disposal of significant, real property identified as Utah County parcel number 38:302:0005 subject to the conditions discussed during the Closed Executive Session. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

16. MOTION – Eagle Point, Plat J Amended Preliminary Plat.

City Planner Tayler Jensen stated the proposed plat contained 171 single-family lots on 45.29 acres. The property was located east of Eagle Point I and north of Eagle Mountain Boulevard. The plat was being amended because eight of the lots were sold and combined into a church site. The improvements over the previous approval would include: a larger park, more trails, better connectivity, larger road rights-of-way and better storm water management.

Councilmember Curtis objected to the increase in density represented by this amendment.

Councilmember Reaves felt the park was too far away from the eastern edge of the development.

Scott Dunn, representing Patterson Construction, said employees at Patterson were divided between those who wanted to redesign the entire plat and those who wanted only to change the area affected by the church site. He felt the new design exceeded the requirements of the current Municipal Code.

Councilmember Curtis felt the City was very different now than it was when the plat was originally approved.

Councilmember Clark said this was prime development land and shouldn't be filled with small lots. She preferred quarter-, half- and one-acre lots.

Councilmember Burnham felt this should be treated as an entirely new plat rather than an amendment, because the developers chose to make significant changes.

Councilmember Gricius asked Mr. Dunn if the plat design took drainage into account. Mr. Dunn said specific drainage would be included in the construction plans, which would be reviewed by City Engineer Chris Trusty.

Mayor Westmoreland asked if Mr. Dunn was in a position to negotiate at this meeting. Mr. Dunn said he could convey what the Council wanted to Patterson Construction. He stated the owners of the project felt strongly they were entitled to the number of lots in the previous approval.

Mr. Cook stated the Council could table the application until he could research whether there was case law on whether the developers were entitled to a partial amendment. Tabling would also allow time for additional negotiation.

MOTION: *Councilmember Gricius moved to table the Eagle Point, Plat J amended preliminary plat to the next scheduled meeting. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

17. MOTION – Gateway Park, Plat 3 Preliminary Plat.

Planning Manager Mike Hadley stated the proposed project was a six-lot preliminary plat for business park uses. The project was located in the Gateway Park development north of Cory B. Wride Memorial Highway.

Mayor Westmoreland asked whether this design would allow enough space for UDOT's expansion of Wride Memorial Highway as well as a potential light rail line.

Scot Hazard, representing the developers, stated the developers had already sold a considerable amount of land to UDOT. He preferred to hold any restrictions on the remaining property until a site plan was presented to the Council.

Councilmember Curtis brought up the large sign on Mr. Hazard's property near Wride Memorial Hwy. Mr. Hazard stated the sign was approved through UDOT and the City. Mr. Cook stated he had spoken with the developers' attorney. They disagreed about whether the sign could remain as it was.

Discussion ensued on streetlights and landscaping. Mr. Hazard suggested working with the staff to create a landscaping plan for the park strips.

MOTION: *Councilmember Curtis moved to approve the Gateway Park, Plat 3 preliminary plat with the following conditions: the applicant worked with staff to outline a landscaping standard for the park strips that would be consistent with the rest of the area and worked with staff to install streetlights as required by the Municipal Code. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

18. MOTION – Sunset Ridge Amended Preliminary Plat.

Mr. Hadley said the proposed amended plat kept the total number of lots the same as the original approval (189), but changed the road and lot configuration in the northwest portion of the project. The plat was originally approved as Lone Tree West.

MOTION: *Councilmember Gricius moved to approve the Sunset Ridge amended preliminary plat with the Planning Commission conditions, as well as requiring Unbridled Court to be renamed, and requiring compliance with the City's blasting code. Councilmember Curtis seconded the motion.*

After discussion, the motion was amended.

AMENDED MOTION: *Councilmember Gricius moved to approve the Sunset Ridge amended preliminary plat with the Planning Commission conditions, as well as requiring Unbridled Court to be renamed and requiring compliance with the City's blasting code, specifying blasting would be limited to that necessary for utility installation and road construction. Councilmember Curtis accepted the amendment. Those*

voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

19. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 3.10 of the Eagle Mountain Municipal Code related to the Municipal Energy Sales and Use Tax.

Assistant City Administrator/Finance Director Paul Jerome presented this item during Work Session, as recorded on page 3 of these minutes.

MOTION: ***Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, amending Chapter 3.10 of the Eagle Mountain Municipal Code related to the Municipal Energy Sales and Use Tax with the condition that the change only applied to electricity, not natural gas. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.***

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

Councilmember Gricius
No comment.

Councilmember Clark
See board liaison report.

Councilmember Reaves
No comment.

Councilmember Curtis
See board liaison report.

Councilmember Burnham
No comment.

Mayor Westmoreland
No comment.

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

Councilmember Curtis reported the Library Board was considering a pilot program abolishing Library fines for a short period of time. The data they had showed fines undermined the purpose of the Library and didn’t bring in much money. They were also working on appointing new members to the Board.

Councilmember Clark stated the Planning Commission was trained last week on their powers and duties by Ms. Kofoed and Mr. Cook.


22. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

23. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 10:09 p.m. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on April 17, 2018.



Fionnuala B. Kofoed, MMC
City Recorder