MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING
April 15, 2014
Work Session 6:00 p.m. Policy Session 7:00 p.m.
Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

6:00 P.M. WORK SESSION – COUNCIL CHAMBERS

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

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; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 6:03 p.m.

1.   REVIEW – FY 2014-2015 Preliminary Budget.

Mayor Pengra announced that there will be a special City Council meeting on April 29 for a formal presentation and additional discussion of the preliminary budget. Today's discussion is primarily to answer Council questions.

City Administrator Ifo Pili discussed the Capital Projects Fund. Most of the Capital Projects funds are dedicated to road maintenance projects. Approximately $100,000 in impact fees is intended for park improvements, and an improved master irrigation control system is planned, primarily to prevent road damage from the irrigation system.

Mr. Pili described departmental budgetary goals. Public Works is developing a five-year plan for road improvement and maintenance. Public Safety is requesting an additional Sheriff's deputy, the Library would like to increase staff hours and the Parks Department wants to increase the parks maintenance contract.

Councilmember Burnham asked about the FY 2014 Capital Projects Fund balance. Mr. Pili responded that it's the total available after all the projects have been completed. Some of those funds are intended to pay the costs for wildfire control which haven't been paid yet. The remainder can be used to increase the reserve fund balance or to fund more projects on the City's list of goals.

Councilmember Burnham asked about the budget for a phased project at the intersection of Bobby Wren Blvd. and Pony Express Parkway. It was budgeted two years ago. She wanted to know what happened to the funds.

Mr. Pili said he didn't know why the project wasn't accomplished. If project funds aren't used in the year they're budgeted, they collapse back into the General Fund. Councilmember Ireland reminded the Council that the project was postponed in the hope that a UTA bus stop could be incorporated into the park.

Mayor Pengra explained that the pavement will need to be properly leveled to keep water from damaging the road. He noted that part of the Capital Outlay Fund is planned for purchasing a paver and roller, which will allow the City to save money by managing those projects in-house. They will also be used for repairs to trails.

Mr. Pili reviewed the rest of the capital projects. The fund has accumulated approximately $170,00 in impact fees for lights at the Mid Valley Park baseball fields, which is not enough to complete the project yet. Even though it was budgeted, the money can't be used unless enough money becomes available to do a budget amendment. The road maintenance projects are part of a $500,000, five-year maintenance plan.

The Parks Department requested $5,000 for landscaping at the bike park. The irrigation system needs to be repaired and landscaping should be upgraded where the park abuts a residential area.

Mr. Trusty described the master control system planned for the Pony Express Parkway/Ranches Parkway irrigation system. It will be constructed in five stages. The Public Works Department directed the contractors installing the Central Utah waterline to place extra conduit for the irrigation control lines, which saved the City approximately $20,000. There will also be a master control upgrade to the SilverLake amphitheater.

Councilmember Bradley asked if the return on investment for these systems had been calculated. Mayor Pengra said it was about ending the cycle of water damage to roads. It's only the beginning of controlling a long-standing problem.

Mr. Trusty said these roads should have had preventive maintenance only for their first 20 years, but the Streets Department has repeatedly resurfaced water-damaged roads.

Councilmember Ireland didn't think the narrow median strips next to turn lanes should be irrigated at all. They should have decorative rockwork instead.

Mayor Pengra noted that all the discussions about this have been geared towards efficiency. He said that he just sent an email to the Council members containing a spreadsheet covering the savings due to purchasing paving equipment.

Mr. Pili brought up the next item, Westview Heights Park. The playground equipment installed by the developer doesn't meet today's safety standards and needs to be replaced. There may be a grant available to pay part of the cost.

Mr. Pili went on to discuss Eagle's Gate Park. The Parks and Recreation Advisory Board recommended that the City match funds provided by the HOA.

Councilmember Ireland asked about if the FY 2014 fund slated for trees was spent and, if so, where they were planted. Mr. Trusty said most of them will be planted in the spring.

The Library requested shelving for the children's section. The Recreation Department requested sports equipment to accommodate the record numbers of children signing up for the programs. The Events Department is requesting A-frame event signs and a C container for events equipment storage. A phased project is planned to tie the security systems in City Hall and the Energy

Building together and provide evidence-quality recordings that would be admissible in a court of law. The system will store about 30 days' worth of recordings.

Councilmember Burnham asked about page 58 in the preliminary budget document, which said that the City would raise $90,000 in rodeo sponsorships. Mayor Pengra answered that it's an error. It's not applicable to the FY 2015 budget.

Councilmember Ireland requested an itemization of revenue from community events.

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

None.

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

None.

The meeting was adjourned at 6:57 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Linda Peterson, Public Information Director; 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

Cub Scout Troop 1141 presented a flag ceremony.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Spring clean-up** – The City is offering our annual spring clean- up dumpsters for yard and general waste through April 20. Dumpsters are located near the Public Works Building, south of City Hall. A schedule for the dumpsters to be emptied and a list of items unacceptable for the dumpsters is available on the City website, News page.

- **Burn permits** – We are currently in an open burn period, through May 30. Requirements and application links for burn permits are on the City website, News page. Please be aware that as of last year, different requirements established by the Utah Department of Air Quality are in effect.
- **Woman of the Year nominations** -- Nominate one of the outstanding women in Eagle Mountain for the City's Woman of the Year award. In 200 words or less describe why your nominee is deserving of the award. Nominations are due by April 22. Info on how to submit your nomination is available on the City website, News page. The award will be presented at the Miss EM Pageant on May 3.
- **Easter Egg Hunt** – The annual City Easter Egg Hunt will be held on Saturday, April 19, starting at 10:30 a.m. SHARP. Over 20,000 eggs will be out for the hunt at Nolan Park, separated into age groups ranging from 3-12 years old. Bring your own baskets. More info is available on the Events page of the City website.

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

Kendall Saunders said that water work was done in his neighborhood this spring. His driveway was damaged by heavy equipment used in the project. He and his wife have emailed several City employees without receiving a response. He would like a City representative to meet with him next week to make some plans for repairs. Mayor Pengra responded that he will arrange a meeting with Mr. Saunders.

Bruno Hunziker left a message for Mr. Pili eight days ago and didn't receive a response. He appreciated the Mayor's prompt response when he's called. Mr. Hunziker said that he and his wife had a heated conversation with a developer recently. The developer said the park in Mr. Hunziker's neighborhood is complete and ready to be turned over to the City. He also said the sewer trunk line is dumping sewage into his field and threatened to sue the residents. The residents spoke to an attorney who said the developer will have to sue Eagle Mountain City. Mr. Hunziker would like a monthly statement from the City on the status of the sewer line. He would also like the water line under Wilson Ave. repaired.

Marcie Taylor was representing herself, her husband and some neighbors. Lake Mountain Road is becoming hazardous. The residents are requesting road maintenance. They're also having trouble with young people speeding on dirt bikes and drinking. She appreciated all the work the Mayor and Council do.

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

Councilmember Steinkopf
Councilmember Steinkopf stated that the Great Utah Shake-Out will be held on April 17. The event is an opportunity to evaluate one's emergency preparedness and to practice emergency safety skills.

Councilmember Burnham
Councilmember Burnham asked for an update on the cemetery. She would also like to see the White Hills updates sent to Mr. Hunziker. She asked when the City plans to put sod in the cemetery, because when the wind blows it sends dirt all over Eagle Mountain Blvd.

Councilmember Ireland

Councilmember Ireland sent an email this past week about the crosswalks in Overland Trails. The reflective markings need to be replaced. Mayor Pengra said he would address that.

Councilmember Westmoreland

Councilmember Westmoreland said the cleanup dumpsters are surrounded by trash left behind when residents find the dumpsters full. He felt that residents should respect the capacity of the dumpsters and not leave trash around them. Mr. Trusty said the dumpsters were emptied three times a week, which is helping with the trash problem.

Councilmember Bradley

No comment.

Mayor Pengra

No comment.

CONSENT AGENDA

9. MINUTES
   A. April 1, 2014 – Regular City Council Meeting

10. DEVELOPMENT AGREEMENTS
    A. Evans Ranch, Plat B-2
    B. Gateway, Phase A, Plat 1
    C. Valley View South, Plat C

11. BOND RELEASE – Into Warranty
    A. Eagle Point Condominiums, Phase A

12. CHANGE ORDER
    A. CWP Water Line, VanCon

Mayor Pengra explained that the developers of Valley View Plat C have presented a plan for an amended development agreement for Plat D.

City Attorney Jeremy Cook stated that the Valley View C development agreement should be pulled from the Consent Agenda and discussed as a separate item. In addition, the Gateway development agreement needs a minor change and should be made a discussion item.

Councilmember Steinkopf asked if there should be more detail regarding fencing in the Evans Ranch agreement. Mayor Pengra explained that the specific requirements are detailed in the master development agreement.

Councilmember Burnham asked why the VanCon change order is for $39,643 instead of the original $22,000. Mr. Trusty explained that the original plan was to drain the line into the existing retention pond, but the road there is being widened, so additional lines are required.

Councilmember Ireland asked about the error in the GIS measurements. Mr. Trusty said that sometimes moving measurements from an AutoCAD map to a GIS system can make what looks like a small error into something large, especially since there are several coordinate systems in use.

Councilmember Westmoreland wanted to know what pump station the change order referred to. Mr. Norman said it is the Central Water Project station.

MOTION: *Councilmember Ireland moved to approve the Consent Agenda, removing items 10B and 10C and moving them to the Scheduled Items. 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.*

SCHEDULED ITEMS

10B. Gateway, Phase A, Plat 1 Development Agreement

Mr. Cook reported that Exhibit 2, the bond requirements letter, failed to include the landscaping and park improvement costs. He asked that the agreement be approved subject to inclusion of those amounts in the bond letter. A specific dollar amount hasn't been calculated yet.

Scott Kirkland, the developer, stated that he just received the dry utilities bond letter today. The development agreement states that the developer shall post a bond prior to construction of those improvements, but he hasn't had a chance to review the drawings. If he doesn't have the development agreement approved, he can't hold a pre-construction meeting with the City Engineer.

Mr. Cook explained that the City doesn't want to design the dry utilities until the final plat is approved. However, no one wants to delay the development. Mr. Kirkland stated that, while the plat was approved a couple of months ago, he only received the design for the dry utilities today. The Energy Department won't even have the materials for the dry utilities for two more months.

Mr. Cook pointed out that the utility letter is not part of the agreement, so the language of the motion just needs to include "subject to the inclusion of landscaping and park improvements in the bond letter."

Councilmember Bradley stated that he was frustrated that "red tape" is delaying a development. He felt the City needs to cultivate a reputation of being easy to work with. Mr. Cook said that he and Planning Director Steve Mumford are trying to streamline the approval process.

Mr. Kirkland stated that he would be willing to pay for the changes the City makes to the design, in order to accelerate the approval process.

Mayor Pengra said changes to the approval process would be made a higher priority.

MOTION: *Councilmember Ireland moved to approve the Gateway, Phase A, Plat 1, development agreement, subject to the inclusion of landscaping and park improvements in the bond letter. 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.*

10C. Valley View South, Plat C, Development Agreement

Mr. Cook explained that the original Valley View master development agreement required construction of a water tank. The water tank was built in 2008, but the land under the tank was never deeded to the City. The developer would like to resolve the issue without delaying Plat C. The development agreement has been amended to allow Plat C to be recorded, but not to allow any other plat in the subdivision to be recorded until the land under the water tank was deeded to the City and the related access easements were provided to the City.

Councilmember Ireland asked why this wasn't a condition for recording Plat C. Mr. Cook explained that the developer's position is that the water tank was built by another party to the master development plan. He didn't feel that his project should be delayed due to an omission by someone else.

Councilmember Burnham asked why some design guidelines were included in the development agreement when they're normally included in CC&Rs. Mr. Cook said that, in this case, they were part of the conditions of approval.

MOTION: *Councilmember Burnham moved to approve the Valley View South, Plat C, development agreement, as amended. 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.*

13. AGREEMENT – Consideration and Approval of the First Amendment to the Power Sales Agreement Between Utah Municipal Power Agency and Eagle Mountain City, Utah.

This item was presented by Energy Director Adam Ferre. On August 12, 2012, Eagle Mountain City entered into a Power Sales Agreement with Utah Municipal Power Agency (UMPA) for the purchase of electric capacity and certain energy requirements from UMPA. The Amendment extends the term of the Agreement through June 30, 2017 and provides for the assignability of the Agreement by Eagle Mountain City.

Councilmember Ireland asked why this amendment needed to be made now. Mr. Ferre explained that there is a thirteen month cancellation period. UMPA wants to be assured that Eagle Mountain will continue to purchase power from them, or else they need enough time to find a replacement customer.

MOTION: *Councilmember Bradley moved to approve the first amendment to the power sales agreement between Utah Municipal Power Agency and Eagle Mountain City, Utah, with a change to the effective date from March to April. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Steinkopf
Councilmember Steinkopf had a list of plants that grow well in this area and offered to give it to Public Information Director Linda Peterson to be included in the newsletter.

Councilmember Burnham
Councilmember Burnham said she's been an unofficial liaison to the Rodeo Committee and they will have some items coming up in the near future.

Councilmember Ireland
No comment.

Councilmember Westmoreland
No comment.

Councilmember Bradley
No comment.

Mayor Pengra
Mayor Pengra thanked everyone for attending the meeting.

15. 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 Burnham stated that the Youth Council will meet tomorrow.

Councilmember Westmoreland said the Economic Development Board will meet tomorrow and the Parks and Recreation Board will meet on Thursday.

Councilmember Bradley said that the Planning Commission didn't meet last week. It will meet next week. The Military and Veterans' Board is being reshaped and he looked forward to working with them.

16. COMMUNICATION ITEMS
    a. Upcoming Agenda Items

17. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn to a Closed Executive Session at 8:00 p.m. pending an imminent litigation. 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.*

MOTION: *Councilmember Ireland moved to adjourn the meeting at 9:35 p.m. 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.*

APPROVED BY THE CITY COUNCIL ON MAY 6, 2014.

Fionnuala B. Kofoed, CMC
City Recorder