MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING
May 5, 2015
Work Session 4:00 p.m. Policy Session 7:00 p.m.
Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Linda Peterson, Public Information Director; Ikani Taumoepeau, Economic Development Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Kent Partridge, Building Official; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:05 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.
   A. UDOT PRESENTATION – Pony Express Extension Project

   Sydne Jacques from Jacques and Associates stated that the final microsurfacing of the Pony Express extension will begin on Monday. Scott Henrickson discussed the Pony Express widening project. A center lane will be added from 800 West to Redwood Road. A traffic signal will be added at 200 West. UDOT asked him to share with the Council that the traffic signal and the one at Redwood Road will be timed to improve traffic flow. The trail will be extended from the high school to Porter's Crossing. A trail will also be constructed from 200 West to Redwood Road.

   Councilmember Bradley asked where on Pioneer Crossing the construction will be done. Ms. Jacques said it was the piece built last fall from Redwood Road to the connection.

   Utah Lake Commission
   Mr. Pili introduced Eric Elliott from the Utah Lake Commission. He was recently appointed to the Utah Lake Commission. He stated that the Commission is hosting tours for 4th grade classes at Utah Lake State Park. The Utah Lake Festival will be held on June 6th. During the last few years, the carp removal program has been successful, with 60% of the carp removed. Invasive phragmites weed removal is being done to allow native species to grow. The lake's water level is low this year, which is to be expected after the dry winter.

   Mr. Elliott requested feedback from the Council on management of the lake. One of the current projects is to complete the trail system around the lake, which will link into other waterway trails. The Commission would like to have Eagle Mountain's trails linked into that system.

Mayor Pengra stated that there was some discussion in the past about development credits being used as one of the mechanisms for implementing that. He asked if eminent domain was being considered. Mr. Elliott said that eminent domain is not being considered. There is discussion about adding that back into consideration. At the moment, the Utah Division of Forestry, Fire and State Lake is working with property owners. The Mountainland Association of Governments (MAG) has funding to implement the trail. Development ordinances in cities along the trail area are adopting ordinances requiring trails to be included in new developments.

Councilmember Ireland asked how many miles of the trail from Saratoga Springs to Provo are incomplete and when they will be completed. Mr. Elliott said there's a large gap between Saratoga Springs and Lindon. A few small sections need to be completed between the Murdock Canal Trail and the Provo River Trail.

Councilmember Westmoreland asked how much land around Utah Lake is privately owned versus publicly owned. Mr. Elliott was unsure, but there are some areas in dispute between the State and private owners.

Councilmember Westmoreland asked why the landowners around the lake haven't developed their land into recreational use. Mr. Elliott responded that for many years, the public perception of the lake was bad because it was very polluted. Before it was polluted, it was a popular recreation destination. Now that the lake is cleaner, recreation facilities are starting to be built. There will be dredging in some bays of the lake.

Councilmember Burnham asked which bays would be dredged. Mr. Elliott said it would be the inner harbor at Utah Lake State Park and the channel accessing the lake.

Councilmember Steinkopf asked about quagga mussels. Mr. Elliott said none have been seen in Utah Lake, although juvenile quagga mussels have been found in Deer Creek. Boats need to be sanitized before leaving Deer Creek to make sure the mussels are not carried into the lake. Councilmember Steinkopf asked about connecting Eagle Mountain to the Lakeshore Trail to Saratoga Springs. Mr. Elliott said that a trail to Redwood Road is very close to the trail in Saratoga Springs.

Councilmember Bradley asked about the bridge that's been proposed across Utah Lake. Mr. Elliott said that it will probably be built in the future, but there's not enough residential development yet to make the project economically feasible.

Mayor Pengra said he had a conversation with Shawn Seager, a planner at MAG, about the Utah Lake Crossing bridge. The bridge is part of the long-term vision plan, which means that there are no specific plans for it. It's expected to be a toll road, which won't be feasible for many years.

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

Mayor Pengra noted that item 14, the agriculture protection area, has been removed from the agenda.

12. Code Amendments – Parks and Open Space

Mr. Mumford stated that the Planning Department reviewed the City's parks and open space requirements. They came up with the following goals:

- Creative, unique, destination parks
- Better improvements and amenities (not just the bare minimum or the basics)
- More quality and less quantity
- Parks improved earlier in the process
- Finished parks
- Parks designed as a key feature in developments, not just the unbuildable or left-over pieces
- Encouragement of larger parks, combined with other projects
- Simplification of the process for developers

To achieve those goals, the Planning Department proposes a simpler process for calculating park requirements, 1000 sq. ft. per unit, rather than buildable acreage. Park classifications would be combined into "improved open space." Developers would still be able to buy down some of the acreage, upon Council approval, by improving the amenities provided within the parks. If less than two acres of improved open space are required, developers would have the option of paying a fee-in-lieu for improvement of nearby parks. Natural open space areas would not count towards improved open space, although trails would be counted by linear foot.

Parks would need to be completed with the project infrastructure, unless it was not reasonable possible. In that case, a 200% bond could be required.

Councilmember Burnham asked whether that was considered a taking, or would the release of the bond prevent that. City Attorney Jeremy Cook said that, according to State law, it would not be a taking. There is some dispute about interpreting that section of the law.

The point system for park improvements would be changed to allow a point value based on actual costs of equipment, not ground preparation or equipment installation. The current system is 70 points per acre. The new system would be 100 points per acre, but the change in calculation would mitigate any increase in costs. Most of the calculations would be based on $500 per point.

Councilmember Westmoreland suggested giving more weight to larger, better-quality trees. Mayor Pengra noted that trees installed younger adapt and grow better than larger trees.

Parks would be required to be built on less than a 15% slope, which is already required in the Municipal Code and makes it less likely that parks will be built on unbuildable land. Acreage minimums would be implemented, with a fee-in-lieu required in the event of a smaller acreage requirement. The Planning Commission preferred to keep small, neighborhood parks, so that requirement might be dropped.

It might be feasible to ask residents for suggestions as to what they would prefer in park amenities. The Planning Department has also studied what park amenities are most desirable nationally. Many of these are themed parks, or special-needs accessible.

Councilmember Ireland asked about how the City would encourage co-location of parks and schools. He was concerned about the fee-in-lieu possibly being based on a timeline determined by

the City Council. He felt that any directions from the City to developers should be specific. Mr. Mumford agreed that should be stricken or made more specific.

Councilmember Ireland asked if the Parks and Recreation Advisory Board has seen the plan. Mr. Mumford said they hadn't. Mayor Pengra stated that the Board hasn't been able to convene a quorum in quite a while.

13. Municipal Code Amendments – Septic Systems

Item 13 was discussed prior to item 12.

Planning Director Steve Mumford stated that this was a discussion item recently, followed by feedback from the City Council. The Planning Department's research indicates that the Environmental Protection Agency estimates that approximately 20 – 25% of all U.S. homes use septic systems. Of those, 10 – 20% malfunction each year. Several months ago, the Utah County Health Department spoke to the Planning Department about their concerns about the number of septic systems in use in Eagle Mountain, mostly north and south of Cory Wride Highway. Other master plans have been approved to use septic systems. The Health Department is concerned about potential oversaturation that could eventually lead to groundwater pollution and bedrock that could lead to sewage to surface. Some of the lots in Valley View are half-acre lots, which don't allow enough room for the required redundant septic systems. The Municipal Code allows septic systems on lots as small as half an acre and on lots over 300 feet from the nearest sewer line.

The Planning Department proposes the following Code amendments:

- Septic Systems would only be allowed in the following situations:
  - Lots in an existing septic system subdivision
  - Property larger than 5 acres and not in a subdivision
  - Lots larger than 2 acres and at least ¼ mile from an existing sewer line
- A plat note would require owners to connect once a sewer line is within 300 feet of the building, and to support an assessment area, if proposed.
- The City may require property owners to connect to the sewer system at the property owner's expense if the septic system is polluting the storm water or groundwater, impairing any culinary wells, or violating the Water Source Protection Overlay Zones (which Planning is working on adding to the zoning map).

Councilmember Burnham asked for a definition of "subdivision" in this case. Mr. Mumford responded that it would include any subdivision plat that is approved and recorded at Utah County, no matter how few lots it contains.

Mayor Pengra asked what the estimated cost is to connect a home to a sewer line 300' feet away. City Engineer Chris Trusty said the line itself could be $30.00 per linear foot, as well as manholes, easements and/or rights-of-way.

Councilmember Bradley asked how deep the City's wells are and if the City's groundwater is at risk. Public Works Director Dave Norman said the well pumps are set between 500 and 600 feet. Groundwater levels start around 300 feet, depending on the location being drilled.

Craig Bostock, Water Quality Program Manager of the Utah County Health Department, stated that the Department isn't sure whether the ground water is at risk. However, the volume of

wastewater that's being discharged into the ground is in a very localized area. Proper geotechnical studies haven't been done. There could be an unknown access from the bedrock to the groundwater.

Councilmember Bradley said he hesitated to enact new legislation based on an unknown. Mr. Bostock stated that it's a grave concern to the Health Department because of the high concentration of septic systems in a small area. There is some permeable bedrock known to be in the nearby area.

Councilmember Ireland asked for a comparison of nearby cities' septic issues.

Mr. Bostock said that northeast Provo used to be solely on septic systems. A few lots still have no access to sewer systems. Prove no longer allows residential septic systems. Genola is entirely on septic systems, with a minimum lot size of 2.2 acres. The Utah Administrative Code states that each bedroom in a home equates to 150 gallons of sewage per day.

Mayor Pengra asked if there are many examples of groundwater pollution from septic systems in Utah. Mr. Bostock said there were serious issues in the Duchesne County area. Two homes were swallowed by a sinkhole and three or four others were rendered unlivable. There has never been a statewide nitrate study in groundwater. Nitrates are the disease-causing elements in fecal matter. Mr. Norman said that Eagle Mountain does local studies, which have not shown dangerous levels.

Mayor Pengra asked what aspects of local geography cause specific concerns. Mr. Norman stated that the rock on the foothills is fractured, not solid. City water percolates from the west canyons through the foothills near the northern edge of the City.

Mr. Bostock stated that the deepest system that can be constructed on a half-acre lot is a deep-wall system, which only allows for disposal of waste, not treatment. No water can evaporate into the air.

Tyler Plewe of the Health Department said that a deep trench system is designed for areas that will only allow for that kind of system, like high mountain areas. Eagle Mountain has enough flat land for conventional systems.

Councilmember Bradley asked what ordinances the County, State or City has that requires landowners to use a particular system. Mr. Plewe said landowners are free to choose which system to use.

Councilmember Bradley asked if one acre would be an acceptable size for a conventional septic system. There are very few two-acre lots in the City, so the proposed requirement for two acres doesn't fit. He asked if there were any studies about acceptable densities throughout the U.S. He wanted to know what density would create an actual problem. Mr. Bostock said in Utah it's a potential problem, since nitrate studies aren't done here. They are done in other areas of the U.S.

Councilmember Steinkopf asked how many lots have been approved with septic tanks north of Wride Highway. Mr. Mumford didn't have the exact number, but it's in the hundreds. Most of them are one acre or larger.

Councilmember Bradley stated that one of the things that makes Eagle Mountain a great place to live is the opportunity to build on large lots. However, he felt that one-acre lots are large enough to incentivize developers to build here.

Mr. Norman stated that one-acre lots don't have a wide enough frontage to make the cost of installing a sewer system prohibitive. Two-acre lots would be more restrictive.

Mayor Pengra invited Scot Hazard, a developer working north of Wride Highway, to make some comments. Mr. Hazard said that his primary concern is in private property rights. He felt that requiring larger lots for septic systems constitutes a "taking" of sorts. Prohibiting septic systems on half-acre lots reduces the value of the lots. He suggested that the City collect impact fees for sewer systems to be installed along with other utility infrastructure. He felt that the large amounts of water being discussed by the Health Department are primarily gray water, not sewage. Also, it's very expensive to require residents to retroactively change from septic systems to sewer once a sewer line is built nearby. He suggested getting more information before adopting additional regulations. The only failures of septic systems he knew of in Eagle Mountain have been in improperly installed systems that were easily repaired. He didn't know of any lots that have been required to have redundant septic systems. He didn't feel that groundwater was a consideration, since no nitrogen escalation has been seen. His property in Michigan has a septic system next to shallow groundwater, with no problems. He suggested any new regulation be based on very specific data.

Councilmember Ireland asked Mr. Hazard why installation of sewer lines is treated differently from other infrastructure required to be constructed before homes can be built. Mr. Hazard stated that gas, power, water and telephone don't have to flow downhill. Lift stations are unreliable. Depth and distance are limiting factors. If sewer service was readily available to him, he would have installed it because it's a good selling point.

Mr. Bostock noted that all the residential lots in Arrival, Valley View and Clearview are using mechanical lift stations lift waste into the septic tanks from the basements. Septic tanks are required to be buried not more than four feet into the ground, which requires pumps. The purpose of the regulation is to protect groundwater. The Health Department is in full support of the proposed regulations. The fact that there are unknowns doesn't eliminate the need for proactive solutions.

15. Approval of a Land and Water Fund Grant Application

Economic Development Director Ikani Taumoepeau described the grant application. This grant is intended to improve sports fields in Cory Wride Park. The grant application was approved by the State last year. It requires the City to match 50% of the funds. The match can come from park impact fees or a loan from proceeds of the utility sale, or some other way.

Councilmember Westmoreland asked how long it would take to finalize the grant. Mr. Taumoepeau responded that the application is essentially approved. An environmental assessment needs to be completed and the National Park Service needs to give its approval before the work can begin.

16. FY 2015-2016 Tentative Budget Ordinance

Asst. City Administrator/Finance Director Paul Jerome described the changes that have been made to the proposed budget since the presentation at the March 16 meeting.

General Fund -- $7.9M

- Travel and Training, Memberships and Crossing Guard Supplies were decreased.
- Animal Control and Blue Stakes were increased.
- Plat fee revenues were changed to more closely reflect projections.

The net effect of the changes to the General Fund was a $14,000 decrease.

Enterprise Funds (Solid Waste, Water, Wastewater, Storm Water) -- $6.8M

- One additional water technician for retrofitting, repairs and growth of the water system
- Maintenance fees for CWP water shares

Capital Projects

- $20,000 to cover road improvements to prepare for a UDOT signal light on Wride Memorial Highway at Sunset Drive.
- $17,500 to rebuild the Council Chambers audio system.
- $25,000 to replace school zone signs & lighting with solar-powered, programmable signs.

17. Storage Building Site Plan

This is an application for a storage shed to be located on a leased area of a parcel in an Industrial Zone near the Eagle Mountain Community Development Building. The applicant is requesting a waiver of some of the development standards required in an Industrial Zone: architectural review, landscaping, uses within buildings, trash storage and screening requirements.

The application was considered at Development Review Committee and Planning Commission meetings. They recommend approval with the following conditions:

- Only storage of equipment is allowed within the structure.
- Maintain gravel access road to provide year-round emergency access.
- Provide portable fire extinguishers inside the building.
- Provide street improvements for frontage as required by the City Engineer.

Mayor Pengra invited the applicant, Willis Miller, to discuss the application. Mr. Miller explained that he leases the property from Monte Vista Ranch. He wants to have his earth-moving equipment protected from the weather. The lot has a temporary power pedestal, which hasn't been used in about a year. The building doesn't need power, water or plumbing because it's only a dry storage shed. Mr. Miller has constructed a gravel road on the property as part of the lease agreement with the landowner.

Councilmember Westmoreland asked if fuel would be stored on the site. Mr. Miller said there are empty fuel tanks on the site. If fuel onsite is a problem, he won't store any there. Councilmember Westmoreland asked if any liability issues would be created if the Fire Department was able to contain a fire, but not put it out, because of lack of a fire hydrant. Chief Ross Fowlks said that the Fire Marshal has reviewed the plan. Even if there was inadequate access to the site, other structures are far enough away that there wouldn't be any danger of a fire spreading.

Councilmember Burnham asked whether approving this request would make any exceptions that have not been granted to Brent Sanderson, an adjoining property owner who has made requests in the past that have been denied. Mr. Mumford stated that he remembered Mr. Sanderson requesting a repair shop or an RV storage lot. Either would require more conditions than a storage shed. Councilmember Ireland noted that Mr. Willis is planning to store only his own equipment there.

17. Consolidated Fee Schedule

Mr. Jerome stated that the City's utility sale left it without a way to manage the streetlights. Repair, replacement and power will have to be paid. The Council has approved a maintenance agreement with Black and McDonald. The streetlight fee would pay for that agreement with a small fund margin to cover cost increases.

Mayor Pengra said one of the most frequent complaints he gets from residents is dissatisfaction with streetlights. The fund margin will quickly be used up by bringing streetlights up to acceptable standards. There is an issue, however, with the fact that the City doesn't have a current, written standard for placement of streetlights. One of the services offered by the maintenance contract is writing a streetlight plan in conjunction with City Planning staff.

Councilmember Westmoreland asked if the fee would be charged to all residents, whether or not they lived in a subdivision with streetlights. Mr. Jerome responded that because everyone drives on major roads in the City, everyone uses streetlights.

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

MOTION: ***Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ireland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

The meeting was adjourned at 6:28 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Linda Peterson, Public Information Director; Ikani Taumoepeau, Economic Development Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Kent Partridge, Building Official; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:19 p.m.

5. PLEDGE OF ALLEGIANCE

Ifo Pili led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

Pony Express Rodeo – The Pony Express Special Events Committee is holding the 2015 Pony Express Rodeo on May 22, 23, and 25. The committee will also be holding a demolition derby on the last night of Pony Express Days, June 6. Tickets for both events are available on their website at ponyexpressspecialevents.com.
City Offices Closed – The City offices and Library will be closed on Monday, May 25 in observance of the Memorial Day holiday. The Library will also be closed on Saturday, May 23.
Prison Relocation Open House – The Utah Prison Relocation Commission will host an open house/Q&A session on Tuesday, June 2 from 4:00-9:00 p.m. at Frontier Middle School. From 4:00-9:00 p.m., attendees can browse informational displays and talk with staff members from the PRC, the Utah Department of Corrections, the Commission on Criminal and Juvenile Justice, and the PRC's consulting team. From 7:00-9:00 p.m. there will be a moderated Q&A session.
Pony Express Days – Pony Express Days will be held from June 2-6. The event schedule and information will be posted on the City website at eaglemountaincity.com/PED by the end of this week. Enjoy fun traditions like the carnival, parade, 5K and family fun night, as well as new events like a dodge ball tournament and pancake dinner. Vendors, talent stage performers, and volunteers wanted. Contact the Events Department.

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

Carla Flores, a resident of Pioneer Addition, spoke about allowing one-acre lots along Lake Mountain Road. Her family would like to buy a lot on Lake Mountain Road, but can't afford two acres. Mayor Pengra asked if she was referring to the proposed septic tank standards, which she said she was.

Kristy Barnes, a resident of Pioneer Addition, also wanted to live on Lake Mountain Road, but couldn't afford a two-acre lot.

Mayor Pengra said there will be a public hearing on the septic tank issue later in the meeting and asked that the others who wanted to speak on that issue wait for that public hearing.

Wendy Lojik thanked the City for its support of the Miss Eagle Mountain Pageant. She said it's a great program that teaches all the girls new skills and provides scholarships for some of them.

Fred Peeples spoke on the streetlight maintenance fee. He felt that the 6% energy sales and use tax should cover the cost.

Colby Curtis thanked the Mayor and Council for being fiscally responsible, however, he felt that it's time to spend some of the $50,000 allocated to fighting the prison relocation. There's a Prison Relocation Commission meeting coming up that should be attended by City residents. Mayor Pengra said that a notification will go out as part of the City newsletter. Additionally, electronic signs will be placed on main roads a week prior to the meeting. Mayor Pengra invited residents to send emails with any additional suggestions.

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

Councilmember Steinkopf
Councilmember Steinkopf welcomed those attending the meeting and encouraged them to make comments. He asked everyone to drive carefully when school gets out at the end of the month.

Councilmember Burnham
Councilmember Burnham asked for volunteers to act as advisors to the Youth City Council. The last Youth City Council meeting had no attendance except for her and councilmember Ireland. The program desperately needs someone to lead it.

Councilmember Ireland
Councilmember Ireland echoed Councilmember Burnham's comments. He thanked everyone who has commented or will comment. He invited everyone to enjoy Pony Express Days, the rodeo and the demolition derby.

Councilmember Bradley
Councilmember Bradley appreciated how cordial and inviting Mayor Pengra is in encouraging residents to speak at the meetings. He encouraged everyone to participate in the budget process, even if it's only one question. He echoed the request for Youth Council advisors. He attended the Miss Eagle Mountain Pageant; it was great to see a group of young women showing their talents and they deserved all the recognition and praise they received. He encouraged everyone to support Pony Express Days, both the City events and the other events. Most importantly, he asked residents to support the effort against moving the prison to Eagle Mountain. There will be a meeting at Frontier Middle School on June 2 that needs to be well-attended. He asked the City to do everything in its power to educate the public, including a stand-alone flyer sent to every home, banners along the streets, a dedicated portion of the website, a booth at Pony Express Days, and a spot in the parade. He felt that the City should hire a lobbyist to lobby the Legislature. Even if the City is selected by the Prison Relocation Commission, the Legislature could vote it down.

Councilmember Westmoreland
Councilmember Westmoreland said the Mayor and staff have done a remarkable job in fighting the prison being relocated to Eagle Mountain. However, the fight isn't over. Whether or not a lobbyist is in order, he supported every avenue of educating the public. In addition, events like Pony Express Days are put on by volunteers and encouraged everyone to attend. He said that one of the great things about Eagle Mountain is the open space. As the City grows, residents need to be more conscientious about doing outdoor activities away from residential areas.

Mayor Pengra
Mayor Pengra echoed what has been said on the prison relocation issue. It's very important that everyone possible attends the meeting on June 2. Sparse attendance will give a message that the residents do not oppose having the prison in Eagle Mountain. He urged residents to invite their neighbors and ask their neighbors to invite others.

9. PRESENTATION – ACE Disposal, Inc. recycling program, presentation of check to Rockwell Charter High School.

Eagle Mountain's agreement with ACE Disposal includes a donation of a percentage of ACE's revenue from the recycling program to City schools. Representatives of ACE Disposal presented a check to Rockwell Charter High School.

CONSENT AGENDA

10. MINUTES
    A. April 7, 2015 – Regular City Council Meeting

11. BOND RELEASE – Into Warranty
    A. Parkside, Phase A

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

SCHEDULED ITEMS

PUBLIC HEARING

12. ORDINANCE – Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City Municipal Code.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amends Chapters 16.30, 16.35, 17.10, & 17.30 of the Municipal Code for the City's parks and open space standards.

Mr. Mumford reviewed the goals discussed in Work Session, which are noted in the Work Session section of these minutes.

Mayor Pengra opened the hearing at 8:06 p.m.

Colby Curtis asked if this proposal addresses the issue of developers using unbuildable land, such as land under power lines, to count as park space. Mr. Mumford said those parks would be allowed in some cases, but there is some flexibility.

Doug Sutton asked if the proposal removes density as a standard. Mr. Mumford responded that the standard would change from acreage-based to density-based.

Mayor Pengra closed the hearing at 8:11 p.m.

Councilmember Burnham was concerned about subdivisions that don't have HOAs. They wouldn't have HOA-maintained neighborhood parks. The homebuyers might be paying towards a larger park that was farther away. She also felt that 200% would be an excessive park bond. She would prefer 125%.

Councilmember Ireland calculated that a subdivision of 88 lots would be required to have a park, based on the two-acre minimum. Subdivisions of 87 lots or lower would be required to pay a fee-in-lieu, which might be applied to a larger, nearby park.

Mr. Mumford read a section of the proposed standards. "Parks smaller than two (2) acres will generally be maintained by the community association or local homeowners' association. If no

HOA exists or will exist for the project, a fee-in-lieu or improvement of an existing public park may be required."

Councilmember Bradley clarified that the new standard would prevent the City from having to maintain parks of less than one acre.

Councilmember Westmoreland asked what would happen to a developer's park bond if the developer goes out of business. Mr. Mumford said that the City would use the money to complete the park. If there is an HOA in place, the City would need to have a completion agreement with the HOA.

Councilmember Westmoreland asked if a lower bond amount would increase the risk that the City wouldn't have enough money to complete the park. City Attorney Jeremy Cook said that is currently handled by limiting the number of building permits that can be pulled before the park is built. However, this is a more difficult process.

Councilmember Ireland asked about the difference between a park escrow bond and a park fee-in-lieu. Mr. Mumford explained that a fee-in-lieu applies if the developer is not going to install a park. Since it's a cash payment, it's timed differently to prevent the developer from having to pay a lot of money up-front. Councilmember Ireland felt that both processes should have the same timing.

Mr. Cook suggested requiring the fee-in-lieu for each plat at recordation, rather than limiting building permits if a park isn't installed by the required deadline.

Councilmember Ireland proposed the following first sentence for section 11: "If the applicant elects, or the City Council requires the applicant, to pay a fee-in-lieu of park construction, the fee is due with the recordation of each plat." Mr. Cook and Mr. Mumford agreed to that.

Councilmember Burnham stated that, in the early days of the City, park money went into the General Fund, which meant that residents might not receive a park near their homes. Finance Director Paul Jerome said it would be possible to receipt the money into an account that specified what general area the money should be used for.

Discussion ensued on how those funds can be receipted to benefit the residents of those specific developments.

Mayor Pengra pointed out that the City Council regulates those expenditures and the residents can hold the Council accountable.

Councilmember Ireland asked if he could delete the word "generally" from the line in section 8 that refers to ten-year storm water detention basins. City Engineer Chris Trusty said that would be acceptable.

MOTION: ***Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, Amending Chapters 16.30, 16.35, 17.10, & 17.30 of the Eagle Mountain Municipal Code, with the following changes:***

In Section 16.35.105,

- ***Section 8, sentence 1, delete the word "generally"***

- ***Section 10, sentence 1, change the park escrow percentage from 200% to 150%;***
- ***Section 11, the first sentence to read, "If the applicant elects, or the City Council requires the applicant, to pay a fee-in-lieu of park construction, the fee is due with the recordation of each plat."***
- ***Section 11, second sentence to read, "The fee-in-lieu is calculated at $5.75 per square foot of required park space."***
- ***Section 11, final sentence to read, "If the developer is required to improve an existing park, the improvements shall be made prior to recording the first plat."***

Councilmember Burnham seconded the motion.

The Council discussed creating a list of specific trees that developers can choose from to be planted in parks. Mayor Pengra said that Brad Hickman, the Recreation Director, reviews all park plans.

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

Councilmember Ireland thanked Mr. Mumford and all of the staff who worked on this ordinance. He said it's a big step forward for the City.

PUBLIC HEARING

13. ORDINANCE – Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City Municipal Code.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amends Chapters 13.20, 15.45, & 17.25 of the Municipal Code for the City's septic system standards.

Mr. Mumford reviewed the presentation he made during Work Session, which is noted in the Work Session section of these minutes.

Councilmember Westmoreland asked for information on percolation tests. Mr. Trusty explained that a percolation test is only done about ten feet deep. It doesn't give any information on the subsurface strata.

Mayor Pengra opened the hearing at 8:50 p.m.

Doug Sutton thanked the Mayor and Council for the opportunity to speak. He owned a construction company and was a licensed septic installer. He said that septic systems fail because they're designed, installed or maintained improperly. He would like to have a one-acre lot and felt that many other people would, as well.

Karen Scott agreed with Mr. Sutton. She said that her well was over 500 feet deep and a septic system would not contaminate her well. A two-acre lot size minimum for a septic system would be cost-prohibitive for young families. She thanked the Mayor and Council for having part of Lake Mountain Road surfaced with rotomill grindings. The road is much safer to drive on.

Marianne Smith thanked the Mayor and Council for the discussion on the park ordinance. She was concerned about the two-acre lot size minimum for septic systems. She had just submitted a plan

for eleven one-acre lots. She said the Lake Mountain Road area was originally planned to have larger lots with nicer homes. She was amazed that the Health Department had no statistics on the Eagle Mountain area. Her well is over 600 feet deep and wouldn't be polluted by a septic system. A septic system uses microbes to clean the water and the effluent that comes out of it is gray water. She and her neighbors felt that the community needs to grow in the right direction. She was concerned about people who would like to get out of small subdivision lots, but not leave the City. She wanted to know where executives of new businesses would live, or those with solar homes. She felt the proposed ordinance is arbitrary, because an acre is plenty of room for a septic system.

Ken Olsen, who owns property on Lake Mountain Road, opposed the amendments. He felt that it would devalue the land and make landowners subject to their neighbors. If a neighbor didn't develop their land, an owner could be stuck with worthless land. He felt the State should be the governing body. He wanted the flexibility to put lots of various sizes on his land. A two-acre minimum would be very limiting. He didn't think there was any evidence of ground water pollution. He felt there was evidence that septic systems charge the groundwater. He said there can be problems with any kind of water treatment system. He has final plats already approved in Valley View and wanted to know if amendments to the Code would affect those. Mayor Pengra said the master development agreement will stand.

Gary McDougal said basements get flooded with sewage because they're connected together by sewer lines. A disaster that put a treatment plant out of operation would create a larger problem downhill than separate systems. He felt that the amendments would affect property rights. It's easier to take away property rights than to get them back. He said oversaturation wasn't an issue. He didn't think there was any evidence of groundwater pollution, or that potential pollution was an issue. The EPA reports of failure rates included systems in high-water-table areas.

Lee Brown said he lived on the other side of the valley and felt that changing the Code for one problem that hasn't been proven was extreme. He said the Environmental Protection Agency (EPA) is doing a land grab of surface water.

Mayor Pengra said he designed a sewer system for an orphanage in Mexico. There are three ways to clean wastewater: mechanical, biological and chemical. The biggest issue is the smaller lots, where a mistake in operating the system could kill the biological organisms that break down the effluent. Then the system clogs and sewage clogs the porous nature of the soil, which over saturates the ground and breaks down the mechanical process.

[Inaudible comment from audience.]

Mayor Pengra said he agreed with the comment, but on half-acre lots, there's not much room. Once the leach field is killed, it's dead for a long time.

[Inaudible comment from audience.]

Mayor Pengra said the concern is the deep well systems. As remote as the problem could be, half-acre lots are too small. One-acre lots would be more acceptable, but there has to be room to install a secondary system. He was also concerned about the "leapfrog" development in the City. He would prefer development from the center out.

Mayor Pengra closed the hearing at 9:18 p.m.

Councilmember Burnham asked where in the Code it said that half an acre is the minimum requirement.

City Engineer Chris Trusty said the Code doesn't specifically say half an acre. The City defers to the County requirement. Public Works Director David Norman explained that the standard is based on soil types. The County requires that a replacement system (a house and two septic systems) can't be designed on less than half an acre.

Councilmember Burnham wanted to know if the Code could be changed from half an acre to an acre if half an acre isn't specified in the Code. Mr. Norman said it would supersede the State, which most of the cities do by not allowing septic systems. Cities can't be more lax than State Code, but they can be stricter.

MOTION: ***Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code to set a minimum lot size of one acre for septic systems. The motion failed for lack of a second.***

MOTION: ***Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code as presented in the staff report, with the exception of changing the minimum lot size for septic systems from two acres to one acre. Councilmember Ireland seconded the motion.***

Councilmember Burnham expressed concern that if a resident builds a house with a septic system on a one-acre lot, they'll have to spend tens of thousands of dollars to connect to a sewer system if one is built later within 300 feet of their home. She felt that was an unfair requirement.

Councilmember Ireland pointed out that the proposed changes don't say anything about timing. Section D says only that buyers will be informed ahead of time that they may have to hook up to a sewer system in the future.

Mr. Mumford clarified that the one-acre minimum is a net one-acre lot, including easements.

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

The Code changes called out in the staff report are as follows:

- Septic systems would only be allowed in the following situations:
  - Lots in an existing septic system subdivision
  - Property larger than 5 acres and not in a subdivision
  - Lots larger than 1 acre and at least ¼ mile from an existing sewer line
- A plat note will require owners to connect once a sewer line is within 300 feet of the building, and to support an assessment area, if proposed.
- The City may require property owners to connect to the sewer system at property owner's expense if the septic system is polluting the storm water or groundwater, impairing any culinary wells, or violating the Water Source Protection Overlay Zones.

PUBLIC HEARING

14. MOTION – Consideration of a Proposal to Create an Agriculture Protection Area on 182.85 Acres of Property.

This item was removed from the agenda.

PUBLIC HEARING

15. MOTION – Approval of a Land and Water Conservation Fund Grant Application for an Outdoor Lighting System for the Cory B. Wride Memorial Park.

This item was presented by Economic Development Director Ikani Taumoepeau. Eagle Mountain City is proposing to submit an application for a Land and Water Conservation Fund Grant. This is a federal grant to the State of Utah that is sub-granted to local governments for specific outdoor recreation projects. If the City is successful in obtaining the grant, the funds will be used to pave a parking lot and walking trails, and install lighting near the baseball quad at Cory B. Wride Memorial Park.

Mr. Taumoepeau stated that the State approved this grant application last November. The total project cost is $578,000. The City would be reimbursed $289,000. The grant is administered by the National Park Service and funded by fees paid by companies drilling for oil and gas offshore. Federal approval is required before the City receives the funds.

Councilmember Bradley had some concerns about the park. The first was blowing dust. He wanted to know if the paving would be enough to lessen that. Mr. Taumoepeau said it wouldn't be enough, because the park is out where there's no wind barrier. However, the pavement will be an improvement. This project is the largest expenditure in this phase of the park improvement project.

Mayor Pengra opened the hearing at 9:49 p.m.

Tyler Shimakonis, a member of the Parks and Recreation Advisory Board. He commended City staff for getting this grant application approved. The City committed to completing this park several years ago. The grant allows Eagle Mountain to get more done with less money. He officiates a lot of sports, and he sees adults and families participating. The Parks and Recreation Advisory Board supports the approval of this grant.

Ben Reaves, a member of the Parks and Recreation Advisory Board, said this is the first real, large-scale opportunity to add value to the park and to the residents' recreational activities.

Mayor Pengra closed the hearing at 9:53 p.m.

Councilmember Bradley said that the City is at the tipping point of whether Cory Wride Park will be properly completed or not. Approving this indicates that the City is willing to finish the park entirely.

Mayor Pengra asked if the Council was opposed to using part of the utility sale proceeds to improve this park.

Councilmember Ireland was in favor, but he encouraged that it be carefully planned, prioritized and budgeted. He wanted the use of the utility sale proceeds to be tracked, so in the future it will be clear what the City gains from the funds.

Mr. Pili pointed out that there is $300,000 in park impact fee funds. The addition of the grant will allow the project to be completed without any funds from the utility sale proceeds.

MOTION: ***Councilmember Bradley moved to approve a Land and Water Conservation Fund grant application for an outdoor lighting system for the Cory B. Wride Memorial Park. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.***

Councilmember Ireland stated that he really appreciated Mr. Taumoepeau's initiative in finding this grant. However, he objected to the grant coming through the National Park Service. The fees paid by offshore drillers are administered at the federal level, then passed down to the state level. He didn't think offshore drilling should be used to fund sports lights in Eagle Mountain City. He felt that Eagle Mountain residents should pay for Eagle Mountain sports facilities.

16. RESOLUTION – Approval of a Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2015-2016 and Setting a Public Hearing for Adoption of the Final Budget.

This item was presented by Finance Director/Assistant City Administrator Paul Jerome. The State Code requires that the City Council review and tentatively adopt a budget by the first regularly scheduled meeting in May; additionally, the City Council needs to establish the time and place of the public hearing before the final budget is adopted. The public hearing will be scheduled on May 19, 2015 and the final budget will be adopted on June 16, 2015.

Mr. Jerome described the changes that have been made since the tentative budget was released:

General Fund -- $7.9M

- Travel and Training, Memberships and Crossing Guard Supplies were decreased.
- Animal Control and Blue Stakes were increased.
- Plat fee revenues were changed to more closely reflect projections.

The net effect of the changes to the General Fund was a $14,000 decrease.

Enterprise Funds (Solid Waste, Water, Wastewater, Storm Water) -- $6.8M

- One additional water technician for retrofitting, repairs and growth of the water system
- Maintenance fees for CWP water shares

Capital Projects

- $20,000 to cover road improvements to prepare for a UDOT signal light on Wride Memorial Highway at Sunset Drive.
- $17,500 to rebuild the Council Chambers audio system.
- $25,000 to replace school zone signs & lighting with solar-powered, programmable signs.

MOTION: ***Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, adopting the Eagle Mountain City tentative budget for fiscal year 2015-2016***

and setting a public hearing for adoption of the final budget. Councilmember Burnham seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

17. MOTION – Approval of a Site Plan for a Storage Shed.

This item was presented by Planning Director Steve Mumford. The site plan application is for a storage shed for construction equipment on a 131.7 acre parcel owned by Monte Vista Ranch LC. The building is a steel structure that is approximately 56' x 40'. The site is located west of the City's Public Works facilities.

MOTION: ***Councilmember Ireland moved to approve a site plan for a storage shed, with the following conditions:***

1. ***Only storage of equipment is allowed within the structure.***
2. ***Maintain gravel access road to provide year-round emergency access.***
3. ***Provide portable fire extinguishers inside the building.***
4. ***Provide street improvements for frontage as required by the City Engineer.***
5. ***There can only be one tenant.***

Councilmember Burnham seconded the motion.

Councilmember Bradley objected to allowing an exemption from the Municipal Code.

Mayor Pengra was concerned about the utilities that were set up on the other side of the property line, and with the history of the property and how it's been used in the past. Mr. Miller has had electricity on the property for a long time. He wants to have water there. If this is approved, there will be a permanent structure that would normally require an 8" water line and a looped water system. It's unknown what else will be built near the property.

Councilmember Westmoreland asked if the Council was making a distinction between a shed and an industrial building. Mr. Mumford said that isn't defined in the Municipal Code.

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

18. RESOLUTION – Adoption of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

Item 18 was discussed prior to item 16.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. Prior to the sale of the electric and gas systems, the cost to maintain City streetlights was built into the electric fees charged to each account holder. As a result of the sale of the electric and gas systems and in order to continue to maintain the streetlights, the City proposes to implement a streetlight maintenance fee of $1.71 per ERU. A single family, residential dwelling is equal to an ERU.

Mayor Pengra stated that it's important to set the foundational level to put things right, even if it's unpopular. Fast residential growth requires generating revenues to cover expenses. All the costs can't be placed on homeowners. If this fee were made part of property tax, owners of large houses will pay more for streetlight maintenance than owners of smaller houses, even though they receive essentially the same benefit.

The cost of streetlight maintenance is a relatively fixed expense. In addition, taxes go up and down, while this is a fixed expense. While the City has made significant cuts to the cost of running the government, this is an expense that was discussed from the beginning of the utility sale proposal.

Councilmember Bradley stated that streetlight maintenance costs should come from the 6% municipal energy sales and use tax.

Mr. Jerome noted that if this item is tabled, he'll continue to work on finding an alternative funding source for this expense so the budget will be ready in time for the budget adoption date in June. This fee would be expense-neutral to the General Fund.

Mr. Pili stated that the State allows three revenue sources for municipal government: property tax, sales tax and the municipal energy sales and use tax. The City receives approximately $1.2M in annual property tax. The General Fund budget is $8-9M. Police services alone cost over $2M. Property tax doesn't even cover half of the City's policing costs. The municipal energy sales and use tax has to be used towards government funding. The streetlight fee is a new expense to the City. The City needs to charge to service the expense. The cost could be absorbed if the City Council directs that, but it's prudent management to fund this expense with a fee.

The municipal sales and use tax seems like a reasonable source for paying the expense, but it needs to be used to fund an $8-9M budget.

Mayor Pengra said no one wants to put another fee on the residents, but a growth rate of 500 homes per year means every City department is being stretched. Taking additional funds from the General Fund can be done, but there's a consequence in terms of lower services.

MOTION: ***Councilmember Westmoreland moved to table a Resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule until the next City Council meeting. Councilmember Ireland seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 4:1.***

Mr. Pili asked if the Council was requesting that staff bring back other options to absorb the cost. Mayor Pengra said the agenda item will be brought back as it stands for a vote, but there will also be additional context and options, should the Council decide not to improve it.

Councilmember Ireland stated that if the item was to be voted up or down tonight, he would vote no. He wanted to know what failure of the item would mean from a budgetary standpoint. He felt that one-time funds are not an option for him. He was willing to consider taking other costs out of the 6% tax and use one-time funds to pay for those.

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

Councilmember Bradley
No comment.

Councilmember Burnham
Councilmember Burnham reminded everyone to get the word out about the Prison Relocation Commission meeting on June 2.

Councilmember Ireland
No comment.

Councilmember Steinkopf
No comment.

Councilmember Westmoreland
No comment.

Mayor Pengra
No comment.

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.

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

22. ADJOURNMENT

MOTION: ***Councilmember Ireland moved to adjourn the meeting at 10:47 p.m. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham and Tom Westmoreland. The motion passed with a unanimous vote.***

APPROVED BY THE CITY COUNCIL ON MAY 19, 2015.

Fionnuala B. Kofoed, MMC
City Recorder