

MINUTES
EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

December 10, 2014

Policy Session 5:00 p.m.

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

5:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Assistant City Administrator/Finance Director Paul Jerome; Public Information Director Linda Peterson; City Recorder Fionnuala Kofoed.

1. CALL TO ORDER

Mayor Pengra called the meeting to order at 5:00 p.m. He led the audience in the Pledge of Allegiance.

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

Mayor Pengra stated that word was released last night that Saratoga Springs is not being considered as one of the potential new locations for the Utah State Prison; he congratulated Saratoga Springs and stated that he is happy that neither Saratoga Springs nor Eagle Mountain need to worry about the location that was being considered in Saratoga Springs. He announced, however, that there is a location on the south end of Eagle Mountain City that is being considered for the relocation. An agent of the property owner approached him last year and asked for his input relative to the site being presented to the State of Utah for consideration for the prison site and he expressed that he was not interested because he did not feel the land use was the right fit for Eagle Mountain because it will damage the City's ability to secure economic development opportunities that would help the community be healthy.

Councilmember Steinkopf stated that he is also not in favor of the relocation of the prison to the property referenced by Mayor Pengra; he feels it would cause the City many difficulties and he is anxious to hear others' comments regarding the proposal.

Councilmember Burnham thanked everyone in attendance this evening and she thanked the "No Prison in Saratoga Springs or Eagle Mountain" group; she noted their voice has been powerful and she appreciates all the work that has been done. She encouraged residents to make comments and to stick to the facts rather than make emotional arguments that will

Mayor Pengra moved to item 3, the proposed resolution opposing the possible relocation of the Utah State Prison to Eagle Mountain City, and invited public comments from those in attendance.

3. MOTION – Consideration of a Resolution of Eagle Mountain City, Utah, Opposing the Possible Relocation of the Utah State Prison to Eagle Mountain City.

Mayor Pengra stated the City has opposed the relocation of the prison to Eagle Mountain or Saratoga Springs since the community was announced as a potential relocation site. He read the proposed resolution for the record of the meeting.

Councilmember Bradley stated that he has a few comments regarding the resolution; the fourth paragraph of the resolution asks that the State of Utah slow the tempo of the prison relocation site selection process and he would suggest that the resolution be amended to ask that Eagle Mountain be removed from the process altogether. He added that paragraph number 1 under the section stating “now therefore be it resolved” the resolution should ask that the State of Utah not consider land in Eagle Mountain or in the Cedar Valley in order to broaden the area that the resolution covers. He stated he would love for all Councilmembers to be allowed to sign the document rather than just the Mayor. He then invited public comments regarding the proposed resolution.

Colby Curtis stated he lives in SilverLake and noted he will be speaking on behalf of the “No Prison in Saratoga Springs or Eagle Mountain” group. He thanked all citizens and elected officials for their support and for everyone for joining forces to become the most effective citizenry possible. The group has been told by multiple City and State leaders that the resident outreach has become a force to be reckoned with and the magic of this situation is only possible because everyone has joined together. He addressed those that have been involved and told them that what they are doing is working and now is the time to get louder and continue to express their opinions while being respectful and kind in their communication with other people. He stated the more action the public can take will make the job of the elected officials easier in stopping the prison relocation to Eagle Mountain. He encouraged everyone to contact all elected representatives, the Prison Relocation Committee, the Governor, the Utah Taxpayers Association, and anyone else that may have input regarding the prison relocation. He asked that only factual information be shared and that the economics of the proposed move be called into question; citizens should ask why the legislators would consider locating a prison in a high growth area and why prison relocation committee meetings are being scheduled at the same time that citizens have been told that the process has been slowed and specifically why a meeting was scheduled for December 22 when many residents will likely be travelling for the holidays or otherwise unavailable. He stated the citizens need to put pressure on the prison relocation committee and other elected officials; he invite everyone to go to social media and continue to share factual arguments regarding the issue with everyone that they know. He stated the “No Prison in Saratoga Springs or Eagle Mountain” group is made up of residents of both cities and there is no question that both cities will stand together in defending the entire

Stephanie Greeson stated she lives in Meadow Ranch in Eagle Mountain. She noted that according to the Utah Foundation, Eagle Mountain will grow an estimated 434 percent, which is an increase of 92,900 people and that increase alone will be more than the estimated 2050 population of Draper. Eagle Mountain will have literally double the population of the current site, so if encroachment is a problem in Draper right now the State will be in a worse position in the future if the prison is moved to Eagle Mountain. Tax dollars will be wasted moving the prison to an inappropriate place and the same issues will still exist. She stated similar issues exist with other potential locations, such as Fairfield and Cedar Fort which are slated to see growth of 3,177 percent and 1,775 percent respectively. She wonders what the State is thinking when considering Eagle Mountain as a location for the prison.

Amy Plott stated she is an Eagle Mountain resident. She thanked the City Council and City leaders for not being swayed or bought relative to this issue. She is grateful to know the City is fighting to do the right things and represent the citizens. She added that the issue with the prison being in Draper comes down to money and the value of the property and she agreed that the value of property in Eagle Mountain is continuing to increase and moving the prison to the City would negatively impact that positive increase. Her family was drawn to Eagle Mountain by the young population and kids everywhere; it seemed like the safest, most beautiful place to live. Her children are in fear of a prison moving to the City. Utah is a massive state with much open space and the focus of the prison site should not be on the prisoners and their families, but rather how the prison will impact those living near a prison, especially children.

Heidi Baldereen stated she is a resident of Saratoga Springs. She stated that out of the top six potential sites, two were in Utah County, but there is no citizen representation on the prison relocation committee from Utah County. She would like to address that lack of representation and also point out that there is a heavy east side representation on the committee and an unfair balance of power has been present throughout the entire process. There have been particular conflicts of interest that have given her pause; whether someone is a resident of Saratoga Springs or Eagle Mountain is of less importance than one's qualification as a resident of the State of Utah. Everyone's tax dollars will subsidize the relocation of the prison at a far higher expense than a renovation of the current prison. The relocation is not a fiscally responsible decision and she wonders why the Utah Taxpayers Association has chosen not to get involved. They should be the State's ally in spending responsibly and the citizens' personal watchdog, but it appears they have been muzzled. Representatives of the Utah Taxpayers Association have refused to take a stance on this enormous issue and she wondered why. She asked that everyone consider the following information: the current president of the Utah Taxpayers Association, Senator Howard Stevenson, resides in Draper and the physical location of the Association's office is Draper. The current president of the Senate, Wayne Neiderhauser, who represents the ninth district of Sandy and Draper helped last March to pass Senate Bill 72, which was the bill advocating the move of the prison from Draper to another location. It appears he personally stands to benefit from the sale of more than 30 acres of undeveloped property near the prison, which would increase dramatically in value if the prison is relocated. Also heavily involved in the process is House Speaker Greg Hughes, resident of Draper and

that community acceptance of a prison is very important. If the community does not want the prison as a resident there will not be enough volunteers and resources to support it. She stated there is limited access to hospitals and courts and the distance from those amenities will only increase the costs of the project.

Sheryl Carr stated she is the president of the homeowners association (HOA) for Cedar Pass Ranch and stated that she wanted to be on record expressing the HOA's opposition to the prison. The vast majority of the people that chose to live in Draper chose to live in a City with a prison. The current residents of Eagle Mountain will be denied that choice if the prison is moved to the City; they chose to live in a City without a prison and the decision makers are not taking that into consideration. If the prison needs to be rebuilt due to its age, it should be rebuilt in its current location where people chose to reside knowing of its existence.

Laurie Gail stated she is an Eagle Mountain resident, but she has lived in Sandy and Draper in the past. Her father helped to build the prison in Bluffdale and she can remember nights where her community was on lock down because a prisoner had escaped. She moved to Eagle Mountain because she thought she had found a hidden paradise. She loves the community and is broken hearted that it would be considered as a potential home for a prison. She is very upset about many of the changes in the community and she will fight to protect the place she loves to live to the end.

Mayor Pengra stated that Eagle Mountain is growing very rapidly and there is only so much the City can do about it. The population continues to increase each year and the City is doing everything to preserve the open space and rural feel of the City during that growth.

Jerry Goff stated he does not think moving the prison is a smart idea. He has driven by many prisons in many different states and he has noticed warning signs to alert travelers that the prison is 25 miles away and not to pick up hitchhikers. The same types of signs are needed along Interstate-15 near Draper. He added that it is ridiculous to waist over \$300 million on the relocation project and each person in attendance at tonight's meeting would be responsible for over \$11,000 for the project that they are not in favor of. He does not feel the residents should be forced to pay for something they do not want. He is completely opposed to prison relocation.

Troy Penningham stated he is a resident of Saratoga Springs and his concern is the negative impact the prison relocation could have on Alpine School District. The District covers all communities in northern Utah County, including Saratoga Springs and Eagle Mountain. The District has approximately 71,000 students enrolled in all schools and spends approximately \$5,100 per year to educate each student. If the Prison Relocation Committee and the State of Utah decide to relocate the prison to Eagle Mountain, the Alpine School District will be required to educate eligible inmates at the prison; this would stretch already limited resources even further. The proposed Eagle Mountain site sits on 640 acres; since the State would pay no property taxes for the site, the District would lose all tax revenue for the property and would lose property taxes from any potential homes or businesses that would have otherwise built on the property. Worst of all is that the prison

A resident (no name given) thanked the City Council and Mayor for their support and hard work on this issue. She has lived in Utah for 35 years and lived in many different areas. She was drawn to Eagle Mountain because it is a peaceful place and a strong community. When someone is in need, everyone helps them. There are strong moral values in the community and a prison will only tarnish the City's name. It would hinder City development and affect taxes and future businesses. It would affect families and their children as well. She feels the City cannot allow a group of investors focused only on financial gain to walk on the City and its residents. It is necessary for the citizens to put up a fight and be strong. She thanked everyone that has pooled resources and time and efforts to fight the issue and attend the meeting tonight. She thanked the residents of Saratoga Springs for their support and she encouraged everyone to continue to show what the residents of the community are made of.

Victor Smith stated he is a State of Utah employee and has worked for the Department of Corrections for 16 years. He is not representing his employer in any way, but wanted to state some facts and dispel some rumors. He stated that there has not been an actual escape from the current prison since 1982; technology, security, and staff training is the best in the United States. He stated a new prison would not necessarily be a structure that looks like a castle and is scary in nature; it could actually be aesthetically pleasing that would not be an eyesore for the City. There may be some accuracy to the claims that the prison would impact the economics of the City, but at its current home in Draper, the prison is surrounded by very nice and expensive homes as well as new businesses. He stated that when the current prison director took over, part of his vision for the facility was to incorporate civilian jobs in the institution so there are mechanics, culinary artists, electricians, and plumbers. This could present employment opportunities for residents of the community. He stated the prison is not all bad.

Mayor Pengra thanked Mr. Smith for stating his opinion in a room full of people that are opposed to the project. He agrees with some of Mr. Smith's points, but there are a couple of things about the prison that are in direct conflict with the overall vision for the City. He does not fault the landowner for submitting his property for consideration as a potential site for the prison because he is free to do so, but the City is also free to fight that application if it is deemed that the land use would not be appropriate for the community. The City passed a dark sky ordinance recently to maintain the rural feel of the community and the prison could not comply with that ordinance. The City cannot sustain its current budget based on residential development solely without infusing business development. The one thing Eagle Mountain has is huge power transmission lines, high pressure gas lines, and fiber lines; these are the things that are attractive to businesses and this would be a good place for them. The prison is in conflict with economic development and it could also hurt the quality of life of the community.

Mayor Pengra then read comments made two individuals that submitted their comments in writing:

"I have seen tremendous growth and change in our community that improves our family's lives. Our City seems to be blossoming and the possibility of the State prison

due to the fact that citizens of Eagle Mountain leave the City to make their purchases and do business. The best way to move forward would be for the State to consider sub-prisons throughout the State so that there is not a need for such a large prison. She added she does not believe her children would be violated by having a prison located in the City, just as the people of Draper or Gunnison have never had that problem living their daily lives. She would hope that the people that are citizens of this great Country and State of Utah will consider that they have the opportunity to be part of the justice system and support people and families on both sides of the penal system. Eagle Mountain may have never been considered if the City's utility systems had not been sold and she feels that the prison will offer more stability to the City and to City Center itself.

Mayor Pengra stated he wanted to make sure he has not given any misinformation relative to the stability of the City. He noted the City's budget is very conservative and is just fine with no danger or running out of money. At issue is the standard of the City and he hopes he has not given anyone the impression that the City is in trouble financially. Sustained and continued growth, based on residential development, is difficult for any city to manage. There are potential economic benefits that the City could realize if the prison were to locate here, but in his opinion, when looking at the total impact, the benefits of the prison would be offset by some of the negative problems it would create. He thanked Ms. Jensen for her point of view.

Katie Mortensen stated she is a resident in City Center; one of her biggest concerns is that the proposed site is on flat ground with no hills to block it and it is located within a couple of miles of a school. The lights and towers would be in clear view of the school and the homes that house the children that live and go to school there. This is not a good place for a prison or the visitors that will be going in and out of the facility. A prison would also deter businesses from locating in Eagle Mountain. People who build homes in Draper did so with full knowledge of the prison being located there and their home values will not be changed if the prison stays there; however, the home values in Eagle Mountain will decrease if the prison is built here as has happened in other states when prisons have been built in small towns. This is no different than demanding a check for thousands of dollars from each homeowner. It is stealing and it is wrong. The prison would be a burden to the school district as it would not be able to afford to fund reeducation programs. She concluded that the community does not have representation in the decision making process and that is not right.

Alyssa Beck stated she will focus on taxpayer dollars; if renovating the existing prison is a more responsible way to spend taxpayer dollars she does not understand why a prison relocation is even being considered. The local school district is ranked last in the State on the amount of money spent per student and that is unacceptable. It is despicable that money that should be spent on children and their futures would be wasted on the prison. She is disgusted by the people that stand to make money as a result of their conflicts of interest in the entire process. With the number of school shootings and school overcrowding, the money should and can be used better.

would hate for any member of the Council to vote in opposition to adopting the resolution because that would make the statement less effective. Mayor Pengra noted that the resolution does not automatically commit \$50,000 to the cause, but invited discussion regarding the issue.

Councilmember Westmoreland stated spending \$50,000 is not something this City Council takes lightly; from his perspective, it is worth spending money on resisting the prison relocation because of the long term economic impact the prison relocation could have on the City. One of his chief concerns is the inevitable tax burden that the prison would put on residents as the City would be forced to develop and improve infrastructure to serve the prison. Tonight's meeting has been refreshing to him; it is great to see the residents of Eagle Mountain united with the residents of Saratoga Springs. He reiterated the prison would create a financial burden for the community. There is no major freeway corridor running through Eagle Mountain and there also is no hospital. He noted many residents moved to Eagle Mountain because of its affordability and the peace and quiet and the prison would change that dramatically. It is his feeling the City will need to spend some money to communicate clearly and effectively the concerns of Eagle Mountain relative to the potential prison relocation.

Councilmember Ireland stated that he understands that some may feel the need to spend money on the effort. He wondered what the actual dollar amount would be, that will be spent, in addition to staff time and the time of the Council and Mayor, prior to the first Tuesday in January. The proposed resolution is essentially the City's statement to the public, the media, and especially the Prison Relocation Committee regarding opposition to the prison and that statement can be made without declaring a dollar amount. He would like additional thought to be put into the budget for the cause between now and the first City Council meeting in January. Now is the time to make a plan and the Council can take formal action on the plan on January 6. He concluded that he would prefer that the proposed resolution not include a dollar amount.

Councilmember Burnham stated that she agrees with Councilmember Ireland. She is not opposed to spending money to fight the relocation of the prison to Eagle Mountain, but she feels the best way to fight is together, publicly. She does not feel that hiring an attorney will help the City's cause because it has been her experience while serving as an elected official that she is not influenced by attorneys or lobbyists. She is better influenced by residents when they express their thoughts and concerns. Eagle Mountain's State Representative David Lifferth is present this evening and he does a great job and works very hard representing Eagle Mountain. She reiterated that some money may need to be spent, but she is not sure that hiring a lawyer at this point, is the best use of the City's money. She noted, however, that if the City is selected as the prison relocation site, it would be appropriate to hire an attorney. She would encourage people to attend the next Prison Relocation Committee meeting as possible. The City may even be able to supply vehicles to people that would like to attend and use signage directing people to the meeting site so that it is possible to make a group statement and have everyone organized to address the members of the committee once the meeting has concluded.

would spend money and he would not expect that would cost more than \$5,000. Councilmember Bradley stated Mayor Pengra can spend that amount of money without Council approval, but he likes the idea of including the \$50,000 in the budget and judging by residents' applause this evening they are supportive of it, too. He stated that any expense in excess of \$10,000 would need Council approval prior to Mayor Pengra proceeding, so the \$50,000 declaration is harmless. Councilmember Burnham stated Mayor Pengra would not need to seek additional approval if the \$50,000 is included in the resolution. Mr. Jerome clarified that the budget amendment would require Council approval and such a budget amendment would be provided to Council for consideration once the City has an idea of the actual cost of any services needed for the cause. Councilmember Bradley offered a hypothetical situation: he asked what would happen if the Council were to adopt the resolution including the reference to the \$50,000 amount and Mayor Pengra then decided to hire an attorney or lobbyist who planned to charge \$25,000. He asked if the Council would be required to act upon a budget amendment before that \$25,000 could be paid to the lobbyist. Mr. Jerome stated the most likely scenario would be that the City would retain the lobbyist, but would not amend the budget until the next possible Council meeting. He stated the lobbyist would not be paid until after services had been rendered. Councilmember Bradley asked if the Mayor would be able to legally pay the lobbyist before the budget amendment. City Recorder Kofoed noted that any expenditure in excess of \$10,000 for contracted services would be brought back to the Council for consideration; if the contract were approved, Administration would start the process of preparing for a budget amendment. She stated the opposite could be true as well; the budget amendment could be approved before the contract. Regardless, any expenditure, over \$10,000, not included in the budget will ultimately come to the Council for approval. Councilmember Bradley asked if the resolution including the reference to \$50,000 would result in a budget amendment. Mr. Jerome answered no.

Councilmember Burnham stated she understands the need for the City to make a clear statement. She then asked for a spokesman for the group "No Prison in Saratoga Springs" to answer a question: she noted Saratoga Springs has been fighting the fight and she wondered what Eagle Mountain can do financially to help continue that fight. A representative of the group stated that his group needs help getting the word out about the cause, whether that is done with signage or other communication efforts. The citizens have spent a lot of their own money for the cause and they feel the City should do the same. Councilmember Burnham stated that she completely agrees and is willing to spend money for public outreach. She stated she is not saying the City should donate to the citizens group, but it may take the burden off that group if the City begins to do something relative to public outreach. She reiterated she is not opposed to spending money. The Council then engaged in discussion and debate regarding the language to be included proposed resolution, with Councilmember Ireland noting he would like to add an additional clause to the resolution directing staff to come back to the City Council at the January 6 meeting with their plan for expending funds for the cause. Mayor Pengra stated he is hopeful that Eagle Mountain will have been removed from the list of cities for consideration for the prison relocation.

- *In the final section, add a fourth paragraph, directing staff to prepare a plan for how the money would be spent to be presented at the January 6, 2015 meeting.*

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.

4. Adjournment

MOTION: *Councilmember Bradley moved to adjourn the meeting at 7:13 p.m. Councilmember Steinkopf 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 adjourned at 7:13 p.m.

APPROVED BY THE CITY COUNCIL ON JANUARY 20, 2015.



Fionnuala B. Kofoed, City Recorder