

Eagle Mountain City Council Minutes 2016, Part 1

Dates of City Council Meetings:

- January 5, 2016
- February 2, 2016
- February 16, 2016
- March 1, 2016
- March 15, 2016

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 5, 2016

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 OATH OF OFFICE – Newly Elected City Council Members (4-year terms – January 5th 2016 to January 2020)

- I. Council Member Colby Curtis
- II. Council Member Stephanie Gricius
- III. Council Member Benjamin Reaves

City Recorder Fionnuala Kofoed administered the oath of office to the newly-elected Councilmembers.

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

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Kent Partridge, Building Official; Jeff Weber, Facilities and Operations Director; Zac Hilton, Streets/Storm Water Manager; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Jeff Thompson, Code Enforcement Officer; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:12 p.m.

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

Aaron Sanborn, Management Analyst, reported on the street projects completed during the past year. The projects were: paving Pony Express Parkway from Ranches Parkway towards City Center, a section of Ranches Parkway, Sunset Drive and Cedar Trails Way, roads in Willow Springs, Mt. Airey Drive, Half Mile Road and Stagecoach Drive. The Streets Department purchased a roller and a paver during the past fiscal year. This equipment allows the Streets Department to do some roadwork in-house, saving a significant portion of the cost of hiring contractors. It also allows them to retain material recycled from road work and use it to surface unpaved roads. They are able to control the quality and timing of projects, as well.

Due to the age of many City roads, the Street Department has developed a comprehensive replacement schedule for street signs and poles. This will increase safety for residents, as older signs are lose their reflectivity and are harder to read.

Councilmembers expressed appreciation for this report. They said it was helpful to hear the results of the budget appropriations they make. Mayor Pengra commented on the high quality of the paving the Streets Department does.

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

Board Appointments

Councilmember Reaves asked if these appointments were being made because previous terms had expired, and if there was a particular number of seats on each board. Mayor Pengra explained most of these appointments filled expired terms and a few filled seats that were vacant. The vacant seats in the Parks and Recreation Advisory Board are not being filled, as the board has been inactive for quite a while.

City Recorder Fionnuala Kofoed pointed out the Youth City Council Advisory Board should have three members, but the City has been unable to find three people at a time to serve. It has functioned with two members for many years.

Ms. Kofoed explained the board appointment process. Every December, the Recorder's Office determines which terms are expiring and reports those to the Mayor. As vacancies occur during the year, they are also reported to the Mayor and published in the newsletter and the City's Facebook page. Candidates are chosen either from people who volunteer or those who are recommended by current members of the boards.

12A. Porter's Crossing Master Development Plan Map

Steve Mumford, Planning Director, said this project has been reviewed by the Planning Commission several times and was reviewed by the City Council at the previous meeting.

The master plan map is a zoning map, which defines density, major road plans and land use. There are two alternative road plans, each showing an alignment for St. Andrews Drive. The recommended alignment connects with Smith Ranch Road. The traffic study and road plans were discussed, in terms of safety for residents and connectivity between neighborhoods.

The traffic study found a traffic signal will be needed by 2020 at the intersection of Porter's Crossing and Pony Express Parkway. This will need to be included in the Impact Fee Facilities Plan.

Councilmember Curtis asked what is planned for the community park that will be moved to accommodate the road alignment. Jeremy Cook, City Attorney, said that the park will most likely be north of the road.

Mr. Mumford discussed the preliminary park plans and trail systems. They'll be planned more specifically when the subdivision plats are submitted by the developers.

Gerry Tully, the project engineer, said the developers felt it was important to avoid having the residents make several left turns into the Porter's Crossing Town Center commercial area. They believe St. Andrews Drive has enough traffic calming built in to avoid excessive through traffic. Their goal is neighborhood connectivity. However, that connection is not required to make the development project workable. He discussed several possible traffic solutions.

In terms of open space, the plan calls for small fields suitable for small children's soccer games. There is a piece of commercially zoned land that might be used for a privately-operated recreation center. The advantage of that is that only those who use the facilities would pay to use them, rather than an HOA facility that everyone has to pay for.

12B. Porter's Crossing Master Development Agreement

Jeremy Cook, City Attorney, reviewed the changes to Section 4 of the agreement regarding density. There's a minor change clarifying density transfers. Small transfers will be allowed between adjacent pods with similar housing products. Another change covers fencing along the collector roads in the Tier 3 area. The developer wanted the flexibility to leave out privacy fencing along collector roads if the front doors face the road. The change would allow the Planning Director to decide whether a privacy fence would be required.

There is a change in Section 10, differentiating between community improvements and park improvements. Section 16 was added to satisfy a condition imposed by the Planning Commission requiring a 100-foot setback from the Tickville Wash.

Councilmember Bradley pointed out an error in the text. Mr. Mumford asked that the motion to approve include authority for the Planning Department to make minor text changes.

13. Development Code Amendments

Taylor Jensen, City Planner, stated that changes were being proposed to update language in Chapters 17.25 and 17.30 to require 1,000 square feet of open space per lot or unit in every subdivision. The change to the Municipal Code had been made previously but hadn't been written into those chapters. Table 17.30.110C needed clarification that Tier 3 areas don't require a swimming pool unless they have 150 units in a pod or grouping. The Municipal Code states that, but it wasn't included in the table.

The recommended changes to Chapters 17.10 and 17.75 will allow construction trailers. Sales office trailers are already permitted. Chapter 17.10 defines construction trailers. Chapter 17.75.035 will be a new chapter regulating them.

Chapter 17.80, covering sign regulations, does not currently include any fees the Code Enforcement Officer can use to enforce compliance with the City's sign ordinances. This proposal adds successively larger fees for repeated violations.

Discussion ensued on sign regulations, including height, clear sight lines, temporary signs and abandoned signs.

Councilmember Curtis asked about small, temporary signs along roads. Jeff Thompson, Code Enforcement Officer, explained he has called the phone numbers on the signs in the past. The owners generally come and pull the signs out, but the signs are back shortly with new phone numbers on them.

Mr. Thompson said the main purpose of these fines is to enforce sign regulations on repeat offenders, often homebuilders and realtors, as well as yard sale signs.

14. Firearms Amendments

Mr. Cook explained these changes bring the Municipal Code into compliance with State law. The Code restricts people from carrying firearms in City parks and at public events. The amendment

removes these provisions. The amendments don't affect the prohibition against discharging firearms within City limits.

Councilmember Westmoreland asked if there were exceptions to the prohibition against discharging firearms, such as military funerals or starting guns. Mr. Cook said those involve firing blanks rather than live ammunition and require a special event permit. However, someone firing blanks, not as part of an event, would be in violation of this section of the Municipal Code.

Mayor Pengra pointed out that provision #2 provides for discharging firearms with a permit. A firearm may also be discharged in legitimate self-defense.

15. Consolidated Fee Schedule Amendments

Mr. Jensen said the proposed fee for construction trailers was \$200 + state surcharge, with the option of \$400 for trailers over 400 square feet. He also reviewed the sign enforcement fees discussed earlier.

Ms. Kofoed described the amendment to the franchise agreement approval fee. It has been \$50, which doesn't cover the staff and attorney costs for reviewing the application and drafting the agreement. The proposed fee is \$750, which is similar to the fee in other cities. Mr. Cook stated franchise agreements are for those who want to provide services in the City, most commonly internet service providers.

16. Soccer Program Agreement

Brad Hickman, Parks and Recreation Department Director, said the City has been considering options for managing the Youth Soccer program. The program is growing and needs either additional City staff or administration by another entity. Utah Youth Soccer is a nonprofit organization with a great deal of experience in administering youth soccer programs. They will administer Eagle Mountain's program at the same price the City has been charging. They provide their own equipment, referees and coaches.

UYSI operates spring and fall seasons with eight games each. They register participants in the fall for 16 games. They provide full uniforms, a soccer ball and a summer training program for each participant. The City would collect \$4 per participant each fall. Because the City's spring playing season has been separate from the fall, the fees will be adjusted to accommodate the difference between the City's schedule and UYSI's schedule.

Mr. Cook said he reviewed the agreement written by UYSI and drafted some changes. Their agreement reflected an exclusive arrangement. Mr. Cook approved an agreement giving UYSI the first right to schedule playing fields for three years.

Mr. Hickman emphasized that the City's recreation staff has done a great job in running the City's program.

Ms. Kofoed stated the agreement requires UYSI to provide team rosters on a regular basis. The City plans to change that to providing rosters as requested. The start date for the fees would be in the fall season. The sentence referring to profit will be stricken, because UYSI is a nonprofit organization.

17. Trailhead Townhomes Planned Unit Development Agreement

Mr. Cook stated that this item is part of pending litigation and will be discussed in Closed Session.

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 Bradley 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 Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Mayor Pengra adjourned the meeting at 6:12 p.m.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Chris Trusty, City Engineer; Kent Partridge, Building Official; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:20 p.m.

5. PLEDGE OF ALLEGIANCE

Benjamin Reaves led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Christmas Tree Disposal** - Instead of curbside pick-up, the City has designated a drop-off area for Christmas tree disposal this year. The drop-off is at the rodeo grounds at Pony Express Memorial Park, 4447 Majors Street. Drop your tree, stripped of all decorations, at the arena and the Parks Department will dispose of the trees. This service is available through January 17.
- **City Offices Closed** - The City offices and Library will be closed on Monday, January 18 in observance of the Martin Luther King, Jr. holiday.
- **Miss Eagle Mountain Orientation** – An orientation meeting for those interested in the Miss Eagle Mountain Scholarship Pageant will be held on Saturday, January 16 at 10:00 a.m. at City Hall. The pageant is open to ages 17-24 who reside in Eagle Mountain, Cedar Fort, or Fairfield.

- **Story Time** – The Library will be offering free story time on Tuesdays and Thursdays at 10:30 a.m. beginning January 26 and running through the end of April, except for Spring Break week. The same content will be offered in each weekly session.

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

Jeff Ruth was concerned about the number of cars parked on the roads when the City needs to plow snow. He asked for better enforcement of the no-parking regulations. He also asked the Council to find a way to have residents shovel the snow from the sidewalks in front of their homes. Mayor Pengra said he's planning to address these items in the City newsletter and in his blog.

Drew Curley thanked the City for giving citizens the opportunity to serve on boards and commissions. He felt there should be public notice of vacancies. He would have liked to apply for the most recent vacancy on the Planning Commission.

Chris Thompson spoke about recent flooding on Shiloh Way. There's a 100-foot drop above her home. Water flows down during heavy rain events, damaging her yard and filling the ditch in front of her home. She wanted to know what plans the City has to alleviate the risk of flooding. Chris Trusty, City Engineer, said there is a plan and he met earlier today with Streets and Storm Water Department supervisors to work on it.

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

Councilmember Curtis

Councilmember Curtis thanked everyone for the opportunity to serve on the Council and encouraged people to contact him with concerns. He thanked the snow removal crews for their work during the recent storms.

Councilmember Bradley

Councilmember Bradley welcomed everyone to the meeting and thanked those who serve on boards and committees. He thanked public safety personnel for keeping residents safe during the stand-off that occurred in the golf club parking lot last week. He was excited to work with the new Councilmembers.

Councilmember Reaves

Councilmember Reaves welcomed everyone and thanked those who voted for him. He was eager to hear from residents about what they want him to do as he represents them on the Council.

Councilmember Westmoreland

Councilmember Westmoreland welcomed his new colleagues on the Council.

Councilmember Gricius

Councilmember Gricius thanked everyone for attending the meeting. She thanked the voters for electing her and encouraged residents to call her with their perspectives.

Mayor Pengra

Mayor Pengra noted that this was the first election that has taken place since he's been Mayor. He was pleased to welcome the new Councilmembers. He said the New Year is a time to reflect on last year and what opportunities we have this year.

He asked Fire Chief Ross Fowlkes to come to the podium to present a commendation. Captain Robert Ayres and his team responded to a medical call for two children on Christmas morning. After the children were transported to the hospital, the team saw that they lived in very poor circumstances which had contributed to their illness. They learned the children had only received a coat and shoes for Christmas. Capt. Ayres found an open store and bought presents, then wrapped and delivered them.

9. APPOINTMENTS

- A. Cemetery Board
 - i. Marianne Smith
 - ii. Jared Gray
 - iii. Wendy Lojik
- B. Library Board
 - i. Lesley Hatch
 - ii. Tyler Shimakonis
- C. Military and Veterans Advisory Board
 - i. Lois Leikam
 - ii. Mike Ditto
 - iii. Matt Clouttier
- D. Planning Commission
 - i. Mike Owens
- E. Youth City Council Advisory Board
 - i. Ryan Ireland

MOTION: *Councilmember Westmoreland moved to appoint Marianne Smith to the Cemetery Board for a term of 3 years. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Westmoreland moved to appoint Jared Gray to the Cemetery Board for a term of 3 years. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Westmoreland moved to appoint Wendy Lojik to the Cemetery Board for a term of 3 years. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Westmoreland moved to appoint Leslie Hatch to the Library Board for a term of 2 years. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Westmoreland moved to appoint Tyler Shimakonis to the Library Board for a term of 2 years. Councilmember Bradley seconded the motion. Those*

voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

MOTION: *Councilmember Bradley moved to appoint Lois Leikam to the Military and Veterans Advisory Board for a term of 3 years. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to appoint Mike Ditto to the Military and Veterans Advisory Board for a term of 1 year. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to appoint Matt Clouttier to the Military and Veterans Advisory Board for a term of 1 year. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to appoint Mike Owens to the Planning Commission for a term of 2 years. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. Those voting no: Stephanie Gricius. The motion passed with a vote of 4:1.*

MOTION: *Councilmember Bradley moved to appoint Ryan Ireland to the Youth City Council Advisory Board for a term of 1 year. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to the appointees who were in attendance at the meeting.

Mayor Pengra expressed appreciation to everyone who volunteers to serve on City boards and committees.

CONSENT AGENDA

10. MINUTES

A. December 1, 2015 – Regular City Council Meeting

11. RESOLUTION

A. Appointing Mack Straw to the Timpanogos SSD Board

MOTION: *Councilmember Bradley moved to approve the Consent Agenda. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

Mayor Pengra placed item 13 ahead of item 12.

PUBLIC HEARING

12. A. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Porter’s Crossing Town Center Master Development Plan Map.
- B. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Porter’s Crossing Town Center Master Development Agreement.

This item was presented by Planning Director Steve Mumford. This amendment to the Porter’s Crossing Town Center Master Development Plan Map and Agreement maintains the same number of units but amends the unit types and locations, and relocates parks and local roads. These items were tabled at the last City Council meeting pending completion of an updated traffic study. The traffic study has been completed and two possible street plans were presented at this meeting.

The preferred plan connects St. Andrews Drive to the Porter’s Crossing Town Center commercial area. The community park would be relocated slightly to accommodate the change in the road alignment. The alternate plan does not include the St. Andrews Drive extension.

The traffic study predicts a need for a traffic signal at the intersection of Porter’s Crossing and Pony Express Parkway by 2020.

The changes to the master development agreement limit density transfer to 10%, and only between adjacent land use pods.

Mayor Pengra opened the public hearing at 8:25 p.m. As there were no comments, he closed the hearing.

Mayor Pengra invited the applicants to comment if they wished. Gerry Tully, the project engineer, listed five points for the Council to consider.

- The plan is consistent with all prior approvals.
- The housing types have been expanded from three to nine.
- The apartments remain as previously approved and will not be increased.
- Total units remain the same.
- Any future site development details will be governed by the Municipal Code.

He asked that the master development plan and the master development agreement be approved tonight so construction can begin in the spring.

Councilmember Curtis discussed the open space. He preferred not to use unbuildable land as improved open space. Mr. Mumford said the plan has been revised several times and there is little buildable space that can be used as open space. One option would be to have the developers pay a park fee in lieu. The developers could also choose to “buy down” the open space by replacing some of it with higher-quality amenities.

Mayor Pengra asked Councilmember Curtis what his concern was about the unbuildable land. Councilmember Curtis said he didn't want open space that was too steep for children to play on comfortably.

Discussion ensued on open space, the road alignment and traffic. Councilmember Bradley wanted the road to connect developments. He supported the new version of Exhibit 4. Councilmember Gricius was worried about high-density traffic traveling through the Eagle's Gate neighborhood. She would prefer stubbing in a future road until the City has enough information to make an informed decision. Councilmember Curtis felt that stubbing the road would leave the park in limbo.

MOTION: *Councilmember Bradley moved to approve an Ordinance of Eagle Mountain City, Utah, amending the Porter's Crossing Town Center Master Development Plan Map. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to approve a Resolution of Eagle Mountain City, Utah, amending the Porter's Crossing Town Center Master Development Agreement, amending paragraph 7.2 to say the developer shall install the portion of the St. Andrews Drive extension outside of the project in conjunction with building pod 14, and allowing the City Attorney and Planning Director to make non-substantive changes to the agreement. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. Those voting no: Stephanie Gricius. The motion passed with a vote of 4:1.*

PUBLIC HEARING

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 17 of the Eagle Mountain Municipal Code Regarding Standards for Construction Trailers, Sign Regulations, Sign Permits and the Residential Zone.

This item was considered before item 12.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amends Chapter 17.25 to correct and ensure language is consistent from chapter to chapter. The Municipal Code was amended last year to require 1000 square feet of improved open space per lot or unit, rather than basing the requirement on buildable acreage. The wording wasn't updated in some sections of the Code. This amendment corrects that.

A change is also made to *Table 17.30.110 (C) Tier III Residential Bonus Density Entitlements (Required)* that clarifies the requirement for Tier III amenities. *Table 17.30.110 (C)* needs to be clarified to show that swimming pools are only required in a Tier 3 or 4 development if there are 150 units in one pod or area.

Chapters 17.10 and 17.75 are being amended to define and regulate construction trailers, which are different from temporary sales offices.

Chapter 17.80 will include a fine structure for repeat violators of the City's sign regulations, most commonly homebuilders and real estate agents. The fines will increase with repeated violations. The maximum sign size will be increased from 32 square feet to 64 square feet, and a sign permit fee of \$50 will be instituted.

The Council discussed the proposed increase in the maximum size of signs from 32 sq. ft. to 64 sq. ft..

Mayor Pengra opened the public hearing at 8:07 p.m. As there were no comments, he closed the hearing.

Councilmember Curtis asked how fines would be enforced.

Mayor Pengra said the Code Enforcement Officer keeps a contact list of those who place most of the illegal signs. He has a tracking system of all contacts he makes. The City employs an administrative law judge to hold hearings on fines.

MOTION: *Councilmember Reaves moved to approve an Ordinance of Eagle Mountain City, Utah, amending Chapter 17 of the Eagle Mountain Municipal Code regarding standards for construction trailers, sign regulations, sign permits and the Residential Zone as presented by staff, with the changes to Sections 17.30.070 and 17.30.080 approved in the meeting. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The changes referenced in the motion are as follows:

- The staff report showed amendments to the following sections regarding the Residential Zone: 17.25.110, 17.25.120, 17.25.130, 17.25.140, 17.25.150. The amendments changed the improved open space requirement from a percentage of buildable acreage to 1,000 square feet per lot. Because this amendment should also have been made to sections 17.30.070 and 17.30.080, the motion added the following amendments:
 - Section 17.30.070, "~~four percent of the buildable land~~ one thousand (1,000) square feet per lot or residential unit" and 17.30.080, "~~eight percent of the project's buildable land to be~~ one thousand (1,000) square feet per lot or residential unit to be".
- Table 17.30.110(c) was amended to specify that swimming pools are only required in a Tier 3 or 4 development if there are 150 units in one pod or area.
- Chapters 17.10 and 17.75 are being amended to define (17.10) and regulate (17.75) construction trailers, which are different from temporary sales offices and had not previously been allowed.
- The amendment to Chapter 17.80 established a fine structure for repeated violations of the City's sign regulations, which will increase with each successive violation. The fine structure will be added to the Consolidated Fee Schedule. The proposed penalties are: First violation, a written warning. Second violation, \$10. Third violation \$25, per sign,

per day (until in compliance). Forth and subsequent violations \$50 per sign, per day (until in compliance). It also increased the maximum sign size from 32 square feet to 64 square feet.

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapters 7 and 12 of the Eagle Mountain Municipal Code Regarding Firearms.

This item was presented by City Attorney Jeremy Cook. The proposed amendment to the Eagle Mountain Municipal Code will bring Eagle Mountain into compliance with State law regarding firearms.

Section 7.05.040(U) of the Municipal Code prohibits carrying or discharging firearms in City parks. Section 12.30.020(T) prohibits carrying firearms in public assemblies except by those with concealed carry permits. The carrying prohibition is not allowed by State law. The prohibition against discharging firearms will be modified to say “except as provided in Section 9.10.010,” which allows discharging firearms in lawful defense. The section will also be amended to prohibit any fireworks or explosives in any City park, except as authorized by the City.

The Council discussed how authorization for fireworks should be handled. The decision was to continue to leave it to the Unified Fire Authority and City staff.

MOTION: *Councilmember Gricius moved to approve an Ordinance of Eagle Mountain City, Utah, amending Section 7.05.040(U) as presented, adding on to the last sentence of the first paragraph “except as authorized by the City,” and deleting Section 12.30.020(T) of the Eagle Mountain Municipal Code. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

15. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule Regarding Franchise Fees, Construction Trailer Fees and Code Enforcement Fines.

Because sign ordinance violations are frequent and difficult to enforce, the Code Enforcement Officer has requested that fines be assessed for violators. The proposed penalties are: First violation, a written warning. Second violation, \$10. Third violation \$25, per sign, per day (until in compliance). Forth and subsequent violations \$50 per sign, per day (until in compliance). A sign permit fee of \$50 will be included in the fee schedule, as well.

Councilmember Gricius asked how much time would pass between each time an enforcement action was taken. Mr. Cook said the first warning has a specific time limit for removal, which depends on the type and location of the sign. Mayor Pengra suggested the staff should review the ordinance at some point to make it more specific.

MOTION: *Councilmember Curtis moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Consolidated Fee Schedule regarding franchise fees, construction trailer fees and code enforcement fines. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration of an Agreement between Eagle Mountain City and Utah Youth Soccer, Inc., League #20.

This item was presented by Parks and Recreation Director Brad Hickman. The Parks and Recreation Department and the Utah Youth Soccer Inc., Orem League #20, have agreed that UYSI will administer the Eagle Mountain Youth Soccer program. UYSI is a non-profit organization with extensive experience in operating youth recreational soccer programs.

Because UYSI will begin administering the Eagle Mountain soccer agreement in the middle of their soccer season, the City will waive the fee per participant it will normally charge UYSI. The fee will be assessed when the fall games begin.

Mr. Cook pointed out that this agreement doesn't give UYSI exclusive control of Eagle Mountain soccer programs. It gives them first choice of fields.

Councilmember Curtis asked how UYSI can keep costs so low while providing so much to the players. Mr. Hickman stated they have 20+ years of organizing and operating teams and, as a nonprofit, they use a lot of volunteer help.

MOTION: *Councilmember Westmoreland moved to approve an agreement between Eagle Mountain City and Utah Youth Soccer, Inc., League #20 and authorize the Mayor to sign the agreement, adding an amendment to item 23.3 striking “and maintain any profits that result,” requiring team rosters only when requested by the City, and waiving the \$4 participant fee until the fall 2016 playing season. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

17. Trailhead Townhomes Planned Unit Development.

A. AGREEMENT - Ratification of a Stipulation Regarding the Improvement Bond for the Trailhead Townhomes PUD, Plat A between Eagle Mountain City and Central Bank.

B. AGREEMENT - Ratification of a Mutual Release of Claims Agreement between Eagle Mountain City, Central Bank and Banner Bank Related to the Improvement Escrow Fund Agreement for the Trailhead Townhomes PUD, Plat A.

This item was presented by City Attorney Jeremy Cook. The proposed agreements document a settlement of pending litigation involving the improvement escrow bond for the Trailhead Townhomes Planned Unit Development, Plat A. Mayor Pengra clarified that these items are approvals rather than ratifications, as the agreements have not been signed yet.

Mr. Cook stated these agreements resolve a dispute regarding the improvement bond for the subdivision, and prevent pending litigation. Banner Bank will provide \$300,000 to settle the improvement bond, of which \$280,000 will go into an escrow account for improvements. \$5,000 will go to the City for attorney's fees and \$15,000 will go to Central Bank for attorney's fees.

MOTION: *Councilmember Gricius moved to approve a stipulation regarding the improvement bond for the Trailhead Townhomes PUD, Plat A between Eagle Mountain City and*

Central Bank. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

MOTION: *Councilmember Gricius moved to approve a mutual release of claims agreement between Eagle Mountain City, Central Bank and Banner Bank related to the improvement escrow fund agreement for the Trailhead Townhomes PUD, Plat A. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Curtis

Councilmember Curtis appreciated the opportunity to serve and thanked all the residents who attended the meeting.

Councilmember Bradley

Councilmember Bradley congratulated the new members of the Council.

Councilmember Reaves

Councilmember Reaves thanked the residents who stayed through the whole meeting. He asked everyone to be patient with him while he learns the ropes.

Councilmember Westmoreland

Councilmember Westmoreland felt that this first meeting of the year went well.

Councilmember Gricius

Councilmember Gricius was excited to be on the Council and appreciated those residents who stayed through the whole meeting.

Mayor Pengra

No comment.

19. CITY COUNCIL BOARD LIAISON ASSIGNMENTS

Councilmember Bradley: Economic Development Board

Councilmember Curtis: Youth City Council, Planning Commission

Councilmember Gricius: Senior Citizen Advisory Council, Military and Veterans Advisory Board

Councilmember Reaves: Parks and Recreation Advisory Board, Planning Commission

Councilmember Westmoreland: Library Board, Cemetery Advisory Board

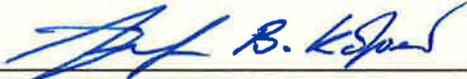
20. COMMUNICATION ITEMS

A. Upcoming Agenda Items

21. ADJOURNMENT

MOTION: *Councilmember Bradley moved to adjourn the meeting at 9:45 p.m. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON FEBRUARY 2, 2016.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 2, 2016

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: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Management Analyst; Jessica Alvarez, Human Resources Manager; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Jeff Weber, Facilities and Operations Director; Zac Hilton, Streets/Storm Water Manager; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:04 p.m.

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

Assistant City Administrator/Finance Director Paul Jerome stated that Ace Disposal, the City's solid waste contractor, recently told him that the recycling contractor they use is about to begin charging Ace \$25 per ton. Residents' February utility bill will include an announcement that a recycling rate increase will be discussed at the next City Council meeting. The rate may increase to \$5.00 per can. Before the rate is raised, residents will be given the opportunity to opt out of the recycling program. Mayor Pengra asked if the recycling program can be discontinued. Mr. Jerome said he will look into that.

Mr. Jerome introduced Ron Stewart of Gilbert & Stewart, CPAs, who reported on the FY 2015 financial audit. The audit found that transactions have been fairly reported. The review of processes and controls found them to be working properly. The audit evaluated compliance with State requirements for budgetary compliance, fund balance, Utah Retirement Systems, enterprise fund transfers, tax levy recognition, restrictive tax, open and public meetings, GRAMA and conflicts of interest. The City was found in compliance in all areas. Mr. Stewart commended Mr. Jerome and his staff for having the City's financial system in good order.

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

13. Change Order – Community Development Building Basement Project.

City Engineer Chris Trusty stated this change order consisted of three items: preparation for installation of an elevator, additional electrical work, and minor remodeling of the main floor to accommodate one of the departments moving from City Hall. The project will come in over

budget and the additional funds will come from the proceeds of the utility sale. Mayor Pengra pointed out that this project was carefully planned, but moving entire departments from one building to another has required some adjustments.

15. Entrance Signs for Porter's Crossing Town Center and SilverLake.

Councilmember Curtis felt the SilverLake sign didn't match the look and feel of the City. Councilmember Bradley was more concerned that it fit its surroundings. It's completely different from the existing SilverLake sign. Planning Director Steve Mumford said the developer wanted the sign to be different from the existing sign, which was installed by a previous developer.

Councilmember Reaves wondered if the Porter's Crossing Town Center sign would have to be moved if the road had to be widened.

Councilmember Westmoreland asked about the Porter's Crossing Town Center sign being located partially in the right-of-way. Mr. Mumford said signs are often located in the right-of-way. The Municipal Code requires those to be approved by the City Council.

Because of the need for discussion, Mayor Pengra moved this item from the Consent Agenda to Scheduled Items.

17. CUWCD Amended and Restated Water Supply Agreements.

City Administrator Ifo Pili stated these agreements are being amended to reduce the short-term cost to the City. The original take-down schedule required the City to accept and pay for much more water than will be needed in the near future. The payments that would have had to be made last year and this year would have totaled \$7M. Under the amended agreements, the City will have no payments either this year or next.

Mayor Pengra noted that these agreements were made before the economy flattened. CUWCD understands that Eagle Mountain, as well as other cities that entered into water supply agreements, are in a different economic situation than they were at that time.

Councilmember Gricius questioned how much the annual water fee might fluctuate. Mr. Cook said he would look into it.

18. Policies and Procedures Manual.

Human Resources Manager Jessica Alvarez described the proposed changes to the City's policies and procedures.

- Employees who accrue compensatory time before changing to exempt status will have one year to use the compensatory time.
- Holiday premium pay (\$50) will only be paid to those who work five hours or more on a holiday. Holiday premium pay is separate from emergency premium pay.
- Employees are required to maintain a record of their work hours. The record will be allowed to be in either paper or electronic form.
- Because the City sold the electric and gas utilities, Energy Department employees will be removed from the on-call list. The on-call week will begin on Tuesday, rather than Monday.
- The \$50 Sunday premium pay will be removed. Sundays are regular work days for some employees.
- Because there are no longer any part-time employees who receive benefits, all references to benefits for part-time employees have been removed.

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 professional competency of an individual pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Curtis moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the professional competency of an individual, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Mayor Pengra adjourned the meeting at 5:25 p.m.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Chris Trusty, City Engineer; Kent Partridge, Building Official; Jeff Weber, Facilities and Operations Director; Zac Hilton, Streets/Storm Water Manager; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Jeff Thompson, Code Enforcement Officer; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. PRESENTATION – Utah Municipal Clerks Association Presentation of Certification to Deputy Recorder Johna Rose.

City Recorder Fionnuala Kofoed and Board members of the Utah Municipal Clerks Association presented Deputy Recorder Johna Rose with a plaque for her certification as a Certified Municipal Clerk.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **City Offices Closed** – The City offices and Library will be closed on Monday, February 15 in observance of the President's Day holiday.

- **Youth Baseball Registration** – Youth baseball registration is open through March 6. Click on the Recreation button on the home page of the City website, and click on Sports Programs, Youth Sports.
- **Miss EM Pageant Orientation** – Another orientation meeting will be held for those interested in participating in the Miss Eagle Mountain scholarship pageant. The meeting will be held on February 3 in the Council Chambers at 6:00 p.m. The pageant is open to Eagle Mountain, Cedar Fort, and Fairfield residents ages 17-23.
- **Princess Academy** – A Princess Academy with Miss Eagle Mountain Ella Barlow will be held in the Council Chambers on Saturday, February 13 from 10:00 a.m. to noon. Activities include crafts, nail painting, a luncheon, and more! The entry fee is \$10. Registration will be available soon on the City website, Calendar.
- **Easter Egg Hunt** – Save the date: The City’s annual Easter Egg Hunt will be held on Saturday, March 26 at 10:30 a.m. SHARP at Nolan Park.

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

Matt Morrison thanked the Mayor and City Council for the work they do, including the traffic signal being installed at the intersection of Mt. Airey Drive and Cory B. Wride Memorial Highway. He expressed appreciation for Sen. David Lifferth, a former Mayor and Councilmember of Eagle Mountain, who invited the City’s Youth Council to the State Capitol yesterday to visit the Legislature. In reference to item 18, he asked why Sunday is considered a regular work day. Mayor Pengra explained that there are Sewer Department employees who are regularly scheduled on Sundays.

Mayor Pengra explained the removal of Sunday premium pay. Some employees are hired with the understanding that Sunday will be part of their regular work week.

Mike Kieffer said he lives on five acres on Lake Mountain Road and loves Eagle Mountain. He wants to be a farmer, but has to live near population centers to make a living in information technology. Proposals have been discussed recently for development on Lake Mountain Road. He asked that the Council not react to them too quickly. He would like to have that area remain agricultural. He thanked the Mayor and Council for the work they do for the City.

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

Councilmember Curtis

Councilmember Curtis thanked Mr. Kieffer for his comments and said he appreciated everyone who tries to help make Eagle Mountain a better community. He thanked the law enforcement officers who handled the recent SWAT incident in the City. He said the Youth City Council is growing their program and focusing on civic involvement with the City.

Councilmember Bradley

Councilmember Bradley welcomed everyone attending the meeting and those will view the video. He reminded people not to park on the street when snow need to be plowed. He encouraged the Youth Council to be active and invite their friends to join. He congratulated Johna Rose on her certification. He thanked emergency responders for their handling of the recent event.

Councilmember Reaves

Councilmember Reaves thanked everyone attending the meeting. The only way the Council can help the City is with the involvement of the residents. He commended the City's public safety personnel. He said the road was backed up this morning because of the snow, but drivers were driving carefully and letting backed-up drivers into traffic.

Councilmember Westmoreland

Councilmember Westmoreland thanked those in attendance and welcomed them.

Councilmember Gricius

Councilmember Gricius complimented the City's first responders. She appreciated the residents who helped one another in the snowstorm and thanked the employees who plowed the streets.

Mayor Pengra

No comment.

10. APPOINTMENTS

- A. Eagle Mountain City Recorder – Fionnuala B. Kofoed
- B. Eagle Mountain City Treasurer – David Mortensen
- C. Parks and Recreation Advisory Board
 - i. Jerry Chizmadia
 - ii. Drew Curley
 - iii. Jared Gray
 - iv. Amy Plott
 - v. Jake Webb

MOTION: *Councilmember Curtis moved to reappoint Fionnuala B. Kofoed to the office of Eagle Mountain City Recorder. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to reappoint David Mortensen to the office of Eagle Mountain City Treasurer. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Gricius moved to appoint Jerry Chizmadia to the Parks and Recreation Advisory Board for a term of three years. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Gricius moved to appoint Drew Curley to the Parks and Recreation Advisory Board for a term of three years. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Gricius moved to appoint Jared Gray to the Parks and Recreation Advisory Board for a term of two years. Councilmember Westmoreland seconded*

the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

MOTION: *Councilmember Gricius moved to appoint Amy Plott to the Parks and Recreation Advisory Board for a term of two years. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Gricius moved to appoint Jake Webb to the Parks and Recreation Advisory Board for a term of two years. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Deputy City Recorder Melanie Lahman administered the oath of office to all the appointees, except for Jake Webb, who was unable to attend the meeting. He will receive the oath at a later time. Ms. Kofoed and Mr. Mortensen are appointed officials who are required by State statute to re-take the oath of office after each municipal election.

CONSENT AGENDA

11. MINUTES

A. January 5, 2016 – Regular City Council Meeting

12. BOND RELEASES – Into Warranty

A. Sweetwater, Phase 5

B. Sweetwater, Phase 6

13. CHANGE ORDER

A. Community Development Building Basement Project – Magleby Construction, Inc.

14. FY 2015 AUDIT – Acceptance of the FY 2015 Financial Audit (*Ron Stewart*)

Item 15 was removed from the Consent Agenda and discussed during Scheduled Items.

MOTION: *Councilmember Curtis moved to approve the Consent Agenda, removing items 15A and 15B. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

15. ENTRANCE SIGNS

A. Porter's Crossing Town Center Entrance Sign

Councilmember Westmoreland brought up the issue of the entrance signs being located in the public right-of-way. Planning Director Steve Mumford responded that monument signs are

normally located at least partially in the right-of-way because locating them behind the right-of-way would make them difficult to see.

Councilmember Westmoreland asked how many signs would have to be moved if Pony Express Parkway was widened. Mr. Trusty said no signs would have to be moved if the road was widened. If transit is added west of the road, moving signs will be a comparatively minor expense.

The developer submitted a plan yesterday moving the sign entirely into the right-of-way. Councilmember Gricius preferred to keep the sign partially in the right-of-way and partially on private property.

Councilmember Bradley approved of placing the sign entirely in the right-of-way.

MOTION: *Councilmember Bradley moved to approve the Porter's Crossing Town Center sign entirely in the right-of-way, as requested by the applicant. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley and Tom Westmoreland. Those voting no: Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion failed with a vote of 2:3.*

MOTION: *Councilmember Gricius moved to approve the Porter's Crossing Town Center sign according to the original request, partially on private property and partially in the right-of-way. Councilmember Curtis seconded the motion.*

Councilmember Westmoreland asked exactly what partially on and partially off meant. The staff report showed the sign approximately 2/3 on the right-of-way and 1/3 on the applicant's property.

Councilmember Gricius felt the sign being completely in the right-of-way would put it too close to the clear vision triangle.

Councilmember Reaves said the sign is 22 feet wide, much bigger than the community entrance signs and might be a hazard by being too close to the road.

Councilmember Curtis said a sign of that size being so close to the road would be unattractive.

Mayor Pengra allowed Nick Christensen of Allied Signs to speak to the Council. He said he's measured the site. The sign would be 17 feet away from the curb even with it being entirely within the right-of-way.

Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 4:1.

A. SilverLake Entrance Sign (east entrance)

Councilmember Curtis didn't think the sign fits the look and feel of the neighborhood. Councilmember Bradley agreed.

Councilmember Gricius stated if the sign is to say "Eagle Mountain," it should be spelled out, not abbreviated.

Mayor Pengra asked what standard is used for rejecting a design. Mr. Cook said the Council could reject it if they didn't approve of the way it looked.

Councilmember Bradley wanted the sign to say "Eagle Mountain" because it will be located at an entry to the City.

Mayor Pengra didn't want to dictate how the developers represented their company, but he also didn't want the sign to say "Eagle Mountain." It would become a *de facto* City entry monument, and he wanted specifically-designed entry monuments.

MOTION: *Councilmember Gricius moved to approve the SilverLake entrance sign. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Those voting no: Colby Curtis. The motion passed with a vote of 4:1.*

16. AGREEMENT – Consideration of an Impact Fee Reimbursement Agreement between Eagle Mountain City and RCA65, LLC.

This item was presented by City Attorney Jeremy Cook. The proposed reimbursement agreement documents the terms and conditions for reimbursement of certain impact fees to RCA65, LLC for water, wastewater, storm water, and road improvements that were larger than necessary to service RCA65's project at the Ranches Parkway extension.

Mr. Cook stated that this is the City's standard reimbursement agreement, used when a developer constructs utility infrastructure that is larger than needed for the development being built, at the City's request. The extra size benefits the City; therefore, the City reimburses the cost difference through impact fees.

MOTION: *Councilmember Westmoreland moved to approve an impact fee reimbursement agreement with RCA65, LLC. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

17. CENTRAL UTAH WATER AGREEMENTS

- A. Consideration of an Amended and Restated Water Supply Agreement between Central Utah Water Conservancy District and Eagle Mountain City for Sale of CWP Municipal and Industrial Water.
- B. Consideration of an Amended and Restated Water Supply Agreement between Central Utah Water Conservancy District and Eagle Mountain City for Sale of CWP Municipal and Industrial Water.

This item was presented by City Attorney Jeremy Cook. The proposed amendments to the 2009 and 2010 agreements primarily amend the take-down schedule in the agreements and correspondingly increase the cost per acre-foot of the water in conjunction with the delay in the take-down schedule.

Under the original agreements, the take-down schedule required payments far too high for the City to pay. The amended agreements lengthen the take-down schedule, allowing manageable payments, with no payments for this year and next year.

Councilmember Reaves asked about the payment schedule in the 2009 agreement. Mr. Cook stated the original schedule required payments last year and this year. The amended agreement delays payment until fiscal year 2017 (July 2017). The fees will be waived for fiscal years 2015 and 2016.

Councilmember Gricius said she had been concerned about the fee changing from year to year. She & Mr. Cook found clarification in the amended agreement specifying the amount of the fee change.

MOTION: *Councilmember Bradley moved to approve the amended and restated FY 2009A water supply agreement with the Central Utah Water Conservancy District for the sale of municipal and industrial water. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. Those voting no: Stephanie Gricius. The motion passed with a vote of 4:1.*

Councilmember Gricius asked Mr. Cook if the 2010 agreement also had the effect of moving back the take-down schedule. Mr. Cook said it did.

MOTION: *Councilmember Westmoreland moved to approve the amended and restated FY 2010A water supply agreement with the Central Utah Water Conservancy District for the sale of municipal and industrial water. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. Those voting no: Stephanie Gricius. The motion passed with a vote of 4:1.*

18. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Policies and Procedures Manual.

This item was presented by Human Resources Manager Jessica Alvarez during Work Session, as reported on pages 2 and 3 of these minutes. The proposed amendment to the Eagle Mountain City Policies and Procedures Manual updates the benefit policy for part-time employees. The policy also amends the \$50 holiday premium pay policy, removes the Sunday premium pay and makes other general updates.

MOTION: *Councilmember Gricius moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Policies and Procedures Manual, with the addition of removing “works on a holiday because of an emergency situation” from Overtime Pay/Special Situations.*

Councilmember Gricius said the additional change mentioned in the motion referred to employees who were already receiving time-and-a-half for working in an emergency.

Mr. Pili stated he suggested that change for clarity. No employees receive a \$50 emergency premium.

Councilmember Bradley seconded the motion.

Councilmember Curtis asked how many employees are affected by the removal of Sunday premium pay. Mr. Pili said one Sewer Department employee has to work on Sunday each week.

Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

The changes to the Policies and Procedures Manual include the following:

- References to benefits for part-time employees were removed.
- Sunday premium pay was eliminated.
- Holiday premium pay was limited to those who work more than five hours on a holiday.
- Employees who have accrued compensatory time before changing to exempt status will have one year from the status change to use it.
- References to Energy Department employees were removed, as the City no longer has an Energy Department.
- The reference to working on a holiday because of an emergency situation was removed.

19. BID AWARD – Consideration and Award of Bid to Gunthers, Inc. for the Installation of an HVAC System for the Community Development Building Basement Project.

This item was presented by City Engineer Chris Trusty. The proposed bid is for the installation of the heating, ventilation and air conditioning system for the Community Development basement completion project. This project was bid separately from the rest of the basement project in order to save costs.

Gunthers did the design work for the system. It was the only bidder for the installation.

Councilmember Gricius objected to awarding the contract after receiving only one bid. Mr. Trusty stated the project was bid twice over 4 - 5 weeks. City staff personally called 4 - 5 contractors and invited them to bid. He thought that, with the amount of HVAC jobs available at the moment, contractors don't feel a need to come out to Eagle Mountain to work. The City has had trouble getting bids for several projects recently.

MOTION: ***Councilmember Westmoreland moved to award a bid to Gunthers, Inc. for the installation of an HVAC system for the Community Development Building basement project in the amount of \$50,186.00 and authorize the Mayor to sign the contract. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

20. BID AWARD – Consideration and Award of Bid to Able Access Elevator for the installation of an Elevator for the Community Development Building Basement Project.

This item was presented by City Engineer Chris Trusty. The City Council approved the award of the elevator contract in February of 2015, but City staff was unable to obtain bids for the rest of the basement project until recently. Once the general contract for the basement was awarded, City staff contacted the elevator contractor to revive the elevator bid. The agreement proposed by the contractor removed liability for damages arising from an improperly installed elevator. The general contractor agreed to take the elevator contractor as a subcontractor for a cost of \$11,000. On the advice of the City Attorney, City staff proposes considering the low bid for this project nonresponsive for failure to accept liability, rejecting the bid, and awarding the project to the next low bidder, Able Access Elevator, in the amount of \$57,111.00.

Councilmember Gricius thanked the City staff who found and dealt with the liability issue.

MOTION: *Councilmember Curtis moved to reject the previous bid from Schindler and award a bid to Able Access Elevator in the amount of \$57,111.00 for the installation of an elevator for the Community Development Building, and authorize the Mayor to sign the contract. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Mayor Pengra announced a discussion of future development on Lake Mountain Road. He asked Mr. Cook to summarize what has been attempted so far and present some possible solutions.

Mr. Cook discussed creating an overlay zone east of Lake Mountain Road and south of the powerline corridor. The overlay zone would allow smaller lots than the current Agriculture Zone, but larger than the one-acre lots allowed by the City's current transitioning code. An overlay zone is both a zoning change and a Code amendment, so it would have to receive Planning Commission approval, as well as City Council approval.

Another option would be to amend the City's buffering requirements to create a more gradual transition.

Councilmember Bradley didn't see a need to change Lake Mountain Road. He liked the five-acre lots. He would approve of three-acre lots, but the landowners told him they would be unable to make any money on lots that large. He didn't think homes should be located close to power lines, which is likely to happen with smaller lots. He didn't want to patchwork the City with overlays, but he thought Lake Mountain Road might be unique enough to warrant an overlay.

Mr. Cook noted that there is no way to bind a future Council from changing the zoning of Lake Mountain Road.

Councilmember Gricius suggested the Council pass a resolution stating their intention that Lake Mountain Road remain an area of large lots. She felt it would offer direction without infringing on landowners' rights.

Mayor Pengra pointed out that no solution will solve all of the problems with access, traffic and transitioning. He said the 5 to 3 to 1-acre transitioning plan would prohibit some owners of 5-acre lots from subdividing their property. It could also introduce an incompatible use into land that is agricultural. He felt the only way not to harm existing rights is to leave the current property owners' Agriculture zoning as it is.

Councilmember Gricius asked the other Councilmembers how they felt about adopting a resolution expressing support for keeping Lake Mountain Road a large lot, agricultural area.

Councilmember Curtis appreciated Councilmember Gricius' intent, but didn't see what such a resolution would accomplish.

Councilmember Gricius said a resolution would steer the conversation and put developers on notice that the Council has an expectation for that area.

Mayor Pengra stated the Land Use Plan for Lake Mountain Road will come up for review when the General Plan is updated. The issue that prompted this discussion, Jeff and Karen Scott's development, is only at the rezone stage. Land use for the project won't be considered until a preliminary plat is presented.

Mayor Pengra said a Code amendment is being considered that will mandate a one-year waiting period after a rezone is denied, before it can be resubmitted without significant change. The amendment would clearly define what a significant change is. It would prevent repeated submittals with minor changes, but leave a property owner free to resubmit projects.

Councilmember Reaves wanted to know if there's a way to preserve the existing property owners' agricultural rights while allowing other owners to develop their property for residential uses, without causing undue traffic congestion. He didn't want landowners restricted from developing their land. Development will come, and he didn't want to set a precedent that would hurt growth.

Mayor Pengra pointed out that agricultural use could mean a pig farm or a mink farm. Any residential use would be incompatible.

Councilmember Reaves felt specific Code language could allow for "smart development," which would minimize conflicts and encourage mixed uses. Residents could know what uses they're moving into when they buy property.

Mayor Pengra said State law doesn't allow cities to mandate real estate disclosures.

Mr. Cook noted that an overlay zone controls new development, while the "right to farm" section in the Municipal Code (17.20.070) says smells, noise and extended hours of operation are to be expected when people move next to agricultural property.

Councilmember Gricius asked Mr. Cook if the Code section could be clarified to add some additional protections to agricultural land. Mr. Cook said that could be done, but cautioned the Council not to overdo it.

Councilmember Bradley said people's property rights only extend to the zoning on the property when it's purchased. Changing zoning in order to make money is not an inherent right.

Councilmember Reaves said he was looking for a middle ground.

Mayor Pengra stated that he didn't plan to place this issue back on the agenda until the Council has had a chance to discuss it. When two Councilmembers are ready to request an agenda item, he will put it on the agenda. In the meantime, he will pursue the issue of a Code amendment. He reminded them that whatever they considered should stand on its own merits, not be connected to a particular project or landowner.

Mr. Cook was concerned that a resolution would create uncertainty. He was also unsure whether the resolution would have to be repealed in the future. That kind of uncertainty could lead to litigation.

Councilmember Gricius asked what time frame the Mayor was considering on a Code amendment creating a one-year cooling-off period. Mayor Pengra asked Mr. Cook if he could have a draft ready for the next Planning Commission meeting. Mr. Cook said he could have a draft ready as a discussion item.

Councilmember Curtis asked what the best approach would be from a planning perspective. Mr. Mumford said it would be important to put a specific designation in the Future Land Use and Transportation Plan. By State law, this would require any landowner to comply. Mayor Pengra felt that would introduce other problems. He would prefer to update the entire General Plan at once, which would also make it compatible with the Master Transportation Plan.

Councilmember Gricius noted that Rural Residential is a vaguely-defined zone. It might be preferable to create another, more defined zone. She asked the rest of the Council for their opinions.

Councilmember Westmoreland was generally in favor of that area remaining agricultural. He did express concern about residential lots being too close to a powerline corridor.

Councilmember Reaves said he agreed with keeping Lake Mountain Road agricultural. He also thought the Council should be open to looking at other options. The majority of landowners aren't using their land agriculturally. He wanted landowners to be free to develop their property, but wanted to avoid piecemeal development.

Councilmember Bradley said he might be in favor of agricultural use on Lake Mountain Road.

Councilmember Curtis wanted the Council to "think outside the box." He wanted the area to stay in the lower range of density.

Councilmember Gricius stated she's not opposed to compromise. She's read codes from many government entities looking for solutions. After hours of study, she hasn't found a way to a successful compromise.

Councilmember Curtis

Councilmember Curtis—see liaison report.

Councilmember Bradley

After Councilmember Curtis' report, Councilmember Bradley suggested that at least one Youth Council member attend each City Council meeting and that all have City Council mentors.

Councilmember Reaves

Councilmember Reaves—see liaison report.

Councilmember Westmoreland

Councilmember Westmoreland—see liaison report.

Councilmember Gricius

Councilmember Gricius—see liaison report.

Mayor Pengra

Mayor Pengra said he is working with Utah State University on water conservation. The University has requested funding from the State for a water-efficient landscaping program and for a grant program for water conservation projects.

22. 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 Curtis said the Youth City Council has grown from three to ten members. The Council is working with the Pony Express Rodeo Committee and the Mascot Miracles Foundation on an event for terminally ill children to be held during Pony Express Days. The Youth City Council voted not to attend the ULCT Local Officials' Day. They requested permission to use the money for other purposes. Mayor Pengra said they can use the money for the best purposes they have, bearing in mind that these are tax dollars. Mr. Pili asked that they follow the City's purchasing policy.

Councilmember Bradley reported that the Economic Development Board met and has some good plans coming up.

Councilmember Reaves attended the Planning Commission meeting. He and Councilmember Curtis will alternate attending the meetings. The Parks and Recreation Board has five new members.

Councilmember Westmoreland attended the Library Board meeting. He had a conflict with the Cemetery Board meeting. He asked Jared Gray for a report. Mr. Gray was appointed Vice-Chair of the Board. They discussed the contracts for completing the entry monument and fencing.

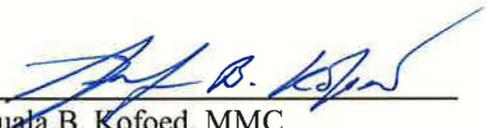
Councilmember Gricius met with the Military and Veterans Advisory Board. They have plans for helping local veterans.

23. COMMUNICATION ITEMS
- A. Upcoming Agenda Items
 - B. Financial Report

24. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 9:52 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON FEBRUARY 16, 2016.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 16, 2016

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: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Management Analyst; Jessica Alvarez, Human Resources Director; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Jeff Thompson, Code Enforcement Officer; Chris Trusty, City Engineer; Jeff Weber, Facilities and Operations Director; Zac Hilton, Streets/Storm Water Manager; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

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

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

None.

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

Agenda items were reviewed out of order.

18. Consolidated Fee Schedule

Solid Waste Recycling

Richard Hamik, representing Ace Disposal, explained Ace used to be paid for the recycling they delivered to Rocky Mountain Recycling (RMR). For the last year and a half, they haven't been paid for the recycling, nor have they been charged for the service. However, the recycling center plans to begin charging Ace for the service.

Paul Jerome, Assistant City Administrator/Finance Director, said the City's agreement with Ace allows an annual rate increase tied to the Consumer Price Index. The City has never raised the price it charges residents using the recycling program. The proposed rate increase is \$1.00 per recycling can, per month.

Councilmember Westmoreland asked if residents will have an opportunity to opt out of the program before the rate increase. Mayor Pengra said City staff is studying whether the program is economically viable and how much environmental impact it has. Mr. Hamik said the additional cost is minimal, considering that the market will rebound.

Councilmember Bradley asked how the program works. Larry Givens, representing RMR, said Ace trucks the recycling to RMR's transfer station in Pleasant Grove. RMR trucks it to a recycling facility in Salt Lake City, where nine commodities are sorted out of it. RMR sells newspaper locally to be shredded into insulation. Cardboard goes out of state and is typically made into new cardboard. Aluminum goes all over the world. Plastics are ground and turned into about 20 different products. The market for recyclables is such that buyers are purchasing less and, in some cases, new materials are cheaper than recycled ones. About 20% of the items placed in recycling bins are non-recyclable materials. Separating those from the recyclables is expensive. In addition, the market for recyclables has lessened considerably. RMR constantly runs programs to educate consumers about what can and can't be recycled and provides educational materials for service projects to improve the quality of materials placed in recycling bins.

Councilmember Bradley stated an increased fee rarely goes away, even if the need for the increase does. Mr. Givens said he'd be happy to return in six months and tell the Council what condition the recyclables market is in.

Mayor Pengra thanked Mr. Hamik and Mr. Givens for their information. City staff will be analyzing the program to make sure the economic and environmental benefits of the program justify its continuance.

Mr. Hamik said when the recycling program started, the fees were designed on a sliding scale, based on the percentage of households participating. Ace has decided it won't raise fees even if the participation rate decreases. The contract runs through mid-2017.

Library

Michele Graves, City Librarian, said the Library used grant funds to purchase Kindle Fire e-readers and LaunchPad tablets that patrons may check out from the Library. The proposed fees cover any damage to the equipment. They will be clearly set out in the user agreement patrons will have to sign before checking out the equipment.

Code Enforcement

Fines were proposed for illegal parking, illegal dumping, construction debris, blocking streets or sidewalks and sign violations. It has been difficult to enforce City ordinances because no fines have been in place. First violations would result in a warning. Only second and successive violations would lead to fines. The fines are designed as incentives to change behavior.

9. February 2, 2016 Minutes

Councilmember Curtis corrected his Council liaison report to say "Pony Express Special Events Committee" instead of "Special Events Department." Councilmember Gricius sent some corrections last week which have been made by the Recorder's Office.

11. Rezone of Property from Agriculture to Residential

This item was recently denied. It is being brought back to Council with amendments, including allowing a portion of the land to remain in Agriculture zoning. In order for a rezone to be approved, the plan must comply with the Future Land Use and Transportation Plan, it must be compatible with surrounding properties and there must be adequate buffering between incompatible uses. Nothing may be built under the powerline corridor. Lake Mountain Road

would have to be paved through the project and up to the nearest paved section. It may not be used as a collector road.

Councilmember Gricius asked about the powerline along the east side of the road. Mr. Mumford said that is also unbuildable land.

Karen and Jeff Scott, the property owners, explained the current design of the project. They pointed out a six-acre parcel that will remain in Agriculture zoning to accommodate the concerns of current residents that one-acre lots not be adjacent to their five-acre lots.

Councilmember Bradley stated if the rezone is approved, it wouldn't include this layout, so there's no way to legally bind it. He wanted a preliminary plat. Mr. and Mrs. Scott said the layout was added to answer questions they've been asked. Preliminary plats aren't usually provided in a rezone application.

15. Utah Valley University Agreement

Economic Development Director Ikani Taumoepeau introduced Ruth Gowans from Utah Valley University (UVU). The agreement being proposed places classes in a portion of the City Business Incubator Program space. City Administration has worked for several years to bring university classes to Eagle Mountain. When City staff talks to potential employers to locate in Eagle Mountain, the employers often ask if there are university classes nearby.

Councilmember Westmoreland asked if UVU holds classes in other cities. Ms. Gowans stated UVU has held evening classes at Westlake High School since it opened in 2009. It also holds classes in Santaquin and Spanish Fork.

Councilmember Gricius asked if the Westlake classes would be moved to the Eagle Mountain location. Ms. Gowans said the Eagle Mountain classes would be in addition to the Westlake classes.

Councilmember Bradley asked if the City will purchase more space in the building to accommodate the classes. Mr. Taumoepeau responded that the space was occupied by a business which has graduated from the Business Incubator Program. UVU intends to occupy that vacated space.

Councilmember Reaves asked how UVU selects what classes are offered. Ms. Gowans said they offer general education classes and classes requested by students who live in the local area. They also offer additional sections of classes that are full on campus.

13. Chapter 17, Rezones and Setbacks, Eagle Mountain Municipal Code

Planning Director Steve Mumford stated that this amendment resulted from requests by City Council members to prevent rezone applications from being presented repeatedly to the Council with only minor changes. The Planning Department proposed a one-year waiting period between applications for the same project. If major changes are made to an application, the waiting period would not apply. The Planning Commission recommended removing Section 17.90.070, Conditions of Approval, because they felt it might take away from what a zoning code should regulate, such as minimum lot sizes.

Chapter 17.10, Definitions, was amended for clarification. Other changes were made to make the Code easier to read.

Councilmember Westmoreland asked if an outside cooking area would be covered by the definition of “kitchen.” Mr. Mumford responded it should be covered if it was a set of fixed cooking facilities, such as a built-in grill. Other than that, the definitions differentiate between a second kitchen and an accessory apartment. The Planning Department wants to make sure that accessory apartments are only rented out if they meet City standards.

17. Wride Park Field Lighting

Parks and Recreation Director Brad Hickman stated all the bids received were from companies offering Musco Lighting, which is a higher-end product.

Councilmember Westmoreland asked if the matching grant paying for this project was for lighting only. Mr. Hickman said the grant includes lighting and some asphalt. Mr. Taumoepeau said the lighting will use all of the grant funds. The City’s matching funds will cover some of the lighting, as well as paved corridors between the fields and paving for a parking lot.

Councilmember Gricius asked what fund the match will come from. Mr. Pili said it will come from the Parks Impact Fee Fund.

Councilmember Curtis asked if the lights, being 60 – 70 feet high, will violate the City’s lighting ordinance. Mayor Pengra said there are specific allowances for sports field lighting.

Councilmember Reaves asked how many cars the parking lot would hold. Mr. Taumoepeau responded it was still in the designed stage and he didn’t know the exact number of parking spaces.

Mr. Hickman stated City staff is working on an alternative design, as well, which would open onto Mid Valley Road as part of Phase 7.

Councilmember Curtis asked if the staff’s intent is to bring this plan back to the Council in its entirety. He preferred not to approve it piecemeal. Mr. Hickman said that was the plan.

Mayor Pengra said the plan has been affected by public comment, but is still bound by an agreement with SITLA. Ivory Homes will have an effect on the design, as well, as it begins to build near the park.

Mr. Pili pointed out the reason for bringing this phase of the park plan forward now is that it is tied to the matching grant.

City Engineer Chris Trusty said he checked his notes and found the parking lot will be approximately 45,000 square feet, which will hold about 85 parking stalls.

Councilmember Reaves commended Mr. Taumoepeau for his work on this project over the past several years. Mr. Taumoepeau said this was a team effort with Mr. Hickman and Mr. Trusty.

12. Parks Impact Fee Enactment

Mr. Trusty stated the City is required to generate an Impact Fee Facilities Plan that establishes an existing level of service. This document is the basis for an Impact Fee Analysis, which determines what impact fees can be charged and, therefore, what future facilities can be built.

Cami Hamilton of Lewis Young Robertson and Burningham, the City's financial advisors, explained the Impact Fee Analysis. An impact fee is imposed on new construction to pay for the impact of new residents on the City's infrastructure. Impact fees can either pay for new construction or pay towards the expansion of existing infrastructure. They can only be used for infrastructure with a life expectancy of ten years or more. Impact fee requirements are regulated by the Utah State Impact Fee Act.

In the case of park impact fees, the Impact Fee Act requires an accounting of future facility demand based on future population; the level of service being provided to existing residents through the City budget, excluding grants and donations; and whether existing facilities have any excess capacity to meet future demands. The Impact Fee Analysis also considers what revenue sources the City will use to meet demands.

Eagle Mountain is required to publish a notice of its intent to update the impact fees and then of its intent to hold a public hearing. A public hearing must be held to receive public comment on the impact fee enactment. If the enactment is approved by the City Council, there is a 90-day waiting period before the fees can be applied.

Councilmember Reaves asked why there is a wide difference between the first and second impact fee alternatives. Ms. Hamilton said the inventory of park land only includes community and regional parks, or about 238 acres, which have all been donated by developers. Because the developers received density credits in return, the land can't be included in the impact fee calculation. If the park land could be included in impact fee calculations, it would be valued at \$33M for the land and \$7.4M for improvements.

This analysis includes two scenarios; one scenario excludes land value in the impact fee calculation, while the other scenario includes the land value. If the first scenario is adopted, impact fees could increase from \$382 for a single family home to \$1,158. If the second scenario is adopted, fees could increase from \$382 to \$6,333. The second alternative is a valid consideration, but may not be realistic. These are the maximum fees the City can charge.

Councilmember Reaves asked if Eagle Mountain has more land available than other cities and whether that affects the impact fee calculations. Ms. Hamilton said it depends on whether the City plans to purchase additional land. Mr. Trusty pointed out the IFFP is updated almost annually, which could slow the increase in impact fees.

Councilmember Gricius asked if it's true that impact fees need to be spent within six years after they are collected. Ms. Hamilton said that is the case.

Councilmember Curtis asked how much of the impact fee increase is related to Cory Wride Memorial Park. Mayor Pengra said none of it is related to the park. Ms. Hamilton stated the fees are related to Smith Ranch Park, the Nolen Park pavilion, Pioneer Park and North Ranch Park.

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.

No Closed Executive Session was held.

Mayor Pengra adjourned the meeting at 6:07 p.m.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Management Analyst; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Jeff Weber, Facilities and Operations Director; Zac Hilton, Streets/Storm Water Manager; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:07 p.m.

5. PLEDGE OF ALLEGIANCE

Stephanie Gricius led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Sports Registration** – Registration is open for Youth Baseball, Youth Spring Soccer, Women's Volleyball, and British Soccer Camp. Please visit the City website and click on the Recreation button, then Sports Programs.
- **Emergency Alerts and City Notifications** – The City is using a new notification system for alerts in the event of an emergency and also for City news, events, sports, public meetings, jobs, and other items of interest. Go to www.emcity.org/notifyme to register and select your preferred method of contact. Phone, text, and email options are available. You may also register for notifications from other participating cities in the County if you work in one of those cities or have relatives or other interest in what is happening there. This system allows the Utah Valley Dispatch Center to have access to our database of contacts in the event of a large-scale emergency or if cell/internet access is down in our area.
- **Traffic Alert** – Traffic will be delayed today and tomorrow on Eagle Mountain Blvd. due to construction activity. Please use an alternate route if possible.
- **Flags at Half-Staff** – Gov. Herbert has authorized the lowering of the flag of the United States of America and the flag of the state of Utah as a mark of respect for U.S. Supreme Court Justice Antonin Scalia until his interment. An interment date has not been announced.
- **Library Events** – The Library has many fun, free programs and community events. Please check the Calendar on the City website for details.
- **Family Emotional Wellness Night** – On February 17, a free event sponsored by Communities That Care will be held at Westlake High School from 6:00 p.m. to 9:00 p.m. Four different parenting workshops will be offered. Child care will be provided by the Westlake Student Council. For more information, see the City website Calendar.

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

Drew Curley read a statement from twelve citizens opposing the proposed rezone called Eagle Mountain Benches. They opposed it because of the infrastructure costs and “leapfrog” development, and didn’t believe it should have been brought back before Council when it was considered only a few months ago. They support item 13 on this agenda that would create a waiting period before a projects could be presented to the Council after they have been denied.

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

Councilmember Curtis

Councilmember Curtis thanked everyone for attending the meeting, particularly the Boy Scouts. He invited them to be part of the Youth City Council.

Councilmember Bradley

Councilmember Bradley was glad there are Boy Scout merit badges that encourage boys to learn about their government. He also welcomed firefighters from the Unified Fire Authority.

Councilmember Reaves

Councilmember Reaves thanked everyone for attending. He said public involvement is the basis of the Constitution. He thanked those who have emailed him about the rezoning item. He appreciated the Scouts attending and encouraged them to join the Youth City Council. The meetings count towards the citizenship merit badge.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone. He asked the Scouts to pay attention, since one of them could be on the Council in the future.

Councilmember Gricius

Councilmember Gricius welcomed everyone.

Mayor Pengra

Mayor Pengra thanked everyone for being at the meeting.

CONSENT AGENDA

9. MINUTES

- A. February 2, 2016 – Regular City Council Meeting

10. BOND RELEASE – Out of Warranty

- A. Valley View, Plat A, Phase 5

MOTION: *Councilmember Westmoreland moved to approve the Consent Agenda, with the minutes as amended during the Work Session. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The amendments to the minutes are as follows:

Councilmember Gricius corrected a statement she made on page 7 to say “Councilmember Gricius felt the sign being completely in the right-of-way would put it too close to the clear vision triangle” is stead of “Councilmember Gricius felt the sign being in the right-of-way would put it too close to the clear vision triangle.” A second correction was made on page 9 to the vote for the 2010 Water Agreement, correcting a “yes” and “no” vote by Councilmember Gricius to a “no” vote only.

Councilmember Curtis corrected his Council liaison report to say “Pony Express Special Events Committee” instead of “Special Events Department.”

SCHEDULED ITEMS

PUBLIC HEARING

11. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 101 Acres from Agriculture to Residential.

This item was presented by Planning Director Steve Mumford. This is an applicant-proposed rezone of approximately 101 acres from Agriculture to Residential. The project is located along Lake Mountain Road. It is comprised of lots one acre or larger and is known as the Eagle Mountain Benches. This project has been before the Planning Commission and the City Council several times since June, 2015.

The property is near Rural Residential, Mixed-Use Residential and Agriculture zoning. While rezone applicants can submit concept plans, they aren’t binding. Only the rezone is binding.

Approvals are based on compliance with the Future Land Use and Transportation Plan, compatibility with surrounding land uses and buffering of any incompatible uses. The regional trail planned within the powerline corridor that goes through the property needs to be retained. Land under the powerline corridor is considered unbuildable. Kern River Gas Transmission Company and Rocky Mountain Power restrict the uses of land under the corridor. Lake Mountain Road is considered a Rural Residential road and will need to be paved from Pony Express Parkway to the nearest paved section.

Mayor Pengra opened the public hearing at 7:24 p.m.

Marianne Smith felt the requested zoning may set a precedent protecting Lake Mountain Road from developers who want to build smaller lots. She felt the trees that would be planted on one-acre lots would attract birds and other wildlife and the lot size would encourage cottage industries. There are many City residents who would like larger lots so they can stay in Eagle Mountain.

Carl Wetzel bought five acres twenty years ago, but has been unable to use his land because he has no access to it. He supported the rezone application. One acre is more manageable than five acres and provides better fire protection. He said the City or County plowed a fire break through his land without permission or even contacting him. He felt the rezone would provide better access and tax revenue. He said a few people shouldn’t have control over the whole area.

Mayor Pengra asked him about the fire break. Mr. Wetzel said his corner post was knocked down. He didn't have a complaint about protecting the homes, but the way it was done showed no respect.

Ilene Wetzel supported the rezone and one-acre lots. She felt it is a win-win situation. It's just a matter of time before development comes in. The Scotts want to build energy-efficient homes. She asked if the existing homeowners have buffers that comply with City regulations.

Steven Scott spoke in behalf of Doug Sutton, who was unable to attend the meeting. Lake Mountain Road was annexed to the City twenty years ago. It should have been kept agricultural at that time. The two times this project was brought before the City Council, it was rejected. To accommodate the objections, the commercial property was removed and fire hydrants have been added. Lot sizes have been adjusted and driveways no longer open onto Lake Mountain Road. Mr. Sutton believed the applicants have invested a lot into complying with the requested changes. The project doesn't infringe on the rights of any property owner.

Evan Sigler has lived in City Center for seven years. His family has outgrown their home and would like to buy a one-acre lot in the proposed development. If this project isn't approved, his family may have to move to another city.

Mike Kieffer, a resident of Lake Mountain Road, compared buying his lot to buying an "as-is" car. He reminded the Council they're only voting on the rezone. No other promise is binding. He opposed the rezone.

Jody Hooley, a resident of Lake Mountain Road, disagreed with Mr. Sutton's comment that Lake Mountain Road should have been protected twenty years ago. When the road was annexed into the City, property owners didn't have a choice. She said there would be no guarantee the five-acre lots that have no access would be guaranteed access. She noted, in response to those who say they'll have to move out if the project isn't developed, there are other one-acre developments in the City.

Greg Jepson opposed the rezone. He and his wife bought 5+ acres of land to have room to farm or whatever they desired. The advantage of a five-acre parcel is a greenbelt reduction in taxes. Those who bought lots along the road knew what they were buying. One-acre lots will change the feel of the neighborhood and increase traffic and pollution.

Kim O'Donnell said he and his wife operate the Friends-In-Need animal shelter on Lake Mountain Road. He stated the proposed project would tear up the mountain. He felt the applicants didn't consider the existing residents.

Melinda Martin, a resident of Lake Mountain Road, said if the rezone is allowed, she'll have to move because of her daughter's asthma. The buyers will have to heat with propane and fireplaces, which will put more smoke in the air. Traffic pollution will increase, as well.

Karen Scott, one of the applicants, said the gas company told them they'll be able to install a natural gas line large enough for everyone on Lake Mountain Road. Cedar Corners development will be located .3 miles from the proposed rezone. The developers of that project have also talked to the gas company. Cedar Corners will build 600+ homes. Another development will be located .4 miles from their development. Eagle Point is also near their project. The Smiths' project is nearby and SITLA is in the process of selling their land to developers, as well. The Scotts' project will preserve their land from small-lot development. She's grateful for the new City Council

members who are listening to the facts. She also said her property plan includes an equestrian trail. An Agriculture lot between their property and the existing properties has been created.

Drew Curley said a master development agreement was approved in 2013 developing the North Ranch area and was similar to this project. It was approved for almost 200 units, averaging one acre per lot and was rezoned from Agriculture. The development has plenty of lots available. Those who say they want the opportunity to buy one-acre lots in the City have that opportunity.

Jeff Scott, one of the applicants, said BLM land completely surrounds his property and the whole City. The large subdivision next to Bobby Wren Blvd. is about to be constructed. The gas company told the Scotts they can tie their project into the gas line. Mr. Scott stated they have already agreed with the City to have a minimum one-acre lot size. He said they are allowed to build next to the powerline corridor. It's been done all over the City. The gas company told them fences can be built in the powerline corridor as long as gas company representatives are onsite while the fences are being built. He said residents of City Center want to stay there and there are no one-acre lots in City Center. Mr. Scott said Glenn Smith told there are 29,000 people living in Eagle Mountain. Five families live in the City but don't want the City.

Lance Morris, a resident of Lake Mountain Road, supported the rezone. Fire hydrants will benefit residents along the road. He felt the road will be safer if it's improved. The developments that have already been approved are higher density and he doesn't want them. In regard to the asthma, he moved here to get away from polluted air. The new homes won't create pollution because they are designed to run on solar power.

Mayor Pengra closed the public hearing at 8:04 p.m.

Councilmember Curtis asked how much it will cost to finish the paving of Lake Mountain Road. He said it will cost close to \$1M, including fire hydrants, natural gas and paving. The road will be 26' wide, with a 6" base and 3" of asphalt.

Mr. Trusty stated the City requires 9" of improved subbase. He felt what Mr. Scott proposed was adequate. Mr. Trusty said the City's estimate for road construction is about \$350,000 for 9" subbase, 6" base and asphalt.

Mrs. Smith pointed out the City won't be paying for the road. Mayor Pengra said that was understood.

Councilmember Gricius asked if the City allows new lots to be built in the powerline corridor. Mr. Mumford said the Municipal Code prohibits building under the powerline. Although it may not be called out in the Code, the City's practice has not allowed lots to extend partially into the corridor.

Councilmember Bradley asked why the staff report described this as a new application, since it's been before the Council already. Mr. Mumford responded that the Code considers an application new as long as the application fee is paid each time it is submitted.

Councilmember Bradley didn't see this application as fulfilling the requests that have been made by the Council. He didn't think this is the time for this area to be divided into one-acre lots. He also objected to any lots being approved even partially under the powerline corridor. He doesn't even like parks in those locations.

Councilmember Gricius felt the timing was wrong for this proposal. She didn't feel that one-acre lots preserve the land. The Municipal Code includes "right to farm" regulations. She would like to see a plan for conserving the area.

Mr. Mumford read Section 17.25.100, which says "no construction may occur in areas that have slopes in excess of 25%, land restricted by powerlines . . ."

Councilmember Reaves stated the concept plan the Scotts submitted isn't binding in the rezone. The 300-foot-wide powerline corridor affects thirteen homes in the project. There's a powerline corridor going through SilverLake that gives off a lot of energy. He didn't think it was a good idea for the powerline to go through the back of the lots in the proposed project.

Mr. Mumford said the powerline running through SilverLake is a lower voltage than the one along Lake Mountain Road, but still very high voltage.

MOTION: *Councilmember Gricius moved to deny an ordinance rezoning approximately 101 acres from Agriculture to Residential. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

PUBLIC HEARING

12. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting an Impact Fee Enactment for a Park Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

This item was presented by City Engineer Chris Trusty. The Park Impact Fee Enactment adopts the Impact Fee Facilities Plan (IFFP) and the Impact Fee Analysis (IFA) and implements the recommended impact fees by ordinance. Once adopted, State law requires a 90-day waiting period before the revised impact fees can be assessed to new building permits. The IFA recommends the maximum reasonable impact fee that could be charged to new development based on provisions in the State Code. A detailed discussion of this item is found on page 5 of these minutes.

Councilmember Curtis wanted to know why the fee is being increased. Ms. Hamilton said the City has improved its level of service. Higher fees are required to maintain the level of service.

Mr. Pili explained that the level of service regulation of park impact fees is designed to limit what cities can charge. It protects residents from excessive fees and requires cities to improve the level of service before impact fees are raised.

Mayor Pengra opened the public hearing at 8:42 p.m.

Bob Jones has built homes in the City since 1998. He said his fees are already 14% of his costs, outside of the cost of the land, which believes is excessive. Because Eagle Mountain has many unfinished parks, he wonders what the fees are being spent on. He sees completed parks with nicer facilities in nearby cities.

Deann Huish of the Utah Valley Homebuilders Association (UVHBA) appreciated Councilmembers Bradley's and Curtis' questions about how impact fees work. Builders pass the fees on to the residents. She said larger lots limit the number of families who can build in Eagle Mountain.

Mayor Pengra closed the public hearing at 9:00 p.m.

Mayor Pengra said Eagle Mountain's name has value, or brand equity. The question is what is a reasonable standard for the City? The expectation now is higher than it used to be, but not what it will be when there are 50,000 residents. Right now, completed trails and parks are a reasonable expectation.

Councilmember Bradley discussed lightening the burden on builders who have projects in process.

Mr. Pili pointed out the City only collects \$382,000 for each 1000 homes that are built. That does not cover the costs of a finished regional park. However, because of the amount of the proposed increase, he suggested not making the fee effective until July 1, 2016, which is the beginning of the new fiscal year.

Councilmember Curtis asked what it will cost to finish Cory Wride Park. Mr. Pili responded that the City is waiting for additional design work to be completed. So far, the City has spent \$20M in grant funds on the park. The City applies for grants to finish the park projects, because impact fees don't begin to pay for them.

Councilmember Gricius asked what parks need significant improvements. Mr. Pili said Pony Express, Smith Ranch and Cory Wride Parks qualify for improvements funded through impact fees.

Discussion ensued on park improvements and how they are paid for.

MOTION: *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, enacting an impact fee enactment for a park impact fee of \$1,158.00 effective July 1, 2016; amending section 4.1 to reflect that amount; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same and other related matters. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

PUBLIC HEARING

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 17 of the Eagle Mountain Municipal Code.

This item was presented by Planning Director Steve Mumford. The proposed ordinance clarified the approval criteria for rezoning in Chapter 17.90 Rezoning of Property, and restricted rezone applications from being accepted within one (1) year of a failed rezone attempt, unless the application shows significant changes. Other amendments included changes to Chapter 17.10 Definitions, and setback requirements in Chapter 17.25 Residential Zone.

The Planning Commission recommended approval of the changes, except for Section 17.90.070 Conditions of Approval. They felt it might allow a future Planning Commission or City Council to overreach its authority.

Councilmember Curtis believed having optional conditions of approval fits the City's flexible zoning style. Mr. Mumford agreed, although it does make it slightly more possible to make bad zoning decisions. Many other cities have very strict zoning standards. That's not really suitable for the amount of open space in Eagle Mountain.

Councilmember Gricius preferred to leave Section 17.90.070 in the Code as presented. Councilmembers Bradley, Reaves and Westmoreland agreed.

Mayor Pengra opened the public hearing at 9:28 p.m.

Greg Jepson didn't think a rezone application would normally change enough to need a rehearing in less time than a year.

Mayor Pengra closed the public hearing at 9:29 p.m.

Councilmember Westmoreland asked for clarification of the wording to show that outdoor cooking facilities were not going to be included in the kitchen restrictions.

Councilmember Westmoreland wanted to be sure that these Code amendments won't be enforced retroactively, as on the Scotts' application. Mayor Pengra said the ordinance will be effective tomorrow. The Scotts don't have a pending application. This amendment doesn't preclude two Councilmembers from placing an application on the agenda. It does protect applicants and the City from going through the time and expense of reviewing an application repeatedly in a short time period.

MOTION: *Councilmember Gricius moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 17 of the Eagle Mountain Municipal Code, including Section 17.90.070, and clarifying the definition of "kitchen" to exclude outdoor facilities. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 8.05 and Chapter 10.10 of the Eagle Mountain Municipal Code.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amended Chapter 8.05 Solid Waste Management of the Municipal Code adding a definition for illegal dumping, clarifying prohibited acts and adopting fines for Code Enforcement. Chapter 10.10 was amended to clarify winter parking restrictions and restrictions for parking on streets for an extended period of time.

Mr. Mumford said the Utah State Code enacts a minimum fine of \$100 for a littering or pollution first offense, and \$200 for a highway littering first offense. Lehi charges \$750 - \$1000. American Fork and Pleasant Grove charge not more than \$750. Saratoga Springs has a general code violation fine of \$100 for the first offense. He suggested Eagle Mountain's fines should range from \$100 - \$750.

Mr. Mumford stated the violator is also responsible for cleaning up or paying the cost of cleanup.

Councilmembers discussed what an appropriate first fine should be. Councilmember Gricius suggested \$200, \$400 and \$600 for the first three violations after an initial written warning.

Bob Jones said furniture is thrown into his construction dumpsters every week, costing him thousands of dollars in disposal costs. Matthew Morrison pointed out if these offenses are misdemeanors, fines will be determined by a judge.

Mr. Cook stated these fines are being established as part of an administrative enforcement procedure for chronic violators.

The Council discussed various levels of fines. Mayor Pengra pointed out that specific fines will be set with the Consolidated Fee Schedule.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah amending Chapter 8.05 and Chapter 10.10 of the Eagle Mountain Municipal Code. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

15. AGREEMENT – Consideration of an Agreement between Eagle Mountain City and Utah Valley University (UVU) to Allow UVU to Use a Portion of the Business Incubator Program Space for the Purpose of Providing Educational Courses in the Community.

This item was presented by Economic Development Director Ikani Taumoepeau. The proposed agreement would allow UVU to use parts of the Business Incubator Development Program building, which the City leases from Star West Eagle Mountain Properties LLC, to provide educational courses within the community.

Councilmember Curtis asked how much it costs the City to allow UVU to use the space. Mr. Taumoepeau said the fees charged to the previous Incubator Program tenant began at \$1,200 and increased to \$2,100. The schools that provide classroom space to UVU don't charge them anything. They're willing to discuss paying for the space after seeing if the classes are successful after a year. In the meantime, having the classes is an advantage to the City.

MOTION: *Councilmember Reaves moved to approve an agreement between Eagle Mountain City and Utah Valley University (UVU) to allow UVU to use a portion of the Business Incubator Program space for the purpose of providing educational courses in the community. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

16. BID AWARD – Consideration and Award of Bid for the North Area Water Line Project.

This item was presented by City Engineer Chris Trusty. The proposed bid for a water line project would provide water from the Central Water Project (CWP) pipeline to the North Service Area. The line would create a more efficient water source for the existing residents as well for as new construction in the northern area of the City.

Councilmember Reaves asked if the existing agreement for the CWP pipeline refers to the water being provided or the pipeline. Mayor Pengra explained the water is provided by the Central

Water Project (CWP). The cities receiving the water are responsible to provide pipelines to get the water to the customers. CWP did provide some of the infrastructure, but the pipeline being proposed is entirely within Eagle Mountain.

MOTION: *Councilmember Curtis moved to award a bid for the North Service Area Water Line Project to Silver Spur Construction in the amount of \$1,692,975.00 and authorize the Mayor to sign the contract. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

17. BID AWARD – Consideration and Award of Bid to J&J Electric in conjunction with Musco Sports Lighting, for the Design and Installation of Lighting at the Cory Wride Memorial Park Quad Fields.

This item was presented by Economic Development Director Ikani Taumoepeau. The proposed bid is for the design and installation of lighting at the Cory Wride Memorial Park quad fields. A detailed discussion is found on page 4 of these minutes.

MOTION: *Councilmember Westmoreland moved to award a bid to J&J Electric, in conjunction with Musco Sports Lighting, for the design and installation of lighting at the Cory Wride Memorial Park quad fields in the amount of \$354,350.00 and authorize the Mayor to sign the contract. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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

The proposed resolution adopts Library fees for the use of electronic devices and fines for damage and replacement costs. It also reflects an increase in recycling fees and adopts fines for parking violations, illegal dumping and accumulation of construction debris on City streets.

Amendments discussed by the Council included corrections to the amounts of the fines for illegal dumping, and postponing the fee increase for the recycling program to the next meeting.

Councilmember Reaves asked if these fees are in addition to the fines discussed earlier. It was explained that the previous motion didn't specify the dollar amounts.

MOTION: *Councilmember Gricius moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule, excluding the fee increase for recycling, approving the rest as presented in the staff report, and amending the illegal dumping fines to a written notice for the first violation, \$200 for the second violation, \$400 for the third violation and \$600 for fourth and subsequent violations. Councilmember Reaves seconded the motion.*

Councilmember Curtis preferred not to leave out the recycling fee. Mayor Pengra explained that the program may not be accomplishing its objectives. City staff will analyze the program between now and the next meeting.

Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

The fines presented in the staff report, as approved by the Council are as follows:

LaunchPad

Fine – \$1.00 per day

Replacement Cost – \$130.00

Missing Orange Bumper – \$12.00

Damaged/Missing Box – \$10.00

Damaged/Missing USB – \$8.00

Damaged/Missing AC Adaptor – \$12.00

Cracked Screen or Broken/Unusable LaunchPad – Full Replacement Cost

Kindle Fire

Fine – \$1.00 per day

Replacement Cost – \$70.00

Missing Leather Case – \$15.00

Damaged/Missing Sleeve Bag – \$7.00

Damaged/Missing USB – \$8.00

Damaged/Missing Power Cord – \$12.00

Cracked Screen or Broken/Unusable Kindle – Full Replacement Cost

Either electronic device returned in book drop instead of in person – \$10.00 + any damages that may occur from other items being dropped onto LaunchPad or Kindle.

Parking

First violation a written notice, second violation \$25, third violation \$50. Vehicles and trailers will be towed at the owner's expense.

Solid Waste Management

Illegal Dumping/Solid Waste. First violation a written notice, second violation \$200, third violation \$400, fourth and subsequent violations \$600.

Accumulation of construction dirt, debris, mud, etc., on City streets. First violation a written notice, second violation \$50, third violation \$100 and stop work progress until fines are paid.

Blocking streets and/or sidewalks illegally. First violation a written notice, second violation \$25, third violation \$50.

19. MOTION – Consideration and Approval of Appointment of a City Councilmember as Mayor Pro Tempore.

This item was presented by Mayor Chris Pengra. The City Council appoints a Councilmember as Mayor Pro Tempore each year to act for the Mayor in the event of his absence.

MOTION: *Councilmember Curtis moved to approve the appointment of Councilmember Bradley as Mayor Pro Tempore for calendar year 2016. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby*

Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. 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 Curtis

No comment.

Councilmember Bradley

No comment.

Councilmember Reaves

Councilmember Reaves said a meeting of the Parks and Recreation Advisory Board is scheduled for tomorrow evening.

Councilmember Westmoreland

No comment.

Councilmember Gricius

No comment.

Mayor Pengra

No comment.

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

None.

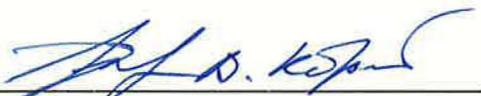
22. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

23. ADJOURNMENT

MOTION: ***Councilmember Curtis moved to adjourn the meeting at 10:16 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

APPROVED BY THE CITY COUNCIL ON MARCH 1, 2016.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 1, 2016

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: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director/Sr. Project Manager; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Jessica Alvarez, Human Resources Director; Chris Trusty, City Engineer; Jeff Weber, Facilities and Operations Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:03 p.m.

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

None.

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

11. AGREEMENT – Consideration of Addendum #2 to the Agreement between Eagle Mountain City and Ace Disposal, Inc. for Solid Waste Disposal and Recycling Services.

This item was discussed prior to item 10.

Assistant City Administrator/Finance Director Paul Jerome explained that Eagle Mountain's contract with Ace Disposal allows cost-based increases in the rates Ace charges the City. Ace's costs for providing recycling services have increased dramatically, so the company plans to raise the rate it charges the City.

Management Analyst Aaron Sanborn gave a presentation on the City's recycling program. It is a single-stream process, in which residents place all recycled materials in one container. The materials are separated at a recycling center. This method encourages participation because it's simple. There is controversy over whether recycling programs are economically or environmentally effective. The effectiveness tends to vary based on participation rates and the condition of the recycling commodities market. National data indicates there is some overall benefit.

Mayor Pengra asked what impact suspending the recycling program would have on the City's agreement with Ace. Mr. Markham said Ace could make various proposals. For instance,

recycling bins could be used as additional trash containers until the prices for recycled materials increase.

Councilmember Bradley asked what Ace or the City can do to educate residents about proper recycling. Mr. Markham suggested putting information on the City website and the local newspaper. The most effective method is to provide information to the schools. When children want to recycle, they influence their parents. Ms. Beagley said Ace has a brief video and written information they can provide to the City.

10. First Amendment to the Evans Ranch Master Development Agreement and Master Development Plan.

City Planner Tayler Jensen described the proposal, which includes the following:

1. Moving the school site to the east of the project and decreasing the size to 8.51 acres.
2. Moving the townhome pod to the west of the project and decreasing the size to 12.42 acres.
3. Decreasing the number of townhomes from 166 units to 149 units.
4. Adding 30 single-family cottage lots to the west side of the project between Porter's Crossing Parkway and the townhomes.
5. Amending Exhibit 3 of the Master Development Agreement to provide setbacks for the cottage homes.
6. Amending Exhibit 4 of the Master Development Agreement to show a more detailed park plan. The developer plans to provide more improved open space than is required by City standards, as well as placing community improvement funds in escrow for park improvements.
7. Amending Exhibit 5 of the Master Development Agreement regarding fencing, which removes the requirement for 6' privacy fences for properties that back onto internal open space, and includes a provision to install a 6' privacy fence between the cottage lots and Porter's Crossing Parkway. The developer has agreed to provide the 6' privacy fence for all previously approved phases in accordance with the fencing exhibit approved at the time. If the homeowners do not want the fence, they can tear it down after the fact. Fencing required for open space shall be installed at the time that the public infrastructure and improvements are constructed.

Councilmember Gricius asked if the townhomes would be built before their surrounding open space improvements are installed. Mr. Mumford said improved open space is incorporated into the design and will be built along with the townhomes.

Councilmember Gricius asked if the City will reimburse the developer for the right-of-way on Golden Eagle Road. Mr. Cook responded that the City and the developer have negotiated responsibility and payment for road improvements with the help of the State Ombudsman's Office. The City will pay for the road improvements on the south end of Porter's Crossing Parkway. He wasn't sure what the time line would be.

Councilmember Westmoreland asked how drainage issues would be handled. City Engineer Chris Trusty explained the function of the detention pond and the alternatives for handling drainage as the property is developed. His preference would be to convert an unused well on the property into a deep-ground infiltration system, returning excess storm water to the ground water and re-stabilizing the ground water.

Councilmember Curtis asked how traffic congestion on Porter's Crossing Parkway could be relieved. Mr. Trusty said completing Golden Eagle Road would be the best choice. Eventually it will connect to Woodhaven Blvd. and create another exit to Pony Express Parkway. Mr. Mumford stated the City has received development applications for land all along Golden Eagle Road. Golden Eagle Road could be completed to Woodhaven Blvd. in a couple of years if the development process goes quickly.

Councilmember Curtis asked about improvements in the open space. Mr. Jensen answered that trees will be planted and benches will be installed. Other than that, it will be native vegetation. Mr. Mumford said none of the land in Tickville Wash is included in the required open space.

Councilmember Bradley asked how snow plowing would be managed in the cottage homes. Nate Shipp, the developer, said the townhomes have been designed with space for snow storage at the end of each shared driveway. He built a similar townhome development in Bluffdale, which has been successful in snow removal and management.

Councilmember Bradley discussed traffic. He wanted to be sure Porter's Crossing Parkway will be adequate to handle the increased school and residential traffic.

Mr. Mumford said some of the existing intersections in the area are at an "F" service level, meaning motorists have to wait longer than a minute to get through the intersection. The traffic study made three recommendations that Mr. Mumford felt should be implemented: a traffic signal at Pony Express and Porter's Crossing Parkways, adding a right turn lane from Porter's Crossing Parkway onto Pony Express Parkway, and extending the left turn lane from Pony Express Parkway to Porter's Crossing Parkway. These changes would raise the service level to "C." He questioned the usefulness of the other recommendation, removing the four-way stop at Smith Ranch Road and Porter's Crossing Parkway.

Mr. Shipp said he received a call from Rob Smith of Alpine School District to discuss the purchase of the school site. Mr. Smith asked if Mr. Shipp would be willing to move the school site to the east and reduce its size. The new location will reduce traffic, as it will be within walking distance for more students. Alpine District is changing its school planning from single-story schools on 12 acres to two-story schools on 8.5 acres. That will also change the traffic requirements. The reduction in the number of townhomes, replaced by single-family homes, affected the traffic projections, as well. As a result, Porter's Crossing Parkway will be between 10.5 and 14 feet wider.

Mayor Pengra noted that a minor collector road will be built from Golden Eagle Road to the SilverLake subdivision, which will relieve traffic on Pony Express Parkway.

Councilmember Reaves felt the success of Evans Ranch depended on the developments to the south and east. He asked if Mr. Shipp has written road agreements with those developers. Mr. Shipp said he did not, however, the \$800,000 upgrade he plans on making to Porter's Crossing Parkway will make all the developments in the area more feasible and will enhance the area. At peak traffic times, only 75 more cars will be traveling on the road.

Councilmember Bradley asked what fencing requirements were changed. Mr. Jensen said 6' vinyl fencing was originally required behind all home lots adjacent to open space. Some homebuyers in a previous phase preferred not to have the fences. The amendment makes those fences optional, but requires consistent design along fences that are installed.

12. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule for Recycling Fees.

The Council will approve the increased recycling fee if Addendum #2 to the Ace Disposal agreement is approved in Policy Session.

13. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the First Amendment to the Valley View Master Development Agreement.

Mr. Cook said the issue leading to the amendment was the requirement that a park be built at the 150th building permit. Because two property owners are building in the master development area, clarification was needed as to who is responsible to pay for park improvements. The City has collected a park fee on each lot in the project. The City and the developers have agreed a smaller park with better amenities will serve the residents better than the original plan. The City will own and maintain the park because there will be no active homeowners' association. It would be difficult to have an active homeowners' association when its only function would be to maintain the park. The remaining park land will be deeded back to one of the developers. In return, the developer will contribute an additional \$158,000 for park improvements.

Councilmember Gricius asked who will be responsible for completing Hummer Drive. Mr. Mumford said the City and the National Guard will work together to complete it.

14. MOTION- Consideration of a Site Plan for a Holiday Oil Convenience Store, Gas Station and Car Wash.

Economic Development Director Ikani Taumoepeau presented this item, which will be the first gas station, convenience store and cash wash in City Center. No specifications were submitted with the design, but City staff feel they can work through the issues as they go through the approval process. The developers are anxious to move ahead, as this approval is required before the property purchase from John Walden can be finalized.

Councilmember Bradley asked how many pumps the gas station will have. Mr. Taumoepeau said there will be ten pumps.

Councilmember Curtis asked why parking will be located in the back. Mr. Taumoepeau said the design is similar to the Holiday Oil station in The Ranches. The same owners will operate the new station.

Councilmember Westmoreland asked if landscaping was going to be sacrificed for construction of the trail. Mr. Taumoepeau said some trees may be sacrificed.

15. MOTION – Consideration of a Site Plan Fee Waiver for a Dental Office.

Mr. Taumoepeau explained that the dentists who are building this project have requested a waiver of the site plan fees. They may request a waiver of impact fees, as well. The project will be built in two phases; first the dental building, then a building for pediatric dentistry and orthodontic practices.

Mr. Taumoepeau felt the City should provide enough of an incentive to encourage the project, but not necessarily as much as has been requested. Any commercial construction in City Center will benefit Eagle Mountain by encouraging additional commercial development. Retailers considering building in City Center will perceive any commercial buildings as reducing the risk of locating there.

Mayor Pengra asked if waiving the fees will have a perceptible impact on the City's budget. Mr. Taumoepeau said it wouldn't.

Councilmember Gricius asked if this will set a precedent of waiving fees for the first of every kind of business in City Center. Mayor Pengra said this doesn't set a precedent. However, the Council could amend the Municipal Code to specify a level of waivers. Mayor Pengra suggested discussing that during Policy Session.

Councilmember Curtis asked if site plan fees have been waived in the past. Mr. Pili said the City waived fees for the two dental offices in The Ranches. The ordinance allowing a waiver for the first business of each kind in the City has since been repealed. However, the Council can choose to waive fees. There are also other incentives the City can offer.

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.

No Closed Executive Session was held.

Mayor Pengra adjourned the meeting at 6:16 p.m.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; David Mortensen, City Treasurer; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:09 p.m.

5. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1250 presented a flag ceremony.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Traffic Alert** – The new traffic signal on Wride Highway at Mt. Airey Dr. is now operational.

- **Easter Egg Hunt** -- The annual Easter Egg Hunt will be held at Nolan Park on Saturday, March 26. Start time is 10:30 a.m. SHARP. Please be advised that this event is usually over in a few minutes. There are three age divisions: 3-5, 6-9, and 10-12. Admission is free. Bring your own basket. Parents are not allowed in the egg hunt area for safety reasons.
- **Run for the Fallen** – A 5K/10K/1 Mile Fun Run will be held at 8:45 a.m. on Saturday, March 19 in honor of Sgt. Cory Wride and other law enforcement officers killed in the line of duty. The starting point is at 4506 E. Pony Express Pkwy. Registration information is available on the City Facebook page.
- **Pony Express Days** – Pony Express Days will be held June 2-4. Registration information is now available for carnival vendor booths and parade entries. Visit emcity.org/ped.
- **Sports Registrations** – Registration is currently open for Youth Baseball, Youth Spring Soccer, Women’s Volleyball, and British Soccer Camp. Please visit the City website and click on the Recreation button, then Sports Programs.
- **Emergency Alerts and City Notifications** - The City is using a new notification system for alerts in the event of an emergency and also for City news, events, sports, public meetings, jobs, and other items of interest. Go to www.emcity.org/notifyme to register and select your preferred method of contact. Phone, text, and email options are available. You may also register for notifications from other participating cities in the County if you work in one of those cities or have relatives or other interest in what is happening there. This system allows the Utah Valley Dispatch to have access to our database of contacts in the event of a large-scale emergency or if cell/internet access is down in our area.

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

Sonny Clark said he’s lived in Eagle Mountain since 2000. He objected to the City’s restriction against the security lights on his house. He felt the Mayor personally decided to reject his lights without seeing them. Mayor Pengra said a building inspector showed him a picture of the lights Mr. Clark wanted to use. He spoke with Mr. Clark yesterday and reviewed diagrams with him about what lights are allowed by the ordinance. His lights weren’t in compliance. Mayor Pengra offered to come to his house and look at his security lights and help him find some that will comply with the ordinance.

Councilmember Bradley said he realized the dark sky ordinance may create some frustration and potential burdens, but it was enacted to protect the residents’ view of the sky at night.

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

Councilmember Curtis

Councilmember Curtis welcomed everyone and thanked the Boy Scouts for the flag ceremony. He complimented the Library staff for how helpful pleasant they are to the Library patrons. He announced that on March 19 at 10:00 a.m., the Pony Express Rodeo Queen competition will be held. He invited the youth in the audience to participate in the Youth City Council.

Councilmember Bradley

Councilmember Bradley welcomed everyone and thanked the Scout leaders for bringing their troop to the meeting. He said the soccer registration process is online at the City website and is working well. He had some problems at first, but he called tech support and they fixed the

problems right away. He was excited about the notification system. He thanked his wife for supporting him in being a City Councilmember, especially since it was her birthday.

Councilmember Reaves

Councilmember Reaves thanked everyone for attending the meeting and thanked the Boy Scouts for the flag ceremony. He appreciated the phone calls, texts and emails residents send him about their concerns. He enjoyed the opportunity to serve.

Councilmember Westmoreland

Councilmember Westmoreland appreciated the attendance at the meeting and the emails he receives from residents.

Councilmember Gricius

Councilmember Gricius welcomed everyone to the meeting. She echoed the comments of the other Councilmembers.

Mayor Pengra

Mayor Pengra said there's no greater job than public service and congratulated the Scouts on the flag ceremony.

CONSENT AGENDA

9. MINUTES

A. February 16, 2016 – Regular City Council Meeting

MOTION: *Councilmember Curtis moved to approve the Consent Agenda. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

10. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Approving the First Amendment to the Evans Ranch Master Development Agreement and Master Development Plan.

This item was presented by Planning Director Steve Mumford. Mr. Mumford recapped the presentation made during Work Session. A detailed discussion was held during Work Session, which is reported in pages 2 to 3 of these minutes.

Mayor Pengra opened the public hearing at 7:43 p.m.

Amy Plott felt the project would add too many people to the neighborhood to allow safe exit in case of an emergency. When the Dump Fire threatened the neighborhood several years ago, it was difficult to evacuate the residents. She wondered if the school site was considered part of the improved open space; if it was, she didn't think there would be enough parks to serve the new residents. She suggested that a retirement community would be a better option than a townhome project.

Donald Plott said the developer has done a great job trying to accommodate everyone's concerns. He said the map doesn't show any road access planned for the cottage homes. He didn't see any fencing planned for the park, which will be adjacent to the gulch. In regard to compliance with the dark sky ordinance, the church in his neighborhood has parking lot lights on all night long. He wondered if churches were exempt from the ordinance or if the lights should be off.

Mayor Pengra said there will be a split-rail fence around the park to protect people from the drop to the gulch.

Melissa Clark said this was a solid plan, but she was concerned about traffic and safety. She lives in Freemont Springs, across from the new development. Large vehicles have gotten stuck turning onto Porter's Crossing Parkway. The turns need to accommodate large vehicles. She said the street is already very congested with parents taking children to and from school, without the additional traffic.

Mayor Pengra noted that the Fire Marshal reviewed the street design and will review the street design of each additional project to ensure the Fire Department can maneuver vehicles through the subdivision.

Sharon Curran mentioned that the intersection of Smith Ranch Road and Porter's Crossing Parkway doesn't have a crosswalk. She would like one added because her son was hit by a car there last year. She would like the unpaved section of Golden Eagle Road completed to control traffic and drainage. The intersection of Porter's Crossing Parkway and Golden Eagle Road is dangerous for pedestrians.

Rod Hess said three of the other elementary schools are on twelve-acre lots. He wondered if the school district is OK with the 8.5 acre site. He recommended the City not require islands in bulb-outs because they create a hazard.

Jennifer Barclay thanked the Councilmembers for their responses to the email she sent earlier today and the visit Councilmember Westmoreland made to her neighborhood. She was concerned about the traffic and drainage issues in the area. She felt the development should be considered more carefully before it is approved.

Kory Kehl said the medians in the bulb-outs prevent the streets from being plowed effectively.

Mayor Pengra closed the public hearing at 8:03 p.m.

Councilmember Westmoreland said the City should be able to take care of some of the safety issues, such as crosswalks and stop signs. He would like to have a drainage plan for Porter's Crossing Parkway before going further into the development process.

Mayor Pengra asked Mr. Trusty approximately how much drainage solutions would cost. Mr. Trusty said storm water could be injected into the unused well east of the detention pond for about \$10,000. Drainage to Tickville Wash would cost about \$30,000. The deep-well injection process is being encouraged by new Federal standards.

Mr. Cook clarified that the developer is only responsible for water coming off of his property. He already has water draining onto his property from another property. However, the developer can

be required to upsize piping if needed to cure the problem, as long as the City provides reimbursement for the increased cost.

Mayor Pengra asked Mr. Trusty and Mr. Mumford what their biggest traffic concerns will be at full build-out of the project. Mr. Mumford said there were four intersections that are expected to be at service level "F." With the recommended mitigation efforts, the service level would be "C," except for Clark Street, which could be brought up to level "A."

Mr. Trusty recommended applying the three mitigation recommendations. He would like to go back to Hales Engineering to reevaluate the traffic study in regard to Smith Ranch Road.

Mayor Pengra pointed out that the project amendment only increases the original permitted density by seven residential units. That creates only a marginal traffic impact.

Councilmember Reaves said three developments converge in this area. All of them have traffic studies that recommend a traffic signal at Porter's Crossing and Pony Express Parkways. He asked why the developers aren't talking to each other to solve the problem. Mayor Pengra said the developers are not required to identify the City's transportation infrastructure. They are required to provide traffic studies and pay impact fees. The City builds the required infrastructure.

Councilmember Gricius said she couldn't support the City using impact fees to reimburse the developer for the right-of-way. She didn't think the fees should be used for the purchase of land.

Mayor Pengra pointed out the developer is paying about \$1.1M for upsizing Golden Eagle Road, beyond what is needed by his development.

Mr. Shipp stated he wasn't required to preserve 106' of right-of-way. As a responsible developer, he is willing to allow the City to buy the right-of-way using the funds generated from the houses he builds.

Mr. Cook pointed out that this is not a precedent. The Council recently approved paying for a right-of-way along Ranches Parkway Extension. Other cities commonly use impact fees to pay for land. He reiterated that the City and Mr. Shipp have gone through mediation with the State Ombudsman's Office and have come up with the best possible agreement. Mr. Shipp has given more than he is required to under the law.

MOTION: *Councilmember Reaves moved to adopt an Ordinance of Eagle Mountain City, Utah, approving the first amendment to the Evans Ranch Master Development Agreement and Master Development Plan, including an impact fee reimbursement agreement. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. Those voting no: Stephanie Gricius. The motion passed with a vote of 4:1.*

Mayor Pengra thanked Mr. Shipp for his efforts to work with the City on resolving the issues with this project. He assured the residents that City staff will continue to address their concerns.

11. AGREEMENT – Consideration of Addendum #2 to the Agreement between Eagle Mountain City and Ace Disposal, Inc. for Solid Waste Disposal and Recycling Services.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. Because of an increase in the cost associated with recycling, it is necessary for Ace Disposal to adjust the cost that the City will pay for recycling services within the City. Ace Disposal proposed raising the recycling rate to \$4.53 per can. City staff proposed raising the rate charged to residents to \$5.00 per can. The extra \$.47 will cover the City's cost for billing and administration as well as contractual cost increases tied to the Consumer Price Index. The agreement with Ace has already been amended once to change from the North Pointe landfill to the IRL landfill, which decreased costs considerably. The City will use the savings for cleanup projects, open space maintenance and other projects that will facilitate solid waste management.

MOTION: *Councilmember Bradley moved to approve addendum #2 to the agreement between Eagle Mountain City and Ace Disposal, Inc. for solid waste disposal and recycling services. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

12. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule for Recycling Fees.

The proposed resolution implements the increase in the fee for recycling services provided by Ace Disposal, Inc., which was approved by the City Council.

MOTION: *Councilmember Bradley moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Consolidated Fee Schedule for recycling fees. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

13. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the First Amendment for the Valley View Master Development Agreement.

This item was discussed last.

This item was presented by City Attorney Jeremy Cook. The Valley View Master Development Agreement requires that the developers of the project complete a public park prior to issuance of the 150th building permit for the project. The City has determined that a smaller park with better amenities would be more beneficial to residents, and has therefore agreed to convey property for two additional lots adjacent to the park to Edge Land Investments, in exchange for which the company will pay an additional \$158,000 towards additional park amenities.

Councilmember Gricius noted that she lives in Valley View. She wanted to know if she was allowed to vote on this item. Mayor Pengra said she was.

Mr. Mumford said Edge Homes has taken the lead on designing this park. They have met multiple times with residents to get their feedback and kept in contact with City staff, as well. The park will be much better quality than was envisioned by the original development agreement.

Councilmember Bradley felt that a detention or retention pond should never be counted towards a development's park requirements. Mayor Pengra said the City is moving away from allowing that.

Mayor Pengra noted that Edge Homes has taken a plan that predated their involvement with the City and has willingly met with the residents and found solutions to their concerns.

MOTION: *Councilmember Gricius moved to adopt a Resolution of Eagle Mountain City, Utah, approving the first amendment for the Valley View Master Development Agreement. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

14. MOTION – Consideration of a Site Plan for a Holiday Oil Convenience Store, Gas Station and Car Wash.

This item was discussed before item 13.

This item was presented by Planning Director Steve Mumford. This site plan application is for a Holiday Oil convenience store, gas station and car wash that will be located on the southwest corner of the intersection of Eagle Mountain Boulevard and Pony Express Parkway. The project is owned by the same company that owns the Holiday Oil gas station in The Ranches. The site is already zoned Commercial.

The walking trail will be re-routed around the site. The owner will provide a right-of-way to the City between the road and the edge of the parking lot. City staff is working with the owners to increase the landscaping and move it back to accommodate possible future widening of the road.

Councilmember Westmoreland asked if the project has curb-and-gutter along the edge of the road. Mr. Trusty said it's not in the plan for Pony Express Parkway, but it is for Eagle Mountain Blvd. He said construction is expected to begin in early spring.

Mayor Pengra asked if swales had been considered for managing storm water. Mr. Trusty said that was certainly an option.

MOTION: *Councilmember Gricius moved to approve a site plan for a Holiday Oil convenience store, gas station and car wash, with the condition that the applicant and staff work together to make sure the right-of-way is deep enough to continue to have the landscaping and the trail right-of-way. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Councilmember Reaves asked when the gas station will be in operation. Mr. Taumoepeau said the owners hope to have it open for business by early summer.

15. MOTION – Consideration of a Site Plan Fee Waiver for a Dental Office.

This item was presented by Economic Development Director Ikani Taumoepeau. Dr. Joel Featherstone has requested that the site plan fees be waived for Pony Express Dental, which will be located in Eagle Mountain City Center.

Councilmember Curtis felt waiving fees would set a bad precedent. He didn't like choosing who would or would not pay fees, especially if the fees were intended to cover the City's costs for reviewing the project.

Councilmember Reaves believed it was all right to provide concessions, but he wanted the company to choose what they would request. He didn't want them coming back for an impact fee waiver after they've received a site plan fee waiver.

Mr. Cook was more comfortable, from a legal standpoint, with waiving impact fees rather than other fees.

Mayor Pengra said he would like to see the applicants show they're serious about their project by paying the first fee.

MOTION: *Councilmember Curtis moved to deny a site plan fee waiver for Pony Express Dental. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, and Tom Westmoreland. Those voting no: Benjamin Reaves. The motion passed with a vote of 4:1.*

The Council invited Mr. Taumoepeau to tell the applicants the City wants to work with them and would be willing to consider waiving some impact fees.

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

Councilmember Curtis

No comment.

Councilmember Bradley

Councilmember Bradley thanked everyone who stayed until the end of the meeting. He invited them to contact the Councilmembers for answers to any additional questions they may have.

Councilmember Reaves

Councilmember Reaves echoed Councilmember Bradley's comments.

Councilmember Westmoreland

No comment.

Councilmember Gricius

No comment.

Mayor Pengra

Mayor Pengra wanted the Council to know that City staff is working on several economic development projects, holding initial conversations with businesses. He appreciated those of the audience who stayed through the whole meeting.

17. 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.

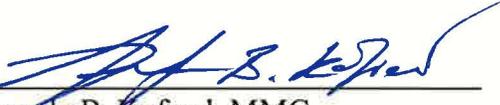
None.

18. COMMUNICATION ITEMS
A. Upcoming Agenda Items

19. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 9:51 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MARCH 15, 2016.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 15, 2016

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: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Management Analyst; Ikani Taumoepeau, Economic Development Director/Sr. Project Manager; Steve Mumford, Community Development Director; Linda Peterson, Public Information Director; Chris Trusty, City Engineer; Jeff Weber, Facilities and Operations Director; Brad Hickman, Parks and Recreation Director; Jason Hall, Youth Sports Director; Zac Hilton, Streets and Storm Drain Director; Mack Straw, Public Utilities Director; Ashleigh O’Conner, Public Works Office Assistant; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff’s Deputy.

Mayor Pengra called the meeting to order at 4:03 p.m.

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

A. Presentation – Your Utah, Your Future – Presented by Envision Utah

Ryan Beck of Envision Utah described a statewide visioning effort commissioned by Governor Herbert. He described two areas: housing/cost of living and transportation. By 2050, Utah County’s population is expected to grow by as many as 840,000 people, which is the highest projected growth in the state.

Mr. Beck described growth using a “centers” model. A center is a location where people have convenient access to daily amenities such as retail and other service providers. The “organized pattern of centers” model, in which cities work together as a region, uses less acreage than existing patterns of growth, which would reduce the State’s infrastructure costs.

Envision Utah surveyed 52,000 Utahns about their preferences for future growth where they live. Of those, 82% preferred mixed-housing communities with amenities within walking distance. 73% of Eagle Mountain respondents preferred that. The second most popular choice was single-family homes with slightly longer driving distances. One of the reasons cited was to allow as many people as possible to have decent, affordable housing.

Envision Utah has presented at City Council meetings in several cities, asking that the councils consider mixed-use centers in their land use planning. They would be happy to return and talk to the City’s planning staff.

Mayor Pengra asked how many Eagle Mountain residents took the survey. Mr. Beck said Eagle Mountain and Saratoga Springs added up to around 350, which was very good, since the survey was nearly half an hour long.

Councilmember Curtis asked how Envision Utah is funded. Mr. Beck said funding comes primarily from the Eccles Family Foundation, as well as the State's Point of the Mountain Project and paid consulting work on various private projects.

B. Presentation – Cory Wride Memorial Park, Phasing Plan – Presented by Langvardt Design Group

Mr. Pili stated the Langvardt Group has been very responsive to direction from the City Council and City staff on how the park should be developed.

Eric Langvardt of Langvardt Design Group presented the overall conceptual master plan. The design is based on the section of the Pony Express Trail that runs through the park. Phase 1A will be the enhancement and completion of the quad ball fields. Phase 1B will complement Phase 1A, creating a complete, usable park even if no further work was done. It should be a high-use area where most activity will go on, which will bring the community together. The area will span both sides of the Pony Express Trail.

He said the City required sustainability to be included in the master plan. The plan includes a detention basin which will percolate water into the ground. There might be a greenhouse to grow perennials for the park. The designers wanted to emphasize shade trees and structures, which are often lacking in Utah parks. The rest of the park will be primarily playing fields for team sports and activity space for families and individuals. Sustainability also means turf areas will be limited to reduce mowing and watering.

He described details such as sidewalk locations, restrooms, warm-up areas and parking. There will be basketball, tennis and pickleball courts. A couple of the basketball courts might be flooded in the winter for ice skating.

On the other side of the trail, the master plan shows a "festival field." It will include a 70' by 140' large pavilion to be used for City events. A detention pond would be added and later refined into a recreational water feature.

The park will include six adjacent park pods: a small turf play field, a climbing area, a central playground area, a splash pad, a history- and nature-themed area, and a skate park.

Councilmember Westmoreland asked how many parking stalls were planned. Mr. Langvardt said there would be around 350 stalls, as well as a road base overflow parking lot.

Councilmember Bradley suggested adding a zip line. He wanted unique amenities.

Councilmember Gricius asked if there will be a special needs play area. Mr. Langvardt said each play space would be ADA accessible. The majority of the play areas will be enclosed for safety and security. The skate park is located on the other side of the Pony Express Trail, away from smaller children.

Councilmember Bradley asked what is planned for the Pony Express Trail. Mr. Langvardt responded it would be left as a dirt trail with native landscaping alongside it. Trail crossings would be limited.

Councilmember Curtis asked what each phase will cost. Mr. Langvardt said preliminary estimates are \$1.5M for Phase 1A and \$7.5M for Phase 1B. The number of sports courts could be reduced to save money.

Councilmember Curtis was frustrated that the park plan was so expensive. Some of the residents were upset at spending \$7.5M, and this plan costs even more.

Mr. Pili said the design is broken into phases and sub-phases. Items can be chosen to scale down or scale up the construction. The park will still have a sense of completeness. Not all the funding will come from the City. Ivory Homes will contribute \$1.8M as reimbursements for City expenditures on the park over three years, as part of their development agreement with SITLA. Grants will provide additional funds.

Mayor Pengra described the cost savings the City can have for the park. Besides the \$1.8M and the grant funds, City staff can do the asphalt work in phases. The park can be built to an acceptable standard without constructing the entire plan.

Councilmember Westmoreland agreed with phasing the park. He felt having a master plan to guide the process is a benefit.

Mr. Pili pointed out the City wants to move ahead on the first phase of the park improvements during this construction season.

Councilmember Bradley felt completing Phase 1A would be feasible. Councilmember Gricius agreed. Councilmember Reaves supported the phased approach, reviewing the project after Phase 1A is completed.

Discussion ensued on construction and funding details of the park plan.

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

None.

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.

No Closed Executive Session was held.

Mayor Pengra adjourned the meeting at 5:32 p.m. so that he and the Councilmembers could attend a welcome home event for two soldiers returning from deployment.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Management Analyst; Ikani Taumoepeau, Economic Development Director/Sr. Project Manager; Steve Mumford, Community Development Director; Linda Peterson, Public Information Director; Chris Trusty, City Engineer; Jeff Weber, Facilities and Operations Director; Brad Hickman, Parks and Recreation Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:02 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Easter Egg Hunts** – The annual City Easter Egg Hunt will be held at Nolen Park on Saturday, March 26. Start time is 10:30 a.m. SHARP. Please be advised that this event is usually over in a few minutes. There are three age divisions: 3-5, 6-9, and 10-12. Admission is free. Bring your own basket. Parents are not allowed in the egg hunt area for safety reasons. An Adaptive Easter Egg Hunt for individuals with disabilities will be held on Saturday, March 19 at 11:00 a.m. at Frontier Middle School. This event has been organized by the West Utah County Family to Family Network. More information is available on the City Facebook page.
- **Run for the Fallen** – A 5K/10K/1 Mile Fun Run will be held at 8:45 a.m. on Saturday, March 19 in honor of Sgt. Cory Wride and other law enforcement officers killed in the line of duty. It starts at 4506 E. Pony Express Pkwy. Registration information is available at runsignup.com.
- **Pony Express Days** – Pony Express Days will be held from June 2-4. Registration information is now available for carnival vendor booths and parade entries. Visit emcity.org/ped.
- **20th Anniversary** – Eagle Mountain City is excited to celebrate its 20th anniversary this year. City staff is seeking historical photos, anecdotes, and testimonials from residents regarding what you love about living in Eagle Mountain. If you would like to contribute, please send an email to news@emcity.org with your submissions, including a statement of permission for the City's use.
- **Sen. Mike Lee Mobile Office** – U.S. Senator Mike Lee's staff will be available for the public to share concerns and comments and get help with Federal agencies on Friday, March 18 from 1:00 p.m. to 2:30 p.m. in the City Council Chambers.
- **Library Closure** – The Library will be closed on Monday, April 4th for inventory and maintenance.
- **Pony Express Rodeo Arena** – Upcoming events at the Pony Express Rodeo Arena can be found online at www.ponyexpressspecialevents.com. Events include the rodeo, demolition derby, and Endurocross.

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

None.

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

Councilmember Gricius

Councilmember Gricius thanked everyone attending the meeting. She invited the Boy Scouts to make public comments. She said there was no way to express her appreciation for the soldiers’ and their families’ sacrifices.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone and reminded them of the Republican and Democratic Parties’ upcoming caucuses. He said, with the warmer weather, it’s important to engage in outdoor activities respectfully and safely.

Councilmember Reaves

Councilmember Reaves welcomed everyone to the meeting, especially the young people. He told them it’s never too early to get involved with their government. He invited them to join the Youth City Council when they turn 14. He was grateful for the City staff and Fire Department that were involved in welcoming the soldiers home. The flag represents the nation and the Constitution, which are the reasons the soldiers are fighting. He appreciated the residents of Eagle Mountain, who rally to serve each other.

Councilmember Bradley

Councilmember Bradley welcomed those attending the meeting. He thanked the Military and Veterans Advisory Board, the Unified Fire Authority and the Sheriff’s Office for helping with the welcome home procession for the soldiers today. He spoke to one of the firemen, who was impressed with the residents who came out to greet the soldiers. He encouraged everyone to go to their political party caucuses.

Councilmember Curtis

Councilmember Curtis thanked everyone for attending the meeting, especially the Boy Scouts. He invited the youth 14 and older to be part of the Youth City Council. At next week’s meeting they’ll be making stick horses for the stick horse rodeo, an event for terminally ill children. They’re also looking for people to sponsor the stick horses. He thanked the firefighters, police officers, City staff, boards and committees and all those who make the City a great place. He welcomed the soldiers home and urged residents to attend their party caucuses.

Mayor Pengra

Mayor Pengra thanked everyone for being at the meeting.

9. APPOINTMENTS

- A. Parks and Recreation Advisory Board

- i. Melissa Clark
- ii. Cougar Hall

Mayor Pengra removed Mr. Hall's appointment from the agenda. He wanted to confirm Mr. Hall's interest in serving on the Board.

MOTION: *Councilmember Curtis moved to appoint Melissa Clark to the Parks and Recreation Advisory Board for a term of two years. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Ms. Clark.

Mayor Pengra thanked Ms. Clark for her willingness to serve. He expressed appreciation for all those who volunteer to help their neighbors.

CONSENT AGENDA

10. MINUTES

A. March 1, 2016 – Regular City Council Meeting

MOTION: *Councilmember Bradley moved to approve the Consent Agenda. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

11. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Oak Hollow Master Development Plan.

This item was presented by Community Development Director Steve Mumford. The proposed amendment to the Oak Hollow Master Development Plan, previously known as Evans Ranch North, would replace all of the townhome units with single family dwellings, reducing the total number of units. A park with trail systems will be developed. Access to Pony Express Parkway has been removed. Bridleway Road will be modified slightly. The project is located directly north of Evans Ranch and south of Pony Express Parkway. This item was only for discussion and will be presented for approval at a later date, along with the Master Development Agreement and preliminary plat.

The project requires 3.03 acres of improved open space and 303 amenity points. The applicant is allowed to buy down some park acreage. The park has been designed with 1.03 acres. The buy down will provide funds for additional amenities or amenities in nearby parks. 2.89 acres of unimproved open space will be provided adjacent to the wash.

The Planning Commission reviewed the project and recommended some conditions regarding lighting, traffic, the trail, slope stability and the park.

The applicant proposed placing a wrought iron fence around the park, rather than removing a building lot.

Mayor Pengra opened the public hearing at 7:32 p.m. As there were no comments, he closed the hearing.

Councilmember Curtis asked if Bridleway Road will connect between Oak Hollow and SilverLake. Mr. Mumford said it would.

Councilmember Curtis was concerned about the visibility of the park.

Councilmember Gricius felt removing one lot would not adequately improve visibility.

Councilmember Bradley disliked the entire park plan. He disapproved of the buy down. He felt the community will need a larger park in a more accessible location.

Mayor Pengra invited Dylan Young of Fieldstone Homes to speak to the Council.

Mr. Young said the park was discussed at the Planning Commission meeting. He suggested the wrought iron fence to Mr. Mumford to obviate the need for removing a lot.

Because the park won't be built with the first phase of the development, Mayor Pengra was concerned that new residents wouldn't be told they would not be allowed to install privacy fencing on lots adjacent to the park.

Mr. Young said the original plan included the full park requirements. Discussions with staff and the DRC led to using the option of buying down the park requirement. It was suggested that the park be removed entirely, but the developers felt the community should have an HOA park. He agreed that visibility could be a problem and was willing to do what it took to avoid the problem, whether an open fence or a redesign.

Mr. Mumford said the original size of the park similar. More of the improved open space had been located along the wash. Staff recommended removing the improved open space along the wash. The park design was discussed, with one option being to remove the park because the nearest City park is within walking distance of the project.

Councilmember Bradley wanted the improved open space requirement to be part of the park, rather than near the wash.

Councilmember Bradley asked Mr. Young whether he would be willing to remove three lots and provide the full improved acreage requirement. Mr. Young stated he would rather remove one lot, reconfigure the park and buy down the rest of the acreage. The buy down money would go towards additional park space, either in Evans Ranch or on adjacent City property.

Mayor Pengra said the open space requirement is designed to keep communities from feeling crowded together. He wanted to know whether a buy down would fit into the density allowed in the master development agreement.

Mr. Young pointed out that the Municipal Code allows a buy down and allows the City Council to require a buy down in some circumstances. He asked the Council to keep in mind that the developers have removed all the townhomes. The townhomes would have increased the density substantially. The lot sizes and setbacks meet all City codes.

Councilmember Bradley responded that the townhomes would have increased the open space requirement.

Mayor Pengra asked Mr. Mumford to look at the Municipal Code to see if an improved space buy down was required to be spent on City parks, or if it could be used for park space within the development.

Councilmember Westmoreland suggested a third access point to the park. He asked how wide the buffer between the homes and the wash would be. Mr. Mumford stated it would be 50 feet wide. Councilmember Westmoreland asked if a pedestrian bridge over the wash had been considered. Mr. Mumford said it had, but would be very expensive.

Councilmember Gricius pointed out the buffer on the map showed it extending into lot 49. Mr. Mumford responded if the buffer extended into a lot, it would have to be modified according to the geotechnical report. Mr. Young said it would be corrected.

Mr. Mumford read the park fee-in-lieu section of the Municipal Code, which stated a fee-in-lieu (buy down) must be used on a park which would be used by the future residents of the development. This gives the option to use the funds on a park within the development or adjacent to it.

Mayor Pengra asked Mr. Young why Fieldstone placed the park in the location it did.

Mr. Young said Fieldstone had originally planned building lots there. They moved the park there to put it near the center of the development and make it more usable for the entire community. They realized visibility would be an issue.

Councilmember Bradley described how the park could be increased to 1.6 acres by removing seven lots.

Mr. Young referred to the density that was approved with the townhomes. He reiterated that the developers are willing to provide the full acreage, but it was recommended that they reduce the acreage and contribute the buy down funds to the existing park.

Mr. Cook suggested it might be helpful to calculate the density of the project if seven lots were removed.

Councilmember Gricius said, at the minimum, the park needed to be opened up.

Because this was a discussion item, no vote was taken.

12. MOTION – Consideration of Glenmar Ranches, Preliminary Plat.

This item was presented by Planning Director Steve Mumford. The proposed Glenmar Ranches preliminary plat consists of eleven single-family lots located at the north end of Lake Mountain Road. The original plan comprised 12 lots. One lot was removed and the other lots made larger. This placed the project into base density, which does not require improved open space. Each lot will be large enough for homeowners to provide their own activity space.

Councilmember Gricius asked how much trail would be paved. Mr. Mumford said the trail should be paved from Pony Express Parkway through the entire length of the project. The developer must provide pedestrian access from Pony Express Parkway, as well as vehicle access.

Councilmember Gricius asked what plans are in place for the open space between the development and the road. Mr. Mumford responded the open space is SITLA property, which is in the process of being planned. Once the land planning is done, the paved trail might have to be moved.

Councilmember Gricius felt the trail improvement from Pony Express Parkway to the development shouldn't be required if it might have to be torn out.

Mr. Mumford said staff discussed this with SITLA recently. SITLA was willing to give the City an easement, but that wouldn't prevent the road from being reconfigured. Discussion ensued on the road alignment.

Marianne Smith, the applicant, discussed where a logical connection point might be made.

Mr. Cook pointed out that the City has approval authority over the configuration SITLA requests.

Councilmember Gricius asked what the time table would be for completing the adjacent developments. Mayor Pengra said SITLA has a concept plan in progress, but the actual timeline is unknown.

Councilmember Gricius believed it was enough that the Smiths pave Lake Mountain Road to Pony Express Parkway. She didn't see a need for a paved trail outside of their development, since it would likely have to be torn out. The trail would dead-end and wouldn't connect to another trail.

Councilmember Curtis asked if, once development takes place on SITLA's land, the Glenmar development would be required to connect to the sewer system. Mayor Pengra said, due to the nature of "leap-frog" development, residents would need to install not only sewer connections, but a lift station, as well.

City Engineer Chris Trusty said the lots have such large frontages that it's likely they would never be that close to a sewer line. He didn't know if the City has ever defined what 300 feet meant, whether it was to the closest point of the subdivision or some other measurement.

Mr. Mumford said the Municipal Code requires a note on the subdivision plat that homes must be connected once a sewer line is within 300 feet of the building.

MOTION: *Councilmember Gricius moved to approve the Glenmar Ranches preliminary plat, with the condition that the developer be required to pave the trail only for the length of the development, but pave the road all the way to Pony Express Parkway. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Those voting no: Colby Curtis. The motion passed with a vote of 4:1.*

13. MOTION – Consideration of Trailhead Townhomes, Amended Final Plat.

This item was presented by Planning Director Steve Mumford. The project was recorded in June 2008 but went through foreclosure and was never completed. The proposed amendment to the

Trailhead Townhomes plat would remove the pool and clubhouse requirement, but include other park requirements. Analysis of the 65 unit development showed that the projected homeowner's association fees for the clubhouse and pool would be extremely high. Some other changes to the approved plan have been made, as well.

Councilmember Curtis asked why driveways would be approved which are much shorter than the required 22 feet. Mr. Mumford responded that the shorter driveways meant more visitor parking would be required. On-street parking would be restricted to one side of the street.

Councilmember Bradley asked if the Code requires a certain number of parking stalls because of the shorter driveways. Mr. Mumford said the driveways didn't affect the parking, because short driveways aren't normally allowed. However, this development is in a unique situation because of the need to resolve the problems created by the failure of the previously approved development.

Councilmember Gricius asked how many parking stalls would be built with the development. Mr. Mumford said each unit needed two parking stalls, of which one had to be in an enclosed garage. One visitor parking space per every three units was also required. The plan being proposed meets the requirement.

MOTION: *Councilmember Bradley moved to approve the Trailhead Townhomes amended final plat. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

14. AGREEMENT – Consideration of an Agreement for Professional Services between Eagle Mountain City, Utah, and NetWize, Inc., for IT Services.

This item was presented by Economic Development Director/Sr. Project Manager Ikani Taumoepeau. IT support was provided to the City by Canon from 2009 to 2013, when it was purchased by NetWize. NetWize has provided IT support to Eagle Mountain City since then.

The City recently advertised a request for proposals, as the agreement with NetWize expired. Two responses were received and, upon evaluation of the proposals, staff recommended that the City continue to contract with NetWize for IT services.

The representative working with the City for IT services since 2009 is a Tier 3 Senior Systems Engineer. He's a valuable asset to the City, who understands the City's IT infrastructure and operations. While the NetWize bid wasn't the lowest, it doesn't raise the price the City is paying.

Councilmember Curtis asked what services NetWize provides. Mr. Taumoepeau said the agreement calls for 40 hours of service per month. The engineer is on-site Monday, Wednesday and Friday from 1:00 – 4:00 p.m. Outside of those hours, City employees can contact the help desk.

Councilmember Curtis asked if that's the most productive schedule, given that many employees are off on Mondays and Fridays.

Mayor Pengra pointed out that many of the technical functions provided by NetWize, such as servicing the system, are easier to accomplish when the office is less populated.

MOTION: *Councilmember Curtis moved to approve an agreement for professional services with NetWize, Inc., for IT services and authorize the Mayor to sign the agreement. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Gricius

No comment.

Councilmember Westmoreland

No comment.

Councilmember Reaves

No comment.

Councilmember Bradley

Councilmember Bradley said the Economic Development Board will most likely meet on Thursday. They haven't set up the meeting yet, but that's the usual meeting date.

Councilmember Curtis

No comment.

Mayor Pengra

Mayor Pengra reopened a discussion of the funding for the improvements to Wride Park. \$5M includes the completion of the roads, trails and other projects approved by the City Council. The plan is flexible, in order to accommodate direction from the Council. However, working out every detail for Council approval would require enough staff time that it would prevent completion of the work planned for this year.

He asked Assistant City Administrator/Finance Director Paul Jerome to explain the park improvement budget. The park projects, preliminarily approved under General Fund Capital Projects, total \$2M. That amount is available through impact fees, General Fund balance, an SID bond closeout and an SID bond rebate. This leaves a General Fund reserve of 25%, which is the maximum allowed by law.

Mayor Pengra noted that the park projects are being funded as much as possible by park and transportation impact fees and General Fund balance. Some of the costs will have to be covered by utility sale proceeds. There will also be \$1.8M contributed by Ivory Homes under their development agreement with SITLA.

He asked the Council to let him know, if they're not comfortable with this park plan, what they would prefer to use the funds for. City staff is working hard to use the money to benefit the residents of the City. They would like to have the plans finalized and the work done, beginning this year.

Councilmember Reaves wanted to know when the City would receive the \$1.8M. Mayor Pengra said the agreement between SITLA and Ivory Homes hasn't been finalized yet, but he was

confident that the \$1.8M would come to the City in the next three years. It will come as reimbursements for City expenditures.

Councilmember Reaves said he would approve the plans as approved, as long as the money is clearly programmed and the work is phased.

Councilmember Curtis stated that he wanted progress to be made on other unfinished park projects. Mayor Pengra reminded him that there is \$1M set aside for matching funds for HOA park improvements. Wride Park is a regional park, which is the City's responsibility.

Councilmember Curtis asked about road failures that need to be addressed. Mayor Pengra responded that Pony Express Parkway is in the process of being approved for MAG funding to be widened from Porter's Crossing to Saratoga Springs. The City is also collecting transportation impact fees to be used in that area.

Councilmember Curtis felt some of the park projects are frivolous, such as the recreation center.

Councilmember Bradley pointed out that the recreation center is not included in the funded projects.

Councilmember Curtis didn't feel Wride Park needs to be so large, especially being located in an empty area of the City. Mayor Pengra asked him to look at the park as it will be in the future. Developments are going in quickly. In the future, Wride Park will be a central location in the City. No other city has the opportunity to pay cash for a regional park, completely without bonding. There is other money available for transportation projects and they are in progress.

Councilmember Bradley wanted to know how long it would take to complete the improvements to be built with these funds, and if the City would be able to afford to maintain them.

Mayor Pengra said the projects can be built in two years.

Parks and Recreation Director Brad Hickman stated the projects have been designed to minimize maintenance. Each acre of turf will cost about \$2,000 per year to maintain. The maintenance contract will increase somewhat, but it won't require hiring additional staff.

Councilmember Bradley recommended taking advantage of the brief opportunity the City has to build this park now. It will be an asset to the City in the future. It will give the residents the return on investment that they deserve.

Councilmember Curtis felt the Council should have had more time to consider the plan presented this evening before being asked to approve it.

Mayor Pengra stated he wished there was more time to consider alternatives, but extensive planning has been done over a long time. This plan intentionally includes a great deal of flexibility and spreads the improvements over a lot of ground. A decision needs to be made so building can begin this year.

Councilmember Gricius liked the plan, although she agreed that she would have liked more time to review the numbers. She saw higher maintenance costs than what have been discussed.

Mayor Pengra pointed out these costs included a maintenance facility. Design professionals worked with City staff and information gathered from City residents helped to make a scalable plan.

Councilmember Westmoreland said he's seen several park designs over the last two years. Each one had problems. This is by far the best design he's seen.

Mayor Pengra stated this was not an agenda item for this meeting. More information will be brought before the Council in the near future. In the meantime, he invited the Council to share their thoughts with him individually.

16. 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.

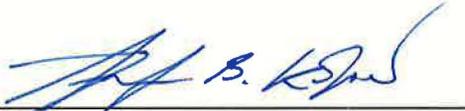
None.

17. COMMUNICATION ITEMS
A. Upcoming Agenda Items
B. Financial Report

18. ADJOURNMENT

MOTION: *Councilmember Bradley moved to adjourn the meeting at 9:43 p.m. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON APRIL 5, 2016.



Fionnuala B. Kofoed, MMC
City Recorder