

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 20, 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

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; Tippe Morlan, Planning Intern; Charlie Fuller, Management Intern; Scott Swindler, Management Intern; Adam Ferre, Energy Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:10 p.m.

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

12. Arrival at North Ranch

Planning Director Steve Mumford explained that this property was recently annexed into the City as Agricultural zoning, which is to be changed to Rural Residential, matching the surrounding developments. The density is less than .8 units per acre, which is within the base density standard, so no parks, improved open space or community improvement funds are required.

The Planning Commission recommended approval with the following conditions:

1. Water model required. A water tank will be required for the upper pressure zone.
2. An erosion study from a geotechnical engineer is required to study erosion potential and recommended mitigation for the Tickville gulch/wash. Applicant shall be required to complete any recommended mitigation along with subdivision infrastructure if adjacent to the wash.
3. Continue minor collector (77 feet) into the first southwest intersection of the project.
4. Work with the Energy Department concerning off-site power improvements.
5. Work with the Public Works Director concerning necessary off-site water improvements.
6. County Health Department approval is required for the septic systems for each lot prior to preliminary plat approval. The City does not guarantee the maximum densities if lots do not receive approval for septic systems.

A neighborhood meeting was held after the Planning Commission meeting, attended by residents, the developer and some Council members. Issues addressed included traffic, water pressure and septic systems. The County requires that every lot in the development has to be tested for percolation. The County Health Department has confirmed that they did percolation and soil testing on each of the first 28 lots. They'll do more in-depth testing before building permits are issued.

Erosion issues in the Tickville Wash are a concern. Erosion control will be in place before lots are platted there.

Councilmember Ireland asked Public Works Director Chris Trusty if the development will negatively impact the water pressure of the existing residents. He also asked about traffic and safety issues. Mr. Trusty responded that the existing roads are built to handle 1000 average daily trips. At the moment, the road is handling 700 average daily trips. With an additional 30 lots, the roads should reach capacity. A traffic counter is in place right now to confirm the current road use. There are concerns about speed and sight distances along Canyon Wash Road. The applicant had his traffic engineer assess the road. Public Works plans to implement some of the speed mitigation standards. Pedestrian safety is an issue because there are no sidewalks along the road. Mr. Trusty believes more trails are needed in the subdivision. If the City is unable to get grants to fund those, the Council should consider requiring the applicant to help pay for them.

Councilmember Ireland asked how construction traffic and parking along the roads will be handled. Mr. Trusty said the speed mitigation methods recommended in the traffic study should take care of that. He has spoken to the applicant about providing secondary construction access.

Mr. Trusty said a water model has been requested. The applicant, Scot Hazard, stated that the City is having Psomas Engineering do a city-wide water model and his company has asked to have this project added to that study, assessing its impact on the existing system.

Councilmember Ireland said that at the neighborhood meeting, the residents were worried that their water pressure would go down and complained that the volume of water was too low. Assistant Public Works Director Dave Norman said that Well #2 failed this summer, which reduced water pressure in that area. It's important to keep the pressure from becoming too high, as well. The Water Department recently identified a couple of bottlenecks that have been reducing water volume to the area. The system will be upgraded at those points.

Councilmember Ireland asked how a larger, adequate water system will be followed up. City Attorney Jeremy Cook said that will be addressed when subdivision plats are submitted. He said that could be written into the development agreement if the Council wanted to, but it's assumed to be true with any development.

Mr. Norman pointed out that the water from the Central Water Project will be piped into the City starting next summer. The water chapter in the Capital Facilities Plan will be updated to reflect that. He pointed out that, although there have been localized issues with lower water pressure, there has never been a repeat of the general City water restrictions that were in place six years ago when an essential well failed.

Councilmember Ochsenhirt asked Mr. Hazard how a construction access road could be provided. Mr. Hazard responded that he was exploring that, but it would require cooperation with the landowner of Clearview Estates. As a developer, Mr. Hazard sells lots; he is not involved in construction. Mayor Jackson suggested installing signage directing construction traffic onto Mustang Way, as well as additional enforcement on Canyon Wash Road. Councilmember Burnham said that the neighbors will probably report problem drivers to their employers.

13. Assessment Area Resolution

Cody Deeter of Lewis Young Robertson & Burningham explained that, in order to establish an assessment area, a resolution designating the geographic area is required. The three property

owners have waived the noticing periods, Board of Equalization requirements and payment periods in order to move the process forward.

Councilmember Ireland asked if City staff time would be paid for by the property owners, as Lewis Young's fees will be. Mr. Deeter said it would be paid as a portion of the administrative fees paid to Lewis Young by the property owners. It could also be charged as an additional interest rate charged to the property owners by the City.

Councilmember Steinkopf asked if the City has first-position lien rights if any of the property is foreclosed. Mr. Deeter replied that the statute provides that the assessment is as primary as the property taxes owed.

Councilmember Painter asked about the reserve fund mentioned in the assessment ordinance. Mr. Deeter said that the estimated construction overhead costs to the City are covered, but in this case, the developers will be doing the construction and the City will purchase the improvements.

The debt will always be self-supporting, rather than City debt, because the property benefitting from the bonds will serve as collateral. The 10% reserve fund covers bond payments if a property has to be foreclosed, until the foreclosure is complete and the City can sell the property.

14. Cedar Pass Ranch Natural Gas System

Some residents of Cedar Pass Ranch have requested natural gas service to replace propane. Energy Director Adam Ferre suggested a phased approach to accommodate those residents, without involving those who are not interested yet.

Discussion ensued on how the phasing plan was created. Energy Director Adam Ferre said the system has to be looped. The first phase can be looped into Pony Express and Half Mile Road.

Councilmember Painter questioned whether the City's financial investment was justified by the request of only about half the residents of the development. Mr. Ferre replied that he felt a request by 16 residents was enough to justify his considering the project. City Administrator Ifo Pili agreed that the project was initiated by resident interest. Councilmember Painter preferred that the City not act as a "bank," funding a project that residents can't afford to pay for immediately.

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

Assistant City Administrator Jason Walker reported that the City has advertised for a judge for the administrative hearing program. There have been responses, but not from anyone with a J.D. degree. Mayor Jackson suggested advertising the position with a request for proposals, rather than as a part-time City position.

Management Intern Charlie Fuller reported on the Citizen Survey, which consisted of a demographic report, responses to the survey questions and the analysis of the report and responses. Her analysis found that overall quality of life was rated in the "satisfied" range. In general, those who were willing to be involved with City activities were more satisfied than those who were not.

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

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; Tippe Morlan, Planning Intern; Charlie Fuller, Management Intern; Scott Swindler, Management Intern; Adam Ferre, Energy Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:15 p.m.

5. PLEDGE OF ALLEGIANCE

Charlotte Ducos led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

A. Pony Express Days Report

The City lost more than it budgeted for on Pony Express Days. After Finance Director Paul Jerome discussed the specific accounting for the event, Assistant City Administrator Jason Walker explained that, in response to those losses and the issues raised by the citizen survey, City Administration is recommending changes to Pony Express Days. They recommend that rights to the PRCA rodeo be turned over to the Rodeo Committee. They will bear all the risks and expenses of the event and receive all the proceeds, outside of the fees charged by the City for the use of its facilities. The demolition derby, concert and fireworks could also be offered to the Rodeo Committee.

In addition, Administration recommends that the Community Leisure Program be discontinued. Year-round events should be continued, including a scaled-down Pony Express Days. City events could be held approximately once per month. The Special Events Department would be restructured into a Recreation Division with an events side and a sports side. The lack of sports officials could be addressed by hiring officials as part-time, permanent employees, working from 12-29 hours per week.

Mr. Walker emphasized that this in no way reflects on the Special Events Director, who has done an outstanding job. It's a response to the expressed wishes of a significant percentage of the City's residents.

Councilmember Painter asked what was the primary driver of the financial loss for this year's Pony Express Days. Mr. Jerome said it was primarily a combination of the rodeo and the concert. Councilmember Painter asked if the analysis had enough detail to show what losses were created by which events. Mr. Pili reviewed some of the details.

B. Citizens' Budget

Management Intern Scott Swindler presented a preliminary version of a budget specifically designed to be easily understood by residents without technical financial skills. The purpose is to increase government transparency. The document will be posted on the City's website for public comment.

- **Citywide Yard Sale** – The first city-wide yard sale will be held on Saturday, September 14. Register your sale now on the City website, Events page. A map of all sale locations will be published online for residents and visitors who want to do all their bargain shopping in one day. Clean-up dumpsters will also be provided by the City on this date between 8:00 a.m. and 4:00 p.m. at two locations – the Public Works building and Smith Ranch Park.
- **Gas & Electric Bond Refinancing** – The \$18M gas and electric bond was refinanced at 2.30%. The bond will end in 2024, one year earlier than the original bond.
- **Well #2 Repair** – Well #2 has been repaired and is in service again. With the work finished on Well #2, the contractor is now working on planned maintenance for Well #3, which has been rapidly declining over the summer. Although Well #3 will be down for repair, we don't expect it to affect residents because we have more than one well in that pressure zone.
- **Farmer's Market** – The Farmer's Market will wrap up for the season over the next two Saturdays – August 24 and 31. It is held in the grassy area across from the fire station in City Center (1680 Heritage Dr.) from 9:00 a.m. to noon. Local crafts and produce are offered.

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

Bryan Free approved of the citizens' budget being posted on the website. He suggested more complete contact information for City boards and committees. He felt the City should a better job of notifying residents of the election dates, perhaps robocalls or temporary road signs. He wanted the City to require developers to meet their obligations under their development agreements.

Dan Lilly was concerned that the HOA continues to waste water on irrigating grass along roadways. He wanted the City to pressure the HOA to stop wasting water. He was willing to inspect the irrigation system for leaks and defects if there was a reasonable chance that the HOA would fix the problems.

Luke Pannell spoke on behalf of one of his neighbors, James Crandall, about the dove hunting season that will start on September 1. Hunters shoot within City limits and near his property line. Sometimes they trespass on his property. He requested that law enforcement provide some extra

protection on Stagecoach Drive starting at 6:00 a.m. on September 1. Mayor Jackson asked Mr. Trusty to install some signs along Stagecoach Drive like those that are on Lake Mountain Road.

Marianne Smith thanked the Mayor and Council for working on the pavement at the intersection of Lake Mountain Road and Pony Express Parkway. She asked if it was possible to have a streetlight installed there. She also asked when Lake Mountain will be graded. And she pointed out that the light from the power station is bothering nearby residents. She suggested that some of the projects the City needs done could be done as Eagle Scout projects. Last week, she notified the Fire Department that she was going to do some agricultural weed burning and got permission to do so. When she began burning the leaves, a fire truck showed up. Mayor Jackson asked her to bring the issue up with Chief Andrus.

Jenny Fillmore, a resident of Hidden Canyon, stated that several of her neighbors were attending this meeting in support of the agreement with Salisbury Homes to complete the improvements at the entry to the subdivision. She also felt that the subdivision should have a small park.

Melissa Jentzsch, a resident of Hidden Canyon, agreed with Ms. Fillmore that landscaping needs to be installed at the entry to the subdivision.

Sandy White expressed appreciation for the citizens' budget. She encouraged the City to program an automatic notification system to send job announcements to residents who opt in to receive those emails.

Dayton Seegmiller commented on the Hidden Canyon agreement. He said the retention pond near his house should be fenced according to the development agreement and the trail should be installed. The pond needs to be dredged, as well. Mayor Jackson asked Mr. Trusty to meet with the residents to determine what improvements should be made and how the residents can volunteer to help.

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

Councilmember Steinkopf

Councilmember Steinkopf thanked the residents for their comments and assured them that the Council listens.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt wanted the problems with hunters to be addressed, street reflectors on SR 73 to be increased and intersection warning signs posted at Lake Mountain Road and Pony Express Parkway. He said the Northmoor detention pond was built with rocks and landscaping, but it's been allowed to become weed-infested. He's had numerous comments on that. He asked residents to drive more carefully now that school has started. With the cooler weather, he reminded residents to reduce their lawn irrigation. He wanted progress on the cemetery. Residents have approached him about the possibility of creating an airport board to make the airport functional; which could become a revenue source for the City. SR 73 is too noisy. Signs need to be installed prohibiting "jake brakes" and the speed limit near Ranches Parkway needs to be moderated. He recommended that the residents of Hidden Canyon take ownership of their

subdivision and provide volunteer labor for the landscaping they need. Councilmember Ochsenhirt and his neighbors got together and created a park in his neighborhood, in cooperation with the City.

Councilmember Ireland

Councilmember Ireland expressed appreciation to those who volunteered to be candidates for office and congratulated those who were nominated for the general election. He appreciated those who got out and voted, and thanked the City staff and others who were involved in the election process.

Councilmember Burnham

Councilmember Burnham thanked all those who ran for office and congratulated those who made it through the primary election. She was grateful that the debates were recorded so that more people could see them. The 18% voter turnout was one of the best the City has ever had for a primary election. She encouraged residents to be educated voters.

Mayor Jackson

Mayor Jackson said the City's 18% turnout for the primary was the highest in the county.

CONSENT AGENDA

9. MINUTES
 - A. August 6, 2013 – Regular City Council Meeting

10. FINAL PLATS
 - A. Meadow Ranch V, Plat 2
 - B. SilverLake, Plat 9
 - C. Parkside, Phase A, Plat 1

11. DEVELOPMENT AGREEMENTS
 - A. Skyline Ridge, Phase 1B
 - B. Skyline Ridge, Phase 1C
 - C. SilverLake, Plat 8
 - D. Lone Tree West, Plat 1

Lone Tree West, Plat 1, was removed from the agenda.

Councilmember Painter appreciated that the last meeting's minutes were updated per his request. He asked Mr. Mumford what could be done to add sidewalks and streetlights to the Meadow Ranch V, Plat 2, agreement. Mr. Mumford said the preliminary plat was approved in 2008. Trails were discussed at length at that time, and residents in neighboring subdivisions made it clear that they wanted the area to retain a rural look without trails along the streets. The Council has the option of adding trails.

Councilmember Painter said he wanted trails to get non-vehicular traffic off the roads.

MOTION: *Councilmember Ireland moved to approve the Consent Agenda, removing item 10A and adding it to the Scheduled Items. Councilmember Steinkopf 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

10A. MOTION – Consideration and Approval of the Final Plat of Meadow Ranch V, Plat 2.

This item was moved from the Consent Agenda.

Mayor Jackson invited the applicant, Monte Kingston, to speak. He expressed frustration because the details of trails and drainage have been worked out over a long time. The development was designed according to the residents' wishes. A redesign would be very expensive. Since his company is providing much more than the required improvements, he felt that they were doing their part. Street-side trails added to the plan now will dead-end at people's yards.

[Inaudible comments from the audience.]

The Mayor and Council discussed possible locations for trails.

MOTION: *Councilmember Painter moved to approve the final plat of Meadow Ranch V, Plat 2, with direction that the City Engineer work with the developer to install trails along all the streets. Councilmember Steinkopf seconded the motion.*

Discussion continued on possible trail locations.

Councilmember Ochsenhirt asked Mr. Kingston how this proposal will affect him. Mr. Kingston reiterated that the subdivision was designed according to the needs expressed at the time.

Mr. Trusty said the drainage along Sunset Road would need to be redesigned to accommodate a trail.

Those voting aye: John Painter and Richard Steinkopf. Those voting no: Donna Burnham, Ryan Ireland and Nathan Ochsenhirt. The motion failed with a 2:3 vote.

MOTION: *Councilmember Ochsenhirt moved to approve the final plat of Meadow Ranch V, Plat 2, with the intent that the developer and City staff work together to create trail system connectivity between the subdivision, park and school, removing the pedestrian traffic from the street. Councilmember Ireland 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.*

PUBLIC HEARING

12. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the General Plan Map 2, and Approving the Master Development Plan for Arrival at North Ranch.

This item was presented by Planning Director Steve Mumford. The City Council will consider the approval of the Master Development Plan and amendment to the General Plan Map 2 for the Hindley Annexation that was recently approved by the City. This project will be located north of the Clearview Estates development, west of the North Ranch neighborhood, and south of Camp

Williams and will be known as Arrival at North Ranch. This plan consists of 178 residential lots on 223.36 acres. The minimum lot size proposed is half an acre, with a majority of the lots being over one acre in size. Because the density is less than .8 units per acre, no park is required; however, the developer has chosen to include a park.

Concerns about the project include erosion in the Tickville Wash, residential traffic and construction traffic, the water system and the septic systems.

The County has provided preliminary approval of the septic system plans.

Residents in the North Ranch neighborhood held a meeting last week. They propose widening the road on the west side of the development to connect to the proposed minor collector road in Clearview Estates. They also recommend adding a crash gate to Lake View Drive, allowing emergency access only. Third, they would like a construction entrance directly from SR 73. They also suggested several methods of traffic calming.

Mr. Trusty stated that the traffic impact study by Hales Engineering found that the increased traffic would be within the capacity of the existing roads. There is a traffic counter in the subdivision right now. The City has already promised some traffic calming measures that haven't been installed yet.

Mr. Norman discussed the water system. Well #2 failed this summer, affecting water pressure in the lower section of this area. After the well failed, the Water Department discovered that the water lines were inadequate to feed all the homes at night, when many of the residents watered their lawns. The water model will be updated so improvements to this part of the water system can be added to the Capital Facilities Plan.

Mayor Jackson opened the public hearing at 9:34 p.m.

Rick Knowlton suggested that the plat map be amended to divert more traffic from Lake View Drive than is currently proposed.

Brandon Reall had concerns about people backing out of their driveways, sight distances, a very limited traffic study, the lack of required eight-foot paths next to the roads, maintenance of traffic calming measures, and inadequate structure of Canyon Wash Road.

Wade Mattinson felt that Clearview Estates and Arrival would both impact North Ranch. He would like the roads leading to SR 73 to be carefully engineered for safety. Any increase to current traffic on the roads is too much. There are many more violations than are reported. He's not trying to oppose development, just its effects on safety.

Doug Woodruff had a petition with 56 signatures he wanted to submit to the Council. The speed and volume concerns were about the entire 178 lots proposed, not just the original 28 lots. He felt that routing traffic through North Ranch is wrong. The new traffic should be routed through Clearview Estates. He asked that any agreements be put in writing.

Charlotte Ducos was excited to see this development come in because it's compatible with existing development. She feels that trails are essential to the safety of children to walk and bike to the new school. She doesn't think the developer should bear the brunt of the needs created by the

school. She wanted to make sure that the new developments bear the brunt of their own traffic, with their own entrance to SR 73. She also supported a separate construction entrance.

Wendy Lojik drives a school bus. She said that construction trailers obstruct sight and safety. There is nowhere for children to walk or bike except on the roads. Speed reductions are also needed.

Amy Asay watched her daughter look both ways today and then run across the road. That's the only way she can get across. She wants more traffic safety now, not after the new homes are built. Where Canyon Wash meets Lake View, she suggests a three-way stop. Flashing lights aren't adequate.

Luke Pannell asked how much the City offsets the costs borne by the developers for infrastructure. He pointed out that this item is a rezone from Agricultural to Rural Residential. He'd like clarity about who is paying for the upgrade of the water and electrical systems. There aren't details in the development agreement. He'd like this item tabled if specifics aren't available.

Mayor Jackson responded that details are to be included in the master development agreement, which isn't being approved at this time. Some of the infrastructure has to be built on a large scale in the beginning, so developers build it and are later reimbursed for the capacity that benefits future developments.

Mayor Jackson closed the public hearing at 9:58 p.m.

The applicant, Scot Hazard, introduced the traffic engineer, Cordell Brailey. As a resident of the area, the residents' concerns are particularly relevant to Mr. Hazard. Mr. Brailey explained that a traffic study is focused on quality of life, rather than road capacity. This traffic study is written with a phased approach to safety. Lower speeds are recommended, but they won't entirely eliminate the safety issues. He said that strobe-pattern flashing lights have a much higher compliance rate than normal flashing lights. Transportation engineering always recommends as much connectivity as possible to provide as many paths in and out of neighborhoods as possible.

Discussion continued on traffic safety.

Mr. Hazard discussed the engineering and funding challenges involved in constructing a trail system in the area. Grants may be available to help with funding. He supported a phased approach. If other methods are inadequate, a crash gate may be a useful solution.

Mayor Jackson suggested making a request to Alpine School District for a trail between the new school to the Meadow Ranch Park trail.

MOTION: *Councilmember Ireland moved to adopt an ordinance of Eagle Mountain City, Utah, amending the General Plan Map 2, and approving the master development plan for Arrival at North Ranch. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

13. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Designating an Assessment Area for the Purpose of (i) Levying Assessments against Properties within the Assessment Area to Finance the Construction and Installation of Road, Sewer, Storm

Water, Culinary Water and Related Improvements, (ii) Estimating the Amount of the Assessments to be Levied and the Method or Methods of Assessments and (iii) Generally Describing the Period Over Which the Assessments are to be Paid and the Manner in Which the City Intends to Finance Said Improvements; and Related Matters.

This item was presented by Cody Deeter of Lewis Young Robertson & Burningham. In order to formally assess the property through an assessment ordinance which liens the property, the City must first designate a geographic area as the assessment area. After the Bonds are issued, an assessment ordinance will be adopted; this will likely take place in September. The assessment area would improve Ranches Parkway, north and west of Meadow Ranch.

MOTION: *Councilmember Burnham moved to adopt a resolution of Eagle Mountain City, Utah, designating an assessment area for the purpose of (i) levying assessments against properties within the assessment area to finance the construction and installation of road, sewer, storm water, culinary water and related improvements, (ii) estimating the amount of the assessments to be levied and the method or methods of assessments and (iii) generally describing the period over which the assessments are to be paid and the manner in which the City intends to finance said improvements; and related matters. Councilmember Steinkopf seconded the motion.*

Councilmember Ireland asked why the City is “co-signing” a loan to developers for infrastructure as this time, and if this would create a precedent. Ifo Pili, City Administrator, explained that much of the City’s major infrastructure was created using bonds. This project is part of the Capital Facilities Plan, and the City has been collecting impacts fees for it.

Mayor Jackson said the property value to loan ratio is 4:1, which provides adequate financial protection to the City.

Councilmember Steinkopf pointed out to the audience that this item has been discussed at length in both the Work Session and in a previous meeting.

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.

14. BID APPROVAL – Consideration and Approval of Bid for Niels Fugal Sons Company, LLC, for the Cedar Pass Ranch, Phase 1, Natural Gas System.

This item was presented by Energy Director Adam Ferre. The proposed bid is for the installation of a natural gas system to serve residents in Cedar Pass Ranch, Phase 1. This proposal was made by the residents and if approved, will give access to natural gas service to 31 lots. The estimated cost will be approximately \$6,300 per lot, to be paid by residents who pay before October 1. After October 1, an additional 15% will be added to the cost. If 16 residents don’t sign up before October 1, the project will be cancelled.

Councilmember Painter asked how the Energy Department chose 16 lots as the cutoff for proceeding with the project. Mr. Pili said 16 lots constituted more than half of the lot total. The financial risk is approximately \$53,000, with annual revenues estimated to be \$5K to \$7K.

MOTION: *Councilmember Ireland moved to approve a bid from Niels Fugal Sons Company, LLC, for the Cedar Pass Ranch, Phase 1, Natural Gas System and authorize the Mayor to sign the contract once 20 residents sign a contract with the City agree to pay their portion of this project. and not finance the project through the Utility Department; anyone who signs up after October 1 must pay an additional \$1000.*

Mayor Jackson pointed out that the last time the City did a project like this, the residents had 30 days after the completion of the project to pay in full. Councilmember Ireland said he would be willing to accept that payment plan.

Councilmember Painter seconded the motion.

Councilmember Painter asked why Councilmember Ireland set the limit at 20. Councilmember Ireland responded that, leaving out the undeveloped lots, 20 is three-quarters of the lot owners.

City Attorney Jeremy Cook said the City can sue owners who default, although a lawsuit is expensive for the City and may not lead to recovery. He suggested charging a portion of the cost up front. Mayor Jackson suggested a \$1,000 deposit, refundable if the project is cancelled.

Councilmember Ireland accepted the amendment to the motion.

[Inaudible comment from the audience.]

Councilmember Painter asked why the City is considering installing gas lines when such a low percentage of the residents is requesting them, when it will impact the City's Gas Fund. Mr. Ferre said that a request from 16 residents is enough to convince him to study the question and present it to the Council.

Mr. Pili stated that the project will provide revenue every year after the initial investment and will eventually more than pay for itself. Mr. Ferre pointed out that utilities always need to have additional customers.

[Inaudible comment from the audience.]

Councilmember Burnham said that the North Ranch gas line project forced residents who didn't want the service to take it. This project at least only charges those who want it.

Those voting aye: Donna Burnham, Ryan Ireland and Richard Steinkopf. Those voting no: Nathan Ochsenhirt and John Painter. The motion passed with a vote of 3:2.

Councilmember Ochsenhirt explained that he wasn't voting no to the neighborhood, he was extending a little further latitude to the neighborhood.

15. BID AWARD – Consideration and Award of Bid to Niels Fugal Sons Company, LLC, for Underground Gas Services.

This item was presented by Energy Director Adam Ferre. The proposed bid is for the installation of underground natural gas laterals within the City. The new contract will address a general cost increase, as well as additional costs per lot for rock and frost.

MOTION: *Councilmember Ireland moved to approve an award of bid to Niels Fugal Sons Company, LLC, for underground gas services. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration and Approval of an Agreement and Release of Claims for Hidden Canyon Subdivision Improvements.

This item was presented by City Attorney Jeremy Cook. This agreement details the terms of a settlement and release with Salisbury Development, LC and M&T Bank regarding subdivision improvements for Hidden Canyon development. The Mutual Release of All Claims requires Salisbury Development to complete certain subdivision improvements identified by the parties, and to pay the City for completion of certain landscaping improvements to the detention basin at the entrance of the Hidden Canyon subdivision.

Mayor Jackson allowed resident Steve Williams to speak. He said he came to the meeting for the park. He moved from Texas because he was attracted by the trails. He noted that Woodland, Texas has over 160 miles of trails and is valuable real estate. He felt the City should increase the trail system. Trails become parks. He referred to Frederick Law Olmsted, who designed many miles of trails and many city parks, including Central Park in New York City.

Mr. Cook said the document is a form settlement agreement, which contains a confidentiality provision. He will go back to the other party and ask them to waive the provision. He wasn't able to make that request before this meeting.

MOTION: *Councilmember Burnham moved to approve an agreement and release of claims for Hidden Canyon subdivision improvements. 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.*

Mayor Jackson asked for involvement from the community. Dayton Seegmiller agreed to be the liaison between the Council and the community.

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

ALL NO COMMENT

Councilmember Burnham
No comment.

Councilmember Steinkopf
No comment.

Councilmember Painter
No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Mayor Jackson

No comment.

18. 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.

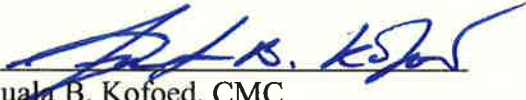
None.

19. COMMUNICATION ITEMS
a. Upcoming Agenda Items

20. ADJOURNMENT

MOTION: *Councilmember Ochsenhirt moved to adjourn the meeting at 11:13 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 SEPTEMBER 3, 2013.



Fionnuala B. Kofoed, CMC
City Recorder