

## Eagle Mountain City Council Minutes 2016, Part 3

### *Dates of City Council Meetings:*

- July 5, 2016
- July 19, 2016
- August 2, 2016
- August 16, 2016
- September 6, 2016
- September 20, 2016



# EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

**July 5, 2016**

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 Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Councilmember Adam Bradley was excused.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Water Manager; Mack Straw, Public Utilities Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief 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.

None.

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

11. **ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Master Transportation Plan.**

City Engineer Chris Trusty said representatives from Parametrix would present the Master Transportation Plan during Policy Session.

12. **MOTION – Consideration of a Site Plan for Metro Ready Mix.**

Community Development Director Steve Mumford stated this item was continued from the last meeting. It's a site plan for a concrete batch plant north of Wride Memorial Highway, west of the asphalt plant. It was continued from the last meeting to study issues related to possible noise, light, dust and traffic impacts.

City Attorney Jeremy Cook noted the City has the power to set reasonable conditions to mitigate impacts.

Councilmember Gricius asked about how the plant would comply with the City's noise ordinance. Mr. Mumford said the plant would be allowed to operate at any hours, as long as the noise level stayed below 65 decibels at the edge of its property.

Councilmember Curtis asked what recourse Eagle Mountain would have if the plant created noise, light, dust or traffic impacts in violation of its conditions of approval. Mr. Mumford said the Code Enforcement Officer would respond. If necessary, the City could seek an injunction through the District Court.

Mayor Pengra said the City Code needed to be amended to create consequences for violations of City standards. The consequences could be made conditions to this approval, and could later be codified.

Discussion ensued on potential impacts of approving this project, how they might be mitigated and how to enforce compliance with City standards.

13. MOTION – Consideration of a Site Plan for Gotta Dance Performance Studio.

Mr. Mumford stated this item was also continued from the last meeting. The City Council was unable to approve the site plan because there was no approved master site plan for the property. The property owner has now committed to submit a master plan, although not a formal master site plan. Because the property owner was only selling the land, not developing it, he didn't believe he should have to submit a master site plan. Mr. Mumford noted this situation made it clear the City Code needed amendments to build in some flexibility. Those amendments will be presented to the Council in the near future.

Councilmember Curtis requested some assurance the site will be properly planned before it is approved, if a formal site plan will not be submitted.

14. BID AWARD – Consideration and Award of Bid to Staker Parson Companies for the Bobby Wren Boulevard Extension.

Mr. Trusty stated this project will complete approximately half a mile of Bobby Wren Blvd. and provide an additional access point for the Pioneer Addition subdivision. The bids came in higher than expected. Mr. Trusty spoke to the engineer who designed the project, who felt the low bidder would be willing to negotiate the excess costs. He recommended awarding the bid to Staker Parson Companies, the low bidder, and allowing Mr. Trusty to negotiate the costs.

Mr. Trusty noted a request for proposals wasn't published in the newspaper, as required by the City's purchasing policy. It was posted in BidSync, but should have been placed as a newspaper notice, as well.

Councilmember Gricius asked if the State Code required posting in the newspaper as well as online. City Attorney Jeremy Cook said the State didn't require it. The Council could remove the requirement from the Municipal Code if they chose to do so.

15. BID AWARD – Consideration and Award of Bid to Holbrook Asphalt for the 2016 High Density Road Preservation Project.

Zac Hilton, Streets and Storm Drain Manager, stated the high-density mineral bonding project was a preventative maintenance product designed for roadways in good condition, to preserve them and extend their useful life, reducing future maintenance costs. It was suitable for roads with low to moderate traffic. The mineral bond would be applied to roads in Evans Ranch, Meadow Ranch, Valley View and SilverLake. It was expected to extend the life of the road surface from eight to ten years.

Mr. Hilton stated this project was also posted on BidSync only, not published in the newspaper.

16. BID AWARD – Consideration and Award of Bid to Utah Correctional Industries for the 2016 Pony Express Memorial Cemetery Monument Extension and Fence.

Parks and Recreation Director Brad Hickman presented a brief timeline of the cemetery. It was begun in February, 2014, when the Thompson family requested permission to bury LeVar Thompson on the planned cemetery site, which was not quite ready for use. Permission was granted, and the burial was followed by construction of the cemetery road and installation of sod. Trees were planted through an Eagle Scout project. The entry monument and first section of the wall were completed last spring, just before the inauguration of the cemetery on Memorial Day.

This project would complete the entryway wall and install wrought-iron fencing along Eagle Mountain Blvd. from the entry monument to the end of the grassed-in area, a length of about 500 feet.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

Mayor Pengra adjourned the meeting at 5:26 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; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Water Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:05 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

## 6. INFORMATION ITEMS/UPCOMING EVENTS

- **Annual Citizens' Survey** – Eagle Mountain City's annual citizens' survey is available through 12:00 a.m. on July 28. The survey will take 10-15 minutes to complete. Responses to this survey guide many City decisions and directions. The survey may be accessed on the City website, News section.
- **Fireworks Restrictions** – The Unified Fire Authority has announced the state is at a high risk for wildland urban interface fires. Please use extreme caution when using fireworks during the upcoming season. The safest way to enjoy fireworks is to attend a public display conducted by trained professionals. Fireworks-restricted areas are in close proximity to areas covered brush and grass, thick forested areas, open fields, etc. Generally, they will be the same areas that were prohibited last year. Visit the interactive map for information on prohibited areas at [www.unifiedfire.org](http://www.unifiedfire.org) under Services, Prevention, Fireworks. For those in restricted areas of Eagle Mountain, asphalt surfaces at the following City parks may be used – SilverLake Amphitheater, Smith Ranch, and Pony Express.
- **Extreme EnduroCross** – Check out upcoming events at the Pony Express Rodeo Arena at [www.ponyexpressspecialevents.com](http://www.ponyexpressspecialevents.com). An Extreme EnduroCross event will be held on July 16.
- **Scales & Tails and Movie in the Park** – The Library and City Events Department will present a free animal show with Scales & Tails Utah, followed by a screening of the movie *Babe*, on Saturday, July 9 at SilverLake Amphitheater. The Scales & Tails show will be from 7:00 p.m. to 9:00 p.m., with the movie starting at dusk.
- **Used Book Sale** – The Library will hold a used book sale on July 16 from 10:00 a.m. – 1:30 p.m. There are many other weekly and monthly Library events listed on the Calendar page of the City website.
- **Open House** – The Community Development Department will hold an open house on July 12 from 6:00 - 8:00 p.m. regarding a proposed major update to the City's General Plan. The open house will be outdoors during the Food Truck Underground at the Prairie Gate office building in The Ranches.
- **Street Fair** – The Economic Development Board is organizing a street fair for August 13 from 9:00 a.m. to 4:00 p.m. Local business are invited to participate. Registration is available at [emcity.org/streetfair](http://emcity.org/streetfair).

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

Jana Bishop expressed concern about unfenced, above-ground pools in yards in Eagle Mountain. She requested safety regulations for pools and brought written research, which she gave to City Recorder Fionnuala Kofoed.

Teresa Edwards objected to paying the storm drain fee, when there are no storm drains in her neighborhood. City staff told her it was also for maintaining swales, but the swales haven't been maintained. She has called several times in the past couple of years and been told there wasn't enough staff or money to maintain the swales. She also felt the parks weren't being maintained properly. She has also called about stolen street signs and has not gotten any response.

Lisa Maxwell said she visited a Metro Ready Mix concrete plant and watched it for half an hour. She saw mounds of dry sand, but no water trucks, despite the owner's claim that the outside materials are kept damp. Every loaded truck she saw was creating dust.

Jim Maxwell said he and his wife supported growth for the City, but they felt the growth should be done with a long view. He said entrances to the City should be beautified. He pointed out that when the Mayor and Councilmembers visited the existing Metro plant, the visit was planned in advance, so the plant would have been cleaned up for the visitors' benefit.

Jenn Morrison objected strongly to the possibility of approving the concrete plant. She was angry that, after months and years of dust from the asphalt plant, the City hasn't enforced its violations. She didn't think City Administration had contacted the State regulators for help with bringing the asphalt plant into compliance.

Jared Gray thanked the Youth Council for helping with all the events the Pony Express Special Events Committee has held. He said the Parks and Recreation Advisory Board, of which he is a member, has a new program for City parks and is looking forward to working with the Parks Department. As a member of the Cemetery Board, he hoped the fence project would be approved. He thanked the Councilmembers who attended the rodeo. Attendance at the rodeo was almost double what it was last year. He said the Demolition Derby was nearly sold out. As the owner of a business located in an industrial area, he knew no one likes them, but they have to exist. He thanked the Mayor and Council for considering everyone's comments on them.

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 attending the meeting. He announced the Youth Council meeting schedule and invited young people to join.

Councilmember Bradley

Councilmember Bradley welcomed everyone and thanked those who commented. He wanted the public to hold the Council and staff accountable. He hoped everyone had a happy Independence Day. He promoted the Street Fair being held in August.

Councilmember Reaves

Councilmember Reaves thanked everyone for being at the meeting. The Pledge of Allegiance reminded him of his duty as a Councilmember. He said residents' voices are just as important at other times as they are when they're voting in elections.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone and thanked them for their emails and phone calls. He asked anyone who goes into the hills to be very careful to fully extinguish any campfires they build.

Councilmember Gričius

Councilmember Gričius thanked the first responders for keeping people safe through the holiday. She announced a Military and Veterans Advisory Board meeting on July 14 at 7:00 p.m.

Mayor Pengra

Mayor Pengra thanked everyone for coming to the meeting. He wanted everyone to know that he and the Council took their jobs very seriously and gave their best efforts.

## 9. INTRODUCTION OF NEW YOUTH COUNCIL AND OATH OF OFFICE

- A. Hannah Nearman, Mayor
- B. Olivia Bradley
- C. Belle Foster
- D. Cameron Gray
- E. Britney Shunn
- F. Millene Whatcott

City Recorder Fionnuala Kofoed administered the oath of office to all of the members of the Youth City Council.

## CONSENT AGENDA

### 10. MINUTES

- A. June 21, 2016 – Regular City Council Meeting

**MOTION:** *Councilmember Gricius 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

### **PUBLIC HEARING**

11. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Master Transportation Plan.

This item was presented by City Engineer Chris Trusty. The proposed ordinance would adopt the Master Transportation Plan for the purpose of managing the increasing and future needs for transportation infrastructure within the City.

Mr. Vern Keeslar of Parametrix (formerly InterPlan) presented a synopsis of the Master Transportation Plan.

Councilmember Bradley asked why the east-west roads in the airport area didn't go through. Mr. Keeslar said the airport zoning didn't allow for through streets.

Councilmember Bradley asked why it's taken two years for the plan to be completed. Mayor Pengra said that, among other things, data needed to be collected that would affect the Impact Fee Facilities Plan.

Councilmember Bradley noted there are only two main exit roads from Eagle Mountain. He wanted to know what the plan is for increasing access to the City. City Engineer Chris Trusty explained the plans for enlarging roads and increasing access.

Councilmember Bradley stated increased access needs to be a top priority. He invited City staff to use him and the rest of the Council to help spread that message. Mr. Trusty pointed out the Mountainland Association of Governments, which manages a great deal of local transportation funding, is aware of how important it is to improve those roads.

*Mayor Pengra opened the public hearing at 8:01 p.m. As there were no comments, he closed the hearing.*

Councilmember Curtis objected to having mass transit included in the Master Transportation Plan.

Councilmember Reaves didn't feel the data in the report was current enough to reflect the City's rapid rate of growth. He wanted to find a way to enable Councilmembers to attend meetings of the agencies involved with traffic planning.

**MOTION:** *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the Master Transportation Plan. 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.*

12. MOTION – Consideration of a Site Plan for Metro Ready Mix.

This item was presented by Community Development Director Steve Mumford. The proposed concrete plant would be located on the north side of Wride Memorial Highway and south of Camp Williams' southern boundary. This item was tabled from the June 21, 2016 City Council meeting to allow the Mayor and Council time to gather additional information on the potential impacts, including noise, nighttime light, truck traffic and air pollution.

The proposal is to locate the concrete plant behind the asphalt plant. It would be in the Extractive Industries Overlay Zone, where it would be a permitted use. The Planning Department recommended the Council require the owners to submit a mitigation plan for the potential impacts.

Councilmember Bradley stated the location is very secluded. The concrete plant would not be visible until the gravel pit mines away the entire hilltop at the front of the site. He visited one of Metro's existing plants and it was a loud, dusty, industrial operation. The area this plant would occupy was already a very unattractive entry into the City. He felt Eagle Mountain was at a crossroads as to what direction to go in. He recommended the Council deny this application. He felt that, for public safety reasons, this was not a suitable place to locate another industrial operation.

Councilmember Gricius stated she and Councilmember Curtis sent a joint email to the other Councilmembers asking that an agenda item be added to a future meeting, removing the Extractive Industries Overlay Zone from that site. She said industrial uses didn't reflect the image the City wanted to project.

Councilmember Reaves said it was difficult, as a Councilmember, to have to make decisions that have a problematic impact on others. While a concrete plant would be a useful business for the City, the mountain hiding the site will be gone eventually. In addition, residential areas are coming closer to the site. He would like people's first impression of the City to be more attractive.

Councilmembers objected to the effect the plant would have on air pollution, especially because of the air pollution already caused by the asphalt plant. Mr. Pili said the Division of Environmental Quality has already been to the site and found the gravel pit in compliance with State air quality standards. He cautioned the Council to check with the City Attorney to be sure they didn't deny the application outside of what was legally permissible.

City Attorney Jeremy Cook explained that Utah State Code gives applicants the right to locate in areas designated by the Municipal Code effective on the date the application was made. There would have to be a compelling, countervailing public interest in order to deny the application. The reasons for denial had to be specific and on the record. The Extractive Industries Overlay Zone had standards that must be met before an application could be approved. The City's site plan review process considered noise and pollution impacts.

Councilmember Bradley stated the public's objections to the application because of their families' health and safety, based on air pollution and increased traffic, constituted a compelling, countervailing public interest.

John Dunn, President of Metro Ready Mix, explained Metro chose this site because the concrete plant was a permitted use. Metro relied on the printed ordinances of the City to go through the application process. He hoped the City Council understood most of its objections amounted to wishing the site wasn't zoned as it is. He said Metro worked very hard with the staff to understand noise and dust restrictions and the required distance from residential areas. Metro's application complied with every requirement.

Mr. Dunn said Councilmember Reaves asked him to calculate the plant's sales tax effect on the City. He calculated it would be approximately \$200,000 per year. If the application was denied because the Council didn't want it, he believed the decision would be capricious and arbitrary. Metro would not locate in Eagle Mountain if they expected to have issues with the City. Its Pleasant Grove plant has operated since 2007 and has never received a complaint.

Councilmember Gricius asked if Mr. Dunn had confirmed with Saratoga Springs that Metro would be able to use the Saratoga Springs access. Mr. Dunn responded he had not, but he distributed a map showing the Mountain View Corridor, stating construction will begin in 2017 and that is the route his trucks will take.

Councilmember Westmoreland stated if the City didn't already have an issue with the gravel pit, this conversation might not be taking place. He said one of the frustrations of making a Council decision was that after the approval was given, the Council had no further control.

Councilmember Gricius asked what recourse Eagle Mountain would have if Metro chose not to comply with the regulations. Mr. Dunn stated cities, counties and the State have many enforcement options and regulations, which Metro complies with.

Councilmember Gricius noted she used to live in a condo in Pleasant Grove and didn't know the plant existed. However, after all the issues Eagle Mountain has had with the gravel pit, she wanted to know how to deal with any violations from the concrete plant. Mr. Dunn responded he felt that was the only decision to be made at this meeting. Since the plant would comply with all requirements, the Council could dictate a mitigation plan. If Metro didn't comply with the plan, that would be when issues of recourse would apply.

Councilmember Westmoreland asked Mr. Cook to clarify what power the City had to regulate traffic. Mr. Cook said cities have broad powers to regulate traffic flow for public safety, as long as they provide reasonable access.

Councilmember Westmoreland pointed out it wasn't fair to regulate traffic to control one entity and not another.

Mayor Pengra asked if traffic was really a concern, given that a traffic signal was just installed at the intersection of Wride Memorial Highway and Mt. Airey Drive. Although there was a perception among the residents that the City hasn't done anything to deal with the problems created by Hadco, it wasn't true. However, the public may feel they haven't done enough.

Councilmember Curtis stated when he and Councilmember Gricius drove past the gravel pit today, they kicked up a cloud of dust.

Mr. Pili stated Hadco paid for installation of the traffic light and pavement sealing on Wride Memorial Highway at the City's insistence. He stated the Council needed to separate the gravel pit from Metro Ready Mix.

Councilmember Gricius disagreed, saying the Council hasn't adequately protected the residents up until this point and shouldn't cause them additional trouble.

Mr. Pili stated the Council needed to give City Administration direction as to whether they should continue to pressure Hadco to comply with their mitigation plan or whether they should try and shut the operation down.

Mr. Cook said the City could raise a legitimate concern about its inability to require Metro to mitigate dust on a private road it doesn't own. Another legitimate issue would be the requirement of the site plan code that all commercial uses must be free of any objectionable odors, noises, hazards or other nuisances. He recommended requiring a mitigation plan and a traffic plan as part of the site plan approval. These could be approved either by staff or by the Council.

Mr. Dunn pointed out that Granite Construction, which operates the gravel pit, has mitigated the dust on their entry road, probably through regular watering. Metro would do the same.

**MOTION:**        *Councilmember Bradley moved to deny a site plan for the Metro Ready Mix concrete plant, based on the health, safety and general well-being of the citizens. Councilmember Gricius 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.*

Mayor Pengra called a recess at 9:02 p.m. Councilmember Bradley, acting as Mayor Pro Tempore, called the meeting back into session at 9:14 p.m., stating Mayor Pengra had been called away.

13. MOTION – Consideration of a Site Plan for Gotta Dance Performing Arts Studio.

This item was presented by Community Development Director Steve Mumford. The proposed dance studio would be located in City Center, south of Eagle Mountain Boulevard and east of Ira Hodges Scenic Parkway on approximately one acre. This item was tabled from the June 21, 2016 City Council meeting.

Mr. Mumford stated this item was tabled because a master site plan was needed before this site could be approved. The property owner has been contacted and has agreed to work out some form

of a master plan. He discussed which issues were normally covered in a master site plan and which were covered in an individual site plan. The Council discussed drainage, lighting and whether to add a sidewalk to the site.

**MOTION:** *Councilmember Gricius moved to approve a site plan for Gotta Dance Performing Arts Studio, with the conditions that they work out street lights, include curb and gutter and sidewalk and work out drainage to be approved by City staff. 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. BID AWARD – Consideration and Award of Bid to Staker Parson Companies for the Bobby Wren Boulevard Extension.

This item was presented by City Engineer Chris Trusty. The proposed bid award was for the Bobby Wren Boulevard Extension, which would provide a second access to the Pioneer Addition development. The extension would also reduce the amount of traffic through the neighborhood, making it safer for pedestrians. The project included the construction of a trail on the south side of the road.

Mr. Trusty stated the bids came in higher than expected. He felt there were areas where he could negotiate with Staker Parson to reduce costs by providing them with information that was not available at the time of the bid, and working with them on some re-engineering.

**MOTION:** *Councilmember Reaves moved to award a bid to Staker Parson Companies for the Bobby Wren Boulevard extension in the amount of \$583,000, which amount includes \$33,000 for completion of the trail, and authorize the Mayor to sign the contract. 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.*

15. BID AWARD – Consideration and Award of Bid to Holbrook Asphalt for the 2016 High Density Road Preservation Project.

This item was presented by Streets and Storm Drain Manager Zac Hilton. The proposed bid award to Holbrook Asphalt was for the 2016 High Density Mineral Bond Advanced Preservation Treatment Project. The mineral bond is a product which preserves roadways which are still in good condition, reducing future expenses for milling and repaving. It was designed to be used on roads with low to moderate traffic volume. The roads which would receive the bonding are in Evans Ranch, Meadow Ranch, Valley View and SilverLake.

Mr. Hilton explained that this was a sole-source product. The work couldn't be done in-house. The City used the product about five years ago on the streets around Nolen Park and it's still holding up well.

Councilmember Reaves asked why the material is being placed on these particular roads. Mr. Hilton stated these were extensive areas of roads in good condition, allowing for a large application and a lot of future cost prevention in one project.

**MOTION:** *Councilmember Westmoreland moved to award a bid to Holbrook Asphalt for the 2016 High Density Road Preservation Project in the amount of \$167,250.00 and authorize the Mayor to sign the contract. 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 to Utah Correctional Industries for the 2016 Pony Express Memorial Cemetery Monument Extension and Fence.

This item was presented by Parks and Recreation Director Brad Hickman. The proposed bid was for completion of the entry monument and the installation of four-foot-tall wrought iron fencing with stone pillars at the Pony Express Memorial Cemetery. The fencing would run parallel to Eagle Mountain Boulevard for the length of the grassed-in area.

Councilmember Bradley asked if the approval of this project was a consensus of the Cemetery Board. Mr. Hickman said the Board would have preferred the stone wall originally proposed. Because that was not approved by Council, they came to a consensus on this wrought-iron fence. Councilmember Bradley asked Mr. Hickman to extend his thanks to the Cemetery Board.

**MOTION:** *Councilmember Curtis moved to award a bid to Utah Correctional Industries for the Pony Express Memorial Cemetery monument extension and fence in the amount of \$77,500.000 and authorize the Mayor to sign the contract. 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.*

17. 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 Reaves  
*See board report.*

Councilmember Bradley  
*See board report.*

Councilmember Westmoreland  
*See board report.*

Councilmember Gricius  
*See board report.*

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

Councilmember Reaves said he would be meeting with the Parks and Recreation Advisory Board to discuss the new Neighborhood Park Match Program.

Councilmember Westmoreland said the Library Board hasn't met recently, but will meet in August.

Councilmember Gricius said the Military and Veterans Advisory Board will meet next week.

Councilmember Bradley said the Economic Development Board is working on the Street Fair to be held in August.

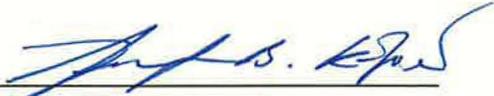
19. COMMUNICATION ITEMS

A. Upcoming Agenda Items

20. ADJOURNMENT

**MOTION:** *Councilmember Gricius moved to adjourn the meeting at 10:45 p.m. 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.*

Approved by the City Council on July 19, 2016.



Fionnuala B. Kofoed, MMC  
City Recorder



## EAGLE MOUNTAIN CITY COUNCIL MEETING

**July 19, 2016**

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:** Paul Jerome, Assistant City Administrator; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Melanie Lahman, Chief Deputy City Recorder; Johna Rose, Deputy Recorder/Business License Technician; Ikani Taumoepeau, Economic Development Director; Aaron Sanborn, Management Analyst; Jessica Alvarez, Human Resources Director; Steve, Mumford, Community Development Director; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jeff Weber, Facilities Manager; Zac Hilton, Streets and Storm Water Manager; Mack Straw, Public Utilities Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief 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.

*This item was presented after Item 10.*

Chris Jones, representing the Economic Development Board, reported on recent and upcoming Board activities. The Board sponsored a Tech Jam event, which involved over 300 young people and 50 volunteers. The young people learned programming and app-building. The event was very successful and the Board plans to repeat it next year. Some of the Board members call or visit local businesses to encourage business retention. Some are attending local business forums. The Board is sponsoring a Street Fair on August 13 to introduce local businesses to City residents. The Board plans to produce a video to demonstrate Eagle Mountain's suitability for businesses that might consider locating in the City. They also want to promote shopping locally.

The Board would like to adopt National Night Out, which encourages neighborhoods to have block parties to which they invite local law enforcement. The object is to strengthen the bond between the community and law enforcement. Healthy, vibrant communities encourage economic development.

Councilmember Bradley expressed appreciation for the Board and for Mr. Jones' leadership.

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

10. MOTION – Reconsideration of a Site Plan for Metro Ready Mix.

Community Development Director Steve Mumford showed an illustration of how the concrete plant would look. Councilmember Bradley felt the plant would be much larger than the illustration. Mayor Pengra responded the illustration only showed the mixing unit. Mr. Mumford described how the rest of the site would look.

City Attorney Jeremy Cook explained an agreement Metro Ready Mix was prepared to sign that gives objective, enforceable standards for issues such as dust, light, noise, traffic and enforcement of any violations of those issues. Failure to remedy violations could result in a court order to comply.

Mr. Cook stated item 4 in the agreement specifies the City could not revoke the plant's permit due to violations. The agreement also includes financial and legal solutions for violations. Item 10 confirms the City has the power to adopt ordinances in the future which any business will have to follow moving forward.

Councilmember Bradley asked what would happen if the plant complied with all these regulations, but still emitted unacceptable levels of noise and pollution. Mr. Cook said the City could adopt ordinances controlling nuisances, as long as they were applied uniformly city-wide, were not directed at one industry, and clearly supported public health and safety. In addition, the plant is subject to State and Federal air quality standards.

Councilmembers asked what could be done when wind speed gets too high for normal dust control. Mayor Pengra said the Division of Air Quality excuses industries from dust control once the wind gets to a particular speed, because dust control becomes impossible without shutting the operation down.

11. MOTION – Consideration of the Overland Phase A Preliminary Plat.

Mr. Mumford described the Overland project, which is the first residential development in SITLA's Mid Valley Master Development Plan area. Due to disagreements among Eagle Mountain, SITLA and the developer over the intent of various sections of the master development agreement, the area will need a new or revised master development plan and agreement. However, the agreement between SITLA and the developer called for beginning the project in a timely manner, so the developer brought forward a preliminary plat for review and approval. Staff felt, since the project is adjacent to Cory Wride Memorial Park and the Frontier Middle School playing fields, no neighborhood park should be necessary. The Planning Commission recommended approval of the project with the following conditions:

1. The applicant shall pay a park fee-in-lieu deposit of \$150,000, as well as any additional park fee-in-lieu funds that may be required by the amended MDA.
2. Six-foot tall privacy fencing or a decorative wall shall be installed along the backs of lots 135-137 along with the infrastructure for the subdivision, similar to the examples provided by the applicant at the June 12, 2016, Planning Commission meeting.

3. A landscaped entryway monument plan shall be submitted for review and approval of the Planning Commission and City Council, and be installed prior to the first certificate of occupancy in the development.
4. A landscaping plan must be submitted for staff approval that includes landscaping treatments of the trail corridors, street trees, and temporary retention ponds. The trails and landscaping within the trail corridors must be completed prior to 40% of the building permits being issued in the final plat that includes the corridor.
5. The name of the project must be changed to Overland Phase A, with final plats being named Overland Phase A Plat 1, or Overland Plat A-1, etc.
6. Street names are not approved as proposed, and must be amended and approved prior to final plat approval by the City Council.

Mr. Cook stated staff believed the proposed plan is acceptable without the park at this point, enough to allow the project to be started. It is understood the park is a significant issue and will be resolved with a revision to the master development agreement.

Mayor Pengra commented the staff and applicant agree adding a park to this first phase of development would create more maintenance work for the Parks Department, for a park that may receive little use. This does not apply to parks that may be included in future phases.

Councilmember Curtis asked if the City would normally reduce the fee-in-lieu if no park will be required. Mayor Pengra responded the full fee is being required because neither the City nor the applicant has conceded its claim as to the park requirement. SITLA's interpretation of the agreement is that the parks requirement is already accounted for in SITLA's agreement with the City. The parties have created a "deal points" document listing their preliminary agreements with regard to the park issue, in order to move the process along. The Council may choose to require other points of agreement.

Councilmember Curtis stated Ivory Homes' \$1.8M donation to Cory Wride Park was to be considered a donation separate from the required fees. Mr. Cook stated the MDA was agreed upon prior to the bonus density structure being placed in the Municipal Code. SITLA's position is they are vested with a certain amount of density and shouldn't be required to make additional improvements or dedications. Both parties are confident, with enough time to negotiate, they can reach a mutually beneficial compromise.

Discussion ensued on the amount of park land SITLA has donated already versus how much the City felt should be donated. Mayor Pengra pointed out the question at issue at this meeting was whether the Phase A plat should be allowed to go forward while these questions are being negotiated.

Councilmember Bradley stated he was unwilling to approve a plan that required residents to walk very far to any park.

Councilmember Curtis asked how the \$150,000 was arrived at. Mr. Mumford said it was suggested by the applicant. Councilmember Curtis felt it should be higher, based on the lack of green space in the plan. Mr. Cook stated it was roughly half of what City staff felt should be required. It was considered a good faith amount.

Bryon Prince, representing Ivory Homes, said Ivory has been working with City staff for about a year and a half. They felt SITLA's contributions to the City were unprecedented. They believed their options were to litigate the issues, or work together and move forward while the revised master development agreement was negotiated.

12-13. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Valley View Master Development Agreement and MOTION – Consideration of the Valley View Foothills Preliminary Plat.

Mr. Mumford stated this preliminary plat, the last of the Valley View plats, has been redesigned to include a trail with a three-rail fence with unclimbable mesh, bordering an access road to Camp Williams.

The Valley View Master Development Agreement requires one-acre lots. The applicant proposed lots of half an acre to less than one acre where one-acre lots would have topographical, road alignment or technical issues. Staff believe some of those lots would be too small. The Planning Commission recommended approval as proposed.

Representatives of Camp Williams don't object to half-acre lots along the border. They are very pleased to have a road to the Camp gate that doesn't have houses fronting it. Open space in this plat is folded into the Valley View Park currently under construction.

The developer proposed a septic system on a lot smaller than one acre, due to its distance from a sewer line. The current Municipal Code requires that septic systems be redundant and located on lots of at least one acre.

Mayor Pengra noted these developers have made significant changes to the plat, at their expense, in compliance with requests from the City.

15. MOTION – Consideration of the Alpine Credit Union Site Plan.

This project would be located in the Porter's Crossing Town Center commercial center. The building design complies with City design standard. City staff requested awnings over more windows and the developer agreed.

16. MOTION – Consideration of the Heatherwood Church Site Plan.

The only item of note in this plan is a slightly different parking lot layout from the City's standard configuration. The Planning Commission recommended approval.

17. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule for Site Plan Fees.

The Community Development Department reviewed the City's site plan fees at the direction of the Mayor. They found Eagle Mountain's fees were much higher than nearby communities, except for Saratoga Springs. The department developed several options. Administration chose one which is similar to Lindon's and Draper's fees. Mr. Mumford would like to analyze all of the City's community development fees, so the cost to developers matches the cost to the City for providing the services.

18. AGREEMENT – Consideration of an Agreement for Exchange of Water Rights and Waterworks.

Mr. Cook explained that State law doesn't allow cities to dispose of water rights. Many years ago, 130 acre-feet of water was banked with the City to be held for a future project. After the water was deeded to the City, application was made to the State Engineer's Office to approve the water for use in the City. The application was denied. The City has no way to use the water. The only way to return the water to the previous owners is to exchange it for other water facilities. HHH and its partners, the previous owners of most of the water, are willing to trade the water for an easement the City needs. A similar agreement was made about ten years ago with the Community of the Apostolic United Brethren, the owners of the rest of the water.

Councilmember Reaves asked how the value of water is determined. Mayor Pengra stated that, in this case, the lack of value is simply due to the City's inability to allocate it to a project.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned 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 Gricius 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 Colby 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 6:15 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: Paul Jerome, Assistant City Administrator; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Melanie Lahman, Chief Deputy City Recorder; Johna Rose, Deputy Recorder/Business License Technician; Ikani Taumoepeau, Economic Development Director; Aaron Sanborn, Management Analyst; Steve, Mumford, Community Development Director; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:11 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

## 6. INFORMATION ITEMS/UPCOMING EVENTS

- **Award for Outstanding Achievement** – Eagle Mountain City received the Award for Outstanding Achievement in Popular Annual Financial Reporting from the Government Finance Officers Association (GFOA) for the 2015 Popular Annual Financial Report (PAFR). This was the City’s first time receiving this award. Here is what the GFOA’s website says about the program:

“The GFOA established the Popular Annual Financial Reporting Awards Program (PAFR Program) in 1991 to encourage and assist state and local governments to extract information from their comprehensive annual financial report to produce high quality popular annual financial reports specifically designed to be readily accessible and easily understandable to the general public and other interested parties without a background in public finance and then to recognize individual governments that are successful in achieving that goal.”

Eagle Mountain City has now been awarded the three major awards from the GFOA:

- Distinguished Budget Presentation Award for the annual budget document – awarded 9 times, starting with the Fiscal Year 2008 budget
- Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report (CAFR) – awarded 6 times, starting with the Fiscal Year 2010 CAFR
- Award for Outstanding Achievement in Popular Annual Financial Reporting for the PAFR – first time being awarded, starting with the Fiscal Year 2015 PAFR

There are only about 7 cities in Utah that have received all three awards.

- **Annual Citizens Survey** – Eagle Mountain’s City’s annual citizens’ survey is available through 12:00 a.m. on July 28. The survey will take 10-15 minutes to complete. Responses from this survey guide many City decisions and direction. The survey may be accessed on the City website, News section.
- **Neighborhood Grant Match Meeting** – In 2014, Eagle Mountain City residents voted to sell the gas and electric utilities and in early 2015, the sale was completed. As a result of the sale, the City had excess funds that could be used on projects to help enhance the City. The City Council approved a Neighborhood Community Matching Grant Program to accomplish this purpose. Under this program, neighborhoods can work together with the City on projects designed to:
  - Enhance and beautify the City’s neighborhoods
  - Foster a sense of community and neighborhood pride through resident participation in a neighborhood project
  - Foster a team partnership between the City and residents designed to create and facilitate positive change in the City
  - Reinvest utility sale funds into communities

This program has been designed to help direct utility sale proceeds back into neighborhoods around the City until those approved utility sale funds have been disbursed. Interested groups can find all the necessary application requirements and information on the City website, under Community. For any additional questions, please contact Aaron Sanborn at [asanborn@emcity.org](mailto:asanborn@emcity.org).

- **Fireworks Restrictions** – Per UFA, the State is at a high risk for wildland urban interface fires. Please use extreme caution when using fireworks during the upcoming season. The safest way to enjoy fireworks is to attend a public display conducted by trained professionals.

Fireworks-restricted areas are in close proximity to brush and grass covered areas, thick forested areas, open fields, etc. Generally, they will be the same areas that were prohibited last year. Visit the interactive map for information on prohibited areas at [www.unifiedfire.org](http://www.unifiedfire.org) under Services, Prevention, and Fireworks. For those in restricted areas of Eagle Mountain, asphalt surfaces at the following City parks may be used – SilverLake Amphitheater, Smith Ranch and Pony Express.

- **City Offices Closure** – The City offices and Library will be closed on Monday, July 25 for observance of Pioneer Day. The Library will also be closed on Saturday, July 23.
- **Road Work** – July 1 marks the beginning of a new fiscal year. The City is moving as quickly as possible to complete road projects before the weather turns colder. The City has made tremendous strides in completing maintenance on arterial roads. The focus will now be on collector roads. The aim is to eventually get the City’s entire transportation infrastructure on a five-year rotating maintenance plan.
- **Capital Improvements:**
  - Traffic signal at Porter’s Crossing and Pony Express Pkwy.
  - Bobby Wren extension. The Municipal Code requires that all new subdivisions have two points of access, though some do not. This project will include a trail along the street and will provide a second access point for residents in sections of Pioneer Addition.
  - Golden Eagle Road. This project will eliminate the remaining section of dirt road and connect Kiowa Valley with a second paved access to neighborhoods.
  - Hummer Road. This section will connect existing streets and run past the new park.
  - Salt shed. Not only will this help our crews to work more efficiently during plowing operations, it will bring our salting operation into compliance with EPA standards.
  - Sunset Drive improvements.
  - Side path/bike plan improvements. These are safety improvements to bike and pedestrian crossings at roundabouts and arterial roads.
- **Maintenance:**
  - High density mineral bonding for subdivision streets. This treatment will be applied to various areas of the City in order to rejuvenate asphalt on select roads.
  - Cedar Drive overlay/repair. This treatment will be the first step in rehabilitating roads in Cedar Pass Ranch.
  - Crest Road/Cedar Pass Road overlay and repair. This is the same treatment as Cedar Drive.
  - Ranches Pkwy northbound chip seal. This treatment will be the same as the chip seal that was completed on the southbound roads a couple of years ago.
  - Pony Express Pkwy southbound chip seal. This will be for a section of Pony Express Pkwy that leads to the Community Development building.
  - Eagle Mountain Blvd. westbound chip seal. This is a large chip seal job which will renew the road surface from the roundabout to Wride Hwy.

All maintenance processes begin with identifying areas where the road may be significantly damaged and removing failed sections, repairing the road base, and patching the surface before treatment. These improvements are subject to change as timelines and circumstances dictate.

- **Splash Pad Now Open** – The splash pad (7862 N. Tinamous Rd.) is now open, following updates and repairs. When in operation, the water may be activated between 9:00 a.m. and 9:00 p.m. daily. An activation sensor is located in the northeast corner of the pad. Simply tap with your foot to start water. No pets, bikes, or scooters are allowed on the pad. Opening and

closing dates are weather-dependent but the pad is typically open from the end of May through mid-October.

- **Street Fair** – On August 13, 2016 residents will have an opportunity to showcase their businesses and sell to the general public from 9:00 a.m. to 4:00 p.m. It will take place on Peregrine Road. Booth registrations must be made before August 6<sup>th</sup> on the City website under Businesses – Street Fair. This is a great opportunity for residents to expose many people to their business and to network with other businesses. For questions, please email [eberrett@emcity.org](mailto:eberrett@emcity.org)

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

Mary Ann Adams opposed the proposal to change the Valley View Master Development Plan. She didn't want half-acre lots for three reasons: it would be contrary to the master development agreement, it would increase traffic and endanger children, and it would be a problem for the horse trail. She is located across the street from the project, where the homes are all on one-acre lots.

Charlotte Ducos explained the lengthy process involved in negotiating the original Valley View Master Development Agreement. Due to the rural nature of the area, the neighbors were uncomfortable with the high density the developer wanted. Many of the transitioning and buffering regulations in the Municipal Code came about because of those years of negotiation. She asked the Council not to approve the proposed master development agreement.

Teresa Edwards said she lived next to the proposed Valley View development. She was concerned about allowing half-acre lots. She felt doing so would be contrary to the residents' interests; rather, it would serve the developers and Camp Williams.

Rachel Clark opposed the concrete plant which would be reconsidered at this meeting. She was concerned about additional traffic and about the respiratory issues it could cause. She felt the City has plenty of industrial businesses in that area already.

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 for attending the meeting.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone to the meeting.

Councilmember Reaves

Councilmember Reaves welcomed everyone. He said he's noticed people are driving much too fast and asked drivers to slow down.

Councilmember Bradley

Councilmember Bradley assured residents that the Council listens to their comments. He said it's a pleasure to represent them. He was happy to see new faces in the audience. He reminded the audience about the Street Fair being held on August 13.

Councilmember Curtis

Councilmember Curtis announced the Youth Council meets on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of the month at 5:30. He asked people to be careful when they're playing outdoor, online games.

Mayor Pengra

Mayor Pengra said he's excited about the Street Fair. He said most residents will be surprised at the number and quality of the businesses in the City.

**CONSENT AGENDA**

9. MINUTES

A. July 5, 2016 – Regular City Council Meeting

**MOTION:** *Councilmember Bradley moved to approve the Consent Agenda with the corrections discussed in Work Session. Councilmember Colby 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 corrections to the minutes, discussed in Work Session, were as follows:

Councilmember Bradley asked that his comment on the concrete plant be clarified to indicate he thought the concrete plant would not be suitable for Eagle Mountain because it would be detrimental to public safety.

Councilmember Gricius asked that "asphalt plant" on page 8 be changed to "gravel pit."

**SCHEDULED ITEMS**

10. MOTION – Reconsideration of a Site Plan for Metro Ready Mix.

This item was presented by Community Development Director Steve Mumford. The proposed concrete plant would be located on the north side of Wride Memorial Highway and south of Camp Williams' southern boundary. This item was tabled from the June 21, 2016 City Council meeting, and later denied at the July 5, 2016 meeting.

Mr. Cook spoke to Metro's attorneys after the denial at the last meeting. They felt the project should have been approved, based on the Municipal Code. After discussions on how to avoid litigation, both sides worked together to draft an agreement to alleviate some of the concerns expressed by the Council and City residents. This development maintenance agreement addresses dust, the view of the plant, lighting and noise. It includes enforcement measures which can be applied quickly and effectively.

The agreement, if approved, would require berming and poplar trees to block the view of the plant from many of the areas of the City and make the site more attractive. It included lighting restrictions that exceeded those required by the Municipal Code. It included a provision that exceeded the City's noise ordinance, mandating a noise level not to exceed 65 decibels at the edge of the property from 9:00 p.m. – 7:00 a.m. on Mondays through Fridays, and 9:00 p.m. to 9:00

a.m. on Saturdays and Sundays. The plant would be required to mitigate dust mitigation by running a water truck twice a day on all unpaved surfaces used by trucks. Twice per year a magnesium chloride treatment would need to be applied to all of the roads. A sprinkler system would have to be installed on all piles of materials and be operated from May 30 through September 1. The agreement would be enforced by court injunction and daily liquidated damages, as well as attorney's fees.

If the site plan were denied, Metro could appeal the denial to 4<sup>th</sup> District Court. They would very likely succeed, the plant would be built, and the City would not get the benefit of any of the conditions in the agreement. Mr. Cook recommended approving the site plan with the agreement, as it is an approved use within the Extractive Industries Overlay Zone.

**MOTION:**        *Councilmember Gricius moved to reconsider a site plan for the Metro Ready Mix concrete plant. Councilmember Reaves seconded the motion.*

Councilmember Reaves felt the Council owed the public an explanation of how the discussion went at the last meeting. He explained that, although the Council prepares for meetings by reading written materials and talking with staff, sometimes the discussions in City Council meetings give them the opportunity to have more information, which may affect their votes. That happened to him at the meeting two weeks ago. In his opinion, the only option the Council had was to deny the application because there were no conditions of approval for the protection of the residents.

He didn't like being in the position of having to approve a business just because it met the requirements of the Municipal Code. He felt the Council should have more discretion. However, he didn't want to have to face a lawsuit the City would probably lose.

Councilmember Westmoreland agreed with Councilmember Reaves' points. He stated, in the current political climate, it has become popular to disregard law and substitute personal preferences for law. He believed in the rule of law and felt it was important that the Council not overstep its authority. He said City staff did a very good job in obtaining conditions of approval. He was confident staff had done the best possible job of optimizing the situation.

Councilmember Bradley was adamantly opposed to this plant. He felt it was unsafe. He asked Mr. Cook whether the conditions of approval exceeded the requirements of the Municipal Code. Mr. Cook said many of them are within the Code. Some are extensions of the conditions in the Code. There is also an added mechanism for enforcement, which is not found in the Code.

Councilmember Bradley felt the agreement was not sufficiently stronger than the Code. He wanted to know what it meant when the applicants said they would appeal the denial. Mr. Cook said, under the Municipal Code, a site plan denial was appealable to the District Court. The District Court would rule in the applicant's favor unless there was a compelling, countervailing public interest. The Court could award damages, as well. He preferred not to discuss litigation positions further during the City Council meeting.

Mayor Pengra requested a vote on the motion.

*Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Those voting nay: Adam Bradley. The motion passed with a vote of 4:1.*

Mayor Pengra didn't want anyone to leave the meeting thinking the Council approved the application just because they were under threat of being sued. He wanted to have a thorough discussion.

Councilmember Gricius asked who would enforce the agreement. Mayor Pengra said the City's Code Enforcement Officer visits the gravel pit twice a week. He would visit the concrete plant at the same times.

Councilmember Bradley felt neither of the available options was acceptable. He would rather have a judge require the approval. He was willing to risk the taxpayers' money to get a judgment.

Councilmember Curtis agreed this was a very difficult decision. He was not willing to put any money at risk, because he believed it was a losing battle. He believed it was best to approve the plant with the agreement.

Councilmember Gricius wanted to see a risk analysis, to determine if approving the plant would create too much industry in one area. She wasn't opposed to having the plant in that location, but felt at the moment evidence was lacking.

Councilmember Westmoreland asked Mr. Cook to explain the terms of the development maintenance agreement. Mr. Cook responded the conditions were an advantage to the City. They expanded on the Municipal Code, especially as regards dust suppression. For one thing, the applicants have agreed to manage dust on any roads their trucks use, whether they own them or not. The liquidated damage provision made compliance an economic advantage for the applicant. If the City only has conditions of a site plan approval for enforcement, enforcement is much more difficult. It's much more effective to have a judge enforce the requirements.

Councilmember Curtis asked if the Council could take the DAQ's test results into account. Mr. Cook pointed out DAQ's decision would be addressing the gravel pit. Another facility's violation wouldn't apply to the concrete plant.

Councilmember Reaves felt the Council should consider removing the Extractive Industries Overlay Zone. He didn't think it was right to spend the taxpayers' money on a losing battle.

**MOTION:**        *Councilmember Bradley moved to table a site plan for the Metro Ready Mix concrete plant. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley and Stephanie Gricius. Those voting nay: Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion failed with a vote of 2:3.*

**MOTION:**        *Councilmember Curtis moved to approve a site plan for the Metro Ready Mix concrete plant, subject to the development and maintenance agreement, with the revisions discussed during Work Session. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves and Tom Westmoreland. Those voting nay: Adam Bradley and Stephanie Gricius. The motion passed with a vote of 3:2.*

The revisions discussed in Work Session were as follows:

1. Metro shall keep a verifiable log documenting water truck operations.
2. Locations of poplar trees shall be as shown on Exhibit A to the agreement.

11. MOTION – Consideration of the Overland Phase A Preliminary Plat.

This item was presented by Community Development Director Steve Mumford. The proposed 137 lot preliminary plat, on 65 acres, is located west of Pony Express Parkway and north of Frontier Middle School. The project is located in the SITLA Master Development Plan area. The SITLA Master Development Plan and Agreement were approved in 2003.

Mr. Mumford stated there will be an asphalt trail providing access to the Frontier Middle School playing fields. The Alpine School District Assistant Superintendent has confirmed that the school district supports such public access, although it must be approved by the Alpine School District Board of Education.

The City has been negotiating with SITLA and Ivory Homes regarding the intent of the master development agreement. They disagree on the meaning of some of the provisions, but are working well together towards major revisions. This has taken a lot of time, and will take more, so they created a document called the “Mid Valley Eagle Mountain City Open Space Dedication Fees Deal Points” document. It states that, while the parties disagree, they wish to move forward. Ivory Homes will put \$150,000 in escrow as a deposit for park fees while the revision to the master development agreement is in process. Mr. Mumford recommended that document as a condition of approval.

Councilmember Gricius objected to the lack of green space in the plat.

Councilmember Colby said he would prefer including green space to serve the lots farthest away from Wride Park and the school grounds. He felt he had to approve the plat to find out what the outcome would be.

Councilmember Reaves didn't think a community should have to rely on a regional park. He said his opinion is based on previous promises that weren't fulfilled.

Councilmember Bradley noted the open space requirement that would normally apply to this development, which would be over three acres. Although he didn't think the project needed three acres, he didn't think residents should have to walk very far with small children to reach park space. He didn't think the developer would want to try to sell lots in Eagle Mountain without a nearby park.

Mayor Pengra felt the issue was simple: whether the Council would be willing to approve the plat, knowing the regional park will be available, without the City giving up any rights or any possibility of the applicant failing to meet any City requirements.

Councilmember Curtis stated that was not acceptable, because the Council was told Cory Wride Park wouldn't have any effect on the requirements for this development, and now it is having an effect.

Councilmember Bradley was concerned about moving forward without having the master development agreement finalized. He would be satisfied if there was a neighborhood park in a specified location.

Mayor Pengra said he told Mr. Prince it was a big concession to approve the development without determining the open space. It was different from what any other development was required to do.

Mr. Prince stated SITLA made major commitments and contributions to this development thirteen years ago. He felt those contributions were being forgotten. He said the master development agreement provided vested development rights, which this plat complied with. Ivory Homes' agreement with SITLA requires the project to move forward. Mr. Prince felt he wasn't making much progress in working with City staff towards the amendments to the agreement, so he was forced to make a plat application. He distributed a proposal for an amended agreement to the Mayor and Council, which reflects work done over the past 18 months. While there was a disagreement as to the vested rights, if the project was denied at this meeting, Ivory would likely move to litigation. He would prefer to have this plat approved while the master development agreement was being revised.

Councilmember Reaves pointed out the City is not forcing Mr. Prince to move forward. He reminded Mr. Prince it was his statement that this was being forced by the agreement with SITLA.

Councilmember Gricius disagreed with Mr. Prince, in that she didn't believe it was in the residents' best interests to be without a park. She asked if he would be willing to replace two or three lots with a park as a compromise. Mr. Prince was willing to locate a small park with a tot lot in the development.

Mayor Pengra asked Mr. Mumford if he was satisfied with this plat. Mr. Mumford responded he was happy with the lot sizes, because one-third acre lots were missing from the City's available market. In regard to the proximity to the regional park, he disagreed with the Council. He felt a quarter to half a mile was walking distance. He felt there should be a neighborhood park in the area of the development furthest from the school grounds and Cory Wride Park. One option allowed by the Municipal Code would be bonding for a future park proportionally with each approved phase.

Councilmember Curtis said he lived in SilverLake. The distance from the SilverLake Amphitheater to the furthest homes in SilverLake is .6 mile, which is too far for families with small children. On the other hand, the tot lot near his home is used constantly.

Mr. Prince said the overall plan of the entire development included a large park just beyond the northern border of this first phase. He offered to move some of that park space into the northern end of the plat. He didn't want to build a tiny tot lot.

Councilmember Gricius suggested adding a tot lot on a specified lot to the deal points document.

Mr. Prince said Ivory's understanding with SITLA, based on information from City staff, was that the \$1.8M donation was to go to the regional park. That was the reason Ivory didn't contemplate putting a neighborhood park in this plat. Councilmembers stated they had been told the \$1.8M would not affect the park plans for the development.

Mayor Pengra told Mr. Prince if he preferred, he could take the \$1.8M donation to Wride Park and invest it in the Overland Park instead. He also wasn't insistent on having a park directly in this plat, as long as the City knows there will be a park in the development and where it will be located. He wanted to know if Ivory had completed the landscape plan for this plat, which was promised to be completed before this meeting.

Mr. Prince said the landscape design has been discussed. He said he was open to placing a one-acre park on the north side of this plat if that would make the plat design more acceptable.

Mayor Pengra asked the Council if they would be willing to allow staff to work through that recommendation and, for the time being, dedicate an acre of space on this plat to a park.

**MOTION:**        *Councilmember Gricius moved to approve the Overland Phase A preliminary plat, subject to inclusion of the deal points agreement and reservation of one acre of green space, the location to be decided by staff. 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, Approving the Second Amendment to the Valley View Master Development Agreement.

Items 12 and 13 were discussed together.

This item was presented by Community Development Director Steve Mumford. The proposed amendment to the Valley View Master Development Agreement would allow half-acre lots to be built adjacent to Camp Williams' southern border. The proposed 71 lot preliminary plat, on 46 acres, is located north of Wride Memorial Highway, east of North Ranch. The property is the final undeveloped area in the Valley View Ranch Master Development Plan.

An access road to Camp Williams and the City's water tank, fenced to prevent pedestrian access, is included in the plat. No house lots front the street. The north side of the project will have a trail buffer.

The Valley View Master Development Agreement requires all lots adjacent to Camp Williams to be at least one acre, and all lots to be larger than half an acre unless there are topographical, technical or road issues. In that case, up to 5% of the lots may be less than half an acre. That 20% applies to the entire Valley View development, not just this plat.

Mr. Mumford stated the developers proposed an amendment to the master development agreement. The amendment would allow for half-acre lots next to Camp Williams. No homes would be allowed to share the same front elevation as those on immediately on either side or across the street, either directly or diagonally, and the two next to those. No more than 15% of the houses throughout the project may have the same front elevations.

The proposed master development agreement would allow half-acre lots along the border with Camp Williams, but maintain the requirement for one-acre lots bordering North Ranch.

Mr. Mumford stated the current Municipal Code requires one-acre lots along the border with Camp Williams, but gives the Council some discretion.

A Joint Land Use Study (JLUS) was conducted several years ago to help Camp Williams and the surrounding communities accommodate each other's needs. It recommended one-acre lots, but found half-acre lots acceptable.

Mayor Pengra pointed out military bases are being realigned and closed all over the country. One item that is considered is the relationship between the base and its surrounding communities. If there are problems, the base is more likely to be closed. The closure damages the local economy and leaves abandoned land containing unexploded ordinance. After studying the JLUS, City Administration prefers one-acre lots bordering the camp. However, in this case, the applicant has undergone some costs in allowing the dedicated access road. Therefore, Camp Williams and City Administration were willing to support the half-acre lots to make up for some of those costs.

Councilmember Bradley objected to giving the developers any more than their vested rights. Mayor Pengra said they were vested with more lots than they have platted.

Councilmember Reaves felt developers should work with the Municipal Code, rather than negotiating around it.

Mayor Pengra pointed out that he requested this change to accommodate a serious access need of Camp Williams.

The applicant, Ken Olsen, explained the details of the access road and the fence along the road, as well as the redesign that was done to keep houses from fronting the road.

He stated there was one lot that might need to have a septic tank, which would be an exception to City standards. He discussed other details of the design of the plat, including the reasons for the half-acre lots. He felt using entirely one-acre lots would create a poor design.

Discussion ensued on the design of the development.

**MOTION:** *Councilmember Gricius moved to table a Resolution of Eagle Mountain City, Utah, approving the second amendment to the Valley View Master Development Agreement. 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.*

13. MOTION – Consideration of the Valley View Foothills Preliminary Plat.

This item was discussed along with item 12.

**MOTION:** *Councilmember Gricius moved to table the Valley View Foothills preliminary plat until it can be brought back with additional information. 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 the Alpine Credit Union Site Plan.

The proposed application is for a 3,000 sq. ft. building for Alpine Credit Union, to be located in the Porter's Crossing Town Center, Lot 2. There was no discussion on this item during Policy Session. Information was provided briefly during Work Session, which is found on page 4 of these minutes.

**MOTION:** *Councilmember Westmoreland moved to approve the Alpine Credit Union Site Plan. 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.*

15. MOTION – Consideration of the Heatherwood Church Site Plan.

The proposed application is for an LDS church to be located in the Heatherwood subdivision, Lot 8. This lot was originally part of the Heatherwood on the Green subdivision and was later amended to create a larger lot to accommodate a church site. There was no discussion on this item during Policy Session. Information was provided briefly during Work Session, which is found on page 4 of these minutes.

**MOTION:** *Councilmember Bradley moved to approve the Heatherwood church site plan. 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.*

16. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule for Site Plan Fees.

The proposed amendment to the Consolidated Fee Schedule reduced the non-residential site plan fees to be more in line with what other cities charge. The Community Development Department received several requests to review Eagle Mountain's site plan fees. The fees were found to be higher than those of most local communities. The department recommended lowering them to \$2000 - \$8000, depending on the size of the project.

**MOTION:** *Councilmember Bradley moved to adopt a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule for Site Plan 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.*

17. AGREEMENT – Consideration of an Agreement for Exchange of Water Rights and Waterworks.

This item was presented by City Attorney Jeremy Cook. The proposed agreement is for the exchange of water rights for an easement for a new waterline on the north side of Wride Memorial Highway. The water is banked with the City but was never approved by the State Engineer for use within the City.

**MOTION:** *Councilmember Reaves moved to approve an agreement for exchange of water rights and waterworks. 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.*

18. 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

Councilmember Reaves encouraged residents to take advantage of the Neighborhood Match Program for improving neighborhood parks.

Councilmember Bradley

No comment.

Councilmember Curtis

No comment.

Mayor Pengra

No comment.

19. 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.

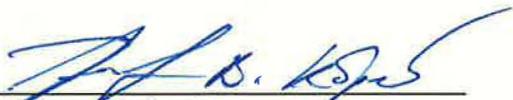
20. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

21. ADJOURNMENT

**MOTION:** *Councilmember Curtis moved to adjourn the meeting at 10:16 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 August 16, 2016.

  
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Fionnuala B. Kofoed, MMC  
City Recorder



# EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

**August 2, 2016**

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

## **5:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

**ELECTED OFFICIALS PRESENT:** Councilmembers Adam Bradley (as Mayor Pro Tempore), Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Mayor Chris Pengra was excused.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator; David Mortensen, City Treasurer; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Ikani Taumoepeau, Economic Development Director; Jessica Alvarez, Human Resources Director; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Water Manager; Mack Straw, Public Utilities Director; Ross Fowlkes, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Pro Tempore Adam Bradley called the meeting to order at 5:07 p.m.

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

- A. **PRESENTATION** – Mountain View Corridor Update, UDOT

Joe Kammerer, representing UDOT, presented an update on the progress of the Mountain View Corridor. The road will run north and south from the I-80 freeway to Cory Wride Memorial Highway (SR 73) in Saratoga Springs. It will be constructed west of Redwood Road and will be built in phases as State funding is made available. The Salt Lake County portion of the project is already under construction.

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

- 11. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Approving the Second Amendment to the Evans Ranch Master Development Agreement and Master Development Plan.**

City Planner Tayler Jensen showed a map of the master development plan area with the amendments. The proposed map changed the road alignment to add two cul-de-sacs with a connecting walkway, as well as changing the configuration of the open space. The appearance of the townhomes would also be altered. These changes required amendments to the plan and agreement. The developer has also reduced the total number of units from 421 to 408. Single family lots would be increased from 272 to 297, by adding 15 cottage lots and 10 single-family lots. The number of townhome units would be reduced from 149 to 111. These changes would not require amendments.

Councilmember Westmoreland asked for details of the walkway connecting the two cul-de-sacs. Nate Shipp, representing the developers, stated the walkway would be five feet wide and fenced, with landscaping along the length of the walkway. It would match the standard found in the rest of the subdivision.

Mayor Pro Tempore Bradley asked why the road alignment was changed. Mr. Shipp responded it was to accommodate a change in the phasing, which affected the sewer line and eliminated an unnecessary detention pond.

Mr. Jensen stated the appearance of the townhomes is a major feature. The garages are more prominent than the Municipal Code allows. The developers have provided upgraded garage doors with windows to improve their appearance.

Councilmember Westmoreland asked if the walkway in front of the townhomes would be paved. Mr. Jensen said it would not.

Mayor Pro Tempore Bradley asked about having a back alley access to the townhome garages, which is recommended by the Municipal Code. Mr. Shipp said that design hasn't worked well in one of the projects his company built in Salt Lake County. Rather than use the design again, the design was changed for the Evans Ranch project. The rear access led to problems with snow and ice removal and vehicles crowding or blocking the alleys.

Councilmember Curtis suggested if the alley configuration doesn't work well, the Council should consider changing the Code.

Councilmember Reaves asked if the townhomes would have access only from the main road. Mr. Shipp responded that was one of the issues that prompted the redesign of the road configuration.

Councilmember Reaves appreciated the redesign of the road, as it improves access for larger vehicles like school buses.

Councilmember Westmoreland asked what features would be included to limit run-off issues. City Engineer Chris Trusty described the storm drain system.

Mayor Pro Tempore Bradley asked how snow plowing will be accommodated. Mr. Shipp said private contractors will push snow into designated areas.

## 12. MOTION – Consideration of the Evans Ranch Townhomes Preliminary Plat.

City Planner Tayler Jensen presented the preliminary plat and master site plan together. These items were reviewed at Planning Commission meeting and were approved with conditions. The developers submitted a new landscaping plan today. The developers have provided significantly more open space and amenities than are required. A clubhouse was required, but the developers felt there should be a swimming pool and pavilion, as well.

The traffic impact study was unchanged from the last master development amendment, recommending a traffic signal at the intersection of Pony Express Parkway and Porter's Crossing and dual left-turn lanes going westbound.

Mr. Jensen showed the Council photos of the elevations (outside appearance) of the townhomes and the entry monument.

Nikki Wickman, a resident, was allowed to comment. She felt the turning lanes from Pony Express Parkway to Porter's Crossing Parkway should be configured differently. The Council discussed the lane alignment. Mr. Trusty said the lane alignment wasn't planned to coincide with the traffic study's recommendation, as it wasn't felt to be the best alignment.

13. MOTION – Consideration of the Evans Ranch Townhomes Master Site Plan.

*See item 12.*

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

Mayor Pro Tempore Bradley adjourned the meeting at 5:57 p.m.

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

ELECTED OFFICIALS PRESENT: Councilmembers Adam Bradley (as Mayor Pro Tempore), Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Mayor Pengra was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Ikani Taumoepeau, Economic Development Director; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pro Tempore Bradley called the meeting to order at 7:00 p.m.

5. PLEDGE OF ALLEGIANCE

Colby Curtis led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Writer's Workshop** – The Eagle Mountain Arts Alliance is holding its second annual Writer's Workshop on Saturday, August 6. For information, please visit [eaglemountainarts.org](http://eaglemountainarts.org).
- **Glow in the Dark 5K** – Miss Eagle Mountain Kaylie Blacka is hosting a 5K fundraiser for Buddy Benches in local schools on Friday, August 12 at 8:50 p.m. at Nolen Park. Pre-registration is available on the City website, Events calendar or on-site at 8:00 p.m. Cost is \$10 for ages 12 and under and \$15 for ages 13 and up.
- **Street Fair** – The City's Economic Development Board has organized a Street Fair for Saturday, August 13 from 9:00 a.m. to 4:00 p.m. Over 90 local businesses are participating at the event, which will be held on Peregrine Rd. in The Ranches (behind Chevron). Eight food trucks will also be on site.

- **Back to the 90s 20<sup>th</sup> Anniversary Celebration** – Residents are invited to join us for a "Back to the 90's" 20th anniversary bash at SilverLake Amphitheater on Saturday, August 27. Activities will run from 6:00 p.m. to 8:00 p.m. with a dance from 8:00 p.m. to 10:00 p.m. Meet City officials and all of the City departments and have some fun! There will be prize giveaways, free dinner, activities, Fire and Sheriff's equipment displays and demonstrations, and Thunder DJ'ing for an all ages dance.

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

Jennifer Morrison appreciated Councilmember Westmoreland's opening comments last week, which said everyone is bound by the law. She didn't feel Eagle Mountain should be partnering with the Pony Express Special Events Committee, which is registered with the State as a business, rather than a charity. She asked that the City withdraw all resources and services from the committee until it registers as a charity. She also asked that the lease for the rodeo grounds be revoked until the committee is registered.

Mayor Pro Tempore Bradley asked Mr. Jerome for an audit of the City's financial relations with the committee.

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

Councilmember Gricius

Councilmember Gricius enjoyed going on a ride-along with one of the Sheriff's deputies. She was impressed with the deputies assigned to Eagle Mountain.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone and thanked them for attending.

Councilmember Reaves

Councilmember Reaves asked residents to participate in City events. They're an opportunity to get to know one another.

Councilmember Bradley

Councilmember Bradley was happy to see some new people attending the meeting, as well as some Boy Scouts.

Councilmember Curtis

Councilmember Curtis announced that the Youth Council holds meetings every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 5:30 p.m. in the City Council Chambers. He encouraged all the youth in the community to be involved.

9. **APPOINTMENT**

A. **Military and Veterans Advisory Board** – Nicholas Genes

**MOTION:** *Councilmember Gricius moved to appoint Nicholas Genes to the Military and Veterans Advisory Board for a term ending December, 2018. 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.*

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Genes.

## CONSENT AGENDA

10. BOND RELEASES – Into Warranty
  - A. Spring Run Plat B, Phase 1
  - B. Valley View Ranch South Plat D-2

**MOTION:** *Councilmember Curtis 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

### PUBLIC HEARING

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

This item was presented by City Planner Tayler Jensen. The applicants proposed changing the layout of the Evans Ranch Master Development Plan and modifying the road layout for future phases of development in the southeastern portion of the master development plan area. The proposal also included amending the Evans Ranch Master Development Agreement to show a new park plan and road alignment, as well as new elevations for the townhomes.

The applicants also proposed reducing the number of townhomes by 38 units, replacing 15 of the units with single family cottage lots. The reduction in the number of townhome lots and increase in the number of cottage lots are allowed under the existing master development agreement and master development plan.

*Mayor Pro Tempore Bradley opened the public hearing at 7:29 p.m.*

Jeff Morgan, a resident of Evans Ranch, asked for an explanation of the increase in cottage homes and the decrease in open space acreage.

*Mayor Pro Tempore Bradley closed the public hearing at 7:32 p.m.*

Mr. Jensen stated the open space was condensed to one location, but the acreage wasn't reduced. It appeared to be a decrease because no open space remained adjacent to the townhomes. The open space exceeds the amount required by the Municipal Code. The additional single-family lots will replace some of the townhomes.

Councilmember Westmoreland asked whether the City or the LDS Church will own the access to the church building.

Nate Shipp, representing the applicants, stated the access will be owned and maintained by the LDS Church; however, his company has contracted to build the access.

Councilmember Curtis asked why the applicants proposed changing the curvilinear road style after it has already been built in other phases.

Mr. Shipp said the curvilinear design was not being abandoned. It provides offset frontages and some larger front yards, making the neighborhood more attractive. One area has been given a more traditional design as a tie-in to the adjoining neighborhood. That change also enables management of a change in grade, in order to accommodate utility installation. A drainage pond was removed from the design and replaced with lots.

Councilmember Curtis asked why the change in the road alignment led to additional lots, rather than making the existing lots larger. Mr. Shipp pointed out the project has already been reduced by 38 units.

Councilmember Westmoreland asked if the location of the detention basin was locked in. Mr. Shipp said the basin is already built and operating.

Councilmember Gricius objected to the narrow design of the church access area. Mr. Shipp said there was probably room to add a sidewalk or walking path, either public or private. If it were to be private, he would have to talk to the LDS Church about whether they would be willing to maintain a sidewalk. If the Church was unwilling, it could be maintained by the HOA.

Mr. Shipp suggested an alternative road alignment connecting to the land east of his property. If that could be worked out with the adjoining property owner, it would allow him to improve the design of this project.

Mr. Shipp requested approval of this project, and committed to talking to the owners of the adjacent property in SilverLake to try to work out an agreement for the road alignment.

Mayor Pro Tempore Bradley began a discussion of the townhome project. He didn't feel it met the intent of the Municipal Code. The garage is prohibited from being the focal point of the building.

Mr. Shipp stated units designed with rear-loading garages (leading to alleys) create problems of snow removal, garbage removal and vehicles crowding or blocking the alley.

Councilmember Curtis pointed out Mr. Shipp advocated for the rear-loading garages last March. Mr. Shipp said they looked very good but, having built some since then, he's found they don't work very well at all.

Mr. Shipp discussed the front elevations of the townhomes, showing how they were designed to break up the view of the garages with clear entryways and trees.

Mr. Jensen pointed out the garages are set at varying depths, or articulations.

Mr. Shipp discussed the clubhouse required in the Municipal Code, which must have 1200 sq. ft. with a food preparation area and a restroom. For this project, that has been upgraded to a clubhouse, pavilion and swimming pool. It will improve the community, which benefits the City, and increase the townhome prices, which will benefit Mr. Shipp's company.

Councilmember Westmoreland stated he has relatives living in similar housing, and the homes are well built and attractive.

**MOTION:** *Councilmember Curtis moved to adopt an Ordinance of Eagle Mountain City, Utah, approving the second amendment to the Evans Ranch Master Development Agreement and Master Development Plan, with the conditions included in the staff report. 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.*

The conditions in the staff report are as follows:

1. A walking path connection must be provided between the two cul-de-sacs.
2. The townhomes require upgraded garage doors with windows.
3. A privately owned and maintained 5' concrete trail must be provided along the private access drive into the church property.
4. If possible, the applicant should change the road alignment and the connection point into SilverLake to continue the curvilinear road layout; the road layout may be approved by staff.

12. MOTION – Consideration of the Evans Ranch Townhomes Preliminary Plat.

This item was presented during Work Session, as recorded on pages 2 to 3 of these minutes. Mayor Pro Tempore Bradley clarified the preliminary plat shows the layout of the townhomes, as opposed to their appearance.

**MOTION:** *Councilmember Gricius moved to approve the Evans Ranch Townhomes preliminary plat, with the conditions included in the staff report. 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.*

The revised conditions in the staff report, incorporating those discussed during the meeting, are as follows:

1. Construction of the pool shall commence prior to the issuing of the 16<sup>th</sup> building permit, and be completed prior to the issuing of the 78<sup>th</sup> building permit.
2. The swimming pool must be bonded for with the subdivision improvements for the phase that contains the 16<sup>th</sup> building permit.
3. No parking shall be allowed on the fire hydrant side of 26' private roads.
4. Alleys and driveways must have "no parking" signs at 150' intervals, and the Fire Marshal must approve a signage and striping plan prior to building permits being issued.
5. A 6' estate-style fence must be installed between the cottage lots, and the future extension to Porter's Crossing Parkway should be installed with infrastructure improvements.
6. The 40 surface parking stalls shall be designated and marked as guest parking.

7. The applicant shall provide street light plans that comply with the Municipal Code.
8. A 6' fence must be provided between the tot lot and the swimming pool.
9. A 53' right-of-way must be provided for all public streets.

13. MOTION – Consideration of the Evans Ranch Townhomes Master Site Plan.

This item was presented during Work Session, as recorded on pages 2 to 3 of these minutes as part of the preliminary plat discussion.

**MOTION:** *Councilmember Westmoreland moved to approve the Evans Ranch Townhomes master site plan, with the condition that no more than two adjacent garages have the same articulation. 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.*

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

Councilmember Curtis  
*See board report.*

Councilmember Bradley  
No comment.

Councilmember Reaves  
*See board report.*

Councilmember Westmoreland  
Councilmember Westmoreland was interested in hearing the residents' opinion on the new location of the food truck round-up. It was held at Nolen Park this evening.

Councilmember Gricius  
No comment.

15. 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 Colby said the Planning Commission meets every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday. They do a great job. He and Councilmember Reaves alternate attending the meetings. He recommended that residents attend those meetings to learn about proposed developments they're interested in.

Councilmember Reaves stated he was looking forward to hearing the neighborhood match grant proposals at the next Parks and Recreation Advisory Board meeting.

16. COMMUNICATION ITEMS  
A. Upcoming Agenda Items

17. ADJOURNMENT

**MOTION:** *Councilmember Curtis moved to adjourn the meeting at 8:43 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 August 16, 2016.



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Fionnuala B. Kofoed, MMC  
City Recorder



# EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

**August 16, 2016**

Eagle Mountain City Council Chambers

1650 East Stagecoach Run, Eagle Mountain, Utah 84005

## **5:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Ikani Taumoepeau, Economic Development Director; Aaron Sanborn, Management Analyst; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jeff Weber, Facilities Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Pengra called the meeting to order at 5:07 p.m.

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

### Extractive Industries Overlay Zone

City Administrator Ifo Pili announced a temporary moratorium on building in the Extractive Industries Overlay Zone, to permit City staff to study how best to manage the zone. A legal notice will be published in the newspaper.

City Attorney Jeremy Cook said the moratorium would formally begin with an ordinance to be approved by the Council at the next meeting. The Council could choose a length of time up to six months.

Councilmember Curtis noted the Planning Commission could approve a conditional use in the zone without Council review. Mr. Cook stated that any change to the conditional uses allowed in the zone would be made through a change in the Municipal Code, which would have to be approved by the Council.

Mayor Pengra pointed out the process the Council was considering was to approve a moratorium to give City staff time to do a study documenting the impact of the uses allowed in the zone. Then steps would be taken to eliminate any additional impacts, which might lead to removal of the Extractive Industries Overlay Zone. In that case, existing businesses would be allowed to remain.

Mr. Mumford stated the developers of the Spring Run project have submitted an application for a master development plan amendment for an industrial zone, including land within the Extractive Industries Overlay Zone.

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

12. **RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Valley View Ranch Master Development Agreement.**

Mr. Mumford discussed items 12 and 13 together.

All the lots in the development are one-half to one acre in size. There will be a trail corridor on the north side. An access road to the Camp Williams Tickville Gate has been designed so no lots front it. There will be fencing along the road which will prevent children from running into the road. The Planning Commission recommended conditions of approval, which were incorporated into the design. A representative of Camp Williams called Mr. Mumford to express the Camp's approval of the project. The design will require the Tickville Gate to be moved.

Home designs will be limited so adjacent and nearly-adjacent homes will not have identical front elevations, which will preserve the look of a custom home subdivision.

Councilmember Gricius stated the lot calculations on the plat map needed to be updated.

Councilmember Curtis pointed out an update that needed to be made to section 2.2 of the amendment to the master development agreement, stating half-acre lots would be platted along the border with Camp Williams.

Councilmember Bradley asked if Camp Williams approved of the angle of the access road. Mr. Mumford responded the Camp wanted it as straight as possible to reach the Tickville Gate, but accepted the angle. The gate will be moved so City workers can reach the water tank without going through the gate.

Councilmember Bradley felt allowing half-acre lots on this land was too great an exception to the Municipal Code. Mr. Mumford responded the trail corridor reduced the developer's lot acreage. Other developments in Valley View have been allowed half-acre lots. Spring Run has proposed a 100-foot buffer with 10,000 square-foot lots.

13. **MOTION – Consideration of the Valley View Ranch Foothills Preliminary Plat.**

*See item 12.*

3. **ADJOURN TO A CLOSED EXECUTIVE SESSION**

No Closed Executive Session was held.

Mayor Pengra adjourned the meeting at 5:40 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Ikani Taumoepeau, Economic Development Director; Aaron Sanborn, Management Analyst; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

### 4. CALL TO ORDER

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

### 5. PLEDGE OF ALLEGIANCE

Colby Curtis led the Pledge of Allegiance.

### 6. INFORMATION ITEMS/UPCOMING EVENTS

- **Back to the 90s 20<sup>th</sup> Anniversary Celebration** -- Residents are invited to join us for a "Back to the 90s" 20th anniversary bash at SilverLake Amphitheater on Saturday, August 27. Activities will be from 6:00 p.m. to 8:00 p.m. with a dance from 8:00 p.m. to 10:00 p.m. Meet City officials and all of the City departments and have some fun! There will be prize giveaways, free dinner, activities, B98.7 FM music & giveaways, Fire Department and Sheriff's Office equipment displays and demonstrations and Thunder DJ'ing at the all ages dance.
- **City Offices Closure** – The City offices and Library will be closed on Monday, September 5 for the Labor Day holiday. The Library will also be closed Saturday, September 3.

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

Charlotte Ducos, representing her neighbors, said she contacted the developer of Valley View Ranch Foothills, who worked with her suggestions to design the development in a way that was beneficial to both the residents and the developer.

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

#### A. Status Report – Volunteers in Police Service

Vincent Liddiard, President of the Utah County Sheriff's Office City Volunteers in Police Service (VIPS), presented a status report on the organization. VIPS is a national program assisting law enforcement. Eagle Mountain's group was formed in 2009. The volunteers are well trained to help with activities that don't require full police officer skills. They are unpaid and provide all their own gasoline and equipment. They do traffic control, check on

sites prone to theft and vandalism like construction sites, and help with City events and with emergencies.

Mayor Pengra expressed his appreciation for the service these volunteers provide to the community.

Councilmember Gricius

Councilmember Gricius thanked everyone for being at the meeting.

Councilmember Reaves

Councilmember Reaves said it's always great to see residents participating in City Council meetings, as well as contacting Councilmembers through email and other means.

Councilmember Bradley

Councilmember Bradley welcomed everyone to the meeting. He thanked those who worked hard to make the Street Fair a success. He invited everyone to the Back to the 90s 20<sup>th</sup> anniversary event. He'd heard there was going to be a City-wide yard sale. Public Information Director Linda Peterson said the Economic Development Board asked the GIS technician to create a map on the City website where residents could post their yard sales.

Councilmember Bradley also expressed his appreciation for the City's Unified Fire Authority (UFA) firefighters.

Councilmember Curtis

Councilmember Curtis encouraged everyone to attend the 20<sup>th</sup> anniversary celebration on August 27<sup>th</sup>. He reminded everyone the Youth Council meets on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month in the City Council Chamber.

Mayor Pengra

Mayor Pengra stated Councilmember Westmoreland was excused. He said there have been changes in the leadership of the UFA, which the UFA Board has worked very hard on. He had great confidence in the UFA.

**CONSENT AGENDA**

9. MINUTES

- A. July 19, 2016 – Regular City Council Meeting
- B. August 2, 2016 – Regular City Council Meeting

10. BOND RELEASES – Out of Warranty

- A. Skyline Ridge Phase 1C, Plat 1
- B. Valley View Ranch Phase A, Plat 7
- C. Valley View Ranch Phase A, Plat 8

11. RESOLUTION – Declaration of Surplus Property

- A. Well Water Pump Equipment

**MOTION:** *Councilmember Gricius moved to approve the Consent Agenda. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis,*

*Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

## **SCHEDULED ITEMS**

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

This item was presented by Community Development Director Steve Mumford. It was discussed earlier during Work Session. The discussion can be found on page 2 of these minutes. The item was tabled from the July 19, 2016 City Council meeting.

The applicants proposed amending the Valley View Master Development Plan to allow for lots that are less than one acre, which would be located along the Camp Williams' southern boundary. The Municipal Code requires one-acre lots bordering Camp Williams, but allows the City Council discretion to approve smaller lots as long as wildfire protection and storm drainage facilities are adequate. Lots bordering the North Ranch and Meadow Ranch subdivisions would be one acre or larger. No home plan would be approved for construction if a home using the same front elevation had been approved for use on either side or across the street from the proposed home, and no more than 15% of homes in the project would be allowed to share the same front elevation.

Councilmember Curtis asked if the Municipal Code contained anything similar to section 4.2 of the agreement. Section 4.2 called for no more than 15% of the homes to share the same front elevation, and didn't allow for identical elevations among homes located near one another. Mr. Mumford said that was not addressed in the Code.

Mr. Mumford noted that lot 107, which was originally planned with a septic system, will be connected to the sewer system.

Mr. Mumford mentioned that he received a message from a representative of Camp Williams, expressing approval of the plat design and appreciation for the access road not being fronted by any homes.

The access road to Camp Williams will have a three-rail fence lined with unclimbable wire to keep people out of the road, maintaining safety when military vehicles use the road. It will only be paved on the south section. The rest will be compacted road base.

Councilmember Curtis asked if the half-acre lots would cause any problems with water. Mr. Mumford said the v-ditch shown on the plat will direct run-off into the storm drain system.

City Engineer Chris Trusty stated the biggest problem with drainage was a sheet flow that had no obstruction to keep water out of people's yards. There will need to be something to obstruct and slow that flow of water.

Councilmember Bradley said all of the relevant City departments have been consulted, and didn't have concerns about excessive wildfire or storm drainage hazards.

Mr. Mumford mentioned that Edge Homes planned to buy some of the lots, so he reviewed the lot configuration with them. They had minor concerns, which could be addressed at the staff level.

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

13. MOTION – Consideration of the Valley View Ranch Foothills Preliminary Plat.

*See item 12.*

**MOTION:** *Councilmember Gricius moved to approve the Valley View Ranch Foothills preliminary plat, with the conditions included in the staff report. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

The conditions included in the staff report were as follows:

1. This subdivision shall comply with all conditions of the Valley View Master Development Plan and Agreement.
  2. Approval of this proposed preliminary plat is contingent on City Council approval of a master development agreement amendment allowing half-acre lots along the Camp Williams border.
  3. The applicant shall install 4” of compacted road base for an 8-foot wide trail in the existing trail corridor west of Lots 101 and 102, connecting Country Drive to the trail north of Lot 102.
  4. Three-rail fencing and trail improvements shall be installed along with the infrastructure of the adjoining plat.
  5. The Camp Williams access corridor shall be graded and improved with road base beginning at the end of the paved 100 ft. entrance.
  6. The applicant shall install a cut-off ditch above the hillside lots to capture storm water runoff and direct it to the storm drain system to the satisfaction of the City Engineer.
14. 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 said the Youth Council has helped with several City projects, and will be helping with the 20<sup>th</sup> anniversary celebration. He encouraged everyone to attend the Planning Commission meetings held in the City Council Chamber at 6:00 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month. He commended the Planning and Building Departments for the work they do to improve the community.

Councilmember Bradley

Councilmember Bradley commended the Economic Development Board for their hard work, especially on the Street Fair. He invited everyone to attend the Board’s meetings. He stated

surveys were sent to all of the participants in the Street Fair to get their feedback on whether it was worthwhile for them.

Councilmember Reaves

Councilmember Reaves thanked all those who attended the meeting. He said community participation is very important for young people. He asked residents to be careful while driving, since school is starting.

Councilmember Gricius

Councilmember Gricius announced the Military and Veterans Advisory Board will meet next week on Thursday, August 25, at 7:00 p.m. in the City Council Chamber.

Mayor Pengra

No comment.

15. 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.

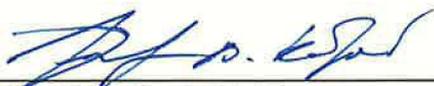
None.

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

17. ADJOURNMENT

**MOTION:** *Councilmember Gricius moved to adjourn the meeting at 8:03 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 September 6, 2016.



Fionnuala B. Kofoed, MMC  
City Recorder





# EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

**September 6, 2016**

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 Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Councilmember Adam Bradley was excused.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Linda Peterson, Communications and Community Relations Director; Jessica Alvarez, Human Resources Director; Steve Mumford, Community Development Director; Chris Trusty, City Engineer; Jeff Weber, Facilities Director; Mack Straw, Public Utilities Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:06 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.

### 9. **APPOINTMENTS**

Mayor Pengra announced his proposed appointees for three City boards. He recommended Dale Jakins for the Parks and Recreation Advisory Board, Corbett Douglas for the Cemetery Advisory Board and Michael Small for the Military and Veterans Advisory Board.

12. **ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Establishing a Temporary Moratorium on New Permits or Approvals for Mining Operations or Concrete or Asphalt Facilities in the Spring Run and Talon's Cove Extractive Industries Overlay Zone.**

Community Development Director Steve Mumford stated City staff recommended a six-month moratorium on new permits or approvals for mining operations or concrete or asphalt facilities in the Extractive Industries Overlay Zone. The purpose would be to study the effects of the industries there on the health, safety and welfare of the residents. Negative effects in those areas would constitute a compelling, countervailing interest to having the overlay zone on the land.

Councilmember Reaves asked how the land would be reclaimed after the mining leases have expired, should the City choose reclamation. Mayor Pengra stated the mining leases were private agreements. It would be premature to consider reclamation when the City had no control over the leases.

13. MOTION – Consideration of the Sale of a Vacant Parcel of Real Property Containing Approximately 40.76 Acres, Identified as Utah County Parcel Number 58:040:0013.

Mayor Pengra removed this item from the agenda.

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 16.35 of the Eagle Mountain Municipal Code for Development Standards for Required Public Facilities.

Mr. Mumford stated these amendments didn't change anything in the Municipal Code. Rather, they added illustrations clarifying right-of-way requirements and street cross-sections.

Councilmember Curtis said he attended the Planning Commission meeting where this was discussed. He believed the changes would be beneficial to the Code.

Councilmember Reaves said he felt these were useful changes.

15. MOTION – Consideration of the Eagle Mountain Benches Preliminary Plat.

Mr. Mumford stated this application was previously submitted with smaller lot sizes, which would have required a rezone. This submission's minimum lot size was five acres, which complied with the existing zoning.

Improvement of Lake Mountain Road has been an issue with this project. The Municipal Code requires developers to pave existing roads in their developments. Sections of this historically dirt and gravel road have recently been surfaced with a reclaimed asphalt product. The Fire Code allows gravel roads, as long as there is a sprinkler system in each home.

Mr. Mumford consulted with and Zac Hilton, the City's Streets and Storm Drains Manager. Mr. Mumford and Mr. Hilton felt the road should be improved to the satisfaction of the Fire Marshal, the City Engineer and Mr. Hilton. Mr. Hilton told him the City plans to re-grade the road within the month.

Another issue was the gas and electric utility corridors. The Municipal Code designates the land within the corridors unbuildable, although "unbuildable" is not defined. Kern River Gas Transmission Company standards recommend its corridor be maintained as open space, but allow for some private use as long as Kern River reviews the plans, no structure exceeds 12 feet in height, and Kern River retains access to the property through gates. Rocky Mountain Power has similar restrictions for its powerline corridor. A couple of City parks are located in the corridor, as well as an HOA park.

The City's General Plan shows a regional trail through the utility corridor. The Planning Department has worked with the developer to find an alternative to avoid running the trail through

building lots. The original route would have the trail run through the utility corridor, which would place it in the center of the developed lots. Other options would move the trail through various sections of BLM land, the utility corridor, and along Lake Mountain Road.

The Planning Commission recommended three conditions: an acceptable connection for the regional trail, compliance with any and all restrictions imposed by the utility companies, and improving Lake Mountain Road to the satisfaction of the City Engineer and the Fire Marshal.

Councilmember Westmoreland asked if there was a dispute over the application of the Code. City Attorney Jeremy Cook stated there was no dispute. The project falls under the agricultural chapter of the Code. Property owners may use the land under the utility corridor for farming or livestock. He didn't think a regional trail corridor was a reasonable taking for that many lots. The City would need to pay fair market value for the land for the trail.

Jeff Scott, the applicant, asked to make a comment. He stated the utility corridor was broken, and more of it went through agricultural land than residential. He wanted to place a trail along the easement west of Lake Mountain Road and then onto BLM land.

Councilmember Westmoreland stated the Council has often deferred to staff to work out details. In this case, he would prefer the details to be worked out by the Council. Mayor Pengra agreed.

Councilmember Gricius noted the lot size requirements for Agriculture zoning. Since some of the lots were mostly unbuildable land, she wanted to know what the unbuildable areas could be used for.

Mr. Mumford said the Agriculture zone allows for processing of agricultural products, commercial hunting, farming, windmills, silos, etc. Subdividing the land into building lots requires that enough room be reserved to accommodate building a home on each lot.

Councilmember Gricius asked if driveways were allowed to cross the utility corridor. Mr. Mumford said they were, but Kern River Gas Transmission would have to approve the design and have a representative on-site when the driveway was installed.

Mr. Mumford stated the applicant submitted an updated plan earlier in the day. The road cross-section was changed from 66 feet to 60 feet and a couple of other very minor changes were made.

#### 16. MOTION – Consideration of the Shops at City Center Site Plan.

Mr. Mumford explained this was a site plan for two retail buildings in City Center, each of which would have a drive-through for a potential, future restaurant. The project would be accessed from Eagle Mountain Blvd.

The preliminary plat was approved with two lots. The owners were expected to submit a master site plan to act as a preliminary plat; however, they were unwilling to do that because they wanted flexibility to adjust to market conditions.

Although the Municipal Code states parking should be to the side or the rear of the buildings, the owners believed that configuration wouldn't work for a retail project. The Council could allow the parking area to front the buildings, as long as additional berming and landscaping were installed to

screen the view of the pavement. Acceleration and deceleration lanes will be required on Eagle Mountain Blvd.

17. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving Eagle Mountain’s Participation in the Utah County CDBG Program.

City Recorder Fionnuala Kofoed said the City has participated in the Community Development Block Grant (CDBG) program since 2000. City projects funded by the program have included the senior van and streetlights along Eagle Mountain Blvd. The Housing and Urban Development Department recently added additional language to the agreement, which requires it to be re-approved. Signing the agreement would allow the City to participate in the program immediately. If the Council chose not to approve the agreement, there would be a three-year waiting period before the City could participate again.

18. BID AWARD – Consideration and Award of Bid to Ellsworth Paulson for the 2016 Well Generator Project.

Facilities and Operations Director Jeff Weber stated the generators would provide emergency power back-up for wells #3 and #5, which are located in Hidden Canyon.

Public Utilities Manager Mack Straw explained that these two wells were chosen to receive generators because they have the highest water production.

Councilmember Westmoreland asked for a more detailed breakout of the costs for the generators. He wondered why the City didn’t use mobile generators. Mr. Straw said the cost included the generators and all the equipment and services required to properly install them.

Mike Chambers, representing Hansen and Luce Engineers, explained each generator would be mounted on a large concrete pad, surrounded by a weatherproof enclosure and provided with sound muffling and a 24-hour fuel tank. They are 900 kW diesel generators which will be equipped to turn on automatically if they detect a power failure.

Councilmember Curtis asked what routine maintenance they’ll need. Mr. Weber said the City has a maintenance contract with Wheeler Equipment for all of the City’s generators, which includes a weekly start-up. The generators will be tied to the SCADA system, which will warn City staff of any problems that need to be addressed.

City Administrator Ifo Pili explained the City first considered mobile generators, but mobile equipment powerful enough to power the wells would be very large and even more expensive than the stationary generators.

19. BID AWARD – Consideration and Award of Bid to Westbrook Construction, Inc. for the 2016 City Park Restroom Utilities Project.

Mr. Weber said this project only encompassed the water, sewer and electrical utilities for the restrooms, which will be located in Smith Ranch, Pioneer and Walden parks.

20. BID AWARD – Consideration and Award of Bid to CXT Incorporated for the 2016 City Park Restroom Project.

Mr. Weber said this agreement was for the restroom buildings themselves. They are high-quality prefabricated buildings such as the Forest Service uses in the mountains.

Councilmember Gricius felt any parks that lack drinking fountains should have them. Mr. Weber said fountains could be included with these restrooms for a relatively small cost.

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 5:26 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Linda Peterson, Communication and Community Relations Director; Steve Mumford, Community Development Director; Chris Trusty, City Engineer; Jeff Weber, Facilities Director; Mack Straw, Public Utilities Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Benjamin Reaves led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Fall Clean-up Dumpsters and E-waste Collection** – Eagle Mountain City is offering free fall clean-up dumpsters and E-waste (electronics) collection for Eagle Mountain residents from Thursday, September 8 through Sunday, September 11. Dumpsters will be located in the open space south of Frontier Middle School (1427 N. Mid Valley Rd.) and may be accessed via Mid Valley Rd. The dumpsters are for yard and general household waste. They cannot accept any hazardous materials, tires, appliances, or large furniture items. There will be a separate dumpster for scrap metal. Bins will be available for E-waste, including TVs, computers, and miscellaneous electronics. Please dispose of these items as designated by signage on the bins. A list of acceptable and unacceptable E-waste items is available on the City website.

- **City Departments Moved** – Several departments previously located in City Hall have moved to the Community Development Building, located at 2565 N. Pony Express Pkwy. These departments are: Building & Planning (now the Community Development Department), Special Events, and Parks and Recreation. Phone numbers and email addresses have not changed.
- **Road Closures** – The following road closures are currently in effect:
  - Peregrine Road Closure – Peregrine Road will be closed from Ranches Parkway to Sparrowhawk through September 9. Detours and traffic control are in place.
  - Pony Express Lane Closure – One northbound lane will be closed on Pony Express Pkwy. at Sandpiper Rd. (near Hidden Hollow Elementary) through September 12 for a Questar Gas project. This closure may be intermittent. The work day is expected to be from 9:15 a.m. until approximately 5:00 p.m.
  - Hillside Drive Road Closure – Shiloh Way to Lippizan Way until further notice.
- **Road Work** –Construction is in progress on the extension of Bobby Wren Blvd. Please watch for workers, use caution in the area, and alert children to stay away from the construction zone and materials. Work is expected to be finished by November.

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

Mike Kieffer thanked Mr. Mumford and his staff for adding diagrams to the Municipal Code. Diagrams and charts make the Code more understandable. He felt the Community Development Block Grant (CDBG) resolution was a bad idea, as it gave the Federal government more control over the City. He objected to the required language against excessive force used by law enforcement. He didn't think law enforcement officers should have to be concerned about whether they're being scrutinized.

Mayor Pengra clarified the rules and organization of the CDBG program.

Jeff Ruth asked that the City mow alongside the trails in late April or early May to get rid of foxtails, which dig into animals' legs and sometimes have to be removed surgically. Mowing later spreads foxtail seeds.

Ingrid Russell requested a dog park because people's dogs are part of the community. She thought dogs would behave better and bark less if they had an opportunity to exercise more. Mayor Pengra mentioned the preliminary plan for Cory Wride Memorial Park included a dog park, although he didn't know what the time frame would be or whether it would be included in the final plan.

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

Councilmember Curtis

Councilmember Curtis encouraged youth ages 14 - 18 to join the Youth Council. He thanked everyone who helped with the 20<sup>th</sup> anniversary event.

Councilmember Bradley

Councilmember Bradley apologized for not attending the meeting in person. He thanked the City staff who worked on the "Back to the 90s" 20<sup>th</sup> anniversary event.

Councilmember Reaves

Councilmember Reaves thanked everyone who helped with the anniversary event: law enforcement, fire and rescue, City staff and volunteers. He's had a lot of positive feedback. He encouraged everyone to attend City events.

Councilmember Westmoreland

Councilmember Westmoreland felt it was an honor to serve this community.

Councilmember Gricius

Councilmember Gricius thanked everyone who helped with and attended the anniversary event. She congratulated Pikachu for being voted Eagle Mountain's favorite Pokemon in the children's mock election held at the event. She stated the Senior Advisory Council has events every week. The Military and Veterans Advisory Board meets the third Thursday of each month.

Mayor Pengra

No comment.

9. APPOINTMENTS

- A. Parks and Recreation Advisory Board – Dale Jakins
- B. Cemetery Advisory Board – Corbett Douglas
- C. Military and Veterans Advisory Board – Michael Small

**MOTION:** *Councilmember Curtis moved to appoint Dale Jakins to the Parks and Recreation Advisory Board for a term ending December 31, 2018. 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 Gricius moved to appoint Corbett Douglas to the Cemetery Advisory Board to complete a term vacated by Wendy Lojik, ending December 31, 2019. 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 Michael Small to the Military and Veterans Advisory Board to complete a term vacated by Kindra Jones, ending December 31, 2017. 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 Mr. Jakins, Mr. Small and Mr. Douglas.

**CONSENT AGENDA**

10. MINUTES

- A. August 16, 2016 – Regular City Council Meeting

11. BOND RELEASE – Into Warranty  
A. Skyline Ridge Phase 1C, Plat 2

**MOTION:** *Councilmember Reaves 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**

### **PUBLIC HEARING**

12. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Establishing a Temporary Moratorium on New Permits or Approvals for Mining Operations or Concrete or Asphalt Facilities in the Spring Run and Talon’s Cove Extractive Industries Overlay Zone.

This item was presented by Community Development Director Steve Mumford. The proposed ordinance restricts land use requests with respect to approved uses under the Extractive Industries Overlay Zone. The temporary moratorium would be in place while the City completed a study addressing the existing and potential impacts of industries in the Extractive Industries Overlay Zone on the health, safety and welfare of residents.

*Mayor Pengra opened the public hearing at 7:41 p.m.*

Corbett Douglas asked if six months was long enough to conduct an adequate study on the health impacts on residents of the community. He wondered if it would be possible to extend the study.

Mayor Pengra said he felt six months was long enough to make use of the information available.

Councilmember Reaves pointed out that State law doesn’t allow more than a six-month moratorium.

Nick Baird, an employee of Hadco and TM Crushing, wanted the Council to know the companies have been working hard to clean up the gravel pit and comply with State and Federal air quality laws. Company representatives will make a presentation at a future Council meeting on what they’ve done to comply with all the agencies that regulate their operation. The companies wanted to improve their relationship with the City by cooperating and giving the City full access to the site and to information it needed.

Dave Openshaw, a resident of Meadow Ranch, wanted to know how the heavy traffic from the gravel pit will be managed to avoid damage to Wride Memorial Highway.

*Mayor Pengra closed the public hearing at 7:46 p.m.*

Councilmember Gricius asked what the scope and objective of the study would be. Mayor Pengra said the intent was to identify the impact of continued and expanded extractive operations on the residents of the City. Negative effects on the residents’ health, safety and welfare would constitute a countervailing public interest, potentially leading to the removal of the overlay zone. However, objections to the use of the land would not.

Councilmember Curtis stated he wanted a permanent solution. He wanted the current owners to be able to use their land, but he wanted to avoid ending up with an eyesore like the mining operation at Point of the Mountain in Salt Lake County. He understood that wasn't the goal of the study, but he wanted the Council to consider the question.

Councilmember Reaves said the section of the Municipal Code governing the overlay zone stated the owners of the land are required to submit a reclamation plan detailing how the land would be restored after the mining operations were completed.

Mr. Mumford noted the Extractive Industries Overlay Zone overlays base zoning. The base zoning will direct the future use of the property. The base zoning is a mix of business park, industrial, residential and commercial. An overlay zone is designed to allow for additional uses.

Councilmember Bradley appreciated the staff listening to the public and the Council and working on this moratorium. He thanked Mr. Baird for coming to the meeting and providing information.

**MOTION:** *Councilmember Gricius moved to adopt an Ordinance of Eagle Mountain City, Utah, establishing a temporary moratorium on new permits or approvals for mining operations or concrete or asphalt facilities in the Spring Run and Talon's Cove Extractive Industries Overlay Zone. 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. MOTION – Consideration of the Sale of a Vacant Parcel of Real Property Containing Approximately 40.76 Acres, Identified as Utah County Parcel Number 58:040:0013.

Mayor Pengra removed this item from the agenda.

#### **PUBLIC HEARING**

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 16.35 of the Eagle Mountain Municipal Code for Development Standards for Required Public Facilities.

This item was presented by Community Development Director Steve Mumford. The proposed amendment to the Municipal Code added Section 16.35.140 Diagrams, to clarify the City's standards for road rights-of-way. Mr. Mumford explained how the diagrams were created.

*Mayor Pengra opened the public hearing at 8:01 p.m. As there were no comments, he closed the hearing.*

**MOTION:** *Councilmember Reaves moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 16.35.140 of the Eagle Mountain Municipal Code for Development Standards for Required Public Facilities to clarify the City's standards for rights-of-way. 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.*

15. MOTION – Consideration of the Eagle Mountain Benches Preliminary Plat.

This item was presented by Community Development Director Steve Mumford. The applicant proposed a preliminary plat on 101.62 acres of land, currently zoned Agriculture. The property is located along Lake Mountain Road. The proposal consists of 16 lots that are 5 acres or larger. The project complies with the City's Future Land Use General Plan designation of Rural Residential and a rezone is not required for the development. The project came before the Council previously with smaller lots, which required a rezone. The rezone was denied by the Council.

The Municipal Code requires roads in new developments to be paved. However, Lake Mountain Road has historically been a dirt road and is currently partially surfaced with road base. In addition, since this wouldn't be a residentially-zoned project, there would be leeway to finish the road to the satisfaction of the City Engineer and the Fire Marshal, without necessarily paving it. Surfacing the road without paving would require sprinkler systems in every home.

Some of the property in the lots would be located in the power and gas corridors, which the Municipal Code designates unbuildable land. The utility companies do allow certain restricted uses on the corridor, such as fences and grazing.

The Eagle Mountain General Plan shows a regional trail through the utility corridors. However, running the trail through so many lots in an agricultural subdivision would be an unreasonable taking, according the City Attorney. Other options would move the trail through various sections of BLM land, the utility corridor, and along Lake Mountain Road. One option would be to require trail improvement along Lake Mountain Road rather than road improvement.

The Planning Commission recently held a public hearing and recommended approval with the following conditions:

1. Applicant shall work with staff to provide an acceptable connection for the regional trail in the utility corridor.
2. The development must comply with any and all restrictions placed on properties affected by the utility corridor.
3. Lake Mountain Road shall be improved as a gravel road to the satisfaction of the City Engineer and Fire Marshal.

Mr. Mumford requested the Council to resolve condition #1 at this meeting.

Councilmember Westmoreland asked if the recycled asphalt would be applied to both Lake Mountain Road and the road to be constructed within the project. Mr. Mumford said the applicant planned the local road to be gravel-surfaced.

Mayor Pengra pointed out that Lake Mountain Road was originally a county road, which didn't meet City standards. The City has improved it as much as possible with the recycled asphalt available from other City projects. The new gravel road in the development would be built to City standards.

Councilmember Westmoreland asked if the trail would connect with any other trail. Mr. Mumford said there was no asphalt trail in the area; however there were some dirt trails.

Mr. Scott proposed running the trail along the west side of Lake Mountain Road, because the trail in the nearby Glenmar subdivision will run along the west side of the road.

[Inaudible comment from audience.]

Councilmember Curtis asked if it would be safe for residents to live so close to the gas transmission line, and if buyers had to be notified that they're moving into a utility corridor.

Mr. Cook said the corridor would be shown on the plat and in the title report at the time the property was sold.

City Engineer Chris Trusty stated any digging in the corridor must be supervised by Kern River employees.

Discussion ensued on the road surface. Mayor Pengra noted there were objections to paving the road when the smaller-lot subdivision was proposed, because traffic would increase considerably.

Mayor Pengra expressed concern about what would happen if there were an emergency with the gas line.

[Inaudible comment from Mr. Scott in the audience.]

Councilmember Reaves was worried about a property owner digging in the utility corridor without requesting supervision by the gas company.

Councilmember Gricius felt lot 8 should be considered completely unbuildable. Mr. Scott said he planned to keep the lot for grazing. Mr. Mumford said it could be designated unbuildable on the plat map if the applicant was willing to agree. Mr. Scott responded that he was willing to do that.

Mr. Mumford proposed marking the buildable area of each lot on the plat map.

Discussion ensued on the size and construction of the trail and the surface of Lake Mountain Road.

**MOTION:**        *Councilmember Gricius moved to approve the Eagle Mountain Benches preliminary plat, with the conditions included in the staff report, as well as adding the buildable area footprint to the plat, designating lot 8 as unbuildable, putting a natural-graded, maintained dirt trail on the west side of the road, with the road being surfaced with recycled asphalt and the side road being gravel. 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 conditions listed in the staff report are as follows:

1. Applicant shall work with staff to provide an acceptable connection for the regional trail in the utility corridor.
2. The development must comply with any and all restrictions placed on properties affected by the utility corridor.
3. Lake Mountain Road shall be improved as a gravel road to the satisfaction of the City

Engineer and Fire Marshal.

In addition, the staff report listed the following restrictions imposed by Kern River Gas Transmission. Similar restrictions are imposed by Rocky Mountain Power. The applicant will be required to comply with them, as well.

Kern River has specific requirements for development around utility easements. The following are requirements for fencing, landscaping and driveways.

Fencing:

1. Fencing will not be installed parallel to the pipeline within the easement.
2. Fence posts will not be installed within 5 feet of any Kern River pipeline. Fence posts will be hand-dug.
3. Fences will have an access gate installed within the right of way location, which needs to be approved by Kern River.

Landscaping

1. No trees or large deep-rooted shrubs are permitted on the right of way.
2. Kern River needs to approve any proposed shrubs in the right of way.
3. Kern River reserves the right to cut or remove plants and trees on the right of way. Kern River assumes no responsibility for any cost involved.
4. All sprinkler and irrigation systems require review by Kern River representative.

Driveways and Paved Areas

1. Kern River must complete a preliminary engineering review.
2. Access to the soil above the pipeline must be maintained for leak detection.
3. The recommended minimum cover over Kern River's existing pipeline is 5.5 feet at roads and driveways.
4. All roads and driveways crossing Kern River facilities will cross at an angle as close to 90 degrees as possible.
5. Kern River retains the right to cut all roads and driveways within existing right of way and will have no responsibility to restore, loss of use or access or any damages.

16. MOTION – Consideration of the Shops at City Center Site Plan.

This item was presented by Community Development Director Steve Mumford. The proposed site plan for the Shops at City Center is located on lot 2 of the City Center Commercial development, Phase A, Plat 1, which is south of Eagle Mountain Boulevard and west of Ira Hodges Scenic Parkway.

Mr. Mumford stated this project consists of two, multi-tenant retail buildings west of the Holiday Oil gas station currently under construction and east of the future Pony Express Dental office. Each building would have a drive-up window for potential fast-food restaurant use.

The approved preliminary plat required an approved master site plan; however, none has been submitted. The concept plan submitted shows the building sites, retention basin, access points and the location of the monument sign. A street lighting plan should also be submitted. Property along Eagle Mountain Blvd. was required to be dedicated for the full, 122-foot right-of-way. This will need to appear on the final plat.

Eagle Mountain's design standards call for parking to be located at the side or rear of the project. Parking may be allowed in front if additional berming and landscaping reduce the view of the

asphalt and screen headlights. Additional architectural details must be added to the buildings, as well.

Acceleration and deceleration lanes will be required on Eagle Mountain Blvd.

The Planning Commission recommended approval with eleven conditions.

Mayor Pengra requested that the Council allow City staff to work out the details of landscaping, berming and streetlight locations. The Council agreed.

Councilmember Curtis asked if a master site plan was going to be submitted. Mr. Mumford said the property owners chose not to do so, since they were only selling property, not developing it. He asked if the Council was willing to move forward with this project without one. Mr. Mumford did not want to stop a commercial project in City Center for lack of a master site plan.

Mayor Pengra said he felt the intent behind the master site plan requirement was correct, but most of the concerns have been accounted for without the plan.

Mr. Pili stated City staff has discussed this project thoroughly. They felt all the City's concerns have been dealt with.

Councilmember Curtis believed the City should amend the Municipal Code to allow for omission of master site plans, rather than continuing to allow exceptions.

Mr. Pili explained that, because the property owners were selling lots, but not developing the property, they were unwilling to submit a formal master site plan. Rather than stop the project, City staff came up with a solution, which was to allow the concept plan to replace the master site plan.

Mayor Pengra pointed out the entity putting the project together was the broker, not the owners.

Mr. Mumford recommended that conditions #2 and #6 be omitted. Condition #2 requires a master site plan and condition #6 requires an island for every 12 parking spaces. The recommendation is to allow an island for every 13 spaces.

**MOTION:**     *Councilmember Westmoreland moved to approve the Shops at City Center application, with the conditions included in the staff report, striking conditions #2 and #6. 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.*

The conditions listed in the staff reported in the staff report were as follows:

1. An amended preliminary plat or a master site plan will be required prior to a building permit being issued.
2. ~~No building permit shall be issued until a master site plan has been approved which addresses site layout, access, circulation and design standards.~~
3. Property shall be dedicated along Eagle Mountain Boulevard to the full build-out width of 122' right-of-way.
4. A final plat shall be approved and recorded prior to a building permit being issued.

5. Chosen building details shall be continued on all sides of the buildings (4 sided architecture).
6. ~~Parking islands required a minimum of every 12 parking stalls.~~
7. Dumpster enclosures must be provided and approved by staff.
8. The applicant shall provide a ten-foot (10') landscaped strip between the sidewalk/trail and the parking lot.
9. Street lights will be required every 150'-250' along Eagle Mountain Boulevard.
10. Acceleration and deceleration lanes will be required on Eagle Mountain Boulevard.
11. Applicants must comply with any traffic recommendations made by the City Engineer after the traffic memo is reviewed

17. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving Eagle Mountain's Participation in the Utah County CDBG Program.

This item was presented by City Recorder Fionnuala Kofoed during Work Session. The minutes of the presentation are found on page 4.

Councilmember Reaves asked Ms. Kofoed to explain what Community Development Block Grants have provided the City in the past. Ms. Kofoed said the grants were designed for redevelopment of blighted areas, for projects for the benefit of senior citizens and for other projects benefitting low to moderate residents. A grant paid for streetlights on Eagle Mountain Blvd. Another paid for the senior citizens' van.

The City has participated in the program for 18 years. The Department of Housing and Urban Development has recently added language to the agreement referring to civil rights and fair housing; so the participants must pass a new resolution and sign a new agreement.

Councilmember Reaves discussed the benefits of the program. He pointed out that this funding returned tax dollars to the City that the residents have already paid.

Councilmember Curtis felt this program constituted government overreach. He felt the new language was anti-police and propagated high-density housing.

**MOTION:** *Councilmember Westmoreland moved to respectfully decline participation in the Utah County CDBG Program and not to adopt a the associated Resolution. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. Those voting nay: Benjamin Reaves. The motion passed with a vote of 4:1.*

Mayor Pengra respectfully disagreed with the Council's decision, although he understood the spirit of their comments.

Councilmember Bradley then ended his phone connection to the meeting.

18. BID AWARD – Consideration and Award of Bid to Ellsworth Paulson for the 2016 Well Generator Project.

This item was discussed in Work Session. The minutes of the discussion are found on page 4.

**MOTION:** *Councilmember Gricius moved to award a bid to Ellsworth Paulson for the 2016 Well Generator Project in the amount of \$465,081.00 and authorize the Mayor to sign the contract. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

19. BID AWARD – Consideration and Award of Bid to Westbrook Construction, Inc. for the 2016 City Park Restroom Utilities Project.

This item was discussed in Work Session. The minutes of the discussion are found on page 4.

**MOTION:** *Councilmember Reaves moved to award a bid to Westbrook Construction, Inc. for the 2016 City Parks Restroom Utilities Project in the amount of \$62,970.00 and authorize the Mayor to sign the contract. Councilmember Curtis seconded the motion. Those voting aye: 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 CXT Incorporated for the 2016 City Park Restroom Project.

This item was discussed in Work Session. The minutes of the discussion are found on page 5.

**MOTION:** *Councilmember Gricius moved to award a bid to CXT Incorporated for the 2016 City Park Restroom Project in the amount of \$150,000.00 and authorize the Mayor to sign the contract. Councilmember Reaves seconded the motion. Those voting aye: 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.

Councilmember Curtis

No comment.

Councilmember Reaves

No comment.

Councilmember Westmoreland

No comment.

Councilmember Gricius

No comment.

Mayor Pengra

No comment.

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.

None.

23. COMMUNICATION ITEMS

A. Upcoming Agenda Items

24. ADJOURNMENT

**MOTION:** *Councilmember Curtis moved to adjourn the meeting at 10:00 p.m. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Approved by the City Council on September 20, 2016.



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Fionnuala B. Kofoed, MMC  
City Recorder



# EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

**September 20, 2016**

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 and Tom Westmoreland. Benjamin Reaves was excused.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Management Analyst; Linda Peterson, Communications and Community Relations Director; Jessica Alvarez, Human Resources Director; Steve Mumford, Community Development Director; Mike Hadley, Senior Planner; Chris Trusty, City Engineer; Jeff Weber, Facilities Director; Zac Hilton, Streets and Storm Drain Manager; Mack Straw, Public Utilities Manager; Ross Fowlks, Fire Chief; John Mulder, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:07 p.m.

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

- A. **Presentation – Alpine School District 2016 Bond**, by Rob Smith

Rob Smith, Assistant Superintendent of Alpine School District, thanked Mayor Pengra, City staff and the Sheriff's Office for their response to the bomb threat yesterday at Eagle Valley Elementary School, and the follow-up today. Mayor Pengra thanked Mr. Smith for the district's communication with the City and the tremendous job the teachers did in evacuating the students.

Mr. Smith stated Alpine School District will present a \$387M bond issue for a vote on Election Day. He hoped the City would be willing to endorse the bond issue. After careful analysis, and with a AAA bond rating, the district proposed building one new high school, two middle schools and six elementary schools. They also planned to rebuild or renovate nine schools, update security at five schools and acquire property in four municipalities, including Eagle Mountain. Those projects represent the first four years of a ten-year plan. The bond wouldn't lead to a tax increase because of the growth in the area, creating a larger tax base and a quick repayment time.

- B. **Presentation – Citizen Survey**, by Aaron Sanborn

Management Analyst Aaron Sanborn presented the results of the 2016 Citizens' Survey, focusing on what the City can do to improve. Overall, residents were satisfied with living in Eagle Mountain. Additional services requested (in random order) included economic development, a recreation center, retail stores, an improved and expanded sports program, additional amenities in City Center, a dog park, a library in The Ranches and teen activities.

Improved transportation within the City, as well as to and from other areas, was mentioned often.

C. Update – Neighborhood Match Grant Projects, by Aaron Sanborn

The City instituted a Neighborhood Match Grant Program using some of the utility sale proceeds. Neighborhood groups were invited to submit proposals, which would be funded by a combination of utility sale proceeds and funds raised by the applicants. Six projects were approved in the initial round of applications. They included the following:

- Improvements to the west entrance to The Ranches
- Improvements to Inverness Park and Upper Southmoor Park
- Beautification projects for Mt. Airey Village
- Rebuilding the SilverLake Amphitheater
- Installing a splash pad in Pioneer Park
- Installing a tot lot in Sweetwater Park

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

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 15.50 of the Eagle Mountain Municipal Code for Storm Drain Standards.

City Engineer Chris Trusty stated this ordinance reflects a standard now required by the State Division of Water Quality Division for cities with Municipal Separate Storm Sewer Systems (MS4). Under this standard, all storm water will remain in detention ponds on-site when a storm doesn't exceed a 90<sup>th</sup> percentile storm event. It will not run through piping to the City's storm water system. Ideally, when it percolates into the ground it will water trees and other vegetation. This could be very useful in watering vegetation along trail corridors and in other areas. The purpose is to manage storm water in a way that mimics the natural processes which occurred before development and construction.

The City will need to consider each building site to determine how to size the detention ponds.

Mayor Pengra mentioned the water conservation presentation made to the City Council last year by Brad Lancaster. In the location he described, each lot in a development retained as much water as possible. Any water that wasn't retained flowed through the subdivision, watering vegetation as it went. If there was any left after that, it continued on to water other areas.

14. MOTION – Consideration of the Oquirrh Mountain Ranch Phase A, Amended Preliminary Plat.

Planning Manager Mike Hadley stated this amendment would relocate and enlarge the park, removing two lots, and add a third, seven-lot phase to the preliminary plat. The new lots would replace previous multi-family lots.

When the developers were excavating lots as originally planned, they found bedrock under the lots. The amendment would move the building lots away from the bedrock area. Because the new design would be 23 points short of the required amenity points, the developers would like to meet that requirement with improvements to the petroglyph park.

Councilmember Gricius noted that condition #3 would need to be stricken, as it has already been completed.

Councilmember Bradley asked if a plan has been finalized for the petroglyph park. Mr. Hadley said was in process.

Councilmember Bradley didn't want to allow the amenity points to be used for the petroglyph park, since it was not located within the boundaries of the preliminary plat. He also didn't think the park was well designed.

15. BID AWARD – Consideration and Award of Bid to Geneva Rock for the 2016 Sunset Drive Improvement Project.

Discussion centered on whether City staff would be doing the paving for this project. Mr. Trusty said it would be possible to ask Geneva Rock for a bid on doing the paving, since City staff had a lot of projects needing completion.

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 5:35 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Management Analyst; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Senior Planner; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief; John Mulder, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:01 p.m.

5. PLEDGE OF ALLEGIANCE

Tom Westmoreland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **City Departments Moved** – Several departments previously located in the City Hall building have moved to the Community Development Building, located at 2565 N. Pony Express Pkwy. These departments are: Building & Planning (Community Development Department), Special Events, and Recreation. Phone numbers and email addresses have not changed.
- **Trick or Treat Village** – Save the date for free Halloween fun at Eagle Mountain City's annual Trick or Treat Village on Saturday, October 22 at Nolen Park from 10:00 a.m. to 2:00 p.m. Get your costumes on and come trick-or-treating at booths hosted by local businesses and organizations. Booth registration is only \$10. Register on the City website, Calendar.

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 for coming to the meeting. She was grateful for the positive outcome of yesterday's bomb threat, and told the first responders they were vital to the community.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone to the meeting. He announced that he would have to miss the next Council meeting or two.

Councilmember Bradley

Councilmember Bradley appreciated everyone who helped the children evacuate from the school yesterday, especially the teachers and the first responders. In reference to the man who made the bomb threat, he asked those who have friends or family members with mental health issues to help them.

Councilmember Curtis

Councilmember Curtis thanked everyone who helped with the situation yesterday and prevented any loss of life. He invited youth to join the Youth Council.

Mayor Pengra

Mayor Pengra said Councilmember Reaves had work obligations that kept him from attending the meeting. He read comments from Councilmember Reaves thanking everyone who kept the children safe during yesterday's bomb scare, and thanking those who have been compassionate towards the man's wife and family.

9. PRESENTATION – TM Crushing and Hadco Construction

John Hadfield, owner of T.M. Crushing and Hadco Construction, identified all of the agencies that regulate the gravel pit: The Federal Department of the Interior and the Mine Safety and Health Administration; the Utah Divisions of Natural Resources, Environmental Quality and Agriculture; Utah County and Eagle Mountain City.

He listed the actions T.M. Crushing has taken to mitigate dust:

- They now have a water nozzle at every drop point.
- They have paved their access road all the way to the pit, which they water and sweep daily.
- They added a weather station at the suggestion of the DEQ.
- They are pre-wetting the feed piles during good weather.
- They treated the unpaved roads with magnesium chloride.
- They are installing a booster pump and a water cannon to help keep dust down during storms.
- They are more stringent about checking the sweeping and watering employees in and out daily.
- They have hired a company to monitor dust. The monitoring showed that the dust remained at or below 10% opacity at the property line during high and low winds.
- Employees have been directed to shut the pit down when the wind reaches 25 m.p.h.

To control excess noise, they hired a company to do noise monitoring, which has been done at the freeway level and at a higher elevation. The monitoring was done while the noise was at its highest level. The noise was found to comply with the noise ordinance.

He showed pictures to demonstrate that their lights aren't any brighter than the other operations in the area, like Questar Gas. However, they have begun turning the lights away from the homes, turning the lights off at the end of the shift, and have stopped running the pit at the time the noise ordinance requires. Only maintenance and similar activities are done after that.

Mr. Hadfield said he's been asked what he'll do with the land after the mining operation ends. He said the property will be replanted and used for commercial or residential buildings. The company is considering moving its headquarters to Eagle Mountain.

Councilmember Bradley thanked Mr. Hadfield for his presentation. He said the installation of the traffic light has resolved most of his concerns. The nighttime light and noise were serious concerns in the past, but they've been alleviated since last summer.

Councilmember Curtis asked what Mr. Hadfield planned for the land. He was concerned about the appearance of this entrance to the City. Mr. Hadfield said he didn't expect the gravel pit to expand. When the mining operation was completed, the land would be used in the most economically useful way, as Mr. Hadfield and his partners are real estate developers, as well.

Councilmember Gricius thanked Mr. Hadfield for his presentation and for the measures he's taking to work through these issues. She requested a copy of the information he presented.

Councilmember Westmoreland thanked Mr. Hadfield for the measures he's taken to improve the gravel pit. He asked if something could be done about gravel spilling from the trucks as they're leaving the plant. Mr. Hadfield said his street sweeper works three days a week. He would make sure the trucks don't drive overloaded.

Mr. Hadfield mentioned that Hadco's trucks are only about 20% of the truck traffic. Most of the traffic comes from the other gravel pit. He said he would talk to the load operators and drivers about keeping the gravel properly loaded and level during transportation.

Mayor Pengra thanked Mr. Hadfield and said the effort and investment he's made have been very helpful.

Community Development Director Steve Mumford noted the Code Enforcement Officer, Mike Malay, has visited the gravel pit regularly. He's found much better compliance recently than there was earlier.

10. APPOINTMENT

- A. Senior Advisory Board – Eva Bassett (2-year term, expiring December 2018)

**MOTION:** *Councilmember Gricius moved to appoint Eva Bassett to the Senior Advisory Council for a term ending December 31, 2018. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

**CONSENT AGENDA**

11. MINUTES

- A. September 6, 2016 – Regular City Council Meeting

12. BOND RELEASE – Out of Warranty

- A. Valley View Ranch, Plat D1

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

**SCHEDULED ITEMS**

**PUBLIC HEARING**

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 15.50 of the Eagle Mountain Municipal Code for Storm Drain Standards.

This item was also discussed during Work Session. The minutes of the discussion are found on page 2.

This item was presented by City Engineer Chris Trusty. The proposed amendment to Section 15.50 of the Municipal Code would change the standards for storm drains. Specifically, it would require all new improvement projects to detain storm water on-site for all storms less than the 90<sup>th</sup> percentile storm event. This revision came in response to a mandate made through the State governing body for all municipalities with a Municipal Separate Storm Sewer System (MS4).

The intent of this change is to lessen the impact that construction activities and hard surface improvements have on the environment and to more accurately mimic pre-development rainfall patterns. Instead of water being released into the City system and eventually into larger outfalls for every storm, developments will now need to provide on-site detention for all lesser storms, and will only be able to discharge the water for less frequent, high-intensity storm events.

Because current detention requirements are based on a 100-year storm event, it is not anticipated that detention pond storage sizes will significantly increase. However, these changes will likely result in more of the storm water proceeding from a storm event being present in detention ponds until it has the ability to percolate into the ground. It is also possible that this will reduce the need for storm drain pipe through new subdivisions in favor of swales or open channel flow.

*Mayor Pengra opened the public hearing at 7:35 p.m. As there were no comments, he closed the hearing.*

**MOTION:** *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 15.50 of the Eagle Mountain Municipal Code for Storm Drain Standards. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, and Tom Westmoreland. The motion passed with a unanimous vote.*

14. MOTION – Consideration of the Oquirrh Mountain Ranch Phase A, Amended Preliminary Plat.

This item was also discussed during Work Session. The record of that discussion is found on pages 2 and 3 of these minutes.

This item was presented by Senior Planner Mike Hadley. The proposed Oquirrh Mountain Ranch Phase A, Amended preliminary plat would move a park and some lots and add a third development phase to the project. The plat included 55 residential lots, a three-acre church property, and a one-acre park. The subdivision is located south of Lone Tree on the west side of Pony Express Parkway. The project, as planned, lacks 23 of the required amenity points.

The Planning Commission recommended approval with conditions. During Work Session, the Council stated condition #3 should be stricken.

Councilmember Westmoreland was in favor of crediting the remaining amenity points to the petroglyph park, if the applicant provided a specific description of the way the points would be used.

Mayor Pengra invited the applicant, Ryan Kent, to speak to the Council. He said Plat 1 is nearly ready to be recorded. Work on the petroglyph park will commence shortly after that. The petroglyph area will be fenced and interpretive signage will be installed. The quality of the amenities will exceed the City's requirements.

Councilmember Bradley requested a final plan of the park. Mr. Kent pointed out that the only change being voted on at this meeting is moving the building lots to avoid trying to dig basements into the bedrock found under the original lots.

Mr. Mumford said, since the Municipal Code no longer required developers to pay community improvement fees, the fairest option was to give amenity points for park improvements.

Mr. Kent stated there is a specific plan for the park; however, it hasn't been completed by the landscape architect. The development agreement binds the developers to the 90-day completion after the plat is recorded.

Councilmember Curtis asked Mr. Mumford to clarify whether the Council would approve the park plan or if it would be finalized by City staff. Mr. Mumford responded it didn't need Council approval, but he could bring it to the next Work Session for discussion.

Mr. Cook stated the City didn't want to disclose the location of the petroglyphs, to keep them safe from vandalism. That was the reason the park plan was delayed.

**MOTION:**        *Councilmember Bradley moved to approve the Oquirrh Mountain Ranch Phase A, Amended preliminary plat, with the recommended changes as presented in Council meeting, conditioned on receiving further details of the petroglyph park with the 23 amenity points that are missing on the preliminary plat. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

The conditions recommended by the Planning Commission and discussed by the City Council are as follows:

1. Bench drains and inlets that meet the City Engineer's approval shall be provided to handle storm water runoff on hillside lots.
2. The 20-foot building setback on the southern boundary must include a 10-foot landscaped corridor on the applicant's plans and plats – to be one-half of a 20-foot corridor to be cooperatively planned with SITLA, which will provide both the other 10-foot landscaped portion of the corridor and the trail.
3. ~~The master development agreement shall be revised prior to the September 20 City Council meeting to reflect changes made to the master development plan in June, 2014.~~
4. The sidewalk on the southwest side of Oquirrh Ranch Parkway shall be increased to a minimum of six feet wide, in accordance with the master development plan.
5. Prior to recording any final plat, the Developer shall submit and receive approval from the City for a Petroglyph Park landscaping and preservation plan. The Plan shall comply with Section 7 "Petroglyphs/Rock Art" of the Amended and Restated Oquirrh Mountain Master Development Agreement.
6. Within 90 days of the first plat being recorded, Phase 1 of the petroglyph park shall be fully completed.
7. Within 90 days of the second plat being recorded, Phase 2 of the petroglyph park shall be fully completed.
8. Twenty-three additional amenity points are required.
9. The neighborhood park must be fully improved prior to recording the second final plat, or the cost of the improvements shall be divided amongst the lots within the second plat, and a separate cash deposit or cash escrow must be put in place with the City to cover 150% of the pro rata anticipated cost of the improvements.

10. The trailhead park shall be fully improved prior to issuing any building permits in the second final plat.
  11. The Pony Express Parkway right-of-way landscaping shall be fully improved according to the timeline in Section 4K of the Amended and Restated Oquirrh Mountain Master Development Agreement.
  12. A street lighting plan, which shall include sprinkler timers for power needs, will be required with final plats.
  13. The color and design of fencing materials shall be provided to staff.
15. BID AWARD – Consideration and Award of Bid to Geneva Rock for the 2016 Sunset Drive Improvement Project.

This item was presented by City Engineer Chris Trusty. The proposed bid award to Geneva Rock was for improvements at the intersection of Wride Highway and Sunset Drive to accommodate the new traffic signal installed by UDOT. The improvements included a crosswalk, extension of the trail, installation of a storm drain and a detention pond, and widening of the road. The bid did not include paving.

Mayor Pengra asked City Administrator Ifo Pili what he thought of going back to the contractor and asking for a price on the paving, since the Streets Department was very busy.

Mr. Pili believed that, after the immediate projects were done, the Streets Department could look at additional projects.

Assistant City Administrator Paul Jerome stated all of the City's paving projects are dependent on the weather. Street repairs can't be done when the sub-layers get wet. The department was thinking about how to prepare during the winter for trail maintenance in the spring. They do crack repairs in the winter.

Mayor Pengra stated having an outside firm pave Sunset Dr. would free City staff to complete other projects, and the money has been budgeted. The trail projects needed preparation work which could be done during the winter.

Mr. Jerome agreed that using the budgeted funds, rather than doing the project in-house, would be a worthwhile benefit, due to speeding up the completion of other paving projects.

Mr. Trusty said he would ask Geneva Rock for a price on the paving for the project. He believed the price would be within the budget for the project.

**MOTION:**        *Councilmember Gricius moved to award a bid to Geneva Rock for the 2016 Sunset Drive Improvement Project in the amount of \$235,389.50, with additional paving not to exceed a total of \$350,000 for the entire project, and authorize the Mayor to sign the contract. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

16. 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 Bradley

Councilmember Bradley announced that there will be an Economic Development Board meeting on September 22 at 6:00 p.m.

Councilmember Curtis

No comment.

Mayor Pengra

No comment.

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.

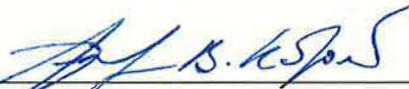
None.

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

19. ADJOURNMENT

**MOTION:** *Councilmember Curtis moved to adjourn the meeting at 8:10 p.m. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

Approved by the City Council on October 4, 2016.



Fionnuala B. Kofoed, MMC  
City Recorder