

Eagle Mountain City Council Minutes 2017, Part 1

Dates of City Council Meetings:

- January 17, 2017
- February 7, 2017
- March 7, 2017
- March 21, 2017
- April 4, 2017
- April 18, 2017
- May 2, 2017
- May 16, 2017
- June 20, 2017



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

January 17, 2017

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, Benjamin Reaves and Tom Westmoreland. Stephanie Gricius was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Evan Berrett, Management Analyst; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Mack Straw, Public Utilities Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:08 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.

Mr. Ron Stewart of Gilbert and Stewart, Eagle Mountain's independent auditor, described the results of the City's fiscal year 2016 financial audit. The audit process evaluated three areas: financial, internal controls and State compliance. The City received an "unmodified opinion," meaning the best rating a city can receive for an audit, having no substantial noncompliance in audited procedures. There were three insubstantial items of noncompliance: (1) The State allows municipalities to have up to 25% of its revenues in its General Fund balance. Eagle Mountain had more than the allowable amount, so it will have to transfer the excess to the Capital Projects Fund. (2) The amount of the Treasurer's bond needed be increased to reflect the City's increased revenue. (3) The debt service payments exceeded the amount budgeted. These items must be corrected, but were not significant enough to affect the auditor's opinion of the City's audit compliance.

Councilmember Reaves asked how much time the City has to correct the minor issues of noncompliance. Mr. Stewart said the deadline was the end of the fiscal year, or June 30, 2017.

Mr. Stewart thanked the staff for the excellent job they did in providing all of the information the auditors requested.

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

10. MINUTES

Mayor Pengra asked for additional wording in the November 15, 2016 minutes. On page 8 there was a reference to “problematic agreements.” Mayor Pengra requested “in some instances” be added.

11. BOND RELEASES – Out of Warranty

Items 11B and 11C, SilverLake Plats 8 and 9, were removed from the agenda due to issues with landscape funds being included in the subdivision improvement bonds. Normally, these items are placed in separate bonds. The releases will be presented to the Council again once the issues have been resolved.

12. FY 2016 AUDIT– Acceptance of the FY 2016 Financial Audit

This item was discussed by Mr. Stewart at the beginning of the meeting.

13. RESOLUTION – Sewer System Management Plan

Public Utilities Manager Mack Straw said the Sewer System Management Plan (SSMP) was required by the State’s Municipal Wastewater Planning Program. The City has been doing everything covered by the SSMP. However, a formal plan, as required by the State, hadn’t been written previously.

Councilmember Reaves asked if the Wastewater Department was going to need funds to implement the plan. Mr. Straw said normal repairs and updates would be brought to the Council for approval.

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2016-2017 Budget.

Assistant City Administrator/Finance Director Paul Jerome listed the proposed budget amendments:

- Pass-through cost for building inspection services, increasing from \$52K to \$130K, since many more inspections were completed than were anticipated. These inspections are for commercial buildings and solar installations. The owners of the property being inspected pay the City for the inspections. These payments are passed through to the third-party inspectors.
- \$3,000 increase to a grant from Rocky Mountain Power for historical preservation in the Joe’s Dugout area.
- \$50K pass-through for petroglyph scanning and the design for the Oquirrh Mountain trailhead park, which will lead to the petroglyph park.
- Use of utility sale proceeds for the Eagle Mountain Blvd. east pulverize and pave project, as well as for replacing deteriorating waterlines. The deteriorating waterlines have damaged the road from the roundabout to the water tank. Some of

the utility sale proceeds, which have not been allocated, would be used for this project. While use of the funds for the project has already been approved, the funds weren't put into the budget until the City was ready to go to bid. The amendment would place the money into the budget. The project itself will have to be bid out and approved by the Council.

Councilmember Curtis asked about the amendment for Pony Express Parkway medians. Parks and Recreation Director Brad Hickman stated the funds were requested for design work.

Councilmember Westmoreland asked Mr. Hickman about the Hidden Canyon Park detention pond improvements. Mr. Hickman said the City built the pond with funds from the developers, along with some City funds. A Utah County TRCC grant was used for the trail leading from Sandpiper Road to the trail corridor. The trail will also be used to allow City staff to drive to the catch basin for cleaning.

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapters 16 and 17 of the Eagle Mountain Municipal Code.

City Planner Tayler Jensen said the general amendments for all subdivisions were intended to create a connected transportation system between neighborhoods and commercial areas with the goals of promoting walkability through additional connections and shorter block lengths, improving emergency response times, providing better routes to schools and parks, preventing isolated developments, and reducing impacts of development on arterial and collector roads by providing alternate routes. There would be exceptions for properties whose location or topography made it impossible to fully comply with the standards.

Definitions for *block*, *curb extension*, *chicane* and *connectivity index* have been added.

- *Block* means the distance along any given road frontage between two intersections with three or more connecting links.
- *Curb extension* means a traffic calming measure, primarily used to extend a sidewalk, reducing the crossing distance for pedestrians.
- *Chicane* means a series of narrowings or curb extensions that alternate from one side of a street to the other, forming S-shaped curves.
- *Connectivity index* means a ratio of roadway links and nodes that serve as a metric for measuring the level of connectivity.

Commercial setbacks would be reduced from a minimum of 25' to a maximum of 20' to facilitate locating parking behind commercial buildings, away from the street. Exceptions could be granted if necessary.

Mr. Mumford explained the Wasatch Front Regional Council and several local communities worked out the connectivity standards after conducting traffic impact studies, and have found them to be best practices for city planning.

Councilmember Curtis asked what makes cul-de-sacs problematic. Mr. Jensen said they limit walkability more than grid-pattern blocks do. They also make it harder for emergency responders to locate addresses.

Councilmember Bradley asked what problems these standards solve. He didn't think finding addresses should be difficult with GPS. Fire Chief Ross Fowlkes responded the GPS databases weren't always up-to-date.

Councilmembers asked if the 1200-foot limit for block lengths would create unnecessary roads. City Engineer Chris Trusty said the length equals two typical city blocks in Salt Lake City. Mr. Jensen said the intent was to reduce dead ends. There was also an option for mid-block pedestrian connections.

16. EAGLE MOUNTAIN HIGH SCHOOL

- A. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 45 Acres from Agriculture to Residential for a High School.
- B. MOTION – Consideration of a Site Plan for the Eagle Mountain High School.

Mr. Jensen stated the high school will be located south of the existing Frontier Middle School. The road to the school will be located south of the building. He noted that, by state law, the City was not allowed to impose any requirements on the site or design of the school unless they were related to safety.

The traffic study recommended an all-way stop at the intersection of Pony Express Parkway and the high school road. It also recommended a 200-foot southbound right-turn pocket, a 200-foot northbound left-turn pocket, and a 100-foot eastbound right-turn pocket.

Councilmember Curtis asked how the school district could be made to comply with the dark sky ordinance. Mr. Jensen said the law doesn't prohibit the City from requiring that, so it was allowable.

The Planning Commission recommended approval of the site plan, with the condition that the site comply with the traffic mitigation features recommended by the traffic impact study.

Councilmember Curtis asked about the recommendation that a traffic light be installed at the intersection of the high school road and Pony Express Parkway by 2024. It recommended a roundabout at Pony Express Parkway and Bobby Wren Blvd. by the same date.

City staff felt the high school road should connect to Eagle Mountain Blvd. They were in discussions with the school district and affected developers. The school district wouldn't be required to pay for the entire length of such a road.

Mr. Trusty stated the advantage of a roundabout was that it would address the higher traffic volume during peak times, without stopping traffic during other times.

Councilmember Curtis asked if the City could require the school district to construct a roundabout as part of this project. City Attorney Jeremy Cook said he would look at the Utah Code during the break between meetings.

Mr. Mumford pointed out a roundabout or traffic signal would be eligible for impact fee funding.

Mayor Pengra felt the City should challenge the recommendation for a three-way stop because it would be inadequate to handle traffic during school events. Mr. Trusty said he and Mr. Mumford were considering discussing the issue with Hales Engineering, which conducted the traffic impact study.

Councilmember Bradley thought the traffic impact study was wrong. He cited the inadequate traffic capacity of the roads by Westlake High School, as well as the inadequate parking. Mayor Pengra said the traffic and parking issues were due to the school being over capacity.

In response to earlier questions, Mr. Cook stated the Utah Code said municipalities may not require school districts to participate in the costs of road or sidewalk improvements, or studies of the impact of a school on a road or sidewalk, unless it is reasonably necessary for the safety of schoolchildren and not located on or contiguous to the school property, unless the road or sidewalk is required to connect an otherwise-isolated school site to an existing road. Mr. Cook said an argument could be made that the connection to Pony Express Parkway met that requirement, but not the possible roundabout at Bobby Wren Blvd.

Councilmember Reaves asked why the school district couldn't go outside the parameters of the traffic impact study and consider all of the facets of school traffic, such as the number of students who will drive to school.

Mr. Trusty responded he had two books in his office containing traffic counts for various situations. They are used nationally to help set traffic numbers for traffic impact studies. There are communities that try to improve their infrastructure by asking school districts to provide more traffic solutions than the school requires. Since the schools are built to serve students in the city, school districts feel municipalities should contribute to the infrastructure serving the schools.

Mr. Mumford said every traffic study includes the professional opinion of the traffic engineer. Assumptions and judgments are part of every traffic study.

Councilmember Reaves asked if Mr. Trusty thought Eagle Mountain had enough data or history to show whether traffic studies have predicted traffic accurately. Mr. Trusty said the City had its own traffic counters and could make some measurements to compare actual traffic with past studies.

Councilmember Curtis asked Fire Chief Ross Fowlkes if the proposed traffic configuration would be adequate to manage an emergency situation.

Chief Fowlks stated [inaudible].

Councilmember Westmoreland asked what other alternatives there might there be if it was found that connecting to Eagle Mountain Blvd. was unrealistic.

Mr. Mumford answered the school district had originally proposed a second access to Pony Express Parkway, north of the school, but later abandoned the plan.

Mayor Pengra asked Mr. Pili and Mr. Trusty to describe Eagle Mountain's plans for managing traffic increases coming to Pony Express Parkway. Mr. Trusty said it would cost

approximately \$1M to build a road from the edge of the school property to Eagle Mountain Blvd. near the Sage Park subdivision. Intersection improvements on Pony Express Parkway at the high school road and Mid Valley Road, as well as widening Pony Express Parkway from Oquirrh Mountain Ranch to Hidden Valley Parkway, have been discussed. The total cost of those projects would be almost \$4M.

Mr. Pili said some potential funding sources would be impact fees, fund balance and funding from the Mountainland Association of Governments.

Councilmember Curtis asked if there were any legal options to require the school district to pay for road improvements needed to serve the school. Mayor Pengra pointed out that the school was being built for Eagle Mountain's benefit. The school was needed because of homebuilding, and developers paid impact fees on each home to fund facilities required to serve the residents who buy the new homes.

17. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Approving the Brandon Park Estates Master Development Plan.

Planning Manager Mike Hadley stated Brandon Park was located along Eagle Mountain Blvd., west of the cemetery and Pony Express Regional Park. The project included 542 single-family lots, with a density of 2.5 units/acre. It would be surrounded by three collector roads, in addition to Eagle Mountain Blvd.

Mr. Hadley said the developers planned to provide slightly more than the required park amenities, including a dog park and a hammock grove.

The Planning Commission recommended the following conditions of approval:

1. The applicant shall submit a land use map/bubble plan map showing the densities for each area of lot size and the park areas.
2. Amenities shall be added to the park that compensate for the size of the park and for the amenities that do not qualify under the amenities table.
3. The proposed dog park and hammock area plan shall define what improvements are being made to qualify for amenity points.
4. Another, smaller pocket park shall be added to meet required improved open space. Also, no lot should be farther than 1/4 mile from a park.
5. Fencing for the exterior of the project shall be reviewed and approved by staff.
6. More trails shall be added in the development to allow easier access and connectivity to the parks from all areas of the development.

The developers have complied with all of the conditions.

The plan includes a proposed church site and school site. The school district was contacted and requested that the site be larger. Councilmember Bradley pointed out one church site wouldn't be enough.

Councilmember Curtis asked what lot sizes the City needed in the housing mix. Mr. Mumford said quarter-acre and third-acre lots were lacking. The majority of the lots in this project were quarter-acre, with 141 smaller lots and 60 lots of half an acre or larger.

Mr. Mumford stated the developers have been very cooperative during the review process.

Councilmember Westmoreland asked if the project's roads will go anywhere but to Eagle Mountain Blvd. Mr. Trusty said at the moment there was nowhere else for them to go.

Councilmember Reaves asked how the project would be phased. He also felt the project was too dense and the open space was too confined to one location. He felt the open space should be improved early in construction, rather than in the later phases.

Mr. Mumford pointed out those details would be dealt with in the master development agreement.

Mayor Pengra asked why a master development plan was being approved without a master development agreement. Mr. Mumford said that was the normal process, to allow the zoning, lot layout and general phasing to be determined before dealing with all the details. The Council could approve the plan contingent on an approved agreement, or give a great deal of feedback now, to be included in the agreement. It has happened in the past that a lot of time and money have been invested in a master development agreement, but the Council didn't approve the master development plan submitted later.

Councilmember Curtis asked why the two major park spaces were adjacent, rather than spaced apart. Mr. Hadley responded the area was fairly flat land, but that was the lowest point of the project, so the park areas would also be used as a detention pond.

Mr. Mumford said the developers would dedicate their section of the Lehi-Fairfield dirt road to the City. The dirt road, which was a section of the Pony Express Trail, was planned to be part of Eagle Mountain's trail system.

18. MOTION – Consideration of City Center Commercial Phase A, Plat 1 Amended Recorded Plat.

City Planner Tayler Jensen stated this was a minor amendment. Lot 2 would be divided into three lots to allow each building of the previously-approved Shops at City Center project to be placed on its own lot. No changes would be made to public infrastructure.

Councilmember Reaves asked if the amendment would change the parking requirement. Mr. Jensen said it wouldn't. The developers would still be bound to the approved site plan.

19. MOTION – Consideration of a Preliminary Plat and Site Plan for the Village at Porter's Crossing.

This item was a 104-lot preliminary plat and a site plan for the 94 townhomes included in the preliminary plat. City Planner Tayler Jensen noted the application was transferring density from Pod 4 to Pod 13, which was allowed in the master development agreement.

The applicant proposed to meet the open space requirement by improving most of the open space and either improving or paying a park fee for the rest.

Councilmember Curtis asked if the park amenities in the townhome area were intended only for the townhome residents living by each park. Mr. Jensen said they were, because the townhomes wouldn't have private yards.

Councilmember Curtis asked how City staff would keep track of the densities in each pod. Mr. Jensen showed the Council a density table which will be updated regularly.

Councilmember Westmoreland asked if there would be a connection between Smith Ranch Road and Porter's Crossing by way of St. Andrew's Drive. Mr. Jensen said there would be a connection as part of a project in the near future.

Councilmember Westmoreland asked who would be responsible for constructing a wall between the residential project and the Porter's Crossing Town Center commercial area. Mr. Jensen said, because the commercial project was built first, the residential developer could choose whether or not to construct a wall.

Mr. Jensen said St. Andrew's Drive will be moved slightly to the south to make room for a row of homes, which will also improve the alignment for connecting through to Porter's Crossing Town Center. Diagonal parking will be added to St. Andrew's Drive for residential guest parking.

Councilmember Reaves felt the diagonal parking might be a safety hazard in the future, when the area developed more and traffic became heavier.

Mr. Jensen said the developer has revised the elevations twice to bring them up to City standards.

The Planning Commission recommended approval with conditions. The developer has agreed to the conditions.

1. "No parking" signage shall be installed on roadways less than 32 feet in width, with 150-foot maximum spacing.
2. The 8-foot trails shall be removed from the interior of the Landscape plan, but maintained on the exterior of the development. 8-foot paths removed shall be replaced with standard 5-foot sidewalks, with the saved amenity points being allocated to the townhome park.
3. In the event that the 0.9 acres is not dedicated and improved the applicant will escrow 150% of the pro rata cost of improving this open space as per Paragraph 8.3 of the MDA.

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

Mayor Pengra explained the position of Mayor Pro Tempore was taken in turns by Councilmembers. Councilmember Westmoreland should be appointed for 2017.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

The meeting was adjourned at 6:00 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy; B.J. Eckles, 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

- **Live Christmas Tree Disposal** – As a courtesy to Eagle Mountain residents, Eagle Mountain City offers free disposal of live Christmas trees. Please leave trees, stripped of all decorations, in the parking lot at the Pony Express Rodeo Arena, 4447 Major Street, through Thursday, January 19.
- **Shoe Drive** – Miss Eagle Mountain, Kaylie Blacka, is collecting shoes for the people of Burkina Faso, Africa. Shoes can be in any style or size, they just need to be in good condition. Drop-off locations are available at City Hall, the Direct Communications building (across from Maverik), and Ridley's Market. Shoes will be collected until spring.
- **Miss EM Pageant Orientation** – An orientation meeting for those interested in getting information about participating in the Miss Eagle Mountain scholarship pageant will be held on Saturday, January 21 from 10:00 a.m. to 11:00 a.m. in the City Council Chambers. Eligible ages are 17-24. Participants must be residents of Eagle Mountain, Cedar Fort, or Fairfield.

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 Curtis

Councilmember Curtis encouraged youth 14 – 18 to join the Youth Council.

Councilmember Bradley

Councilmember Bradley welcomed everyone to the meeting. He extended his condolences to the Smith family on the passing of Glenneth Smith.

Councilmember Reaves

Councilmember Reaves was glad to be at the meeting. He welcomed the Boy Scouts in the audience and encouraged them to be involved in the community.

Councilmember Westmoreland

Councilmember Westmoreland thanked everyone for coming to the meeting.

Mayor Pengra

Mayor Pengra welcomed everyone to the meeting.

9. APPOINTMENTS

- A. Planning Commission – 3-year terms
 - i. Muriel E. Xochimitl
 - ii. Mike Owens
- B. Library Board – 3-year terms
 - i. Dave Ulibarri
- C. Military & Veterans Board – 3-year terms
 - i. Mike Ditto
 - ii. Erika Douglas
 - iii. Matt Cloutier

MOTION: *Councilmember Curtis moved to appoint Muriel E. Xochimitl to the Planning Commission for a term ending December 31, 2019. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Ben Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to appoint Mike Owens to the Planning Commission for a term ending December 31, 2019. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Ben Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to appoint Dave Ulibarri to the Library Board for a term ending December 31, 2019. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Ben Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Reaves moved to appoint Mike Ditto to the Military and Veterans Advisory Board for a term ending December 31, 2019. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Ben Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Westmoreland moved to appoint Erika Douglas to the Military and Veterans Advisory Board for a term ending December 31, 2019. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Ben Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Westmoreland moved to appoint Matt Cloutier to the Military and Veterans Advisory Board for a term ending December 31, 2019. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Ben Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Ms. Xochimitl and Mr. Owens. The others were unable to attend the meeting and will receive the oath of office at another time.

CONSENT AGENDA

10. MINUTES

- A. November 15, 2016 – Regular City Council Meeting
- B. December 6, 2016 – Regular City Council Meeting

11. BOND RELEASES – Out of Warranty

- A. Parkside, Phase A
- B. SilverLake, Plat 8
- C. SilverLake, Plat 9

Items 11B and 11C were removed from the agenda.

12. FY 2016 AUDIT– Acceptance of the FY 2016 Financial Audit

13. RESOLUTION – Sewer System Management Plan

MOTION: *Councilmember Curtis moved to approve the Consent Agenda, with the exception of items 11B and 11C. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2016-2017 Budget.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The proposed amendments to the FY 2016-2017 budget included increases to the General Government Fund for planning inspections provided by WC3 Services and an historical preservation project; an increase in Capital Projects for Evans Ranch park, Hidden Canyon detention pond, Eagle Mountain Boulevard east pulverize and pavement project, park restrooms, well generators, Nolen Park pavilion, Pony Express Parkway median landscaping project and the City Center streetscape project. The expenditures included pass-through expenses for inspections and expenses associated

with grants that were awarded to the City. They also included approved expenditures from the proceeds of the sale of the gas and electric utilities.

Mr. Jerome recapped the presentation he gave during Work Session, which is found on pages 2 and 3 of these minutes. He explained budget amendments were adopted for emergencies, unforeseen expenses and additional revenue, such as grants.

Councilmember Bradley asked if 100% of the utility sale proceeds had been allocated. Mr. Jerome said about \$1.8M was still unallocated. He pointed out that none of the allocated projects would go forward until the money was appropriated through a budget amendment.

Councilmember Bradley asked how binding the previous Council's decisions were as to how the money should be expended. Mayor Pengra said those decisions weren't binding on this Council.

Mr. Pili pointed out there were some projects that have been completed because of the current Council's approval.

After Mr. Jerome discussed the petroglyph preservation project, Councilmember Reaves emphasized how important it was that the developers of Oquirrh Mountain Ranch, Scott Kirkland and Ryan Kent, have stepped up and worked with City to preserve and protect the petroglyphs west of Pony Express Parkway.

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

MOTION: *Councilmember Westmoreland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2016-2017 budget as presented by staff. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

PUBLIC HEARING

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapters 16 and 17 of the Eagle Mountain Municipal Code.

- A. Chapter 16.30 – General Requirements for All Subdivisions
- B. Chapter 17.10 – Definitions
- C. Chapter 17.35 – Commercial Zone

City Planner Talyer Jensen recapped the presentation he made in Work Session, which is found on page 3 of these minutes.

Under General Requirements for All Subdivisions, a requirement for a circulation plan was added. A circulation plan addresses street connectivity, pedestrian circulation, emergency access, and parking movements. If cut-through traffic is likely, traffic calming measures such as curb extensions, chicanes, raised crossings, or other features shall be required.

Definitions for *block*, *curb extension*, *chicane* and *connectivity index* have been added. *Block* means the distance along any given road frontage between two intersections with three (3) or more connecting links. *Curb extension* means a traffic calming measure, primarily used to extend a sidewalk, reducing the crossing distance for pedestrians. *Chicane* means a series of narrowings or curb extensions that alternate from one side of a street to the other, forming S-shaped curves. *Connectivity index* means a ratio of roadway links and nodes that serve as a metric for measuring the level of connectivity.

The previous setback for commercial buildings was a minimum of 25'. This will be changed to a maximum of 20' to encourage parking behind the buildings, rather than between the street and the building. Councilmember Westmoreland asked if there should be a minimum setback, as well, to allow for a sidewalk. Mr. Jensen said sidewalks didn't need to be considered in the setback because they were located in the right-of-way.

Mayor Pengra opened the public hearing at 7:36 p.m. As there were no comments, he closed the hearing.

Mayor Pengra asked if Mr. Jensen had any examples of subdivisions that would not have complied with these new Municipal Code standards. Mr. Jensen said Spring Run, Phase C, had very long blocks and very few connections.

Councilmember Curtis asked if there would be an additional fee for reviewing a circulation plan as part of a preliminary plat application. Mr. Jensen said it would be included in the current plat review fee.

Councilmember Curtis asked if the circulation plan requirement could be approved as a one-year trial project, to avoid creating new, permanent regulations that were untested.

After discussion, the Council decided this would work well as a permanent regulation.

Councilmember Reaves mentioned connectivity was written into the City's General Plan. He felt the City would see increased benefit from connectivity as it becomes more populous.

Councilmember Curtis stated a developer expressed concern in Planning Commission meeting about the maximum 20-foot setback for commercial buildings. He felt it didn't allow adequate flexibility for businesses that fronted Wride Memorial Highway. Commissioner Boles requested specific guidelines for exceptions to the setback.

Mayor Pengra asked Mr. Mumford to comment on whether business frontages should face towards or away from City roads.

Mr. Mumford said the discussion of a reduced setback was precipitated by a medical office building proposed for the intersection of Ranches and Pony Express Parkways. The developer was concerned about the Council's discretion to require a 25-foot minimum setback. The issue came up with the Shops at City Center, as well. In answer to Mayor Pengra's question, he had seen good and bad examples of the rear elevations of commercial buildings facing roads. He felt it was preferable to have the front elevations facing the road.

Mr. Jensen stated the owners of the recently-approved Pony Express Dental had been reluctant to build close to the road, but were pleased with the resulting visibility.

Councilmember Curtis questioned the requirement for data or research to allow an exception to the setback standard. He didn't want to create additional costs for applicants.

Councilmember Westmoreland wondered if the Code should have separate requirements for plaza-style and street-side commercial developments.

Discussion ensued regarding setbacks for various kinds of developments. A question was raised as to whether the amendment should be passed or tabled for further study. The Council concluded these standards were reasonable and could be updated if necessary.

MOTION: *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapters 16 and 17 of the Eagle Mountain Municipal Code as presented by staff. Councilmember Westmoreland seconded the motion.*

Councilmember Westmoreland wanted the Code to retain enough flexibility to accommodate future business design trends.

The Council further discussed the wording of the setback amendment and decided the wording as presented would allow the City and developers to balance their interests.

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

PUBLIC HEARING

16. EAGLE MOUNTAIN HIGH SCHOOL

- A. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 45 Acres from Agriculture to Residential for a High School.
- B. MOTION – Consideration of a Site Plan for the Eagle Mountain High School.

This item was presented by City Planner Tayler Jensen. The proposed ordinance rezoned approximately 51 (corrected from 45) acres from Agriculture to Residential for a high school. The proposal also included a site plan for the school. The property is located south of Cory B. Wride Memorial Park and west of Pony Express Parkway. The City's review focused on traffic mitigation and safety needs, and included compliance with the dark sky section of the Municipal Code.

Mayor Pengra opened the public hearing at 8:20 p.m.

Mike Owens, a member of the Planning Commission, had serious concerns about the accuracy of the traffic study. It was conducted while Ranches Academy was closed for the Christmas break, which he felt artificially reduced the traffic count. The school was designed exactly like Westlake High School, which is also located on Pony Express Parkway. Traffic on that end of Pony Express Parkway was extremely congested. He recommended adjusting the siting of the new high school road to allow more than one access to Pony Express Parkway.

Elise Erler, representing SITLA, noted that SITLA is the site's closest neighbor on the east and south. SITLA supported the rezone.

Jeff Ruth, a resident of City Center, asked that SITLA agree to expand Pony Express Parkway to four lanes to allow for safety with the amount of traffic that will be using the road. SITLA has never allowed Eagle Mountain to expand the Pony Express Parkway.

Mike Kieffer objected to the siting of the school because it only allowed one traffic outlet, which would be onto Pony Express Parkway. If there were an emergency, students and staff would be unable to leave quickly. He requested the high school road be extended to Eagle Mountain Blvd.

Jen Preece agreed that there wasn't enough traffic access to the high school site. She felt Pony Express Parkway should be widened. Pony Express Parkway near Westlake High School has been widened and the traffic is still congested.

Mayor Pengra closed the public hearing at 8:28 p.m.

Mayor Pengra asked Mr. Mumford if conversations have been held with SITLA on widening Pony Express Parkway. Mr. Mumford said there has been some conversation, but the master development plan as written didn't allow widening the road. SITLA was willing to consider amending the plan.

Mayor Pengra asked Ms. Erler what process would be required to allow widening of the road. Ms. Erler said the master plan contemplated widening to two lanes, however, a bypass road was expected to be built to carry most of the traffic. Mayor Pengra pointed out the bypass road would increase the City's costs. It would be more economical to widen an existing road.

Ms. Erler stated multiple parties would have to be consulted, in the context of a much larger set of issues.

Councilmember Bradley felt widening Pony Express could be done sooner and more economically than building the bypass road.

He noted that the applicants didn't own the entire property. Mr. Mumford said they were in the process of contracting to purchase it.

Mayor Pengra stated widening Pony Express Parkway would cost \$10M. It will be very difficult to collect enough impact fees to pay for it, aside from the issue of amending the master development plan to allow it. He said a connection must be made to Eagle Mountain Blvd., which would cost about \$1M.

Ms. Erler noted the high school was originally intended to be built further west, on Mid Valley Road. The roads were planned in relation to that location.

Councilmember Reaves asked what the school's boundary would be. Mayor Pengra said the school would serve Eagle Mountain, Fairfield and Cedar Fort.

Frank Pulley, the Director of Facilities for Alpine School District, explained the district followed the recommendations of the traffic impact study with the building of each school. Schools were

built in response to demand from communities. The site was moved because of the property cost. Approximately fifty acres are required for each high school.

Councilmember Bradley felt the traffic study didn't accurately represent the traffic flow in the City. He pointed out the congestion around Westlake High School. Mr. Pulley said he was aware that traffic became congested around schools at the beginning and end of the school day.

Councilmember Bradley felt the taxes received by the school district should pay for roads that serve the school.

Mayor Pengra agreed traffic studies didn't always accurately represent actual traffic; however, traffic was increasing in response to Eagle Mountain's growth. He felt the planned traffic access to the school site wasn't adequate.

Councilmember Westmoreland was more concerned with safety than how quickly traffic could enter and exit the site. The incident several months ago at Eagle Valley Elementary demonstrated how critical road access was for student safety. He couldn't responsibly approve a single access to the high school.

Mayor Pengra asked staff if they were comfortable moving forward with the school with additional access still to be determined.

Mr. Trusty said he could approve it with an additional access to Eagle Mountain Blvd. He said the high school traffic would occur at different times than other peak traffic. His concern was with the school buses traveling to the elementary, junior high and high schools. He felt long turning lanes could alleviate congestion from bus traffic.

Mayor Pengra asked what it would take to connect to Eagle Mountain Blvd. Mr. Trusty said Eagle Mountain Blvd. was eligible for impact fees, so it could be added to the Impact Fee Facilities Plan. Staff was in the process of working on that. The property owner to the west seemed to be amenable to selling or dedicating property for a road through his development.

Mayor Pengra supported the school, but felt the Council might want to deny the application until there was a transportation plan in place. Following a denial, staff would make finding a traffic solution a priority.

Mr. Pulley stated if the Council denied the application, he felt the Council should provide data to the school district explaining why the application was denied. The school district was hurrying this project to alleviate crowding at Westlake.

Mr. Pili stated the staff has been working with the school district for over a year. He felt the staff would be able to work out a traffic solution. He recommended approving the project, because there was a tight schedule for completing the school on time.

Mr. Cook pointed out the State Code grants a lot of discretion to the school districts for siting and building schools, and very little to cities to regulate them. Municipalities are responsible to deal with traffic issues.

Mayor Pengra noted Alpine School District has always given him more than adequate courtesy. The school district was not required to provide transportation infrastructure. He stated the school district generated taxes to educate children.

Mr. Pili said he and the school district disagreed on impact fees every time a school was built, but they always came to agreement. All schools are built to serve residents of local jurisdictions, which are responsible for transportation and safety.

Mayor Pengra said the only reason he recommended tabling the item was to finalize traffic plans. He wished he had worked harder to finalize these plans before the rezone came up for a vote.

Mr. Pulley stated the schedule for breaking ground was sometime during March or April.

Councilmember Reaves asked Mr. Pulley what a collaborative solution could be, without an excessive burden on the City. Mr. Pulley responded that district representatives have been working with City staff for several weeks to prepare for this meeting and work for the best interests of both.

Councilmember Curtis asked whether this high school would have the same amount of parking as Westlake, or additional parking. Mr. Pulley said it will be the same amount as Westlake.

Councilmember Westmoreland asked if there were plans for an adjacent LDS Seminary building. Mr. Pulley said the school district always worked with the LDS Church on the purchase and siting of land for LDS Seminary buildings. Sometimes a building was built and sometimes a nearby church was used.

Councilmember Bradley asked if a north access to the school had been considered. Mr. Pulley said he was willing to look at it.

Mayor Pengra said it was clear to him the City had an obligation to act on traffic issues as soon as possible.

Mr. Cook stated the State Code allows the City to regulate school site plans based on safety issues.

Mayor Pengra asked Mr. Pulley if he would be willing to amend the site plan if a location for a second access could be determined. Mr. Pulley said he would if that was what the Council required.

Discussion ensued on what effect a second entrance might have on traffic flow.

Mr. Pili noted that, whether or not the Council approved this site plan at this meeting or later, the City was obligated to manage the traffic infrastructure. The City had enough money to widen Pony Express Parkway, using a combination of available funding sources. He said the access from the school to Eagle Mountain Blvd. was essential.

Councilmember Reaves asked for clarification that the extension to Eagle Mountain Blvd. could not be made part of this discussion, but it was the City's intent to move forward with that road.

Mr. Pili confirmed it was the highest transportation priority. He reiterated the road would benefit the landowners on that route.

MOTION: *Councilmember Reaves moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning approximately 51 acres from Agriculture to Residential for a high school. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Councilmember Curtis expressed disappointment in Alpine School District. He felt the district was disregarding the safety of the students.

Mayor Pengra felt the district had not disregarded the students' safety.

Councilmember Reaves felt the City had been bullied by the school district, but a difficult decision needed to be made. The City would have to trust the process.

Councilmember Westmoreland didn't like the position the City was in. However, he thought the real pressure would fall on City staff to resolve the issues. He was confident in the staff that they would be able to do so.

MOTION: *Councilmember Westmoreland moved to approve a site plan for the Eagle Mountain high school. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, and Tom Westmoreland. Those voting no: Benjamin Reaves. The motion passed with a vote of 4:1.*

Mayor Pengra expressed frustration with the inability to get a commitment from SITLA to move forward with amending the master development plan to allow widening of Pony Express Parkway.

PUBLIC HEARING

17. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Approving the Brandon Park Estates Master Development Plan.

Planning Manager Mike Hadley recapped the presentation he gave in Work Session, which is found on pages 6 and 7 of these minutes.

Mayor Pengra opened the public hearing at 9:38 p.m.

Paul Linford, representing the applicants, expressed appreciation for City staff. He and the staff have worked together and made many changes to the plans for the development. He noted the Pony Express Trail property was not part of the open space requirement, but it will be deeded to the City.

Elise Erler, representing SITLA, stated SITLA property adjoined the Brandon Park property. SITLA supported the proposed development.

Mayor Pengra closed the public hearing at 9:40 p.m.

Councilmember Westmoreland asked Mr. Linford how long it would take to build out the entire project. Paul Watson, the project engineer, responded they expected to build on fifty lots per year. If the market

improved, they would build as fast as the market allowed. They expected to complete the development in five years.

Councilmember Curtis stated he would like to see a minimum lot size of a quarter-acre.

Mr. Hadley said the majority of the lots are quarter-acre to just under 1/3-acre. The intent was to allow residents to buy a small lot and move up to a larger lot within the development.

Councilmember Reaves felt the design was congested, without enough access to amenities.

Lot sizes were discussed further. Councilmember Curtis stated none of the lots were 1/3-acre. One-third acre lots were lacking in the City's available housing mix.

Mr. Linford said there would be collector roads on three sides of the subdivision, once the adjoining property owners built their projects and the collector roads. Mr. Linford's group would build a collector road from Eagle Mountain Blvd. into the subdivision, which would be the primary access, with the dirt road (Lehi-Fairfield Road) being a secondary access until it was deeded to Eagle Mountain to be part of the trail system, after the other roads were built.

Mr. Linford noted they designed the project with half-acre lots at City staff's recommendation. The subdivision was very large, which increased the perception of congestion. They tried to accommodate what everyone wanted.

Councilmember Curtis liked the hammock park, but was concerned about upkeep.

Councilmember Bradley pointed out snowmelt or heavy rains would fill the detention ponds, limiting their usefulness as parks. Mr. Mumford explained the Municipal Code doesn't count the land that detains the water in a ten-year flood in the required open space. Detention ponds are built large and wide to contain more water in a 100-year storm event. They are designed to be large and flat enough to accommodate soccer fields.

Mr. Watson said the park ponds would be made as wide and shallow as possible, to percolate water into the ground within 24 hours. They would be located at the lowest point in the project. The two large parks were located together to improve water detention and to save maintenance costs.

Councilmember Bradley said, while he appreciated the careful planning, he felt some residents would be too far away from the parks.

Councilmember Bradley asked if the developers would be willing to work some 1/3-acre lots into the plan.

Mr. Linford responded the lots, as designed, were larger than most of the lots being developed in Eagle Mountain. He pointed out that this was a master development plan. Specific lot sizes could be decided at a later meeting. He said the project has been in process for a year, attempting to accommodate all the recommendations made by City staff.

Councilmember Reaves asked when the developers would like to break ground.

Mr. Watson said they would like to begin in the spring.

Mr. Hadley stated the Municipal Code was recently changed to allow a master development plan to act as a preliminary plat. That was the intent with this item.

Councilmember Reaves asked in what phase the pocket park would be built. He didn't want the residents in the first phase to be without amenities, since the City's demographic was families with small children.

Mr. Watson said the pocket park was designed to be part of the drainage system, and would be built in a future phase. If he had to build parks in earlier phases, he would have to build more pocket parks.

Mr. Linford pointed out there was a trail system nearby which would serve residents. The development as planned would have the pocket park within two years.

Mr. Mumford stated the Municipal Code requires the park to be built early in the project, or the developers would have to bond for 150% of the cost.

Councilmember Curtis requested a sunset clause in the master development agreement. He recommended ten years, with a five-year option for an extension.

MOTION: *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, approving the Brandon Park Estates Master Development Plan, subject to approval of a master development agreement, which will include a provision that the pocket park will be completed within two years. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Benjamin Reaves and Tom Westmoreland. Those voting no: Colby Curtis, The motion passed with a vote of 4:1.*

18. MOTION – Consideration of City Center Commercial Phase A, Plat 1 Amended Recorded Plat.

The proposed City Center Commercial Phase A, Plat I Amended plat created two additional building lots to give each building in the previously-approved Shops at City Center project an individual lot. The property is located west of the recently-constructed Chevron gas station and south of Eagle Mountain Boulevard.

MOTION: *Councilmember Curtis moved to approve City Center Commercial Phase A, Plat 1 Amended plat. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

19. MOTION – Consideration of a Preliminary Plat and Site Plan for the Village at Porter's Crossing.

This item was presented by City Planner Tayler Jensen. Mr. Jensen recapped the presentation he made in Work Session, found on pages 7 and 8 of these minutes.

Councilmember Bradley asked the applicants what was planned for St. Andrew's Drive, west of this development.

Trevor Hull of T-Squared Consulting, representing SK Hart, explained the extension of St. Andrew's Drive was originally designed in a series of angles. The new plan will take it straight southwest, across Gazelle Run, and extend it to Porter's Crossing.

Councilmembers discussed the safety of diagonal parking with the applicants, and whether it should be front-in or back-in. They decided to leave it as planned.

Councilmembers asked how the development would be buffered from the back of the commercial area. Mr. Linford pointed out the commercial development was built first, so the residential development wasn't required to provide a buffer; however, the commercial development had installed a landscape buffer. There will be a fence, whose design will be decided at a later time.

Councilmember Curtis brought up the amount of improved open space for the townhomes, which was an acre less than required.

Mr. Linford stated the HOA would only apply to the townhomes, not to the single-family lots. All of the amenities would be for the townhomes, including a splash pad, clubhouse, trails, park benches and fire pits. Other land and amenities would be provided for the single-family lots.

MOTION: *Councilmember Bradley moved to approve the preliminary plat for the Village at Porter's Crossing and the site plan for the townhomes, with the conditions presented by staff. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The conditions presented by staff were as follows:

1. "No parking" signage shall be installed on roadways less than 32 feet in width, with 150-foot maximum spacing between the signs.
2. Townhome elevations shall be updated to include a variety of colors prior to City Council meeting. (Developer has complied with this.)
3. Townhome elevations shall be updated to include additional architectural elements found in Chapter 17.72.040.2 prior to City Council meeting. (Developer has complied with this.)
4. The 8-foot trails shall be removed from the interior of the landscape plan, but maintained on the exterior of the development. The 8' paths removed shall be replaced with standard 5-foot sidewalks, with the saved amenity points being allocated to the townhome park.
5. In the event that the 0.9 acres is not dedicated and improved, the applicant shall escrow 150% of the pro rata cost of improving this open space as per Paragraph 8.3 of the MDA.

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

This item was presented by Mayor Chris Pengra, who recommended the City Council appoint Councilmember Westmoreland as Mayor Pro Tempore to cover for the Mayor in the event of his absence.

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

No comments.

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. CITY COUNCIL BOARD LIAISON ASSIGNMENTS

Mayor Pengra removed this item from the agenda.

24. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

25. ADJOURNMENT

MOTION: *Councilmember Reaves moved to adjourn the meeting at 10:34 p.m. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Approved by the City Council on February 7, 2017.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING

February 7, 2017

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

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Economic Development Manager; Evan Berrett, Management Analyst; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Mack Straw, Public Utilities Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:08 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 – Off Highway Vehicles

Economic Development Manager Aaron Sanborn described the City's plans for the off-highway vehicle trails. The Utah ATV Association hosted a trail ride in January. The event went well, and the group provided some feedback as to how the trail system could be improved. They recommended better trail signage, more parking and restrooms near trailheads.

Mr. Sanborn said the trails were in reasonably good condition, but recommended making some improvements. He suggested sending the City's summer interns out with GPS to do a trail audit. The data could then be downloaded and used to create a trail map. He also recommended paving the parking lot by the old Sheriff's Office trailer and allowing riders to use the restrooms. It wouldn't be directly at a trailhead, but it would be reasonably close by way of Eagle Mountain Blvd.

Mr. Sanborn discussed engaging media partners like the *At Your Leisure* television show, by producing a video for local broadcast. Eagle Mountain has the expertise to produce the video in-house.

The total cost of the trail projects would be \$53,000. Some would be done in the upcoming fiscal year, but most would be in the following fiscal year. The video would be an early project.

Councilmember Bradley asked whether the parking lots would be paved or gravel. Mr. Sanborn said some could be gravel, but the lot by the old Sheriff's Office should be paved, because the office will also be used for a senior citizens' center.

Councilmember Bradley asked which trailhead was the most used. Mr. Sanborn responded the north trailheads were used the most, but improving a parking lot in City Center would move more of the use southward.

Councilmember Reaves asked what trail repairs the \$5,000 would cover. Mr. Sanborn said he would look into the specifics.

Mayor Pengra asked if there were any other areas where a parking lot could be placed. Mr. Sanborn said it would be ideal to locate one at the bike park, but he didn't think there was any land available for it. He looked near the power corridor, but all the possible sites had future uses already planned. If the City was willing to purchase land, there were areas closer to the east bench that would work.

City Administrator Ifo Pili stated City Administration has been discussing the Incubator Program. The program was designed to proactively help Eagle Mountain businesses to grow without using taxpayer funds. It was also designed to accommodate new businesses that couldn't find office space. While the program has been successful, its funds are nearly exhausted and plenty of office space has recently been constructed. He didn't believe there was a need for the program any longer.

Utah Valley University was still occupying space in the incubator offices. Mr. Pili planned to notify them and explain that the program was being discontinued.

Discontinuing the incubator program would free the remaining \$120,000 for other economic development activities.

Councilmember Reaves asked what the City's relationship with UVU was. Mr. Pili responded he would be meeting with them soon. He hoped they would rent the space they're using directly from the building owners and continue operating in Eagle Mountain.

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

9. MINUTES – January 17, 2017.

No comments.

10. BOND RELEASES – Out of Warranty.

Councilmember Curtis noted the bond releases were removed from the agenda at the January 17 meeting. He asked if the issues with them had been resolved.

Mayor Pengra said City Recorder Fionnuala Kofoed would get that information and let the Council know later in the meeting.

11. MOTION – Consideration of Evans Ranch F-1, Preliminary Plat.

City Planner Tayler Jensen stated this was a 20-lot project located on 5.03 acres. It was located on Golden Eagle Road, across from the townhome project. The Planning Commission asked the developers to have Alpine School District sign the dedication of the right-of-way for Golden Eagle Road, which they agreed to do.

Councilmember Curtis asked if the road intersecting Honey Field Drive, which is north of the project, would be moved according to a previous Council discussion. Mr. Jensen said the Council had requested that the Planning Department negotiate with the developers to try to realign the road; however, the developers were unwilling to do so.

Nate Shipp, representing the developers, stated the developers appreciated the City's willingness to work with them. He clarified the fencing issue, saying the master development agreement contained a fencing exhibit, requiring certain fencing to be built by the developer. The fencing in this project wasn't part of that exhibit. This fence will be installed after the homes are complete. The bond will ensure the money will be available.

12. MOTION – Consideration of Spring Run Phase C, Preliminary Plat and Site Plan.

Planning Manager Mike Hadley presented the project, which consisted of 156 townhome units on 17.58 acres, divided into six plats. There would be a pool, clubhouse and parks. The developers proposed a gate at the southeast entry, to avoid through traffic by nonresidents. Residents would have codes to open the gate. There would be plenty of room for nonresidents to pause and open the gate, and for nonresidents to turn around and go back out without blocking the road.

Councilmember Gricius asked if the center, north-south trail would extend outside the subdivision. Mr. Hadley said it would not.

There would be a landscaped entry monument within the roundabout, complete with signage and waterfalls.

Councilmember Curtis asked if the garage articulation complied with the Municipal Code. Mr. Hadley said it complied with the Code.

Councilmember Curtis asked if alley-loading garages were required by the Code. Mr. Hadley said it was not required. These garages would primarily be front-loading.

Mayor Pengra said there will be several Code amendments in the near future. Some will be adopted before the master development plan for this project is complete.

Mr. Mumford read from the Municipal Code, which says garages and parking areas should be placed to the rear of buildings, but that isn't required. If garages are placed on the front of buildings, they shall be staggered and set back to minimize their appearance from the

street. Garages shall never dominate the street-facing façade of the buildings. This means garages shall not protrude from the front of the buildings.

Ralph Johnson, representing 12 Horse Ranch, stated each of the buildings had one side-loading garage. The buildings were set well back from the street, as far back as single-family homes.

13. BID AWARD – Consideration and Award of Bid to FX Construction for the 2.5 MG Valley View Water Tank.

City Engineer Chris Trusty stated the design contract for this project was approved last year. The Engineering Department prequalified construction companies before they were allowed to bid. The contractors bid both conventional and pre-stressed materials. The Engineering Department recommended a conventional tank, so it could be in use this summer.

Councilmember Westmoreland asked Mr. Trusty to explain pre-stressing. Mr. Trusty explained tension cables were coiled in a way that allowed a thinner wall.

Councilmember Westmoreland asked how much of the tank would be aboveground and how much would be underground. Mr. Trusty said most of the tank would be underground. Not much would be visible.

Councilmember Curtis asked Mr. Jerome what the Water Fund balance was. Mr. Jerome stated it was about \$500,000. The Impact Fee Fund, the source for the water tank funds, had about \$5M, with about a \$1M reserve.

Mr. Pili said the Water Fund didn't have a large fund balance. Using the City's available loan would allow the City to retain its funds, which might be needed for other projects.

Councilmember Gricius felt investing utility sale funds for a utility project made sense.

Councilmember Bradley supported taking out a loan since the interest rate was so low.

Mayor Pengra said the impact fees need to cover many new projects to service growth.

Councilmember Reaves noted the audit showed excess funds in the City's reserve. He asked if that money could be used for this project. Mayor Pengra said this project was specific to the Impact Fee Fund.

Councilmember Bradley asked about pre-stressed concrete. He asked if Eagle Mountain would regret building a conventional tank in several years. Mr. Trusty said it wouldn't. If the contractor could build a pre-stressed floor for the same price, the City would accept that, but it wouldn't be worth paying extra.

14. BID AWARD – Consideration and Award of Bid to Advanced Paving for the Light Weight Chip Seal Project.

Streets and Storm Drains Manager Zac Hilton stated the chip seal and fog seal would be applied to Ranches Parkway (north bound from Pony Express Parkway to SR-73), Eagle Mountain Blvd. (Pony Express Parkway to SR-73), and Pony Express Parkway (through the

roundabout at Eagle Mountain Blvd. heading south two miles). The project was budgeted for fiscal year 2017 and came in about \$100,000 under budget.

Councilmember Gricius asked if the repair projects scheduled for Eagle Mountain Blvd. would impact this project. Mr. Hilton said the repairs will be done on other parts of the road.

Mr. Hilton said the department put the contract out to bid in January, getting this job onto the contractor's calendar early, rather than squeezing it in when they were already busy. Mayor Pengra congratulated him on such a strategic move.

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 or the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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

The meeting was adjourned at 5:08 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Economic Development Manager; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:12 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

None.

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 Curtis

Councilmember Curtis thanked everyone who participated in the moment of silence on January 30, the third anniversary of Sgt. Cory Wride’s death in the line of duty.

Councilmember Bradley

Councilmember Bradley welcomed everyone to the meeting.

Councilmember Reaves

Councilmember Reaves welcomed all the attendees, especially the youth. He said it was never too early to become involved in local government. He thanked the adults who bring young people to meetings.

Councilmember Westmoreland

Councilmember Westmoreland asked the young people to contemplate what they might be able to do to volunteer in the City.

Councilmember Gricius

Councilmember Gricius thanked everyone for attending the meeting.

Mayor Pengra

No comment.

CONSENT AGENDA

9. MINUTES

- A. January 17, 2017 – Regular City Council Meeting

10. BOND RELEASES – Out of Warranty

- A. SilverLake, Plat 8
B. SilverLake, Plat 9

As requested during Work Session, Ms. Kofoed provided information on the bond releases. She stated SilverLake Plat 8 can have a partial release, but funds to cover landscaping must remain in the bond. Mayor Pengra removed item 10A from the agenda, pending solution of the landscape bond issue.

MOTION: *Councilmember Gricius moved to approve the Consent Agenda, with the exception of item 10A. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

11. MOTION – Consideration of Evans Ranch Plat F-1, Preliminary Plat.

This item was presented by City Planner Tayler Jensen. The proposed application is for a 20-lot residential, preliminary plat on a 5.03 acre parcel. The project is part of the Evans Ranch Master Development Plan located south of Pony Express Parkway and east of Porter's Crossing Boulevard.

Councilmember Reaves asked what the full road dedication meant. Mr. Jensen stated it meant the full 77-foot-wide right-of-way would be dedicated to the City, including the roadway and land along both sides.

Councilmember Reaves asked why the developers weren't being required to bond for the fencing before the preliminary plat was approved. Mr. Jensen said bonding is required prior to recording the final plat.

Mr. Jensen said the fencing is required by the Municipal Code, so it will be installed. Mr. Shipp confirmed that when he spoke during Work Session.

MOTION: *Councilmember Curtis moved to approve the Evans Ranch Plat F-1 preliminary plat. 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.*

12. MOTION – Consideration of Spring Run Phase C, Preliminary Plat and Site Plan.

This item was presented by Planning Manager Mike Hadley. The proposed application was for a 156-lot residential, preliminary plat and site plan on 17.5 acres. Spring Run is located north of Cory Wride Memorial Highway and east of Meadow Ranch. An entry monument would be located at the southeast corner of the project.

Councilmember Curtis asked Mr. Johnson if he would be willing to add more articulation to the garages.

Mr. Johnson said the plans have already been designed.

Councilmember Reaves read the section of the Municipal Code requiring garages to be articulated, and not be in a flat line along the façade.

Councilmembers noted that, looking closer at the drawings, the articulation was adequate and the roads would be private, not public.

Mr. Johnson pointed out there would be a trail surrounding the project, accessible to the entire community. He said there would be entry gates on both the southeast and southwest corners of the project. He also said the garages and the driveways each accommodated two cars. Additional parking spaces were planned throughout the project.

MOTION: *Councilmember Gricius moved to approve the Spring Run Phase C preliminary plat and 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.

13. BID AWARD – Consideration and Award of Bid to FX Construction for the 2.5 MG Valley View Water Tank.

Mayor Pengra stated the proposed bid was for the construction of a 2.5 million gallon, conventional water tank to be located in the North Service Area pressure zone. This upgrade to the water system was in response to the growth that the City has experienced.

Councilmember Gricius asked what the funding source would be. Mr. Jerome stated a budget amendment was adopted on November 1, 2016, which funded this project with impact fees. No loan funds will be used to pay for the project.

MOTION: *Councilmember Bradley moved to award a bid to FX Construction for the 2.5 MG Valley View water tank in the amount of \$1,986,646.00 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.*

14. BID AWARD – Consideration and Award of Bid to Advanced Paving for the Light Weight Chip Seal Project.

Mayor Pengra stated this bid proposal was for the placement of a light weight chip seal with fog seal as presented earlier. The seal will be placed on Ranches Parkway (northbound from Pony Express Parkway to SR 73), Eagle Mountain Blvd. (Pony Express Parkway to SR 73), and Pony Express Parkway (through the roundabout at Eagle Mountain Blvd. heading south two miles).

MOTION: *Councilmember Gricius moved to award a bid to Advanced Paving for the light weight chip seal project in the amount of \$253,950.00 and authorize the Mayor to sign the contract. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Curtis

No comment.

Councilmember Bradley

Councilmember Bradley welcomed the firefighters and Boy Scouts in attendance, and thanked the Scout leaders for bringing the boys to the meeting.

Councilmember Reaves

No comment.

Councilmember Westmoreland

No comment.

Councilmember Gricius

No comment.

Mayor Pengra

No comment.

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

None.

17. CITY COUNCIL BOARD LIAISON ASSIGNMENTS

Councilmember Curtis – Planning Commission and Youth Council

Councilmember Bradley – Parks & Recreation Advisory Board

Councilmember Reaves – Cemetery Advisory Board and Military & Veterans Advisory Board

Councilmember Westmoreland – Library Board and Planning Commission

Councilmember Gricius – Economic Development Board and Senior Advisory Council

18. COMMUNICATION ITEMS
A. Upcoming Agenda Items

19. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 7:47 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Approved by the City Council on March 7, 2017.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

March 7, 2017

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, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Councilmembers Adam Bradley and Colby Curtis were excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Economic Development Manager; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jeff Weber, Facilities and Fleet Director; Zac Hilton, Streets and Storm Drain Manager; Mack Straw, Public Utilities Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:20 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.

Mr. Pili stated Eagle Mountain was considering signing a memorandum of understanding with the Eagle Mountain Arts Alliance (EMAA). Assistant City Administrator/Finance Director Paul Jerome explained the EMAA was seeking donors for construction of a cultural arts center in the City. The memorandum of understanding would aid these efforts by demonstrating the City's support of the project. It would be a nonbinding agreement stating the City would provide property at a low lease rate for the benefit of Eagle Mountain residents. After EMAA finds financial backing for the project, City Attorney Jeremy Cook would negotiate a binding lease agreement.

Councilmember Reaves asked if the City had specific property under consideration. Mr. Jerome said one property being considered was east of the SilverLake amphitheater stage. The memorandum of understanding would be specific to that property.

Mayor Pengra asked how much funding the EMAA hoped to raise. Mr. Pili estimated approximately \$300,000. Mayor Pengra felt \$300,000 would be inadequate for the project. He emphasized that he supported Maria Hopkin, EMAA's director, and appreciated how much she has accomplished without requesting any help from City government. However, he wanted to be careful not to support a project that might not be feasible for a group with no construction experience.

Mr. Pili said the memorandum of understanding would only refer to EMAA's fundraising efforts.

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

9. MINUTES

A. February 7, 2017 – Regular City Council Meeting

No comments.

10. AGREEMENT – Consideration of an Agreement between Eagle Mountain City and the Lehi Area Chamber of Commerce for the Management and Maintenance of Off-premise Ladder Signs in Eagle Mountain City.

Economic Development Manager Aaron Sanborn explained the Lehi Area Chamber of Commerce assumed management of the City's ladder signs in 2012, in an effort to provide advertising and directional signs for non-profit and for-profit entities, and to improve the existing sign structures in the City. Under the agreement, local businesses would have priority for sign rental. Members of the Chamber would have second priority.

The agreement specified the Chamber will pay the City 15% of the signs' annual net income. The City received approximately \$2,000 last year.

The agreement recently expired. Both parties have reviewed a new agreement and have expressed interest in continuing the ladder sign program.

Councilmember Westmoreland appreciated revenue coming to Eagle Mountain without expenditure of manpower. He asked how the net profit was calculated. Mr. Sanborn said it was rental income less sign maintenance expenses and Eagle Mountain's Chamber dues.

11. BRANDON PARK ESTATES

A. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Brandon Park Estates Master Development Agreement.

B. MOTION – Consideration of the Brandon Park Estates Preliminary Plat.

Planning Manager Mike Hadley said this project is located south of Eagle Mountain Blvd., west of the City cemetery and Pony Express Park. The 215-acre project is comprised of 542 single family lots ranging in size from 8,000 sq. ft. to ½ an acre. A school and church site have been designated, with the understanding that more church or school sites may have to be added.

Councilmember Westmoreland asked if Brandon Park included a trail system. Mr. Hadley said there would be short trails providing access through neighborhoods. The gravel Pony Express Trail runs along the east side of the property.

The project will be surrounded by three minor collector roads. As this project moves forward, property for these roads will need to be dedicated to the City. The Municipal Code requires privacy fencing on rear lot lines abutting the collector roads. The plan includes 14.13 acres in improved open space parks, which is more than City standards require.

Councilmember Westmoreland asked if the easements on the perimeter of the project were only for half the width of the future roads. Mr. Cook said the adjacent developers would be required to donate the easements for the other half of the roads.

Mr. Cook explained the developers of Brandon Park were only responsible to dedicate easements for half the width of the roads surrounding the property. The adjacent developers would be responsible for the other half. The same has been required of other developers. Impact fees would be used to construct the roads.

Mayor Pengra felt the developers should provide easements for the entire width of the roads, regardless of what has been required in the past, in the interest of having completed roads.

Mr. Cook said the developers' response would likely be that these were system improvement roads and should be paid for entirely by impact fees. Mayor Pengra responded the developers would then be prohibited from building until the roads were added to the Capital Facilities Plan, the impact fees were collected and the roads were built.

Mr. Cook mentioned the option of requiring the developers to build the roads and recoup the money over time through reimbursement agreements. In this case, because no other developments would be sending traffic onto the short road leading from the development to Eagle Mountain Blvd. it would be fair to expect the developers to construct the entire road.

Mayor Pengra asked if the road they're planning on building would have room for cars to pass both ways.

City Engineer Chris Trusty stated the City requires half the total road width plus ten feet (24 feet total), which is enough asphalt to stripe a two-lane residential road. When the road is fully built out as a collector road, it will have two lanes with an eight-foot parking lane on each side. During the time the road is narrow, "no parking" signs would be installed.

Mr. Mumford clarified the developers felt the remaining future collector roads were not necessary for their project, so they should only be required to dedicate half-width easements and not construct any road improvements.

Councilmember Reaves asked what the timetable was for the later phases. Mr. Mumford didn't know. Councilmember Gricius pointed out the term of the agreement was ten years.

Discussion ensued on what could be done, or expected from developers, to prevent partially-finished roads that would be unable to handle the amount of traffic generated by their development and future, adjacent developments.

Councilmember Westmoreland asked how much density would be reasonable to allow, if the developers requested more density. Mr. Mumford said it would be determined through an amendment to the preliminary plat and amendments to the master development plan and agreement.

12. MOTION – Consideration of the Utah County 2017 Municipal Recreation Grant Project.

The Utah County Commission has determined the funding for the 2017 Municipal Recreation Grant Program. Funding is based on the 2015 State of Utah Official Census Data population estimates. Eagle Mountain has been allocated \$14,430.37.

City Recorder Finn Kofoed stated City staff proposed using the funds for construction of a gazebo for the City cemetery. The grant funds could be combined with the remaining cemetery budget.

Ms. Kofoed said the gazebo would give family members of those buried in the cemetery an attractive, landscaped place to sit and reflect when they visit. It would be located near the entrance to allow the landscaping to be watered by existing irrigation lines.

Councilmember Westmoreland felt the gazebo should be larger and more ornate than the example image Ms. Kofoed brought to the meeting.

Parks and Recreation Director Brad Hickman said the size would depend on how much the available funds would buy. He said the total funds available were approximately \$24,000.

Mayor Pengra noted the \$10,000 allocated last year no longer exists in the fund balance, so the funding would have to be reallocated. Ms. Kofoed said the cemetery fencing project, which was funded by utility sale proceeds, came in under budget. Some of those funds might be used for the gazebo.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing 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 or the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Westmoreland seconded the motion. Those voting aye: Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:24 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Economic Development Manager; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. **CALL TO ORDER**

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

5. PLEDGE OF ALLEGIANCE

Stephanie Gricius led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

Household Hazardous Waste Collection Day – The Utah County Health Department will hold their annual household hazardous waste collection event on Saturday, April 8 from 9:00 a.m. to 3:00 p.m. in the west parking lot of the Provo Towne Center Mall. Items such as gasoline, paint, fluorescent light bulbs, batteries and unused medications will be collected.

Woman of the Year Nominations -- Residents have the opportunity to nominate a woman who has made significant contributions to the Eagle Mountain community through leadership and service. The Woman of the Year Award will be presented at the Miss Eagle Mountain Pageant on April 22, 2017. Nomination forms are available on the City website, News section, through March 31.

Grand Marshal Nominations -- Eagle Mountain City extends the opportunity to the community to nominate a deserving individual to be the Grand Marshal for this year's Pony Express Days. The nominee will be recognized at the rodeo, demolition derby, parade and the EnduroCross event. Nomination forms are available on the City website, News section, through May 5.

Community Clean-up – Eagle Mountain City's second annual Community Clean-up will be held on Saturday, May 13 from 8:30 a.m. to 12:30 p.m. Groups or individual volunteers are welcome. Registration will be available soon on the City website, Events calendar. The City will also be providing clean-up dumpsters for general household waste (smaller items) on that date from 8:00 a.m. to 6:00 p.m. off of Mid Valley Road, south of Frontier Middle School. More details will be coming soon.

Pony Express Days – Pony Express Days will be held May 26-June 3. Events include the rodeo, pancake breakfast & family bike ride, family fun night, carnival/vendor booths/entertainment stage, parade, demolition derby, and fireworks. Vendor applications and parade registrations are being accepted now at www.emcity.org/ped. We are looking for specialty acts for the parade such as magicians, jugglers, baton twirlers, etc. Tickets for the arena events are on sale now at www.ponyexpressspecialevents.com.

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 Reaves

Councilmember Reaves appreciated the opportunity to be a public servant.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone to the meeting.

Councilmember Gricius

Councilmember Gricius welcomed everyone to the meeting.

CONSENT AGENDA

9. MINUTES

A. February 7, 2017 – Regular City Council Meeting

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

SCHEDULED ITEMS

10. AGREEMENT – Consideration of an Agreement between Eagle Mountain City and the Lehi Area Chamber of Commerce for the Management and Maintenance of Off-premise Ladder Signs in Eagle Mountain City.

The Lehi Area Chamber of Commerce proposed the renewal of an agreement that allows the Chamber to manage and maintain ladder signs in the City rights-of-way. The signs will be maintained by the Chamber. Non-profit and for-profit entities rent sign space from the Chamber.

Councilmember Reaves asked where the money from the agreement was used. Economic Development Manager Aaron Sanborn said it went to the City's Economic Development Fund, where it was used for economic development events and marketing.

MOTION: *Councilmember Gricius moved to approve an agreement between Eagle Mountain City and the Lehi Area Chamber of Commerce for the management and maintenance of off-premise ladder signs in Eagle Mountain City and authorize the Mayor to sign the contract. Councilmember Reaves seconded the motion. Those voting aye: Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

11. BRANDON PARK ESTATES

A. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Brandon Park Estates Master Development Agreement.

B. MOTION – Consideration of the Brandon Park Estates Preliminary Plat.

The proposed Brandon Park Estates Master Development Agreement and preliminary plat comprise 537 residential lots on a 215 acre parcel located south of Eagle Mountain Boulevard and west of Pony Express Memorial Cemetery. The proposed resolution formally approves and documents the terms of the master development agreement.

During the discussion of this item in Work Session, concerns were raised about how to manage transportation issues in Brandon Park Estates. Mayor Pengra asked City staff to take the opportunity during Policy Session to discuss the transportation needs of the project and how to meet them in a way that was equitable for the developer and the City.

Mr. Mumford stated transportation has been an issue throughout the approval process for Brandon Park. One serious concern was secondary access. He said the project was unique in that it was surrounded by the City cemetery, Pony Express Park, the rodeo grounds, vacant property and the Lehi-Fairfield Road, which is a gravel-surfaced section of the Pony Express Trail. There's very

little space in which a secondary access could be located and only a small area of access to Eagle Mountain Blvd.

Another concern was the roads which will be located along the perimeter of the property in the future, when the vacant land is developed. One proposal was to approve 24 ft. of asphalt (half-width plus 10 feet) for the road running along the north edge of the property and use Lehi-Fairfield Road as secondary access. Half-width plus ten feet could be approved for perimeter roads along later phases, as well.

Mayor Pengra was concerned that if Lehi-Fairfield Road were paved, it would remain a paved road. It would never again be used as a historic trail.

Councilmember Westmoreland asked if the Council should clearly state that they have no intention of making Lehi-Fairfield Road a permanently paved road.

Mayor Pengra summarized the concerns as (1) how to provide two paved access points to the development to avoid using the Lehi-Fairfield Road and (2) how much right-of-way should be dedicated and whether the developers should be required to pave all of it.

Councilmember Gricius added another point: Eagle Mountain requires asphalt trails along collector roads. If the developers weren't required to finish the trails along the roadways, even if the roadways weren't yet paved, it would fall to the City to finish them.

Mayor Pengra asked Mr. Mumford if he felt the amount of land being dedicated was appropriate for the half-width road and the trail. Mr. Mumford detailed the land being dedicated.

Paul Watson, the project engineer, described when the various roads would be constructed. He offered to construct the north collector road sooner than would normally be required.

Councilmember Westmoreland asked for details of the trails. Mr. Watson said they were 8-foot-wide asphalt trails designed for pedestrians only, not horses or bicycles.

Councilmember Reaves didn't feel that short trails between lots amounted to a trail system. Mr. Watson said those short trails were intended to allow pedestrians to walk from one neighborhood to another. There won't be an extensive trail system inside the development, but there will be sidewalks along both sides of every road.

Councilmember Gricius asked if the developers would be willing to finish the trail leading to the park with crushed rock so residents wouldn't have to walk through dirt to get to the park. Paul Linford, one of the owners of the project, agreed to that.

Councilmember Westmoreland asked if the landscaping along the trails needed to be specified in the motion, or whether it could be approved by City staff. Mr. Mumford said the staff could approve it. Mr. Cook noted the trail landscaping should not include fencing on both sides, as residents would be unable to see children on the trails, unless it was split rail fencing to allow visibility.

Councilmember Gricius asked about a section of the development that lacked short trails between lots. She asked if some could be added. Mr. Linford pointed out there were only four homes in that location. In any case, this was a preliminary plat and could be refined.

Councilmember Reaves requested streetlights along some of the trails for safety. Mr. Watson agreed.

MOTION: *Councilmember Gricius moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Brandon Park Estates Master Development Agreement with the following conditions: It is paved to the west access during Phase 8, with a crushed rock trail continuing around the rest of the project, that the developer work with staff on trail connectivity in the northeast quadrant, including semi-privacy fencing along all of the internal trails, and working with staff on trail landscaping and appropriate lighting. Councilmember Reaves seconded the motion.*

Mayor Pengra asked what the expectation was as far as completion of the trails. Councilmember Gricius said she wanted the trails completed with the phases in which they were located.

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

MOTION: *Councilmember Gricius moved to approve the Brandon Park Estates preliminary plat. Councilmember Westmoreland seconded the motion. Those voting aye: Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

12. MOTION – Consideration of the Utah County 2017 Municipal Recreation Grant Project.

The Utah County Commission has determined the funding for the 2017 Municipal Recreation Grant Program. Funding is based on the 2015 State of Utah Official Census Data population estimates. Eagle Mountain has been allocated \$14,430.37, and staff proposes to use the funds to offset costs for a gazebo located at the Pony Express Memorial Cemetery. All funds are available on a reimbursement basis.

Councilmember Reaves asked about the location of the gazebo. City Recorder Finn Kofoed said it would be directly behind the entry monument of the cemetery. It wouldn't encroach on any of the plotted burial spaces. The location was chosen because it was close to existing irrigation lines.

Ms. Kofoed said the Cemetery Board felt the location was the most appropriate, in terms of completing an attractive entrance for visitors.

Mayor Pengra requested that it be moved a little farther away from the entry monument.

MOTION: *Councilmember Reaves moved to approve the Utah County 2017 municipal recreation grant project and use the allocation to build a gazebo on the Pony Express Memorial Cemetery grounds. Councilmember Westmoreland seconded the motion. Those voting aye: Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Reaves

No comment.

Councilmember Westmoreland

No comment.

Councilmember Gricius

No comment.

Mayor Pengra

No comment.

14. 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.

15. COMMUNICATION ITEMS

A. Upcoming Agenda Items

B. Financial Report

16. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 8:04 p.m. Councilmember Westmoreland seconded the motion. Those voting aye: Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Approved by the City Council on May 21, 2017.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING

March 21, 2017

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

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Economic Development Manager; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Mack Straw, Public Utilities Director; Ross Fowlkes, 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.

A. PRESENTATION – Traffic Studies, presented by Ryan Hales

Ryan Hales of Hales Engineering explained how traffic impact studies are conducted. Engineers count traffic at peak times, 7:00-9:00 a.m. and 4:00-6:00 p.m. on Tuesday, Wednesday and Thursday, in 15-minute intervals. They analyze the data by entering it into simulation software and comparing the traffic count to a national database. If the traffic count is close to warranting a traffic signal, Hales reports the results to UDOT, which then conducts an additional study.

Hales rates intersections from A – F, with A being the best traffic management and F being the worst. If there's an adjacent project they've recently evaluated, they layer that onto the current study. They determine how many lanes a street will need to have to manage traffic and compare that to the Mountainland Association of Governments' (MAG) master transportation plan.

Councilmember Westmoreland asked if the numbers in a traffic impact study were increased somewhat to account for growth. Mr. Hales said some cities request full build-out models, which increases the studies' accuracy.

Councilmember Reaves asked if the traffic impact study accounted for the larger households and extremely rapid growth in Eagle Mountain. Mr. Hales said a build-out

study would account for that and suggested the City might want to have one done. He noted that, in more remote locations such as Eagle Mountain, people tend to combine errands into one trip.

Councilmember Westmoreland asked how event traffic was factored into a traffic study. Mr. Hales said his firm could run an event study for high school events.

B. DISCUSSION – Evans Ranch Amenities

Nate Shipp, representing Evans Ranch, stated the developers had received feedback from people living in and moving into Evans Ranch regarding the amenities planned for the subdivision. The developers hired an independent company to conduct studies of residents' and potential residents' preferences.

Based on this information, and with input from the City Council, the developers wanted to amend an exhibit to the master development agreement (MDA) in the near future.

Joe Salisbury, Mr. Shipp's partner, described the proposed changes to the amenities, including wider walking paths, a pet station, revised parks, and a large playground suitable for children of all ages.

After additional discussion, the Council thanked Mr. Shipp for keeping them informed.

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

10. MINUTES – March 7, 2017 – Regular City Council Meeting

Councilmember Gricius requested a change on page 7, where it said there were four houses in a section of the Brandon Park development. She said four was wrong and asked that it be corrected.

11. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2016-2017 Annual Budget.

Assistant City Administrator/Finance Director Paul Jerome described the new budget amendments. The funds were previously approved but had not been expended until recently.

Expenditures

- 20th anniversary celebration
- Tank #1 waterline replacement.
- Pony Express Parkway median xeriscaping
- Bike park improvements
- Cemetery improvements

Revenue

- SilverLake tree planting funds, paid by the developer
- The Library received a community library enhancement grant

- Beer tax revenue to be used for the Communities that Care program

The Mayor and Council requested additional columns in the utility sale spreadsheet, to make the expenditures more clear.

Mr. Jerome stated the final transaction for the sale of Fire Station #1 to the Unified Fire Authority wouldn't entirely reimburse the City for its costs, but the rest of the costs will be written off. A transfer from the Impact Fee Fund to the General Fund will cover those expenses. In addition, the Fleet Fund will be increased to cover greater than anticipated vehicle repairs.

12. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapters 15 and 16 of the Eagle Mountain Municipal Code.

City Planner Tayler Jensen stated Chapter 16.35 will include specific standards for fencing materials to be used along arterial roads. Chapters 15.10 and 16.35 will be corrected to agree with the connectivity standards recently adopted by the City Council.

Councilmember Griecius asked who would be affected by the prohibition of vinyl fencing along arterial roads. Mr. Jensen said it would apply to new construction only.

13. PORTER'S CROSSING TOWN CENTER

Planning Manager Mike Hadley stated the amendment to the master development plan would move densities between Pod 14 of the Porter's Crossing Town Center Master Development Plan and Phase 2 of the Plum Creek townhome development.

14. ARRIVAL

Mr. Jensen stated a secondary access road was added to the preliminary plat. The road received conditional approval from UDOT and must still be approved by the Unified Fire Authority. The street rights-of-way were reduced to 50', which matches the rights-of-way in the existing phase. The amendment to the master development agreement (MDA) would allow the developers to delay the design of the park so they could solicit feedback from residents concerning how they would like the park designed. It wouldn't delay the deadline for the park's construction. It also updated an exhibit to reflect the smaller street right-of-way.

Councilmember Curtis asked for clarification of the park requirement. Mr. Jensen explained that a park was not required because the development was classified Base Density Residential. However, the developer agreed to build a park as part of the MDA.

15. MOTION – Spring Run Amended Preliminary Plat, Phase B.

Due to the amendment of the master development plan and master development agreement, this preliminary plat had to be updated. The lot count was reduced from 150 lots to 125. The park was increased from one acre to four acres, which complied with the subdivision's amended master open space and parks plan.

16. MOTION – Evans Ranch Elementary School Site Plan.

Mr. Hadley stated the City couldn't impose any regulations on a school site except for mitigation of traffic hazards and any unsafe conditions.

Councilmember Bradley asked how the new school would affect traffic counts in the area.

City Engineer Chris Trusty said the school district will have to provide a traffic impact study. An access on Golden Eagle Road will be required as part of the SilverLake 16 plat approval, which will reduce some of the congestion caused by the school.

Mr. Trusty stated a traffic signal at Porter's Crossing and Pony Express Parkway has been approved and is expected to be completed in July. There will also be a traffic signal installed at Pony Express Parkway and 800 West in Saratoga Springs. Both will ease traffic congestion in the area.

Mayor Pengra said the traffic signals will be coordinated to minimize delays in traffic.

No traffic signal was currently planned for SilverLake. Councilmember Curtis asked if Pony Express Parkway could be restriped to provide a center turning lane. Mr. Trusty said he would see if the asphalt was wide enough to accommodate that.

17. BID AWARD – Silver Spur Construction for the Replacement of the Waterline for Tank #1.

Mr. Trusty explained that tank #1 is located at the east end of Eagle Mountain Blvd. The waterline has failed several times and needs to be replaced. The old line will be tied into the tank overflow and will direct any water discharge into the storm drain system. The waterline replacement needs to be done before the road repairs on the east end of Eagle Mountain Blvd.

Councilmember Gricius noted that trails around the project Silver Spur did last year were left in bad condition. She wanted to be sure that Silver Spur left the site of tank #1 in as good condition as before they worked there.

18. AGREEMENT – The Second Addendum to the 2014 Elite Grounds Agreement for Landscape Maintenance.

Parks and Recreation Director Brad Hickman stated the contract cost increase was based on the contractor maintaining more park space than previously. The cost per square foot remained the same.

Mr. Hickman said Elite Grounds has been easy to work with and has done an excellent job.

Councilmember Curtis asked if Elite Grounds could be put in charge of more of the City's landscaping so the Parks Department would have more time for the projects they needed to do. Mr. Hickman said Elite maintains the parks and the landscaped medians. They mow native grass areas twice a year. He's looked into having them irrigate, but the Parks Department staff does a better job of it.

The agreement was originally written for a four-year term. It will be put out to bid next year.

19. AGREEMENT – The Third Addendum to the Agreement between Eagle Mountain City and Ace Disposal, Inc. for Solid Waste Disposal and Recycling Services.

Mr. Jerome stated the City's agreement with Ace Disposal will end on July 1. He met with Ace representatives, who proposed to extend the contract for two years with all charges to remain the same, except for a five-cent reduction in the recycling can fee.

Councilmember Gricius asked if the five-cent reduction was for what Ace charged the City or what the City charged residents. Mr. Jerome stated it was the fee charged by Ace to the City. The City was considering reducing its charges to the residents.

Councilmember Curtis asked why the City charges the residents more than disposal and recycling costs.

Mayor Pengra explained the Solid Waste Fund pays not only for Ace's services, but for nuisance clean-up under Code Enforcement, dumpsters for the Community Clean-up Day and other expenses.

Councilmember Curtis asked for a Council review of the solid waste fee schedule.

20. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving Vote by Mail for the 2017 Municipal Election.

City Recorder Fionnuala Kofoed stated she had planned to contract with Utah County for election administration, as she had done for the last municipal election. Utah County decided to offer vote by mail (VBM) for cities that wanted to participate. VBM will be the only option offered by the County. Because they won't contract for election administration, cities that choose not to use vote by mail will have to run their elections entirely on their own.

For VBM, the county would prepare and mail all of the ballots. Voters would mail their ballots in. Those who preferred not to mail the ballot could place it in a secure drop box in City Hall on Election Day. Any voter who lost their ballot could receive a provisional ballot from the Recorder's Office.

Ms. Kofoed stated VBM increases voter turnout and can be done at a reduced cost if administered by the County. Many municipalities have shifted to this form of election process it's becoming harder to find polling locations large enough to accommodate voters and parking. Vote by mail also gives voters time to study candidates and issues at home and vote without standing in line at the polls.

Concerns have been raised about fraud in VBM. Ms. Kofoed has researched this and found very few instances of verified voter fraud. There have also been concerns about ballots being lost in the mail, but this has been found to be very rare. Ms. Kofoed noted ballots cannot be forwarded. The Postal Service must return any undeliverable ballots to Utah County. Residents should update their address if they have moved to insure that they receive their ballot.

Signatures on ballots would be reviewed, by more than one person if necessary, just as with traditional voting. Concerns about coercion have been expressed; however, Ms. Kofoed felt they were no more likely with VBM than with traditional voting.

Colorado, Oregon and Washington have seen significant increases in voter turnout since switching to VBM. In the 2016 General Election, twenty-one of the 29 counties in Utah conducted VBM. So far, 15 cities in Utah County have chosen to contract with the County for VBM. Every municipality in Utah that has used this system has seen increased voter turnout. There have been no cases of voter fraud in Utah cities using vote by mail.

Ms. Kofoed estimated Eagle Mountain's cost would be approximately \$35,000 using VBM. Ms. Kofoed believed that was a small price to pay for increased voter turnout.

Councilmember Curtis asked if the County owned the voting machines. Mr. Kofoed responded that the County owned the machines; however, they were no longer available for the City to use. The equipment wasn't licensed and the vendor and County couldn't provide support for the system. Those resources have been moved to the vote by mail program.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

Work Session was adjourned at 6:30 p.m.

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

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:06 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Household Hazardous Waste Collection Day** – The Utah County Health Department will hold their annual household hazardous waste collection event on Saturday, April 8 from 9:00 a.m. to 3:00 p.m. in the west parking lot of the Provo Towne Center Mall. Items such as gasoline, paint, fluorescent light bulbs, batteries and unused medications will be collected.
- **Woman of the Year Nominations** – Residents have the opportunity to nominate a woman who has made significant contributions to the Eagle Mountain community through leadership and service. The Woman of the Year Award will be presented at the Miss Eagle Mountain Pageant on April 22, 2017. Nomination forms are available on the City website, News section, through March 31.
- **Grand Marshal Nominations** – Eagle Mountain City extends the opportunity to the community to nominate a deserving individual to be the Grand Marshal for this year's Pony Express Days. The nominee will be recognized at the rodeo, demolition derby, grand parade and the

EnduroCross event. Nomination forms are available on the City website, News section, through May 5.

- **Easter Egg Hunt** – The Easter Egg Hunt will be held Saturday, April 15 at Nolen Park. This year we will have over 25,000 eggs. This event is well attended, and eggs are gathered up in a matter of minutes. Start time is 10:30 a.m. SHARP. We will also provide an opportunity to take photos with the Easter Bunny.
- **Miss Eagle Mountain Pageant** – The Miss Eagle Mountain Pageant will be held Saturday, April 22 at Frontier Middle School, starting at 7:00 p.m. Tickets are available on the City website, Events calendar.
- **Community Clean-up** – Eagle Mountain City’s second annual Community Clean-up will be held on Saturday, May 13 from 8:30 a.m. to 12:30 p.m. Groups or individual volunteers are welcome. Registration is available on the City website, Events calendar. The City will also be providing clean-up dumpsters for general household waste (smaller items) on that date from 8:00 a.m. to 6:00 p.m. off of Mid Valley Road, south of Frontier Middle School.
- **Pony Express Days** – Pony Express Days will be held May 26-June 3. Events include the rodeo, pancake breakfast & family bike ride, family fun night, carnival/vendor booths/entertainment stage, parade, demolition derby, and fireworks. Vendor applications and parade registrations are being accepted now at www.emcity.org/ped. We are looking for specialty acts for the parade such as magicians, jugglers, baton twirlers, etc. Tickets for the arena events are on sale now at www.ponyexpressspecialevents.com.

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

Jeff Ruth asked if taxes would increase for maintenance of the Ranches Parkway and Pony Express Parkway medians if The Ranches Master HOA was dissolved due to the judgment that was just handed down in a lawsuit. Mayor Pengra said there was no intent to raise taxes while the economy was strong and growth continued. However, if there was a shortfall, one-time monies would have to be used for ongoing expenses, which was against the City’s budgeting principles. The situation would be reviewed after a year.

Brian Buckner has been dealing with water running onto his property from a neighbor’s yard. The neighbor hasn’t cooperated with him, the City’s Code Enforcement Officer, or the other neighbors whose yards are being affected. He asked that the City either contain the water or require the property owner to comply with City ordinance. He quoted Chapter 16.40.80 of the Eagle Mountain Municipal Code, which requires homeowners to keep surface runoff from causing damage to adjacent properties. Storm Drain Manager Larry Diamond told him it would cost about \$200 and one day’s work to divert the water to the gutter in front of the property.

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 14-18 to join the Youth Council. They’ll be able to be involved with City government and work on numerous service projects.

Councilmember Bradley

Councilmember Bradley welcomed everyone, especially the first responders in the audience. He apologized for being absent from the last meeting.

Councilmember Reaves

Councilmember Reaves appreciated everyone coming and showing interest in their City.

Councilmember Westmoreland

Councilmember Westmoreland commented that social media is a convenient place to share information. Residents sometimes use it to comment on City issues, which is fine. Some, however, ask City Councilmembers to comment on their posts. He reminded residents that the Council conducts business in City Council meetings, not on social media. He invited residents to contact Councilmembers by email or phone.

Councilmember Gricius

Councilmember Gricius was absent briefly.

Mayor Pengra

Mayor Pengra said he was amazed by the number of people who showed up for the Community Clean-up Day last year – about 400. It reflected the City’s general willingness to serve each other. He hoped even more residents would participate this year.

Mayor Pengra introduced Mrs. Courtney Johnson, who will be the Principal of the new high school. Mrs. Johnson asked for volunteers to serve on committees to choose the school name, the colors, and the mascot. She hoped there would be more students than adults on the committees. She looked forward to working with Eagle Mountain residents on all the tasks needed for opening and running the school. She introduced herself as a grandma, an airplane pilot and someone with high-energy ADHD who understood kids who struggle with that. Mayor Pengra invited the high school and soon-to-be high school students to write their contact information down immediately and give it to Mrs. Johnson.

9. APPOINTMENTS

A. Economic Development Board

- i. Ben Tanner, 3-year term
- ii. Ryan Myers, 2-year term
- iii. Mike Anderson, 3-year term

MOTION: *Councilmember Curtis moved to appoint Ben Tanner to the Economic Development Board for a three-year term ending December 31, 2019. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to appoint Ryan Myers to the Economic Development Board for a two-year term ending December 31, 2018. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Councilmember Gricius was absent briefly, but returned in time to vote on the third appointment.

MOTION: *Councilmember Curtis moved to appoint Mike Anderson to the Economic Development Board for a three-year term ending December 31, 2019.*

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. Myers and Mr. Tanner. Mr. Anderson was unable to attend the meeting and will receive the oath at another time.

Mayor Pengra thanked the new appointees for serving the community. He pointed out that residential property taxes can't entirely pay for City services. Economic development provides a stable, commercial tax base for the City.

CONSENT AGENDA

10. MINUTES

A. March 7, 2017 – Regular City Council Meeting

During the break, staff researched the question Councilmember Gricius raised about the number of homes in a particular section of the Brandon Park project. The recording agreed with what the minutes reported.

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

SCHEDULED ITEMS

PUBLIC HEARING

11. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2016-2017 Annual Budget.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The proposed amendments to the FY 2016-2017 budget included the following General Fund amendments:

- an expenditure for the 20th anniversary celebration, funded by utility sale proceeds
- an expenditure for trees in SilverLake, funded by revenue from SilverLake's developers
- revenue from a Library grant
- allocation of beer tax funds for the Communities that Care program

The Water Fund was amended to allow a water line replacement. The General Fund Capital Projects Fund was amended to allow for the Pony Express Parkway median xeriscaping, bike park improvements and cemetery improvements, including a gazebo. The capital projects were all previously approved for payment from the utility sale proceeds. The budget amendment will allow the funds to be expended.

Funds will be transferred from the Impact Fee Fund to the General Fund to reimburse the City for the shortfall between what the Unified Fire Authority paid for Fire Station #2 and what it was worth. The City has collected impact fees since the purchase to reimburse the shortfall. A small

amount remains, which will be covered by a budget amendment. The Fleet Fund will be amended to cover some unexpected repairs to large, multi-axle vehicles.

Mayor Pengra opened the public hearing at 7:42 p.m. As there were no comments, he closed the hearing.

Councilmember Bradley asked if all of the projects to be paid for by the utility sale proceeds were on the list of approved projects. Mr. Jerome said they were.

MOTION: *Councilmember Bradley moved to adopt an ordinance amending the Fiscal Year 2016-2017 Annual Budget. 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.*

PUBLIC HEARING

12. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 15 and 16 of the Eagle Mountain Municipal Code.

- A. Chapter 15.10.130 – Cul-de-sacs
- B. Chapter 16.35.070 – Streets and street systems
- C. Chapter 16.35.090 – Privacy fencing

This item was presented by City Planner Tayler Jensen. The amendments to the Municipal Code would include shortening the length of cul-de-sacs in Chapters 15.10.130 and 16.35.070, and specifying materials permitted for construction of privacy fencing on rear or side lot lines adjacent to arterial or collector road rights-of-way, in Chapter 16.35.090.

Mr. Jensen said the Municipal Code didn't specify what materials, other than "durable quality," should be used for rear fencing abutting collector and/or arterial roads. Staff proposed adding side yard fencing to the Code and a list of specific materials.

The change in the length of cul-de-sacs was already approved by the Council, but wasn't reflected in these two sections of the Code.

Mayor Pengra opened the public hearing at 7:48 p.m. As there were no comments, he closed the hearing.

Councilmember Reaves asked about the prohibition of vinyl fencing along arterial roads. He wanted to know if the existing vinyl fencing would have to be removed. City Attorney Jeremy Cook said the ordinance would apply to fences built from now on, not to existing fences.

MOTION: *Councilmember Gricius moved to adopt a resolution amending Chapters 15 and 16 of the Eagle Mountain Municipal Code, as presented in the staff report. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The amendments in the staff report were as follows:

Chapter 16.35.090 Privacy Fencing. "...Durable quality shall mean fencing of stone, masonry, decorative concrete or wood-alternative composite material. Wood fencing may be permitted if an

HOA enters into a maintenance agreement to keep the fence in good repair. Vinyl fencing shall not be allowed along rear or side lot lines abutting an arterial or collector road.”

15.10.130 Cul-de-sacs. “The maximum length of a cul-de-sac is ~~500~~ 400 feet measured from the nearest right-of-way line of the adjoining street to the center of the cul-de-sac...”

16.35.070 B. B. Cul-de-Sacs. “... In no case shall a cul-de-sac street have a length that exceeds ~~500~~ 400 feet measured to the center of the circle or serve more than 15 homes or generate greater than 150 average daily vehicle trips, unless a waiver is granted by the planning commission...”

PUBLIC HEARING

13. PORTER’S CROSSING TOWN CENTER

- A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Amendment to the Porter’s Crossing Town Center Master Development Plan.
- B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the First Amendment to the Porter’s Crossing Town Center Master Development Agreement.
- C. MOTION – Porter Ranch Townhomes Preliminary Plat and Site Plan.

This item was presented by Planning Manager Mike Hadley. The application was for a 128 unit residential townhome preliminary plat. The proposal was also for a site plan, master development plan and master development agreement amendment for the proposed project. The Porter Ranch Townhomes is located north of Pony Express Parkway, just west of the existing Ridley’s Market. The project consists of both Pod 14 of the Porter’s Crossing Town Center Master Plan and Phase 2 of the Plum Creek development (24 units) in The Ranches Master Plan.

Mr. Hadley said the developers wanted to transfer seven units from one pod to another in the Porter’s Crossing Town Center to meet the density requirement. They also wanted to transfer all of Plum Creek Phase 2 into Porter’s Crossing Town Center.

Mr. Hadley noted St. Andrew’s Drive would have to be extended to Eagle’s Gate before any plat could be recorded.

Mayor Pengra opened the public hearing at 7:55 p.m.

Drew Curley asked about the units being removed from The Ranches Master HOA. Mayor Pengra responded it had become a non-issue.

Mayor Pengra closed the public hearing at 7:57 p.m.

Councilmember Gricius asked about the alignment of St. Andrew’s Drive, because the illustration provided to the Council showed the extension running through a park.

Travis Taylor, representing the developers, said the illustration was included in error and the road would run alongside the park.

Councilmember Bradley asked what buffering would be located between the townhomes and the single-family homes.

Mr. Hadley said there was a 20-foot buffering requirement with a six-foot privacy fence.

Mayor Pengra asked if each unit would be on a separate water meter. Mr. Taylor said the properties north of St. Andrews Drive would be, but not those to the south. Those to the north are individually platted. Those to the south would have one owner.

Mayor Pengra asked if the individual units would pay their own utility bills. Mr. Taylor said those on the north would all be paid by the one owner if the lots weren't sold off. Those that were sold would pay their own bills. The utility bills for the units to the south would be paid by the one owner.

Councilmember Bradley asked about the recommendation for an open space and amenities table. Mr. Hadley said it was recommended, but not necessary.

Councilmember Gricius asked if the overall density would remain the same after densities were transferred between pods. Mr. Hadley said it would.

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

MOTION: *Councilmember Bradley moved to adopt a resolution of Eagle Mountain City, Utah, approving the first amendment to the Porter's Crossing Town Center Master Development Agreement. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to approve the Porter Ranch Townhomes preliminary plat and site plan, with the condition that an updated amenities table be submitted. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

14. ARRIVAL

- A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the First Amendment to the Arrival Master Development Agreement.
- B. MOTION – Arrival Preliminary Plat, Phase B.

This item was presented by City Planner Tayler Jensen. The proposed amendment to the Arrival Master Development Agreement (MDA) would modify the road widths and clarify the timing and funding of the park. The preliminary plat comprises 148 residential lots on a 188 acre parcel located north of Wride Memorial Highway and west of North Ranch.

The preliminary plat complies with the master development plan, but a second access road must be constructed before any new building permits may be issued. The applicants have proposed a long secondary access road through the property to the south of this project, accessing Wride Memorial Highway. The road must be approved by UDOT and UFA prior to the plat being recorded. UDOT has issued a conditional access permit for this road and UFA has stated it would meet their requirements.

Due to the Arrival MDA including a 50' right-of-way (ROW) exhibit for local roads of 56', the existing phase of Arrival was built with a 50' right-of-way. The applicants proposed changing the 56' requirement to 50'. The Rural Road standard in the Municipal Code calls for a 50' ROW. As the Arrival subdivision was a base density development, a Rural Road was appropriate.

The applicant proposed a modified Rural Road that included 32' of drivable surface, high-back curb and gutter rather than swales, an 8' park strip on one side of the road and an 8' trail on the other side. This ROW was reviewed by the City Engineer and the Fire Marshal, both of whom approved it. Staff preferred the proposed ROW to the existing Rural ROW, as Eagle Mountain has had limited success with swales in other areas of the City.

The applicants wanted to delay the deadline for construction of the park to have more time to solicit feedback from residents as to what amenities they would like to have. The applicants also planned to invest an additional \$30,000 toward additional amenities.

Councilmember Gricius commended the applicants for volunteering to construct a park not required with base density.

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

MOTION: *Councilmember Curtis moved to approve the Arrival, Phase B preliminary plat, with the Planning Commission recommendations as outlined in the staff report. 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.*

Councilmember Bradley asked City staff to provide high-resolution images in staff reports.

The amendments in the staff report were as follows:

1. A 20 foot public trail and utility easement shall be added to the plat.
2. The developer shall escrow \$2,913.81 per lot, and an additional \$30,068.58, with the first plat in Phase B.
3. The ROW exhibit provided by the applicant shall be adopted for all local streets within the project.
4. An approved second access onto Wride Memorial Highway shall be approved prior to issuing any building permits within Phase B.

15. MOTION – Spring Run Amended Preliminary Plat, Phase B.

This item was presented by Planning Manager Mike Hadley. Spring Run, Phase B is a 125 lot residential, preliminary plat on 25.43 acres. The project is north of Wride Memorial Highway and east of the Meadow Ranch subdivision.

The master development plan and agreement were amended late last year, which required changes to the open space and parks plan. This preliminary plat amendment reflected the new plan. The size of the park would be increased and the number of units decreased.

Councilmember Gricius asked about the fencing along the park. Mr. Hadley said fencing is required along collector roads. The Planning Commission recommended moving the fence from the north side of the park to the south side to provide visibility along the front of the park.

MOTION: *Councilmember Reaves moved to approve the Spring Run, Phase B amended preliminary plat as presented in the staff report. 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.*

The conditions presented in the staff report were as follows:

1. The applicant shall work with City staff to improve the amenities in the north park and to update this master open space and parks plan.
2. There shall be no fencing along the northern end of the park. Fencing is required along the southern end of the park.

16. MOTION – Evans Ranch Elementary School Site Plan.

This item was presented by Planning Manager Mike Hadley. The Evans Ranch elementary school will be located at the southeast corner of the Evans Ranch Master Development, south of Golden Eagle Road. According to the State Code, municipalities have little discretion to make requirements of school sites. They can only address safety issues.

Councilmember Gricius asked if the road in front of the school would be wide enough to have two lanes of traffic if cars were parked on both sides. Mr. Hadley said the school district had discussed making the road wider, although the site would be unlikely have enough room for that.

Councilmember Gricius asked if “no parking” signs could be installed along one side of the road. Mr. Hadley responded the school district would be willing to do that.

MOTION: *Councilmember Westmoreland moved to approve the Evans Ranch elementary school site plan. 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. BID AWARD – Silver Spur Construction for the Replacement of the Waterline for Tank #1.

This item was presented by City Engineer Chris Trusty. Tank #1, which is located on the eastern bench of City Center, stores water for the South Service Area. The tank is fed with a 16 inch waterline which has failed several times. The new line will be constructed of 16 inch ductile iron pipe and will run from Lake Mountain Road to the tank. The existing pipe will be refurbished for overflow.

Because the Engineering Dept. only received one bid, Councilmember Curtis asked if it would cost additional money to put the project out to bid again. Mr. Trusty said it wouldn't cost more to do so, but staff would like to get the project completed prior to doing road maintenance during this calendar year.

Councilmember Curtis asked what effect this project would have on the Water Fund balance. Mr. Jerome said the Water Fund and Impact Fee Fund had adequate balances.

Councilmember Curtis wanted to be sure there would be no need to bond.

Councilmember Reaves asked how much the project would cost. Mr. Trusty said the bid was for \$586,357.50. The engineer's estimate was approximately \$545,000. However, the budget included a \$25,000 unforeseen circumstance amount for rock excavation. He said it was easier to include a contingency fund than to come back to Council for a change order.

MOTION: *Councilmember Westmoreland moved to approve an agreement with Silver Spur Construction for the replacement of the waterline for tank #1 in the amount of \$586,357.50 and authorize the Mayor to sign the agreement. 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.*

Councilmember Gricius reminded Mr. Trusty that the contractor should leave the work site in at least as good condition as they found it.

18. AGREEMENT – The Second Addendum to the 2014 Elite Grounds Agreement for Landscape Maintenance.

This item was presented by Parks and Recreation Director Brad Hickman. The proposed amendment for landscape maintenance modified the scope of work to include property that was recently improved and property that will be dedicated to the City during the course of the agreement.

Mr. Hickman noted the cost per square foot has not increased since the agreement began.

Councilmember Reaves asked if the agreement would include any part of Wride Memorial Park. Mr. Hickman said the finished park areas would be added to the agreement.

MOTION: *Councilmember Bradley moved to approve the second addendum to the 2014 Elite Grounds agreement for landscape maintenance in the amount of \$326,293.34 and authorize the Mayor to sign the agreement. 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.*

19. AGREEMENT – The Third Addendum to the Agreement between Eagle Mountain City and Ace Disposal, Inc. for Solid Waste Disposal and Recycling Services.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The proposed addendum would extend the Ace agreement for solid waste disposal and recycling services until July 1, 2019. There were no proposed increases for the services.

Councilmember Curtis was concerned that the City charged residents more for the first trash can than for the second. He didn't like the first can paying the tipping fee for both cans.

Mayor Pengra asked if this discussion could be held, since it wasn't on the agenda. Mr. Cook said it was related closely enough to the contract cost to allow the discussion.

City Administrator Ifo Pili stated that staff planned to have a full analysis and discussion of the issue with the Council soon. Councilmember Curtis said he would be satisfied with a future discussion.

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

20. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving Vote by Mail for the 2017 Municipal Election.

Utah County has offered to administer a county-wide vote by mail process for the 2017 municipal election for all municipalities that enter into an interlocal agreement. All registered voters would receive a ballot in the mail, which would be mailed back to Utah County to be processed. A secured drop box would be located at the Eagle Mountain City Recorder's Office for those that chose to drop their ballot off in person.

Councilmember Curtis felt he needed to know how much it would cost for the City to administer its own election before making a decision. He also wanted to read the interlocal agreement.

Ms. Kofoed stated it would cost less to run an election by paper ballot. She explained that the interlocal agreement wouldn't be available until the County knew which cities would participate in VBM. Another option would be to use an independent election contractor for the voting machines. Ms. Kofoed had received a bid from Dominion, an approved vendor, for scanning equipment. The quote for the equipment was \$21,140. However, this cost didn't include ballots, which would require finding a reliable printing company with the knowledge to manage election printing before the ballot cost could be determined. She estimated poll workers and training would cost approximately \$5,000.

Councilmember asked if buying voting machines was an option. Ms. Kofoed stated she wouldn't recommend purchasing equipment as machines had a limited useful life. Another concern was if the State mandates VBM in the future, the machines would be useless.

Councilmember Bradley stated Eagle Mountain had grown too much to make paper ballots practical. Ms. Kofoed said she didn't like the political involvement it created for herself and her staff.

Councilmember Curtis didn't feel he had the information he needed to approve this resolution. He didn't think VBM involved the public in the election process enough.

Councilmember Gricius read statistics on ballots being rejected for signatures not matching what the state had on file. She said identifying herself at a polling location guaranteed her vote would count.

Councilmember Bradley felt voters were responsible for following the directions on the ballot to ensure their votes were counted.

Councilmember Reaves wanted to make sure the Council had all the information necessary to compare VBM to traditional polling. He wanted to know how the voters would be well informed about VBM and wanted to be sure it had been adequately vetted. He also wanted to see a cost comparison. He asked what the deadline was to agree to use VBM.

Ms. Kofoed said the deadline was the Monday before the next Council meeting. She explained this became urgent fairly suddenly because she expected to have access to the County's voting machines as an alternative if the Council didn't adopt this resolution.

Mayor Pengra stated there were unknowns both with VBM and with independently running the election. However, the independent option placed a significantly greater burden on the Recorder's Office.

Councilmember Bradley was in favor of VBM. He lived in Oregon for three election cycles and found the process easier, more informed and completely secure. Because VBM encouraged higher voter turnout, it made the cost per vote significantly lower.

Councilmember Westmoreland said, with enough time and information, the concerns about VBM could be adequately alleviated. He objected to Utah County putting Eagle Mountain in the position of having to make this decision on such short notice. He felt this needed more time than it could receive at this meeting.

Councilmember Curtis didn't like being given so little choice by Utah County.

Ms. Kofoed stated the municipal Recorders' group believed Utah County's decision was a step in the right direction. The information was provided to the Recorders in February and Ms. Kofoed brought it up in a City budget meeting that month. What caused the urgency was the sudden lack of the County's voting machines as a back-up plan. The Recorders were grateful that the County was willing to undertake VBM. She had spoken with the Lt. Governor's Office in the past about contracting with Salt Lake County to administer the City election because she felt strongly that government owed it to the citizens to provide the best voting system.

Councilmember Reaves asked if it would be feasible to ask the County for an extension. Ms. Kofoed said she was sure the County would extend the deadline to Tuesday if the Council needed more discussion at the next meeting. She suggested the Council table the item if they didn't feel like they could approve the resolution that night. She asked the Council to give her their specific questions so she could find answers in the next two weeks. She would also attempt to get estimates from printing companies. The State would have to determine what printing companies could be used.

Ms. Kofoed said Eagle Mountain had 11,293 active voters. The County estimated the cost per primary ballot at \$1.28 and general ballot at \$1.36. There was a potential for 23 cities to participate in VBM. Fifteen has already committed. Any difference in price based on the number of cities participating would be a matter of pennies per ballot.

Mayor Pengra said cost was essentially a non-issue when it came to voting.

Councilmember Curtis asked if the County planned to send out voter information pamphlets. Ms. Kofoed said the City always sends out voter information. If the Council adopted this resolution, she would work with Communications & Community Relations Director Linda Peterson on an extensive public information campaign. She noted that some believed that a voter should make an effort to go to a polling location to vote rather than mailing in a ballot. At the end of the day, a vote was worth the same regardless of how it was cast. She was dedicated to using any method to increase voter participation.

Councilmember Bradley said voters would be better informed when VBM, because they could consult voter information on the internet while marking their ballot.

Councilmember Curtis felt voters should be invested enough in voting to be informed and then go to a polling location.

Councilmember Reaves asked Councilmember Curtis what he proposed for educating the public if the Council voted “no” on vote by mail.

Councilmember Gricius said a public information campaign could be conducted with either voting system.

Councilmember Westmoreland stated, if the rest of the state was switching to VBM and getting higher voter participation, Eagle Mountain would become less relevant if it didn't use the same method.

Councilmember Gricius felt VBM lacked integrity.

Mayor Pengra noted the passionate debate was focused on the principle of the systems. However, the practicality of setting up an independent system with a Recorder's Office staff of only three people, was that the time and effort it took would have to be the office's focus.

Councilmember Curtis asked the rest of the Council if tabling the item would help them make their decision. Councilmembers varied in their responses.

Mr. Cook stated he represented other entities that have gone to VBM. The huge advantage was that it prevented the City Recorder from being accused of interfering in the election. That has happened to Ms. Kofoed and other Recorders. Even though the accusations were unwarranted, they took a lot of time to rebut and hurt both the Recorder and the government entity.

MOTION: *Councilmember Bradley moved to adopt a resolution of Eagle Mountain City, Utah, approving vote by mail for the 2017 municipal election. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Benjamin Reaves and Tom Westmoreland. Those voting no: Colby Curtis and Stephanie Gricius. The motion passed with a vote of 3:2.*

Mayor Pengra stated this was a difficult call for Councilmembers. He hadn't been in favor of vote by mail, primarily because during his campaign, he wanted everyone to understand his positions. He knew there were people who voted for him with no idea of what he represented. He felt vote by mail moved candidates further away from voters and gave those with name recognition a slight advantage.

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Councilmember Bradley reiterated his opinion that vote by mail increased informed voting. He also felt long lines at polling places discouraged voter participation. Voting at home gave people time at home to study candidates before voting.

Councilmember Curtis said vote by mail would have helped him be elected, because of name recognition, but he was still against it.

Councilmember Westmoreland said, if some aspect of vote by mail didn't work, it could be adjusted before the following election.

Councilmember Gricius asked if the Council would see the interlocal agreement before it was signed. Ms. Kofoed said, according the purchasing policy, it didn't require Council approval, but she would make sure the Councilmembers received a copy.

Councilmember Curtis wanted to know if any Federal funds or grants were used to pay for vote by mail. Ms. Kofoed said there were none that she knew of. The municipalities will share the cost.

Mr. Cook said municipalities would likely use Salt Lake County's interlocal agreement as a template because it was tested and straightforward.

Ms. Kofoed said Utah County will give municipalities a per-vote cost, along with incidental costs for travel. Municipalities will be responsible for running a vote center in each city, which will contain a secured ballot box. Municipalities will also be responsible for voter information.

Councilmember Curtis asked if a voter information pamphlet would be included with the ballot. Ms. Kofoed said only ballots will be mailed by the County. The Recorder's Office will send out postcards directing voters to the City and State websites.

Mayor Pengra asked the Council to redirect their attention to pushing information out to the voters.

Councilmember Gricius urged everyone in City government to be very careful to send out fair information, provided by candidates, and not produce their own information.

Ms. Kofoed said she was well aware of those regulations. She didn't even correct typos in statements given to her by candidates. She published information exactly as it was provided by candidates.

Councilmember Reaves said it was important to refrain from one's biases while helping voters transfer to the new system. He felt it was important for the City and Council to share the facts.

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

Councilmember Bradley

No comment.

Councilmember Curtis

No comment.

Councilmember Reaves

No comment.

Councilmember Westmoreland

No comment.

Councilmember Gricius

Councilmember Gricius reported the Economic Development Board will meet on Thursday at 6:00 p.m.

Mayor Pengra

Mayor Pengra said the Unified Fire Authority hired a new Fire Chief. He was far and away the best applicant for the job. He's made significant changes to the department and has been an extremely effective administrator.

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.

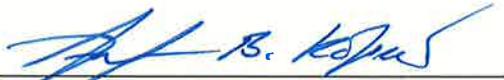
23. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

24. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 9:27 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 April 4, 2017.



Fionnuala B. Kofoed, MMC
City Recorder





EAGLE MOUNTAIN CITY COUNCIL MEETING

April 4, 2017

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 and Benjamin Reaves. Councilmember Tom Westmoreland participated by telephone. Councilmember Adam Bradley was excused.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jeff Weber, Fleet and Facilities Director; Zac Hilton, Streets and Storm Drain Manager; Mack Straw, Public Utilities Director; Eric McDowell, Chief Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:14 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 – FY 2017-2018 Preliminary Budget

City Treasurer David Mortensen reviewed the preliminary calculations for the fiscal year 2018 budget. The budget, in general, consists of the following:

- Enterprise Funds, 40%, \$13,989,837
- General Fund, 33%, \$11,478,282
- Capital Projects Funds, 18%, \$6,367,000
- Impact Fee Funds, 8%, \$2,675,500
- Debt Service Funds, 2%, \$718,206

The General Fund's revenues of \$10,480,571 came from fees, taxes and grants. Its expenditures of \$11,478,282 came from General Fund revenues plus fund balance reserves.

In fiscal year 2017, the City is spending approximately \$307.40 per resident. In fiscal year 2018, the City expects to spend \$318.85 per resident.

Mr. Mortensen noted that the primary changes from the FY 2017 to 2018 General Fund Capital Projects budgets include:

General Fund:

- Ranches landscape maintenance & code enforcement

- Larger investment in streets maintenance
- Economic Development moved back into General Fund
- Vote by mail
- New recreation programs

General Fund Capital Purchases:

- Cory Wride Memorial Park
- OHV parking & trail improvements
- Community Development Bldg. parking and power for the salt shed
- Trailer renovation to become a senior citizens' center
- Software upgrade or migration

Water Enterprise Fund:

- Security fencing around wells
- AMI fixed network for smart metering
- Enclosed job trailer

Sewer Enterprise Fund:

- Solids separation building with screw press
- Trailered trash pump
- Vacuum truck
- CCTV truck

Solid Waste Enterprise Fund:

- Proposed rate reduction of \$0.50 on first can from \$10 down to \$9.50
- Transfer \$200,000 of fund balance reserve to the Storm Drain Fund

Storm Drain Fund:

- Proposed rate increase of \$1.00 per ERU from \$4.00 to \$5.00 per ERU
- Transfer in of \$200,000 from Solid Waste Fund

Councilmember Curtis said his company might become an electronic document management software vendor for the City. He asked if he would be able to recuse himself during discussions of software. Mr. Mortensen explained the software shown in the budget figures was administrative, not electronic document management.

Councilmember Gricius asked if the details of the Ivory Homes donation were ever resolved. Ivory Homes originally offered a donation of \$1.8M to be used for Wride Memorial Park, without any conditions. Later, Ivory Homes submitted a subdivision plat for land adjacent to the park which indicated very little improved open space. They stated the donation offset additional improved open space.

Mayor Pengra explained that the details were still being worked out. He clarified that Ivory had an agreement with SITLA to which Eagle Mountain wasn't a partner. The dispute between the City and SITLA was whether SITLA had to meet the City's open space requirements.

Mr. Mortensen detailed several specific budget changes, including several related to Eagle Mountain assuming responsibility for maintenance and code enforcement which had been managed by The Ranches Master HOA, which is about to be disbanded. Some of the costs would be covered by a reduction in the Streets Department budget.

Councilmember Curtis preferred not to take money away from the Streets Department. He felt using one-time money for the first year would be acceptable.

Assistant City Administrator/Finance Director Paul Jerome explained the proposed street maintenance budget vs. last year's budget. Last year the budget for the Streets Dept. was over \$831,000, which was significantly higher than in previous years. Some of the projects haven't been completed yet, but will be by the end of the fiscal year. Fiscal year 2018's proposed Streets Department's budget is \$1.2M.

Mayor Pengra stated the proposed budget increase was in support of a goal to do preventive maintenance (crack seal) on every residential road every five years. This was a huge project, which Mayor Pengra felt could reasonably be reduced. Even with a reduction in the crack seal budget, over \$400,000 would remain.

Mr. Mortensen said the Economic Development Fund will be moved back into the General Fund. The \$100,000 remaining in the discontinued Business Development Incubator Program will be used in the General Fund.

Councilmember Curtis asked how much money the City planned to spend on economic development. Mr. Mortensen said the economic development budget was being increased to allow more proactive recruiting and marketing to interest businesses in locating to Eagle Mountain.

The vote by mail system approved by the City Council in a previous meeting will be budgeted at \$40,000.

Councilmember Curtis requested a review of the City's membership in the Utah League of Cities and Towns, although not necessarily at this meeting.

Councilmember Reaves asked how the solid waste fee change would affect the contract that was recently approved. Mr. Mortensen said the contract didn't change any fees. The City was proposing a fifty-cent reduction to residents' prices, due to a healthy balance in the Solid Waste Fund.

Mr. Jerome thanked Mr. Mortensen for his work on the budget changes.

Mayor Pengra noted this budget moves Eagle Mountain forward in preparing the City to sustain the growth it's experiencing. It's possible because homebuilding growth has been higher than anticipated. Even if homebuilding were to slow down, the City would still be able to absorb the costs without raising taxes.

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

9. MINUTES

No comment.

10. BOND RELEASE – SilverLake Plat 15 into Warranty

No comment.

11. CHANGE ORDER – Emergency Backup Generators

Councilmember Gricius asked where the mistake leading to the change order happened. Public Utilities Director Mack Straw stated the design team called for a 1200 amp transfer switch instead of a 2000 amp switch.

Councilmember Gricius noted the contract said the contractor would provide all labor, materials and equipment to complete the project. She felt if the mistake wasn't the City's fault, the contractor should pay for the upgraded switch.

Mayor Pengra stated the 1200 amp switch was in the response to the request for bids, which made it the City's responsibility.

After additional discussion, Mayor Pengra pulled this item from the Consent Agenda so it could be discussed further during Policy Session.

12. RESOLUTION – Municipal Wastewater Planning Program

Mack Straw, Public Utilities Manager, explained this was an annual report furnished to the State, assessing the condition of the wastewater plant.

13. MOTION – Scenic Mountain Plat A, Preliminary Plat.

City Planner Tayler Jensen said this project was a 17.39 acre, 80 lot preliminary plat, located within the Scenic Mountain Master Development Plan (MDP). The proposed plat was located within the Tier III cottage lot portion of the MDP, which vested the developer with up to 86 units. The developers proposed to build all the park space at once, including a trailhead park with sod and natural open space, along with a tot lot, trails and parking. There would also be a hillside park. Because it won't have easy access, they don't plan to install any amenities.

Since Scenic Mountain was located in a high-priority transportation corridor, City Council approval would be conditional on providing 45 days for UDOT approval.

Councilmember Curtis asked if the improvements to Inverness Road could be expedited.

City Attorney Jeremy Cook stated the City has acquired the property necessary for the widening of the road and moving of one fire hydrant. The improvements would be subject to impact fees. Either the City or the developers could widen the road and move the fire hydrant. He felt the improvements would be a priority for the developers because they would enhance the marketability of the project.

Mayor Pengra asked if early widening of the road could be a condition of approval. Mr. Cook stated the developers cooperated with everything they were asked to do in regard to Inverness Road. They demonstrated that they had incentives to widen the road early in the project.

14. MOTION – Oquirrh Mountain Ranch Church Site Plan.

City Planner Tayler Jensen said the church met the City's commercial design standards. The site was designed with more parking than was required and had access from two roads.

15. AGREEMENT – The Fourth Amended and Restated Water Supply Agreement Between the Central Utah Water Conservancy District and Eagle Mountain City, for Sale of CWP Municipal and Industrial Water.

City Attorney Jeremy Cook stated Eagle Mountain asked the Central Utah Water Conservancy District (CUWCD) to reduce the City's 2,500 acre-feet water allocation to 1,800 acre-feet. The 700 acre-foot reduction will be transferred to Vineyard, and will save Eagle Mountain \$7,075,500.00 over the course of the agreement.

16. AGREEMENT – The First Addendum to an Agreement between Eagle Mountain City and Ifo Pili for City Administrator Services.

Mayor Pengra emphasized that Mr. Pili didn't request a raise. Mayor Pengra asked Human Resources Director Jessica Alvarez to do a salary study, which showed Mr. Pili's salary was significantly lower than the average for cities similar to Eagle Mountain.

Councilmember Curtis asked for a description of the issues that make salaries appear to fluctuate yearly.

Mr. Jerome explained Mr. Pili's contract was signed on March 20, 2012. The contract amount was approximately \$111,000. Three months later, Mr. Pili received a cost of living increase, as did all other employees.

Previous administrations gave employees a Christmas bonus. Mr. Pili asked that the bonus be discontinued and all employees' salaries be increased slightly to make up for the discontinued bonus. Those two increases adjusted his salary somewhat upward from the contractual amount. The cost of employee benefits increases annually, which alters employees' gross compensation.

Mayor Pengra said the employment agreement specified three things: base salary, vehicle allowance and participation in the same benefits as all other employees. The proposed amendment to the agreement would raise Mr. Pili's base salary to approximately \$126,000.

Councilmember Curtis asked if a car allowance was a common compensation for city administrators. Mr. Jerome said it was a normal part of most city administrators' compensation.

Councilmember Reaves asked if the salary study included all employees, or only Mr. Pili. Mayor Pengra responded the City reviewed all employees' salaries regularly. Mr. Pili was excluded from these evaluations because he had a specific employment contract.

Councilmember Curtis asked about the paragraph regarding Mr. Pili's responsibility to work under the Mayor's direction; however, he should respond to requests by members of the City Council, as long as they didn't interfere with the daily operations of the City. He wanted to know if that was a standard clause.

Mr. Cook said the duties of the City Administrator were set forth in the Municipal Code. Should there ever be a situation in which the Mayor and the City Administrator couldn't agree on their respective responsibilities, it would be up to the Council to detail the responsibilities.

Councilmember Curtis asked if Mr. Pili would be required to follow the Council's directions if they differed from those of the Mayor. Mayor Pengra said City was governed by the directions received from the City Council; the daily administration of City employee functions was directed by the Mayor and City Administrator. If there were a conflict between the Mayor and City Administrator, the City Administrator would answer to the City Council.

Mr. Cook pointed out Eagle Mountain was unique in that the Mayor could be elected in either a full-time or part-time role. If the Mayor was part-time, Mr. Pili would take more of a role in day-to-day control of City functions.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing the purchase, lease or exchange of real property and the professional competence of an individual pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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

Work Session was adjourned at 5:51 p.m.

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

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

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Mack Straw, Public Utilities Director; Eric McDowell, Chief Sheriff's Deputy.

4. **CALL TO ORDER**

Mayor Pengra called the meeting to order at 7:13 p.m.

5. PLEDGE OF ALLEGIANCE

Jacob Hansen led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Camp Williams Artillery Exercises** – Camp Williams will be conducting live fire artillery exercises tomorrow from approximately 8:00 a.m. to 5:00 p.m.
- **Household Hazardous Waste Collection Day** – The Utah County Health Department will hold their annual household hazardous waste collection event on Saturday, April 8 from 9:00 a.m. to 3:00 p.m. in the west parking lot of the Provo Towne Center Mall. Items such as gasoline, paint, fluorescent light bulbs, batteries and unused medications will be collected.
- **Adaptive Easter Egg Hunt** – Western Utah County Family-to-Family Network is hosting an adaptive Easter Egg Hunt on Saturday, April 8 from 10:00 to 11:00 a.m. at Frontier Middle School. This event is free and open to individuals with disabilities or other special needs and their families. Information is available on the City Facebook page.
- **Community Health Assessment** – The Utah County Health Department is preparing to conduct its 2nd Community Health Assessment (CHA) on Saturday, April 22. As part of that process, health department staff will be going to homes in randomly selected Utah County neighborhoods and asking questions related to health. The health department has been working with the Centers for Disease Control and Prevention (CDC) to determine that the number and location of homes will ensure a representative sample of Utah County. For more information, please view the News item on the City website.
- **Grand Marshal Nominations** – Eagle Mountain City extends the opportunity to the community to nominate a deserving individual to be the Grand Marshal for this year's Pony Express Days. The nominee will be recognized at the rodeo, demolition derby, grand parade and the EnduroCross event. Nomination forms are available on the City website, News section, through May 5.
- **Easter Egg Hunt** – The Easter Egg Hunt will be held Saturday, April 15 at Nolen Park. This year we will have over 25,000 eggs. This event is well attended, and eggs are gathered up in a matter of minutes. Start time is 10:30 a.m. SHARP. We will also provide an opportunity to take photos with the Easter Bunny.
- **Miss Eagle Mountain Pageant** – The Miss Eagle Mountain Pageant will be held Saturday, April 22 at Frontier Middle School, starting at 7:00 p.m. Tickets are available on the City website, Events calendar.
- **Community Clean-up** – Eagle Mountain City's second annual Community Clean-up will be held on Saturday, May 13 from 8:30 a.m. to 12:30 p.m. Groups or individual volunteers is welcome. Registration is available on the City website, Events calendar. The City will also be providing clean-up dumpsters for general household waste (smaller items) on that date from 8:00 a.m. to 6:00 p.m. off of Mid Valley Road, south of Frontier Middle School.
- **Pony Express Days** – Pony Express Days will be held May 26-June 3. Events include the rodeo, pancake breakfast & family bike ride, family fun night, carnival/vendor booths/entertainment stage, parade, demolition derby, and fireworks. Vendor applications and parade registrations are being accepted now at www.emcity.org/ped. We are looking for specialty acts for the parade such as magicians, jugglers, baton twirlers, etc. Tickets for the arena events are on sale now at www.ponyexpressspecialevents.com.

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

Marianne Smith expressed appreciation for the recent repairs to Lake Mountain Road.

Tyler Shimakonis appreciated the City Council and Mayor, particularly in regard to the discussion of Mr. Pili's employment contract. Mr. Shimakonis served on several City boards and knew Mr. Pili was an excellent City Administrator.

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

Councilmember Gricius

Councilmember Gricius welcomed everyone to the meeting.

Councilmember Reaves

Councilmember Reaves thanked those attending the meeting, especially the Boy Scouts. He loved seeing the Scouts being involved in their community.

Councilmember Westmoreland

No comment.

Councilmember Curtis

Councilmember Curtis reminded everyone Youth Council was on the second and fourth Wednesdays of the month at 5:30 for youth ages 14-18.

Mayor Pengra

Mayor Pengra thanked everyone for attending.

CONSENT AGENDA

Mayor Pengra removed item 11 from the Consent Agenda during Work Session, in order to allow it to be discussed during Policy Session.

9. MINUTES

- A. March 21, 2017 – Regular City Council Meeting

10. BOND RELEASE – Into Warranty

- A. SilverLake, Plat 15

11. CHANGE ORDER

- A. Emergency Backup Generators, Change Order #1

This item was removed from the Consent Agenda for discussion.

12. RESOLUTION

- A. Municipal Wastewater Planning Program

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

SCHEDULED ITEMS

11. CHANGE ORDER

A. Emergency Backup Generators, Change Order #1

Public Utilities Manager Mack Straw explained the transfer switch designed for the well #5 was inadequate. The change order would cover the additional cost for a higher-capacity switch.

Councilmember Gricius asked who was responsible for the mistake. Mr. Cook said it was the design firm. The City could explore legal remedies to get the responsible party to pay for the switch. However, City administration felt that since it was an item needed for the project, it was reasonable for the City to pay for it as long as Hansen Allen and Luce paid for any expenses the City incurred as a result of the design flaw. The firm has worked with the City in good faith.

Councilmember Gricius asked if the price difference due to the upgraded switch made one of the higher bidders into the low bidder. Mr. Cook said all the bidders based their bids on the same criteria, so changing the cost of the transfer switch didn't change the price ranking of the bidders.

MOTION: *Councilmember Curtis moved to approve change order #1 for the emergency generator agreement in the amount of \$17,289.00. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

13. MOTION – Scenic Mountain Plat A, Preliminary Plat.

This item was presented by City Planner Tayler Jensen. This application was for a 17.39 acre, 80 unit preliminary plat located within the 34.82 acre Scenic Mountain Master Development Plan (MDP). The proposal is located within the cottage lot portion of the Scenic Mountain MDP, which was vested with up to 86 cottage lot units.

The developers' proposed landscaping met the requirements of the City's landscaping code. The one area where the proposal differed from the Municipal Code was no amenities were included in the hillside park. The hillside park wasn't easily accessible, so those amenities were added to the trailhead park instead. Because the area is considered a high-priority corridor by UDOT, any approval of this project would be conditional on UDOT approval.

Councilmember Gricius asked Dylan Young, a representative of the developers, if there was a way to expedite the secondary access road or the widening of Inverness Road.

Mr. Young responded the first final plat submittal would include immediate secondary access to Wride Memorial Highway. He was unsure how quickly Inverness would be widened.

Councilmember Curtis asked what the Council could do to help expedite the roads. Mr. Young said the critical issue was the initial outlay of money. The developers would need to be reimbursed promptly, rather than waiting for the collection of impact fees with each lot.

Mr. Cook said the City could use impact fees already collected to build the roads. There was also a potential to incentivize the developers to build the roads earlier by making a more generous reimbursement agreement than what's normally used.

Mayor Pengra noted that all of the transportation impact fee funds were allocated already. He asked City Engineer Chris Trusty for his recommendations. Mr. Trusty said the high school and elementary school about to be built were higher priorities. Inverness wasn't in the impact fee schedule yet. A reimbursement agreement would be more practical.

Mr. Young asked about impact fee credits for the right-turn lane of Porter's Crossing, in exchange for expedited construction of Inverness. The right-turn lane was being constructed as part of the Oak Hollow development, another Fieldstone project.

MOTION: *Councilmember Gricius moved to approve the Scenic Mountain Plat A, preliminary plat with the following conditions:*

- *the developer escrow for park improvements at a 150% pro rata rate, and the park be completed prior to issuing 50% of the building permits within the Scenic Mountain development (107 units)*
- *the developers work with City staff to find possible solutions for expediting the timing of the improvements to Inverness Road*
- *the project be submitted to UDOT for approval, due to the high-priority transportation corridor*

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

14. MOTION – Oquirrh Mountain Ranch Church Site Plan.

This item was presented by City Planner Tayler Jensen. The Oquirrh Mountain Ranch Church site will be located on the southeast corner of the Oquirrh Mountain Ranch Master Development, adjacent to Pony Express Parkway. The plan met all the City's standards, and the Planning Commission recommended approval to the City Council.

Mr. Jensen stated the developers have met all the recommendations made by the Planning Department and Planning Commission.

MOTION: *Councilmember Curtis moved to approve the Oquirrh Mountain Ranch Church site plan. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

15. AGREEMENT – The Fourth Amended and Restated Water Supply Agreement Between the Central Utah Water Conservancy District and Eagle Mountain City, for Sale of CWP Municipal and Industrial Water.

This item was presented by City Attorney Jeremy Cook. The proposed Amended and Restated Water Supply Agreement amends the terms and conditions by which CWP water may be reserved, purchased and delivered to Eagle Mountain City. The agreement reduces the amount of CWP water originally contracted for from 2,500 acre-feet to 1,800 acre-feet. The reduced 700 acre-feet of water will be transferred to the Town of Vineyard to facilitate its water needs. The amendment will reduce the contract price by \$7,075,500.00.

MOTION: *Councilmember Reaves moved to approve the Fourth Amended and Restated Water Supply Agreement between the Central Utah Water Conservancy District and Eagle Mountain City for the sale of CWP municipal and industrial water, and authorize the Mayor to sign the agreement. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Mayor Pengra invited residents to make comments, due to the size of the financial impact of the vote. He noted the City wasn't dependent on water from only one source. CWP water supplements the City's well water. At the time the original water supply agreement was signed, it was unknown how much water the City would actually need. Because the originally contracted amount turned out to be more than the City required, it was in the City's best interest to release some of the contracted water.

Tyler Shimakonis asked if the City was using any of the CWP water. Mayor Pengra said it was. The water use was balanced between the wells and the CWP water.

16. AGREEMENT – The First Addendum to an Agreement between Eagle Mountain City and Ifo Pili for City Administrator Services.

This item was presented by Mayor Chris Pengra. The proposed addendum to the agreement for City Administrator services documented the updated terms and compensation for the position. Mr. Pili has served as the City Administrator since 2012 and has not received a pay raise or other form of increased compensation during his tenure as City Administrator.

Mayor Pengra recapped the presentation he made during Work Session, which is found on pages 4 and 5 of these minutes. He reiterated that Mr. Pili had not requested a pay raise. Mr. Pili was uncomfortable accepting a raise because the Mayor wasn't taking all of the pay he was entitled to. Councilmember Gricius asked what the effective date of the amendment would be. Mayor Pengra said it would be April 1.

Mayor Pengra stated he brought the amendment to the Council at this meeting because Mr. Pili was at a conference and wouldn't be made uncomfortable by listening to the discussion, although as a public meeting, the recording and minutes would be available.

Councilmember Westmoreland stated he approached all City business as if the City were a business. He said the analysis bore out the increase and he wholeheartedly concurred that Mr. Pili was worth this increase and more.

MOTION: *Councilmember Curtis moved to approve the first addendum to an agreement between Eagle Mountain City and Ifo Pili for City Administrator Services, specifying an effective date of April 1, 2017. Councilmember Reaves seconded the*

motion. Those voting aye: 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

Councilmember Curtis said Mrs. Johnson, who will be the principal of the new high school, will be attending the next Youth Council meeting.

Councilmember Reaves

No comment.

Councilmember Westmoreland

No comment.

Councilmember Gricius

Councilmember Gricius said she'll be substituting for Ryan Ireland as an advisor at the next Youth Council meeting.

Mayor Pengra

Mayor Pengra reported that The Ranches Master HOA was essentially disbanded. There will be no impact on the sub-HOAs. The City will take over the management of the maintenance contracts for the medians in Pony Express and Ranches Parkways, as well as code enforcement in the HOA area. He has heard frequent comments comparing the standard of maintenance in City Center to the standard in The Ranches. He explained the standards of maintenance are the same. The developers of The Ranches made more of an investment in amenities than those of City Center did. The City is trying to bring the standard up in areas that haven't been completed.

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

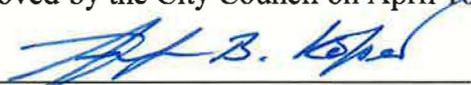
None.

19. COMMUNICATION ITEMS
A. Upcoming Agenda Items

20. ADJOURNMENT

MOTION: ***Councilmember Curtis moved to adjourn the meeting at 8:17 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 April 18, 2017.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

April 18, 2017

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. Councilmember Benjamin Reaves was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Economic Development Manager; Evan Berrett, Management Analyst; Steve Mumford, Community Development Director; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jeff Weber, Facilities/Operations Director; Zac Hilton, Streets and Storm Drain Manager; Mack Straw, Public Utilities Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

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

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

A. PRESENTATION – YMCA

Richard West, the CEO of the nonprofit YMCA of Northern Utah, discussed the plans for a YMCA facility in Eagle Mountain. The YMCA's mission is to provide communities with experiences that enhance healthy mind, body and spirit, in which they strive to build strong kids, strong families and strong communities. Their funding sources include public grants, program fees, community donations and partnership contracts. Everything they do is through partnerships.

Mr. West said former Economic Development Director Ikani Taumoepeau first contacted him about opening a YMCA in Eagle Mountain about two years ago. SK Hart Management, the developer of the Porter's Crossing Town Center, is also participating in the project. They plan for the facility to serve Eagle Mountain, Saratoga Springs and Lehi. Eagle Mountain residents are projected to comprise 70% of the members.

A market research study and community need surveys were conducted to determine Eagle Mountain residents' interests and demographics. Demographics indicated there would be about 1,600 paid memberships in the first year, which would be priced from \$15/month for one child to \$60/month for a family with two adults. Interests included a safe place for kids, exercise facilities, classes, a community center and a swimming pool.

Mr. West said the market research study showed the most viable facility would be 2700 square feet, with the following amenities in Phase 1:

- A warm-water recreation pool (not a lap pool)

- recreation spaces for activities such as group fitness, yoga and aerobics
- a free-weight area and cardio equipment
- multi-purpose rooms for classes or other programming
- a child-watch area, a kids' fun zone and a youth center
- a community social area

A gym, fitness center and basketball courts would be built in Phase 2. The initial cost estimate is \$10M.

Councilmember Curtis asked what the City's financial contribution would be. Mr. West said each funder would contribute one-third of the cost. The project has been presented to the Utah County TRCC for a grant.

City Administrator Ifo Pili stated the project was also presented to a grant-making board in Provo with a request for \$3M towards the City's portion of the project cost. City staff was also looking at other charitable foundations and has met with SK Hart Management.

He said the City initially approached the YMCA because surveys conducted by the City indicated the majority of residents wanted a recreation center. This project could be completed without debt and without the use of taxpayer dollars, except for a one-time, up-front cost.

B. PRESENTATION – Impact Fee Analysis and Impact Fee Facilities Plan for Transportation

City Engineer Christopher Trusty introduced Kevin Croshaw and Brent Ventura of Horrocks Engineers to present the Transportation Impact Fee Facilities Plan (IFFP). Mr. Croshaw said the IFFP determines what roadway infrastructure Eagle Mountain will need to service new development for the next six years. They use data from the Mountainland Association of Governments (MAG) travel demand model, as well as the City's Master Transportation Plan and Capital Facilities Plan, in cooperation with City staff, to determine where new developments will cause traffic pressure. Finally, they calculate what portion of that traffic pressure will be produced in the next six years vs. the lifetime of the roads.

Matt Millis of Zions Bank explained that impact fees are only assessed on new or expanding growth, to accommodate the traffic that new homes would generate. The IFFP, special improvement districts and developers' reimbursement agreements are used to calculate those costs. Because these are very complicated calculations, they may be adjusted before the final version is adopted by ordinance. By law, ninety days must elapse before the new impact fees can be charged.

The calculations indicate there will be approximately \$66M in projects to be completed in the six-year period. Funding will be available through other entities, so the City would only pay about \$19.5M of the \$66M. The overall, suggested impact fee per new home will be approximately \$1,235, although it will vary by service area.

Councilmember Westmoreland asked if the calculations included comparables from nearby cities. Mr. Millis said they did not, because each city has unique needs and

financial situations. He pointed out that the Council could charge less than what the calculations recommend.

Councilmember Curtis asked how the City would calculate what effect the higher impact fees would have on Eagle Mountain's growth. Mr. Pili responded that figures could be acquired from other cities and then analyzed. Another method would be to adopt fees different than those indicated by the calculations. The City could also put economic development incentives in place that would encourage growth. Most of the SIDs would also be ending in the near future.

Mayor Pengra noted the transportation impact fee is only one of the impact fees that must be paid with each new home.

Councilmember Westmoreland asked if it would be wise to raise the transportation impact fees in increments. Mr. Pili said it could be done. Mr. Millis stated the current real estate market should be taken into account.

UTAH LOCAL GOVERNMENTS TRUST – Trust Accountability Program Grant

Mr. Pili introduced Brent Oakeson of the Utah Local Governments Trust. Mr. Oakeson presented an award for the Trust Accountability Grant, which gives a 5% rebate on the premium for cities which meet specific standards, and a check in the amount of \$4,196.10.

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

11. AGREEMENT – Improvement Completion Agreement with Goldsworth Real Estate, Inc., for the Golden Eagle Road Extension.

City Engineer Chris Trusty explained the remainder of Golden Eagle Road is part of the Skyline Ridge subdivision owned by Goldsworth Real Estate. The unpaved section of Golden Eagle Road will be completed using funds budgeted by the City combined with funds Goldsworth Real Estate budgeted for the project. The agreement retains 10% of the construction costs, to be used as a warranty bond. The completion deadline is August 1, 2017.

12. AGREEMENT – Recreation Area Use Agreement with the Eagle Mountain Baseball Association, Inc. for Youth Baseball/Softball.

Recreation Director Jason Hall presented the baseball contract, which will be similar to the soccer program agreement executed in 2016. City staff has been working with the Eagle Mountain Baseball Association (EMBA) on allowing EMBA to manage the City's youth baseball and softball programs. City staff will continue to manage the City's adult program.

Councilmember Bradley asked about the EMBA. Mr. Hall said it's a new nonprofit staffed entirely by Eagle Mountain residents.

Councilmember Bradley asked what would happen if EMBA failed to manage the baseball/softball programs effectively. Mr. Hall responded stating the management of the program would return to City staff if EMBA failed. The agreement would add additional games and girls' softball to Eagle Mountain's programs.

Mayor Pengra commended Mr. Hall for working with EMBA to enable them to set up private management of the City's youth baseball and softball programs. Having private entities manage City recreation programs reduces staffing being provided by the City.

Discussion ensued on specific details of the agreement.

13. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

City Treasurer David Mortensen discussed the various changes in the Consolidated Fee Schedule. The City Librarian requested changes to update fees and to replace references to discontinued items available for patrons' use with references to newer items.

Utility fees will be clarified to say payment of suspended utility accounts would result in utilities being reconnected by the end of business on the business day following payment or satisfactory payment arrangements. The base rate will be \$20 per ERU; rather than the current \$20 without explanation.

The CWP water share price will be raised to \$8,000 per acre/foot to phase in the \$9,000 acre/foot charge required in the current agreement between the City and CWP.

Councilmember Curtis asked for an explanation of the new time schedule for turning on utility accounts after shut-off. Mayor Pengra stated the City makes every effort to turn utilities on after a payment. However, if a customer chooses to pay just before or after close of business on a Friday, it costs a minimum of two hours in overtime. All of these customers have received advance notice of shut-off.

Public Utilities Director Mack Straw stated there were 157 shut-off notices this month. Twenty didn't pay within an acceptable time.

Councilmember Bradley suggested charging the overtime cost to the resident. Mayor Pengra responded the City makes every possible effort to accommodate the customer's needs. In the research he's done after conversations with residents whose accounts were shut off, he found a pattern of payment problems in most of their accounts.

Mr. Mortensen then took a moment to review the budget schedule. The tentative budget will be presented at the May 2 meeting. A resolution approving the tentative budget will be brought to the Council for a vote at that meeting, adopting the tentative budget and setting a public hearing for the final budget on May 16. There will also be a resolution on the May 2 agenda proposing a budget for the Redevelopment Agency.

14. THE RANCHES MASTER HOMEOWNERS ASSOCIATION MAINTENANCE
- A. AGREEMENT – Assignment and Assumption of a Turf Maintenance Agreement.
 - B. AGREEMENT – Assignment and Assumption of a Gardening Agreement.
 - C. AGREEMENT – Irrigation Maintenance Agreement.

City Attorney Jeremy Cook explained the City will have to take over The Ranches Master HOA's maintenance agreements, since the HOA is in the process of dissolving. The HOA had copies of signed turf maintenance and gardening agreements, which the City will

assume. The HOA was unable to find a signed copy of the irrigation maintenance agreement, so the City is signing a new agreement.

Councilmember Curtis asked if the City would have to accept the existing terms of the agreements.

Mr. Cook said it would, but the agreements expire at the end of the year, and they have a 30-day termination clause which the City can use if necessary. The agreements will be renegotiated after they expire.

Parks and Recreation Director Brad Hickman pointed out the bidding process takes a couple of months. Retaining the existing agreements is more efficient for the City.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Westmoreland moved to adjourn into a Closed Executive Session for the purpose of discussing the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

Work Session was adjourned at 5:58 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. Councilmember Benjamin Reaves was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Economic Development Manager; Evan Berrett, 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 7:04 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Community Health Assessment** -- The Utah County Health Department is preparing to conduct its 2nd Community Health Assessment (CHA) on Saturday, April 22. As part of that

process, health department staff will be going to homes in randomly selected Utah County neighborhoods and asking questions related to health. The health department has been working with the Centers for Disease Control and Prevention (CDC) to determine that the number and location of homes will ensure a representative sample of Utah County. For more information, please view the News item on the City website.

- **Miss Eagle Mountain Pageant** – The Miss Eagle Mountain Pageant will be held Saturday, April 22 at Frontier Middle School, starting at 7:00 p.m. Tickets are available on the City website, Events calendar.
- **Grand Marshal Nominations** -- Eagle Mountain City extends the opportunity to the community to nominate a deserving individual to be the Grand Marshal for this year's Pony Express Days. The nominee will be recognized at the rodeo, demolition derby, grand parade and the EnduroCross. Nomination forms are available on the City website, News section, through May 5.
- **Community Clean-up** –Eagle Mountain City's second annual Community Clean-up will be held on Saturday, May 13 from 8:30 a.m. to 12:30 p.m. Groups or individual volunteers welcome. Registration is available on the City website, Events calendar. The City will also be providing clean-up dumpsters for general household waste (smaller items) on that date from 8:00 a.m. to 6:00 p.m. off of Mid Valley Road, south of Frontier Middle School.
- **Blood Drive** – Eagle Mountain City will once again be participating in a friendly competition among northern Utah County cities at the Horrocks Engineers blood drive on May 13 from 9:00 a.m. to 3:00 p.m. at City Hall. Donors may register on the City website, News section.
- **Pony Express Days** – Pony Express Days will be held May 26-June 3. Events include the rodeo, pancake breakfast & family bike ride, family fun night, carnival/vendor booths/entertainment stage, parade, demolition derby, and fireworks. Vendor applications and parade registrations are being accepted now at www.emcity.org/ped. We are looking for specialty acts for the parade such as magicians, jugglers, baton twirlers, etc. Tickets for the arena events are on sale now at www.ponyexpressspecialerevents.com.
- **Pony Express Days Parade Float Contest** – Eagle Mountain City is seeking entries for the Pony Express Days Parade Float Contest. Only registered entries will be eligible. Prizes will be awarded in the following categories: originality/creativity, workmanship/use of materials, overall appearance and neatness, best overall corporate entry, and best overall municipality entry. Details and registration available at www.emcity.org/parade.

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

Clint Bishop thanked the Mayor and Council for their service to the City. He said he had made a public comment about six months ago regarding swimming pool safety. He asked that the City institute pool safety regulations. In researching pool safety regulations, he found that a six-foot-tall fence with a self-latching gate was a normal standard. He asked what else he and his wife could do to help make pool safety a priority.

Councilmember Gricius told Mr. Bishop that bringing the regulations from other cities was very helpful.

Mr. Mumford said pool codes have been discussed twice in Planning Commission meeting. He will look into where the process stands and will report back.

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 14-18 to join the Youth Council. He reported that the principal of the soon-to-be-built high school came to the last meeting.

Councilmember Bradley

Councilmember Bradley said the Youth Council is a good opportunity for young people to serve the community. He congratulated those who made the Easter Egg Hunt a success. He stated the Parks and Recreation Advisory Board had a good meeting last week about the Neighborhood Match Grant program. He appreciated the Board's work on the program.

Mayor Pengra noted that Leesa Holland has been in charge of the Easter Egg Hunt since it started. The Events Department put a lot of time and care into the event, as well. 25,000 eggs were picked up by the children this year.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone to the meeting and thanked them for attending.

Councilmember Gricius

Councilmember Gricius welcomed everyone to the meeting.

Mayor Pengra

Mayor Pengra stated he went to the Unified Fire Authority and Unified Fire Service Board meetings today. Many significant changes are being made under the direction of the new Chief.

The Mayor handed out flyers from the Utah Rivers Council to Councilmembers. The City will support a rain harvesting barrel program again this year. The initial City program was last year. The program will be scaled back somewhat to more accurately match the number of residents interested in the program.

He also explained a USU grant program that will help the City determine how much water is being used for landscaping. The program will factor in the weather's effect on water use by installing weather stations in City Center and The Ranches. The climate data generated by the weather stations will help the City to determine how much irrigation water should be used. The cost to the City would initially be less than \$10,000, with an additional annual calibration fee of \$1,000. He wasn't sure Eagle Mountain needed calibrated stations.

Parks and Recreation Director Brad Hickman said calibration would be fine if the City owned its own weather stations, but he didn't think it was necessary otherwise.

Councilmember Bradley asked what the City would get for the \$10,000. Mayor Pengra said it was the data generated by the weather stations, which would enable the City to better use its irrigation water.

9. APPOINTMENT

A. Economic Development Board

i. Zac Huish, 3-year term

MOTION: *Councilmember Gricius moved to appoint Zac Huish to the Economic Development Board for a three-year term ending December 31, 2019. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

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

CONSENT AGENDA

10. MINUTES

A. April 4, 2017 – Regular City Council Meeting

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

SCHEDULED ITEMS

11. AGREEMENT – Improvement Completion Agreement with Goldsworth Real Estate, Inc. for the Golden Eagle Road Extension.

This item was presented by City Engineer Chris Trusty. The proposed agreement was between Eagle Mountain City and Goldsworth Real Estate Inc., for the completion of a section of Golden Eagle Road. The project was more than was required to be completed with Phase 2 of the developer's Skyline Ridge subdivision. The City would reimburse the developer for the construction of an additional portion of the road, which will complete the road and offer an alternative route in the vicinity.

Councilmember Westmoreland asked if the speed limit will be consistent the entire length of the road. Mr. Trusty said he expected so. It will be considered a minor collector road, so no residential access will be allowed directly onto the road.

MOTION: *Councilmember Bradley moved to approve an improvement completion agreement for the Golden Eagle Road extension. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

12. AGREEMENT – Recreation Area Use Agreement for Youth Baseball/Softball between Eagle Mountain Baseball Association, Inc. and Eagle Mountain City.

This item was presented by Recreation Manager Jason Hall. City staff has been working with the Eagle Mountain Baseball Association (EMBA) for the last six months. The proposed agreement documented the terms for EMBA to operate youth baseball, t-ball and softball programs for residents of Eagle Mountain City. EMBA would operate as a nonprofit corporation and be permitted to use public parks and open spaces for the program.

MOTION: *Councilmember Curtis moved to approve a recreation area use agreement for youth baseball/softball with the Eagle Mountain Baseball Association, Inc.*

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

13. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

City Treasurer David Mortensen recapped the presentation he made during Work Session, which is found on pages 4 and 5 of these minutes. The proposed amendments to the Consolidated Fee Schedule made minor updates to the Library fee section, clarified the day on which utilities would be turned on after being shut off for nonpayment, and increased the rate for CWP water to \$8,000/acre foot. The amendment also clarified that the monthly base rate for water was \$20/ERU.

Councilmember Gricius asked if there could be an option for an emergency utility turn-on. Mr. Mortensen said there is a utility hotline people can call.

Mayor Pengra said those who couldn't pay their bill until the weekend, after shut-off, already knew when shut-off day was. City staff puts a tremendous amount of effort into accommodating everyone. Those who pay late on Friday or after hours will go without water for the weekend. If there are extenuating circumstances, staff tries to help.

Mr. Mortensen noted that the current wording of the Consolidated Fee Schedule requires staff to turn on water on Sunday if the bill is paid on Saturday.

Councilmember Curtis asked if a statement could be added to the shut-off warning door hanger, stating that water will not be turned on after hours or on the weekend. Mr. Mortensen said staff could do that.

Mayor Pengra stated he encountered these situations regularly. When he researched the callers' accounts, he found that the vast majority of them had been shut off repeatedly, so they knew the consequences of not paying their bills.

Discussion continued on the proposed change to the schedule for turning water on after a shut-off.

MOTION: ***Councilmember Bradley moved to adopt a resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis and Tom Westmoreland. Those voting no: Stephanie Gricius. The motion passed with a vote of 3:1.***

14. THE RANCHES MASTER HOMEOWNERS ASSOCIATION MAINTENANCE

- A. AGREEMENT – Assignment and Assumption of a Turf Maintenance Agreement.
- B. AGREEMENT – Assignment and Assumption of a Gardening Agreement.
- C. AGREEMENT – Irrigation Maintenance Agreement.

This item was presented by City Attorney Jeremy Cook. Eagle Mountain City received notice from The Ranches Master Homeowners Association (HOA) of its intent to dissolve. The dissolution made it necessary for the City to assume the maintenance of certain medians, parks and open space in The Ranches. The proposed agreements documented the terms and conditions of the

assignment and assumption for the maintenance of City-owned property that The Ranches HOA was maintaining.

Councilmember Bradley asked for the fiscal impact of the agreements, which wasn't listed on the agenda summary document.

Parks and Recreation Director Brad Hickman stated the fiscal impact totaled \$307,705.60. He listed the amounts according to the contract: turf maintenance, \$149,787; gardening, \$64,496.60; irrigation, \$93,422.

Mr. Cook pointed out these were base prices. If the contractors determined additional work was required, they would contact Mr. Hickman for authorization.

Mayor Pengra stated the cost of the agreements has been accounted for in the budget. This year the money will come from fund balance. Next year the money will come from the road maintenance budget, which is more than double the amount budgeted in previous years. Even with the reduction in road maintenance funds, there will be more than enough money to continue improving the City's roads. In future years, the agreements will be funded by growth.

Discussion continued on what source should be used to fund the agreements.

MOTION: *Councilmember Bradley moved to approve an agreement with The Ranches Master Homeowners Association and TruCo Enterprises, Inc. for the assignment and assumption of a turf maintenance agreement. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to approve an agreement with The Ranches Master Homeowners Association and Elite Grounds, L.C. for the assignment and assumption of a gardening agreement. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to approve an agreement with TruCo Enterprises, Inc. for irrigation maintenance. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Curtis
No comment.

Councilmember Bradley
No comment.

Councilmember Westmoreland
No comment.

Councilmember Gricius

No comment.

Mayor Pengra

No comment.

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

None.

17. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Executive Summary of Revenues and Expenses

18. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 8:25 p.m. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

Approved by the City Council on May 2, 2017.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING

May 2, 2017

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, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Colby Curtis participated by telephone.

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

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

None.

2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
13. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 17 of the Eagle Mountain Municipal Code.

Because of the dissolution of The Ranches Master Homeowners Association (HOA), the Planning Department reviewed the Municipal Code to see if anything in the HOA's CC&Rs and design guidelines should be added to the Municipal Code, to be enacted in the entire City.

The Planning Department recommended adding additional protection for sensitive areas such as steep slopes and natural drainages. They also recommended requiring 20% of lots in a subdivision to have a minimum 60' frontage. These lots should be distributed throughout the subdivision, rather than being clustered. They recommended additional architectural features in multifamily buildings to prohibit large, flat walls.

Mr. Jensen presented additional design standards, as well as elevation and streetscape standards, which the Planning Department felt would improve the quality of new developments.

Because the HOA would no longer maintain the required fencing along collector and arterial roads, staff proposed requiring homeowners to maintain the fences without changing the color, material, or style of the fences.

Councilmember Westmoreland pointed out the Council voted on a fencing code a few meetings ago. Mr. Jensen said this amendment was designed to maintain the existing fencing consistency.

Councilmember Reaves asked who would pay for the maintenance and repair of the fences. Families have differing financial situations and might not be able to maintain the fences.

Mayor Pengra explained the City had no control over the timeline for the HOA's dissolution. The City needed to deal with any potential impacts that might occur because of the dissolution. Something needed to be put on the agenda for consideration right away, whether it was voted on or not. Any issue with potential impact that wasn't brought to Council would have consequences once the HOA dissolved. The intent was not to insert the HOA's standards into the Municipal Code, but to avoid potential impacts such as homeowners installing substandard fencing.

Community Development Director Steve Mumford said he asked the HOA how much it cost to maintain the fencing. He was told the fences were re-stained every three to four years at a cost of \$60,000. They typically budgeted \$3,000 to \$5,000 each year for repairing fences along Pony Express Parkway, Ranches Parkway, Wride Memorial Highway, the Grant Evans Trailway, and in parks.

Councilmember Bradley felt it would be a problem for the City to manage fencing in the future, after it hadn't been maintained consistently from lot to lot. The Ranches looked attractive, but it cost money. The City would have to take on the financial burden or fight residents on maintenance.

Councilmember Gricius noted the property owners didn't own the fences they would be asked to maintain. They were maintained by the HOA, but owned jointly by the City and the residents who shared the lot line where the fencing was located.

Mayor Pengra asked whether a standard should be imposed for existing fences only or if it should be imposed on new growth, as well. He pointed out if there was damage like the fence that was blown down in SilverLake, the City couldn't ask the residents to replace it.

Mr. Mumford stated the fencing standard would be applied to all areas of the City and along Wride Memorial Highway.

Councilmember Gricius asked for the background of the sensitive areas regulations. Mr. Jensen said The Ranches HOA had design guidelines prohibiting construction on ridgelines or steep slopes; instead incorporating those features into the subdivision design.

Mayor Pengra mentioned the Municipal Code didn't include ridgeline regulations, but they had been worked into many master development agreements.

Councilmember Westmoreland asked if a resident could purchase a lot with a slope greater than 25%, and then modify the slope. Mr. Mumford said if the average slope of a property was more

than 25%, it would not be approved for building during the platting stage. If the property began with a smaller slope and increased in slope towards the rear, a resident would normally build on the more level part, perhaps grading and adding a retaining wall behind the house.

Councilmember Westmoreland asked what was intended by the section requiring 20% of lots in a project to have a minimum 60' frontage. Mr. Jensen explained it was to provide some variety to the subdivision rather than a series of same-size frontages. Mr. Mumford noted there was room on a 65' lot for a three-car garage, which added value.

Mayor Pengra asked the Council which sections of 17.25.080C, Minimum Design Standards, they had difficulty with.

Councilmember Westmoreland approved of not allowing roofs to exceed the height of surrounding ridgelines, and was willing to discuss porch posts. He didn't think exposed concrete foundations, garage doors or color matching should be part of the Code.

Councilmember Gricius objected to the whole section. She felt it impinged on property rights.

Councilmember Curtis approved of discouraging roofs from exceeding ridgelines, but wanted something more specific than "discouraging" in the Code. Mayor Pengra suggested "roofs shall not rise above surrounding terrain."

Councilmember Curtis felt the suggested regulations on garage doors and color matching shouldn't be in the Municipal Code.

Mayor Pengra asked what Councilmember Curtis thought about section 17.25.130. Councilmember Curtis didn't think such close regulation of lot frontages was the proper role of government.

Mayor Pengra said lot frontages and architectural standards could be included in master development plans, so they didn't need to be specified in the Code.

Councilmember Bradley said he had no issues with any of the proposed Code sections.

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting Chapter 17.48 of the Eagle Mountain Municipal Code for a Regional Technology, and Industry Overlay Zone.

Mr. Mumford stated this overlay zone was designed to encourage large businesses to locate in Eagle Mountain, in order to create significant amounts of jobs and tax revenue. It would allow businesses to request this overlay zone on property already zoned Industrial, to simplify the economic development process. Only a very large property could support this zone.

The Council would have discretion as to whether to grant the overlay zone.

Mr. Jensen pointed out that there were very specific provisions that had to be met to qualify for this zone.

Councilmember Bradley objected to the provision that no public hearing was required.

Mr. Mumford responded that public hearings for site plans were problematic. If a group of residents objected to a site plan and the Council denied it, the City would be sued because that business was allowed by the Municipal Code. That's why the proposed section had a list of permitted business types. Land use attorneys have repeatedly advised that public hearings should not be held for administrative actions like site plans, subdivisions, and conditional uses. They should be held for legislative actions such as rezones, master development plans and Code amendments.

Councilmember Gricius pointed out this Code amendment had an automatic repeal date of May 31, 2022.

Councilmember Curtis agreed it was important to make the list of allowed uses very specific. For instance, the previous draft included government buildings, which would have allowed the new prison to be located in Eagle Mountain.

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

City Engineer Chris Trusty said the City hired Lewis Young Robertson and Burningham (LYRB) to reconcile the special improvement districts and reimbursement agreements. By the time the 90-day waiting period for applying the new impact fee has passed, the City should be able to remove the SID reimbursements from the North Service Area, which would result in a net decrease in the area's transportation impact fee. The South and West Area fees would still go up.

16. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2017-2018 and Setting a Public Hearing for Adoption of the Final Budget.

City Treasurer David Mortensen described the major changes in the tentative budget from the April 4 meeting.

General Fund, FY 2017

- \$380,000 was added for maintenance in The Ranches.
- Sales and use tax, municipal energy tax and telecom tax were over-projected.
- Interest revenue was higher than expected.
- Revenue for grading and excavating permits was lower than expected.
- Development fee and subdivision inspection fee revenue increased.

General Fund, FY 2018

- Sales and use tax, municipal energy tax and interest revenue were increased.
- Insurance cost amounts were received recently and were added to the budget projections.
- \$16,000 more will be transferred from the Enterprise Funds to the General Funds to cover medical and dental insurance expenses.
- The Planning Department proposed compensation for Planning Commission members in a total amount of \$5,000.

- The cost of the Economic Development Business Incubator Program, which has been discontinued, was originally removed from the budget. It was added back in to the budget as possible rental cost for Utah Valley University's use of the incubator program office space.
- \$7,000 has been budgeted for Parks Department overtime expenses.

Councilmember Gricius asked if the City was renting the DirectCom office space where the incubator program was previously located, solely for UVU's use. Mr. Pili said it was. He noted the money came from an agreement with the owners of the golf course. No taxpayer dollars were involved.

Mayor Pengra said the intent was not to pay for this space for UVU. UVU invested \$40,000 in facilities for the equipment in the rooms. Attendance at the classes was growing, but hadn't yet grown enough to cover those costs. For the City, this was an economic development project. When large businesses have come for site visits, having higher education available has improved the City's attractiveness.

Councilmember Bradley supported compensating Planning Commissioners for meetings they attended. The compensation would take effect on July 1.

Mr. Mortensen noted the total net change in the General Fund since the last version was \$211,924.00, based on a reduction in expenses and an increase in revenues.

Enterprise Funds, FY 2017

- Medical and dental insurance costs were adjusted.
- Projections were changed for hydrant meters, meter fees and overtime.

Enterprise Funds, FY 2018

- \$240,000 for smart water metering was removed while the Water Department considered other options.
- Car allowances were no longer needed.
- \$10,000 was moved from one GL account to another to satisfy a State requirement.
- Enterprise Funds that were underfunded were increased.
- A formula error was corrected.

The net change in the Enterprise Funds was \$219,000.

Councilmember Gricius asked if the Council wanted to discuss Eagle Mountain's membership in the Utah League of Cities and Towns (ULCT). She felt the City should withdraw from ULCT because the benefits of the organization didn't offset the annual \$12,000 cost. She felt ULCT used much of the members' dues to lobby against issues the majority of the member entities agreed with. ULCT charged for all trainings, in addition to charging dues, and hadn't helped Eagle Mountain fight the possibility of the new State prison locating in the City.

Mayor Pengra said the biggest benefit he saw with ULCT was the open communication between Cameron Diehl and Mayor Pengra about legislative issues. While ULCT didn't directly help with the prison issue, Mr. Diehl was working behind the scenes.

Councilmember Curtis felt cities' membership in ULCT gave the organization power. The question was whether the power it was given agreed with Eagle Mountain's principles.

Mayor Pengra stated he wasn't advocating for ULCT, but he wanted to balance the conversation. The City has received benefits from ULCT on B and C road fund legislation and with financial issues. They've also helped with legislative bills that had a fiscal impact on the City. Ms. Kofoed has worked with them on GRAMA issues and those that concern City Recorders.

Mayor Pengra wanted to know if this was a budget issue or a way of making a statement. Councilmember Gricius said it was both. Councilmember Bradley agreed.

Councilmember Westmoreland said the Council didn't see the entire City's work with ULCT, so it was hard for them to evaluate the impact.

Councilmember Bradley wanted more information before making a decision.

17. AGREEMENT – Venue Lease Agreement between Viive Events, LLC and Eagle Mountain City for a Lantern Festival.

This item was reviewed first.

Linda Peterson, Communications and Community Relations Director, introduced The Lights Fest, a unique event scheduled for September. Viive Events, based in Pleasant Grove, had contacted Eagle Mountain requesting the opportunity to present a lantern festival in the City. If Eagle Mountain wished to continue the event annually, it would be the only city in Utah hosting the event.

Colin Larsen, the owner of Viive Events, stated the festival had been held nationally and internationally. He said the event would involve no cost to the City, other than providing the location, which would be in Wride Memorial Park. It featured a lantern-lighting event, as well as princesses, music, local talent, fireworks and more; and supported charitable organizations. He demonstrated how safe the lanterns were when lit and said they have been evaluated by a third-party facility and the local fire service. Viive would take care of all aspects of the event and donate a portion of the proceeds to the City.

18. BID AWARD – Award of Bid to Simmons Flooring for the Installation of Carpet at City Hall.

Facilities/Operations Director Jeff Weber explained the project was budgeted for in FY 2017. The carpet in City Hall would be replaced with 24" by 24" industrial-grade carpet squares which were much more durable than the existing carpet. If a tile was worn out, it could be replaced without taking up an entire section of carpet.

19. BID AWARD – Award of Bid to Morgan Asphalt for the Eagle Mountain Boulevard Rebuild Project.

Mr. Weber said the east end of Eagle Mountain Blvd. had been destroyed by several waterline breaks. It would be milled, pulverized, and paved, varying by what was needed for each section.

Mayor Pengra asked about other, related projects. Mr. Weber said a new waterline, which would prevent water damage to the road, was nearly complete. A trail project along Eagle Mountain Blvd. up to Lake Mountain Road might be added on to the road project.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

Mayor Pengra adjourned the Work Session at 6:08 p.m.

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

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

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

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:08 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Youth Council Elections** -- Election Day for the Eagle Mountain City Youth Council will be Tuesday, May 9, 2017. Students residing in Cedar Valley who will be in grades 9-12 or the equivalent during the upcoming school year may vote at the Eagle Mountain City Recorder's Office from 7:30 a.m. to 7:00 p.m. and at Westlake H. S. and Frontier Middle School during lunch periods. Students residing in Cedar Valley who will be in grades 9-12 or the equivalent during the upcoming school year may run for office; however, to be elected Youth Council Mayor, a student must in 11th or 12th grade or the equivalent. Declarations of candidacy must be filed by May 4, 2017 at 5:30 p.m. at the Eagle Mountain City Recorder's Office.
- **Community Clean-up** – Eagle Mountain City's second annual Community Clean-up will be held on Saturday, May 13 from 8:30 a.m. to 12:30 p.m. Groups or individual volunteers are welcome. Registration is available on the City website, Events calendar. The City will also be providing clean-up dumpsters for general household waste (smaller items) on that date from 8:00 a.m. to 6:00 p.m. off of Mid Valley Road, south of Frontier Middle School.

- **Blood Drive** – Eagle Mountain City will once again be participating in a friendly competition among northern Utah County cities at the Horrocks Engineers blood drive on May 15 from 9:00 a.m. to 3:00 p.m. at City Hall. Donors may register on the City website, News section.
- **Pony Express Days** – Pony Express Days will be held May 26-June 3. Events include the rodeo, bike ride & pancake dinner, family fun night with movie in the park, carnival/vendor booths/entertainment stage, adventure ride & campout, parade, demolition derby, and fireworks. Vendor applications and parade registrations are being accepted now at www.emCity.org/ped. We are looking for specialty acts for the parade such as magicians, jugglers, baton twirlers, etc. Tickets for the arena events are on sale now at www.ponyexpressspecialevents.com.
- **Pony Express Days Parade Float Contest** – Eagle Mountain City is seeking entries for the Pony Express Days Parade Float Contest. Only registered entries will be eligible. Prizes will be awarded in the following categories: originality/creativity, workmanship/use of materials, overall appearance and neatness, best overall corporate entry, and best overall municipality entry. Details and registration available at www.emCity.org/parade.

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

There were no public comments.

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

Councilmember Curtis

Councilmember Curtis congratulated newly crowned Miss Eagle Mountain, Sara Hafen, and her Court; he also thanked outgoing Miss Eagle Mountain, Kaylie Blacka for her service. He has seen her do many great things for the community.

Councilmember Bradley

Councilmember Bradley stated that he is excited about many things happening in the community and also congratulated Ms. Hafen on being crowned Miss Eagle Mountain.

Councilmember Reaves

Councilmember Reaves welcomed everyone to the meeting; he also reported that he was out of town recently and is glad to be back home. He thanked several public safety employees in attendance at the meeting and stated he is grateful for the service they provide. He also congratulated Ms. Hafen and indicated he looks forward to working with her.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone to the meeting and thanked them for attending; he also indicated it is his daughter’s fifth birthday and he wished her a very happy birthday.

Councilmember Gricius

Councilmember Gricius also welcomed everyone to the meeting and congratulated the newly crowned Miss Eagle Mountain Court.

Mayor Pengra

Mayor Pengra also congratulated the contestants of the Miss Eagle Mountain pageant and thanked Ms. Blacka for her service to the community.

9. INTRODUCTION / REPORT – Introduction of Miss Eagle Mountain 2017 Sara Hafen and report from Miss Eagle Mountain 2016 Kaylie Blacka.

Mayor Pengra announced that Ms. Blacka was not able to make it to the meeting this evening, but he invited Ms. Hafen to address the Council. Ms. Hafen introduced herself as Miss Eagle Mountain 2017; she was First Attendant to Ms. Blacka in 2016 and is a 20-year-old college student at the University of Utah. She stated that she is hoping to be accepted to the nursing program in January. Her platform for the year will be autism awareness, acceptance, and advocacy. She chose the platform because she has two sisters with autism and she wants to make sure they and others in the community with special needs have a voice that is heard. The first thing she would like to do is organize an autism group to participate in the annual parade. She would love for all of them to wear blue, which is the color for autism awareness; she plans to wear a blue gown. She stated that the event is in its early stages, but she is hopeful it will be a success. She said she has plans to provide a great deal of service over the next year; she will visit every school and attend as many City functions as possible. She concluded by introducing her First Attendant, Stacie Whiting and noting her Second Attendant was unable to attend this evening.

Mayor Pengra thanked Ms. Hafen for her comments and noted that it has been a neat experience to get to know the Miss Eagle Mountain contestants and royalty over the years as they have participated in various community events.

Miss Eagle Mountain 2016 Kaylie Blacka arrived at the meeting unexpectedly, since she had just been in a car accident. Ms. Blacka summarized what she done over the past year to promote her platform, which was coping with bullying. She was able to accomplish more than she initially thought she would; she raised enough money to pay for four benches when she thought she would only raise enough money for one. She reported on how the pageant has impacted her; it has changed her life and made her a better person. She was able to serve as a positive role model for many in the community and give back to the City that she loves. She has loved participating in many different City events and she is very grateful to the City for their support.

Councilmember Gricius stated that is has been a pleasure getting to know Ms. Blacka over the past year and she is hopeful she will continue to participate in City events in the future.

Councilmember Westmoreland asked Ms. Blacka what she has learned most over the past year serving as Miss Eagle Mountain. Ms. Blacka stated that she has learned to have confidence in herself no matter what she is doing; as long as she is trying her best and striving to be a decent person, things will turn out fine. She has also learned a greater love for the City and she has enjoyed serving it.

Councilmember Bradley inquired as to Ms. Blacka's favorite event. Ms. Blacka stated that her favorite was the EnduroCross. She participated in difficult events with her Second Attendant; these were events she may not have tried otherwise.

Mayor Pengra stated that he has enjoyed working with Ms. Blacka over the past year and he thanked her for the contributions that she has made to the community.

10. APPOINTMENT

- A. Cemetery Advisory Board
 - i. Nisha Murray, 2-year term

MOTION: *Councilmember Curtis moved to appoint Nisha Murray to the Cemetery Advisory Board for a two-year term ending December 31, 2018. 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 Ms. Murray.

CONSENT AGENDA

11. MINUTES

- A. April 18, 2017 – Regular City Council Meeting

12. BOND RELEASES – Out of Warranty

- A. Gateway Park Plats 1 & 2
- B. Evans Ranch Plat A

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

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

- A. Chapter 17.100.050 – Site plan development standards
- B. Chapter 17.25.130 – Tier II residential development standards
- C. Chapter 17.72.040 – Architectural standards
- D. Chapter 17.25.080 – Generally applicable residential zone provisions
- E. Chapter 17.60.120 – General fencing provisions

This item was presented by City Planner Tayler Jensen. With The Ranches HOA disbanding, staff has conducted a review of the CC&Rs and Design Guidelines/Standards that the HOA has in place. These guidelines were reviewed by the Planning Commission on April 25, 2017. Staff has proposed the adoption of several Code amendments based on these reviews and discussions. The Planning Commission recommended approval of these Code amendments. In addition to proposing Code changes, staff has compiled a brief overview of The Ranches Guidelines/Standards for the benefit of the City Council, should further discussion be deemed appropriate. Following are the proposed Code amendments:

17.100.050

H. Protection of Sensitive Features. Sensitive features such as steep slopes and natural drainages shall be protected from development and erosion. It is encouraged that they be incorporated into the design of development. Development or construction near these features shall comply with EMMC 15.80 Hillside Site Development. No building lot may have an average slope that exceeds 25%.

The Ranches Natural Environment goals promote protection of natural elements, topographic features, and natural drainages. Staff feels that it is appropriate to include provisions in the City Code to protect sensitive areas, particularly slopes and drainages.

17.25.130 Tier II Residential Development Standards

E. Lot Frontage Requirements. Every lot within a subdivision in a Tier II residential development shall have a minimum lot frontage of 20 feet on a cul-de-sac or circle. All other lots shall have a minimum lot frontage of 55 feet along a public street. A minimum of 20% of all lots within a project shall have a minimum lot frontage of sixty (60) feet along a public street. Lots with sixty (60) feet of frontage or more should be distributed throughout a development and not clustered together.

17.72.040 Architectural Standards

D. Building Articulation. Vertical and horizontal articulation and relief reduces the perceived scale of buildings. Buildings shall include facade modulation (stepping portions of the facade), horizontal and vertical divisions (textures or materials), window patterns, offsets, recesses, projections, varied front setbacks or staggered and jogged unit planes within the same structure, and other techniques to help identify individual residential units in a multifamily structure, and to avoid large, featureless and/or panelized surfaces on commercial buildings. Large uninterrupted expanses of a building wall are prohibited.

The Ranches guidelines provide for variation in lot frontage, and staggered setbacks. Staff feels that increasing the variation of lot widths and including provisions requiring varied setbacks would result in higher quality developments throughout the City.

17.25.080 C Minimum Design Standards

1. Roofs shall be discouraged from rising above the ridgelines of surrounding terrain.
2. A Maximum of twenty inches (20") of exposed concrete foundation shall be permitted on a side elevation (with the exception of walk-out basements).
3. Supporting posts on decks and porches shall be a minimum of six inches by six inches (6"x6")
4. Garage doors should complement house color. White doors are discouraged unless they match the trim or color scheme of the house.
5. Trim, soffit, gutter, and downspouts shall be of matching colors.

17.25.130 Tier II residential development standards.

H. Elevation and Streetscape Standards. Tier II developments should produce diverse yet compatible homes with equal design quality on all sides.

1. If a floor plan is to be repeatedly built within a development, a minimum of three elevation schemes shall be developed. Elevation schemes shall be approved by the Community Development Director or his/her delegated representative.
2. Sectional, carriage, or other upgraded garage doors shall be required.

3. Prefabricated metal carports are prohibited in front yards.
4. All covered entries and front porches shall be connected to sidewalk or driveway by a minimum of a three foot (3') wide path of concrete, pavers, stones, asphalt, or other material approved by the Community Development Director or his/her representative.
5. Protruding front-loaded garages are highly discouraged.
6. Houses sited on three (3) adjacent lots, or directly across the street (sharing frontage) shall have different floor plans OR elevations and different color schemes.

Currently the City only has minimum design standards for single family developments. Staff feels that by adding additional design standards and development standards for Tier II developments the quality of new development throughout the City can be vastly improved.

17.60.120 General Fencing Provisions

S. Arterial and Collector Roads. Property owners shall maintain arterial and collector road fencing adjacent to their property in good repair, and consistent with adjacent street fencing. Residents shall not change the color, material, or style of collector and arterial fencing without approval from the Community Development Director.

One of the defining characteristics of The Ranches is the 6-foot tall cedar fences. EMMC 16.35.090 references the privacy fencing that is required on all rear or side lot lines that abut an arterial or collector road right-of-way and that it should be of consistent height, material, color, and of a durable quality material. Staff feels that it is important to maintain collector and arterial roads consistently throughout all areas of the City where consistent fencing already exists, in addition to requiring it in all new developments.

Mayor Pengra opened the public hearing at 7:32 p.m.

Drew Curley stated he lives in North Ranch. As he has reviewed the documentation supporting the amendments to Title 17 of the City Code, he has noticed some significant good, but that some of the changes are to the benefit of the City. He asked that the Council be careful to consider the difference between looking out for the greater good of the City and codifying personal taste and personal wishes within a development. He stated that many master development agreements for development projects include design standards, which is appropriate; but the proposed Code modifications would bind other property owners in the City to restrictions that are currently present in The Ranches development. He likened that to loss of personal liberty, specifically relative to property rights.

Donna Burnham stated she shares some of Mr. Curley's concerns, specifically relative to minimum design standards listed in Section 17.25.080 (C). She is concerned about sub items 2, 3, 4, and 5 because she is concerned about the City imposing standards that should be imposed by a private HOA; if a resident chooses to live in an HOA, that is their choice and they understand they will be held to minimum design standards, but she did not choose to live in an HOA for several reasons. She stated that minimum design standard number four prohibits white garage doors. When she read this provision, she drove through her neighborhood and Mayor Pengra's neighborhood and found there are many white garage doors that look good. She noticed other garage doors that are colors that complement the home and they look horrible. She stated she also has concerns about Tier II residential development standards as well as the fencing standards. She feels that the fencing restrictions relating to the use of cedar fences are problematic as well because not every

property owner will maintain the cedar at the same standard. Some sections may fall into disrepair or become faded and the result will be unattractive.

Adam Olsen stated that he generally supports the proposed changes, but he is concerned about some of the same minimum design standards referenced by the previous speaker; stating that white garage doors, roofs rising above ridgelines, and protruding garages are discouraged means nothing because it is language that is impossible to enforce. These items should either be listed as allowed or disallowed, but using language such as 'discouraged' or 'strongly discouraged' is too subjective. He then stated that he feels the white garage door standard is unreasonable and should be removed from the Code amendments. He addressed fencing along arterial and collector roads; if fencing consistency is desired, the developer should be required to install it at the onset of the development and it should be maintained by an HOA. Leaving this issue to homeowners will result in different levels of maintenance and, as the previous speaker mentioned, sections of fence will fall into disrepair. In the absence of an HOA, it may be more appropriate for the City to maintain the sections of fence running along arterial and collector roads. Relating to design guidelines, the Code calls for entryway monuments into neighborhoods, but he noted there are several neighborhoods throughout the City where such monuments do not presently exist. If this is something the City desires for consistency, it may be necessary for the City to retroactively install the monuments. He added that in the absence of an HOA, the City would need to maintain the monuments. He concluded by addressing alley-accessed garages and driveways; these uses are encouraged in the Code amendments, but he does not believe they are functional in most areas. People do not use them for proper access or parking.

Melissa Clark stated she is grateful the Council is considering this issue as she feels they are being proactive; she stated she would echo most of the comments made by the previous speakers. She noted that as a homeowner she understood that when she purchased her home she assumed responsibility for all maintenance, but the back fence on her property has always been maintained by another entity. She stated it is unrealistic to expect homeowners to take on a responsibility that was previously covered by the HOA. She suggested potentially grandfathering certain properties to provide protection against new regulations. She feels that the subject needs more attention and work from the Council, as many possibly do not understand the full scope of the Code amendments and the far-reaching implications.

Mayor Pengra provided some context to the discussion; the City has no control or authority over the HOA for The Ranches and cannot dictate their dissolution date. The Municipal Code that is in place when the HOA dissolves is the law that will apply to properties previously managed by the HOA. The Council understands that some adjustments are and will be needed. In his conversations with City staff, he asked them to present text suggestions for all areas where they saw a discrepancy between previous HOA guidelines and the Municipal Code. He stated that the City is not trying to move in the direction of extending HOA guidelines to the rest of Eagle Mountain; rather, this action gives the Council an option to make a decision regarding possibly continuing design standards of the HOA after the HOA dissolves.

Jeff Ruth stated the idea of encouraging alleyways is not a good idea; the alleyways create 'junk yards' in the rear of properties, which is not something the City should desire.

Mayor Pengra closed the public hearing at 7:45 p.m.

Councilmember Westmoreland inquired as to the most urgent or impactful issue the Council should be considering this evening. Mayor Pengra stated that he feels fencing is the most problematic issue. Once the HOA is dissolved, a homeowner in The Ranches could install a chain link or vinyl fence along an arterial or collector road and that would be allowed by the Code.

Councilmember Curtis stated that he understood the Municipal Code already includes standards relative to fencing on the exterior of a development. He thought that the scenario presented by Mayor Pengra could only occur on the interior of a neighborhood. Mr. Jensen stated that is correct; chain link and vinyl are prohibited on arterial and collector roads.

Councilmember Bradley suggested that the Council move through the proposed Code amendments and seek to reach consensus on each individual amendment to minimize the discussion. The Council indicated they are comfortable with the proposed amendments relative to 17.72.040, Architectural Standards. Councilmember Gricius indicated she also has no concerns regarding the proposed amendments to 17.25.130, Tier II Residential Development Standards, and the rest of the Council echoed her sentiment.

MOTION: *Councilmember Bradley moved to adopt an ordinance amending Chapters 17.100.050, 17.25.130, 17.72.040 of the Eagle Mountain Municipal Code as presented by staff. Councilmember Reaves seconded the motion.*

Councilmember Gricius stated she has concerns about the amendments to Section 17.100.050. She feels more clarity is needed, specifically relative to the opportunity for property condemnation in the vein of protecting sensitive/natural areas. Council discussion centered on the sentence included in the proposed amendment that states ‘it is encouraged that they be incorporated into the design of development’ and the fact that the word ‘encouraged’ is too subjective and not enforceable. Councilmember Gricius asked if the language would make it possible for the City to condemn any building lots, to which staff answered no.

Councilmember Curtis asked if the Code defines the term ‘sensitive features.’ He noted that the language seems vague and does not give the reader an indication as to the types of areas or features that will be protected. Mayor Pengra stated that sensitive features are defined as steep slopes and natural drainage channels; the reason these features are deemed sensitive is that when runoff occurs, the features can erode and result in a change of the landscape. Councilmember Curtis stated that he simply wants the term ‘sensitive features’ clearly defined and easily understandable. Community Development Director Steve Mumford stated that leaving the language somewhat open by using the words ‘such as’ when referring to steep slopes and natural drainages gives staff the ability to work with developers relative to other natural environment features that may be classified as sensitive. He stated that when a developer is seeking to develop ground located within 200 feet of a steep slope that is 25% or greater, the developer is required to commission a slope stability analysis by a geotechnical engineer, as outlined in Chapter 15.80 of the Municipal Code. The study will indicate whether measures are required to protect the slope to reduce erosion.

Councilmember Gricius suggested striking ‘Sensitive features such as’ from the first sentence in 17.100.050 H.

Council discussion ensued. Councilmember Bradley stated that he is comfortable with the intent of the original language, as it allows staff to work with developers to achieve the goal of protection of slopes and drainage areas. He stated that he does not feel it is necessary to amend his motion, as

the motion was focused on protecting steep slopes and drainages. Also, other sensitive areas are addressed in different sections of the Code. Mr. Mumford stated staff would support an adjustment that retitles 17.100.050 H as ‘Protection of Slopes and Drainages’. Councilmember Bradley supported that suggestion. Mr. Mumford stated that the section refers to 15.80 of the Code, as that section further defines standards for protecting sensitive features.

Councilmember Gricius asked if the proposed amendments would only apply to new developments from this point forward or if they would be applied retroactively on properties in existing developments. Mr. Mumford stated that the amendments would be imposed on new developments or any improvements to existing developments that require a building permit. Chapter 15.80 provides methods for calculating slopes that exceed 25% and improvements such as retaining walls and driveways are not allowed on steep slopes. Councilmember Gricius suggested that the last sentence of 17.100.050 H be removed, as it is already included in Chapter 15.80 of the Code. Her recommendation is based on the idea of preventing redundancy. Councilmember Bradley stated he feels the sentence is important as it reinforces the requirement and provides clarity to the reader.

AMENDED MOTION: *Councilmember Bradley moved to adopt an ordinance amending Chapters 17.100.050, 17.25.130, 17.72.040 of the Eagle Mountain Municipal Code as presented by staff and changing the title of Chapter 17.100.050(H) to “Protection of steep slopes and natural drainages”; with the intent that steep slopes and natural drainage areas will be the only things defined as sensitive features. Steep slopes and natural drainages shall be protected from development and erosion. Councilmember Reaves accepted the amendment.*

Councilmember Curtis asked if the proposed amendments would be applied to existing developments or only new developments. Mayor Pengra reiterated staff indicated that the amendments would only be applied to new developments or improvements in existing developments that require a building permit.

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

Mayor Pengra moved on to Chapter 17.25.080 C, Minimum Design Standards. He reviewed each of the five standards listed in the section to gain Council consensus or objection to each item. Relative to sub-item one, which reads “roofs shall be discouraged from rising above the ridgelines of the surrounding terrain”, Mr. Mumford stated the question the Council must ask is whether they are comfortable with homes topping hills or ridges. If they are not, and they want to protect ridgelines for the public benefit, the language in sub-item one is needed. He noted that some hilltops already have homes on them and many would argue that hilltop lots are prime because they offer the greatest views.

Councilmember Bradley stated that he feels it is appropriate to leave flexibility in the Code to allow staff to use their judgement to determine whether a roof rising above a ridgeline is appropriate.

Councilmember Gricius stated that in general, she would like to protect the ridgelines and hilltops throughout the City, specifically the ‘main’ ridgelines and hilltops.

Councilmember Reaves referenced a new development by Hidden Hollow Elementary school noting that homes in this development will be built in a manner that rooftops will be above ridgelines based upon the geography of the lots. This is a concern for him and he questions whether it's a Code issue or a matter of allowing the developer to develop his land. He concluded that it's appropriate to protect the ridgelines in the City. This led to a discussion regarding the potential to protect specific ridgelines in the City, rather than all ridgelines. Mr. Mumford provided historical context and stated that in the past, City staff worked to develop a ridgeline protection ordinance in response to a development that was planned for the City. In that case, the developer withdrew his application and the ordinance was never acted upon, but staff could resurrect it for Planning Commission and Council consideration. The ordinance was more detailed than 17.25.080 C and offered incentives for relocating building lots from hilltops and ridgelines. Councilmember Curtis indicated he would like to consider that type of ordinance. The Council concurred and concluded to remove sub-item one.

Mayor Pengra moved to sub-item two. Councilmember Bradley stated that he believes a standard is needed to limit the amount of exposed foundation because concrete is unattractive and he wants to prevent visible foundations of greater than 20 inches.

Mayor Pengra stated that some design realms, such as industrial or contemporary design, incorporate more concrete than others and asked if the proposed language in sub-item two would prohibit those types of home designs in the City. Mr. Mumford stated the Municipal Code includes basic design standards based upon density

Mayor Pengra polled the Council regarding their support or opposition to sub-item two.

Councilmember Bradley supported the language. Councilmembers Reaves, Gricius, Curtis, and Westmoreland stated they do not have strong feelings about the sub-item. Councilmember Curtis stated that he is hesitant to legislate for the sake of legislation if there is not a problem. Discussion centered on the problematic nature of the language; there are several variables to consider such as where to measure the 20-inch from, foundation screening by landscaping or retaining features or the need for a deeper foundation depending on the slope of a building lot. Mayor Pengra stated, based on the feedback of the Council, the sub-item should be stricken from the proposed ordinance.

Mayor Pengra moved to sub-item three, which reads: "supporting posts on decks and porches shall be a minimum of six inches by six inches (6"x6")."

Councilmember Gricius stated that she understands that less-substantial supporting posts may not be as visually appealing, but in her opinion, the language does not address a true problem and, instead, is legislating aesthetics. Councilmember Bradley noted that the same argument could be applied to the entirety of Section 17.25.080 C. Councilmember Reaves agreed and stated that he is not concerned about eliminating the language, given that it is not needed to protect the structural integrity.

Mayor Pengra summarized the discussion and indicated that based on previous input, he believes the Council has reached the consensus to eliminate sub-items two, three, four, and five from Section 17.25.080 C. Councilmember Bradley stated that he supports the language because he is concerned about aesthetics of developments throughout the City. Mayor Pengra stated that he understands that sentiment, but the majority of the Council supports the amendments as

summarized.

MOTION: *Councilmember Westmoreland moved to strike Chapter 17.25.080 of the Eagle Mountain Municipal Code and instruct staff to develop a ridgeline ordinance. Councilmember Reaves seconded the motion.*

City Attorney Jeremy Cook suggested that sub-item one of Section 17.25.080 C be tabled rather than denied, if staff is instructed to work to develop a ridgeline ordinance. He stated that his request is in the vein of protecting any vesting rights for applications that have been or may be submitted prior to final action on a ridgeline ordinance.

AMENDED MOTION: *Councilmember Westmoreland moved to table part 1 of Chapter 17.25.080 of the Eagle Mountain Municipal Code, remove parts 2 through 5, and instruct staff to develop a ridgeline ordinance. Councilmember Reaves accepted the amendment.*

Discussion ensued regarding the process by which an application would become vested, based upon Code regulations in place or under consideration when an application was actually filed.

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

Mayor Pengra opened Chapter 17.25.130 H, Tier II Residential Development Standards, for discussion. He moved through each sub-item in the chapter, polling the Councilmembers to determine support or opposition to each. The Council sought clarification on the definition of various terms used throughout the chapter and ultimately concluded the following: sub-item one was preserved, sub-item two was stricken, sub-item three was preserved, sub-item four was stricken, sub-item five was stricken, and sub-item six was amended to read “houses sited on directly adjacent lots, or directly across the street (sharing frontage) shall have different floor plans OR elevations and different color schemes.”

MOTION: *Councilmember Gricius moved to amend Chapter 17.25.130 (H), Tier II Residential Development Standards, of the Eagle Mountain Municipal Code, excluding parts 2, 4, and 5; and amending part 6 to read “Houses sited on directly adjacent lots, or directly across the street (sharing frontage) shall have different floor plans OR elevations and different color schemes. Councilmember Curtis seconded the motion.*

Councilmember Bradley suggested the amendment to sub-item six may result in a developer seeking to construct homes with just two different floor plans throughout a development so long as the same floor plan is not used on directly adjacent lots. He stated that could be an unintended consequence of the proposed language.

Those voting aye: Colby Curtis, Stephanie Gricius and Benjamin Reaves. Those voting no: Adam Bradley and Tom Westmoreland. The motion passed with a vote of 3:2.

Mayor Pengra opened Chapter 17.60.120 S, General Fencing Provisions, for discussion.

Councilmember Bradley noted that those living in The Ranches have paid a monthly HOA fee for fencing and landscape maintenance; however, that fee was minimal and not sufficient to cover the entire cost. To now ask only the residents that have the fencing on their property to cover the entire cost and burden of maintenance is problematic and some sections of fencing will fall into disrepair. To prevent that, he feels the City should pay to maintain the fencing. He indicated one of the unintended consequences of the dissolution of The Ranches HOA is that the City assumed responsibility for the fencing in order to achieve the goal of providing consistency in the long term.

Councilmember Gricius emphasized she does not feel it is necessary to socialize maintenance of fencing throughout the City, even if that means that current standards are not maintained and some sections of fences fall into disrepair. Councilmember Bradley stated that some residents may choose to install a less expensive material, such as chain link, or replace their cedar fence with vinyl fencing to reduce ongoing maintenance costs. Councilmember Gricius stated it was already established that chain link fencing is not permitted along arterial or collector roads. Councilmember Westmoreland stated that if the City were to assume responsibility for the fences, all taxpayers in the City would essentially be subsidizing the fences in one development. Mayor Pengra agreed and stated that he would not support the idea of all taxpayers paying for fences along arterial and collector roads. He stated that he recognizes consistency is important and desirable, but he cannot justify requiring all taxpayers to pay for The Ranches fences just to maintain that consistency.

Councilmember Curtis suggested that if the City were to assume the role formerly held by the HOA relative to maintenance of the fences, it may be possible to utilize the City's liability insurance to cover costs for repairs to the fences. Mayor Pengra stated that he understands that position, but the difference between the City and an HOA is that the HOA has standards specific to the HOA, but for the City the same standards are not applied throughout the City. Councilmember Curtis then suggested the possibility of creating a special service area that would cover maintenance requirements for The Ranches area. The Council debated this option, with a focus on providing the same level of service throughout the City. Councilmember Curtis argued that providing for the City to assume responsibility for the fences will result in some residents paying for two fences; they will pay their HOA fees for their fences as well as City taxes for The Ranches fences.

Councilmember Curtis stated that not only were the residents of the City that do not live in The Ranches HOA required to use tax dollars to pay for the maintenance of The Ranches, but they are now being asked to pay for more. Other options are to lower the fencing standards for properties in the HOA or to push the responsibility for the fences onto individual homeowners themselves. Councilmember Gricius asked if the homeowners in The Ranches actually own the fences. Mayor Pengra answered yes. Councilmember Gricius stated that if the homeowners own the fences, the City should not assume any responsibility for the fences and the homeowners should be responsible for maintenance. Councilmember Curtis agreed.

Mayor Pengra focused the discussion on determining the Council's support or opposition to the General Fencing Provisions language as written. He stated that he feels the majority of the Council is erring on the side of personal liberty; there is not a clear solution to the matter and in such instances, it is appropriate to opt for personal liberty and direct the owners of the fence to do what they choose with the fence. He stated he understands that this may result in an aesthetically negative impact.

Mayor Pengra invited City Administrator Ifo Pili to provide input. Mr. Pili stated that there are various fences throughout the City that are maintained by the City; he referenced a fence along Wride Memorial Highway that is maintained by the City and noted that in the event of wind damage to the fence, the City has the ability to file a claim with its insurance company to provide for repairs. The fence is adjacent to open space abutting a residential development. He stated that HOAs are private entities and it is problematic for the City to assume responsibility for items previously paid for by those entities. He indicated, however, that if the Council determines it is appropriate for the City to assume responsibility for the fences, City Administration can work through the logistics of doing so, but the Council should first ask how important the consistency of the fence is. If consistency of fencing materials and aesthetics is important to the City as a whole, its welfare, and quality of life, City Administration will determine how to facilitate continued maintenance to provide those aesthetics. He stated if the determination is made that the fences are important for the welfare of the entire City, it may be unfair to require the residents who own the fences to solely bear the burden of meeting the standard previously met by the HOA.

Councilmember Gricius stated that she supports continuity and consistency, but the fences are owned by private residents and assuming responsibility for the fences would be taking over the maintenance of private property rather than public property. She stated that her hesitation about that action outweighs her desire for continuity.

Councilmember Bradley stated that he is on the other side of the issue and he feels it is worth the money the City would spend maintaining the fences in order to provide continuity and a fence that is aesthetically pleasing at the entrance to the Eagle Mountain.

Councilmember Curtis stated that the Council must answer one question: is Eagle Mountain a City or is it an HOA? Cities do not maintain private properties and the City is not an HOA.

Mayor Pengra stated that if the Council is interested in assuming responsibility for fences on certain private properties, it would be wise to direct staff to identify all fences along arterial and collector roads that would be subject to any ordinance change providing for City maintenance.

Mayor Pengra asked what position the City would be in if the Council were to table action on Chapter 17.60.120 of the proposed ordinance and the HOA dissolves before the issue is reconsidered and action is taken. City Attorney Cook stated that, given that the Code amendments have been presented to the Council, even though no final action has been taken, the property owners in The Ranches would not be allowed to replace existing fences on their property.

MOTION: *Councilmember Westmoreland moved to table Chapter 17.60.120(S), General Fencing Provisions, of the Eagle Mountain Municipal Code and instruct staff to research fencing solutions for Council consideration. Councilmember Bradley seconded the motion.*

Mr. Pili stated he is aware of other cities that have assumed responsibility for fences on arterial roads. He will conduct research to determine the policies they have implemented to facilitate that type of action. Mayor Pengra stated he would appreciate staff researching the budget implications of those types of actions, as well.

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

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting Chapter 17.48 of the Eagle Mountain Municipal Code for a Regional Technology and Industry Overlay Zone.

This item was presented by City Planner Tayler Jensen. The Regional Technology and Industry Overlay Zone has been drafted to assist the City in attracting large scale, technological developments as a way to grow the tax base and provide high quality jobs. The proposed Code chapter provides for an accelerated approval process and less regulated, more development-friendly development standards in areas located within the overlay.

Communities often use overlay zones to protect special features or to promote specific types of development projects in an area. Common regulations include those for historic districts, natural resource protection, and economic development; though local governments are given broad authority to determine what regulation is in their community's best interest. Staff believes this overlay zone is in the best interest of the residents of Eagle Mountain City.

Mr. Jensen noted that projects must meet very specific criteria in order to qualify for the overlay zone designation; specifically, the project must create a minimum of 100 or more permanent jobs or include at least 100,000 square feet of building space in the first phase of development.

Councilmember Westmoreland stated that without an overlay zone, an industrial company could consider locating in the City so long as they meet current minimum standards associated with industrial development. He views the proposed creation of an overlay zone as an opportunity to incentivize these companies to provide a higher quality product by offering them the option to 'fast track' their application process. Mr. Jensen agreed and indicated the overlay zone gives applicants a level of certainty that their application will be approved, so long as they meet certain criteria in the Municipal Code.

Mayor Pengra opened the public hearing at 9:44 p.m.

Drew Curley stated that he is concerned about restricting certain freedoms; the proposed ordinance reads like a 'white list' of approved uses for land and he would rather see a 'black list' of disallowed uses. In the past, use of a 'white list' has stifled certain innovations that the City is not able to foresee. He would hate to inhibit future uses that may be beneficial simply because they were not allowed in the Municipal Code.

Mayor Pengra closed the public hearing at 9:45 p.m.

Mayor Pengra stated that the proposed ordinance is not meant to replace base zoning; rather, it is intended to amend the process for specific uses that the City wants to incentivize in its industrial zones. He briefly reviewed a few of the uses that are allowed and preferred in this type of overlay zone. Councilmember Westmoreland agreed and stated he does not view the proposed ordinance as a zoning ordinance; rather, he considers it an incentive ordinance that will provide for the City to 'fast track' certain applications.

Councilmember Gricius stated that she appreciates the concept of ‘fast tracking’ an application, but her concern stems from the fact that, on a project-by-project basis, the public could be bypassed and not given an opportunity to provide input. She stated that the Council would essentially be delegating the responsibility they have to their constituents to a staff member that does not have accountability to the public. She stated there are still opportunities for ‘fast tracking’ a project without entirely bypassing public input. Mayor Pengra noted that currently, the only step in a development application process that requires a public hearing is for the assignment of zoning. He stated that public hearings would still be held and the public would have an opportunity to provide input. Councilmember Bradley agreed and stated that he does not believe that approval of an overlay zone would result in elimination of the public process. Councilmember Gricius stated that taking approval authority of the overlay zone out of the public body’s hands essentially removes the public from the process. Councilmember Bradley stated that concerns can be addressed by directing staff to present any approval of the overlay zone to the Council for discussion.

Mayor Pengra explained that there are two properties in the City that would be able to meet the criteria for the overlay zone; the base zone of these two properties is already industrial and all uses included in the overlay zone are already permitted according to current zoning of the property. The current process would provide the Council with the opportunity to review and consider the site plan for the project, which would allow for public input. However, if the use identified in the site plan is allowed in the zone, the Council cannot deny the site plan even if the public opposes it. He stated he does not feel this ordinance removes any control from the City Council. Councilmember Gricius stated she understands that, but reiterated her concern that a staff member who is not accountable to the residents will be making a final decision on this type of project. She added that once the overlay zone is applied to a property, it cannot be revoked. Mayor Pengra stated that an expiration or sunset date can be added to provide for the overlay zone to be revoked if development does not occur within a certain time frame, such as five years.

Councilmember Gricius stated she is also concerned that the Council is not represented on the City’s Development Review Committee (DRC). She recommended that at least one elected official play a role in the DRC. Mayor Pengra stated that he understands that concern as well, but he redirected the conversation to the merits of the ordinance and stated that the goal of the overlay zone is to provide the City with a competitive advantage in terms of economic development and long-term economic stability. Councilmember Gricius stated she understands, but she is weighing that long-term economic stability with her responsibilities as a Councilmember.

Councilmember Curtis stated that he agrees with most of the points made by Councilmember Gricius. He also feels that Eagle Mountain City government is inherently ‘executive branch heavy’ and the proposed action would put more power in the hands of the executive branch while taking that same power away from the legislative branch. He stated that balance of power is necessary.

Councilmember Bradley asked Mr. Pili how important the opportunity to ‘fast track’ an application is when negotiating with a business seeking to locate in the City. Mr. Pili stated the process contemplated in the proposed ordinance would provide a great benefit to the City and would create a substantial advantage relative to economic development. Many businesses are more focused on the speed with which they can move through a city’s process than they may be about actual monetary incentives. He added he feels there is a perception that City Administration is asking the Council to relinquish their decision-making authority, but in actuality the Council is simply being asked to make a decision about the types of land uses that will be allowed via an

overlay zone. He stated that if there is a concern about the uses, he is open to discussion about further limiting the land uses. Councilmember Gricius stated that she would prefer to consider each recommended land use one-by-one.

Councilmember Westmoreland emphasized that as the legislative body, it is the Council's role to enact Municipal Code and then allow the executive branch of the City to administer that Code. Councilmember Bradley agreed. Debate continued with focus on Council representation on the DRC.

Mayor Pengra redirected the conversation to a review of the allowed uses listed in Chapter 17.48.040 of the proposed ordinance. Councilmember Gricius questioned various uses included in the list, such as canning plants, breweries, and automotive-associated services. Councilmember Bradley questioned if the City is 'thumbing its nose' at any of the uses included in the list. He stated that if a business employs 100 people and will generate sales and property tax revenue, which will make it possible to keep taxes low for residents, it is conceivable to envision there is a place in the 52-square mile City for any of the uses on the list. Councilmember Westmoreland agreed. Councilmember Gricius stated that she is trying to determine if she is comfortable relinquishing her control over the uses. Councilmember Bradley stated that Councilmember Gricius is not required to relinquish her control; taking action on the proposed ordinance is the Council's control mechanism. Councilmember Gricius stated that she feels the list is too broad and if the Council is not willing to narrow it to three or four specific uses, she is not comfortable supporting it. Councilmember Curtis agreed.

MOTION: *Councilmember Bradley moved to adopt an ordinance adopting Chapter 17.48 of the Eagle Mountain Municipal Code, for a Regional Technology and Industry Overlay Zone as presented in the staff report. Councilmember Westmoreland seconded the motion.*

Councilmember Reaves objected to having a brewery as one of the businesses allowed in the Regional Technology and Industry Overlay Zone. Councilmember Bradley preferred to leave the brewery on the list of allowed uses because he is not interested in legislating morality, but if removing the use from the list will make Councilmember Reaves comfortable approving the ordinance, he is willing to strike it.

AMENDED MOTION: *Councilmember Bradley moved to adopt an ordinance adopting Chapter 17.48 of the Eagle Mountain Municipal Code, for a Regional Technology and Industry Overlay Zone with the exception of paragraph 17.48.040(D). Councilmember Westmoreland seconded the amended motion. Those voting aye: Adam Bradley, Benjamin Reaves and Tom Westmoreland. Those voting no: Colby Curtis and Stephanie Gricius, The motion passed with a vote of 3:2.*

PUBLIC HEARING

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

This item was presented by City Engineer Chris Trusty. The Transportation Impact Fee Enactment adopts the IFFP and IFA and implements the impact fees recommended through ordinance.

Using the Master Transportation Plan (MTP) created by InterPlan, Horrocks Engineers has drafted the Eagle Mountain City Transportation Impact Fee Facilities Plan (IFFP). This plan identifies roads and facilities which, based on expected growth patterns, will need to be constructed within the next 6 years to maintain the existing level of service in the City. In addition to projects included in the Master Transportation Plan, projects have been added based on applicable Traffic Impact Studies (TIS) conducted by various developments in the City. One example would be the high school road, which was not identified in the MTP. Other projects include the widening of Pony Express Parkway east of Porter's Crossing and from Hidden Valley Parkway to City Center, completing Golden Eagle Road and widening Inverness Lane, as well as traffic lights at SilverLake Parkway, the high school road, Smith Ranch Road and Hidden Valley Parkway.

The Transportation Impact Fee Analysis (IFA), completed by Zions Finance, takes the information provided by Horrocks in the IFFP and performs a fiscal analysis. The analysis will include recommendations for funding the projects included in the IFFP. Projects which are identified in the IFFP as system deficiencies, meaning that they are required to accommodate existing residents, and not for future growth, cannot be included in impact fees and must be funded from other sources. The IFA will make a recommendation for revised impact fees if it determines that there is a higher level of service existing than what could be paid for with current impact fees. State law requires that all impact fees collected by the City be spent or otherwise encumbered within 6 years of being collected.

Once adopted, there is a 90-day waiting period before the revised impact fees can be assessed to new building permits. The IFA recommends the maximum reasonable impact fee that could be charged to new development based on provisions in the State Code. The City Council does have the discretion to reduce that fee, although other funding sources would need to be used to finance needed infrastructure or amenities. Approving the impact fee ordinance on May 2 results in the City beginning to implement these fees on July 31, 2017.

This analysis recommends increasing the future facilities portion of the impact fee from \$421 per ERU to \$1,235. This results in an \$834 increase in impact fees. However, it is also expected that the 2000-1 SID will be paid off this year. Removing the collection of this SID from the transportation impact fee actually reduces that impact fee by \$135, even with the increase to the future facilities component. The City expects additional SIDs to be paid off in the coming years.

Matt Nelson, Zion's Bank, explained that impact fees are a one-time charge to new developments to reimburse the City for the cost of developing roadway infrastructure throughout the City that will serve future development. The impact fees will be assessed to one primary Citywide Service Area referred to as the Eagle Mountain Citywide Service Area. The City's transportation impact fee was last updated in 2012 and the study at that time proposed three services areas: a South Service Area, a North Service Area, and a West Service Area. Much of Eagle Mountain City's roadways have been built by the City, with a small number of major roads constructed by the Mountainland Association of Governments (MAG). The City funded the existing projects through SID bonds and developers funded certain system improvements through reimbursement agreements. Of the \$65,955,586 in future capital projects which will be constructed within the six-year impact fee horizon, \$19,583,650 is impact fee eligible. After consideration of eliminating any projects being done to cure a deficit or to perform maintenance on existing roadways, the City's responsibility will be approximately \$10,582,000. The new impact fee is based upon this amount.

Mayor Pengra inquired as to the anticipated payoff of the SID bonds issued in 1998. Assistant City Administrator/Finance Director Paul Jerome stated that he is researching payment schedules for bonds issued in 1997, 1998, and 2001. He is not yet certain of the final payoff date, but he anticipates all bonds will be paid off within three to five years. He stated he will have final data prior to the proposed adoption of the budget for the next fiscal year. Mr. Nelson added that once payoff data is available, it will be possible to amend the impact fees to reflect those changes. He added he feels the study has good standing and is very defensible, though it has garnered interest from the local homebuilders groups, including former leadership of the City. He concluded that the City has followed all required public noticing procedures to inform the public of the potential to amend impact fees charged by the City.

Mayor Pengra opened the public hearing at 10:48 p.m.

Melissa Clark stated that she noticed that daycares have a higher impact fee than churches.

Mr. Nelson stated that impact fees are based on trip generation data provided by the International Traffic Engineers Manual. They are based upon complex trip studies to determine the number of trips generated by various land uses on an average weekday, which is not the peak trip generation time for local churches.

Ms. Clark stated that churches in this area are used every day of the week, not just Sundays. Additionally, half of the City's population is children and residents are always looking for quality daycare. It seemed to her that daycares are being penalized and that can be problematic in a bedroom community.

Mr. Trusty stated that transportation impact fees are not imposed on home-based daycare; rather, they are assessed at the time of construction of a new daycare facility. He added that impact fees can also be adjusted based upon capacity of the roads that serve a property where a proposed business is to be constructed.

Mayor Pengra closed the public hearing at 10:54 p.m.

Councilmember Bradley indicated that during the Council's last review of impact fees, there was a discussion about phasing impact fee increases. Mr. Pili stated that at this point there is no phasing recommendation, but staff is not opposed to that option. He stated it may be reasonable to correlate phasing with the payoff schedule for the three SID bonds. Councilmember Bradley stated that he would support phasing if the practice would benefit the City and homebuilders alike.

MOTION: *Councilmember Bradley moved to approve an ordinance adopting an impact fee enactment for a transportation impact fee; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same and other related matters, as presented 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.*

16. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2017-2018 and Setting a Public Hearing for Adoption of the Final Budget.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. State Code requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 20.

The tentative budget has been available for public review in preparation for adoption. After the City Council conducts the public hearing, the Council can move to adopt the final budget as proposed or with amendments. The final budget will be the document that governs the expenditures for the 2017-2018 fiscal year.

Mayor Pengra emphasized that the document is the tentative budget for the City and that additional meetings will be held between now and the June City Council meeting during which the final budget is scheduled for adoption.

Councilmember Gricius referenced the \$3.5 million in funding for Wride Memorial Park; she noted there is also a \$2.4 million funding allocation for Mid Valley Park. It was her understanding that Wride Memorial and Mid Valley Park are one and the same. City Treasurer David Mortensen stated they are the same park; the two different funding allocations are identified independent of one another because they come from two different funding sources: utility sale proceeds and capital projects.

Councilmember Bradley referenced the Enterprise Fund section of the tentative budget document. He asked if it is correct that \$1.8 million more will be spent in the next fiscal year than in the current fiscal year. Mr. Mortensen answered yes and stated that it reflects the use of utility sale proceeds for the park improvements referenced by Councilmember Gricius.

Mayor Pengra stated that during the work session review of the tentative budget, the Council reached consensus to remove funding for membership in the Utah League of Cities and Towns (ULCT). He stated this would prevent the Youth Council from participating in an event with the Utah Legislature during the annual legislative session. He pointed out that the City will lose some lobbying services that have been provided in the past during very critical issues, such as the prison relocation and the utility sale transaction. Councilmember Gricius stated that she understands the value the City has received from ULCT, but that does not outweigh her concerns based upon principal.

Councilmember Gricius inquired as to the schedule for considering final adoption of the budget. Mr. Mortensen stated that the first public hearing is scheduled for May 16, but it could be continued to June 20, which is the last date that the Council is allowed to take final action on the budget.

MOTION: *Councilmember Reaves moved to adopt a resolution adopting the Eagle Mountain City tentative budget for Fiscal Year 2017-2018 and setting a public hearing for adoption of the final budget, as indicated in the notes from the May 16 meeting. 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.*

Councilmember Curtis was excused from the meeting at 11:07 p.m.

17. AGREEMENT – Venue Lease Agreement between Viive Events, LLC and Eagle Mountain City for a Lantern Festival.

The proposed agreement documents the terms for Viive Events to hold a lantern festival known as The Lights Fest in Eagle Mountain City. The event will take place at Cory B. Wride Memorial Park on September 9 and/or 16, 2017. This agreement would designate Cory B. Wride Memorial Park as the exclusive venue for The Lights Fest in Utah, with the option to continue the exclusive in consecutive years. Proceeds from the event in the amount of \$.75 to \$1 per participant will be donated to Eagle Mountain City for parks and recreation improvements.

Unified Fire Authority has given the City approval to move forward with plans for this event following testing of the specially designed lantern materials and review of Viive’s fire protection procedures.

The Utah School and Institutional Trust Lands Administration (SITLA) and Ivory Homes have given approval for land use for parking south of the event site.

Viive Events will manage all aspects of the event, including ticketing, marketing, set-up/take-down, parking, fire protection and clean-up.

Councilmember Gricius stated that she was contacted by residents concerned about debris littering the City following the event, but she has been assured that Viive Events will ensure proper clean-up after the event. If there is wind or other weather conditions that would make clean-up problematic, they will not hold the event. Mayor Pengra stated that he has heard similar concerns, but he has been comforted by the fact that the Fire Marshal has approved the request and supports the event.

Chief Fowlks stated that he is comfortable with the event, given that the company is licensed and insured and the types of lanterns they use are regulated.

MOTION: *Councilmember Westmoreland moved to approve a venue lease agreement between Viive Events, LLC and Eagle Mountain City for a lantern festival and authorize the Mayor to sign the agreement. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

18. BID AWARD – Award of Bid to Simmons Flooring for the Installation of Carpet at City Hall.

This item was presented by Facilities/Operations Director Jeff Weber. The City Hall carpet replacement was previously approved by the City Council. The bid award includes removal and replacement of the carpet in City Hall with 24” x 24” carpet tiles. There were two companies that bid the project: Simmons Flooring and Midwest D-Vision Solutions. The Simmons Flooring bid came in at \$51,299.15 and the Midwest D-Vision Solutions bid came in at \$52,430.00.

MOTION: *Councilmember Bradley moved to award a bid to Simmons Flooring for the installation of carpet at City Hall in the amount of \$51,299.15 and authorize the Mayor to sign the agreement. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

19. BID AWARD – Award of Bid to Morgan Asphalt for the Eagle Mountain Boulevard Rebuild Project.

This item was presented by Facilities/Operations Director Jeff Weber. In the past several years there have been repeated storm water runoff incidents and water line breaks that have severely damaged Eagle Mountain Blvd. east of the roundabout. There are several areas where the water has undermined the edge of the road, washing away the road base and causing the road to deteriorate. The City Council approved \$776,175.00 for this project in the FY17 budget.

Staff recommends that the City Council award the project to Morgan Asphalt in the amount of \$541,431.83 and authorize the Mayor to execute the project agreement.

MOTION: *Councilmember Bradley moved to award a bid to Morgan Asphalt for the Eagle Mountain Boulevard Rebuild Project in the amount of \$541,431.83 and authorize the Mayor to sign the agreement. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Bradley

Councilmember Bradley said this was a great meeting, which covered items that affected the long-term wellbeing of the City. He thought it was good that all of the Councilmembers didn’t agree. He expressed appreciation for City staff. He also announced that he would not be running for re-election.

Councilmember Reaves

Councilmember Reaves appreciated the robust discussions about City business and the impact of those decisions. He thanked those members of the public who remained until the end of the meeting.

Councilmember Westmoreland

Councilmember Westmoreland said he was saddened that Councilmember Bradley would leave the Council at the end of the year.

Councilmember Gricius

No comment.

Mayor Pengra

Mayor Pengra appreciated the varied opinions and respectful communication on the issues. He said the City was in an amazing economic position.

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

None.

22. COMMUNICATION ITEMS
A. Upcoming Agenda Items

23. ADJOURNMENT

MOTION: *Councilmember Westmoreland moved to adjourn the meeting at 11:18 p.m. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Approved by the City Council on May 16, 2017.

Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING

May 16, 2017

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: Councilmembers Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Mayor Chris Pengra and Councilmember Adam Bradley were excused. Councilmember Westmoreland served as Mayor Pro Tem.

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

Mayor Pro Tem Westmoreland called the meeting to order at 4:14 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.

12. **ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2017-2018 Budget.**

City Treasurer David Mortensen stated the tentative budget was essentially unchanged from the one presented at the last City Council meeting. He did update some of the dollar amounts for expenditures:

- Enterprise Funds \$13.7M
- General Fund \$11.5M
- Capital Projects Fund \$6.367M
- Impact Fee Funds \$2.6M
- Debt Service Fund \$700,000

General Fund expenditures will be slightly higher than revenues. Fund balance will be used to cover the difference.

The City's fund reserve will be 20% of revenue. The State requires 5 - 25% to be retained in reserve.

Large General Fund projects include City facilities improvements, park and OHV trail improvements and a software upgrade. Some specific projects will be:

- \$5.9M for Wride Memorial Park
- \$40,000 for OHV parking and trail improvements
- \$137,000 for Community Development Building parking and power to the salt shed
- \$150,000 for renovation of the double-wide trailer for conversion into a senior center
- \$100,000 for a software upgrade

Items under discussion include:

General Fund

- \$450,000 to assume responsibility for landscape maintenance and code enforcement in The Ranches due to the probable dissolution of The Ranches Master HOA
- \$1.6M for streets maintenance
- \$12,000 membership dues for the Utah League of Cities and Towns (ULCT)

Water Fund

- \$50,000 for security fencing around the City's wells
- \$20,000 for an enclosed job trailer

Sewer Fund

- \$1.2M for a solids separation building with a screw press. \$712,500 would come from impact fees.
- \$316,000 in fund balance reserves for three specialized trucks

Solid Waste Fund

- \$.50 fee reduction for the first trash can for each household
- \$200,000 from the fund balance to be transferred to the Storm Drain Fund

Storm Drain Fund

- \$1.00 per household rate increase
- \$200,000 to be transferred from the Solid Waste Fund

Mayor Pro Tem Westmoreland asked if the City had a date yet for when it would become responsible for The Ranches landscape maintenance and code enforcement. Councilmember Gricius said the agreements signed at the last meeting had an effective date of April 1. Assistant City Administrator/Finance Director Paul Jerome said, because the property being maintained was City property maintained by the HOA, the City assumed the grounds maintenance contracts with an April 1 start date.

Councilmember Curtis objected to the City paying for the work while the HOA continues to collect assessments from the residents. Mr. Jerome said he asked the contractors to submit

invoices to the HOA for the first 60 days. If, as was likely, the HOA didn't pay them, the City committed to pay them.

Mr. Jerome addressed the question of what benefits Eagle Mountain received from the Utah League of Cities and Towns (ULCT). He stated that ULCT kept the City informed about potential legislation that would affect municipalities, and spoke in behalf of municipalities at the Legislature. They served as a pooled resource so municipalities didn't have to approach the legislators individually.

City Recorder Fionnuala Kofoed stated, while she understood and respected the Councilmembers' position on the issue, ULCT helped identify the unintended consequences of legislation that is presented and passed. It was an organized effort to provide information to legislators within hours, which has resulted in legislators changing their votes. It was a win-win situation because the legislators were educated and the cities were benefitted.

Mr. Pili responded to the question that had been asked as to whether the objection to ULCT was political or financial. From a budgetary standpoint, ULCT was well worth the \$12,000 annual fee. For example, they fought State overreach and protected cities from negative legislation. The City didn't always agree with ULCT's positions; however, their services were valuable. Eagle Mountain would have less power to influence outcomes if it left ULCT. He stated the City could use ULCT more effectively and have more voice by becoming more involved with the organization.

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

City Planner Taylor Jensen presented the proposed Municipal Code changes. They were intended to clarify that anything not expressly permitted by the Code was prohibited. The changes were recommended by land use attorneys, due to some negative experiences of other cities. Although Eagle Mountain hadn't yet had problems with permitted uses, City staff was advised by the attorneys to add the prohibition language to the Code.

Councilmember Curtis asked for clarification. Mr. Jensen stated, for example, the only use specifically prohibited in an Agriculture zone was sexually-oriented businesses. If Eagle Mountain tried to deny any other use, the applicants could sue the City and would most likely win.

Mr. Mumford noted the City Council could add any permitted use at any time. The proposed amendments were designed to prevent unintended consequences. In addition, there was language in the existing conditional use section of the Code that allowed the Planning Commission and City Council to allow any substantially similar use in a particular zone.

City Attorney Jeremy Cook stated this amendment didn't change anything in the Municipal Code, it was only a clarification. It didn't change the way the City interpreted the Code.

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Title 6, Animals and Chapter 17.85, Animal Regulations of the Eagle Mountain Municipal Code.

Mr. Jensen explained the City's animal regulations were in two sections of the Municipal Code. This amendment would place all of them in one section. No wording was being changed. Hobby breeder requirements would be placed in the same chapter as kennel requirements, as it was potentially confusing to have them in separate chapters. At the request of a Planning Commissioner, it was also proposed that all instances of "him" be replaced with "him/her."

Councilmember Gricius wanted to review the list of allowed animals because she wanted wolf dogs included; as well as foxes, coyote dogs, porcupines and raccoons. Discussion continued on species that would be suitable to be included on the list.

15. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

Ms. Kofoed stated the Cemetery Board discussed the need to add two fees: interment of cremation urns and disinterment. While the cemetery sexton, Brad Hickman, had authority to deal with such requests on a case-by-case basis, the Board felt it was important to have the fees in place. The Recorder's Office recently received a call asking if two urns could be interred in one plot and has received such questions in the past.

Councilmember Curtis asked how the amounts were determined. Ms. Kofoed said the City researched fees in other local cities. Eagle Mountain's fees were set to be comparable to the low range of the other cities and to cover the costs of providing the services. Interment of an urn would cost the City approximately the same as interring an infant. Disinterment was a complicated process involving quite a lot of cost.

Councilmember Curtis asked what the City's responsibility was for a disinterment. Mr. Hickman explained the requesters would have to work with a funeral home and get approval from Utah County. City employees would have to wear protective clothing, since they wouldn't know what the person died of. City employees would be responsible for digging the grave open and determining that the vault was in good enough condition to be lifted. There was also extensive paperwork involved.

16. MOTION – SilverLake 16 Preliminary Plat.

Mr. Jensen stated this was a 15-acre property with 31 lots: 30 residential and one church lot. A slope stability study has been conducted and the developers have agreed to comply with any conditions placed on the project by the City Engineer. The block length was longer than allowed by the Municipal Code, but the developers planned pedestrian gaps leading to a future trail system, which made the long blocks compliant with City standards.

Privacy fencing must be consistent south of Tickville Wash and be approved by City staff. Developers must comply with a mitigation plan for the wash.

Councilmember Curtis pointed out the project's master development agreement called for community play spaces with playgrounds. He stated there were very few shown in the plan.

Bronson Tatton, representing the developers, said more open space would be included in the next phases of the project, including a trail running along Woodhaven Blvd. and Golden Eagle Road, continuing to the school site in Evans Ranch. Park space would be located in the powerline corridor. A future plat would include a clubhouse at the intersection of SilverLake Pkwy. and Golden Eagle Road, with an adjacent park. The developers planned to dedicate all of Tickville Wash to the City. The master development agreement gave the City responsibility to build a trail along the wash, with assistance from the developer.

Councilmember Curtis appreciated all the work that had been done and all the cooperation he received from Mr. Tatton. He felt there needed to be additional usable park space for the residents. He asked if the developers would be willing to construct a park in the 11 acre site south of Plat 16. Mr. Tatton said that was dedicated to the City for a City park. He didn't know exactly what the City had planned for it.

Councilmember Curtis said his goal was to put park space nearest the residents living on small lots, who needed it most. He also wanted a large park in a central location.

Mr. Mumford stated the developers could make trade-offs to accommodate park sites. He pointed out possible areas for parks, including a site near the SilverLake Amphitheater.

Mr. Totten said the developers would be willing to work with the City on additional parks. He wanted to consult the Parks and Open Space Master Plan to see what amenities the City needed. Mr. Mumford said the City would be willing to execute a reimbursement agreement if the developers were willing to pay for building park amenities up-front.

Mr. Totten noted that Plat 17 will have a great deal of open space.

Councilmember Westmoreland asked Mr. Trusty if the protection of Tickville Wash was time-sensitive. Mr. Trusty said the amount of water in the wash changed with the seasons. The work would need to be done when the water level was low.

17. PONY EXPRESS PARKWAY EXTENSION PROJECT – from Redwood Road in Saratoga Springs to Porter's Crossing Pkwy. in Eagle Mountain
 - A. Interlocal Agreement between Eagle Mountain City and Mountainland Association of Governments (MAG) for the Pony Express Widening Project
 - B. Interlocal Agreement between Eagle Mountain City and the City of Saratoga Springs for the Funding of the Pony Express Widening Project
 - C. Agreement with CRS Engineers for the Design of the Pony Express Widening Project

Mr. Trusty explained funding was available from the Mountainland Association of Governments (MAG) to widen Pony Express Parkway. Construction contracts will be put out to bid during the rest of 2017. Construction will take place in 2018. Eagle Mountain City will serve as the project manager, rather than UDOT, which will save a substantial amount of money on the project.

The interlocal agreement with Saratoga Springs will make Eagle Mountain the project manager. It also states the cities will split any costs above the funding allocated by MAG.

The interlocal agreement with MAG states the City will invoice MAG for design services, construction management or contracting. MAG will reimburse the City.

CRS has already done design work for a previous, related project. The design agreement will roll the previous design work into this project.

Mr. Trusty said the project wouldn't have curb-and-gutter. That would be added as the land along the road was developed.

Councilmember Curtis asked for sound barriers for areas where there were houses near the road. Mr. Trusty responded that sound walls weren't funded with this project.

Councilmember Westmoreland asked how many additional traffic lights would be installed. Mr. Trusty said traffic signals would be installed at Porter's Crossing Pkwy. and 800 West. If SilverLake Parkway meets the warrant requirements at some time in the future, another can be added there.

Discussion continued on additional traffic signals.

Mr. Trusty noted the project would require a second access, which would go through Evans Ranch.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION.

No Closed Executive Session was held.

Mayor Pro Tem Westmoreland adjourned the Work Session at 5:21 p.m.

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

ELECTED OFFICIALS PRESENT: Councilmembers Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Mayor Chris Pengra and Councilmember Adam Bradley were excused. Councilmember Westmoreland served as Mayor Pro Tem.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pro Tem Westmoreland called the meeting to order at 7:05 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Westmoreland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Youth Council Elections** – Congratulations to Hannah Nearman, who was elected Youth Council Mayor for the 2017-2018 school year, and Davis Butcher, Jordan Noyes, and Hannah Clark, Youth Council members.
- **Pony Express Days** – Pony Express Days will be held from May 26 through June 3. Events include the rodeo, bike ride & pancake dinner, family fun night with movie in the park, carnival/vendor booths/entertainment stage, adventure ride & campout, parade, demolition derby, and fireworks. Vendor applications and parade registrations are being accepted now at www.emcity.org/ped. Carnival pre-sale discount tickets are available through May 22 at Eagle Mountain schools (except Frontier Middle School) and at City Hall through May 31. Tickets for the arena events are on sale now at www.ponyexpressspecialevents.com.
- **Pony Express Days Parade Float Contest** – Eagle Mountain City is seeking entries for the Pony Express Days Parade Float Contest. Only registered entries will be eligible. Prizes will be awarded in the following categories: originality/creativity, workmanship/use of materials, overall appearance and neatness, best overall corporate entry, and best overall municipality entry. Details and registration available at www.emcity.org/parade.

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 Curtis

Councilmember Curtis encouraged youth from 14 – 18 years old to attend Youth Council meetings on the 2nd and 4th Wednesdays of each month at 5:30 p.m. He described some of their activities, including helping with Pony Express Days, working with the Mascot Miracles Foundation and serving on committees preparing for the opening of the new high school. He commended everyone who participated in the 2nd annual Community Clean-up Day. His group pulled 10-15 bags of debris out of Tickville Wash, as well as a mattress and an exercise bike. He asked people not to throw debris in the Wash.

Councilmember Reaves

Councilmember Reaves welcomed everyone to the meeting and thanked them for being involved in their city. He looked forward to a good meeting.

Councilmember Gricius

Councilmember Gricius congratulated the newly-elected members of the Youth Council. She encouraged people to participate in the annual Community Clean-up Day. She looked forward to Pony Express Days and hoped to see lots of pictures posted online, because she will be at a family reunion.

Mayor Pro Tem Westmoreland

Mayor Pro Tem Westmoreland asked for forgiveness for any missteps he might make in his first experience acting as Mayor Pro Tem.

9. INTRODUCTION – 2017 Pony Express Rodeo Queen Alli Johansen

Ms. Johanson stated she was a freshman at Springville Jr. High School. She was the co-chair of her FFA chapter. She planned to go to Utah State University and become a large-animal veterinarian. She invited the Council to the various Pony Express Days events. Ms. Johanson explained the rodeo queen pageant process: giving a speech, modeling, interviewing with the judges and horsemanship. The queen was expected to represent the rodeo in a professional manner at many events throughout the year. She presented rodeo tickets to all of the Councilmembers.

CONSENT AGENDA

10. MINUTES

A. May 2, 2017 – Regular City Council Meeting

11. BOND RELEASE – Out of Warranty

A. Sweetwater Phase 4

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

SCHEDULED ITEMS

PUBLIC HEARING

12. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2017-2018 Budget.

This was a public hearing only. No action was taken.

City Treasurer David Mortensen recapped the presentation he made in Work Session, which is found on pages 1-3 of these minutes. State statute requires that the City Council hold a public hearing on the budget and that the final budget be adopted by June 22. The tentative budget was accepted by the City Council on May 2, 2017. The final budget will be adopted on June 20 and will be the document that governs the expenditures for FY 2017-2018.

Mayor Pro Tem Westmoreland opened the public hearing at 7:26 p.m. As there were no comments, he closed the hearing.

Councilmember Curtis asked how the allocation for Cory B. Wride Memorial Park increased from \$3.5M to \$5.9M. Mr. Jerome stated there were four funding mechanisms for the park: utility sale proceeds, park impact fees, a donation from Ivory Homes and a field lighting grant. He pointed out that some of the money was approved last year for Phase 1A.

Mr. Pili said Brad Hickman, Parks and Recreation Director, has been studying the project to find ways to reduce the costs, such as delaying installation of lighting for some of the sports courts.

Councilmember Curtis stated the Council had discussed spending \$3.5M on the park. He wanted to know how the \$1.8M Ivory Homes donation fitted into the park funding. He said the Council had been assured that parks impact fees weren't being raised to fund Wride Memorial Park improvements, but it was apparent that they were, since \$2M was added to the park funding.

Mr. Pili explained City staff was following the directions of the Council. The cost increases were due to increases in construction costs during the time it was taking to assemble the bid package. Mr. Hickman was looking for ways to lower the costs so the bids didn't exceed the funding approved by the Council. The Ivory Homes donation would be finalized in the Overland Master Development Agreement, which was in the process of being completed.

Mr. Pili said staff was moving forward before the master development agreement was completed, at the Council's direction.

Discussion continued on the mechanisms for funding the improvements to the park. Mr. Pili stated the impact fees had already been collected. They weren't increased for the park.

Councilmember Curtis objected to making so many improvements on one park when there are other regional parks in need of improvement. He didn't feel his input had been considered through the course of the decision-making on this issue.

Mr. Pili stated the Council agreed to spend \$5.9M on the park, \$3.5M of which was to come from the utility sale proceeds. Mayor Pro Tem Westmoreland concurred. He stated the park was approved and funded, and was a unique venue designed to serve the entire City.

Councilmember Gricius told Mr. Pili she wanted a fence with only one exit/entrance point around the special-needs playground.

Mr. Pili pointed out that the bids would be presented to the Council for discussion before they were advertised.

Councilmember Reaves asked Mr. Pili to review the history of the Ivory Homes donation. Mr. Pili said it came from an agreement between Ivory Homes and SITLA. Ivory Homes suggested applying the money to the park. Once City Administration heard about the \$1.8M, they met with Ivory Homes to detail the use of the donation.

Mr. Jerome showed a table on the projection screen which detailed the amounts and funding sources approved for improvements to Wride Memorial Park.

Trevor Norton, a resident, asked where Wride Memorial Park was located. Councilmember Gricius told him the ballfields off of Pony Express Parkway were part of the park.

PUBLIC HEARING

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

- A. Chapter 17.20.030 – Permitted Uses, Agriculture Zone
- B. Chapter 17.25.040 – Permitted Uses, Residential Zone
- C. Chapter 17.35.030 – Permitted Uses, Commercial Zone

- D. Chapter 17.37.030 – Permitted Uses, Business Park Zone
- E. Chapter 17.38.030 – Permitted Uses, Commercial Storage Zone
- F. Chapter 17.40.030 – Permitted Uses, Industrial Zone
- G. Chapter 17.45.030 – Permitted Uses, Airpark Zone

This item was presented by City Planner Tayler Jensen. The proposed amendments to the Eagle Mountain Municipal Code clarified that any use not specifically permitted in a chapter of the Code was prohibited. The Planning Dept. was advised by land use attorneys to make these changes. As written, the Municipal Code permitted anything that wasn't specifically prohibited. The amendments would not change the way City staff interpreted the Code.

Mayor Pro Tem Westmoreland opened the public hearing at 7:57 p.m.

Abe Mattinson asked whether it was the City's job to tell people what they can do, rather than what they can't do. He felt residents should have the widest possible range of choices as to what they can do with their property

Mayor Pro Tem Westmoreland closed the public hearing at 7:58 p.m.

Mayor Pro Tem Westmoreland asked Mr. Cook's opinion of the change. Mr. Cook said the additional clarification provided by the proposed changes could prevent a successful legal challenge to the Municipal Code.

Councilmember Gricius asked how an unauthorized use could be assumed to be allowed. As an example, Mr. Jensen stated an issue came up in Sandy City in which city government attempted to put a stop to short-term residential rentals in a single-family neighborhood, because they were not allowed in the city code. A lawsuit ensued, and since the rentals were not specifically prohibited, the court ruled that they had to be allowed.

Mr. Mumford pointed out zoning laws were created to ensure that compatible uses were allowed to be adjacent, and incompatible uses were separated.

Councilmember Curtis asked if a "blacklist" could be created instead of a "whitelist." Mr. Cook responded that staff would never be able to think of every undesirable use to add to a blacklist. A use might be requested that staff had never considered.

Councilmember Gricius said it would be impossible to put a Taco Bell in her back yard, even though it wasn't specifically prohibited. Mr. Cook pointed out there was a restaurant in Salt Lake City that operated out of a residential home. He felt there was no reason not to add clarification to the Municipal Code. Courts have ruled that cities cannot enforce prohibitions not specifically stated in their codes.

Mr. Mumford said the changes would also prevent any City Council from basing land use decisions on personal preferences rather than treating all applicants equally.

Councilmember Reaves stated there was already language in the Municipal Code that allowed the Council to review applications on a case-by-case basis.

Mayor Pro Tem Westmoreland said it was the Council's duty to protect the residents. The proposed changes were intended to improve that protection. He wouldn't challenge legal counsel; court precedents were clear.

Mr. Cook said if the Council was comfortable with the intent of the Code, there was no reason not to make changes for clarification. He also noted the approval of the gravel pit was contentious, but had to be allowed because of the wording of the Municipal Code.

Councilmember Gricius pointed out some prohibited uses that were listed in a chapter of the Code dealing with permitted uses. She suggested placing the proposed amendments in the Prohibited Uses chapter of the Code.

Mr. Cook agreed that would accomplish the intention of the proposed amendments.

Councilmember Gricius felt the proposed change from him to him/her was unnecessary.

Discussion on this item continued.

MOTION: *Councilmember Gricius moved to adopt an ordinance of Eagle Mountain City, Utah, amending Chapter 17 of the Eagle Mountain Municipal Code and directing staff to move the wording "any use not permitted in this chapter shall be prohibited" to the Prohibited Uses section of the Code, adjust or remove other items as necessary, add a reference to the Permitted Uses section, and not change instances of "him" to "him/her." Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Title 6, Animals and Chapter 17.85, Animal Regulations of the Eagle Mountain Municipal Code.

This item was presented by City Planner Taylor Jensen. The proposed amendment to the Eagle Mountain Municipal Code combined Chapter 17.85 and Title 6. Having the City's animal regulations in two different sections of the Code was confusing to residents. No changes to the language were proposed, except to change instances of "him" to "him/her" and to combine the hobby breeder and kennel regulations, as they were essentially the same.

Councilmember Gricius requested a review of the list of prohibited animals, as she felt some of the restrictions were arbitrary. She also requested that "him" not be changed to "him/her."

Mayor Pro Tem Westmoreland opened the public hearing at 8:48 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Gricius moved to adopt an ordinance of Eagle Mountain City, Utah, moving Chapter 17.85, Animal Regulations, to Title 6, Animals, of the Eagle Mountain Municipal Code (with expectation of reviewing the list of prohibited animals), moving the hobby breeder regulations to the chapter containing the kennel license regulations, and not replacing instances of "him" with "him/her." Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis,*

Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

15. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

This item was presented by City Recorder Fionnuala Kofoed. The proposed amendment to the Consolidated Fee Schedule adopted fees for interment of cremated remains and for disinterment, as these were left out of the original list of cemetery fees in the Municipal Code.

Councilmember Reaves asked if the cemetery fees were consistent with those of other local cities. Ms. Kofoed stated the fees were comparable to or lower than those of other fees in the county. Cities whose cemeteries were beginning to fill up generally had higher fees, especially for non-residents.

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

16. MOTION – SilverLake 16 Preliminary Plat.

This item was presented by City Planner Tayler Jensen. The proposed SilverLake 16 preliminary plat, located adjacent to Woodhaven Boulevard, was the first phase of SilverLake to be built on the south side of Tickville Wash. The 15.37 acre parcel included a church lot and 30 single family residential lots running parallel to the wash.

The developers completed a required slope stability study and agreed to comply with any conditions imposed by City Engineer Chris Trusty. Mr. Trusty reviewed their proposal and met them on-site.

Mr. Jensen stated connectivity was an issue. The proposed city blocks were more than the maximum 800-foot length allowed. The developers did provide pedestrian crossings, which allowed them to have blocks up to 1100 feet long. They hadn't provided details of privacy fencing to the Planning Department, but all fencing will be consistent.

Councilmember Reaves asked Bronson Tatton, representing the developers, if the developers planned to dedicate the land associated with the wash to the City. Mr. Tatton said he believed the Tickville Wash would be dedicated to the City at recordation, or possibly as a metes and bounds dedication. Mr. Mumford pointed out the eastern portion of the wash was part of the plat, but the west side was not. Mr. Tatton stated that land could be added to the plat if that was the City's preference.

Mr. Tatton stated Tickville Wash was a regional storm detention area, which was why it was a joint project between the developers and the City.

Councilmember Curtis asked about the master development plan's requirement for neighborhood and pocket parks. There were no parks in this plat.

Mr. Mumford said the intent of the master development plan wasn't to have neighborhood parks in every plat. The open space map showed general locations of the parks.

Councilmember Curtis wanted each neighborhood to have some kind of usable recreational space.

Mr. Tatton asked whether City staff preferred to have the required eight acres of open space as a large park or as smaller neighborhood parks. Councilmember Curtis asked if Mr. Tatton would be willing to work with staff to plan something for an eleven acre piece of land the developers already donated in exchange for a reduction in the eight acres of open space. Mr. Tatton said they would be willing to consider it.

Councilmember Reaves noted the park would be centralized if future plats were built as planned.

Mr. Pili stated he wanted any solution to be mutually beneficial. The City's Neighborhood Match Grant Program might be able to offer some funds for park improvements.

Discussion continued on this item.

MOTION: *Councilmember Curtis moved to approve the SilverLake 16 preliminary plat, directing City staff to work with the developer on a park solution. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

17. PONY EXPRESS PARKWAY EXTENSION PROJECT – from Redwood Road in Saratoga Springs to Porter's Crossing Pkwy. in Eagle Mountain
 - A. Interlocal Agreement between Eagle Mountain City and Mountainland Association of Governments (MAG) for the Pony Express Widening Project
 - B. Interlocal Agreement between Eagle Mountain City and the City of Saratoga Springs for the Funding of the Pony Express Widening Project
 - C. Agreement with CRS Engineers for the Design of the Pony Express Widening Project

This item was presented by City Engineer Chris Trusty. The proposed agreements were for the funding, design and widening of Pony Express Parkway to 5 lanes from Redwood Road in Saratoga Springs to Porter's Crossing Pkwy. in Eagle Mountain. The project included the installation of traffic signals at 800 West in Saratoga Springs and Porter's Crossing Pkwy. in Eagle Mountain, and the replacement of the pedestrian trail where the widening encroached upon the existing trail.

As part of the bi-annual state TIP funding, Eagle Mountain City and Saratoga Springs were awarded \$3,589,000 to widen Pony Express Parkway from Porter's Crossing Pkwy. to 800 West in Saratoga Springs. This funding has become available, and both cities have been in the process of working together in conjunction with UDOT and MAG to design this project. Both cities jointly applied for additional funding to widen Pony Express to five lanes to Redwood Road, but initially fell outside the range of funded projects. However, additional funding recently became available. Rather than build this project in two phases separated by three years, MAG was able to accelerate the funding of the second phase. Delaying the initial project by one year allowed both projects to be completed in 2018. The allocation for the entire project was \$9.8M. Any costs above the allocated funding will be divided evenly between the two cities.

Eagle Mountain will serve as the project manager, responsible for contracts, invoices and payments. The City will be responsible for paying invoices and will be reimbursed by MAG within thirty days.

Councilmember Gricius wondered why Mr. Trusty said there was money for rights-of-way when the written budget said there was no budget for that. Mr. Trusty explained when Eagle Mountain became the project manager, costs went down because not all of the UDOT standards had to be met.

Councilmember Reaves asked if removal of medians on Pony Express Parkway all the way to City Center was included in this agreement. Mr. Trusty said it was not. The project only affected a section of Pony Express Parkway that was without medians.

Mr. Trusty stated a traffic light will be installed during the summer at the intersection of Pony Express Parkway and Porter's Crossing Pkwy.. That will count as the City's required \$210K contribution. The traffic light will be impact-fee eligible.

Councilmember Curtis asked if there were any funding sources available for building sound barriers. Mr. Trusty said he wasn't aware of any.

Councilmember Reaves discussed the fence along Pony Express Parkway at SilverLake, which was blown down by the recent storm. He wanted to know if it could be replaced by a wall. Mr. Trusty and Mr. Cook felt a wall might qualify for impact fee funds. It might be possible to replace the fence along Wride Memorial Highway, as well.

MOTION: *Councilmember Curtis moved to approve an interlocal agreement between Eagle Mountain City and Mountainland Association of Governments (MAG), an interlocal agreement with the City of Saratoga Springs, and a design agreement with CRS for the Pony Express Widening Project. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Curtis

No comment.

Councilmember Bradley

No comment.

Councilmember Reaves

No comment.

Councilmember Gricius

No comment.

Mayor Pro Tem Westmoreland

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.

None.

20. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

21. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 9:42 p.m. Councilmember Curtis 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 June 20, 2017.

Melanie A. Lahman
Melanie A. Lahman
Deputy City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

June 20, 2017

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. Adam Bradley participated by telephone.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Melanie Lahman, Chief Deputy City Recorder; Johna Rose, Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Economic Development Manager; Evan Berrett, Management Analyst; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jeff Weber, Facilities/Operations Director; Zac Hilton, Streets and Storm Drain Manager; Mack Straw, Public Utilities Director; Corrie Fowles, Parks and Recreation Dept. and Streets Dept. Administrative Assistant; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

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

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

A. **DISCUSSION/PRESENTATION** – Wride Memorial Park, Phase 1B
(Don Leslie, Langvardt Design and Jeremiah Webb, Sonntag Recreation)

Don Leslie of Langvardt Design presented the final design for Phase 1B of Wride Memorial Park for the Council's comments and questions. He planned to send the design out for construction bids the next day. Phase 1B will include a series of ball courts, playgrounds and water features, including a splash pad which will use a recirculating water system. There will be pavilions and shade structures, as well. The playgrounds will have a wide variety of equipment for all ages, as well as adaptive equipment for children with disabilities. Synthetic turf in many areas will facilitate wheelchair access.

Councilmember Gricius requested a playground enclosed by a fence for autistic children who are inclined to run away suddenly. Mayor Pengra stated there are adaptive playground features all over the park. Fencing one playground off would isolate the children who use it.

Councilmember Reaves recalled an early park design that had an area enclosed by a hedge.

Councilmember Curtis asked if there would be a family restroom. Mayor Pengra said it was discussed in a design meeting, but the cost was prohibitive.

Councilmember Westmoreland suggested making the entrance and exit the only access points to that particular section of the park. Mr. Leslie pointed out there was only one exit each onto Pony Express Parkway and Mid Valley Road.

Councilmember Reaves asked why the pavilion had an irregular roof. Mr. Leslie said it was designed to have a farmhouse look, with some attention-getting design features.

Councilmember Reaves asked why there was one large pavilion rather than several smaller ones. Mr. Leslie responded that City staff requested a large pavilion for big events.

Mr. Leslie and Mr. Webb described some of the adaptive play features. Even the zip line has an adaptive component.

Councilmember Curtis asked what the annual maintenance cost would be. Parks and Recreation Director Brad Hickman estimated it would be in the \$5,000 - \$7,000 range.

City Administrator Ifo Pili stated the park design has been in process for about two years, starting with surveys asking the residents what they wanted. The project was ready to go out to bid last week, but he felt it should be presented to the City Council first.

Councilmember Westmoreland said the sooner the project went out to bid, the better. Councilmember Reaves agreed.

Councilmember Bradley said he liked the plan. He suggested doing whatever could be done to vary the height of the land would be good in such a flat area. He also suggested as many shade structures as possible.

B. UPDATE – Neighborhood Matching Grant Program
(Brad Hickman, Parks and Recreation Director)

Mr. Hickman described the progress made on the approved projects:

Sweetwater Park: The HOA submitted the money they promised as soon as the application was approved. They were included in the planning, and the tot lot has been completed.

The Ranches Entry: The Parks and Recreation Board thought it was a viable project, but since the HOA was disbanding, the project should not be completed through the Neighborhood Match Grant Program. The Board felt the project should be completed at some point, since it is an entry to the City.

Pioneer Park Splash Pad: The Board has had several meetings with residents to further review the project; however, the plan submitted was for a non-recirculating system. Properly designing and constructing a recirculating-system splash pad would cost much more than was approved. In addition, there was no adequate parking available. The Board recommended not completing this project.

The Council discussed whether there was a way the project could be revised and resubmitted. Mr. Hickman stated that would circumvent the program process and require the Board to allow any denied application to be resubmitted.

Councilmember Curtis commended the Board and staff on how they've conducted the program and noted there will always be issues in any new program.

SilverLake Amphitheater: The application was for a larger concrete performing area, speaker towers, a ticket booth and electronic signage. It was beyond the scope of the Grant Match Program. The applicants chose to move forward with only the performing area. Mr. Hickman gave them a month to provide details as to how the project will be implemented. If they were unable to do that, they could submit a new application during another program cycle.

Northmoor/Southmoor: The application was for improvements to facilities in a common area. The Board gave the applicants the option of getting signatures from 75% of the homeowners, allowing the property to be deeded to the City; as well as assurance from everyone who pledged support that they'll honor those pledges. If they can do that within a month or so, the project can go forward.

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

12. MINUTES

- A. May 16, 2017 – Regular City Council Meeting

Councilmember Gricius asked for two corrections to the minutes. A councilmember's name was left off of page 4, and a comment made by Councilmember Gricius on page 11, referring to wolf-dogs, needed correction.

13. BOND RELEASES

- A. SilverLake 12 – Into Warranty
- B. SilverLake 11 – Out of Warranty

Councilmember Curtis asked where in SilverLake those plats were located. Mayor Pengra said staff would look them up and let him know before Policy Session.

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2016-2017 Budget – Final Amendment.

The City was required by State statute to amend its budget to appropriate funds for increased expenses. The proposed ordinance amended the Fiscal Year 2016-2017 budget for increases in the General Government and Impact Fee Funds.

Assistant City Administrator/Finance Director Paul Jerome stated the final budget amendment was the largest amendment made each year. It included all of the budget items affected by growth, as well as any other projects. This amendment included the following:

GENERAL FUND

- Attorney fee line item increased from \$75,000 to \$100,000.
- Utah Retirement System contributions increased from \$17,725 to \$50,000. This included back payments; future years will not be so expensive.
- The fee to the company running the baseball program was increased, however this would be partially offset by increased participation fees.
- Growth has required additional contracted inspections, creating an increase of \$20,000.
- Snow removal was budgeted at \$60,000. The actual cost was \$75,500.
- The disbanding of The Ranches HOA caused additional City costs for maintenance and code enforcement.
- The website upgrade was cancelled, so the funds were returned to the General Fund.
- The Street Fair will be expanded, so the budget will increase from \$1,000 to \$2,500.
- Community improvement fees will be transferred to the Capital Projects Fund for Wride Memorial Park Phase 1A.
- The City's bad debt adjustment was raised to cover more uncollectible utility bills than expected.

ENTERPRISE FUNDS

- Utility sale proceeds were transferred to both the Electric and Gas Funds for projects approved by the City Council. Because the projects were not completed during FY 2017, the funds will be transferred to the General Fund Capital Projects Fund until FY 2018. These will have to be tracked specifically by project.
- A bad debt liability adjustment needed to be made in the Storm Drain Fund.
- The Pony Express Widening Project design was expended from the General Fund, but will be reimbursed by transportation impact fees collected during FY 2018.
- Wride Memorial Park Phase 1A funding will be increased to \$1.2M from park impact fees. Phase 1B design fees will be paid from utility sale proceeds.

IMPACT FEES

- Reimbursement from Public Safety impact fee to General Fund for Fire Station 252 project.
- Water, Wastewater, Parks and Transportation impact fees were expended for developer reimbursements.

IMPROVEMENT DISTRICTS/ASSESSMENT AREAS

- The City's growth exceeded expectations. The extra funds had to be paid towards retiring the improvement districts and assessment areas.

Councilmember Curtis asked if any of these amounts were already spent.

Mr. Jerome said some were. The budget amendment documented all budgetary changes, both expended and not yet expended, as required by State statute. Some payments will be made during July from fiscal year 2017 funds.

Councilmember Curtis objected to using impact fees for Wride Memorial Park, to the exclusion of other regional parks. He preferred using utility sale proceeds.

Mayor Pengra stated both funds were essentially City funds available for park improvements, and either could be used equally.

Discussion continued on how parks should be funded.

PUBLIC HEARING

15. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2017-2018 Budget and Certified Tax Rate.

The City Council was required by State statute to hold a public hearing on the proposed budget, which must be adopted by June 22. The tentative budget was accepted by the City Council on May 2, 2017 and a public hearing was held on May 16, 2017. The final budget will govern expenditures for FY 2017-2018. The ordinance also approved the certified tax rate for the fiscal year.

City Treasurer David Mortensen detailed the changes to the FY 2018 budget since the tentative budget was adopted on May 16.

GENERAL FUND

- Website redesign
- Springbrook software upgrade
- Annual software maintenance
- Administrative charge
- Special Events increase for Miss Eagle Mountain pageant

ENTERPRISE FUNDS

- Springbrook software upgrade
- GIS software license
- New water meters
- Administrative charge
- Well #5 repairs

CHANGES SINCE THE TENTATIVE BUDGET APPROVAL

- General Fund expenditures will be \$11.6M.
- Enterprise Fund expenditures will be \$13.9M.
- Impact fee and debt service expenditures did not change.
- Capital Project Fund expenditures decreased by \$100,000.
- Projected fund balance will be approximately 19%.
- The certified tax rate, as determined by Utah County, will be reduced to .001011.

Due to the length of the agenda, Council discussion was held until Policy Session.

Mr. Jerome commended Mr. Mortensen for the excellent job he did on the budget.

PUBLIC HEARING

16. EVANS RANCH

- A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Evans Ranch Master Development Plan and Master Development Agreement (Third Amendment).

B. MOTION – Evans Ranch Preliminary Plat.

Planning Manager Mike Hadley stated the proposed third amendment to the Evans Ranch Master Development Plan would move the pool to a new location and change the open space improvements. The applicant also requested that the master development plan serve as the preliminary plat, as permitted by the Municipal Code.

The pool would be moved out of the multi-family area and increased in size. A large playground would replace it in the multi-family area. Shade areas and barbecues would be added. The climbing tower was removed at the residents' request and replaced with other amenities. The pavilion along the Tickville Wash trail was replaced with playground equipment and benches. The trail behind lots 152-159 was removed.

PUBLIC HEARING

17. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning the Foothills at Unity Pass from Agriculture to Rural Residential.

The proposed ordinance rezoned a 126.25 acre parcel known as The Foothills at Unity Pass from Agriculture to Rural Residential. The property was located east of Pony Express Parkway and Lake Mountain Road, and north of the recently-approved Glenmar Ranches project.

This was only a rezone application, so the project had only a conceptual plan. Lot sizes would range from 1/3 acre to 1 acre. Although Rural Residential zoning normally has a minimum 1/2 acre lot size, this project was permitted to have 1/3 acre lots. The 1/3 acre lots would face a project, not yet constructed, which was approved with lots of less than 1/4 acre.

The developers would be required to provide parks and open space for all areas with lots of less than one acre. A collector road would need to be built connecting to Lower Hidden Valley and extending to Pony Express Parkway. The north end of Lake Mountain Road will likely be realigned. Steep slopes greater than 25 degrees in the project would be unbuildable. Sloped building lots would be subject to slope stability studies.

Councilmember Westmoreland noted the Council recently discussed adopting a ridgeline ordinance. He felt such an ordinance would apply to this development.

Mayor Pengra pointed out the Municipal Code included slope requirements for building lots.

Councilmember Westmoreland asked if the project included any known petroglyphs. Mr. Mumford said it did not.

PUBLIC HEARING

18. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving Regional Technology and Industry Overlay Zones.

- A. Jake Garn Site – 1,688 acres
- B. Pole Canyon Site – 643 acres

The proposed ordinance added a Regional Technology and Industry (RTI) Overlay Zone to the Jake Garn site located south of the wastewater treatment plant, and the Pole Canyon site located on the west side of the City. Both property owners supported the overlays.

The City Council recently adopted the RTI Overlay Zone as an incentive to attract large-scale, clean industry, high-tech, and manufacturing uses to increase the City's tax base and provide jobs. The overlay allows for an accelerated approval process and reduced design standards for large-scale businesses in the industries listed above.

19. MOTION – Porter's Crossing Town Center Commercial, Retail Pad B Site Plan.

Mike Hadley stated the proposed site plan was for a 17,660 sq. ft. commercial office and retail space. The 3.4 acre property was located in the Porter's Crossing Town Center Master Development, near Ridley's grocery store.

The project will be required to comply with the dark sky ordinance, commercial design standards, and buffering from the houses located nearby. The Planning Commission recommended approval of the project with the following conditions:

1. Applicant shall provide details of all exterior lighting to City staff.
2. Parking lot lighting shall be under 17' tall or on dimmer switches that dim output to 50% after 30 minutes.
3. Decorative concrete or masonry wall shall be provided on the north side of project 4. Three-and-a-half foot headlight screen shall be provided between parking stalls and Porter's Crossing Parkway.

The developers have agreed to update the construction plans to comply with the conditions.

Councilmember Westmoreland asked if the headlight screen was only in front of the building or if it extended further. Mr. Hadley said it would extend to the sidewalk.

20. BID AWARD – Award of Bid to Cache Valley Electric for the Porter's Crossing Traffic Signal Project.

City Engineer Chis Trusty said the proposed bid award was for a traffic signal at the intersection of Porter's Crossing Parkway and Pony Express Parkway. Funds for this project will be used as the City's match for the Pony Express widening project. Cache Valley Electric was the low bid. They have also installed two traffic signals in Eagle Mountain already.

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, 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, the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Westmoreland seconded the motion. Those voting*

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

The meeting was adjourned at 6:10 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. Adam Bradley participated by telephone.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Melanie Lahman, Chief Deputy City Recorder; Johna Rose, Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jeff Weber, Facilities/Operations Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:06 p.m.

5. PLEDGE OF ALLEGIANCE

Kent Partridge, a Boy Scout, led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Fireworks Regulations** – Fireworks restrictions remain in place in Eagle Mountain City in brush/grassy areas and some neighborhoods. Please visit the City website, News section for a link to the Unified Fire Authority website with an interactive map to restricted areas within Eagle Mountain, as well as allowed dates and time periods.
- **Movie in the Park** – A free Movie in the Park will be held at SilverLake Amphitheater on Saturday, June 24 beginning at 9:30 p.m. The feature is The Secret Life of Pets. Free popcorn will be offered while supplies last. The Dough Headz food truck will be there selling sweet treats.
- **Library Closure** -- The Library will be closed until July 5 for new carpeting throughout the Library. Summer reading activities will continue, but will be held either outside or in the Council Chambers, with the exception of Toddler Build, which will resume on July 7. No fines will accrue for the entire month of July. NO BOOK DROP will be available – please hold items until the Library reopens.
- **City Offices Closure** – The City offices will be closed on Tuesday, July 4 for the Independence Day holiday.
- **Citizen Satisfaction Survey** -- Eagle Mountain City invites residents to provide valuable feedback in our annual Citizens' Satisfaction Survey. Please visit the City website, News section for the link to the survey. The City uses feedback from this survey to help guide decisions regarding future planning and budgeting. The survey will be available through June 29. Residents participating in this survey will have the chance to win \$25 off their July City utility bill.

- Street Fair – Registrations are being accepted for vendors for the Street Fair on August 5. This year Eagle Mountain City is offering a KidsBiz competition for youth ages 4-17. Win a spot for your business, invention, or product in the Street Fair! Registration information for vendors and KidsBiz entries is on the City website calendar, Street Fair event.

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

Roger Pinkard believed that blasting being done by developers constructing new homes was damaging his home. He wanted to know whether the City was involved with the blasting and what he could do about it as a citizen.

Mayor Pengra stated that, because many people wanted to comment on the blasting, he would listen to all their comments and then answer after all the residents had spoken, so he could answer all of their questions.

Kiera Evans, a resident of Skyline Ridge, thanked Mayor Pengra for looking into the blasting. She said she and others have contacted their homeowner's insurance companies and their claims have been denied. She wanted to know what they could do about the damage.

Nate Bayless echoed the previous comments. His insurance company sent someone to inspect the damage, but his claim was still denied. He said the blasting was much less on the day that people came to observe it, including the news media. He asked if he could see the seismographic evidence to see if they had intentionally blasted less that day.

Kari and Randy Barker, residents of Skyline Ridge, said the hills in Skyline Ridge now have drops of 30 to 40 feet, which could be dangerous to children who like to climb them. She also stated the Skyline Ridge park had terrible grass that wasn't being maintained.

Riley Jenkins thanked the Mayor for his efforts to help residents with this problem. He said the overall excavation project has been going on for two years, including processing materials onsite, which violated Municipal Code. He wanted to know why the operation wasn't shut down until he went to the media. He said the overall topography of the area has been significantly changed, to the point of being dangerous for children who liked to play in the area.

Mayor Pengra spoke to Mr. Jenkins about saying, on camera to the media, that the City's elected officials were unfit to serve the residents and didn't care about the residents, which was absolutely untrue. He felt that, in thanking the Mayor for his efforts, Mr. Jenkins was contradicting himself.

Mayor Pengra said the development was approved in 2006. Over the last few days, Mayor Pengra met with the builders, spoke to the blasting companies on many occasions, and spoke to the City Attorney and the City Engineering Dept. He stated it was not at all desirable to have blasting near homes. Residents should file a claim with the blasting companies. He explained that the blast impulse was measured by seismograph. He has looked at most of them.

Mayor Pengra stated there was little the City could do from a legal or practical standpoint. The blasting in Skyline Ridge was nearly finished. The developers would be meeting with the City the next day to define exactly what still needed to be done and how the blasting could be minimized. Part of the problem was that the whole area was already scarred. If the remaining lots were not completed, the area would remain that way.

He stated the reason the blasts were smaller on the day they were observed was they were directly next to a structure. The blasts in general have been bigger recently to minimize the number of blasting events. Each blast was engineered according to damage thresholds. He looked at the blasting reports, including the one next to Mr. Jenkins' house. None of them were anywhere near the damage thresholds. He wasn't denying the residents' experiences, just presenting the technical data.

Councilmember Gricius asked if the erosion coming off the hill above the blasts had been considered. Mayor Pengra said a retaining wall would be constructed. City Engineer Chris Trusty said he asked the developers to include a drainage plan in the report he was going to receive from them.

Mayor Pengra stated that, regardless of when the development was approved, he hadn't watched the development closely and he understood that, as the current Mayor, he would be the one receiving the residents' complaints. He visited some of the homes and has spoken to many residents. He said if he saw significant structural damage, like a home being knocked off its foundation, he would shut the project down immediately and deal with the consequences afterwards. He hadn't seen any structural damage, although he's seen other issues such as drywall damage.

[Inaudible comment by Mr. Jenkins in the audience]

Mayor Pengra said he had been out to the site before Mr. Jenkins went to the media. Developers receive permission to process material onsite to reduce truck traffic, removing excavated material and bringing in new material. He said the Kiowa Valley rock crushing operation was much larger than he realized. It was huge. Having seen it, he shut down all on-site rock processing operations in the City. He then contacted each processor, requiring a written plan approved by the City. Each plan will have to report how much material was being processed and how dust was being controlled, as well as what steps were being taken to minimize the effects on residents.

He said the goal was to move Kiowa Valley from having dirt piles and scarred land to nice homes with proper retaining walls, with the least possible disruption.

Vivianna Jessop stated her house wasn't affected, but if it was, she wouldn't be comfortable with allowing the remaining blasting. The issue might be taken to court. She felt the residents' complaints should be addressed first.

Mayor Pengra said he had to make assessments all the time that were in the best interests of the residents in the entire City, which included keeping the City out of significant legal risk. If residents sued the City over the blasting, he was confident the City would not lose the case, because the blasting wasn't a risk for significant structural damage to homes. If the City ordered the blasting to stop based on the City's and residents' objections, the City would be sued and lose.

Ms. Jessop felt it was contradictory for Mayor Pengra to say he wasn't an expert, but he knew the blasting wasn't causing structural damage to homes. She didn't feel it was unreasonable to delay the blasting until the complaints were resolved.

Mayor Pengra offered to visit homes, upon the owners' request, to view damage the owners felt was caused by the blasting.

Councilmember Reaves asked if it would be possible to pause the blasting and have an expert come to the City and assess what damage has been caused by the blasting.

Mayor Pengra said the seismic data is available and he has read it. He has also spoken to the explosives experts at the Unified Fire Authority.

City Attorney Jeremy Cook reminded everyone that the City doesn't issue blasting permits. They are issued by the Unified Fire Authority.

Discussion continued on the blasting issue.

Councilmember Gricius brought up the condition of the park at Skyline Ridge, which Mrs. Barker mentioned in her public comment. Community Development Director Steve Mumford stated that funds were collected from several developers in the area. Grass seed was spread twice and failed both times.

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

Councilmember Bradley

No comment.

Councilmember Curtis

No comment.

Councilmember Reaves

Councilmember Reaves welcomed everyone to the meeting and thanked them for attending.

Councilmember Westmoreland

Councilmember Westmoreland wished everyone a happy summer solstice and a safe Independence Day.

Councilmember Gricius

Councilmember Gricius asked everyone to stay within the fireworks restrictions for safety.

Mayor Pengra

No comment.

9. PROCLAMATION – July 1-7, 2017, Independent Businesses Week.

Mayor Pengra said he was approached by a local group to bring this proclamation to the City Council. He read the proclamation.

MOTION: *Councilmember Curtis moved to adopt a proclamation declaring July 1-7, 2017 Independent Businesses Week in Eagle Mountain City. Councilmember Gricius seconded the motion.*

Councilmember Reaves asked what activities were planned to support the proclamation.

Mayor Pengra responded there were no specific activities, other than a social media announcement. He stated local businesses are increasing quickly in Eagle Mountain and in the United States.

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

10. APPOINTMENTS – Youth Council

- A. Hannah Nearman, Youth Mayor
- B. Davis Butcher, Youth Councilmember
- C. Jordan Noyes, Youth Councilmember
- D. Hannah Clark, Youth Councilmember

MOTION: *Councilmember Curtis moved to appoint Hannah Nearman as Youth Mayor and Davis Butcher, Jordan Noyes and Hannah Clark as Youth Councilmembers. 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.*

Chief Deputy City Recorder Melanie Lahman administered the oath of office to Hannah Clark. The others were unable to attend the meeting and will receive the oath of office at another time.

11. RECOGNITION

- A. Wendy Komoroski, Planning Commissioner
- B. Vincent Liddiard, Pony Express Days Grand Marshal

Mr. Liddiard received a plaque in recognition of his being the Grand Marshal of the Pony Express Days Grand Parade.

Ms. Komoroski was unable to attend the meeting. Mayor Pengra expressed appreciation for her service on the Planning Commission from June 2012 through December 2016.

CONSENT AGENDA

12. MINUTES

- A. May 16, 2017 – Regular City Council Meeting

13. BOND RELEASES

- A. SilverLake 12 – Into Warranty
- B. SilverLake 11 – Out of Warranty

MOTION: *Councilmember Gricius moved to approve the Consent Agenda, with the requested changes to the minutes: adding the name missing on page 4 and clarifying that Councilmember Gricius' comment on page 11 about including wolf-dogs as permitted animals referred to the breed restriction and not to whether she could have one personally. 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

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2016-2017 Budget – Final Amendment.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. State statute required municipalities to amend their budgets to appropriate funds for increased expenses. The proposed ordinance amended the Fiscal Year 2016-2017 budget for increases in the General Government and Impact Fee Funds.

Mr. Jerome recapped the presentation he gave in Work Session, found on pages 3-5 of these minutes.

Councilmember Curtis asked if there would be money available in the next fiscal year to improve another regional park, after the work was done on Wride Memorial Park. He especially wanted to see Smith Ranch Regional Park improved.

Mr. Jerome said there would be future facilities park impact fee funds available.

Mayor Pengra opened the public hearing at 9:16 p.m. As there were no comments, he closed the hearing.

Councilmember Reaves asked how much remained of the utility sale proceeds.

Mr. Jerome said it was approximately \$12.3M.

Discussion continued on budgeting.

MOTION: *Councilmember Westmoreland moved to adopt an ordinance of Eagle Mountain City, Utah amending the fiscal year 2016-2017 budget. 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

15. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2017-2018 Budget and Certified Tax Rate.

City Treasurer David Mortensen recapped the presentation he made in Work Session, which can be found on page 5 of these minutes. The tentative budget was accepted by the City Council on May 2, 2017 and a public hearing was held on May 16, 2017. The final budget governs the expenditures for FY 2017-2018. The ordinance also approved the certified tax rate for the fiscal year.

Mayor Pengra opened the public hearing at 9:39 p.m. As there were no comments, he closed the hearing.

Councilmember Curtis thanked whichever staff member put the notice he requested in the utility bill.

MOTION: *Councilmember Reaves moved to adopt an ordinance of Eagle Mountain City, Utah, adopting the Eagle Mountain City fiscal year 2017-2018 budget and certified tax rate of .001011 as set by the State of Utah from values calculated by the Utah County Assessor's Office. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Benjamin Reaves and Tom Westmoreland. Those voting no: Colby Curtis and Stephanie Gricius. The motion passed with a vote of 3:2.*

PUBLIC HEARING

16. EVANS RANCH

- A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Evans Ranch Master Development Plan and Master Development Agreement (Third Amendment).
- B. MOTION – Evans Ranch Preliminary Plat.

Planning Manager Mike Hadley recapped the presentation he made in Work Session, which is found on pages 5-6 of these minutes.

Mayor Pengra opened the public hearing at 9:44 p.m. As there were no comments, he closed the hearing.

Councilmember Westmoreland asked if these amendments would cause any potential liability for the City.

Councilmember Curtis noted that these developers change their plans regularly. He wondered if it was a good idea to allow this to serve as the preliminary plat.

Mr. Mumford said the Planning Department suggested allowing this version of the master development plan to serve as the preliminary plat. While some master development plans have been very general, this one was very detailed. When they have made changes, they've had to amend the master plan and do a preliminary plat. Each time they've brought a final plat, it has matched the master plan exactly. If there were very minor changes, they would be acceptable. He didn't see a reason for holding off on approving the preliminary plat, because any major changes would have to come before the Council.

Councilmember Curtis was concerned that, as a development builds out, the early residents who moved in expecting one plan may find themselves not getting what they were promised.

Mr. Mumford said he spoke to Nate Shipp earlier and was told they are working on some changes to the Tickville Wash area. Mr. Mumford asked the developers' representatives if any of the changes would call for amendments to the master development plan. Mindy Dansie said they didn't expect so. They have been working with City Engineer Chris Trusty.

Joe Salisbury reminded the Council this plan was brought to the Council last fall in a Work Session. The developers then held a large public meeting with residents of Evans Ranch. The plans presented at this meeting were the same as were presented then. They weren't conceptual; they were the actual amenities, which wouldn't cost the residents any additional money.

Mayor Pengra thanked Mr. Salisbury for meeting with the residents. He pointed out a street island that would have to have sewer laterals running through it. He wanted to be sure the sewer had an

easement, with no cleanouts located on the island. He wanted it to be very clear that the City would not be responsible to repair the main, if needed.

Mr. Salisbury returned to discussing the amenities. When they presented the zip line towers, residents disliked them, so the developers commissioned a study, with focus groups, to select the amenities the residents would prefer. This is why the developers have brought these amendments to the Council.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah amending the Evans Ranch Master Development Plan and Master Development Agreement (Third Amendment), as presented 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.*

MOTION: *Councilmember Curtis moved to allow the Evans Ranch Master Development Plan to serve as the preliminary plat. 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.*

For reference, copy of the staff report for the Evans Ranch Evans Ranch Master Development Plan and Master Development Agreement is attached to these minutes.

PUBLIC HEARING

17. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning the Foothills at Unity Pass from Agriculture to Residential.

This item was discussed before item 14.

This item was presented by Community Development Director Steve Mumford. The proposed ordinance rezoned a 126.25 acre parcel known as the Foothills at Unity Pass from Agriculture to Residential. The property was located east of Pony Express Parkway and Lake Mountain Road, and north of the area where the Glenmar Ranches development has been approved.

Mayor Pengra opened the public hearing at 8:27 p.m.

Ken Olsen, one of the project's developers, stated this was planned to be high-end homes on larger lots. He pointed out that the 1/3 acre lots, at the north and east edges of the project, faced high-density lots in the adjacent approved project. The west area of the project was over a ridge and oriented towards Pony Express Parkway rather than Lake Mountain Road. Most of the land was flat, with one sloped area. He didn't plan to do any large grading or changes to slopes. There was a rocky ridge, which he committed to leave as open space.

Because there were already quite a few building lots along Lake Mountain Road, and SITLA's master development plan amendment wasn't completed, he questioned whether he should proceed with the rezone at this point.

Mr. Olsen communicated with Ivory Homes regarding Lake Mountain Road. Ivory told him they didn't plan to realign Lake Mountain Road, except to change the diagonal intersection of Lake

Mountain Road and Pony Express intersect at a 90-degree angle, and to increase the City's easement along the road.

Jan Preece was concerned about changing the zoning from Agriculture to Residential. Once the land was zoned Residential, blasting might be allowable, depending how the property was platted. She wanted the rezone to be tabled until the blasting ordinance was changed.

Mike Kieffer pointed out this action only rezones the land, it doesn't create plats. He wanted the rezone to be conditional on the property being platted for 1/3 acre lots or larger. He wanted to be assured the north entrance to Lake Mountain Road would be completed and he wanted the ridgeline protected.

Elise Erler, representing SITLA, said SITLA had no objection to the rezone from Agriculture to Residential. She noted the temporary easement along Lake Mountain Road through the SITLA property would be issued along the current alignment. SITLA requested that the intersection of Pony Express Parkway and Lake Mountain Road be adjusted to meet Pony Express Parkway at a 90-degree angle to make the intersection safer.

Mayor Pengra closed the public hearing at 8:44 p.m.

Councilmember Gricius mentioned the Council decided about a year ago to require five-acre lots on Lake Mountain Road.

Mayor Pengra stated the Council hadn't determined a boundary where five-acre lots should transition to smaller lots. He asked Mr. Mumford if the General Plan update that was in process had reached that point. Mr. Mumford said the mapping wasn't done yet. However, properties bordering Bureau of Land Management (BLM) land had to be at least one acre.

Councilmember Curtis stated that Marianne Smith, the developer of Glenmar Ranches, would prefer not to have to pave the section of Lake Mountain Road that ran through her property.

Mayor Pengra asked City Attorney Jeremy Cook if he had spoken to SITLA's attorney about the right-of-way. Mr. Cook said SITLA's attorney needed to speak to people in her organization before she could respond to Mr. Cook.

Mr. Mumford stated the rezone stage was when the Council has the greatest discretion to make decisions. The decision can be made based on whether or not the Council believed the action was in the best interests of the residents. Future stages of development would have to be approved if they met the requirements of City ordinances.

Mr. Cook said the issue was that Lake Mountain Road was on SITLA property, but the City had no easement from SITLA. Requiring developers to pave the road, when the road would eventually be realigned, was a waste of money. However, pavement was required for fire access unless the developer wanted to have sprinklers required in all the homes.

Mayor Pengra noted that Eagle Mountain was in negotiation with SITLA about widening Pony Express Parkway. Realignment of the intersection with Lake Mountain Road, and identifying the right-of-way, should be part of that negotiation.

Councilmember Westmoreland suggested tabling the rezone until the General Plan for the area was determined, a new ridgeline ordinance was written and the issues with Lake Mountain Road were settled.

Mr. Cook said a meeting with SITLA was scheduled for July 18th. He suggested tabling the item to the August 1st City Council meeting.

MOTION: *Councilmember Curtis moved to table the rezone of The Foothills at Unity Pass until the August 1, 2017 City Council meeting, pending information about alignments. 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.*

Councilmember Bradley was excused from the meeting.

PUBLIC HEARING

18. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving Regional Technology and Industry Overlay Zones.

- A. Jake Garn Site – 1,688 acres
- B. Pole Canyon Site – 643 acres

This item was presented by Community Development Director Steve Mumford. The proposed ordinance added a Regional Technology and Industry (RTI) Overlay Zone to the Jake Garn site, located south of the wastewater treatment plant and the Pole Canyon site located on the west side of the City. The City Council recently adopted the RTI Overlay Zone as an economic development tool to incentivize large scale, clean industry, high-tech, and manufacturing uses to increase the City's tax base and provide jobs.

Mayor Pengra opened the public hearing at 10:04 p.m.

Sherry Warner stated that she owned property adjacent to both proposed sites. She wanted clarification on whether the sites were entirely west of Pony Express Parkway or if any property was east of the road. She also wondered what kind of buffer zone would be between her Residential zoned property and the overlay property.

Mayor Pengra said the exact buffer hadn't been designed, but there were City standards governing that. He also said the target industries normally liked to have a lot of land between their buildings and neighboring properties.

Mr. Mumford said the standard buffer between industrial uses and any other uses was 20 feet, with landscaping or a wall. He also said all of the overlay property will be on the west side of Pony Express.

Mayor Pengra closed the public hearing at 10:14 p.m.

Councilmember Gricius said she didn't support the overlay zone when it was created, and her opinion remains the same. Councilmember Curtis agreed.

Mayor Pengra said he'd been having conversations with the other members of the Economic Development Corporation of Utah steering committee for the Megasites Program. They expected

to have the program in a fairly final form in July. The Jake Garn site placed Eagle Mountain in the first and second places in the program, making the City one of the outstanding available sites in the state for large technology businesses.

MOTION: *Councilmember Reaves moved to approve an ordinance of Eagle Mountain City, Utah approving the Jake Garn and Pole Canyon regional technology and industry zones. Councilmember Westmoreland seconded the motion. Those voting aye: Benjamin Reaves and Tom Westmoreland. Those voting no: Colby Curtis and Stephanie Gricius. Mayor Pengra broke the tie by voting aye. The motion passed with a vote of 3:2.*

Councilmember Westmoreland said he appreciated it when the Council can be proactive and clarify what they want and don't want for the City before issues come up. He felt that one of the proper roles of the City Council was to let people know what to expect for Eagle Mountain's future plans.

19. MOTION – Porter's Crossing Town Center Commercial, Retail Pad B Site Plan.

Mr. Hadley recapped the presentation given in Work Session. The proposed site plan was for a 17,660 sq. ft. commercial office and retail space. The 3.4 acre property was located in the Porter's Crossing Town Center Master Development, adjacent to the Ridley's grocery store.

Stan Valles, representing Scholtz Architecture, clarified that the decorative concrete or masonry wall will extend the length of the property. The agreement states only that the wall will be on the north side of the project.

MOTION: *Councilmember Gricius moved to approve the Porter's Crossing Town Center Commercial, Retail Pad B, site plan with the Planning Commission recommendations. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The conditions recommended by the Planning Commission were as follows:

1. Applicant shall provide staff details of all exterior lighting.
2. Parking lot lighting shall be under 17' or on dimmer switches that dim output to 50% after 30 minutes.
3. Decorative concrete or masonry wall shall be provided on north side of project.
4. Three and a half foot headlight screen shall be provided between parking stalls and Porter's Crossing Parkway.

20. BID AWARD – Award of Bid to Cache Valley Electric for the Porter's Crossing Traffic Signal Project.

The proposed bid award was for a traffic signal at the intersection of Porter's Crossing Parkway and Pony Express Parkway. Funds for this project would be used as the City's match for the Pony Express widening project.

MOTION: *Councilmember Curtis moved award a bid to Cache Valley Electric for the Porter's Crossing Traffic Signal Project in the amount of \$220,426.10 and authorize the Mayor to sign the contract. Councilmember Gricius 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

Councilmember Curtis thanked the Youth Council for all the work they did for Pony Express Days.

Councilmember Reaves

Councilmember Reaves thanked the Military and Veterans' Board for the work they did for Pony Express Days. He worked with them and was able to be part of events like the Mascot Miracle Foundation stick-horse rodeo. He appreciated the time and effort that went into such events. They helped draw the community closer.

Councilmember Westmoreland

Councilmember Westmoreland thought this was the best Pony Express Days yet. He thanked everyone involved, especially the volunteers. He loved the volunteer culture in the City. He also appreciated the Library, which was serving record numbers of people. It was recently awarded recertification.

Councilmember Gricius

See board liaison reports.

Mayor Pengra

Mayor Pengra announced he was not going to run for reelection. It was his absolute pleasure to serve the people of Eagle Mountain. It wasn't always easy and inevitably involved making difficult, sometimes unpopular decisions. He hoped he had been faithful to doing the job well. His family needed him and he looked forward to spending more time with them and getting back to a career. He wished the best of luck to everyone running for office. He hoped everyone could remain civil through the campaign season, as Councilmembers Gricius and Westmoreland demonstrated at this meeting.

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

Councilmember Gricius reported the Senior Citizen Advisory Council and the Economic Development Board were continuing to do the work they were appointed to.

23. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

24. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 10:30 p.m.
Councilmember Curtis seconded the motion. Those voting aye: Stephanie Gricius,
Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion passed with a
unanimous vote.*

Approved the the City Council on July 18, 2017.



Fionnuala B. Kofoed, MMC
City Recorder