

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 7, 2013

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

*\*\* This meeting may be held telephonically to allow a member of the City Council to participate \*\**

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

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

Mayor Jackson called the meeting to order at 4:08 p.m.

1. DISCUSSION ITEMS
  - A. Water and Sewer Rates
  - B. Energy Efficient Rebates
2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

15. Fiscal Year 2013-2014 Tentative Budget

Finance Director Paul Jerome presented the preliminary budget as it now stands. It will be adjusted further before the final budget is adopted. Currently, excess revenue over expenditures is approximately \$651,000, based on the upcoming sale of fire station #2 to the Unified Fire Authority.

Councilmember Painter asked if the property tax revenue will remain the same as previous years. Mr. Jerome explained that State regulations protect cities from market fluctuations by changing the tax rate to keep revenue steady. The City won't know the precise amount of the tax rate until the County provides the information in June. Councilmember Painter asked, if that's the case, why have the residents been objecting to the tax rate more in the last few years than in previous years.

Councilmember Ireland said that he voted against last year's budget because, when assessed property values went down, he felt that the City's revenues should have gone down and the budget should have been cut to accommodate that. Then the tax rate could have been reduced to meet that dollar amount. In fact, City revenue has gone up because there are more houses in the City.

Councilmember Burnham asked Councilmember Ireland how he would respond to lower property tax rates due to increased property values. Councilmember Ireland said he would accept those, because with higher home values, the City would be taking a smaller percentage of the home's assessed value and homeowners' net worth, even while taking the same dollar amount.

Councilmember Painter asked about the tax increase for the Unified Fire Authority. Mr. Jerome said that it's reflected in the lower administrative fee transfer from Enterprise Funds to the General Fund, changing the way utility billing is funded, and growth between 3% and 4%.

Councilmember Ireland asked why the water utility won't be charged for its administrative costs, if the other utilities are charged a fee which is transferred to the General Fund. Mr. Jerome explained that the cost is a pass-through straight from the customer to the General Fund.

Recreation will be broken out so both revenues and expenditures can be tracked accurately. Some part-time assistants will be hired to accommodate additional programs being offered.

Mayor Jackson said that RAD Women fees should be moved from Special Events to the Sheriff's Office.

Councilmember Painter asked why the City is getting fewer grants now than a few years ago. Mr. Jerome responded that most were one-time grants for large projects that are now completed.

The Recorder's Office will have a budget increase due to this being an election year. Councilmember Ireland asked City Recorder Finn Kofoed if she has considered conducting an entirely vote-by-mail election and whether it would save the City money. Ms. Kofoed responded that the state recorders' association is watching the issue to see how it works for the cities doing so. It is a possibility for the future.

Councilmember Steinkopf asked if vote-by-mail would increase voter turnout. Ms. Kofoed said that in some cities across the country, it has increased turnout tremendously.

Mr. Jerome stated that personnel costs have gone down in the Executive Department. There's a proposal to add one full-time employee to the Finance Department, because they've taken on new duties, leaving some functions incomplete.

The Professional & Technical Services budget will be increased for a traffic study regarding the City's master transportation plan.

The Planning Department plans to hire a part-time assistant, since the Building Department Executive Assistant, who has been working with both departments, needs to spend more of her time on Building Department functions.

Economic Development has been removed from the General Fund and will be a stand-alone fund.

Councilmember Painter asked what expenses are included in the Economic Development Fund. Mr. Jerome said he would provide that information during Policy Session.

Special Events will become a stand-alone fund.

The Parks Department will show an increase due to increased maintenance of existing parks and open space, as well as maintenance of additional open space.

The Fleet Department will replace four vehicles and purchase a used street sweeper.

Councilmember Ireland asked if there is a way to allocate a portion of the Sheriff's Office expenses to Community Events because of the amount of Sheriff's time used at Pony Express Days. Mr. Pili said that could be done.

Councilmember Painter suggested putting a roundabout at the intersection of Ranches Parkway and Pony Express Parkway, rather than the planned traffic light. Mayor Jackson responded that City staff and law enforcement have considered the issue at length and believe that a traffic light will be the safest solution.

The budget discussion was continued during Work Session.

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

None.

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

**MOTION:** *Councilmember 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 Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:18 p.m.

### POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

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

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

Kyler Westphal led the Pledge of Allegiance.

## 7. INFORMATION ITEMS/UPCOMING EVENTS

- **Pony Express Days** – Pony Express Days will be held May 22-June 1 this year. Tickets and contest registrations are available now. Please visit [ponyexpressdays.com](http://ponyexpressdays.com) for information.
- **Off-highway vehicles meeting** – An informal meeting will be held tomorrow, Wednesday, May 8 at 6:30 p.m. in the City Council chambers to discuss the City's OHV trail system, including immediate needs, future plans, and volunteer opportunities.
- **Ranches Parkway closure** – The northbound lanes of Ranches Pkwy between Pony Express and SR-73 are closed for a road resurfacing project. The southbound side will accommodate two directions of traffic during this closure. Work is expected to be completed by May 14. Please use caution in this area.
- **Pony Express Days survey** – The online survey for residents regarding Pony Express Days will be available until May 20. It is on the main page of the City website under the News heading.
- **Mt. Airey Drive closure** – Mt. Airey Drive from Torrey Pine to Ranches Pkwy. will be closed on Wednesday, May 8 for road crack sealing.

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

Christa Kelley, 8299 Muirfield St., spoke at a Council meeting about three years ago about the wash next to her property. At the time, the Council didn't feel they could do anything about the wash possibly going to erode her property. Now it is actually eroding her yard, and she believes that no adjacent property should affect hers. She asked the City to shore up the wash, as was done for her neighbors, so it stops the erosion of her property. She invited the Council, Mr. Pili and Mr. Trusty to visit and look at the damage.

Dan Lilly, 3702 E. Blackhawk Road, thanked the Mayor and Council for their work in the City's behalf. He was concerned about The Ranches HOA taking over maintenance of City landscaping. He hasn't been able to get any help from the HOA about problems with their sprinklers. They told him they can't afford to monitor their sprinklers all the time. He asked if the City could encourage the HOA to replace the grass in the medians with decorative stone. He would also like the HOA to establish a 24/7 phone number for water problems. Water is a precious resource and needs to be taken care of.

Nikki Wickman, 2766 Fort Hill Road, commented on the condition of City streets. She said that the roads need to be repaired and expanded before new developments are approved, since they are inadequate for the needs of current drivers, runners and bikers.

Mayor Jackson responded that the City Code requires developers to construct roads under certain circumstances.

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

Councilmember Ireland

Councilmember Ireland enjoyed attending the Little Britches Rodeo last weekend at the rodeo grounds.

Councilmember Burnham

Councilmember Burnham felt that when the Council approved the SilverLake Plat 8 subdivision, she didn't look at it closely enough. One of the exits from the subdivision is right at the top of the hill on Pony Express Parkway. She apologized as she wasn't aware of that when she voted yes for the project.

Councilmember Steinkopf

Councilmember Steinkopf asked residents to be patient with the road work that's going on now.

Councilmember Painter

Councilmember Painter appreciated those who attended the meeting, especially the Boy Scouts and their leaders. He said meetings that include budget discussions, such as this one, are the most important of the year. He hoped that people will remain involved.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said that his wife read a newspaper article about a recent budget meeting. The article said that Councilmember Ochsenhirt voted against road repairs. That was the only comment printed about that conversation, but he was voting against other items in the motion. He wished that more people attended the meetings so that they can better understand the decisions the Council makes, and the Council can better understand the residents' needs.

Mayor Jackson

Mayor Jackson said she was happy that the Council can disagree respectfully. She's talked to a number of mayors whose city council meetings are confrontational. She would like to see more residents at the meetings.

10. INTRODUCTION – Miss Eagle Mountain Royalty

*This item was removed from the agenda.*

**CONSENT AGENDA**

11. MINUTES

A. April 16, 2013 – Regular City Council Meeting

12. DEVELOPMENT AGREEMENT

A. Porter's Crossing Town Center – Ridley's Market/Ace Hardware

*This item was removed from the agenda.*

13. APPOINTMENT

A. David Mortensen – NUVASSSD Board

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

## SCHEDULED ITEMS

### PUBLIC HEARING

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Rezoning Autumn Valley/Talon Cove.

This item was presented by Planning Director Steve Mumford. The proposed ordinance rezones approximately 24 acres to Commercial, approximately 5 acres to Commercial Storage, and adds the Extractive Industries Overlay Zone to approximately 95 acres (over the current extraction operation). Autumn Valley/Talon Cove is located northwest of SR 73 and Mount Airey Drive.

The purpose of the Commercial zone is to provide for businesses, professional offices, and shopping centers that will serve neighborhood, communitywide, and regional shopping demand, along with other commercial opportunities, which are reasonably separated or buffered from residential development. Mixed-use residential developments are allowed as a conditional use within the commercial zone. The purpose of the Commercial Storage zone is to provide for nonretail commercial sites for storage of vehicles, equipment, and inventory, and associated offices. The purpose of the Extractive Industries Overlay Zone is to provide locational control over extractive uses, to promote the reclamation of these sites, and to provide proper buffering and protection for neighboring development and uses.

*Mayor Jackson opened the public hearing at 7:45 p.m.*

Michael Vincent, 4115 E. Oakland Hills Drive, asked what kind of commercial activity was planned for the development. He wanted to know if the businesses would benefit the community at large or just relate to the gravel pits. Mr. Mumford replied that it is zoned for standard office, commercial and retail uses.

*Mayor Jackson closed the public hearing at 7:48 p.m.*

Councilmember Ireland asked how the rezone will affect the tax incentive that was granted to the property about a year ago. Mr. Pili responded that he would have to research the exact boundaries of the EDA, but he believed the rezone fell within the requirements of the Economic Development Area established there. No tax incentives are given without a development agreement between the RDA and the developer.

Councilmember Ireland asked if the Redevelopment Agency is able to choose what the tax incentives apply to. He didn't think tax incentives should apply to businesses such as commercial storage, as compared to a job-creating business. Mr. Pili said tax incentives are meant to apply to industrial businesses, not retail.

Scot Hazard, the applicant, was invited to speak. He explained that the site plan was designed to work with the slope of the land. The terrain will hide the commercial storage from the multi-family housing which will eventually be built nearby. Also, the truck traffic from the gravel pits will eventually be routed to 800 North.

Councilmember Steinkopf asked Mr. Hazard to keep in mind that the area is one of the entries to the City and he wants it to look good. Mr. Hazard said he needs the property to look attractive,

too, so the businesses located there will succeed. Mayor Jackson pointed out that Mr. Hazard has done very well at building attractive commercial locations in the City.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning Autumn Valley/Talon Cove. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a vote of 4:1.*

*Councilmember Ochsenhirt left the meeting at 8:12 p.m. and later connected to the meeting telephonically.*

15. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2013-2014 and Setting a Public Hearing for Adoption of the Final Budget on May 21, 2013 at 7:00 P.M.

This item was presented by Finance Director 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 21, 2013 and the final budget will be adopted on June 18, 2013.

Mr. Pili answered some questions that had been brought up in Work Session regarding specific expenses. The amount paid to Lewis Young Robertson & Burningham was a one-time expense for the creation of the Economic Development Area. The \$15,000 for the partnership with UVU for the business resource advisor is an ongoing expense which should be coded to the Economic Development Fund. The other expense in question was for the Better Cities program, which assisted the City with business recruitment and with a grant application. The consultant successfully recruited Ridley's Market and the grant application was approved.

#### Enterprise Funds

The gas & electric rate study is complete. Lewis Young is working on a water and sewer rate study. The budget assumes that there will be a reduction in rates. The City is planning to begin selling shares of the Central Water Project water it's purchased over the last two years, which will bring in approximately \$600,000. Approximately \$330,000 is left from the water and sewer bond, which is being counted as revenue. An agreement with John Walden will provide impact fee revenue.

Increased expenditures for water include well repairs and attorney's fees.

Debt service is going to be included in Enterprise Funds rather than in the Debt Service Fund.

Councilmember Painter asked if the total attorney services will be more than what was budgeted for fiscal year 2013. Mr. Jerome said it would remain about the same.

The net effect of the gas and electric rate study is a reduction in costs to the residents.

The Energy Department has hired two interns, and may hire a full-time employee, to help with increased in-house construction.

Purchases of a power monitor, trailer, bucket truck and forklift are also being considered. The bucket truck the City owns now doesn't meet OSHA standards.

The Gas Department is expected to hire interns, as well, to accommodate growth and increased in-house construction.

On solid waste, the rate on the first can may be reduced by \$1.00. The change from using the Northpointe landfill to IRL will allow the reduction, even though more waste is being collected.

Salaries in the Enterprise Funds will reflect the allocation of utility billing services among the utilities.

Utility Billing will keep its status as a department, but its expenses will be allocated from the departments it bills for.

Councilmember Ireland felt that from a budget standpoint, Utility Billing's budget would be easier to follow if its costs were listed as a line item in each utility budget.

#### Capital Projects

Planned capital projects include the widening of Pony Express Parkway near Porter's Crossing, a traffic light at the intersection of Pony Express Parkway and Ranches Parkway, completion of Mid Valley Park, purchase and development of land for the cemetery, and purchase and planting of trees.

Councilmember Ireland expressed appreciation to Mr. Jerome and his staff for their work on the budget. This is the first time he's seen a preliminary budget that was "in the black." He also felt the general changes to the budget have made it more understandable and transparent. He appreciated how Mr. Jerome handled all the changes caused by the City's annexation into the Unified Fire Authority.

**MOTION:** *Councilmember Painter moved to adopt a Resolution of Eagle Mountain City, Utah, adopting the Eagle Mountain City tentative budget for fiscal year 2013-2014 and setting a public hearing for adoption of the final budget on May 21, 2013, at 7:00 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Councilmember Ireland asked the residents at the meeting to read the preliminary budget and give the Council feedback. The point of having the public hearing on the final budget in May is to allow the Council to act on the public's comments before they approve the final budget.

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 13.25 of the Eagle Mountain City Municipal Code for Water Rights.

This item was presented by City Attorney Jeremy Cook. The City has entered into an agreement with the Central Utah Water Conservancy District to purchase water. The proposed ordinance amends Chapter 13.25 of the Municipal Code to allow developers to purchase Central Utah Water Conservancy District Development Project water for the City and utilize the water for development projects. Developers are required to provide adequate water rights for each project they develop.



**MOTION:** *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 13.25 of the Eagle Mountain City Municipal Code for water rights. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

This item was presented by City Attorney Jeremy Cook. The proposed resolution amends the Eagle Mountain City Consolidated Fee Schedule to set a fee for Central Utah Water Conservancy District Development Project water, and set a fee for the transfer of banked water rights.

Selling the water rights will allow the City to recoup its costs in buying the water. There will be a slight increase in the amount charged each year to create an incentive for developers to take water sooner rather than later, which will reduce the City's bond costs. The price charged will be \$6,850 per acre foot plus a \$125 per year increase. The change to the Consolidated Fee Schedule also includes a \$250 transfer fee for those who want to transfer water already banked with the City.

**MOTION:** *Councilmember Burnham moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

18. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Enacting Title 4 of the Municipal Code, Administrative Code Enforcement Hearing Program.

This item was presented by City Attorney Jeremy Cook. The proposed amendment to the Municipal Code creates Title 4. The Administrative Code Enforcement Hearing Program establishes a comprehensive code enforcement system that uses a combination of civil judicial and administrative remedies to gain compliance with City regulations. This item was tabled from the February 19, 2013 City Council meeting. The program reflects changes requested by the Council at the February 19 meeting.

**MOTION:** *Councilmember Steinkopf moved to adopt an Ordinance of Eagle Mountain City, Utah, enacting Title 4 of the Municipal Code, Administrative Code Enforcement Hearing Program. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

19. AGREEMENT – Consideration and Approval of an Amendment to The Ranches Master Home Owners Association (HOA) Maintenance Agreement.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City entered into a Landscape Agreement with The Ranches Master HOA to maintain Ranches Parkway and Pony Express Parkway. This proposal clarifies the terms of the original agreement. The City will be responsible for major maintenance of trails and park equipment, and the HOA will be responsible for minor, ongoing maintenance. The City will decide whether to replace or remove playground equipment.

Councilmember Painter asked why Eagle Mountain is giving nearly \$1M per year to the HOA. Mr. Trusty said that the City receives water rights for every development in the City. The amendment revises the water usage formula to the one created by the USU Extension Service. The City hopes eventually to install a centralized watering system.

Councilmember Ireland was concerned that the Extension Service formula would be accurate for mid-summer, but not for spring and fall watering. Mr. Trusty responded that he could talk to the HOA about that, or the Council could determine that cooler months should be allowed half the water of hotter months.

Councilmember Steinkopf said that when he and his wife go on early-morning walks, they used to see workers checking the sprinklers, but they no longer see that. Mr. Trusty said that he could recommend that the HOA set up a 24-hour hotline or have City crews check the watering.

Mayor Jackson suggested that the agreement be tabled so that Mr. Trusty could negotiate further with the HOA.

**MOTION:** *Councilmember Painter moved to table The Ranches Master Homeowners Association (HOA) maintenance agreement. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. 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 Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland was impressed with those in the audience who stayed for the whole discussion.

Councilmember Burnham

Councilmember Burnham thanked the budget team.

Councilmember Steinkopf

Councilmember Steinkopf said a resident asked if a sign prohibiting air brakes within city limits could be installed on eastbound S.R. 73 near Mt. Airey Drive.

Councilmember Painter

No comment.

Mayor Jackson

No comment.

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

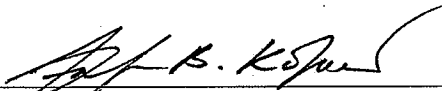
None.

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

23. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:36 p.m. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MAY 23, 2013.



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Fionnuala B. Kofoed, CMC  
City Recorder