

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 15, 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; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Steve Olsen, Energy Department; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Corey Wride, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:09 p.m.

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

13. Water & Sewer Bonds

Cody Deeter of Lewis Young Robertson & Burningham described the funding to extend the pipeline from the pump station to the City. The state Drinking Water Board has authorized the City to issue \$3.4M worth of debt to construct the pipeline. The actual bond amount is estimated to be \$2.6M. The parameters resolution authorizes the Mayor to execute the bond purchase agreement detailing the maximum amount to be issued and the maximum interest rate that may be charged, which is 1.7%. It also requires a public hearing to be held before the purchase agreement is signed.

Assistant Public Works Director Dave Norman said that questions have been raised as to why this project is being constructed during an election cycle. He stated that he cannot schedule his work around election cycles, because if he waits several months, he won't be able to pipe the water into the City next summer. It takes four to six months just to have the pipe fabricated. The City signed the water purchase agreement four years ago and needs to start using the water it has reserved through that contract.

Mr. Norman discussed what materials the pipe should be made out of. The City has the equipment and personnel to maintain ductile iron pipe. The City hasn't worked with VanCon, the contractor on this project, but VanCon has built several projects nearby and gotten consistently positive reviews from the cities it's worked for.

The line will go from the pump station in Saratoga, past the Sundance subdivision and into the main City pressure valve. The engineer is also designing larger lines through Sage Valley. The project also includes an additional 12" line into North Ranch and Meadow Ranch.

Councilmember Burnham asked if the bonds can be paid off early. Mr. Deeter said the Drinking Water Board never charges a pre-payment penalty.

14. Evans Ranch

Steve Mumford, Planning Director, said he spoke to the development company about creating consistency in the fencing for the subdivision. The development agreement lists fencing standards for various areas aside from individual lots and specifies that fencing must be installed by the developer along with the infrastructure for each phase.

The agreement stipulates that no more than 50% of a home can be between 10 and 15 feet of another residence. Although the lot frontages were approved for less than the standard width, the driveways are limited to 12 feet wide at the street end.

Three lots on Clark Street will connect to the Porter's Crossing sewer line. The rest will connect to a line that goes through SilverLake. Mr. Trusty said the line will be designed to prevent any debris getting into it, since debris caused a sewer backup last year.

The open space and parks plan specifies which areas the HOA will own and maintain, which include the pocket parks and fitness stations. All of the privately-owned open space areas will be improved and will not remain as natural vegetation areas. The developer intends to use part of the community improvement funds to make some improvements to the wash.

The agreement limits build-out to 25 years.

Nate Shipp, the developer's representative, offered to answer any questions from the Council. Councilmember Painter asked if there were plans to turn the wash into a community improvement. Mr. Shipp responded that there were no plans to improve the wash itself, other than planting grass, but the detention area may be moved to allow for a soccer field adjacent to it, and improve the detention area to make it a usable amenity.

Councilmember Burnham asked when Golden Eagle Road would be extended. Mr. Shipp said the road will be extended once the townhomes are built. The traffic study said that the road doesn't need to be extended earlier than that. If the City wants to make it a capital project, he would be supportive of that.

Councilmember Steinkopf felt that the road should be extended as soon as possible, based on the crowding at the intersection of Pony Express and Porter's Crossing. Mr. Shipp said the master development agreement already specifies that Porter's Crossing will be improved early in the project.

Councilmember Ochsenhirt asked about watering the back edge of the property. He wanted to know if grass would be planted there so something other than weeds will grow. Mr. Shipp said he could try planting something, but the weeds will take over in a year or two in any case. Public Works Director Chris Trusty said there are native grasses that can choke out weeds.

Councilmember Ochsenhirt asked if the driveways are adequate to allow people to park in their driveways and not in the streets. Mr. Shipp said the driveways meet the City's minimum length requirement of 22 feet. The driveways will widen from the street to the garage and some homes will have three-car garages.

15. Arrival

The applicant, Scot Hazard, participated by telephone.

Mr. Mumford said the HOA will own and maintain the park and the City will maintain the asphalt trails. Either the homeowner or the HOA will be responsible to maintain the 20-foot easements along the trails. The intent is that the homeowners will maintain the easement if they don't have fenced yards. Where yards are fenced, the HOA will maintain the easement. Mr. Hazard said he was willing to make the HOA responsible for maintaining the trail easements.

Mr. Hazard stated that he would prefer that the City own the park if it chooses not to provide water to the HOA at no cost. Paying for water would be prohibitive for the HOA. City Attorney Jeremy Cook noted that the master development agreement includes language saying that the City can enter into a separate agreement.

Mr. Mumford said that the master development agreement has terms in place to minimize the effects of the new development on the traffic on Canyon Wash Road. Mr. Hazard said that several residents have told him they don't want the road to be striped. He's willing to do it, but suggested that the City speak to the residents. He felt that the redesign of the plat alleviated traffic concerns on that road.

Mr. Hazard requested that the Development Code in place now be maintained through the building of the subdivision.

Many of the homes are expected to have detached accessory apartments, which complies with the City's base density regulations. Mr. Hazard would like that specified in the master development agreement.

City standards require that the developer provide a water model by the second phase.

Councilmember Painter felt that the sewer line should be extended to these homes at some point, to replace the septic tanks. Mr. Mumford is working on revisions to the General Plan with the Planning Commission and others, and suggested that the City require any annexed property to be developed within reach of sewer lines or decrease the boundaries of the annexation policy plan. The General Plan amendments that will be presented to the Council will include the possibility of basing annexation decisions in part on whether they fit with the City's utility infrastructure.

16. Military and Veterans Advisory Board

Councilmember Painter asked what the budget impact of the board would be. Mayor Jackson said the board doesn't have a budget. The only cost will be for the time used by a staff member to attend the meetings.

17. Improvement Purchase Agreement

City Attorney Jeremy Cook explained that the landowners involved in the Ranches Parkway Extension contracted with Sunroc to install the infrastructure before the bond funds were available, in order to move the project along. This agreement purchases the infrastructure for the same cost that the landowners paid Sunroc. The agreement between the landowners and Sunroc allows for the transfer of the infrastructure warranties to Eagle Mountain City.

18. JLUS Implementation Grant Agreement

The JLUS technical and policy committees recommend Matrix to be the consultant for the Camp Williams JLUS (Joint Land Use Study) implementation project. Matrix was the consultant for the original JLUS study.

2. PRESENTATION – Public Works Landscaping Along Ranches Parkway.

Concerns have been expressed several times about the irrigation along Pony Express and Ranches Parkways. The system can't be turned off during rainstorms and it can't easily be adjusted to prevent overspray because of the number of valves that have to be adjusted manually. Landscape Foreman Brad Hickman explained that a new system could be installed that controls all of the valves from one set of computerized controls. It will be able to be seasonally adjusted, switched onto rain delay during storms and shut off when there's a break in the system. It can be adjusted to shorter, more frequent watering times and also be set to water during the night, eliminating the problem of spraying onto cars during the day.

The Ranches HOA would operate the system according to their maintenance agreement, with oversight by City staff.

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.

City Administrator Ifo Pili reported that budget amendments will be brought to the Council at the next meeting. The City plans to hire a building inspector and planner to fill two of the positions vacated in the last few years, helping bring the Planning and Building Departments back up to adequate staffing. There will also be proposed amendments for widening Pony Express Parkway near the middle school, reimbursing the maintenance fund for work already done. Finally, installing a trail near the skate park will cost the same as one year's cost for a crossing guard and will eliminate the need for a crossing guard at that location.

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 Closed Executive Session was cancelled after the motion was voted on. The meeting was adjourned at 6:16 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; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Steve Olsen, Energy Department; Chris Trusty, Public

Works Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; John Mulder, Sheriff's Deputy.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:04 p.m.

6. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1250 presented a flag ceremony.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Pony Express Parkway Lane Closure** - Pony Express Parkway east of SilverLake along the entrance to the new SilverLake subdivision will require lane closures tomorrow, Wednesday, October 16 for striping.
- **Exceptional Kids Club** - The Exceptional Kids Club is for special needs children, as well as their siblings. The October 22 activity will be pumpkin decorating with the Seniors.
- **Immunization Clinic & UDOT Open House** – The Utah County Health Department will hold an immunization clinic, including flu shots, at City Hall on Wednesday, October 23 from 8:00 a.m. to noon. During this time, UDOT will hold a public open house with information on current and future transportation projects.
- **Bag the Leaf** - Eagle Mountain City is again offering our Bag the Leaf program for fall. Free leaf collection bags are available at City Hall or The Ranches HOA office during business hours through November 22. Residents may leave bagged leaves on top of curbs and contact the storm drain department for pick up and disposal. More information is on the City website.
- **Candidate Debate** - A mayoral and city council candidate debate is scheduled at City Hall on October 24 from 7:00-9:00 p.m. The schedule will be: meet and greet at 6:45, City Council debate from 7:00-8:00 p.m., and mayoral debate from 8:00-9:00 p.m. The debate will be hosted by Hidden Hollow PTA and Frontier Middle School PTSA, co-sponsored by other local area school parent organizations and Eagle Mountain City.
- **Trick or Treat Village** – The Trick or Treat Village event will be held Saturday, October 26 from 10:00 a.m. to 2:00 p.m. at Nolan Park. Dress in costume and bring the kids to trick or treat at booths, participate in the cupcake decorating contest and vote for your school to win the scarecrow contest. There will also be a prescription drug take back booth where you can turn in unused or expired prescription drugs and help prevent drug abuse.
- **Senior Health & Wellness Fair** – The annual Seniors' Health & Wellness Fair will be held at Frontier Middle School on Monday, October 28 from 4:00 p.m. to 8:00 p.m.
- **Election Information** – The General Election will be held on Tuesday, November 5. Polls are open from 7:00 a.m. to 8:00 p.m. The voter registration deadline is October 21 (online & walk-in at the Utah County Elections Office). Early voting will be held from October 22 to November 1 at the City Recorder's Office at City Hall, weekdays from 7:30 a.m. to 5:30 p.m. Election results will be posted on the City website as soon as they are available. For complete election information, visit eaglemountaincity.com/election.

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

Marianne Smith spoke about the lights at the power substation on Lake Mountain Road which are shining into the homes of people living on Lake Mountain Road. The gravel pit on Lake Mountain Road is creating noise and dust, including on weekends and late at night. Mrs. Smith also noted that four-wheeler riders are still driving on private property.

Mayor Jackson said she will call the director of BLM about the gravel pit. Mr. Trusty reported that the mine has a permit from the state and a mining lease from BLM. He'll be meeting with the owner tomorrow to discuss getting a permit from the City. He'll bring up the problems being caused by the mine. Mayor Jackson asked Steve Olsen from the Energy Department to work on limiting the lights at the substation. He said the lights are there for security because there was a break-in at the substation while it was being constructed. He'll work on making them less of a problem for the neighbors.

Marcie Taylor said that the substation lights are shining into her home. She also said that the gravel trucks on Lake Mountain Road are running until late at night. She calls the Sheriff's Office when they work late at night. She's been taking pictures and logging the times they're operating. She wanted to know if they have a permit and who approved the mining operation. They've been working the mine since September.

Nikki Wickman asked that the landscaping in the medians along Ranches Parkway and Pony Express Parkway be removed and replaced with gravel, so the sprinkler system would be unnecessary and wouldn't spray cars, motorcycles and pedestrians. Alternatively, removing the medians entirely would allow the streets to be wider and make them safer for pedestrians and bikers. Mayor Jackson said that she spoke to The Ranches HOA several years ago about replacing the grass in the medians with rock. The HOA disagreed. She suggested that residents in The Ranches talk to the HOA.

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

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone who attended the meeting, especially the Scouts who presented the flag ceremony.

Councilmember Ireland

Councilmember Ireland thanked the Scouts who presented the flag ceremony.

Councilmember Burnham

Councilmember Burnham thanked the Scouts who presented the flag ceremony. She expressed appreciation to the residents who came and made comments.

Councilmember Steinkopf

Councilmember Steinkopf complimented the Scouts on the flag ceremony.

Councilmember Painter

Councilmember Painter appreciated the Scouts and their leaders. He said he isn't running for re-election because he can't spend the time required anymore because of the demands of his work and other obligations. He will be committed to serving on the Council for the remainder of his term.

Mayor Jackson

Mayor Jackson said that her husband is in the National Guard and was the State Honor Guard NCO for many years. She's seen many flag ceremonies, and tonight's was the best one she's ever seen presented by Scouts.

CONSENT AGENDA

10. MINUTES

- A. September 17, 2013 – Regular City Council Meeting

11. CHANGE ORDER

- A. Mid Valley Completion Project – Staker Parson
B. 12.47 kV Main Feeders and Gas Lines – Niels Fugal Sons Company

12. FINAL PAYMENTS

- A. Mid Valley Completion Project – Staker Parson
B. 6" High Pressure Natural Gas Pipeline Project – Tempest

MOTION: *Councilmember Ochsenhirt moved to approve the Consent Agenda, as amended by staff. Councilmember Steinkopf seconded the motion.*

The amendments were calculations regarding items 11A and 12A that were corrected.

AMENDED MOTION: *Councilmember Ochsenhirt moved to approve the Consent Agenda, as amended by staff, and to move item 11B 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

11B. 12.47 kV Main Feeders and Gas Lines Change Order – Niels Fugal Sons Company.

Councilmember Ireland asked how the fiscal impact on the agenda summary could be \$2,000 when the change order is listed as \$15,000. Steve Olsen explained that the net value of all the changes is \$2,000.

MOTION: *Councilmember Ochsenhirt moved to approve the change order for the 12.47 kV Main Feeders and Gas Lines project in the amount of \$21,391.51. 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.*

13. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, (the "Issuer"), Authorizing the Issuance and Sale of Not More Than \$3,400,000 Aggregate Principal Amount of Water and Sewer Revenue Bonds, Series 2013.

This item was presented by Cody Deeter of Lewis Young Robertson & Burningham. The City will be constructing a pipeline along Pony Express Parkway to increase the amount of water available.

The State Drinking Water Board has agreed to provide funding for the project by purchasing Water & Sewer Revenue Bonds proposed to be issued by the City in the next few months. The resolution being considered by the Council sets the maximum parameters under which the bonds can be issued, sets a public hearing to receive input, allows for costs incurred prior to the issuance of the bonds to be reimbursed with bond proceeds, provides for the noticing of the public hearing, and other related matters.

Mayor Jackson asked what the purpose of the pricing committee is when the price is already set. Mr. Deeter said that on any legislative action, a referendum can be officially filed. The pricing committee is authorized to move the approval date back 45 days in the event of a referendum.

MOTION: *Councilmember Burnham moved to adopt a Resolution of Eagle Mountain City, Utah, (the "Issuer"), authorizing the issuance and sale of not more than \$2,600,000 aggregate principal amount of Water and Sewer Revenue Bonds, Series 2013. Councilmember Steinkopf seconded the motion.*

Councilmember Ireland asked when it would be possible to separate the bonds by utility, so that each utility stands on its own. Mr. Deeter said it's not possible because there are already bonds in existence secured by both water and sewer revenue. Any new bondholder will want to be on parity with current bonds. From a practical standpoint, securing the bonds through both utilities lowers the interest rate. The Finance Director can write into the budget that the bonds will only be paid by one utility fund.

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

14. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving the Evans Ranch Master Development Agreement.

This item was presented by Planning Director Steve Mumford. The Evans Ranch Master Development Plan was approved by the City Council on September 17, 2013. The Master Development Agreement specifically itemizes all of the obligations of both the City and the developer, and finalizes the zoning by resolution.

Public areas include the rectangular park in the northwest corner of the project, the trail along the wash, and everything on the wash side of the trail, including the wash and the northeastern park space. The developer proposes the following improvements:

- The rectangular park will be improved with a trail, split-rail fence, and sod (with irrigation).
- The area between the trail and the wash will be semi-irrigated natural vegetation.
- The wash and northeastern public open space will remain in their natural condition.

The HOA-maintained, private open spaces will be landscaped with sod, trees, shrubs, xeriscaping, and other landscaping, as well as fitness stations, and will be improved along with each phase of development. An additional 10% of the townhome area will be provided as improved open space within that development.

A traffic study was provided with the master development plan. Mr. Mumford suggested that the master development agreement could require another before the multi-family housing is built.

There has been a lot of concern among nearby residents about the traffic that will be generated by this new development.

Councilmember Painter was concerned that, although Mr. Shipp described what he intends to do to improve Tickville Wash, there is nothing about it set down in the master development agreement. Mr. Shipp responded that City Code doesn't require him to improve the gulch. However, he's describing his plans for the wash so the Council is aware of them. Improving the wash will require cooperation between his company, the City and adjacent landowners to create a regional facility.

Councilmember Painter asked what the plan is for developing the Golden Eagle Road extension. Mayor Jackson said it is planned to be an alternate access to the subdivision, to direct some traffic away from Porter's Crossing. Councilmember Painter said residents are very concerned about increased traffic. He didn't think a traffic study saying the roads are adequate is enough to allow the Council to set those concerns aside.

Councilmember Burnham asked Mr. Mumford if a traffic study could be required at plat approvals, or does it have to be required in the master development agreement. Mr. Mumford said one could be required at plat approval, but it might be missed if it's not part of the master development agreement.

Councilmember Burnham pointed out that the Council can't require Mr. Shipp to build a road that's not entirely on his property. Nor can it require him to wait to build the townhomes until the road is built, when he has no control over the road.

Councilmember Ireland pointed out that the Council has the opportunity, at each plat approval, to ask whether there is a public safety issue. The Council can choose not to approve any plat until safety issues are resolved.

Councilmember Steinkopf stated that Mr. Shipp will probably want to build the road within a year, as the neighbors will request it to keep construction traffic away from their streets. He also felt that driveways need to be large enough to park on; otherwise residents will cause congestion by parking on the street.

Councilmember Painter said he's frustrated, as a resident of Friday's Station, by the safety issues created by limited road access.

Councilmember Ochsenhirt felt that it's more responsible to address safety issues with each final plat approval.

MOTION: *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Evans Ranch master development agreement, with the conditions that the agreement is valid for 15 years and the sewer system is consistent with the City's sewer master plan. Councilmember Ochsenhirt seconded the motion.*

Councilmember Burnham noted that the master development agreement states that the amenities will be approved by the Planning Director and Public Works Director. She wanted to know if the Council will be able to approve those amenities, also. Mr. Mumford said that normally the amenities are approved by the Planning and Public Works Directors, but the agreement could be written so that the Council reviews the amenities.

Councilmember Burnham asked if the community improvement money--\$2,000 per buildable acre--has to be spent within the subdivision. Mr. Pili stated that the money can be spent outside the subdivision. Mayor Jackson said the motion could be worded to the effect that the be spent on public amenities along the north end of the subdivision.

AMENDED MOTION: *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Evans Ranch master development agreement, conditioned on the agreement being valid for 15 years, the sewer system being consistent with the City's sewer master plan, and the \$2,000 per buildable acre of community improvement funds being spent on public amenities along the north end of the subdivision. Councilmember Ochsenhirt accepted the amendments. 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.*

15. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving the Arrival Master Development Agreement.

This item was presented by Planning Director Steve Mumford. The Arrival master development plan was approved by the City Council on August 20, 2013. The master development agreement specifically itemizes all of the obligations of both the City and the developer, and finalizes the zoning by resolution. Arrival consists of 178 half-acre and one-acre lots, the majority being one-acre. Based on previous discussions, the plan has been revised to direct some traffic away from Canyon Wash Road.

The MDA allows for homeowners to comply with the accessory apartments provision of the City Code, specifically for detached buildings (allowed in the Base Density Zone). The developer wants this right vested, so that if the City Code ever changes in that respect, the lots in this project would still be allowed to have accessory apartments in outbuildings, or detached structures. Since the Code is periodically for good reason, the Planning Department doesn't recommend this.

Prior to receiving final approval for a second phase of development (any more than the 28 lots in plat 1), the developer must provide a project water model and update the City's water master plan. This will determine when a new water tank and pump will be required. These facilities must be constructed prior to the developer receiving approval for any subdivision that requires the tank and pump station to provide water capacity or water pressure. The City may work with the developer on reimbursements for additional capacity built into these systems.

Councilmember Ireland asked about an expiration date on the agreement. Mr. Cook said that an expiration date wasn't specified because it's a fairly simple base density agreement, but a date could easily be included.

Councilmember Ireland said he wouldn't be concerned about it, except that exceptions from the Code have been requested. Mr. Cook responded that no exceptions were granted.

Councilmember Ireland asked what maintenance the developer is expecting on the asphalt trails. Mr. Mumford said it would be snow clearance and repairing holes in the asphalt.

Councilmember Ochsenhirt stated that the HOA should maintain the trails and the easements. He didn't think the responsibility should be divided between the City and the HOA.

Councilmember Steinkopf said the HOA would maintain the trails much faster than the City would. It would be the last priority for the City in a snowstorm.

Councilmember Ireland pointed out that, if the City doesn't own the trails, it shouldn't maintain them, as they would be private property.

Councilmember Painter referred to the accessory apartment section of the Development Code. "In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area (50 percent if located in the basement), or be greater than 800 finished square feet, whichever is greater, unless the residence was constructed or the apartment area was approved prior to the enactment of this title, or if in the opinion of the Planning Commission, a greater or lesser amount of floor area is warranted by the circumstances of the particular building." He felt that any change to the Development Code would go in the direction of improving the City, so binding the subdivision to the current Code would essentially be allowing the developer to opt out of improving the City.

MOTION: *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Arrival master development agreement with the following conditions: That the City owns the open space and contract with the HOA to maintain it; that the HOA maintains the trails and trail easements; that the Canyon Wash Road and accessory apartment sections be removed; and that the agreement have a ten-year expiration date. Councilmember Burnham seconded the motion.*

Discussion ensued about the ten-year expiration. Councilmember Ireland explained that he intended that the developer have all the plats approved within ten years, not that all of the homes have to be built by then. Some of the other members felt that ten years was not long enough to complete the development.

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 was in favor of the project, but voted against it because he felt that the period before expiration should be fifteen years, rather than ten.

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Establishing a Military and Veterans Advisory Board for Eagle Mountain City.

The proposed ordinance establishes a Military and Veterans Advisory Board for Eagle Mountain City. The Board would be comprised of seven people, including those active duty military, veterans and spouses. Military families comprise an important and growing part of Eagle Mountain's population. The ordinance promotes responsible public involvement and advice concerning issues related to active duty military, veterans and their families.

MOTION: *Councilmember Ochsenhirt moved to adopt an Ordinance of Eagle Mountain City, Utah, establishing a Military and Veterans Advisory Board. Councilmember Steinkopf seconded the motion.*

Councilmember Ireland asked why the City needs a special advisory board for every group of individuals. People can get together on their own and advise the City, as they often do already. He hoped that everyone would feel comfortable making public comments, sending emails or making phone calls to let City officials know what they think. He's not questioning whether the military is important or should be heard, only the need for another board.

Councilmember Burnham asked what happened to the Yellow Ribbon Committee. Mayor Jackson answered that it is still active. The Military and Veterans Advisory Board would administer programs like the yellow ribbon program and the welcome-home parades and discuss items of concern like the military utility abatement.

Mayor Jackson felt that if a group of people requests a way to be involved, the City should provide that.

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

17. AGREEMENT – Consideration and Approval of an Improvement Purchase Agreement with RCA65, LC for the Ranches Parkway Extension Project.

The City has created an Assessment Area to fund certain infrastructure improvements related to the Ranches Parkway Extension Project north of SR 73. RCA65, LC has entered into an agreement with Sunroc Construction to construct the improvements on the property owned by RCA65, LC. As the improvements are constructed, the City will purchase the improvements from RCA65, LC with funds from the Assessment Area bonds. The Improvements Purchase Agreement sets forth the terms and conditions of the City's purchase of the improvements from RCA65, LC.

City Attorney Jeremy Cook stated that RC65 has requested a change in the agreement. The agreement states "if funds are not available for any reason." RCA65 wants it to say "if funds are not available after Eagle Mountain City exercises good faith and due diligence." Mr. Cook said the wording would be fine either way.

MOTION: *Councilmember Painter moved to approve an improvement purchase agreement with RCA65, LC for the Ranches Parkway Extension project. 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.*

18. AGREEMENT – Consideration and Approval of an Agreement with Matrix Design Group as a Consultant for the Camp Williams Joint Land Use Study (JLUS) Implementation Grant.

This agreement details the terms for Matrix Design Group as a consultant for the JLUS implementation project. Eagle Mountain, along with representatives from other regional communities, Camp Williams, and the Utah Army National Guard, participated in the development of a JLUS. In partnership with a consultant team, and with financial assistance from OEA, the JLUS was completed in January, 2013. The goal of this implementation effort is to carry out recommendations from the JLUS that will ensure the public's health, safety, and welfare, and continue to recognize private land owners' current property rights, and ensure the continued viability of the mission activities on Camp Williams.

MOTION: *Councilmember Ochsenhirt moved to approve an agreement with Matrix Design Group as a consultant for the Camp Williams Joint Land Use Study (JLUS) implementation and authorize the Mayor to sign the contract. 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.*

19. BID AWARD – Consideration and Award of Bid to VanCon for the CWP Pony Express Pipeline Project.

This bid award is for construction of the CWP Pony Express Pipeline project that will pipe water to Eagle Mountain City. It will be funded by proceeds from the bonds approved earlier in the meeting.

Mayor Jackson said that the project will begin near Ridley's Market, move to the area of Pony Express Parkway and Redwood Road, and then move along Pony Express Parkway, ending approximately two blocks west of Chevron.

MOTION: *Councilmember Steinkopf moved to award a bid to VanCon for the CWP Pony Express Pipeline project in the amount of \$2,535,570.00 and authorize the Mayor to sign the contract. 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

Councilmember Ochsenhirt asked if the detention pond in Northmoor has been cleaned up. Mr. Trusty said he's been told it has.

Councilmember Ireland

Councilmember Ireland encouraged residents to vote at the General Election.

Councilmember Burnham

Councilmember Burnham thanked Marianne Smith for the time she spends on bettering her neighborhood.

Councilmember Steinkopf

No comment.

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.

Councilmember Ochsenhirt reported that the City-wide yard sale was a great success.

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

23. ADJOURNMENT

MOTION: *Councilmember Ochsenhirt moved to adjourn the meeting at 9:25 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.*

APPROVED BY THE CITY COUNCIL ON NOVEMBER 19, 2013.



Fionnuala B. Kofoed, CMC
City Recorder