

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 20, 2014

Work Session 4:00 p.m. Policy Session 7:00 p.m.

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

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Johna Rose, Deputy City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director (participated by telephone); David Mortensen, City Treasurer; 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; Kent Partridge, Building Official; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:07 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 and do not require action by the City Council.

- A. Water System Update – Chris Trusty

Mr. Trusty reported that the water pressure in the Meadow Ranch and North Ranch areas has been a problem. The solution is to build a 16" pipeline from the CWP (Central Water Project) pipe to the Wride Memorial Highway and eventually to build a new, two million gallon water tank. Previously, the Council indicated that it wanted this to be a separate system, to be paid for by the residents benefitting from it.

The number of lots platted and approved in the area is a concern. When including them in the model, the amount of future capacity needed to be built into the system is considerably increased. The 2M tank serving Meadow Ranch and North Ranch will need to be built by 2023 and will be located north of SR 73.

A three million gallon tank will need to be built by 2016 to serve the rest of the City. It will be located in City Center. Expansion is continuing on the CWP pipeline project, as well as several other distribution projects.

The new impact fees in the updated Impact Fees Facility Plan will be based on financial analysis provided through a contract with Lewis Young Robertson & Burningham (LYRB). Cody Deeter of LYRB presented some funding options. Discussion ensued on methods for calculating updated impact fees.

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

12. Valley View North Plat A-4 Development Agreement

City Attorney Jeremy Cook noted that the developer, Edge Homes, will transfer the project to Wasatch Land Company. In the agreement itself, item 1.5 will be changed to correct the setbacks.

15. Fiscal Year 2014-2015 Budget Discussion (not an action item)

Councilmember Burnham mentioned the Mayor's blog post requesting resident input on the budget. Mayor Pengra said that most of the input he received was about the irrigation system along Ranches Parkway and Pony Express Parkway.

City Administrator Ifo Pili discussed the Capital Projects Fund. Approximately \$215,000 was not included in an earlier draft of the budget. It will cost approximately \$715,000 complete the five-year street maintenance plan, rather than the \$500,000 originally proposed.

Councilmember Burnham asked where the money would come from. Mr. Pili responded that it would come from the fund balance.

Councilmember Westmoreland asked if the \$715,000 would be hard costs paid to contractors. Mayor Pengra said that it's an estimate based on three projects that have been bid out recently. It doesn't include investment in equipment to be used by City employees. Mayor Pengra said the equipment would come from the capital equipment line item in the Street Department budget.

16. Amendment to the Pole Canyon Development Agreement

Mr. Pili explained that the amendment is a proposed solution to the issue of paying for bleachers for the rodeo grounds. Rather than having the developer install rodeo facilities by 2015, which would be a hardship, the company could pay \$90,000 towards the purchase of bleachers for the existing City Center rodeo grounds this year.

Jared Gray, President of the Rodeo Committee, noted that the seller of the bleachers attended the meeting. The actual price of the bleachers is \$160,000 for approximately 3,600 seats. The \$90,000 would be a down payment on the bleachers and the installation. If the Committee is unable to make any of the payments, the seller is willing to come to Utah from Florida and put on an event to cover the payment. The seller is willing to carry a note for the remaining \$70,000 for 3.5 years, with \$10,000 paid twice a year. Discussion ensued on the details of the note.

Charles Jordan of Bleacher Builders, Inc., explained that he deals with and partners with many event promoters. He could arrange for one of them to stage an event at the City rodeo grounds and have the promoter make the bleacher payment to him.

Mayor Pengra asked Mr. Cook if the rental agreement he wrote said anything about assignability. Mr. Cook stated that the rental agreement allows the Rodeo Committee to rent the rodeo grounds for five years. It doesn't include a purchase agreement for the bleachers; however, it gives the Committee full authority to operate the rodeo grounds.

Mr. Gray asked that the lease agreement be approved contingent on approval of the purchase agreement.

Councilmember Bradley was concerned about some of the wording in the Pole Canyon agreement. He wanted to know what was meant by "any steps necessary" to include the cost in the City's impact fee assessment. Mr. Cook explained that it meant that the City would endeavor to amend

the City's Capital Facilities Plan and Impact Fee Facility Plan to include that, and to defend the pay-back of the \$90,000 to the developer if necessary.

Councilmember Westmoreland asked what the effect of removing the deadline for the Pole Canyon rodeo facility would have. Mayor Pengra stated that the requirement for an equestrian facility would be removed and replaced by a park. Nate Shipp, the developer, said that the park would be constructed based on the value increase of the property based on residential development.

Discussion ensued on the agreement's effect on the future of the Pole Canyon equestrian park.

21. Rodeo Grounds Lease Agreement for Rodeo Grounds

This agreement allows the Rodeo Committee to operate the rodeo grounds for five years. In exchange, they will make the bleacher payments each year. Mr. Cook recommended that the City purchase the bleachers and accept payments from the Rodeo Committee.

Jared Gray, president of the Rodeo Committee, agreed with Mr. Cook that it would be best if the City purchases the bleachers and accept payments from the committee. He noted that the Pole Canyon development agreement amendment, the lease agreement and bleacher agreement must be approved together or none of them will be usable.

Mr. Gray asked what taxes might be need to be paid. Mr. Cook responded that there is no property tax, but others such as vendor taxes would be the responsibility of the committee.

3. 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 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.*

The meeting was adjourned at 6:20 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Johna Rose, Deputy City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director (participated by telephone); David Mortensen, City Treasurer; 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; Kent Partridge, Building Official; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Ifo Pili led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Immunization Clinic** – The Utah County Health Department will offer an immunization clinic at City Hall on Thursday, May 29 from 1 p.m. to 5 p.m. A list of immunizations offered and insurance plans accepted is on the City website, events calendar. Children without insurance can get immunizations for \$15.
- **Pony Express Days** – Pony Express Days will be held June 3-7. Pre-sale carnival tickets are available at City Hall or the following schools: Hidden Hollow, Ranches Academy, and Rockwell High, during business hours. Cost is \$24 for a three-day wristband or \$15 for a single day. For a schedule of events, please visit eaglemountaincity.com/PED.
- **Summer Reading Program** – Registration is open through June 7 for the Library's free summer reading program. You may register on the Library page of the City website or on the Library's Facebook page.

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

Mayor Pengra read a comment from Sandra Williams, who was unable to attend the meeting. Ms. Williams' comment was in support of installing lights at the ball fields in Mid Valley Park.

Wendy Lojik thanked the Mayor and Council for the time they spent in service to the City. She spoke in support of the Youth City Council because it acclimates the City's youth to civic service. With the changes to the rodeo, the Youth Council has lost a significant opportunity for fund raising. She asked that the Council provide financial support to the Youth Council this year while they find new ways to raise their own funds. She felt it was important that the youth and their advisors feel the support of City government.

Nikki Wickman stated that, as she runs along Pony Express Parkway, she sees a lot of trash along the side of the road. She asked if it would be possible for the Parks & Recreation Board to organize some volunteers to pick up trash along the road.

Bruno Hunziker thanked Mayor Pengra for the outstanding job he's doing. Mayor Pengra called Mr. Hunziker last Wednesday to let him know that Cedar Fort would be holding a hearing that evening to discuss a crusher being operated near his neighborhood. He discussed the Pole Canyon equestrian center. He said the developer was required to build it by 2015. Since that is not going to happen, he supported equestrian facilities being built in City Center.

Mayor Pengra explained that SITLA allowed the rock crushing operation to open on their land. Cedar Fort has no recourse for preventing the operation because it's not on their property.

Xeena Arcia explained how the Youth City Council has helped her. She's put a lot of time into the activities and has had opportunities to participate in experiences she would not otherwise have had. She was concerned about the City planning to reduce its financial support for the Youth Council.

Alicia Hill, a Youth Council advisor, was frustrated by the Council's comments at the last City Council meeting. The youth average a turnout of 15-30 to each event they help with. Neither they nor the advisors like the early hours and cold or hot temperatures they work with. She felt that the \$5,000 the City provides the Youth Council is reasonable, especially since the Youth Council repays part of that money through fundraising.

Bob Hill, also a Youth Council advisor, read a number of comments made by the Council at the last meeting. The comments indicated that the Youth Council needed to earn their own money, learn civic responsibilities and provide more service. Mr. Hill pointed out that in the last year, the youth did rodeo and concert parking, ran a free face painting booth, they brought a WW2 veteran to speak and opened the event to all City residents, assisted with the Turkey Trot and Santa on the Fire Truck, the Noelle Pikus-Pace homecoming, parking for Sgt. Wride's vigil and the Run for Wride, the Easter Egg Hunt, the Trick or Treat Village and the Summer Splash. He encouraged the Council to call the advisors before they make hurtful and unprofessional comments about the Youth Council.

Mayor Pengra stated that sometimes budget discussions turn into numbers instead of people. He apologized for any comments he made that may have been hurtful to the Youth Council. He acknowledged that the youth do a lot for the City.

Angie Burgess said that the Rodeo Committee has talked a lot about the Youth Council and the FFA having vendor booths at the rodeo and helping with the rodeo parking so they have opportunities to raise funds for their groups.

Julie Arcia supported the Youth Council and said they earn the funds the City provides for them. She said that residents and officials often say that citizens need to be more involved. Youth Council shows the youth how to be involved and become leaders now and in the future. Her daughter just received a scholarship based on her leadership skills.

Alicia Hill pointed out that the Youth Council is a service group, not a fundraising group. She felt that focusing on fundraising hurts the group's purpose.

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

Councilmember Steinkopf

Councilmember Steinkopf commended the youth for attending the meeting. He was a member of the FFA years ago and it's a great organization, just like the Youth Council.

Councilmember Burnham

Councilmember Burnham was impressed with how many youth were attending this meeting. She mentioned a complaint she received from a resident. There's a dirt pile in his neighborhood that's blowing dust into the road and into his yard. He's reported the problem to the HOA and the City and nothing has been done. She felt that the Youth Council funding issue should be resolved and invited parents to help their children to participate, and encouraged adults to volunteer to work

with them. She suggested holding a combined meeting with the City Council and the Youth Council. She also introduced the winners of the Rodeo Queen competition.

Councilmember Ireland

Councilmember Ireland appreciated the great turnout this evening. He commended Xeena for making a public comment.

Councilmember Westmoreland

Councilmember Westmoreland, participating by telephone, said he was out of town on a City assignment. He wished he could be at the meeting to see all of the youth and their supporters. He was glad they were at the meeting to express themselves.

Councilmember Bradley

Councilmember Bradley appreciated the residents' participation. He congratulated the Miss Eagle Mountain Pageant participants and winners, as well as the Rodeo Queen participants and winners. He was excited that the Youth Council rallied and came to the meeting to express themselves. He apologized if anything he said came out wrong because he respects and supports what they do.

Mayor Pengra

No comment.

9. INTRODUCTION – Miss Eagle Mountain Royalty: Alyssa Diaz, Miss Eagle Mountain; Sadie Whitten, 1st Attendant; and Mckell Finch, 2nd Attendant.

10. APPOINTMENTS

- A. Bob Shawgo, Economic Development Board
- B. Kiera Durfee, Parks and Recreation Advisory Board

MOTION: *Councilmember Ireland moved to appoint Bob Shawgo to the Economic Development Board through December, 2017 and Kiera Durfee to the Parks and Recreation Advisory Board through December, 2015. 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.*

Deputy Recorder Melanie Lahman administered the oath of office to Ms. Durfee. Mr. Shawgo was unable to attend the meeting and will receive the oath of office at another time,

CONSENT AGENDA

11. MINUTES

- A. May 6, 2014 – Regular City Council Meeting

12. DEVELOPMENT AGREEMENT

- A. Valley View North, Plat A-4

13. FINAL PAYMENTS

- A. 2013 Pony Express Widening Project – Geneva Rock
- B. Cedar Pass Ranch, Phase 1, Natural Gas System – Niels Fugal Sons Company, LLC

14. SITE PLAN

A. Rockwell Seminary Site Plan

MOTION: *Councilmember Ireland moved to approve the Consent Agenda, removing item 12 and placing it on the Scheduled Items. 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.*

SCHEDULED ITEMS

12. DEVELOPMENT AGREEMENT – Valley View North, Plat A-4

MOTION: *Councilmember Ireland moved to approve the Valley View North, Plat A-4, development agreement as amended. 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.*

The amendments to the agreement, as discussed in Work Session, are as follows: The developer will transfer the project to a new entity. It will be Wasatch Land Company rather than Edge Homes. In the agreement itself, item 1.5 will be changed to correct the setbacks. The agreement will read as follows: “Lots that are one-half to three-quarters of an acre shall have front and rear setbacks of no less than 25 feet and side setbacks combined to be no less than 30 feet, and no side setback to be less than 12 feet. Lots in excess of three-quarters of an acre shall have a front and rear setback of no less than 50 feet and a side yard setback no less than 25 feet.”

PUBLIC HEARING

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2014-2015 Budget. This is not an action item – the final budget will be adopted June 17, 2014.

This item was presented by City staff. The State Code requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 22. The tentative budget was accepted by the City Council on May 6, 2014. The City Council will hold the public hearing on May 20, 2014 and will adopt the final budget, as proposed or with amendments, at the June 17, 2014 City Council meeting. The final budget will be the document that governs the expenditures for FY 2014-2015.

Mayor Pengra opened the public hearing at 7:51 p.m. As there were no comments, he closed the hearing.

16. RESOLUTION – Adoption of the First Amendment to the Pole Canyon Annexation and Master Development Agreement.

This item was presented by City Administrator Ifo Pili. The proposed amendment to the Pole Canyon Annexation and Master Development Agreement removes a deadline by which certain property is required to be developed and dedicated to the City as public rodeo grounds. Instead, the developer will make a \$90,000 payment to the City for the purpose of acquiring bleachers for the City’s rodeo grounds, which will be publicly owned. The Pole Canyon rodeo grounds

requirement will be changed to a regional park of equal value, to be built on a schedule determined by population growth in that area. The cost of the park will be reimbursable to the developer through the collection of impact fees.

Jared Gray, president of the Rodeo Committee, introduced Charles Jordan of Bleacher Builders, the supplier, who offered to reduce the price from \$160,000 to \$90,000 to simplify the transaction. Mr. Gray pointed out that \$160,000 was a great price for the bleachers; the \$90,000 price is excellent.

Councilmember Bradley, while very impressed with the offer, was concerned about agreeing to a purchase without having the details in writing. He suggested that the item be tabled for two weeks until the next meeting. Councilmember Burnham pointed out that no meeting is scheduled in two weeks, due to Pony Express Days.

Councilmember Burnham felt that the purchase should be voted on immediately so that there will be enough time for the bleachers to be delivered and installed.

Councilmember Ireland asked what the timeline is for the signing of the agreement and the installation of the bleachers. Mr. Gray said that the bleachers need to be engineered and delivered, the concrete base has to be poured and cured, and the bleachers have to be constructed and inspected. June 3 would be an absolute last date for the agreement. He asked Councilmember Bradley what discussion needs to be held other than what has been discussed already. Councilmember Bradley felt that there have been quite a few changes to the purchase within the last few days, which should be reviewed by the City Attorney.

Mayor Pengra noted that, while he wasn't against having a rodeo in Eagle Mountain, he has objected to the number of changes that have happened as recently as last weekend. He was particularly concerned about amending a master development agreement and assigning the benefit to a private entity. The price reduction allayed some of his concerns, but he would prefer to vote on a written agreement on June 3.

Councilmember Burnham pointed out that the lease agreement was written a couple of months ago and placed on the Work Session agenda a couple of weeks ago. Changes were made by Mr. Cook in response to concerns by Councilmember Ireland. It was expected to be on the Policy Session agenda for tonight's meeting, but was not. She suggested that the Council vote on the amendment to the development agreement at this meeting, with the money to be assigned to a purchase agreement that would be voted on at a meeting on June 3.

Mr. Cook suggested that the Council vote on both the Pole Canyon agreement and the bleacher agreement at a meeting on June 3.

Councilmember Westmoreland wanted to be sure that the Council voted on the agreement in a timely manner for Mr. Jordan. Mr. Jordan responded that, without a written agreement, the bleachers are still for sale to anyone who offers to buy them. He was willing to hold them for the City until June 3, but he was not willing to wait long enough to have the installation be rushed.

Councilmember Ireland stated that his concern was with the Pole Canyon agreement amendment. He wasn't comfortable with possibly taking \$90,000 from the funds available for building a regional park in Pole Canyon. Discussion ensued as to how a bleacher purchase might affect a future regional park.

Nate Shipp, the developer, stated that the \$90,000 is an advance on the regional park requirement. He is still required to meet the City standards for a regional park, on a schedule determined by growth.

Councilmember Steinkopf asked the Council to take a long-term view of the financial benefits the rodeo will provide the City.

Mr. Pili said that the Pole Canyon agreement provides for more than is required by City Code. The proposed \$90,000 was always planned to be placed towards a rodeo facility. The location of the facility was not specified.

Mayor Pengra called for a motion.

MOTION: *Councilmember Burnham moved to adopt a Resolution of Eagle Mountain City, Utah, approving the first amendment to the Pole Canyon Annexation and Master Development Agreement, adding wording into section 8.2.2 stating that the project will be developed by the date that the aggregate market value of the property, as determined by the Utah County Assessor's Office, is \$250 million; additionally, that the word "consider" is removed, because it conflicts with the first page; and instructing the City to enter into an agreement with Bleacher Builders, Inc., for \$90,000, subject to the approval of the City Attorney. Councilmember Steinkopf seconded the motion.*

AMENDED MOTION: *Councilmember Burnham amended her motion to adopt a Resolution of Eagle Mountain City, Utah, approving the first amendment to the Pole Canyon Annexation and Master Development Agreement, adding wording into section 8.2.2 stating that the project will be developed by the date that the aggregate market value of the property, as determined by the Utah County Assessor's Office, is \$250 million; additionally, that the word "consider" is removed, because it conflicts with the first page; and instructing the City to enter into an agreement with Bleacher Builders, Inc., for \$90,000, subject to the approval of that agreement by the City Attorney; all of this to be subject to approval of a rodeo grounds operation, management and lease agreement with the Pony Express Rodeo Committee. Councilmember Steinkopf accepted the amendment.*

Mayor Pengra expressed concern about making agreements requiring approval of more than one agreement at once.

Mr. Cook was concerned about making a payment to an unfamiliar company before the merchandise is delivered. He made it clear that the Council was deferring the decision to him. He would prefer to have input from the Council; however, he is willing to make the decision as requested.

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

17. AGREEMENT – Approval of a Professional Service Agreement with Lewis, Young Robertson and Burningham (LYRB) for the Update to the Water Impact Fees.

Eagle Mountain City has updated the water system Impact Fee Facilities Plan, and has asked LYRB to evaluate the Impact Fee Analysis. They will also perform an analysis of the City's water rate structure based on upcoming City projects and in conjunction with the City's purchase agreement with the Central Utah Water Conservancy District.

MOTION: *Councilmember Ireland moved to approve a professional service agreement with Lewis, Young Robertson and Burningham (LYRB) for a water fee analysis and rate study up to an amount of \$14,305 and authorize the Mayor to sign the contract. 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.*

18. BID AWARD – Award of Bid to Hunt Electric for the Ranches Parkway Traffic Light Project.

The proposed bid is for the installation of traffic lights at the intersection of Ranches Parkway and Pony Express Parkway.

Councilmember Bradley felt that a traffic light is unnecessary. Only two of the seven warrants have been met and those involve traffic flow rather than safety.

Mr. Trusty explained that the industry standard is that if any two warrants are met, the project is deemed to have met the warrant standards and the traffic signal should be installed. If even one warrant is met, a city could have liability for an accident because it was aware that a danger existed.

Discussion ensued as to how dangerous the intersection is and whether safety could be improved by other methods than a traffic signal.

Mayor Pengra invited Lt. McDowell of the Sheriff's Office to give his opinion on whether the intersection needs a traffic signal. Lt. McDowell said that drivers know how to respond to a traffic signal, but can be unsure when to proceed or yield at a four-way stop. He's personally seen several near-misses between vehicles and pedestrians.

Councilmember Westmoreland's phone connection was lost before the vote on item 18.

MOTION: *Councilmember Burnham moved to award a bid to Hunt Electric for the Ranches Parkway Traffic Light project in the amount of \$93,400 and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham and Richard Steinkopf. Those voting no: Adam Bradley and Ryan Ireland, As there was no vote from Councilmember Westmoreland, Mayor Pengra broke the tie with a yes vote. The motion passed with a 3:2 vote.*

19. BID AWARD – Award of Bid to TerraWorks for the Pony Express Median Landscape Project.

The proposed bid is for landscaping on a section of road along Pony Express Parkway, between Smith Ranch Road and Porter's Crossing, that was widened last year. Landscape for this median

is intended to be a lower water use design than other areas in the Ranches. There will be more xeriscaping, no hills, and no spray heads in the narrow turn areas.

Councilmember Ireland asked if the Council can consider modifying existing medians in other areas on Pony Express and Ranches Parkways. Mr. Trusty said the Public Works Department can make some cost estimates and bring them to the Council for the next budget year.

MOTION: *Councilmember Ireland moved to award a bid for the Pony Express Median Landscape Project to TerraWorks in the amount of \$36,098 and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland and Richard Steinkopf. The motion passed with a unanimous vote.*

20. BID AWARD – Award of Bid for the Pony Express Memorial Cemetery Roadway and Water Main Project.

City staff has solicited bids for the construction of a roadway and a water line to provide irrigation for the first phase of the cemetery project.

MOTION: *Councilmember Bradley moved to award a bid for the Pony Express Memorial Cemetery Roadway and Water Main Project to Kenny Seng Construction in an amount of up to \$145,489 and authorize the Mayor to sign the contract. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland and Richard Steinkopf. The motion passed with a unanimous vote.*

Councilmember Westmoreland's phone connection was restored before the discussion of item 21.

21. MOTION – Approval of a Rodeo Grounds Operation, Management and Lease Agreement with Pony Express Rodeo Committee.

This item was presented by City Attorney Jeremy Cook. The proposed agreement is for the lease of the Eagle Mountain City rodeo grounds, located at 4447 Majors Street, Eagle Mountain, to the Pony Express Rodeo Committee, a non-profit entity. The lease would be for a period of five (5) years, and would require the lessee to pay rent in the amount of \$70,000 over the lease period, which rents would be utilized by the City to purchase additional bleachers for the rodeo facility. The lessee would have the right to utilize the rodeo facility for an annual rodeo and other events.

Jared Gray asked that the City cooperate with the Rodeo Committee on police and fire service. Chief Andrus said that fire service will be provided this year because the City is responsible for the stock contract, which makes the City a co-sponsor of the event. In the future, police and fire service will have to be contracted between the Rodeo Committee and the Sheriff's Office and Unified Fire Authority, unless the committee makes other arrangements permitted by those agencies.

MOTION: *Councilmember Bradley moved to table a rodeo grounds operation, management and lease agreement with the Pony Express Rodeo Committee. The motion failed for lack of a second.*

MOTION: *Councilmember Burnham moved to approve a rodeo grounds operation, management and lease agreement with the Pony Express Rodeo Committee, omitting sections 4.2 and 4.3 and changing section 4.1 to read “rental payment of \$1.00 per year payable on May 1 of each calendar year.” 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.*

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

Councilmember Steinkopf

No comment.

Councilmember Burnham

No comment.

Councilmember Ireland

Councilmember Ireland asked when the flagpole in front of City Hall will be repaired. Mayor Pengra said that Colonial Flag is scheduled to come and fix the broken pole, but there’s not a specific date.

Councilmember Westmoreland

No comment.

Councilmember Bradley

No comment.

Mayor Pengra

No comment.

23. 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.

24. COMMUNICATION ITEMS

a. Upcoming Agenda Items

25. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 9:30 p.m. 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.*

APPROVED BY THE CITY COUNCIL ON JUNE 17, 2014.



Fionnuala B. Kofoed, City Recorder