

Eagle Mountain City Council Minutes 2018

Dates of City Council Meetings:

- January 2, 2018
- January 16, 2018
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- February 6, 2018
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- March 6, 2018
- March 13, 2018
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- May 1, 2018
- May 15, 2018
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EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

January 2, 2018

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 Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

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; Aaron Sanborn, Economic Development Manager; Evan Berrett, Management Analyst; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Jeff Weber, Facilities/Operations Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Westmoreland called the meeting to order at 4:05 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 – Porter's Crossing Town Center

Community Development Director Steve Mumford requested feedback from the City Council regarding a proposed amendment to the Porter's Crossing Town Center Master Development Plan and Agreement, before the Planning Department spends time negotiating with the applicants.

The applicants planned to donate \$2.6M to the City, to be used for parks or a recreational facility. Both the townhome and mixed-use areas would normally be required to have clubhouses. The applicants wanted to be exempted from the clubhouse requirement in return for the donation. They also proposed improving the open space areas to a lower level than would normally be required.

The applicants also proposed a smaller-lot residential area with some lots being as low as 40' wide. The applicants felt these would be preferable to townhomes.

City Administrator Ifo Pili said it was reasonable for the \$2.6M donation to be offset by some exemptions for the applicants. If the Council chose not to allow those exemptions, the donation would be reimbursed over time by impact fees.

Mr. Pili pointed out the recreation facility would be available to all City residents, rather than only the neighborhood.

Councilmember Curtis asked how this proposed facility would compare to the one proposed by the YMCA. Mr. Pili said this would be smaller, but additional phases could be added later. It would be managed by a third party, not by City staff.

Councilmembers asked if the facility would be large enough to meet the City's needs. Mr. Pili stated it would be too small, but was as much as the City could afford without bonding. City staff would analyze whether the facility would be close enough to the City's needs to be worth building.

Councilmembers were concerned that residents of the adjoining neighborhood wouldn't have the level of amenities as other subdivisions.

Councilmember Burnham was concerned about drainage and other issues often found in small-lot neighborhoods.

2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
 13. A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Sunset Flats Master Development Plan.
 - B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Sunset Flats Master Development Agreement.

Planning Manager Mike Hadley stated this item was originally brought before the Council in September, 2017 and was denied. The City Council later approved that the developer could resubmit a plan as extensive changes had been made to the project. Open space under the powerline corridor was removed, as well as a commercial storage area and multifamily homes. The number of lots was reduced from 688 to 384. A debris basin was added to the Trailhead Park and a 7-acre park was added in the southeast corner of the project.

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapters 17.80, Sign Regulations and Sign Permits, and 17.25, Side Yard Setbacks, of the Eagle Mountain Municipal Code.

Mr. Hadley explained that this change was requested by the Planning Commission. The proposal was to require a 10' setback on the garage side of each home and a 5' setback on the other side. The change would give each lot a useful amount of space, so a car or an RV could be pulled back from the front yard.

Neighborhood Improvement Officer Diane Liberti stated the amendment to the signage ordinance changed the temporary signage program from a sticker system to an online registration. Ribbons and balloons would be prohibited in public rights-of-way because they leave a lot of debris behind when people don't take them down. Ms. Liberti said a temporary sign could be used as a memorial.

Discussion ensued on prohibiting or limiting memorial ribbons and how to explain that to residents. Ms. Liberti stated ribbons on private property would be allowed. She also reviewed all the ways the public was being educated about signage regulations.

Mr. Mumford suggested allowing ribbons in public rights-of-way for a limited time.

Signage trailers would also be prohibited unless they were on private property.

15. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Policies and Procedures Manual.

Linda Peterson, Communications and Community Relations Director, stated this update to the social media policy was intended to educate employees on risk, protect the City from potential litigation, protect the City brand/image, protect staff from harassment and establish roles and procedures.

Ms. Peterson recommended that City employees put a note on their social media accounts that their views were their own and not related to Eagle Mountain City. She recommended that City Councilmembers have City Councilmember pages separate from their personal ones.

Discussion ensued on the specifics of how City officials or employees could best use social media.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will 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.

No Closed Executive Session was held.

The meeting was adjourned at 6:08 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

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; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; 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 Westmoreland 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

- **Christmas Tree Disposal** -- The Eagle Mountain City Parks Department is offering free Christmas tree disposal through January 20. Residents can drop live trees, free of all decoration, at the rodeo grounds, 4447 Major St. Please leave them on the asphalt in the parking area.
- **Point of the Mountain Development Survey** -- The Point of the Mountain Development Commission invites you to complete a survey to help create a vision for the Point of the Mountain area. This area has over 20,000 acres of undeveloped land in Salt Lake and Utah counties, including the prison site. The survey can be found on the City website, News section.

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

Brad Davies congratulated the new Councilmembers and Mayor. He thanked the Mayor and Council for the efforts they've made to limit the damage being caused by blasting. His house was damaged and he wanted to know what specific regulations had changed and what limits would be placed on developers. Mayor Westmoreland said the answer was lengthy and asked if Mr. Davies would communicate with City Engineer Chris Trusty about the details.

Former Mayor Christopher Pengra said he was unable to attend the swearing-in ceremony earlier in the afternoon. He congratulated Mayor Westmoreland and Councilmembers Burnham and Clark on being elected. He looked forward to the great things they would do in 2018.

Kiera Evans said residents were told at the City Council meeting in December that the blasting would stop with the expiration of the permit on December 30. They were also told the new blasting ordinance would be presented at this meeting. The blasting didn't stop, the ordinance wasn't being presented and didn't appear to be scheduled in the future. She said homes were being damaged and all the insurance claims were being denied. She said the blasting has to stop now.

Mayor Westmoreland responded progress had been made in the last few days. No permits had been issued in 2018 and no blasting had been grandfathered in. He couldn't promise there wouldn't be any more blasting, but it would have to follow the process outlined in the Municipal Code. The Code amendment prohibiting unbuildable lots from being blasted was delayed by the staff's heavy workload, but it would be on a City Council meeting agenda in the near future.

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 to attend Youth Council meetings every 2nd & 4th Wednesday at 5:30 p.m. He also encouraged residents to contact the Mayor if they were interested in serving on City boards. He said former Mayor Pengra's visit reminded him that everyone serves in different roles at different times. Residents attending this meeting might one day be serving on the Council. He congratulated the new City officials and thanked everyone who ran for office.

Councilmember Burnham

Councilmember Burnham thanked everyone for coming to the meeting. She said that in the past, those who ran for office and weren't elected didn't have any more to do with City government, but that was no longer the case. She was excited to be serving on the Council again.

Councilmember Reaves

Councilmember Reaves was happy to see all of the residents attending the meeting. He loved the process of democracy; being able to say what one felt and being listened to. He was thankful for the new board members being sworn in at this meeting. He encouraged residents to serve on boards and asked them to encourage their teenagers to serve on the Youth Council.

Councilmember Clark

Councilmember Clark expressed appreciation for the opportunity to serve on the Council. She had the opportunity to meet with some of the department heads. She talked to Zac Hilton for an hour about how streets were maintained. She was impressed with the staff who work so hard for the City. She thanked the people who ran for office and those who serve on City boards.

Councilmember Gricius

Councilmember Gricius thanked everyone for attending the meeting and looked forward to a great year.

Mayor Westmoreland

Mayor Westmoreland thanked everyone for the opportunity to serve the City. He was excited about this City Council and the questions they were going to address. He was confident they would work well together and come up with creative answers.

He responded to Mr. Davies' comment, saying the blasting had caused an awkward time in the City, but progress was being made. He was confident the problem would be solved soon. He invited Mr. Davies to contact any of the elected officials if he had any questions after his conversation with Mr. Trusty.

9. APPOINTMENTS

A. Planning Commission – 3 year terms

- i. Matthew Everett
- ii. Jared Gray

B. Senior Citizen Advisory Council – 4 year terms

- i. Joye Roberts
- ii. Karen Scott
- iii. Marsha Taylor
- iv. Wanda Magnus

MOTION: *Councilmember Curtis moved to appoint Matthew Everett to the Planning Commission for a term ending December 31, 2020. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Reaves moved to appoint Jared Gray to the Planning Commission for a term ending December 31, 2020. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Gricius moved to appoint Joye Roberts to the Senior Citizen Advisory Council for a term ending December 31, 2021. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Gricius moved to appoint Karen Scott to the Senior Citizen Advisory Council for a term ending December 31, 2021. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to appoint Marsha Taylor to the Senior Citizen Advisory Council for a term ending December 31, 2021. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Burnham moved to appoint Wanda Magnus to the Senior Citizen Advisory Council for a term ending December 31, 2021. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to all the appointees.

CONSENT AGENDA

10. MINUTES

A. December 5, 2017 – Regular City Council Meeting

11. BOND RELEASE – Into Warranty

A. Spring Run Phase A Plat 2

12. BOND RELEASES – Out of Warranty

A. Skyline Ridge Phase 1B

B. Skyline Ridge Phase 1D

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

SCHEDULED ITEMS

PUBLIC HEARING

13. A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Sunset Flats Master Development Plan.

Mayor Westmoreland opened the public hearing at 7:34 p.m.

Marci Taylor lived right next to the proposed development. She asked why lots were tiered from two acres directly to half an acre, without a one-acre tier. She requested a buffer between her property and the development, to maintain the Taylors' privacy and keep other homes' yards and debris out of their view. She said the development further south of her property looked terrible and wasn't being kept clean, and she didn't want more of that. She also showed pictures of the wash running through her property, which had flooded and damaged homes in the past.

Mayor Westmoreland asked what Ms. Taylor suggested to solve the problem with the wash.

Ms. Taylor responded she wanted the wash kept clear so the water wouldn't be blocked at the lower end.

James Taylor said he wanted the engineers and developers to address the drainage so people could be protected. He appreciated the nicer lots that were developed recently. He said Mayor Giuliani of New York City had a "broken window policy," which said if blighted buildings were repaired, people would improve the surrounding area. He felt developers had been allowed to build unsightly, unsafe developments and asked the Council to approve better-quality developments in the future.

Jody Hooley read an email she sent earlier to City officials. The main points were:

- She wanted lots on Lake Mountain Road to be five acres.
- She wanted more consistent transitions between lot sizes.
- She wanted the washes taken care of to prevent run-off damage to properties.
- She objected to the trailhead park.

The full text of the email is attached to these minutes.

Mayor Westmoreland closed the public hearing at 7:47 p.m.

Planning Manager Mike Hadley said the proposed Sunset Flats Master Development Plan, located on the northeast corner of the intersection of Bobby Wren Boulevard and Pony Express Parkway, included 384 single family lots on 206.65 acres, with a density of 1.89 dwelling units per acre. On September 5, 2017 the City Council reviewed the original Sunset Flats Master Development Plan and denied the application. The applicant revised the plan, removing the multi-family units, substantially reducing the overall number of units, removing the commercial storage component, including a connection to the road serving the high school, and reducing and combining the amount of improved open space.

The applicants also added a debris basin to the trailhead park. Councilmember Gricius asked Mr. Trusty if that would be enough to address the drainage issues. Mr. Trusty said that was the intent, but he would have to look at the property to be sure.

Councilmember Clark asked why the staff report said there were no major or minor channels associated with the project. Mr. Mumford asked Mr. Taylor to point out on the projected wall map exactly where the wash was.

Mr. Trusty said if the wash was collecting local water run-off, that would be part of the property that's owned by the applicant and they would have to address it. Mr. Mumford said it would be addressed with the preliminary plat for the eastern portion of the project.

Councilmember Gricius thanked the applicants for making so many changes to the original plan. She was sure it made the project less lucrative, but it was a great improvement for the City.

Mike Carlson of Wilding Engineering said the applicants were glad to bring the revised plan to the Council. The changes they made were a benefit to the project and would be a benefit to the City. They had discussed the wash and would address the drainage issues.

Councilmember Burnham said this area was a migratory bird habitat and asked how the applicants planned to address that. Mr. Carlson said the revision increased the unimproved open space, including all the area under the powerline corridor.

Councilmember Burnham stated it was difficult for recreational users to determine what land was private and what was public.

Economic Development Manager Aaron Sanborn said the City planned to create maps and signage for the trails and accesses this year.

Mayor Westmoreland addressed Ms. Hooley and Ms. Taylor about lot-size transitions, saying the transition code had been revised, just not in time to affect this development.

Councilmember Clark asked Mr. Carlson if there would be anything such as an HOA or CC&Rs to address upkeep of the properties. Mr. Carlson said no decision had been made, but it would be discussed.

MOTION: *Councilmember Gricius moved to adopt an ordinance of Eagle Mountain City, Utah, approving the Sunset Flats Master Development Plan. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Gricius moved to adopt a resolution of Eagle Mountain City, Utah, Approving the Sunset Flats Master Development Agreement, with the condition that the applicants work with staff on drainage and runoff issues. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapters 17.80, Sign Regulations and Sign Permits, and 17.25, Side Yard Setbacks, of the Eagle Mountain Municipal Code.

Mr. Hadley explained the amendment to Chapter 17.25 Side Setbacks, increased the side yard setback to at least ten feet on the garage side of each house. The total setback would remain 15 feet.

Mayor Westmoreland opened the public hearing at 8:09 p.m. As there were no comments, he closed the hearing.

Mr. Mumford said the amendment was proposed as a way to allow residents to store vehicles off of the street.

Mr. Mumford explained Chapter 17.80 Sign Regulations and Sign Permits, was amended as follows:

- Any signs placed in a public right-of-way must be registered on the City website.
- A maximum of five signs may be permitted in a public right-of-way.
- Prohibited signs include moving, revolving, or rotating parts signs, twisters signs, snipe/bootleg signs, vehicular signs including unlicensed, inoperable or immovable vehicles or trailer signs (but not including actively used construction trailers not functioning solely as signs), pole signs, inflated signs, ribbons, balloons and billboards.
- Any signs that emit sound, smoke or steam are prohibited.

The Council discussed how to treat ribbons placed in memory of a deceased person.

MOTION: *Councilmember Clark moved to adopt an ordinance of Eagle Mountain City, Utah, Amending Chapters 17.80, Sign Regulations and Sign Permits, and 17.25, Side Yard Setbacks, of the Eagle Mountain Municipal Code, with the amendment that staff may make an exception for memorial and honorarium ribbons. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

15. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Policies and Procedures Manual.

This item was presented by Linda Peterson, Communications and Community Relations Director. The proposed amendment to the Policies and Procedures Manual would update the existing policy regarding management of the City's social media accounts, use of personal social media accounts, records retention, emergency procedures, and general online conduct, including best practices.

Councilmember Clark recommended Ms. Peterson look into the Lehi Link and Lehi City Chat Facebook groups. Lehi City officials participated in discussions on Lehi Link, a Facebook group run by residents. Lehi City Chat was an official city Facebook group for discussions between Lehi City government and residents.

Ms. Peterson noted the section of the policy related to elected officials was only a recommendation. She was happy to explore options, keeping channels open while remaining in compliance with the law.

Councilmember Curtis asked if Ms. Peterson would have time to review all the content coming from the City. He believed department heads should answer public questions so residents felt they had access to all areas of City government.

Ms. Peterson said part of her job was to be the City's liaison. She understood Councilmember Curtis' desire to give the residents more access to City staff, but she didn't think it would be practical. She was more able to reach department heads more quickly than residents were.

Councilmember Clark stated she wanted the departments to report regularly in City social media channels on what projects they're working on and what progress has been made. She wanted to humanize the staff to the residents.

Ms. Peterson brought the discussion back to official City policy. She felt the City was best served by having City communications go through the Communications and Community Relations Department.

Councilmember Burnham asked about the restrictions on staff members.

Ms. Peterson reiterated that the guideline for staff members was only to place a sentence in their profile that their social communications weren't related to their City employment.

Councilmember Curtis read Saratoga Springs' social media policy as it related to employees, which said employee media use was not of concern to city government as long as it was consistent with other social media policy guidelines. He felt a detailed policy made employees reluctant to use social media.

Mayor Westmoreland pointed out that vague employee policies were difficult to follow. He felt the proposed, more specific policy would be easier for employees to follow and give them more freedom to express themselves.

City Attorney Jeremy Cook described what information could be required from City officials and employees. GRAMA requests were limited to the context of one's official capacity. Virtually anything could be subject to discovery in litigation. For that reason, it was preferable to have a separate email account only for City business. The Open and Public Meetings Act didn't clearly define where to draw the line. For instance, the Act stated it was not to be construed to limit electronic communications between members of a public body when the public body wasn't in session. The State Attorney General's Office defined that to mean electronic communications among public officials were allowable as long as they didn't circumvent the purpose of the Open and Public Meetings Act, which was that public business be done in public.

Mayor Westmoreland felt the Mayor and Council should do everything they could to be beyond reproach, and be prepared if that should be questioned. He asked where the burden of proof would lie.

Mr. Cook said it wasn't very clear. Answering a question would probably be fine. A quorum of Councilmembers discussing a policy issue outside of a public meeting would probably not.

Councilmember Clark said it might be better for the Councilmembers to have more time to consider these issues before adopting the policy.

MOTION: *Councilmember Clark moved to table a resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Policies and Procedures Manual to give the Council further time to study the matter. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis,*

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

Ms. Peterson asked if there was specific information the Council would like her to provide before this item was presented to the Council again.

Councilmember Clark wanted to be sure City staff and officials could communicate with residents over social media channels. She wanted examples of what an employee could and couldn't comment on.

Councilmember Curtis wanted to be sure employees' personal expression was protected.

Ms. Peterson said the more specific guidelines were created to help those employees who felt that they weren't allowed to speak on social media. The intent was to protect the employees by giving them some guidelines.

Councilmember Curtis expressed his appreciation for Ms. Peterson's efforts to protect the employees and the City.

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

Councilmember Curtis

Councilmember Curtis was very proud of the Youth Council. They were interested in shadowing the City Councilmembers to learn more about how the City functions.

Councilmember Burnham

No comment.

Councilmember Clark

Councilmember Clark said a group of residents was putting together a proposal for a dog park to present to the Parks and Recreation Advisory Board.

Councilmember Reaves

No comment.

Councilmember Gricius

No comment.

Mayor Westmoreland

No comment.

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

Liaison Assignments:

Councilmember Burnham – Planning Commission and Senior Council

Councilmember Clark – Economic Development Board and Planning Commission

Councilmember Curtis – Cemetery Board and Library Board
Councilmember Gricius – Economic Development Board and Parks and Recreation Board
Councilmember Reaves – Military and Veterans Board and Youth Council

Councilmember Gricius offered to cover board meetings when Councilmembers were unable to attend.

18. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

19. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 9:22 p.m.
Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham,
Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion
passed with a unanimous vote.*

Approved by the City Council on January 16, 2018.



Fionnuala B. Kofoed, MMC
City Recorder

ATTACHMENT:

Mayor and Council Members,

I received notice that this project is coming back before you for approval. I have looked at the documents submitted. I like that they have removed commercial, multi-family units, and have left more open space as natural habitat, but still have some objections and concerns.

- Since all the lots in the immediate area of this development on Lake Mountain are 5 acre lots and since there is little indication that there are plans to keep any other area within the city agricultural, I believe any new approvals along Lake Mountain Road should remain 5 acres. I would like to see that in the revision of the general plan.*
- If this plan is being considered as is, then I would have to ask about the transitioning. From 5 to 2 is much better than the previous plan that went from 5 to 1, but then in the middle of the 2 acre parcels are 2 1/2 acre lots. Not a very compatible transition. 2 acre to 1, to 1/2 is more compatible.*
- At the last public hearing there was a question about significant washes in the land on the east of Lake Mountain Road. I don't see in these documents where those areas are addressed.*
- I don't see details of the traffic study, but what I have seen both before and now does not address the impact of this on Lake Mountain Road. I know some believe that most will take Bobby Wren to Sweetwater, but believe me that will not be the case. Most will take Lake Mountain all the way to Sweetwater at an average speed of 45mph, not 25mph, even with a total washboard surface from pavement on north to pavement on the south.*
- I am not in favor of the trail head park. For one thing, we don't need more formal landscaping with grass that requires more water. More importantly, there are no formal or marked trails on BLM, nor any signage indicating BLM vs private ground. This will only encourage more destruction of any remaining natural habitat on the foothills. I for one and I believe the BLM would not want to see another 5 mile pass. Drainage will quickly become an issue for all of us that live below. There is already massive destruction of native plants on private ground as well as BLM.*

If you have never been to this area along Lake Mountain Road or haven't been there recently, I would encourage you to take a field trip.

I appreciate the time and thought that each of you put in to your positions and welcome any discussion about my concerns. Since I am unsure that I will be able to make it to the public hearing, I am requesting that this email be made a part of the public hearing.

*Thank You,
Jody Hooley*



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

January 16, 2018

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

3:00 P.M. BUDGET WORK SESSION – CITY COUNCIL CHAMBERS

Discussion Items Only – no action will be taken on the budget

1. Welcome
2. Budget Principles – *Presented by Aaron Sanborn*
3. 2018 Budget Review – *Presented by David Mortensen*
4. Leadership Video Presentation – *“Start with Why” by Simon Sinek*
5. Council Discussion – *Presented by Mayor Westmoreland and Ifo Pili (transportation, parks and open space, imaging and branding, economic development)*

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. Stephanie Gricius was excused.

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

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

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

City Auditor Ron Gilbert discussed the FY 2018 financial audit, which was scheduled to be approved as part of the Consent Agenda. He described the auditing process and presented the results. Eagle Mountain received an “unqualified opinion,” the highest possible result, meaning the auditors found no substantial issues with the City’s financial processes or with its compliance.

with State regulatory requirements. Mr. Gilbert expressed appreciation for the assistance the auditors received from City staff.

A. PRESENTATION – Pulse Point App / UFA

John Magnar of the Unified Fire Authority introduced the PulsePoint mobile application, which would inform CPR-trained users when there was a cardiac emergency in a public location nearby, and whether there was an automatic emergency defibrillator at the location. The objective was to get CPR to victims before emergency responders arrived, increasing the survival rate of cardiac arrest patients. He asked the City Council to allow him to hold a press conference about PulsePoint in City Hall in the near future.

B. UPDATE – Sports Complex

City Administrator Ifo Pili stated City Administration was approached last year by a group interested in building an indoor sports complex in Eagle Mountain. Staff later discussed potential locations with SITLA and Ivory Homes. Although the initial proposal was unsuccessful, another proposal was recently submitted to the City. Mr. Pili asked the Council for their feedback on the possibility of building an indoor sports complex.

The Mayor, Council and Mr. Pili discussed possible configurations of such a project.

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

15. A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Third Amendment to the Porter’s Crossing Town Center Master Development Plan Map.
- B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Porter’s Crossing Town Center Master Development Agreement.
- C. MOTION – Porter’s Crossing Town Center Amended Preliminary Plat.

Steve Mumford and Mike Hadley of the Planning Department stated that the proposed changes to the master development plan removed a small area of commercial development, replaced a few multifamily units with small single family residential lots, changed a residential pod to civic use, and added an institutional component.

The Planning Commission recommended approval of the preliminary plat, called the New Park at Porter’s Crossing, conditioned on submittal of a full traffic impact study and an open space worksheet with an amenities table.

The preliminary plat required a total of 3.88 acres of improved open space. The applicant proposed 8.33 acres of improved open space, consisting of a tot lot, 3 benches, a trail and turf. Because most of the landscaping was turf and trail, there were very few amenities. The applicant was working with the City on a possible recreation center, and hoped to use that recreation center for a portion of the required amenity points and/or open space improvements in the overall project. The development agreement would be drafted in such a way as to require additional park improvements and amenities throughout this project (and others in this master plan) if the recreation center was not constructed.

Mr. Mumford requested the Council's input on what amenities they would like in the parks, particularly in Pods 3B and 3D. He also requested their input on the developers' proposal for a temporary recreational vehicle storage area.

He noted that the developers requested smaller residential lot frontages than were allowed by City ordinance, which would have to be written into the master development agreement. Mr. Mumford felt the master development agreement should include more specific commitments as to what would be built in each area of the development.

Councilmembers discussed specific points of the proposal. They considered a proposed area of senior housing and assisted living facilities. They also discussed clubhouses and mixed-use areas.

16. **ORDINANCE** – An Ordinance of Eagle Mountain City, Utah, Adopting Ridgeline Protection Standards.

City Planner Tayler Jensen stated the Planning Department designated prominent ridges that should be protected from development. Many of them were already deemed unbuildable because they exceeded a 25% slope. The Planning Department attempted to avoid prohibiting development on buildable land where possible.

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

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:07 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. Stephanie Gricius participated by telephone beginning at 7:15 p.m.

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; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; 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 Westmoreland called the meeting to order at 7:05 p.m.

5. PLEDGE OF ALLEGIANCE

Melissa Clark led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Christmas Tree Disposal** – The Eagle Mountain City Parks Department will offer free Christmas tree disposal through January 20. Residents can drop live trees, free of all decoration, at the rodeo grounds, 4447 Majors St. Please leave them on the asphalt parking area.
- **Youth Baseball and Soccer Registration** – Eagle Mountain Baseball and Eagle Mountain Youth Soccer are accepting registrations for the spring season through mid to late February. Please visit their websites for details – embaseball.com and eaglemountainyouthsoccer.com.
- **City Offices and Library Closed** – The City offices and Library will be closed on Monday, February 19 in observance of the President's Day holiday.

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

Kevin O'Donnal, a resident of Lone Tree, spoke to a representative of developers who planned to build in that area. The representative said they planned to build right up to the ridgeline. He recommended approval of a 100' buffer between construction and ridgelines. He thanked Neighborhood Improvement Officer Diane Liberti and City Planner Tayler Jensen for helping him with the issue of a developer piling rocks on a ridgeline near Walnut and Blue Spruce Roads. They cover the entire ridgetop. He had been told there will be many more rocks piled there.

Mayor Westmoreland asked if City staff had any information about the rocks on the ridgeline. City Engineer Chris Trusty said he would inspect the site.

Tyler Shimakonis, a member of the Board of Trustees of Lakeview Academy, wanted to let the Council know Lakeview had received approval from the State Charter School Board for a satellite campus. It would be located in Saratoga Springs near the existing campus.

Councilmember Gricius joined the meeting by telephone at 7:15 p.m.

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

Councilmember Gricius

Councilmember Gricius thanked everyone attending the meeting.

Councilmember Clark

Councilmember Clark had the opportunity to go to the Pony Express Events Board meeting. They planned to hold a rodeo royalty pageant on March 24. Those interested could contact ponyexpresseventsem@gmail.com.

Councilmember Reaves

Councilmember Reaves welcomed everyone to the meeting.

Councilmember Burnham

Councilmember Burnham was excited about the new Lakeview Academy campus. She said members of the Senior Citizen Advisory Council had mentioned to her the Councilmembers were hard to hear and asked that they speak directly into their microphones. Councilmember Burnham asked if the City had the equipment needed to allow the hard-of-hearing to listen to City Council meetings. City Recorder Fionnuala Kofoed said there was equipment available that she could set up if she had some advance notice. Councilmember Burnham said the Senior Council was very active and had a full schedule of activities for residents 55 years old and older.

Councilmember Curtis

Councilmember Curtis thanked everyone for attending the meeting.

Mayor Westmoreland

No comment.

9. APPOINTMENTS

- A. Youth Council Advisors
 - i. Tyler Slack
 - ii. Heather Slack

MOTION: *Councilmember Reaves moved to appoint Tyler Slack to the Youth Council Committee of Advisors for a term ending June 30, 2019. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to appoint Heather Slack to the Youth Council Committee of Advisors for a term ending June 30, 2019. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to the appointees.

CONSENT AGENDA

10. MINUTES

- A. December 12, 2017 – Joint City Council and Planning Commission Work Session
- B. January 2, 2018 – Regular City Council Meeting

11. CHANGE ORDER

- A. Pony Express Widening Project – Horrocks Engineers

12. BID AWARD
 - A. Pony Express Widening Project Canal Extension – Knife River Construction
13. FY 2017 AUDIT – Acceptance of the FY 2017 Financial Audit – Ron Gilbert
14. BOND RELEASE – Into Warranty
 - A. The Village at Porter’s Crossing

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

SCHEDULED ITEMS

PUBLIC HEARING

15. A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Third Amendment to the Porter’s Crossing Town Center Master Development Plan Map.
- B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Porter’s Crossing Town Center Master Development Agreement.
- C. MOTION – Porter’s Crossing Town Center Amended Preliminary Plat.

This item was presented by Planning Manager Mike Hadley. This applicant-proposed amendment to the Porter's Crossing Town Center Master Development Plan and Agreement removed a small portion of proposed commercial development, replaced it with a multi-use pod containing retail and apartments, replaced some multifamily development with small single family residential lots, changed a residential pod to civic use, and added an institutional component to the plan. Additionally, the applicant proposed a preliminary plat, contingent on the approval of the MDP amendment, which contained 169 small single family lots on 35.58 acres with an overall density of 4.75 units per acre.

Councilmember Curtis asked how the changes would affect the density transfer agreement. Mr. Mumford said it entirely removed the density transfer agreement. A few units would be transferred from Pod 4 to Pod 14.

Mr. Mumford recommended tabling the master development agreement, as there were some numbers that hadn't been finalized. The Council could approve the master development plan and the preliminary plat contingent on approval of the master development agreement.

The Council discussed details of the proposal at length, similar to the Work Session discussion found on pages 2 and 3 of these minutes. The developers expressed appreciation for their feedback and stated they would work on incorporating it into the final plans.

Mayor Westmoreland opened the public hearing at 8:24 p.m.

Brad Davies asked what security was planned for the RVs in the storage area. The developer responded that detailed plans would be made and presented to the Council.

Mayor Westmoreland closed the public hearing at 8:25 p.m.

Mr. Pili explained that City staff approached the developers with a proposal for meeting some of the amenity points requirements. The developers were open to either a recreation center or amenities located throughout the development.

Mr. Cook said the developers' most urgent concern was approval of the preliminary plat, so they could work on the final plats. He didn't believe the master development plan and agreement were ready for approval.

MOTION: *Councilmember Burnham moved to table an ordinance of Eagle Mountain City, Utah, approving the Third Amendment to the Porter's Crossing Town Center Master Development Plan Map until the February 6, 2018 City Council meeting. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Mr. Cook pointed out that fencing should be consistent throughout the development, which would be governed by the master development agreement.

MOTION: *Councilmember Burnham moved to table a resolution of Eagle Mountain City, Utah, approving the Second Amendment to the Porter's Crossing Town Center Master Development Agreement until the February 6, 2018 City Council meeting, in order to finalize details of the agreement. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Clark moved to approve the Porter's Crossing Town Center Amended Preliminary Plat, with the conditions listed in the staff report and requirements for a drainage report and for consistent fencing throughout the development. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

PUBLIC HEARING

16. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Creating Chapter 17.62 of the Eagle Mountain Municipal Code for Ridgeline Protection Standards.

This item was presented by City Planner Tayler Jensen. This staff-proposed ordinance created Chapter 17.62, Ridgeline Protection Standards, for the purpose of protecting the City's ridgelines from development. The ordinance was tabled at the November 19, 2017 meeting, with direction to City staff to further specify which ridgelines should be protected and how much distance from ridgelines should be restricted from building.

Mr. Tayler explained City staff would designate protected ridgelines. The ridgeline protection standards would shield those ridgelines from development that could result in hazardous conditions, reduced quality of life, or visual scarring of important natural features. Staff was

careful to write a code that would be easy to understand, interpret and enforce. This proposal designated prominent ridgelines within the City and prevented building within fifty vertical feet of prominent ridgelines. It also created development standards for property located in close proximity to prominent ridgelines, provided for an integrated ridgeline trail system, and allowed density transfer for otherwise buildable land rendered unbuildable by this code. In tandem with the hillside development standards, this ordinance would protect significant ridgelines from development. In the future, staff planned to revise the hillside development standards for developable hillside property.

Mr. Jensen presented maps giving a general idea of how ridgeline protection would affect specific locations. He and Mr. Mumford described how the ridgeline protection zones were measured on steep slopes as compared to somewhat more level areas. They planned to refine the maps further, based on additional review of the maps created by GIS software and suggestions made by Councilmembers.

Mayor Westmoreland allowed resident Kevin O'Donnal to speak. He asked why the ridgeline near his neighborhood in Lone Tree was not considered prominent. Mr. Jensen said it was based on his opinion of the terrain.

Councilmember Gricius asked about the provision for trail easements on private property. Mr. Jensen said they were optional, as easements might otherwise be considered a taking. Some of the language might need to be revised to ensure the public trail system was continuous. Mr. Mumford felt a provision could be added to the Municipal Code to place easements at the plat approval stage.

Mayor Westmoreland opened the public hearing at 9:08 p.m.

Jeff Ruth was glad to see ridgeline protection go forward. He noted that no one attending the meetings knew what a 25% grade was. He said he had spoken to at least one developer who said he could flatten 25% sloped land into buildable lots.

Mr. Mumford responded that the language in the Municipal Code was somewhat unclear. It would be clarified when the hillside development amendment was presented to the Council.

Elise Erler, representing SITLA, commended staff for the preservation of the ridgelines, viewsheds and open space. She noted that Upper Hidden Valley was very steep on the east side and fairly level on the west side. There was an underlying approval for approximately 100 residential units in the area included in the ridgeline ordinance. She encouraged the Council to allow the staff to work with SITLA to protect the ridgeline itself without encroaching on the approved development area. She stated the language in the density transfer section conflicted with the approved Upper Hidden Valley Master Development Agreement, and requested a reasonable standard for the allowable case-by-case decisions.

Manfred Riem wanted to know why unbuildable land with a 25% slope wasn't included in the ridgeline ordinance. He felt the City should be communicating with the developer dumping rocks on the Lone Tree ridgeline and then communicating the information to residents.

Mayor Westmoreland explained that ridgelines and slopes were in two different portions of the Municipal Code. He thought that once all of the issues were defined, staff might be able to create

an overall slope and ridgeline map. Mr. Mumford stated the maps were approximate and properties needed to be evaluated by engineers.

Councilmember Clark asked if developers with excavation permits had to have proof onsite so members of the public could know if the excavation was permitted. Mr. Trusty said excavators should have a stormwater pollution prevention plan (SWPPP) and post a sign at one of the sites covered in the plan.

Keith Piccioni, a resident of Lone Tree, said during the last year the developers were blasting and jackhammering on steep slopes. They used a "pit truck" to move materials, which was so large it didn't belong on a residential road. They did it on weekends and holidays when there were no Code Enforcement personnel working. They took the blasted rock material and dumped it on the ridge.

Mr. Mumford said City staff would look into the situation.

Mayor Westmoreland closed the public hearing at 9:33 p.m.

Councilmember Curtis asked why excavation was allowed in residential areas. Mr. Trusty explained only the extractive overlay zone allowed excavated materials to be moved from the excavation site. Outside of that zone, materials had to be processed on-site to be used on-site, to prepare for approved construction.

Mayor Westmoreland was concerned that the rocks on the ridgeline could fall.

Councilmember Reaves asked if damage was being done to the road. Mr. Piccioni said the concrete manhole collars were all damaged.

Mayor Westmoreland directed staff to work out the density transfer and easement language of this ordinance.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, creating Chapter 17.62 of the Eagle Mountain Municipal Code for ridgeline protection standards, with the following conditions:*

- *Land under public trails would be dedicated to the City rather than having easements placed on it.*
- *Density transfers allowed in the Municipal Code would supersede those in approved master development agreements.*
- *City staff was authorized to work with the City Attorney to address existing master development agreements with land that would be rendered unbuildable by this ordinance.*
- *Ridgeline maps would be adjusted to address land in existing master development plans.*

Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

AMENDED MOTION: Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, creating Chapter 17.62 of the Eagle Mountain Municipal Code for ridgeline protection standards, with the following conditions:

- **Land under public trails would be dedicated to the City or have easements placed on it.**
- **Density transfers allowed in the Municipal Code would supersede those in approved master development agreements.**
- **City staff was authorized to work with the City Attorney to address existing master development agreements with land that would be rendered unbuildable by this ordinance.**
- **Ridgeline maps would be adjusted to address land in existing master development plans.**

Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

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

Councilmember Gricius

Councilmember Gricius stated the Parks and Recreation Board needed some additional members. They would like those vacancies filled as soon as possible.

Councilmember Clark

Councilmember Clark said she had the opportunity to attend the Utah Valley Economic Development Forum with Councilmember Burnham and Economic Development Manager Aaron Sanborn. The Planning Commission meeting was quite lively. She appreciated the members serving on the Planning Commission.

Councilmember Reaves

Councilmember Reaves said he would be meeting with the Military and Veterans Advisory Board shortly. He thanked the Council for making appointments to the Youth Council Committee of Advisors.

Councilmember Burnham

Councilmember Burnham said the Planning Commission elected Matt Everett as Chair and Rich Wood as Vice-Chair. The Senior Citizen Advisory Council elected Joye Roberts as Chair and Karen Scott as Vice-Chair

Councilmember Curtis

Councilmember Curtis asked Ms. Kofoed to send him the meeting schedules for the Library and Cemetery Boards.

Mayor Westmoreland

No comment.

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.

See previous item.

19. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

20. ADJOURNMENT

MOTION: *Councilmember Reaves moved to adjourn the meeting at 9:49 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on February 6, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN
SPECIAL CITY COUNCIL MEETING
MINUTES

January 22, 2018

Eagle Mountain City Council Chambers

1650 East Stagecoach Run, Eagle Mountain, Utah 84005

7:00 P.M. SPECIAL SESSION – COUNCIL CHAMBERS

1. CALL TO ORDER
2. MOTION – A Settlement Agreement with Shupe Builders.

BACKGROUND: Eagle Mountain City and Shupe Builders propose an agreement for limited removal of materials from a development site by a specified date.

3. MOTION – A Settlement Agreement with Goldsworth Real Estate.

BACKGROUND: Eagle Mountain City and Goldsworth Real Estate propose an agreement for limited removal of materials from a development site by a specified date.

Mayor Westmoreland stated this is an attempt for the City and Shupe Builders to work with one another to address a somewhat nagging situation that has created some turmoil in the City. There appears to have been some confusion about the City's Code relative to this type of matter, but the City desires to follow the intent of the Code and apply it. He asked that the City Attorney and City Administrator provide input regarding the two settlement agreements that are being presented to the Council tonight for consideration.

City Attorney Jeremy Cook stated a situation on the development site has caused some discontent among residents living nearby and the purpose of tonight's meeting is to see if it is possible to reach a settlement agreement that will provide some certainty that can be expressed to those unhappy residents. Residents currently feel they have no recourse relative to the conditions at the site that they believe have caused them damages, but the intent of this meeting or the settlement agreements is not to recoup money to pay for those damages. The City will not act in the capacity of an insurance company providing recourse for those residents, but will seek to reach an agreement that could provide some public benefits and improvements. He is hopeful that the issue can be resolved through these discussions rather than pursuing alternative legal action, which could be very costly and lengthy for all parties, with the end result possibly being more negative for all involved.

City Administrator Ifo Pili stated that he feels the parties to the settlement agreements are in agreement with the City and that now is the time to move forward and resolve the situation as quickly as possible; that is the basis for the draft versions of the agreements.

Mr. Cook then outlined the terms of the proposed settlement agreement for the Shupe Builders project. Blasting has concluded at that project site and there is a large amount of material that must be removed from the site somehow. Shupe Builders has asked for a limited period of time to process the material onsite before removing it. This should take a maximum of two months. Allowing Shupe Builders to process onsite will significantly expedite the process. The City has suggested that Shupe Builders contribute some money to park improvements to benefit residents in the area that will be impacted by the two months of ongoing onsite material processing. The main point of contention is not whether the material should be removed from the site, but, rather whether Shupe Builders should be allowed to crush and process the material before removing it. Shupe has indicated they would be willing to contribute \$10,000 for park improvements.

Mr. Cook then outlined the terms of the proposed settlement agreement for Goldsworth Real Estate, noting their project site is further to the west and they have more work to complete than Shupe Builders. Goldsworth has indicated they have approximately four days of blasting to complete in the first phase of their project. They have argued that the blasting will comply with current City Code. He emphasized that blasting is a common practice and has been done for many public and private projects throughout the history of the City, but there has never been such a negative response to blasting in the past. He stated that it is important to consider the concerns of residents who have reached out to the City, but it is also important to not have a 'knee jerk' reaction that could have negative results for property owners, including City, relative to future development or public infrastructure projects, respectively. He stated that Goldsworth has indicated that if they are not allowed to complete the blasting portion of their project, it will be necessary to use an alternative practice for removing rocks and material from the hillside to construct roads in their project and this would be costlier, but also time consuming and impactful to nearby residents. They have argued it is in the best interest of residents in the area to allow the blasting to commence. They have requested permission to process some material onsite, with the City imposing limits on timing and duration. He noted that some residents have indicated that the project has resulted in damage to their property or home, so the City has recommended that Goldsworth dedicate money to the City that can be placed in a fund administered by the City to pay for damages proven by verified inspections. Goldsworth would not admit to any liability, but would provide the money for the fund. The fund is not intended to fully compensate property owners for perceived damages and they will still have the opportunity to seek compensation through other avenues.

Councilmember Curtis inquired as to the enforcement mechanism in the settlement agreements. Mr. Cook stated that these are draft agreements, and not the final document. He noted that the City would have the ability to sue to enforce the penalties cited in the settlement agreements; stiffer penalties will be imposed in the event that either of the two parties does not comply with their respective agreement. For example, if Shupe Builders does not complete the work as outlined, the City will have the authority to access the property and complete the necessary work and then charge Shupe Builders for that work. This charge would be in addition to daily fines assessed for failure to complete the work.

Councilmember Burnham asked for more information about what constitutes a violation of the agreement. Mr. Cook stated that would depend on the issue that the City is seeking to enforce. One of the stipulations of the agreement is adherence to clearly defined hours of operation and the City has suggested limiting traffic to avoid heavy truck traffic congestion during peak traffic hours. A trade off to that stipulation would be that the project would take longer to complete. However, he

would like to receive public input this evening to help the Council make an informed decisions regarding those types of issues. Councilmember Clark asked if the \$1,000 per day fine would be imposed for every day past the approved timeframe that Shupe Builders continues work on the site or if it would be \$1,000 for every truck leaving the site for those days past the approved time period. Mr. Cook stated that the intent would be to make the fine as impactful as possible in order to deter any type of disallowed activity. He indicated he feels that the penalty provisions in the Shupe agreement are significant enough, yet still reasonable. Councilmember Clark asked why the City cannot simply force Shupe to clean up their site at their cost without affording them the ability to further violate the City's laws. Mr. Cook stated that the City could opt to deny further permits for material processing on site, but the question would then become whether that would create a worse situation for residents as hauling unprocessed materials from the site would be more impactful. Discussion then centered on similar nuisances that have existed on other properties throughout the City and how the City has dealt with those nuisances and whether that action has set a precedent for the City to follow.

Councilmember Clark then asked if the City must grant Goldsworth the ability to continue to blast as they deem necessary, or if it would be prudent to force them to apply for blasting permits. Mr. Cook stated that Goldsworth understands they must follow the current City Code and apply for blasting permits, but the City will not specifically deny those permit applications. The regulations associated with a blasting permit will apply. These concessions give residents and City staff certainty in regard to timing and duration, as well as funding to address other issues. Mr. Cook said he is not arguing for or against the blasting, but rather giving all parties certainty to create a beneficial outcome for all involved.

Councilmember Curtis asked if the four planned blasts cover all platted areas of the development. Community Development Director Steve Mumford used the aid of an aerial map to identify the area encompassed within the Goldsworth development plats. Mr. Mumford said Goldsworth's Plats 1, 3, and 4 are covered. He explained Plat 2 has become Plats 5 and 6. They are proposing modifications for Plats 4, 5, and 6. Plats 5 and 6 will likely require significant excavation. The four blasts could cover Plat 4. He explained the Shupe property has one last cul-de-sac, which is where the pile of material is currently located. Councilmember Curtis asked if they have vested blasting rights. Mr. Mumford said they do not have vested rights for blasting, but he noted that the City Code gives the City the ability to add conditions to a blasting permit or deny a blasting permit application.

Councilmember Curtis stated that it is his understanding that both Shupe Builders and Goldsworth plan to complete additional developments in the City and he wondered if the same work practices they have already displayed will continue in the City. Mr. Cook stated that regardless of any future development plans, he feels it is necessary to try to respond to residents' concerns and resolve the current issues as quickly as possible. Councilmember Curtis referenced the regulations in the City Code relating to blasting and extraction and he inquired about the definition of the term 'extracting'; he wondered if developers are allowed to process material onsite and then take it offsite to sell to a third party. Mr. Cook stated that is not allowed according to a recent change to the City Code following a situation in the Valley View development. However, if onsite material processing is not allowed, a developer can be forced to haul away unprocessed material and haul in processed material, which can double the truck traffic associated with a project and this can be a worse situation for nearby residents. Councilmember Curtis stated that one of the parties has admitted that they are selling processed materials to a third party because that is how they make

their projects economical. Councilmember Reaves stated that should be of no concern to the Council; the Council should only be concerned whether a developer is adhering to City Code and any attention paid to whether a developer is turning a profit is inappropriate. Mr. Cook agreed that should not be the City's concern; rather, the main concern is that there is currently a bad situation for residents and the City should try to solve it in the best manner possible.

Councilmember Curtis stated he has reviewed several historical agreements to which the City is a party and he can not find any given right to blasting. He asked if either Shupe Builders or Goldsworth has a vested right to blast at their development site. Mr. Cook stated that in the past the Eagle Mountain City Fire Department issued blasting permits, but when the City became a member of the Unified Fire Authority (UFA), that responsibility shifted to UFA. UFA regulates blasting according to the International Fire Code (IFC). The blasting permits issued for these projects expired, effective January 12, and any new blasting permit application would follow the new process outlined in City Code, which includes a requirement to secure an additional permit from the City, which may be more restrictive than previously. The intent is to try to protect citizens as much as possible, but prohibiting all blasting would be detrimental to the City. Discussions are underway to further restrict blasting for certain purposes, but he, again, cautioned the Council against considering a code that would be too restrictive. He added that there have not been significant issues with this type of blasting in the past and he is unsure as to why there are so many problems with these two projects.

Councilmember Clark referenced the Goldsworth project and asked City Engineer Chris Trusty for information about the specific blast locations, the approximate size of the blasts, whether the blasts will last four days, whether a mining permit has been sought, and whether any of the past blast measurements were significant enough to cause damage to other properties. Mr. Trusty stated that, according to Goldsworth's application, they would perform four blasts that would be completed over four separate days and they have not submitted for a mining permit. He stated that he received a report from the geotechnical surveyor for the site and their report indicated that two previous blast events on November 2 and November 8 reached or exceeded limits set by the Office of Surface Mining Reclamation and Enforcement (OSMRE) and based on these measurements, cosmetic damage to buildings in the area is possible. Councilmember Clark stated that she has noticed holes in the ground for blast charges that are located across from the Davies property, which is at the intersection of Eagle Top Court and Golden Eagle. She wondered if the developer truly intends to blast directly across the street from an existing home. Mr. Trusty answered yes. Councilmember Clark stated that the City is not required to grant a permit if it is determined that the blast site is too close to an existing home and there is a possibility for damage to result. Mr. Trusty stated that the ordinance indicates that a pre- and post-blast inspection is required for all homes within 500 feet of the blast site and he would expect those inspections to take place. He stated he does not believe he has the ability to make a judgement call on the issuance of a permit unless he has evidence to base his decision on. Any proposed blast would need to comply with specified blast size and proximity requirements. Councilmember Clark wondered why the City is obligated to issue a new blast permit with the knowledge that the terms of previous blasting permits were violated. Mr. Cook stated that the City must simply follow its permitting process and City officials will discuss previous violations with UFA before proceeding with issuance of future permits; at a minimum it should be possible to set more restrictive blast criteria based on the knowledge of past blast outcomes. Mr. Pili clarified that the report noted the blasts met or exceeded the threshold for cosmetic damage, rather than structural damage. Councilmember Clark stated she is very cognizant of the City's responsibility to protect a resident's life, liberty, and

property and that should apply to restricting any blasting that could cause damage – cosmetic or structural – to other properties. She added that she would like to make the geotechnical report publicly available via the Government Records Access and Management Act (GRAMA) so that impacted property owners can resubmit claims for damages. Mr. Cook stated that the report is available for public access and he would advise residents to read the report in its entirety to gain a clear understanding of the impacts of the blasts.

Councilmember Reaves stated that he also has many concerns about the current situations. He asked Mr. Cook about the intent of tonight's meeting and asked him to clarify his statement regarding litigation for damages totaling \$400. He asked if Mr. Cook said that litigation would not be worth the residents' efforts in that situation. Mr. Cook said that was correct; it is hard to sue an entity for \$400. Councilmember Reaves stated he is more concerned about principle and whether a resident has a right to be compensated for damages rather than whether a case can be litigated successfully. He stated that the City Code regulating blasting includes a requirement for a developer to comply with all laws, ordinances, and applicable safety code requirements and regulations relative to handling, storage, and use of explosives, and protection of life and property; and shall be fully responsible for all damage caused by the blasting operation. He noted another section of the Code requires the developer to submit proof of liability insurance specifically listing the coverage for the use of blasting operations and providing at least \$1 million in personal property and personal injury insurance. He asked if Shupe Builders and Goldsworth had insurance certificates in place, to which Mr. Cook answered yes, noting the blasting sub-contractor for the developers had provided that proof of insurance. Mr. Cook said proof of insurance is also a requirement of the ATF license, UFA permit, and State permit. Councilmember Reaves stated that developers using blasting practices should go into a project knowing that it could result in damages to other properties and they should be prepared to be responsible for covering those damages. He stated it is his understanding that no claims have been acknowledged by the developers and residents who have suffered damages are not being compensated. He stated he believes that appropriate compensation should be part of the discussions among the Council this evening. He asked if the amount of money sought from Goldsworth for holding in an account managed by the City directly correlates with the total dollar amount for all claims submitted. Mr. Cook stated that many share the same frustrations about the lack of attention to claims that have been submitted; however, the City is not always able to solve problems that arise between private parties. He stated that City Administration has been working to draft new enforcement language that would provide greater protection to property owners impacted by blasting; this would include securing a \$25,000 bond that could be held by the City in the event of claims that arise associated with the project. This bond is not necessarily used to compensate property owners, but offers an incentive to settle the smaller claims in order to get the bond money back. He then added that the amount of money to be collected from Goldsworth, to be held by the City, is an amount that the developer may be more willing and able to provide, but will also be significant enough to cover administrative costs and satisfy the claims of impacted residents. He stated he does not see any other avenues for the City to pursue that will allow for claimants to benefit and receive some monetary assistance.

High level discussion centered on hypothetical situations that could arise upon the developers securing additional blasting permits, as Mr. Cook sought feedback from the Council regarding their comfort level relative to the options before them this evening.

Mayor Westmoreland invited input from a representative of Shupe Builders.

Jared Shupe, Shupe Builders, stated that he is not seeking approval for continued blasting at the development site; rather, he is seeking approval to process the materials on the site that has accumulated through the four phases of development that have been completed. He stated that his original plat was approved before City Code amendments in 2014, but he reiterated he is not seeking approval to do additional blasting. He stated that he has tried to get rid of the material on his site in its current condition, but no one will take it because it has too much rock in it. He stated that he has approached residents to see if they would be comfortable with his company processing the material before removing it and he believes this could be done in a short amount of time. He stated he believes the residents look favorably on that idea because they want the project to be completed and the site cleared. He stated he is currently working on the final cul-de-sac in the last phase of his development and he wants to finish it in the most responsible manner, which includes removing the materials and leaving the area in a manner that will result in increased property values for existing and future property owners.

Councilmember Curtis asked Mr. Shupe to confirm whether he plans to pursue additional phases of this development. Mr. Shupe stated he has no plans to pursue additional phases of this development.

Councilmember Clark asked Mr. Shupe to detail the measures he is taking, in response to resident's concerns, relative to storm water protection and dust mitigation. Mr. Shupe stated he has two onsite water sources to water the materials to keep dust under control. He also has fire hoses on site to water down materials coming off the processing belt. He stated that wind is a problem in the area and can exacerbate dust problems so he has committed to stop processing any time wind speeds exceed 25 miles of per hour; additionally, his hours of operation will be 8:00 a.m. to 5:00 p.m. There will be a sweeper on site to remove any material tracked onto the road. He is in a unique position because he cannot get larger trucks onto his site, so the trucks he will use can only haul up to 28 tons, which is much less than larger trucks that haul up to 45 tons. He has provided his contact information to all neighboring property owners so that they may contact him if they see dangerous or negligent activity, such as a speeding truck driver. Councilmember Clark asked if loads will be covered. Mr. Shupe stated that if the material is kept moist enough and trucks are not filled above the top of the dump bed, he does not feel that load covering is necessary. He noted, however, that he will cover loads, if required. Councilmember Clark inquired as to the amount of water the Shupe site will use on a daily basis. Mr. Shupe answered 1,500 gallons per day. His water is being measured on a nearby home water meter and the water is being paid for. Mayor Westmoreland asked Mr. Shupe his opinion on the proposed agreements. Mr. Shupe stated that he believes the proposed agreement is fair to him, the City, and residents. Councilmember Clark asked Mr. Shupe if he is selling the material that is processed on his site. Mr. Shupe stated that another company is paying for their own trucking service and paying him to load the material, but they are not truly paying for the material. He stated he is simply trying to get rid of the material and he is not interested in pursuing a mining operation.

Mayor Westmoreland invited input from a representative of Goldsworth Real Estate.

Neil Jacobson, Goldsworth Real Estate, stated that for the next phase of the development project, Goldsworth is not asking permission to crush materials to be removed from the site; rather, the plan is to crush some materials and use a balance of materials on site in the project. He stated that for phases that have been completed, Goldsworth is asking to be able to crush the materials that are present and remove them from the site. He stated there has been mention of needing four blasts to

complete the work, but he has spoken with a representative of the company performing the blasting and it may take two blasts per day for four or five days. The blasts will be smaller than in the past, so the same amount of material will be created as if just one blast were being performed a day. He noted that an attempt will be made to limit the number of trucks coming in and out of the site to eight or ten per day, with a maximum of 80 loads leaving the site per day. This will include double loaded trucks.

Councilmember Clark inquired as to the amount of material that needs to be removed from the site. Mr. Jacobson stated that there is approximately 250,000 tons of material to be removed, or 10 times what Shupe Builders is dealing with. Councilmember Clark asked Mr. Jacobson to detail the measures he is taking, in response resident's concerns, relative to storm water protection and dust mitigation. Mr. Jacobson stated that Goldsworth is taking basically the same measures as Shupe relative to the use of water in their crushing process and the amount of water used per day depends on the amount of material that can be crushed, which is largely dependent upon weather conditions. He stated that most of the trucks used to haul the material are side dump trucks and the loads are tarped before they leave the site. Councilmember Clark asked why blasting is necessary and why it is the method chosen over drilling. She referenced another development – Eagle Top Court – which was developed without the use of blasting. Mr. Jacobson stated that he is unsure of the conditions present at the Eagle Top Court location so he cannot answer that question. Councilmember Clark stated it is on the same mountain as the Goldsworth project so the same rock material is present. Mr. Jacobson stated that may be, but the volume, cuts, and grades could be very different depending upon the location of the project. He stated that it would not be cost effective to use a different method, though there is a chance that the phase, currently underway in the Goldsworth project, could be completed using methods other than blasting if the concern about blasting impacts is too great. Councilmember Clark inquired as to the purpose of the blasting being performed on site; she asked if it is necessary in order to install infrastructure lines or to be able to build homes with basements. Mr. Jacobson stated that blasting for sewer and water lines is not yet completed and that is the only portion of work that is not done. Councilmember Clark asked if there is a possibility that blasting will be needed in future phases five and six of the project. Mr. Jacobson answered yes, but there is an attempt to raise the grade of the project to utilize more onsite material and reduce the amount that needs to be hauled away. Councilmember Clark inquired as to the timeframe for completing the phases currently underway. Mr. Jacobson stated that if limits are placed on the hours of operation and the number of trucks allowed to enter the site each day, it will likely take until October to complete the work. Councilmember Clark asked if Goldsworth is selling the product. Mr. Jacobson stated that Goldsworth is paid to process the material, but there are no retail sales of the product. He stated he has contracts with other developer's businesses in the area to provide the materials. Councilmember Reaves asked if Goldsworth enters into contracts to process the materials on site and sells those materials to other entities without first informing the City. Mr. Jacobson stated that he was told by City officials that he did not need to gain permission for that type of operation; the first time he heard that the City may be concerned about the operation was in June of 2017.

The meeting recessed briefly at 8:53 p.m. and reconvened at 9:03 p.m.

Mayor Westmoreland invited public input.

Keith Searcy stated he lives on the corner lot across from the area where Shupe Builders is working. He asked Mr. Cook if the City has greater exposure to liability if additional blasting

permits are granted with the knowledge that laws and codes have been broken and violated in the past. Mr. Cook stated he has not seen the report regarding measurements associated with the blasts and he cannot comment on that matter; that information would be taken into consideration when the City is considering whether to issue a new blasting permit. Mr. Searcy then asked if the Shupe Builders agreement is independent of the Goldsworth agreement, to which Mr. Cook answered yes and noted that either of the agreements can be amended to more specifically apply to each situation. Mr. Searcy then stated that most of the homes built in his neighborhood have been built by the same builder; Jared Shupe, his builder, has been very responsible in the way he has dealt with comments raised by residents and he feels good about the agreement the City Council is considering for Mr. Shupe's business.

Mark Sheffer stated that he lives in close proximity to the site where Goldsworth is planning to continue blasting. He stated that his house had a monitor placed in it for the past and the monitor indicated that blast measurements exceeded allowed limits. He stated that his builder repaired cracks in his foundation and stucco prior to the most recent blasts, but those recent blasts reopened those cracks and his home is no longer under warranty and he is solely responsible for the repairs. He stated he is asking for protection for his home and neighborhood and the manner in which the developer has pursued earlier blasts and then responded to residents concerns is lacking. He stated that his home is closer to the Davies property, which was referenced by Councilmember Clark, and he feels there must be a more responsible way to carry out blasting and ensure safety for residents. He stated he has directly seen the damages caused by the blasting as well as the noise impact it has on the neighborhood.

Mayor Westmoreland asked Mr. Sheffer to comment on the request for permission to perform material processing onsite. Mr. Sheffer stated he feels that Shupe's request is reasonable and they simply desire to complete their project and be done working in the area. He stated, relative to Goldsworth's request, if the City allows additional blasting and the creation of additional materials, it seems counterintuitive for the City to be considering that request. The City has the opportunity to stop 'making a bigger mess' than what has already been created and he asked that the City handle the situation timely and responsibly.

Brandon Waters stated he recently purchased lot 122 in the easternmost cul-de-sac of the subdivision; aside from the blasting, he is literally surrounded on all four sides by mountains of materials that seem to be going nowhere and he is now concerned about safety for his children and others living in the area. Last Sunday, during a rainstorm, he witnessed large slides of materials. He agreed with Mr. Sheffer's comments that it seems irresponsible to be considering allowing blasting, which will result in more piles of dirt to add to the existing piles of dirt that are not being moved. He stated that lot 118 in his cul-de-sac was excavated for the construction of a home, and all of the material from that excavation is now sitting on the edge of the street in the cul-de-sac and during the next rainstorm, that material will run down the hill and into his neighbors' yards. He reiterated that he does not see any responsible management of the materials and it is creating an unsafe situation for people and property. He stated the only dirt that he has seen moved is from the Shupe property and he feels the proposal that has been discussed tonight is reasonable so long as he follows the proposed dust mitigation plans. Relative to the Goldsworth proposal, he is concerned about the lack of movement to remove the materials that are presently onsite.

Councilmember Clark asked Mr. Waters if the piles of material were in place when he initially took occupancy of his home. Mr. Waters stated the pile immediately to the east of his home was in

place, but other piles have been created since he moved in. He stated that it is difficult to get a responsible party to claim ownership of the materials.

Jennifer Hackett stated that while she wants the materials removed from the site, she would prefer efficiency over speed. She stated that the work needs to be done right as it has not been done right up until this point. In February of last year there was a very large blast at the development site and two chairs slid across her kitchen floor and pictures fell off of her walls; luckily, everyone in her home was unharmed, but it could have been worse. Additionally, she now has a giant crack in her foundation and she later found water pouring into the cold storage area of her basement. She has had to fix that problem on her own with no financial assistance from the entity that caused it because they told her she had no way of proving the crack was a result of the blasting. She stated she is supportive of the proposed settlement agreement with Shupe Builders as she believes Mr. Shupe's proposals for mitigating the problems are responsible, but when Mr. Jacobsen spoke on behalf of Goldsworth, he did not give any indication of specific measures that will be put in place to ensure things will 'go smoothly' in the future. She stated that it is her understanding that the code that has been in place since 2014 prohibits blasting and onsite material processing for the purpose of moving the material offsite, but Goldsworth has admitted to breaking that code and the City is indicating they will allow that to continue. She stated that is irresponsible. The City should not continue to issue permits without understanding all potential consequences. She emphasized that she does not feel the situation is being handled responsibly, but the City has a chance to stop it at this point. The statement was made earlier that damages are only cosmetic in nature, but she has suffered structural damages to her home.

Mr. Cook clarified that he never said that damages are only cosmetic in nature; rather, he communicated that the City does not have enough money to compensate for structural damage. Ms. Hackett stated that in that case, the City should not continue to issue permits unless they have the ability to compensate residents for negative impacts. She added that the comment was also made that it would be too expensive for Goldsworth to proceed with their project without the ability to blast and if that is the case, development should simply not be allowed in that area. It is not the City's job to make sure that developers are profitable in their endeavors.

Tawny Smith stated she lives on Hollow Crest Drive. She stated she recently learned that it is against City Code to build on a grade steeper than 25 percent. She asked why the City is allowing blasting to reduce the grade to less than 25 percent so that it can be built upon. The result is elimination of the mountain and she does not believe the City should be issuing permits for that purpose.

Duane Woods stated that he lives near Ms. Smith and close to the blasting site. He asked why the City allowed these projects to go forward in the first place. He indicated the problems that have arisen are causing major delays; he has been in his home for nine months and he wants the work done as quickly as possible. He emphasized he wants it done right, but as quickly as possible. He is worried that placing too many restrictions on the developers will drag out the process. He indicated he is supportive of the desire to process the materials onsite because that results in far less traffic to and from the site. He referenced future blasting and indicated that as long as it is done responsibly, he has no objections. He noted he cannot tell that any past blasting has caused issues on his property. He stated that he feels the City can restrict future similar developments, but the current developments are already underway and at this point he just wants them done so that he does not need to look at the unattractive site for the next three years.

Mayor Westmoreland asked Community Development Director Steve Mumford to speak to the concerns raised about building on a slope steeper than a 25 percent grade and also the process for approving a subdivision plat in the City. Mr. Mumford indicated the preliminary plat for the projects were approved in 2006 or 2007; there are a few different sections of City Code that address slopes and grades and the one staff has consistently relied upon during the development review process states that if the average slope of a lot is 25 percent or greater, it is unbuildable. He stated he cannot speak to the reviews that were done in 2007, but he has reviewed the plat to try to discern the average slope of lots in phase four of the Goldsworth project specifically to determine if the plats would have received approval under the City's current standards. He stated that a majority of the lots that he reviewed have a slope less than 25 percent, even though that may not be apparent to the naked eye. He stated that some of the lots in plat four did exceed 25 percent grade and that is why staff has tried to work with Goldsworth to encourage them to not build on some of those lots, which led to their proposal to proceed with plats five and six.

Mayor Westmoreland addressed the audience and stated that the current staff and Governing Body are trying to address a situation that they have been handed and that they did not create; the fact that they are participating in discussions regarding these projects should be evidence that they are concerned about correcting the problems that have occurred in the past.

Riley Jenkins stated that he does not have any problem with the Shupe plan, but he has many concerns with the Goldsworth plan. Essentially, he is concerned about the solidity of the plan and the timeline for completion. He stated there is an end in site for the Shupe project, but the same is not true for the Goldsworth project and he is concerned about the uncertainty relative to the number of additional blasts that will be needed at the site. The project seems to be in constant flux and he would like the project to have a completion date and for safety to be of utmost importance. That does not include additional blasts or further flattening of an otherwise hilly area. He stated that he does not see a plan that is solid enough to approve the Goldsworth settlement agreement.

Dave Upwall referenced the safety concerns associated with the blasting component of the project. The statement has been made that homeowners cannot prove that blasting caused damage to their homes, but he believes the opposite is true and it is not possible to prove that the blasting did not cause the damage. On November 2 his son was in their bathroom and called for his mother to help him and she found him holding the mirror that had popped off the wall; he is not sure how he was able to hold the mirror and the result could have been much different. He stated he wants to make sure that safety measures are taken to protect the homes that are in close proximity to the blasting sites. He stated that there is now a very tall wall on the hillside and there is nothing to keep that wall from coming down in the event of a slide or weather event following a fire. He recommended that a fire break or fire access be included in future plans for continued development of the site. He stated that many people built in the area because of its natural beauty and he would like to minimize further damage to that beauty. He then wondered if the money being sought from Goldsworth will be dedicated in its entirety to park improvements and if the homeowners in the area will have any input regarding those improvements.

Matt Lasure stated he is concerned about the claim that the money collected from the developers will be used for park improvements when the amount referenced earlier in the meeting was just \$10,000, which would only be enough to pay for one slide. He stated he does not think it is the City's job to make sure a developer is profitable; the City Codes should not be bent or violated to

allow someone to make a few extra dollars on their job. He stated he finds it ironic that the City has indicated that some of the money retained from the developers will be used to cover costs to repair damage associated with blasting, but no one is willing to declare that the damage was, in fact, caused by blasting. He stated that City Codes need to be clear so that it is not commonplace for a member of staff to try to interpret the intent of a regulation. He stated that the City has had ample time to develop and improve its blasting regulations and those changes should have been put in place before this issue arose.

Jeffery Blanding stated that when the blasting regulations became an issue he asked that the Council make the decision to keep the final action, regarding blasting, with them, but that decision has been ceded to City staff. He stated he hopes that decision will be rethought in the future. He asked that the Council stand behind its City Codes, even if that means going to court to fight this issue.

Austin Smith stated he is also upset that the developers have violated codes in the past, yet the City is willing to issue additional blasting permits. He inquired as to the regulation regarding the required distance between a blasting site and a home. Mr. Trusty stated the current code does not include such a regulation. Councilmember Reaves asked if staff has considered that regulation, to which Mr. Mumford stated that staff was awaiting the outcome of extensive research regarding similar regulations in other communities. Distances are largely dependent upon other conditions, such as soil moisture. Mr. Smith stated that he has seen projectiles travel a significant distance from a blast site and he would hate for a child playing in their front yard or in a nearby park to be injured as a result. It seems very unsafe to allow blasts without a required distance from nearby homes. Also, it is concerning that someone who has violated a regulation in the past is being issued another permit for the same type of work. If there are no consequences for violating an ordinance, people will continue to do it. Mr. Cook stated that the City just received the independent study results that showed a blast met or exceeded limits. Mr. Smith asked why the permits were issued, and Mr. Cook clarified that prior to January 12, 2018, the permits were granted through UFA, not the City.

Mayor Westmoreland reiterated that the UFA was previously the entity responsible for issuing blasting permits and the City only recently adopted an ordinance requiring an additional permit be obtained from the City; that is how the City is ensuring accountability to its residents. The Council is trying to process information as quickly as possible for situations such as this one, which was inherited – not created – by the current Council. They are moving as quickly as they can to make adaptations to the City Code to prevent similar situations in the future. Mr. Cook added that he has had conversations with UFA representatives and they were confident that the developers were adhering to the terms of their blasting permits.

Mr. Smith then inquired as to the responsibility home owners have to prove that any damage to their home was caused by the blast. Mr. Pili stated that the reason the City commissioned an independent study relating to seismic readings and measurements was to determine whether any of the blasts could have caused damage to homes; the City only received the study report one hour before tonight's meeting and staff is working to digest the information in the report. The claim has been made that the City continues to issue permits with the knowledge that past permits have been violated or that previous blasts have exceeded seismic thresholds; however, the City has never issued such a permit and the intent of the study was to provide evidence that would support denial of future permits. The City was looking for support of the claims of cosmetic or structural damage

to homes as a result of blasting. The intent of tonight's meeting was to present the Council with options for addressing the two situations and he briefly reviewed those options that were summarized earlier tonight by Mr. Cook. It is time to make a decision regarding whether to move quickly to get the work completed or to consider litigating the matter.

Mr. Smith stated that at the very least, he feels the developers need to clean up the mess they have made before the City considers giving them any approvals for further work or development in the area.

Ms. Hackett reapproached and stated that when the residents are referencing the repeated issuance of permits after developers have violated City Codes, they are not only referring to blasting permits. She stated that many are concerned that the developers continued to be issued building permits for their projects.

Mr. Woods stated that he does not believe one of the options the Council should be considering is a complete shut down of work in the area as that will result in the material being left in its current location and the residents will be forced to deal with it for the next several years.

Mayor Westmoreland stated he believes now is the appropriate time to convene in a closed executive session.

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

The meeting was adjourned at 9:47 p.m.

Mayor Westmoreland reconvened the meeting at 10:46 p.m.

Mayor Westmoreland stated that the Council has decided to consider agreements that will provide for the materials currently on the two respective sites, but that no blasting will be approved at this time; however, that does not restrict the City from considering blasting permit applications in the future. The Council simply feels that more work is necessary to determine if additional blasting is warranted or can be safely regulated.

MOTION: *Councilmember Curtis moved to approve an agreement with Shupe Builders based on the following general terms and authorize the City Attorney and City Administrator to negotiate any reasonable changes: material processing be allowed until March 31, the contribution be changed to \$12,000, operations be allowed from 8:00 a.m. to 5:00 p.m. Monday through Saturday, and this agreement does not commit the City to any further blasting and/or materials processing. Councilmember Burnham seconded the motion.*

Councilmember Clark stated one resident asked whether the funds would be used for administrative purposes or for park improvements. Mr. Cook indicated all funds should go directly

to park improvements and staff will do their best to allow residents to have input on the use of the funds.

Mayor Westmoreland called for a vote on the motion.

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.

MOTION: *Councilmember Curtis moved to approve an agreement with Goldsworth Real Estate based on the following general terms and authorize the City Attorney and City Administrator to negotiate any reasonable changes: Plats 1 through 4 are named in the agreement, the water meter is returned within 24 hours, materials processing is allowed until October 30, the contribution is \$60,000, operations are allowed from 8:00 a.m. to 5:00 p.m. Monday through Saturday, and this agreement does not commit the City to any further blasting and/or material processing. Councilmember Burnham seconded the motion.*

Councilmember Reaves stated that the motion did not include a provision in the agreement to provide for a reasonable extension of the contract time frame to allow for 'snow days' or other inclement weather, which would make material transport unsafe. Mr. Cook stated that a provision allowing extension period of three to five days for inclement weather should be sufficient to accommodate snow days.

Austin Smith asked if there will be a limit on the number of trucks allowed per day. Councilmember Curtis stated that trucks are measured by axle and limiting truck traffic to single-axle will only increase the number of trips needed. Mr. Smith stated that the comment was made earlier that there could be up to 80 trucks traveling to the site per day and based on the capacity of those trucks and the hours of operation listed in the agreement, the work should be completed by June. He wondered why the motion to approve the agreement includes a completion date of October 30.

Discussion among staff and residents ensued to allow public input relative to the appropriate deadline for completion of the materials removal. A consensus was reached to maintain the October 30 deadline as previously mentioned in the motion given that the average number of trucks per day will likely be half of 80.

Discussion then shifted to including a requirement in the agreement that Goldsworth comply with storm water protection regulations and provide a dust mitigation plan. Failure to comply with the terms of the agreement will result in penalties and fines.

Councilmember Curtis agreed to amend the motion to add that Goldsworth must comply with SWPPP, dust mitigation and any other codes, and other fines and penalties may be assessed. Councilmember Burnham accepted the amendment.

Councilmember Clark requested that the motion be restated.

AMENDED MOTION: *Councilmember Curtis moved to approve an agreement with Goldsworth Real Estate based on the following general terms and authorize the City Attorney*

and City Administrator to negotiate any reasonable changes: Plats 1 through 4 are named in the agreement, the water meter is returned within 24 hours, material processing is allowed until October 30, the contribution is \$60,000, operations are allowed from 8:00 a.m. to 5:00 p.m. Monday through Saturday, this agreement does not commit the City to any further blasting and/or material processing, Goldsworth must comply with SWPPP and dust mitigation measures and any other pertinent codes, and other fines and penalties may be assessed. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.

Verbatim follows, starting with Councilmember Curtis' original motion at 2:34:36 on the YouTube video, and at 10:50:35 p.m. on the audio recording.

Councilmember Curtis: Alright. Um, I move that we approve the agreement with, uh, Goldsworth, is it Goldsworth Homes? Goldsworth Real Estate, based on the following general terms and authorize the City Attorney and City Administrator to negotiate any reasonable changes. That, uh, the Plats 1 through 4 are named in the agreement, uh, that the water meter is returned within twenty-four hours. That material processing be allowed until October 30th, and that the contribution be \$60,000. Operations be allowed from 8:00 to 5:00, Monday through Saturday, and that this agreement does not commit the city to any further blasting and/or material processing.

Councilmember Burnham: I second that.

Mayor Westmoreland: Okay, so we have a motion from Councilmember Curtis, a second by Councilmember, uh, Burnham.

Councilmember Reaves: I, um, just remembered. We had discussed the possibility of, of snow days or bad weather days. And, uh, that was not included in the previous agreement. And nor was the motion in this one, and we need to decide whether that's going to be three or five days, as we discussed in the closed session.

Mayor Westmoreland: Or, or, does the time allotted allow for that. I mean.

Jeremy Cook: Uh, yeah, I mean, I would consider that under the reasonable negotiations, uh, you know, possible extensions for snow days. Um, just so residents are aware, obviously we don't want them trying to run trucks on really snowy days, just so that they can get this done by their deadline. Um, so we want to make sure to the extent that there is a day they don't run trucks and don't operate their crushers, that there'd be some allowance to say there is, you know, maybe three to five days that they can have allowances where those don't count towards their time, so.

Inaudible from the audience.

Mayor Westmoreland: Please come up. State your name.

Austin Smith: Uh, yeah. Austin Smith. Is the trucks, I mean, one comment that was made before it was, was, it was them that they would run 80 trucks a day. Was there any limit on, or variance or whatever you want to call it to that agreement that you can only run so many trucks a day? Eighty trucks a day, if you do that math. I mean. That's a train of trucks all day.

Councilmember Curtis: Right, so, uh.

Austin Smith: Sorry, I was just more, clarify. I didn't know if that was part of your agreement.

Councilmember Curtis: Do you mind if I?

Mayor Westmoreland: Yeah, go ahead.

Councilmember Curtis: So one of the things that we had discussed and we are talking through is, um, the idea that, do we want them to be done as fast as possible, or do we want to, to drag it out and, um, I mean, I don't know that I personally feel strongly either way. Um, but I guess the trucks are, are measured by axle, and so that doesn't really have any different effect on the roads themselves. Um, but you would have twice as many trucks if we limited it to single, single, uh single trucks or potentially limit, I don't know, I, that's for discussion. We could limit it to.

Mayor Westmoreland: Well something's going to give anytime that you

Councilmember Curtis: Right, right.

Mayor Westmoreland: Put limitations on there, your, you know. It's got to move somewhere else. So.

Councilmember Curtis: So, I mean, what is that, twenty, 250,000 tons. Ten times more than two months. I mean, that's a pretty, pretty timeline. So I, uh, I don't know. I think that that's worth discussing further. Um.

Mayor Westmoreland: Is that something that, um.

Jeremy Cook: I, I think maybe if we got comments from like one or two of the residents if they feel really strongly about what of the other...

Councilmember Clark: Can I...

Jeremy Cook: ...and then we can. I mean.

Councilmember Clark: Yeah, thank you.

Riley Jenkins: So 85, 80 trucks a day at 35 tons, which was the minimum amount, your talk and doing 250,000 tons of rock. 104 days from now is in May. Not October. Now that's perfect. But, I mean, like, why, like that, that seems like that is a lot of buffer time there. Um, if, if they're able to keep it that gait. Now, do I think they are actually going to keep it that gait? No, but I mean, that's a lot of extra time.

Councilmember Clark: Is that, does that one hundred, does that May date include Sundays?

Riley Jenkins: Yeah, that's, that's Sundays. So you pull out, pull out, thirty, so add another 30 days. So you're, you're now June. June to October. That's a big gap.

Jeremy Cook: So I guess my question is really, is the concern more about too many trucks, I mean there's a certain amount of, there's a certain amount of volume they have to do.

Inaudible from audience.

Councilmember Burnham: Sorry.

Inaudible from audience.

Riley Jenkins: ...for especially a residential area. That's a lot of trucks. They don't, they probably don't even do eighty trucks a day now. So that doesn't seem like a limit, that just seems like a, a, an un limit. If that makes any sense.

Councilmember Clark: So to answer Jeremy's question. Does some of the residents want to address that, or?

Jeremy Cook: Yeah, I mean, again. I think the question is would you rather see less trucks in the day if it, and have it take longer. Or do you want to say we.

Inaudible from audience.

Riley Jenkins: The limit of October is not really a limit if the frequency is such that they're requesting that they can actually finish it sooner. If they can finish it sooner, and the flow of traffic and the amount of material that they can remove is shorter than that, the timeline should be reduced to constrict them to get it done sooner. If we're going to allow that amount of flow, then reduce the timeline.

Mayor Westmoreland: And, and which are you preferring, though? Do you want more trucks running per day, or fewer trucks running per day?

Inaudible from audience.

Riley Jenkins: ...time..

Inaudible from audience.

Riley Jenkins: 'Cause I, I'd rather, I'd rather leave the leverage for the date to get it done quicker. And have it be something the City can exercise, similar to the other agreement, than allow them, uh, you know, an extra set of months to just kind of figure it out.

Councilmember Clark: I also think that the date's an important piece specifically with that party. Giving them a cut off, a hard cut off.

Brandon Waters: I agree with all that being said, however, I think that the eighty number, correct me if I'm wrong, I think the eighty number came from Neil. And it was uh, I will run as many as eighty in a day.

Councilmember Clark: Uh huh.

Brandon Waters: I don't think that that's his normal. So I think if we adjust the agreement, thinking he's going to do eighty a day, and he maybe averages forty a day, we could be cutting off our nose to spite our face. So, just pointing that out.

Mayor Westmoreland: Could you state, I'm sorry, could you state your name?

Councilmember Clark: That's Brandon Waters.

Brandon Waters: Brandon Waters.

Jeremy Cook: So, I, I would say that's probably reasonable, unless I. I thought the question was maybe, do we want to limit it to like forty trucks a day so that we don't have quite as much traffic if we want, but.

Austin Smith: It's just a balance. It's, it's, it's a balance of safety. I mean, if we've got kids running around is it, uh, I, which route are they taking? How far are they going? I mean. It's really...

Mayor Westmoreland: State, state your name please...

Austin Smith: ...I mean, I'm not...

Mayor Westmoreland: ...so we can have it on record.

Councilmember Clark: That's Austin Smith.

Austin Smith: ...make a decision, I just want to make sure its uh its fast as possible and still being responsible and safe at the same time. So.

Councilmember Clark: I think the important part...

Austin Smith: ...if that's eighty, or if that's forty, I don't know that.

Councilmember Burnham: They, they need you to state your name for the recording.

Councilmember Clark: That's Austin Smith.

Austin Smith: Austin Smith.

Councilmember Burnham: Yeah, but not while someone else is talking.

Councilmember Clark: Sorry.

Councilmember Curtis: So, is, I think that the Goldsworth person has left, correct?

Councilmember Clark: The important part...

Councilmember Curtis: Um.

Councilmember Clark: ...about the date, sorry. Go ahead Colby.

Councilmember Curtis: No, I'm like, I think I under, we understand that we don't want to have a date that's super long, that's not what I'm getting at. What I'm getting at is I don't, I don't know what's reasonable. And I can't, I can't just arbitrarily pick out a month and say they can get done. Like, I.

Councilmember Clark: Right

Councilmember Curtis: I, I couldn't tell you. What's a normal about of trucks in your opinion?

Inaudible from audience.

Councilmember Curtis: Yes, I, I'm just curious because I have no idea.

Inaudible from audience.

Fionnuala Kofoed: Jared, could you come to the microphone, please? Thank you.

Jared Shupe: Jared Shupe. It really depends on your ability, so how many loaders he has, and what his, the source that he's taking it to, what their ability is to haul it. I can't answer that for him. I just know, like, for me, I'm one loader, and so we can do we can do about forty a day. And that's about it, forty to fifty.

Councilmember Curtis: Okay, and is that, and I mean, is that pushing it? That's like everything you got, you could do forty fifty, or?

Jared Shupe: Yeah, fifty a day with one loader is pushing it.

Brandon Waters: And also just for clarification's sake, I don't think that the routes are going to affect some of us as much as it's going to be people in Jacob's Well and Liberty Farms, because, the route, if he takes the same route he's been taking, he's going to go west on Golden Eagle and then north on Ranches Parkway, all the way out to 73. So that's the route that going, he's going to go totally away from the development we are discussing. Um, based on the areas that he's talking about his excavation work happening now. He's almost, he's always, he's all the way at the, at the western, the northwestern more, uh, most corner of the, of the development. So the truck routes are not going to affect us as much as it's going to be some of those other residents, and I, you know. They're not here. But that's the route he's been taking.

Mayor Westmoreland: Okay, and tell us your name again.

Brandon Waters: Brandon Waters.

Mayor Westmoreland: Thank you. Alright, do we want to, sounds like there's kind of a, forty trucks a day sounds like, uh, an easy number to land on safe. Right? All the way around. Uh, does that help us?

Councilmember Burnham: That won't, I don't think that will get the job done mathematically, right?

Mayor Westmoreland: Well, yeah, I...

Councilmember Curtis: Right.

Mayor Westmoreland: ...restrictive there, but if he runs 40 trucks...

Councilmember Curtis: Right, and, and I want it to be as quick as possible, I, uh, I just think that I also want to get to the very nature of these agreements. This agreement should take care of this particular problem, right? The stuff on site? Whatever we put in place should take care of that particular problem.

Councilmember Clark: And I would say too, the point of the deadline is that if they don't keep it, there's a fine associated with that. And I wanted the residents to understand that, too. The reason there is a deadline is because if they go past that date, within our agreement, then the City then is granted the right to go on their property, remove it at their cost. So that's why the date is an issue for us as a part of the motion.

Mayor Westmoreland: Yeah, so, yeah the deadline is not to super compress this thing. Uh, but it could certainly manage it. Uh, so.

Councilmember Curtis: He's got some more math. Did you want to hear it?

Mayor Westmoreland: What?

Councilmember Curtis: He's got some more math. Did you want to hear it?

Mayor Westmoreland: Did you, did you want to come up, Riley?

Inaudible from audience.

Riley Jenkins: ...we're looking at if it was perfect, um, we're looking at July 19th, plus thirty days. So you're looking like mid-August at that rate. And so that's a new number.

Councilmember Burnham: I'm, I'm confused because your original number said June.

Riley Jenkins: So, yes, so eighty per...

Councilmember Burnham: And that was with twice as many.

Riley Jenkins: Right, yeah, so it was twice as many but I'm throwing in an extra, I'm throwing in the extra thirty days.

Councilmember Burnham: Right, because they can't do it on Sunday.

Riley Jenkins: So eighty, at thirty-five, wait did he, how much did he say for tonnage? Yeah, thirty-five per trailer, no per, yeah, so thirty-five, so thirty-five times eighty is, I just did the math in my calculator and I could be wrong because I'm doing this spur of the moment, but I, that, that should be part of the calculation is if, if at perfect plus thirty day buffer time, it cannot be done, it can be done in August, then the timeline is suspect. I mean, that, that's something...

Mayor Westmoreland: Well, uh, yeah, but our, the effort here is not to be perfect. The effort is to...

Riley Jenkins: The effort should be put a time constraint on them that pushes...

Mayor Westmoreland: And we are...

Riley Jenkins: ...to get it done. But under that rate, October does not look like a time limit. It looks like just some allowance that's arbitrary.

Mayor Westmoreland: Well, any number you're going to come up with is going to be arbitrary.

Riley Jenkins: Right, but at least, I mean based on what he's currently able to do, his trucks are almost twice as bigger. I mean, that, there, that at least should have an estimate and a calculation that gives a dates that puts a limit on them that's constraining.

Councilmember Clark: I think that the October date also came from, uh, Mr. Jacobson, and that may have included the additional space, the additional blasting, the additional material that would be created. So, um.

Brandon Waters: Brandon...

Councilmember Clark: Go ahead.

Brandon Waters: Sorry, didn't mean to cut you off. Brandon Waters again. Um, with all respect, I, I can't speak for everybody else. I feel fairly comfortable with the October timeline, based on the numbers we just heard. I know from personal experience, both from talking to Millcreek, as well as my own personal experience, that you've got to account for work, worker shortages, you've got to account for truck breakdowns, you've got to account for all those different things. So I think that building that little bit of a buffer in there, as long as it's a hard deadline, will you know, you can say in the agreement, or, or if we say to them directly, hey we've done the math, we think you can get this done by August. But we're going to give you 'till October to account for all these things. When that deadline comes, there are no excuses. Period, paragraph, its done.

Councilmember Clark: Right, and I tend to agree with that, Mayor, because I don't want them pushing it, the finish line off.

Mayor Westmoreland: Right, we definitely don't want that deadline to be, to be bumped out. So, we want something that's containable, manageable, and enforceable. So, uh, that's, that's why I

personally am less concerned about, uh, you know, building some extra time into it, because if there are snow days, if there are “whatevers,” uh, still we can, we can, we can make, give it a hard line

Jeremy Cook: So, can I also add, there’s quite a few variables that will come up when we try to negotiate this. So again, I think you’ve got to realize that we will do our best based on these parameters to come up with an agreement. And Ifo is very good at negotiating these types of agreements. So, we will do our best, um, you know, and I think residents should know that, you know, we may vary these a little, depending on what issues come up. But, making sure that we do our best to protect the City. And, you know, stay to what we kind of hear as the residents’ biggest concerns.

Mayor Westmoreland: Okay. So now we come, come back around to the motion. Is there any need to alter the motion at all?

Inaudible from audience.

Mayor Westmoreland: Yes, come up, please. Thank you for asking.

Jen Hackett: Um, Jen Hackett. Um, I just want to know, are we putting in this agreement, any stipulations in place like Jared with all the dust mitigation, all the clean up, all the water to make sure. I mean, this is a long time frame ‘till October, to make sure that this goes smoothly. And if these are in the agreement, are there any consequences if he breaks these?

Ifo Pili: It will be in there.

Councilmember Clark: Can you speak to that?

Jeremy Cook: I thought that was going to be part of the motion that they had to comply with SWPPP, and dust control measures that will include the motion.

Councilmember Curtis: I will, uh, modify, uh, thank you for bringing it up.

Jeremy Cook: Yes, we’ll bill them fines and penalties for any violation to make sure that there’s, you know, definitely penalties. Again, you know, some of these things you’ve got to, like the first day penalties might be \$500, then its \$5,000 for the next violation, so they have some, you know, depending on what it is, but we will make sure it’s stiff enough that they are not continuing to violate those.

Councilmember Curtis: I will modify my motion to also include that they must comply with SWPPP and, uh, dust mitigation measures, as well as any other, um, yep. Any other additional codes that...

Jeremy Cook: Yeah, and again, there’s already penalties for violation of all those in place. But we’ll add some additional penalties just, uh, to have additional leverage on behalf of the City.

Councilmember Curtis: Okay, and, and, that those will also include additional fines penalties associated.

Councilmember Burnham: And I will re-second that. Does that put us in a difficulty because we didn't do that with the first one? Or, um, will our negotiators assume that's what we want them to do?

Councilmember Clark: Can, uh, can the motion be restated so I can hear it one more time before we.

Councilmember Curtis: Um, okay.

Councilmember Clark: Or read back? Whatever.

Councilmember Curtis: The whole thing?

Councilmember Clark: Whoever, I just want to make sure I know what I'm voting on, I guess, is what.

Mayor Westmoreland: Well, is there, do you, do you have a question about a particular part of it?

Councilmember Clark: I just want to make sure I understand it.

Councilmember Curtis: So, it names the plats one through four. That they need to turn in the water meter within twenty-four hours. That material processing be allowed until October 30th. Uh, and that the contribution is \$60,000. They can operate between 8:00 and 5:00. And that this agreement does not commit the City to any further blasting, and, and/or material processing. And that they comply with SWPPP, and, uh, dust mitigation measures. Um, as well as just restating current code.

Councilmember Clark: Thank you.

Councilmember Curtis: Um, and I think that that covered it.

Mayor Westmoreland: Alright, so we're satisfied there? Satisfied?

Councilmember Clark: Well, was the water meter, wasn't the water meter part of it?

Councilmember Burnham: Yeah.

Councilmember Curtis: Yeah, we restated it.

Councilmember Clark: Okay, thank you.

Mayor Westmoreland: Yep, it's in there. Alright, okay, with that I'll call for a vote. We will start with Councilmember Reaves.

Councilmember Reaves: Yes.

Councilmember Clark: Yes.

Councilmember Curtis: Yes

Councilmember Burnham: Yes

Mayor Westmoreland: Okay. That vote is unanimous. Thank you everyone. I will call for a motion.

Councilmember Burnham: Move to adjourn.

Councilmember Curtis: Second.

Mayor Westmoreland: Alright, motion to adjourn by Councilmember Burnham, second by Councilmember Curtis. Start with Councilmember Burnham.

Councilmember Burnham: Yes

Councilmember Reaves: Yes.

Councilmember Clark: Yes.

Councilmember Curtis: Yes

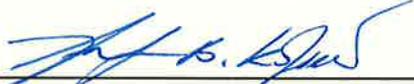
Mayor Westmoreland: Thank you, we are adjourned.

**End of verbatim transcript.*

4. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn the meeting at 11:09 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on November 20, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN
SPECIAL CITY COUNCIL MEETING
MINUTES

January 22, 2018

Eagle Mountain City Council Chambers

1650 East Stagecoach Run, Eagle Mountain, Utah 84005

7:00 P.M. SPECIAL SESSION – COUNCIL CHAMBERS

1. CALL TO ORDER
2. MOTION – A Settlement Agreement with Shupe Builders.

BACKGROUND: Eagle Mountain City and Shupe Builders propose an agreement for limited removal of materials from a development site by a specified date.

3. MOTION – A Settlement Agreement with Goldsworth Real Estate.

BACKGROUND: Eagle Mountain City and Goldsworth Real Estate propose an agreement for limited removal of materials from a development site by a specified date.

Mayor Westmoreland stated this is an attempt for the City and Shupe Builders to work with one another to address a somewhat nagging situation that has created some turmoil in the City. There appears to have been some confusion about the City's Code relative to this type of matter, but the City desires to follow the intent of the Code and apply it. He asked that the City Attorney and City Administrator provide input regarding the two settlement agreements that are being presented to the Council tonight for consideration.

City Attorney Jeremy Cook stated a situation on the development site has caused some discontent among residents living nearby and the purpose of tonight's meeting is to see if it is possible to reach a settlement agreement that will provide some certainty that can be expressed to those unhappy residents. Residents currently feel they have no recourse relative to the conditions at the site that they believe have caused them damages, but the intent of this meeting or the settlement agreements is not to recoup money to pay for those damages. The City will not act in the capacity of an insurance company providing recourse for those residents, but will seek to reach an agreement that could provide some public benefits and improvements. He is hopeful that the issue can be resolved through these discussions rather than pursuing alternative legal action, which could be very costly and lengthy for all parties, with the end result possibly being more negative for all involved.

City Administrator Ifo Pili stated that he feels the parties to the settlement agreements are in agreement with the City and that now is the time to move forward and resolve the situation as quickly as possible; that is the basis for the draft versions of the agreements.

Mr. Cook then outlined the terms of the proposed settlement agreement for the Shupe Builders project. Blasting has concluded at that project site and there is a large amount of material that must be removed from the site somehow. Shupe Builders has asked for a limited period of time to process the material onsite before removing it. This should take a maximum of two months. Allowing Shupe Builders to process onsite will significantly expedite the process. The City has suggested that Shupe Builders contribute some money to park improvements to benefit residents in the area that will be impacted by the two months of ongoing onsite material processing. The main point of contention is not whether the material should be removed from the site, but, rather whether Shupe Builders should be allowed to crush and process the material before removing it. Shupe has indicated they would be willing to contribute \$10,000 for park improvements.

Mr. Cook then outlined the terms of the proposed settlement agreement for Goldsworth Real Estate, noting their project site is further to the west and they have more work to complete than Shupe Builders. Goldsworth has indicated they have approximately four days of blasting to complete in the first phase of their project. They have argued that the blasting will comply with current City Code. He emphasized that blasting is a common practice and has been done for many public and private projects throughout the history of the City, but there has never been such a negative response to blasting in the past. He stated that it is important to consider the concerns of residents who have reached out to the City, but it is also important to not have a 'knee jerk' reaction that could have negative results for property owners, including City, relative to future development or public infrastructure projects, respectively. He stated that Goldsworth has indicated that if they are not allowed to complete the blasting portion of their project, it will be necessary to use an alternative practice for removing rocks and material from the hillside to construct roads in their project and this would be costlier, but also time consuming and impactful to nearby residents. They have argued it is in the best interest of residents in the area to allow the blasting to commence. They have requested permission to process some material onsite, with the City imposing limits on timing and duration. He noted that some residents have indicated that the project has resulted in damage to their property or home, so the City has recommended that Goldsworth dedicate money to the City that can be placed in a fund administered by the City to pay for damages proven by verified inspections. Goldsworth would not admit to any liability, but would provide the money for the fund. The fund is not intended to fully compensate property owners for perceived damages and they will still have the opportunity to seek compensation through other avenues.

Councilmember Curtis inquired as to the enforcement mechanism in the settlement agreements. Mr. Cook stated that these are draft agreements, and not the final document. He noted that the City would have the ability to sue to enforce the penalties cited in the settlement agreements; stiffer penalties will be imposed in the event that either of the two parties does not comply with their respective agreement. For example, if Shupe Builders does not complete the work as outlined, the City will have the authority to access the property and complete the necessary work and then charge Shupe Builders for that work. This charge would be in addition to daily fines assessed for failure to complete the work.

Councilmember Burnham asked for more information about what constitutes a violation of the agreement. Mr. Cook stated that would depend on the issue that the City is seeking to enforce. One of the stipulations of the agreement is adherence to clearly defined hours of operation and the City has suggested limiting traffic to avoid heavy truck traffic congestion during peak traffic hours. A trade off to that stipulation would be that the project would take longer to complete. However, he

would like to receive public input this evening to help the Council make an informed decisions regarding those types of issues. Councilmember Clark asked if the \$1,000 per day fine would be imposed for every day past the approved timeframe that Shupe Builders continues work on the site or if it would be \$1,000 for every truck leaving the site for those days past the approved time period. Mr. Cook stated that the intent would be to make the fine as impactful as possible in order to deter any type of disallowed activity. He indicated he feels that the penalty provisions in the Shupe agreement are significant enough, yet still reasonable. Councilmember Clark asked why the City cannot simply force Shupe to clean up their site at their cost without affording them the ability to further violate the City's laws. Mr. Cook stated that the City could opt to deny further permits for material processing on site, but the question would then become whether that would create a worse situation for residents as hauling unprocessed materials from the site would be more impactful. Discussion then centered on similar nuisances that have existed on other properties throughout the City and how the City has dealt with those nuisances and whether that action has set a precedent for the City to follow.

Councilmember Clark then asked if the City must grant Goldsworth the ability to continue to blast as they deem necessary, or if it would be prudent to force them to apply for blasting permits. Mr. Cook stated that Goldsworth understands they must follow the current City Code and apply for blasting permits, but the City will not specifically deny those permit applications. The regulations associated with a blasting permit will apply. These concessions give residents and City staff certainty in regard to timing and duration, as well as funding to address other issues. Mr. Cook said he is not arguing for or against the blasting, but rather giving all parties certainty to create a beneficial outcome for all involved.

Councilmember Curtis asked if the four planned blasts cover all platted areas of the development. Community Development Director Steve Mumford used the aid of an aerial map to identify the area encompassed within the Goldsworth development plats. Mr. Mumford said Goldsworth's Plats 1, 3, and 4 are covered. He explained Plat 2 has become Plats 5 and 6. They are proposing modifications for Plats 4, 5, and 6. Plats 5 and 6 will likely require significant excavation. The four blasts could cover Plat 4. He explained the Shupe property has one last cul-de-sac, which is where the pile of material is currently located. Councilmember Curtis asked if they have vested blasting rights. Mr. Mumford said they do not have vested rights for blasting, but he noted that the City Code gives the City the ability to add conditions to a blasting permit or deny a blasting permit application.

Councilmember Curtis stated that it is his understanding that both Shupe Builders and Goldsworth plan to complete additional developments in the City and he wondered if the same work practices they have already displayed will continue in the City. Mr. Cook stated that regardless of any future development plans, he feels it is necessary to try to respond to residents' concerns and resolve the current issues as quickly as possible. Councilmember Curtis referenced the regulations in the City Code relating to blasting and extraction and he inquired about the definition of the term 'extracting'; he wondered if developers are allowed to process material onsite and then take it offsite to sell to a third party. Mr. Cook stated that is not allowed according to a recent change to the City Code following a situation in the Valley View development. However, if onsite material processing is not allowed, a developer can be forced to haul away unprocessed material and haul in processed material, which can double the truck traffic associated with a project and this can be a worse situation for nearby residents. Councilmember Curtis stated that one of the parties has admitted that they are selling processed materials to a third party because that is how they make

their projects economical. Councilmember Reaves stated that should be of no concern to the Council; the Council should only be concerned whether a developer is adhering to City Code and any attention paid to whether a developer is turning a profit is inappropriate. Mr. Cook agreed that should not be the City's concern; rather, the main concern is that there is currently a bad situation for residents and the City should try to solve it in the best manner possible.

Councilmember Curtis stated he has reviewed several historical agreements to which the City is a party and he can not find any given right to blasting. He asked if either Shupe Builders or Goldsworth has a vested right to blast at their development site. Mr. Cook stated that in the past the Eagle Mountain City Fire Department issued blasting permits, but when the City became a member of the Unified Fire Authority (UFA), that responsibility shifted to UFA. UFA regulates blasting according to the International Fire Code (IFC). The blasting permits issued for these projects expired, effective January 12, and any new blasting permit application would follow the new process outlined in City Code, which includes a requirement to secure an additional permit from the City, which may be more restrictive than previously. The intent is to try to protect citizens as much as possible, but prohibiting all blasting would be detrimental to the City. Discussions are underway to further restrict blasting for certain purposes, but he, again, cautioned the Council against considering a code that would be too restrictive. He added that there have not been significant issues with this type of blasting in the past and he is unsure as to why there are so many problems with these two projects.

Councilmember Clark referenced the Goldsworth project and asked City Engineer Chris Trusty for information about the specific blast locations, the approximate size of the blasts, whether the blasts will last four days, whether a mining permit has been sought, and whether any of the past blast measurements were significant enough to cause damage to other properties. Mr. Trusty stated that, according to Goldsworth's application, they would perform four blasts that would be completed over four separate days and they have not submitted for a mining permit. He stated that he received a report from the geotechnical surveyor for the site and their report indicated that two previous blast events on November 2 and November 8 reached or exceeded limits set by the Office of Surface Mining Reclamation and Enforcement (OSMRE) and based on these measurements, cosmetic damage to buildings in the area is possible. Councilmember Clark stated that she has noticed holes in the ground for blast charges that are located across from the Davies property, which is at the intersection of Eagle Top Court and Golden Eagle. She wondered if the developer truly intends to blast directly across the street from an existing home. Mr. Trusty answered yes. Councilmember Clark stated that the City is not required to grant a permit if it is determined that the blast site is too close to an existing home and there is a possibility for damage to result. Mr. Trusty stated that the ordinance indicates that a pre- and post-blast inspection is required for all homes within 500 feet of the blast site and he would expect those inspections to take place. He stated he does not believe he has the ability to make a judgement call on the issuance of a permit unless he has evidence to base his decision on. Any proposed blast would need to comply with specified blast size and proximity requirements. Councilmember Clark wondered why the City is obligated to issue a new blast permit with the knowledge that the terms of previous blasting permits were violated. Mr. Cook stated that the City must simply follow its permitting process and City officials will discuss previous violations with UFA before proceeding with issuance of future permits; at a minimum it should be possible to set more restrictive blast criteria based on the knowledge of past blast outcomes. Mr. Pili clarified that the report noted the blasts met or exceeded the threshold for cosmetic damage, rather than structural damage. Councilmember Clark stated she is very cognizant of the City's responsibility to protect a resident's life, liberty, and

property and that should apply to restricting any blasting that could cause damage – cosmetic or structural – to other properties. She added that she would like to make the geotechnical report publicly available via the Government Records Access and Management Act (GRAMA) so that impacted property owners can resubmit claims for damages. Mr. Cook stated that the report is available for public access and he would advise residents to read the report in its entirety to gain a clear understanding of the impacts of the blasts.

Councilmember Reaves stated that he also has many concerns about the current situations. He asked Mr. Cook about the intent of tonight's meeting and asked him to clarify his statement regarding litigation for damages totaling \$400. He asked if Mr. Cook said that litigation would not be worth the residents' efforts in that situation. Mr. Cook said that was correct; it is hard to sue an entity for \$400. Councilmember Reaves stated he is more concerned about principle and whether a resident has a right to be compensated for damages rather than whether a case can be litigated successfully. He stated that the City Code regulating blasting includes a requirement for a developer to comply with all laws, ordinances, and applicable safety code requirements and regulations relative to handling, storage, and use of explosives, and protection of life and property; and shall be fully responsible for all damage caused by the blasting operation. He noted another section of the Code requires the developer to submit proof of liability insurance specifically listing the coverage for the use of blasting operations and providing at least \$1 million in personal property and personal injury insurance. He asked if Shupe Builders and Goldsworth had insurance certificates in place, to which Mr. Cook answered yes, noting the blasting sub-contractor for the developers had provided that proof of insurance. Mr. Cook said proof of insurance is also a requirement of the ATF license, UFA permit, and State permit. Councilmember Reaves stated that developers using blasting practices should go into a project knowing that it could result in damages to other properties and they should be prepared to be responsible for covering those damages. He stated it is his understanding that no claims have been acknowledged by the developers and residents who have suffered damages are not being compensated. He stated he believes that appropriate compensation should be part of the discussions among the Council this evening. He asked if the amount of money sought from Goldsworth for holding in an account managed by the City directly correlates with the total dollar amount for all claims submitted. Mr. Cook stated that many share the same frustrations about the lack of attention to claims that have been submitted; however, the City is not always able to solve problems that arise between private parties. He stated that City Administration has been working to draft new enforcement language that would provide greater protection to property owners impacted by blasting; this would include securing a \$25,000 bond that could be held by the City in the event of claims that arise associated with the project. This bond is not necessarily used to compensate property owners, but offers an incentive to settle the smaller claims in order to get the bond money back. He then added that the amount of money to be collected from Goldsworth, to be held by the City, is an amount that the developer may be more willing and able to provide, but will also be significant enough to cover administrative costs and satisfy the claims of impacted residents. He stated he does not see any other avenues for the City to pursue that will allow for claimants to benefit and receive some monetary assistance.

High level discussion centered on hypothetical situations that could arise upon the developers securing additional blasting permits, as Mr. Cook sought feedback from the Council regarding their comfort level relative to the options before them this evening.

Mayor Westmoreland invited input from a representative of Shupe Builders.

Jared Shupe, Shupe Builders, stated that he is not seeking approval for continued blasting at the development site; rather, he is seeking approval to process the materials on the site that has accumulated through the four phases of development that have been completed. He stated that his original plat was approved before City Code amendments in 2014, but he reiterated he is not seeking approval to do additional blasting. He stated that he has tried to get rid of the material on his site in its current condition, but no one will take it because it has too much rock in it. He stated that he has approached residents to see if they would be comfortable with his company processing the material before removing it and he believes this could be done in a short amount of time. He stated he believes the residents look favorably on that idea because they want the project to be completed and the site cleared. He stated he is currently working on the final cul-de-sac in the last phase of his development and he wants to finish it in the most responsible manner, which includes removing the materials and leaving the area in a manner that will result in increased property values for existing and future property owners.

Councilmember Curtis asked Mr. Shupe to confirm whether he plans to pursue additional phases of this development. Mr. Shupe stated he has no plans to pursue additional phases of this development.

Councilmember Clark asked Mr. Shupe to detail the measures he is taking, in response to resident's concerns, relative to storm water protection and dust mitigation. Mr. Shupe stated he has two onsite water sources to water the materials to keep dust under control. He also has fire hoses on site to water down materials coming off the processing belt. He stated that wind is a problem in the area and can exacerbate dust problems so he has committed to stop processing any time wind speeds exceed 25 miles per hour; additionally, his hours of operation will be 8:00 a.m. to 5:00 p.m. There will be a sweeper on site to remove any material tracked onto the road. He is in a unique position because he cannot get larger trucks onto his site, so the trucks he will use can only haul up to 28 tons, which is much less than larger trucks that haul up to 45 tons. He has provided his contact information to all neighboring property owners so that they may contact him if they see dangerous or negligent activity, such as a speeding truck driver. Councilmember Clark asked if loads will be covered. Mr. Shupe stated that if the material is kept moist enough and trucks are not filled above the top of the dump bed, he does not feel that load covering is necessary. He noted, however, that he will cover loads, if required. Councilmember Clark inquired as to the amount of water the Shupe site will use on a daily basis. Mr. Shupe answered 1,500 gallons per day. His water is being measured on a nearby home water meter and the water is being paid for. Mayor Westmoreland asked Mr. Shupe his opinion on the proposed agreements. Mr. Shupe stated that he believes the proposed agreement is fair to him, the City, and residents. Councilmember Clark asked Mr. Shupe if he is selling the material that is processed on his site. Mr. Shupe stated that another company is paying for their own trucking service and paying him to load the material, but they are not truly paying for the material. He stated he is simply trying to get rid of the material and he is not interested in pursuing a mining operation.

Mayor Westmoreland invited input from a representative of Goldsworth Real Estate.

Neil Jacobson, Goldsworth Real Estate, stated that for the next phase of the development project, Goldsworth is not asking permission to crush materials to be removed from the site; rather, the plan is to crush some materials and use a balance of materials on site in the project. He stated that for phases that have been completed, Goldsworth is asking to be able to crush the materials that are present and remove them from the site. He stated there has been mention of needing four blasts to

complete the work, but he has spoken with a representative of the company performing the blasting and it may take two blasts per day for four or five days. The blasts will be smaller than in the past, so the same amount of material will be created as if just one blast were being performed a day. He noted that an attempt will be made to limit the number of trucks coming in and out of the site to eight or ten per day, with a maximum of 80 loads leaving the site per day. This will include double loaded trucks.

Councilmember Clark inquired as to the amount of material that needs to be removed from the site. Mr. Jacobson stated that there is approximately 250,000 tons of material to be removed, or 10 times what Shupe Builders is dealing with. Councilmember Clark asked Mr. Jacobson to detail the measures he is taking, in response resident's concerns, relative to storm water protection and dust mitigation. Mr. Jacobson stated that Goldsworth is taking basically the same measures as Shupe relative to the use of water in their crushing process and the amount of water used per day depends on the amount of material that can be crushed, which is largely dependent upon weather conditions. He stated that most of the trucks used to haul the material are side dump trucks and the loads are tarped before they leave the site. Councilmember Clark asked why blasting is necessary and why it is the method chosen over drilling. She referenced another development – Eagle Top Court – which was developed without the use of blasting. Mr. Jacobson stated that he is unsure of the conditions present at the Eagle Top Court location so he cannot answer that question. Councilmember Clark stated it is on the same mountain as the Goldsworth project so the same rock material is present. Mr. Jacobson stated that may be, but the volume, cuts, and grades could be very different depending upon the location of the project. He stated that it would not be cost effective to use a different method, though there is a chance that the phase, currently underway in the Goldsworth project, could be completed using methods other than blasting if the concern about blasting impacts is too great. Councilmember Clark inquired as to the purpose of the blasting being performed on site; she asked if it is necessary in order to install infrastructure lines or to be able to build homes with basements. Mr. Jacobson stated that blasting for sewer and water lines is not yet completed and that is the only portion of work that is not done. Councilmember Clark asked if there is a possibility that blasting will be needed in future phases five and six of the project. Mr. Jacobson answered yes, but there is an attempt to raise the grade of the project to utilize more onsite material and reduce the amount that needs to be hauled away. Councilmember Clark inquired as to the timeframe for completing the phases currently underway. Mr. Jacobson stated that if limits are placed on the hours of operation and the number of trucks allowed to enter the site each day, it will likely take until October to complete the work. Councilmember Clark asked if Goldsworth is selling the product. Mr. Jacobson stated that Goldsworth is paid to process the material, but there are no retail sales of the product. He stated he has contracts with other developer's businesses in the area to provide the materials. Councilmember Reaves asked if Goldsworth enters into contracts to process the materials on site and sells those materials to other entities without first informing the City. Mr. Jacobson stated that he was told by City officials that he did not need to gain permission for that type of operation; the first time he heard that the City may be concerned about the operation was in June of 2017.

The meeting recessed briefly at 8:53 p.m. and reconvened at 9:03 p.m.

Mayor Westmoreland invited public input.

Keith Searcy stated he lives on the corner lot across from the area where Shupe Builders is working. He asked Mr. Cook if the City has greater exposure to liability if additional blasting

permits are granted with the knowledge that laws and codes have been broken and violated in the past. Mr. Cook stated he has not seen the report regarding measurements associated with the blasts and he cannot comment on that matter; that information would be taken into consideration when the City is considering whether to issue a new blasting permit. Mr. Searcy then asked if the Shupe Builders agreement is independent of the Goldsworth agreement, to which Mr. Cook answered yes and noted that either of the agreements can be amended to more specifically apply to each situation. Mr. Searcy then stated that most of the homes built in his neighborhood have been built by the same builder; Jared Shupe, his builder, has been very responsible in the way he has dealt with comments raised by residents and he feels good about the agreement the City Council is considering for Mr. Shupe's business.

Mark Sheffer stated that he lives in close proximity to the site where Goldsworth is planning to continue blasting. He stated that his house had a monitor placed in it for the past and the monitor indicated that blast measurements exceeded allowed limits. He stated that his builder repaired cracks in his foundation and stucco prior to the most recent blasts, but those recent blasts reopened those cracks and his home is no longer under warranty and he is solely responsible for the repairs. He stated he is asking for protection for his home and neighborhood and the manner in which the developer has pursued earlier blasts and then responded to residents concerns is lacking. He stated that his home is closer to the Davies property, which was referenced by Councilmember Clark, and he feels there must be a more responsible way to carry out blasting and ensure safety for residents. He stated he has directly seen the damages caused by the blasting as well as the noise impact it has on the neighborhood.

Mayor Westmoreland asked Mr. Sheffer to comment on the request for permission to perform material processing onsite. Mr. Sheffer stated he feels that Shupe's request is reasonable and they simply desire to complete their project and be done working in the area. He stated, relative to Goldsworth's request, if the City allows additional blasting and the creation of additional materials, it seems counterintuitive for the City to be considering that request. The City has the opportunity to stop 'making a bigger mess' than what has already been created and he asked that the City handle the situation timely and responsibly.

Brandon Waters stated he recently purchased lot 122 in the easternmost cul-de-sac of the subdivision; aside from the blasting, he is literally surrounded on all four sides by mountains of materials that seem to be going nowhere and he is now concerned about safety for his children and others living in the area. Last Sunday, during a rainstorm, he witnessed large slides of materials. He agreed with Mr. Sheffer's comments that it seems irresponsible to be considering allowing blasting, which will result in more piles of dirt to add to the existing piles of dirt that are not being moved. He stated that lot 118 in his cul-de-sac was excavated for the construction of a home, and all of the material from that excavation is now sitting on the edge of the street in the cul-de-sac and during the next rainstorm, that material will run down the hill and into his neighbors' yards. He reiterated that he does not see any responsible management of the materials and it is creating an unsafe situation for people and property. He stated the only dirt that he has seen moved is from the Shupe property and he feels the proposal that has been discussed tonight is reasonable so long as he follows the proposed dust mitigation plans. Relative to the Goldsworth proposal, he is concerned about the lack of movement to remove the materials that are presently onsite.

Councilmember Clark asked Mr. Waters if the piles of material were in place when he initially took occupancy of his home. Mr. Waters stated the pile immediately to the east of his home was in

place, but other piles have been created since he moved in. He stated that it is difficult to get a responsible party to claim ownership of the materials.

Jennifer Hackett stated that while she wants the materials removed from the site, she would prefer efficiency over speed. She stated that the work needs to be done right as it has not been done right up until this point. In February of last year there was a very large blast at the development site and two chairs slid across her kitchen floor and pictures fell off of her walls; luckily, everyone in her home was unharmed, but it could have been worse. Additionally, she now has a giant crack in her foundation and she later found water pouring into the cold storage area of her basement. She has had to fix that problem on her own with no financial assistance from the entity that caused it because they told her she had no way of proving the crack was a result of the blasting. She stated she is supportive of the proposed settlement agreement with Shupe Builders as she believes Mr. Shupe's proposals for mitigating the problems are responsible, but when Mr. Jacobsen spoke on behalf of Goldworth, he did not give any indication of specific measures that will be put in place to ensure things will 'go smoothly' in the future. She stated that it is her understanding that the code that has been in place since 2014 prohibits blasting and onsite material processing for the purpose of moving the material offsite, but Goldworth has admitted to breaking that code and the City is indicating they will allow that to continue. She stated that is irresponsible. The City should not continue to issue permits without understanding all potential consequences. She emphasized that she does not feel the situation is being handled responsibly, but the City has a chance to stop it at this point. The statement was made earlier that damages are only cosmetic in nature, but she has suffered structural damages to her home.

Mr. Cook clarified that he never said that damages are only cosmetic in nature; rather, he communicated that the City does not have enough money to compensate for structural damage. Ms. Hackett stated that in that case, the City should not continue to issue permits unless they have the ability to compensate residents for negative impacts. She added that the comment was also made that it would be too expensive for Goldworth to proceed with their project without the ability to blast and if that is the case, development should simply not be allowed in that area. It is not the City's job to make sure that developers are profitable in their endeavors.

Tawny Smith stated she lives on Hollow Crest Drive. She stated she recently learned that it is against City Code to build on a grade steeper than 25 percent. She asked why the City is allowing blasting to reduce the grade to less than 25 percent so that it can be built upon. The result is elimination of the mountain and she does not believe the City should be issuing permits for that purpose.

Duane Woods stated that he lives near Ms. Smith and close to the blasting site. He asked why the City allowed these projects to go forward in the first place. He indicated the problems that have arisen are causing major delays; he has been in his home for nine months and he wants the work done as quickly as possible. He emphasized he wants it done right, but as quickly as possible. He is worried that placing too many restrictions on the developers will drag out the process. He indicated he is supportive of the desire to process the materials onsite because that results in far less traffic to and from the site. He referenced future blasting and indicated that as long as it is done responsibly, he has no objections. He noted he cannot tell that any past blasting has caused issues on his property. He stated that he feels the City can restrict future similar developments, but the current developments are already underway and at this point he just wants them done so that he does not need to look at the unattractive site for the next three years.

Mayor Westmoreland asked Community Development Director Steve Mumford to speak to the concerns raised about building on a slope steeper than a 25 percent grade and also the process for approving a subdivision plat in the City. Mr. Mumford indicated the preliminary plat for the projects were approved in 2006 or 2007; there are a few different sections of City Code that address slopes and grades and the one staff has consistently relied upon during the development review process states that if the average slope of a lot is 25 percent or greater, it is unbuildable. He stated he cannot speak to the reviews that were done in 2007, but he has reviewed the plat to try to discern the average slope of lots in phase four of the Goldsworth project specifically to determine if the plats would have received approval under the City's current standards. He stated that a majority of the lots that he reviewed have a slope less than 25 percent, even though that may not be apparent to the naked eye. He stated that some of the lots in plat four did exceed 25 percent grade and that is why staff has tried to work with Goldsworth to encourage them to not build on some of those lots, which led to their proposal to proceed with plats five and six.

Mayor Westmoreland addressed the audience and stated that the current staff and Governing Body are trying to address a situation that they have been handed and that they did not create; the fact that they are participating in discussions regarding these projects should be evidence that they are concerned about correcting the problems that have occurred in the past.

Riley Jenkins stated that he does not have any problem with the Shupe plan, but he has many concerns with the Goldsworth plan. Essentially, he is concerned about the solidity of the plan and the timeline for completion. He stated there is an end in site for the Shupe project, but the same is not true for the Goldsworth project and he is concerned about the uncertainty relative to the number of additional blasts that will be needed at the site. The project seems to be in constant flux and he would like the project to have a completion date and for safety to be of utmost importance. That does not include additional blasts or further flattening of an otherwise hilly area. He stated that he does not see a plan that is solid enough to approve the Goldsworth settlement agreement.

Dave Upwall referenced the safety concerns associated with the blasting component of the project. The statement has been made that homeowners cannot prove that blasting caused damage to their homes, but he believes the opposite is true and it is not possible to prove that the blasting did not cause the damage. On November 2 his son was in their bathroom and called for his mother to help him and she found him holding the mirror that had popped off the wall; he is not sure how he was able to hold the mirror and the result could have been much different. He stated he wants to make sure that safety measures are taken to protect the homes that are in close proximity to the blasting sites. He stated that there is now a very tall wall on the hillside and there is nothing to keep that wall from coming down in the event of a slide or weather event following a fire. He recommended that a fire break or fire access be included in future plans for continued development of the site. He stated that many people built in the area because of its natural beauty and he would like to minimize further damage to that beauty. He then wondered if the money being sought from Goldsworth will be dedicated in its entirety to park improvements and if the homeowners in the area will have any input regarding those improvements.

Matt Lasure stated he is concerned about the claim that the money collected from the developers will be used for park improvements when the amount referenced earlier in the meeting was just \$10,000, which would only be enough to pay for one slide. He stated he does not think it is the City's job to make sure a developer is profitable; the City Codes should not be bent or violated to

allow someone to make a few extra dollars on their job. He stated he finds it ironic that the City has indicated that some of the money retained from the developers will be used to cover costs to repair damage associated with blasting, but no one is willing to declare that the damage was, in fact, caused by blasting. He stated that City Codes need to be clear so that it is not commonplace for a member of staff to try to interpret the intent of a regulation. He stated that the City has had ample time to develop and improve its blasting regulations and those changes should have been put in place before this issue arose.

Jeffery Blanding stated that when the blasting regulations became an issue he asked that the Council make the decision to keep the final action, regarding blasting, with them, but that decision has been ceded to City staff. He stated he hopes that decision will be rethought in the future. He asked that the Council stand behind its City Codes, even if that means going to court to fight this issue.

Austin Smith stated he is also upset that the developers have violated codes in the past, yet the City is willing to issue additional blasting permits. He inquired as to the regulation regarding the required distance between a blasting site and a home. Mr. Trusty stated the current code does not include such a regulation. Councilmember Reaves asked if staff has considered that regulation, to which Mr. Mumford stated that staff was awaiting the outcome of extensive research regarding similar regulations in other communities. Distances are largely dependent upon other conditions, such as soil moisture. Mr. Smith stated that he has seen projectiles travel a significant distance from a blast site and he would hate for a child playing in their front yard or in a nearby park to be injured as a result. It seems very unsafe to allow blasts without a required distance from nearby homes. Also, it is concerning that someone who has violated a regulation in the past is being issued another permit for the same type of work. If there are no consequences for violating an ordinance, people will continue to do it. Mr. Cook stated that the City just received the independent study results that showed a blast met or exceeded limits. Mr. Smith asked why the permits were issued, and Mr. Cook clarified that prior to January 12, 2018, the permits were granted through UFA, not the City.

Mayor Westmoreland reiterated that the UFA was previously the entity responsible for issuing blasting permits and the City only recently adopted an ordinance requiring an additional permit be obtained from the City; that is how the City is ensuring accountability to its residents. The Council is trying to process information as quickly as possible for situations such as this one, which was inherited – not created – by the current Council. They are moving as quickly as they can to make adaptations to the City Code to prevent similar situations in the future. Mr. Cook added that he has had conversations with UFA representatives and they were confident that the developers were adhering to the terms of their blasting permits.

Mr. Smith then inquired as to the responsibility home owners have to prove that any damage to their home was caused by the blast. Mr. Pili stated that the reason the City commissioned an independent study relating to seismic readings and measurements was to determine whether any of the blasts could have caused damage to homes; the City only received the study report one hour before tonight's meeting and staff is working to digest the information in the report. The claim has been made that the City continues to issue permits with the knowledge that past permits have been violated or that previous blasts have exceeded seismic thresholds; however, the City has never issued such a permit and the intent of the study was to provide evidence that would support denial of future permits. The City was looking for support of the claims of cosmetic or structural damage

to homes as a result of blasting. The intent of tonight's meeting was to present the Council with options for addressing the two situations and he briefly reviewed those options that were summarized earlier tonight by Mr. Cook. It is time to make a decision regarding whether to move quickly to get the work completed or to consider litigating the matter.

Mr. Smith stated that at the very least, he feels the developers need to clean up the mess they have made before the City considers giving them any approvals for further work or development in the area.

Ms. Hackett reapproached and stated that when the residents are referencing the repeated issuance of permits after developers have violated City Codes, they are not only referring to blasting permits. She stated that many are concerned that the developers continued to be issued building permits for their projects.

Mr. Woods stated that he does not believe one of the options the Council should be considering is a complete shut down of work in the area as that will result in the material being left in its current location and the residents will be forced to deal with it for the next several years.

Mayor Westmoreland stated he believes now is the appropriate time to convene in a closed executive session.

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

The meeting was adjourned at 9:47 p.m.

Mayor Westmoreland reconvened the meeting at 10:46 p.m.

Mayor Westmoreland stated that the Council has decided to consider agreements that will provide for the materials currently on the two respective sites, but that no blasting will be approved at this time; however, that does not restrict the City from considering blasting permit applications in the future. The Council simply feels that more work is necessary to determine if additional blasting is warranted or can be safely regulated.

MOTION: *Councilmember Curtis moved to approve an agreement with Shupe Builders based on the following general terms and authorize the City Attorney and City Administrator to negotiate any reasonable changes: material processing be allowed until March 31, the contribution be changed to \$12,000, operations be allowed from 8:00 a.m. to 5:00 p.m. Monday through Saturday, and this agreement does not commit the City to any further blasting and/or materials processing. Councilmember Burnham seconded the motion.*

Councilmember Clark stated one resident asked whether the funds would be used for administrative purposes or for park improvements. Mr. Cook indicated all funds should go directly

to park improvements and staff will do their best to allow residents to have input on the use of the funds.

Mayor Westmoreland called for a vote on the motion.

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.

MOTION: *Councilmember Curtis moved to approve an agreement with Goldsworth Real Estate based on the following general terms and authorize the City Attorney and City Administrator to negotiate any reasonable changes: Plats 1 through 4 are named in the agreement, the water meter is returned within 24 hours, materials processing is allowed until October 30, the contribution is \$60,000, operations are allowed from 8:00 a.m. to 5:00 p.m. Monday through Saturday, and this agreement does not commit the City to any further blasting and/or material processing. Councilmember Burnham seconded the motion.*

Councilmember Reaves stated that the motion did not include a provision in the agreement to provide for a reasonable extension of the contract time frame to allow for 'snow days' or other inclement weather, which would make material transport unsafe. Mr. Cook stated that a provision allowing extension period of three to five days for inclement weather should be sufficient to accommodate snow days.

Austin Smith asked if there will be a limit on the number of trucks allowed per day. Councilmember Curtis stated that trucks are measured by axle and limiting truck traffic to single-axle will only increase the number of trips needed. Mr. Smith stated that the comment was made earlier that there could be up to 80 trucks traveling to the site per day and based on the capacity of those trucks and the hours of operation listed in the agreement, the work should be completed by June. He wondered why the motion to approve the agreement includes a completion date of October 30.

Discussion among staff and residents ensued to allow public input relative to the appropriate deadline for completion of the materials removal. A consensus was reached to maintain the October 30 deadline as previously mentioned in the motion given that the average number of trucks per day will likely be half of 80.

Discussion then shifted to including a requirement in the agreement that Goldsworth comply with storm water protection regulations and provide a dust mitigation plan. Failure to comply with the terms of the agreement will result in penalties and fines.

Councilmember Curtis agreed to amend the motion to add that Goldsworth must comply with SWPPP, dust mitigation and any other codes, and other fines and penalties may be assessed. Councilmember Burnham accepted the amendment.

Councilmember Clark requested that the motion be restated.

AMENDED MOTION: *Councilmember Curtis moved to approve an agreement with Goldsworth Real Estate based on the following general terms and authorize the City Attorney*

and City Administrator to negotiate any reasonable changes: Plats 1 through 4 are named in the agreement, the water meter is returned within 24 hours, material processing is allowed until October 30, the contribution is \$60,000, operations are allowed from 8:00 a.m. to 5:00 p.m. Monday through Saturday, this agreement does not commit the City to any further blasting and/or material processing, Goldsworth must comply with SWPPP and dust mitigation measures and any other pertinent codes, and other fines and penalties may be assessed. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.

4. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn the meeting at 11:09 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on November 20, 2018.

Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

February 6, 2018

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 Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis and Stephanie Griecus. Benjamin Reaves was excused.

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

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

1. **CITY ADMINISTRATOR INFORMATION ITEMS** – This was an opportunity for the City Administrator to provide information to the City Council. These items were for information only and did not require action by the City Council.
 - A. **Update – Entry Monument/Wayfinding Project**

Linda Peterson, Communications and Community Relations Director, explained wayfinding was a process of creating an environment in the community that would be attractive to both residents and businesses by building pride in and attachment to the community. She said requests for proposals were sent out recently and one company, GSBS, responded with a creative and comprehensive design. The conceptual design included entry monuments, wayfinding signage, trail signage, and landscaping. The next steps would be to hire a design firm and complete the monument designs.
 - B. **Presentation – Eagle Mountain City Chamber of Commerce**

Economic Development Manager Aaron Sanborn stated that City staff was looking into developing an Eagle Mountain Chamber of Commerce. The City would no longer be a member of the Lehi Area Chamber of Commerce, but individual businesses could belong to either or both.
 - C. **Recognition – Employee Leadership Academy Certification**

Human Resources Director Jessica Alvarez described the Leadership Academy program and presented certificates of completion to those staff members who completed the six-month program. City Administrator Ifo Pili recognized Ms. Alvarez for developing and coordinating the program.

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

15. A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Third Amendment to the Porter’s Crossing Town Center Master Development Plan Map.

B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Porter’s Crossing Town Center Master Development Agreement.

Community Development Director Steve Mumford noted that this project was discussed in previous City Council meetings.

The proposed changes to the Master Development Plan included replacing some commercial areas and apartments with mixed-use areas, replacing a few of the multifamily units with small single family residential lots, and adding an institutional/commercial component to the plan.

The applicant also amended the master development agreement. The changes included the uses and unit amounts for various pods, the timing and bonding of park improvements, a sewer lift station, and specifications for what will be changed if the City is unable to fund a recreation center by 2020.

This project anticipated the possibility of the construction of a recreation facility within the project, and the master development agreement detailed the required contributions from the developers for this facility, as well as any potential reimbursements. The developers’ financial contribution to the City for the recreation facility would be in place of constructing clubhouse and pool facilities in the multi-family areas.

16. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Foothills at Unity Pass from Agriculture to Residential.

Taylor Jensen, City Planner, said the developers proposed four different single family residential densities/minimum lot sizes in various areas within the project. The proposed lot size minimums were 10,000 sq. ft., 1/3 acre, 1/2 acre and 1 acre.

Hillside and ridgeline concerns were the primary factors in previous discussions about rezoning this property. The applicant made a point of protecting prominent ridgelines with preserved natural open space. Any platting/development of the project would also need to comply with hillside development standards contained in Chapter 15.80 of the Eagle Mountain Municipal Code, including any proposed amendments to the chapter, which staff was in the process of drafting.

17. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 17.25.100, Unbuildable Lands, of the Eagle Mountain Municipal Code.

City Planner Taylor Jensen stated this amendment codified the staff’s interpretation of this chapter of the Municipal Code. It prohibited lots with an average natural grade of 25% or greater from being graded to become buildable. If the natural grade was 24% or less, some grading would be allowed to make it more suitable for building.

18. MOTION – Overland Phase B Preliminary Plat.

The proposal is for 159 lots located on 41.4 acres for a density of 3.84 single-family dwelling units per acre. The average lot size within the preliminary plat was just over 8,000 square feet. Every lot would have to have a minimum lot frontage of 20 feet on a cul-de-sac or circle and 55 feet along a public street. At least 20% of lots would have to have a minimum lot frontage of 60 feet along a public street. Lots with 60 feet or more of frontage would have to be distributed throughout the development, not clustered.

19. MOTION – Spring Run Phase D Preliminary Plat.

Mr. Jensen said this application was for an approximately 68.55 acre, 178 single-family-lot preliminary plat. The overall density was 2.6 units per acre. There were three parks in the plat, as well as a trail system.

20. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 3.30.060, Significant Land Disposal, of the Eagle Mountain Municipal Code.

City Attorney Jeremy Cook stated the purpose of the change was to clarify the process for significant land disposal. A potential buyer would submit an application which would be reviewed by City staff. The City Council would then review the application and decide whether they wanted to sell the land. They would then determine what process they wanted to use to sell the land, whether by hiring a broker or using a bid process, and whether they wanted to place restrictions on the land such as uses or densities.

21. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving an Unmanned Aerial Vehicle System Operational Use Policy.

Eagle Mountain purchased an sUAS (small unmanned aerial system, or drone) to assist in various tasks, including but not limited to economic development and tourism video productions, planning and GIS site monitoring, evaluations and so forth, and neighborhood enforcement operations related to City-owned property. The purchase opened up those options without the growing costs of drone services provided by outside groups.

Staff purchased an Autel Robotext X-Star Premium with attached camera system to accomplish these tasks. Seeking to be compliant with Federal and State laws, Management Analyst Evan Berrett registered the drone and completed certification under 14 CFR Part 107 to be the Remote Pilot in Command for Eagle Mountain City. He must recertify every two years.

In order to remain compliant, transparent, and safe for other staff that would use the sUAS for approved operations, a policy was required describing training programs, consequences for improper handling or use of the sUAS, and a maintenance plan for the sUAS. Eagle Mountain City went further by outlining additional restrictions for use, measures for handling of recorded video and photos, and transparency provisions to ensure the public was aware of the purpose and nature of any sUAS operations.

22. MOTION – Appointment of a City Councilmember as Mayor Pro Tempore.

Mayor Westmoreland postponed this item to Policy Session.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned 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 Burnham 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 Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Stephanie Gricius. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:40 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; 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; Mack Straw, Public Utilities Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Road Closure – Porter's Crossing** – There will be a temporary pavement placement Wednesday, February 7, from 10:00 a.m. to 3:00 p.m. on Porter's Crossing just north of the Ridley's shopping center entrance.
- **Community Safety Meeting** – A Community Safety Meeting will be held on Thursday, February 8 from 7-9 p.m. in the City Council Chambers. This is for anyone interested in information and training regarding CERT (Community Emergency Response Team), VIPS (Volunteers in Police Service), and EMECT (Eagle Mountain Emergency Communications Team). Please contact Kelly Hall with any questions 801-789-6712.
- **Photo contest** – Submit your favorite photo showing what you love most about Eagle Mountain for a chance to win a canvas print of your photo that will be displayed in City Hall in March. Submit entries to events@emcity.org by February 16. More info on the City website, news section or the City Hall Facebook page.

- **Easter Egg Hunt** – Save the date for Eagle Mountain City’s traditional Easter Egg Hunt, Saturday, March 24 at 10:30 a.m. – SHARP. More info at emcity.org/easter.
- **Rodeo Queen Contest** – Applications are being accepted for the Pony Express Rodeo Queen contest. Must be between the ages of 15-25 to be eligible. Email ponyexpressspecialeventsem@gmail.com for information.

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

None.

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

Councilmember Gricius

Councilmember Gricius thanked everyone who attended the meeting.

Councilmember Clark

Councilmember Clark toured Eagle Mountain’s dirt roads with Streets & Storm Drain Manager Zac Hilton and learned how they are being impacted by overflow traffic from paved roads. She planned to be at the Community Safety meeting on Thursday and encouraged residents to attend.

Councilmember Reaves

Councilmember Reaves welcomed everyone who attended the meeting.

Councilmember Burnham

Councilmember Burnham said one of the Library staff members was sworn in as a citizen of the United States last week. The new citizens were told to remember where they came from and who they were, because our differences were what made America great. She thanked Mr. Pili for allowing staff to close the Library for part of the day so they could attend the ceremony in support of Ms. Cannon.

Councilmember Curtis

Councilmember Curtis thanked everyone for being at the meeting.

Mayor Westmoreland

Mayor Westmoreland excused City Administrator Ifo Pili, who had to leave early.

9. APPOINTMENTS

A. Parks and Recreation Advisory Board

- i. Michael Johnson
- ii. Casey Voeks

B. Military and Veterans Board

- i. Scott Grimes
- ii. Michael Small
- iii. Jon

Banbury

MOTION: *Councilmember Curtis moved to appoint Michael Johnson to the Parks and Recreation Advisory Board for a term ending December 31, 2020. Councilmember*

Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

MOTION: *Councilmember Curtis moved to appoint Casey Voeks to the Parks and Recreation Advisory Board for a term ending December 31, 2020. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to appoint Scott Grimes to the Military and Veterans Advisory Board for a term ending December 31, 2020. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to appoint Michael Small to the Military and Veterans Advisory Board for a term ending December 31, 2020. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to appoint Jon Banbury to the Military and Veterans Advisory Board for a term ending December 31, 2020. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Johnson and Mr. Voeks. The others were unable to attend the meeting and will be sworn in at another time.

CONSENT AGENDA

10. MINUTES

A. January 16, 2018 – Regular City Council Meeting

11. BID AWARDS

- A. Wastewater Treatment Plant Maintenance Building Project – Ellsworth Paulsen Construction Company
- B. Pony Express Widening Project – Knife River Construction

12. BOND RELEASES – Into Warranty

- A. Arrival Phase B, Plat 1
- B. Lake View Estates Phase A, Plat 1
- C. SilverLake Plat 16

13. BOND RELEASES – Out of Warranty

- A. Cedar Corners Phase A, Plat 1
- B. Spring Run Phase A, Plat 1
- C. Spring Run Phase B, Plat 1

14. RESOLUTION – Appointment of Mayor Westmoreland to UFA Board and UFSA Board of Trustees

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

SCHEDULED ITEMS

PUBLIC HEARING

15. A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Third Amendment to the Porter’s Crossing Town Center Master Development Plan Map.
- B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Porter’s Crossing Town Center Master Development Agreement.

Mr. Mumford reviewed the information given during Work Session.

Councilmember Curtis asked whether Pods 1 and 2 had a different concept than the rest of the project. Mr. Mumford said they were not covered under this development agreement.

Mr. Khosrow Semnani stated that a marketing study had to be completed to gauge public interest before those two pods were developed, most likely with a residential/commercial mix of uses. He reminded the Council that this project would be brought before them several more times.

Mr. Cook said the pods could be included in the master development agreement with the understanding that they were conceptual only. He pointed out only density was being vested at this time.

Bruce Baird, legal counsel for the project, asked that he and Mr. Cook, along with City staff, be allowed to work out the language in the master development agreement specifying the conceptual nature of those pods.

Councilmember Clark requested, if a splash pad was part of the plan, that it use a recirculating water system.

Councilmember Burnham asked if Mr. Semnani would be comfortable with writing into the agreement that commercial would be included in Pod 1. Mr. Baird said it was very difficult to write a commitment to a measurable, partial commercial development into a development agreement. His experience was that commercial property was generally to the developers’ advantage, but it was market-driven and couldn’t be forced. He was willing to write “commercially reasonable efforts.”

Mr. Cook agreed. He pointed out that these developers brought the very first commercial development into Eagle Mountain. He was confident they would make every effort to include commercial development in this project, regardless of whether it was specified in the agreement.

Councilmember Clark asked Mr. Cook to clarify how the RV storage lot would be approved. Mr. Cook said the project would be brought back to the Council a for site plan approval. The Council would have discretion on fencing, lighting, noise and other details. For example, the RV storage site would have to be properly designed to avoid misuse such as people sleeping in the RVs. The vote at this meeting was only for tentative zoning, subject to the developers coming back with a plan that was acceptable to the City. It was originally proposed as a temporary facility. However, in order to build a secure, attractive facility, it would be cost-prohibitive to use it temporarily. Staff felt it was more important to have it done properly than to make it temporary. They felt it would be a beneficial facility for the residents.

Discussion ensued on conceptual plans for the project.

Mayor Westmoreland opened the public hearing at 7:58 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, approving the Third Amendment to the Porter's Crossing Town Center Master Development Plan Map, with an amendment showing a 30-foot-wide, City-owned trail corridor through Pod 9A and between Pods 10 and 15. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to adopt a resolution of Eagle Mountain City, Utah, approving the Second Amendment to the Porter's Crossing Town Center Master Development Agreement with the following conditions:*

- It includes the concept of the plaza area.*
- It includes something about us being able to reasonably have design control over the RV storage area.*
- It allows the Planning Dept. and staff to work with the applicants to make sure that "conceptual" is clear, as well as allowing them to have any other non-substantial changes or adjustments they need to finish this.*

Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

PUBLIC HEARING

16. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Foothills at Unity Pass from Agriculture to Residential.

Mr. Jensen reviewed the information discussed in Work Session.

The Council discussed details of the project in relation to adjacent developments.

Ken Olsen, the applicant, said the entire project will be custom home lots. The homes would be similar to those in Valley View Foothills. His lots were considerably larger than those in the adjacent developments. He pointed out he never planned to blast, even before the ordinance was changed. The ridgeline was preserved as open space. The only blasting would be as needed for utilities or roads, but someone else would be doing it. The project was designed not to build anything on rock surfaces.

Mr. Jensen pointed out that Mr. Olsen's design went above and beyond the City's requirements.

Mayor Westmoreland opened the public hearing at 8:28 p.m.

Jeff Ruth asked the Council to enforce the prohibition against blasting in this project.

Mayor Westmoreland closed the public hearing at 8:29 p.m.

MOTION: *Councilmember Clark moved to adopt an ordinance of Eagle Mountain City, Utah, rezoning Foothills at Unity Pass from Agriculture to Residential with the following conditions:*

- *No blasting shall be allowed, except for utilities and roads deemed necessary by the Planning Department.*
- *The soon-be-adopted clarification of unbuildable land shall be applied to this rezone.*

Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

PUBLIC HEARING

17. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 17.25.100 Unbuildable Lands of the Eagle Mountain Municipal Code.

This item was presented by City Planner Tayler Jensen. This staff proposed ordinance amended the unbuildable lands section of the Residential Code and clarified that unbuildable slopes may not be made buildable by any kind of grading techniques.

Mayor Westmoreland opened the public hearing at 8:34 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Gricius moved to adopt an ordinance of Eagle Mountain City, Utah, amending Chapter 17.25.100, Unbuildable Lands, of the Eagle Mountain Municipal Code. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

18. MOTION – Overland Phase B, Preliminary Plat.

Mr. Jensen reviewed the information discussed in Work Session.

On closer examination, the Planning Department found that part of the property crossed over land previously dedicated as right-of-way for Airport Road. City staff committed to work with Ivory Homes to resolve issues as they came up. The issues would all have to be resolved before the plat was recorded.

Councilmember Curtis asked when the area uphill from the middle school would be reclaimed. Mr. Mumford responded that the agreement hadn't been entirely completed. Some details needed to be worked out. However, the applicant committed to landscape the area with enhanced native landscaping after the detention ponds were relocated.

MOTION: *Councilmember Curtis moved to approve the Overland Phase B preliminary plat, with the following conditions:*

- *All lots shall have a minimum frontage of 55’.*
- *Club Ivory and the four-acre park shall be constructed prior to receiving the 150th building permit in Village 1.*
- *The Airport Road right-of-way shall be relocated to the City’s satisfaction prior to approving the final plat within the Airport Road right-of-way.*

Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

AMENDED MOTION: *Councilmember Curtis amended the motion to approve the Overland Phase B preliminary plat, with the following conditions:*

- *All lots shall have a minimum frontage of 55’.*
- *Club Ivory and the four-acre park shall be constructed prior to receiving the 150th building permit in Village 1.*
- *The Airport Road right-of-way shall be relocated to the City’s satisfaction prior to approving the final plat within the Airport Road right-of-way.*
- *All conditions shall be fulfilled without referring to the road as “Airport Road.”*

Councilmember Burnham seconded the amended motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

19. MOTION – Spring Run Phase D, Preliminary Plat.

This item was presented by City Planner Tayler Jensen. The proposed preliminary plat, located north of State Road 73, has 178 single family lots on 68.5 acres and is the fourth phase of the Spring Run Master Development Plan.

Councilmember Curtis asked at what time the parks needed to be constructed. Mr. Jensen said any park planned for Plats 1, 2, 5 or 9 had to be completed by the time the plat was recorded or 150% pro rata would be charged for each lot.

Councilmember Gricius asked about a fence that left no room for residents to walk. Jim Allred, the applicant, said there would be an 8’ trail on the other side of the road.

MOTION: *Councilmember Gricius moved to approve the Spring Run Phase D preliminary plat. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

20. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 3.30.060, Significant Land Disposal, of the Eagle Mountain Municipal Code.

This item was presented by City Planner Tayler Jensen. This ordinance amended the process for disposal of significant land within the City.

Mr. Cook reviewed the information he provided in Work Session. The amendment would specify that an applicant to purchase land would not be entitled to be the only purchaser. The City would be free to sell the land to anyone.

MOTION: *Councilmember Clark moved to approve an ordinance of Eagle Mountain City, Utah, amending Chapter 3.30.060, Significant Land Disposal, of the Eagle Mountain Municipal Code. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

21. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving an Unmanned Aerial Vehicle Systems Operational Use Policy.

Information on this item was presented in Work Session.

MOTION: *Councilmember Gricius moved to adopt a resolution of Eagle Mountain City, Utah, approving an unmanned aerial vehicle systems operational use policy. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

22. MOTION – Appointment of a City Councilmember as Mayor Pro Tempore.

Mayor Westmoreland nominated Councilmember Gricius as Mayor Pro Tempore for 2018.

Councilmember Reaves asked Mayor Westmoreland what the duties of the Mayor Pro Tempore were. Mayor Westmoreland said the Mayor Pro Tempore was to act on behalf of the Mayor when the Mayor was unavailable, such as when s/he was out of town.

MOTION: *Councilmember Clark moved to approve the appointment of Stephanie Gricius as Mayor Pro Tempore. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

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

Councilmember Gricius

No comment.

Councilmember Clark

Councilmember Clark thanked everyone for coming to the meeting.

Councilmember Reaves

No comment.

Councilmember Burnham

No comment.

Councilmember Curtis

No comment.

Mayor Westmoreland

No comment.

24. 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

Councilmember Gricius was looking forward to having two new members on the Parks and Recreation Advisory Board. The Board still needed one more member.

Councilmember Clark

Councilmember Clark said the Planning Commission was doing a great job of asking tough questions before items went to the City Council. She met with some of the Economic Development Board members last month and was happy with the direction the City was taking to assist home businesses.

Councilmember Reaves

No comment.

Councilmember Burnham

Councilmember Burnham said the Senior Council is going strong.

Councilmember Curtis

Councilmember Curtis had not had the opportunity to meet with the Cemetery Board and was unable to attend the Library Board meeting. He said Library Director Michele Graves had some interesting new developments she would present to the City Council in the near future.

Mayor Westmoreland

Mayor Westmoreland thanked the Council and staff for their hard work and commitment.

25. COMMUNICATION ITEMS
A. Upcoming Agenda Items

26. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 8:59 p.m. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on February 20, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

February 20, 2018

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 Tom Westmoreland, Councilmembers Donna Burnham; Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

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; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Analyst; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jason Hall, Recreation Manager; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

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

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

- A. **UPDATE – Recreation Center Survey Findings**

Management Analyst Evan Berrett explained the results of an online survey asking for residents' opinions about various aspects of building a City recreation center.

Mr. Berrett said the focus of the survey was whether residents would be interested in using crowdfunding to finance a portion of the cost of constructing a recreation center, how much they would be willing to contribute and whether incentives would increase participation in crowdfunding.

The survey received about 2,300 verified responses during the two weeks it was available, after removal of duplicate and incomplete responses. Duplicates were based on IP address, which didn't account for multiple people in a household responding. Most came from the 25-39 age groups. Approximately 85% of respondents were willing to contribute and most were willing to contribute a maximum of \$250. Middle-aged residents were most likely to contribute. Households that already used a recreation center regularly were also likely to contribute. Incentives made an impact on younger residents for the most part.

Councilmember Reaves asked if the contribution amounts were tied to amenities offered. Mr. Berrett said amenities weren't used in the survey. The majority of the responses came from

children. If everyone who expressed interest in contributing did so, \$500K to \$1.1M would be raised.

City Administrator Ifo Pili added that the survey gave City Administration a realistic idea of how much could be added to the budgeted amount if crowdfunding was considered.

B. DISCUSSION – Renaming a Portion of Airport Road

Community Development Director Steve Mumford stated the City's original understanding was that UDOT would use part of Airport Road in the expansion of Wride Memorial Hwy, which would affect the name of the road. UDOT later decided to use land further south.

The City's purpose in renaming Airport Road was that no airport existed, as was expected when the road was named. It would confuse future residents if there was a road named for an airport if none existed. If the entire road was renamed, the owner of the one existing airstrip would need the address changed. If only a portion of the road was renamed, the address could be left as it was.

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

10C. BID AWARD – 2018 Landscaping Maintenance – TruCo Services, Inc.

Councilmembers Curtis and Clark asked why the City needed a new contract for maintaining landscaping in The Ranches. Parks and Recreation Director Brad Hickman stated last year's City Council wanted to combine The Ranches and City Center landscape maintenance into one agreement, with the addition of irrigation. TruCo was the lowest bidder.

13. MOTION – Disposal of Significant Real Property Identified as Utah County Parcel Numbers 38:302:0005, 58:034:0332 and 58:034:0181.

Mr. Pili stated two of these parcels came into Eagle Mountain's possession due to foreclosure on an unpaid special improvement district (SID) assessment. City Administration did not purchase the land and no taxpayer funds were expended. The other was dedicated to the City as part of an early development. It also didn't involve any tax dollars.

City Recorder Fionnuala Kofoed explained that one bid was received for the 55 acre property and two for the commercial piece. A public hearing was required following a 14-day notice period to adjacent property owners. The next step was for the City Council to decide if they wanted to sell the property and, if so, what method they wanted to use for the sale.

City Engineer Chris Trusty stated the detention basin on the 1.3-acre property at the entrance to The Ranches was only intended to catch runoff from the fountain by the entrance. It was not designed to collect storm water.

Mr. Pili pointed out that any development on the 55 acres would have to comply with the ridgeline protection ordinance. That requirement caused one potential buyer to rescind its bid until a decision could be made about whether enough development acreage remained.

Mr. Mumford stated there was an approved, but undeveloped, subdivision plat called Circle Five Ranch south and southwest of the largest property. A communication tower and two cellular towers were located on the top of the hill. There was an SID assessment on the buildable acreage. A new owner would be required to stub roads into any adjacent, undeveloped subdivisions.

Mr. Mumford showed drone camera footage of the property.

One of the bidders for the property was present and Mayor Westmoreland invited him to speak. Monte Kingston, Director of Real Estate Development for Ames Construction, the parent company of Eagle Mountain Links, stated in 2007 or so the property was being developed by Prema-Schill. Eagle Mountain Links provided them an access to the property at Prema-Schill's request. He stated there was no water pressure on the property, so Eagle Mountain Links would have to provide a 12-inch water line. If additional lots were allowed by the City Council it would make the development financially viable.

Councilmember Reaves asked if Mr. Kingston had discussed the effect of the ridgeline protection ordinance on the buildable acreage of the property.

Mr. Kingston stated the SID assessment was based on the developable acreage at the time. The property should not have been assessed if the property was going to become unbuildable. He would have to discuss with Mr. Pili whether the property was still adequately developable.

14. MOTION – Heatherwood Phase 3 Preliminary Plat and Site Plan.

Planning Manager Mike Hadley stated this was the final phase of the Heatherwood on the Green development, located next to The Ranches Golf Course. The site plan consisted of 72 small, single-family lots. All of the front elevations would face the streets, with the garages facing shared driveways at the back of the homes.

Brian Haskell, representing R5 Ventures, stated R5 acquired this development several years ago. Eighty-six units were built on the first phase and 72 were planned for this phase. The total will be 158 units, in contrast to the approval for the previous owner of over 200 units. The lots would be similar in size to the lots of the townhome units, but each would be surrounded by private land. All the land would be maintained by a homeowners' association.

Councilmember Curtis stated the 200-unit approval from 2005 was a cap, not a minimum. He asked how many units were vested in the property. Mr. Hadley said 200 units were vested.

Councilmember Curtis asked whether the construction of a church reduced the number of vested lots. Mr. Hadley said the vested lots were 10 units per acre. Mr. Hadley said this

phase was slightly over ten units per acre, but the entire development was less than eight units per acre. The first phase had all of the open space.

Mr. Haskell said the original development agreement was signed in 2005. A 2012 amendment included a specific time schedule for amenities and improved open space, which the applicants are complying with.

Councilmember Burnham asked where the garages for lots 46 and 47 would be located and also where the parking spaces in that area would be. Mr. Haskell said each set of units would have a private drive which would be the access from the garages.

Councilmember Burnham stated residents objected to headlights shining into their windows. She asked how the developers planned to mitigate that and how they planned to account for the development's location next to the golf course.

Mr. Haskell said the developers were considering installing netting or an adequate vegetation screen, or installing strong screens over the windows to protect homes from golf balls. The developers would develop a comprehensive plan for that. The impact of the private drives would be mitigated by adding small planter areas in front of windows that would be affected by headlights.

Mr. Haskell stated the parking spaces removed from that area were replaced by additional parking spaces throughout the development. Vegetation would be planted to block headlights.

Councilmember Clark asked where residents would enter and leave the development. Mr. Haskell said one would be on Cunning Hill Drive and another would connect into the Southmoor development. These were changes from the original plan to comply with the City's new master transportation plan.

Councilmember Gricius asked why there was no traffic study. Mr. Hadley said there was one with the original application. Councilmember Gricius was concerned about the traffic impact in Inverness Road, which was already inadequate for its traffic load.

Mr. Haskell said the developers would be willing to provide another traffic study. However, any improvements that were required would not be on their property. Mr. Haskell reminded the Council that the property was vested with a particular numbers of units by the preliminary approval.

Councilmember Clark stated the original traffic study was approved with that assumption that Porter's Crossing would be a connector road. She felt not doing a new traffic study would be irresponsible.

Councilmember Curtis asked Mr. Mumford and Mr. Trusty how Eagle Mountain dealt with similar situations in the past. Mr. Trusty didn't know of a similar situation, but felt a new traffic study would be helpful.

Mr. Mumford said traffic problems were often caused by several developments. Sometimes the City paid for the improvements and sometimes the developers all paid for them together.

Councilmember Gricius asked the Council to look at the distribution of front elevations. He said the two unit types were a Rambler and a two-story. The Rambler had a wider footprint. The homes facing the golf course were two-story. Councilmember Gricius asked if those two-stories could be replaced with Ramblers. Mr. Haskell didn't think Ramblers would fit on the lots.

Al Rafati, owner of R5 Ventures, stated R5 acquired this project from FDIC as a bankrupt project in 2011. The owners were unable to find a builder who was willing to build to R5's specifications, so they formed a construction company. The remaining 52 units in Phase 1 were built to the highest standards, and have the highest value of townhomes in Eagle Mountain.

The developers wanted to build a better project in Phase 3: cottages with private yards and varied exteriors. Those facing the golf course would be the premium units and would have protection from the golf course.

Mr. Rafati stated mitigation would be in place against headlights affecting units. He said the developers would consider changing some of the two-story units to Ramblers. He also said the existing, poorly-kept parking spaces, which had inspired complaints, would be managed better.

Mr. Rafati said he knew traffic was a problem. He knew residents wanted a new road built, but he didn't know how much it would help. However, he was willing to give up additional units if doing so would improve the neighborhood.

Councilmember Clark asked if Mr. Rafati would be willing to reduce the density of this phase to ten units per acre.

Mr. Rafati pointed out that each unit pays a monthly fee for the park. Fewer units would mean each household would have to pay more. He didn't feel eliminating six units would make much difference to the density of the neighborhood. He was willing to consider any changes the Council requested that would improve the project.

Councilmember Gricius asked about the pool and the park. Mr. Rafati said they would be built according to the development agreement. The easiest thing to do was to build them and reimburse the cost from the sales of units. The HOA board and the community have discussed the increase the pool would cause in the HOA fees. The HOA planned to approach the Council and offer to build a pool and clubhouse or a recreation center for the community. The developers were willing to build the pool and clubhouse if the HOA didn't decide to build the amenities.

Councilmember Curtis asked if the sides and the backs of the homes were completely stucco, and if that met the City's design standards. Mr. Rafati said the intent was to leave the sides stucco because they would only face each other. The visible elevations would have siding in various colors.

15. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Authorizing a Preliminary Official Statement, an Official Statement, a Bond Purchase Agreement and Other

Documents Required in Connection with the Issuance and Sale of Not More Than \$5,000,000 Aggregate Principal Amount of Water and Sewer Revenue Refunding Bonds, Series 2018; and Related Matters.

Laura Lewis, of Lewis Young Robertson & Burningham (LYRB), stated the City's bond rating rose today from a Stanford and Poor's A to an A+ rating.

The City passed a parameters resolution on this refunding bond issue last October. Refunding bonds were essentially a refinance of existing revenue bonds at a lower interest rate, saving the City a considerable amount in interest costs. This item would authorize the formation of a committee to manage the sale of the bonds, as well as approving the documents required in conjunction with refunding the bonds.

Mayor Westmoreland was pleased with the rating increase.

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

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

The meeting was adjourned at 5:45 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

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; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drains Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1725 led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Community Meeting – New Boy Scout Camp** – The Utah National Parks Council, Boy Scouts of America (BSA), will host a community meeting on Thursday, February 22 at 7:00 p.m. at City Hall to present information and answer questions regarding a new 100 acre camp to be located in Eagle Mountain. The camp will be located on the north side of Wride Memorial Hwy between Cedar Fort and Fairfield, near the existing White Hills neighborhood. Anyone who is interested is invited to attend.
- **Pony Express Widening Project** – Work will begin on the first phase of the Pony Express Parkway widening project from Porter’s Crossing to Redwood Rd. as early as Wednesday, February 28. Expect lane shifts and additional delays as construction continues through fall. Visit the City website, News section for more details and project map.
- **Easter Egg Hunt** –Eagle Mountain City’s traditional Easter Egg Hunt will be held on Saturday, March 24 at 10:30 a.m. SHARP. More information can be found at emcity.org/easter.
- **Miss Eagle Mountain and Miss Teen Pageant** – The Miss Eagle Mountain Pageant, and for the first time, the Miss Teen Eagle Mountain Pageant, will be held on Saturday, March 24 at Frontier Middle School. Tickets are available for purchase online via the City website calendar.
- **Nominations Sought** – Nominations are now open for both the Woman of the Year award and the Pony Express Days Grand Marshal. These awards recognize members of the community who contribute to making Eagle Mountain City a great place to live. Nominations for Woman of the Year are being accepted through March 2 at emcity.org/WOY. The nomination form for Grand Marshal is available through May 7 at emcity.org/GM.
- **Volunteers Wanted** – Volunteers are wanted for Pony Express Days and other community events, including the Easter Egg Hunt on March 24. Pick from available shifts. Register at emcity.org/volunteers.

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

Jim Phelps introduced himself and stated he was retired from 25 years as a U.S. Marshal and planned to run for Utah County Sheriff. Eagle Mountain particularly mattered to him because the City contracted with the Sheriff’s Office for law enforcement and also because his son and daughter-in-law lived in Eagle Mountain.

Ed Henrie thanked the Mayor and Council for welcoming the Boy Scouts. He told the Boy Scouts in the audience that Council meetings were a public forum where they could express their opinions. He asked the Mayor and Council to continue to support the Boy Scout camp about to be constructed between Fairfield and Cedar Fort. His background was in law enforcement in Southern California and in Salt Lake Valley before he retired. He and many other law enforcement officers moved to Eagle Mountain because they felt safe here. In his experience, increased density led to higher crime rates. He encouraged the Council not to increase density.

Mayor Westmoreland thanked Mr. Henrie for serving as a Boy Scout leader.

Jared Gray stated the Pony Express Trail that runs through the City was historical and should be preserved. Developments in Mid Valley have moved the trail. He felt the trail should stay on its historical route.

Mayor Westmoreland said it would be nice if horses could use the trail in the future.

Kim Thomas, a resident of Porter's Crossing, had concerns about the proposed RV storage site in the Porter's Crossing area. She felt it would cause safety concerns. She asked about RV storage, density amendments and reduction of green space. She would prefer the RV storage site to be moved elsewhere and no more high-density units be built in the Parkside area.

Mayor Westmoreland said the planning was in its initial stages. There would be plenty of time to speak to the Council as the planning went on.

Dacia Rocha echoed Ms. Thomas' comments. She felt the powerline corridor was a dangerous place for RV storage. She pointed out that when basketball courts were installed, there was an electrical problem due to a communication failure. She asked the Mayor and Council to be sure to communicate with the power company before approving the RV storage site. She felt it would reduce her property value. She wanted the site to be located elsewhere.

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

Councilmember Curtis

Councilmember Curtis thanked everyone for attending the meeting. He noted the room was quite full. He encouraged residents to learn about government. For instance, if a developer had a certain number of units approved in a project, residents couldn't change that by protesting. Other issues could be negotiated and he encouraged residents to do that and to contact the Council.

Councilmember Burnham

Councilmember Burnham echoed what Councilmember Curtis said. She knew it was frustrating when people felt like no one was listening, but the Council was listening. She loved it when there was a crowd in the audience.

Councilmember Reaves

Councilmember Reaves welcomed everyone to the meeting. He thanked Boy Scout Troop 1725 for presenting the flag ceremony. He said it was never too early to be involved with government. He said the Council existed to serve the residents. Their communication mattered when the Council made decisions.

Councilmember Clark

Councilmember Clark was excited to have such a large crowd at the meeting. She started attending meetings because of issues that affected her neighborhood. She realized that good people were needed on the Council and on the City's boards and commissions. She invited everyone to keep coming to the meetings. She was excited to see the youth in the audience, because there were many opportunities for youth to be involved with Eagle Mountain, including the Youth Council.

Councilmember Gricius

Councilmember Gricius thanked everyone for attending the meeting. She encouraged residents to continue attending City Council meetings and sending emails to the Council.

Mayor Westmoreland

Mayor Westmoreland thanked everyone for attending the meeting.

CONSENT AGENDA

9. MINUTES

A. February 6, 2018 – Regular City Council Meeting

10. BID AWARDS

- A. 2018 Crack Seal Project – Top Job
- B. 2018 Chip Seal Project – CKC Asphalt
- C. 2018 Landscaping Maintenance – TruCo Services, Inc.

11. CHANGE ORDERS

- A. Hidden Valley Widening Project – Horrocks
- B. Pony Express Widening Project – CRS
- C. Valley View Water Tank – Sunrise Engineering

12. BOND RELEASES – Out of Warranty

- A. Lone Tree Plat G
- B. Eagle Point Plat F2

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

SCHEDULED ITEMS

PUBLIC HEARING

13. MOTION – Disposal of Significant Real Property Identified as Utah County Parcel Numbers 38:302:0005, 58:034:0332 and 58:034:0181.

Mayor Westmoreland stated the Council had worked hard to protect open space within the City.

Mr. Pili offered some background information on the sale. The 55-acre parcel, consisting of two smaller parcels, came to the City several years ago through a developer's default on a special improvement district assessment. He contacted the developer when the City acquired the property and asked him if he was interested in buying it back, but wasn't successful. With the ridgeline ordinance recently approved, there was considerably less buildable land in the 55-acre parcel.

The 1.3-acre property was dedicated to the City with an early subdivision plat. It has since become valuable commercial property and there was no reason for the City to retain it.

Ms. Kofoed stated Eagle Mountain City received three applications for the purchase of significant parcels of vacant property. The larger parcel, made up of two smaller ones, was located south of Cedar Pass Ranch and west of Ruby Valley. The other was south of Wride Memorial Hwy and east of Ranches Parkway.

The Council recently updated the procedure for the sale of significant public property. Once the applications were received, a 14-day public hearing notice was mailed to property owners adjacent to the parcels. After completion of the public hearing, the Council would decide whether or not to sell the parcels and what method to use.

Councilmember Curtis said he was initially in favor of selling the 55-acre parcel. After receiving additional information, he opposed it.

Councilmember Clark said she drove to the site and decided it shouldn't be sold, but be set aside as public open space.

Councilmember Gricius was not inclined to sell the property, but retain it as public open space. She had a couple of requests to set it aside as a protected area, but felt that was unnecessary.

Councilmember Burnham initially thought part of it could be sold and the rest retained. She later decided it would be better to leave the entire parcel as public open space.

Councilmember Reaves said Councilmembers had debated the issue. He agreed with the other Councilmembers that the property should be retained.

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

The following residents spoke against selling the 55-acre property.

Shane Jones
Jamie Masharino
Jeff Ruth
Gina Peterson
Mary Monson
Matt Shafer
Wesley Arnold
Daniel Burton
Holly Thomas
Mike Izatt
Jeff Wickland
Jesse & Terry Archie
Tiffany Felix

They wanted it retained by the City for

- public recreation
- dog walking
- possible revenue from selling it to UDOT
- habitat for wild animals
- easy access to undeveloped land

- bird watching
- hiking
- biking
- an existing trail leading from the highway to the bike park
- view of the mountains
- horse riding
- retaining the view of the stars without artificial lighting

Jared Gray felt any discussion of selling City real estate should be done in public, not in a closed session.

City Attorney Jeremy Cook said the Council was allowed by State law to discuss a property sale in general in closed session, but any actual transaction had to be done in a public meeting.

Dan Ford spoke about the commercial parcel. He said the City's goals in selling the land were to create a uniform development and enhance the entry to the City, and to sell it for a fair price. The only access to the property was through his adjacent property. He asked the Council to consider what would be involved if anyone bought the property without access. He and his partners were willing to purchase the property right away. He had potential purchasers showing interest already.

Tyler Shimakonis asked how interested residents could receive notice of what would be discussed in Council meetings. Ms. Kofoed directed him to the State Public Meeting Notice web page, where people could sign up to receive meeting information.

Mayor Westmoreland closed the public hearing at 8:22 p.m.

Councilmember Gricius felt adjacent property owners should be allowed to purchase the 2.5-acre piece that was presented as part of the 55-acre property.

Councilmember Clark asked if the Council could limit potential buyers to landowners adjacent to the property. Mr. Cook said they could.

Mr. Cook reiterated that this agenda item was only to allow or deny the sale of the parcels, which permitted the staff to investigate how to go about selling the land in the City's best interests.

Councilmember Gricius moved to allow the sale of the commercial land near Ranches Parkway.

MOTION: *Councilmember Gricius moved to approve the disposal of significant real property identified as Utah County parcel number 38:302:0005. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Councilmember Gricius moved to allow the sale of the 2.5-acre parcel near Ruby Valley.

MOTION: *Councilmember Gricius moved to approve the disposal of significant real property identified as Utah County parcel number 58:034:0181. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby*

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

Councilmember Gricius moved to deny the sale of the large parcel near Ruby Valley.

MOTION: *Councilmember Gricius moved to deny the disposal of significant real property identified as Utah County parcel number 58:034:0332. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

PUBLIC HEARING

14. MOTION – Heatherwood Phase 3 Preliminary Plat and Site Plan.

Planning Manager Mike Hadley stated Heatherwood Phase 3 was the final phase of the development, with 72 single family lots on 10.81 acres. The property was located south of the existing Heatherwood development, adjacent to The Ranches Golf Course.

Brian Haskell, representing the developers, said this phase was designed to be scaled up from the townhomes in the previous phase. It would consist of small, single-family homes on private lots, with an HOA to maintain the common property. It would be a separate HOA from the existing Heatherwood HOA.

Councilmember Burnham asked what kind of fencing was designed for the project.

Mr. Haskell said all of the interior fencing would be privacy fencing. A fence matching the existing golf course fence would be installed on the lot perimeters facing the golf course. The HOA would have restrictions on fence removal and types of vegetation, which were designed to prevent damage or injury from stray golf balls.

Councilmember Burnham requested screening be specified for the driveways of lots 46 and 47, which had no protection under the plan as presented.

Councilmember Clark asked for a description of how the density was calculated, for those who weren't at the Work Session. Mr. Hadley said most of the open space was included in Phase 1. Although Phase 3 was more than 10 lots per acre, the overall project had fewer units than were vested.

Councilmember Clark also asked Mr. Haskell to address traffic issues for the same reason. Mr. Haskell said the traffic issues in the area stemmed from much more than just this development. The connecting road between Southmoor and Heatherwood will be a benefit. He didn't know how much it would help. The developers were willing to participate in a wide-range traffic study to determine what was needed in the entire area.

Councilmember Curtis asked if the width of the shared driveways met Code requirements.

Paul Watson, Project Engineer, stated the driveways were 28 feet wide. Those in Phase 1 were 24 ft. wide.

Mr. Rafati noted that he complied with the Council's request at the last meeting to convert two two-story homes to ramblers, and to shield homes from headlights with vegetation. He pointed out when the project was purchased by his group in 2011, it was bankrupt and deteriorating. The existing townhomes were repaired and the next townhomes were built to a higher standard. In 2015, the LDS Church asked to purchase land for a church building. The developers agreed, which moved 35 units to Phase 3.

Mr. Rafati appreciated working with the Council to make the project better for the City.

Councilmember Gricius proposed, at the request of residents, that the parking stalls northeast of Atherton Road against the golf course be removed. The project would still have nearly twice the required parking stalls.

Mayor Westmoreland opened the public hearing at 8:50 p.m.

Tara Howard felt the golf course owners shouldn't have tees right next to homes. She was also concerned about traffic. Driving every day was already a problem, especially on Inverness Lane.

Lisa Maxwell thanked Councilmembers Clark and Burnham for visiting the property and Councilmembers Curtis and Gricius for speaking with her. She thanked the developer for speaking with her, as well. She asked how many units will be in the Fieldstone Homes project off of Inverness. She said the land behind her house where ramblers would be constructed was lower than her lot and wanted to know if the land would be built up before the homes were built.

Project Engineer Paul Watson said they weren't planning on raising the land. He didn't expect any storm drainage issues. Drainage mitigation was designed into the project.

Ms. Maxwell requested the removal of the parking stalls on Atherton Road because they were likely to collect garbage and create noise and light issues.

Casey Green stated the traffic passing his house was already heavy. He felt additional traffic would be a problem, especially with all the school bus stops that slow traffic. He believed a 12 year old traffic study wasn't adequate for making traffic decisions. Cars also slide down the hill in front of his home. He felt the amount of traffic was unsafe for children.

Eric Smith said he's seen cars be unable to make it up the hill in front of his home. He has only two drivers in his home, but the neighbors across the street have four drivers. He felt the additional 72 homes will be unfeasible. He wanted the developers to widen Inverness. He didn't want his neighborhood to wind up like Murray, where inadequate parking was required, so cars parked on the streets for blocks.

Brian Smith agreed with the previous comments that Inverness was completely inadequate for the traffic and parking.

Mayor Westmoreland closed the public hearing at 9:07 p.m.

In response to questions from Councilmembers, Mr. Rafati said each unit would have a two-car garage deep enough to fit a large truck, and parking would not be allowed on the streets.

Councilmember Burnham felt it was important to have another traffic study. However, it was unrealistic and illegal to expect this developer to pay for the solutions to the traffic situations. Existing neighborhoods impact the traffic problem just as new development does. She pointed out the developers were vested with a certain number of lots since 2005. They could build more townhomes rather than the single-family homes they've designed.

Councilmember Curtis stated this project was vested with a certain number of lots before most of the existing homes were built. He knew this was a particularly difficult problem, and Inverness was already slated to be widened.

Councilmember Reaves didn't feel he could approve this development until a new traffic study was completed.

Councilmember Curtis asked, if the traffic study resulted in solutions one developer couldn't manage, if the developer could contribute to the impact fees account.

City Engineer Chris Trusty said impact fees couldn't be used for existing infrastructure. However, if the cost attributed to a subdivision could be quantified, each developer could pay a share.

City Attorney Jeremy Cook reminded the Council that the Scenic Mountain developers acquired the land required to widen Inverness in behalf of the City. City staff and the developers anticipated that that development in that area would have been faster, leading to the expansion of the road.

Mr. Watson said an updated traffic report would be unlikely to change much in the local area. What Councilmembers were discussing was a City-wide traffic report.

After additional discussion, the Council voted.

MOTION: *Councilmember Gricius moved to approve the Heatherwood Phase 3 preliminary plat with the following conditions:*

- *The developers shall comply with the park phasing plan.*
- *Any required, fire-rated walls shall be shown as an exhibit.*
- *Applicants shall get approval from Rocky Mountain Power and Dominion Energy and there will not be a conflict with the proposed setbacks.*
- *Homes on the golf course shall be ramblers and not two stories.*
- *Parking stalls on the northeast side of Atherton Road shall be removed.*
- *A traffic study shall be completed and the applicants shall work with staff to appropriately implement any findings.*
- *No final plat shall be recorded until staff is satisfied with the traffic study mitigation agreement.*

Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

Councilmember Burnham asked about the fencing issues.

AMENDED MOTION: *Councilmember Gricius moved to approve the Heatherwood Phase 3 preliminary plat with the following conditions:*

- *The developers shall comply with the park phasing plan.*
- *Any required, fire-rated walls shall be shown as an exhibit.*
- *Applicants shall get approval from Rocky Mountain Power and Dominion Energy and there will not be a conflict with the proposed setbacks.*
- *The two homes at the end of the golf course shall be ramblers and not two stories.*
- *Parking stalls on the northeast side of Atherton Road shall be removed.*
- *A traffic study shall be completed and the applicants shall work with staff to appropriately implement any findings.*
- *No final plat shall be recorded until staff is satisfied with the traffic study mitigation agreement.*
- *That the developer works with staff to determine the type of fencing to be used.*
- *Elevations facing the golf course shall be more than just stucco.*

Councilmember Clark seconded the amended motion.

SECOND AMENDED MOTION: *Councilmember Gricius moved to approve the Heatherwood Phase 3 preliminary plat and site plan with the following conditions:*

- *The developers shall comply with the park phasing plan.*
- *Any required, fire-rated walls shall be shown as an exhibit.*
- *Applicants shall get approval from Rocky Mountain Power and Dominion Energy and there will not be a conflict with the proposed setbacks.*
- *The two homes at the end of the golf course shall be ramblers and not two stories.*
- *Parking stalls on the northeast side of Atherton Road shall be removed.*
- *A traffic study shall be completed and the applicants shall work with staff to appropriately implement any findings.*
- *No final plat shall be recorded until staff is satisfied an agreement has been reached to resolve the traffic issue on Inverness Lane.*
- *That the developer works with staff to determine the type of fencing to be used.*
- *Elevations facing the golf course shall be more than just stucco.*

Councilmember Clark seconded the second amended motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

Councilmember Burnham expressed appreciation for the neighbors and the developers who were willing to work through this approval.

15. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Authorizing a Preliminary Official Statement, an Official Statement, a Bond Purchase Agreement and Other Documents Required in Connection with the Issuance and Sale of Not More Than \$5,000,000 Aggregate Principal Amount of Water and Sewer Revenue Refunding Bonds, Series 2018; and Related Matters.

Assistant City Administrator/Finance Director Paul Jerome said Councilmember Curtis asked how much interest the City would save by refunding the bonds. Mr. Jerome said it would be about \$300,000. He stated this motion officially authorized bond documents so Lewis Young Robertson and Burningham could proceed with the bond funding.

Councilmember Burnham asked what would be done with the savings.

Mr. Jerome said the savings would be used to shorten the term of the payments.

MOTION: *Councilmember Reaves moved to adopt a resolution of Eagle Mountain City, Utah, authorizing a Preliminary Official Statement, an Official Statement, a Bond Purchase Agreement and other documents required in connection with the issuance and sale of not more than \$5,000,000 aggregate principal amount of Water and Sewer Revenue Refunding Bonds, Series 2018; and related matters. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

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

No comments

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

Councilmember Curtis

Councilmember Curtis was unable to attend any board meetings, as his boards met infrequently.

Councilmember Burnham

No comment

Councilmember Reaves

Councilmember Reaves encouraged parents to have their teenage children participate in Youth Council.

Councilmember Clark

Councilmember Clark said the Planning Commissioners asked, when public notices go out to certain neighborhoods, the Commissioners and Councilmembers receive copies of the notice.

Councilmember Gricius

No comment

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

Water and Sewer Revenue Refunding Bonds, Series 2018; and related matters. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

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

No comments

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

Councilmember Curtis

Councilmember Curtis was unable to attend any board meetings, as his boards met infrequently.

Councilmember Burnham

No comment

Councilmember Reaves

Councilmember Reaves encouraged parents to have their teenage children participate in Youth Council.

Councilmember Clark

Councilmember Clark said the Planning Commissioners asked, when public notices go out to certain neighborhoods, the Commissioners and Councilmembers receive copies of the notice.

Councilmember Gricius

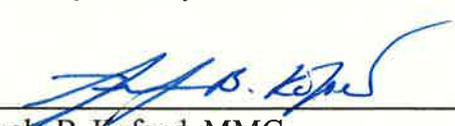
No comment

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

19. ADJOURNMENT

MOTION: *Councilmember Reaves moved to adjourn the meeting at 9:48 p.m. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on March 6, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

March 6, 2018

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 Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. Councilmember 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; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Analyst; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jason Hall, Recreation Manager; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Westmoreland called the meeting to order at 4:05 p.m.

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

A. **PRESENTATION – Drag Racing and Classic Car Show**

Economic Development Manager Sanborn used the aid of a PowerPoint presentation to provide information regarding a proposal to hold an Exotic Car Show and Race event in Eagle Mountain. The proposal was made by Richard Seal, an Eagle Mountain resident with 23 years of racing experience and six years of experience in organizing and promoting racing events. Participants would race down a $\frac{3}{4}$ mile stretch of road, one at a time, to achieve the highest speed possible. The event would take place in a controlled environment with paramedics and police officers in attendance. Mr. Seal has organized races in Spanish Fork for the past six years and safety is his top priority. Past events have drawn racers from across the State and the western region of the United States; participants have driven Lamborghinis, Ferraris, Lotus's, Aston Martins, and Maserati's.

Mr. Seal would like to hold the event during the summer of 2018, possibly during the opening of Cory B. Wride Memorial Park. The race and car show would be held at two different venues. The event would be hours long, depending on interest, and concessionaires would be on hand. To ensure safety, spectators would be situated on bleachers behind the raceway, cars would travel in the opposite direction from spectators, and each car would be required to pass a race-day inspection. Mr. Sanborn then used the

aid of aerial maps to identify the two optional locations for the race and the proposed layout for the race, including the staging area and the area in which spectators would be located.

Mr. Sanborn concluded by noting there is no fiscal impact for the City relative to the proposal and he will confer with Mr. Seal to discuss the feedback provided by the Council before further plans for the event are finalized.

B. DISCUSSION – Porter’s Crossing Town Center Wall

Community Development Director Steve Mumford addressed the conditions of approval for the Porter’s Crossing project. In order to meet the City’s buffering standards, a six-foot, block wall was approved in between the Porter’s Crossing project and an adjacent townhome development. He explained that crews have encountered problems installing the wall because of the location of utility infrastructure. Additionally, there is no other block wall in the area for the new wall to connect to, as similar improvements were not required for other projects. He stated the developer has put this portion of their project on hold and asked for direction from the City regarding how to best proceed.

He stated that he feels it may be appropriate to waive the requirement for the wall given the difficulties with utilities and the lack of similar improvements on nearby projects, but he understands that the requirement was imposed in order to comply with buffering standards.

The Council directed staff to discuss the issue with the Home Owners Association (HOA) for the nearby townhome development to determine their feelings about the need for the wall and also work with the developer to determine if there are other options for proceeding with the wall installation to comply with the buffering standards.

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

Councilmember Burnham recommended a correction for the City Council meeting minutes included on the agenda; the minutes identify her as questioning the contract for the landscaping maintenance at The Ranches, but those questions were actually asked by Councilmember Clark and Curtis.

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Second Amendment to the Fiscal Year 2017-2018 Annual Budget.

Assistant City Administrator/Finance Director Jerome reviewed the proposed amendments in the Fiscal Year 2018 Budget, noting the most significant amendment relates to the project to redesign the City’s website. The base price for this project is \$26,250 and would provide for customization of the home page of the website. Customizing other pages of the website will add an additional \$25,000 to the total project price and additional features would increase the project price by an additional \$15,000. He then reviewed additional proposed minor budget amendments in each of the following funds: General Government, Enterprise Funds, Capital Projects, Impact Fees, and Other. The total for all budget amendments is \$4.8 million. Mr. Jerome invited Management Analyst Evan Berrett to provide additional information regarding the project.

Mr. Berrett stated he is happy to answer any questions the Council may have about the scope of the website redesign project. Discussion between Mr. Berrett and the Council centered on technical details of the project, the justification for the project, comparison of proposals submitted by different firms capable of completing the project, data storage and content hosting, transparency and content access, the value of the work to be performed by Vision Internet, costs associated with ongoing maintenance and updates to the redesigned website, and the possibility of securing more competitive bids if the City were to repeat the Request for Proposals (RFP) process.

City Recorder Fionnuala Kofoed added that she is currently investigating options for live-streaming public meetings; she has discussed this option with the City's current audio recording provider as well as Granicus, but she has not yet made a decision regarding the firm she will recommend for selection. She noted that Granicus recently purchased Vision Internet, so that may be something for the Council to keep in mind during further discussions of the website redesign project.

15. MOTION – Professional Service Agreement between Eagle Mountain City and Vision Internet for Website Redesign and Maintenance.

Management Analyst Berrett provided the Council with information regarding the proposed execution of the Professional Service Agreement with Vision Internet for the City's website redesign project. City Administration is proposing is a solution that addresses every concern raised by the Council, staff, and residents that they are aware of. The project can be scaled up or down and staff will work within the direction given by the Council based on what they feel is appropriate for the City, whether it is a very simple, low cost, template-based website or creating the most advanced website in the state. He then provided an overview of the history of the City's website, providing screen shots of the different versions of the website as it has evolved over the years.

He then discussed the major focuses of the project and what will change on the City's website. First is search effectiveness and ease of use. A resident should be able to find what they are looking for on their first search of the website and within seconds of performing a search. Second is communication and transparency. Information will be presented in a more clear and useful manner with more channels than before. The website will become the 'go to' location for communication information once again. Third is an enhanced and appealing design that will attract potential businesses and investors to the community. It will be modern with a simple interface that is unique to Eagle Mountain.

He expounded on the goal of searchability and ease of use; he provided a screen shot of an example for an improved mega-menu on the website and indicated it will provide simple navigation, keyword search options for improved searching, and department page sub-menus. Relative to communication and transparency, the website will include a centralized frequently asked questions (FAQ) portal, a citizen request management tool, improved integrated social media tools, and improved staff and Council biographies and directories. The issue tracking and reporting tool will allow residents to report issues, upload photos, and be notified of the progress of a work order. For enhanced and appealing design, the website will include content organizational tools to reduce clutter and long pages, provide flexible content areas with use of better imagery, and generally better UI/UX across the website. Effective page layouts will provide diversity and flexibility of inner pages to significantly reduce 'linear' page designs that do not

present information well. Mr. Berrett then noted that minor improvements can fix major annoyances; examples of these improvements include:

- Central sports programs page with improved sign-up info
- Significantly improving the search results
- Eliminating dozens of pages that have less than 100 words
- Creating central portals for like services
- Developing the MY EM area to reduce confusion for new residents

He then reviewed an example home page for the website, which would include simplified main page navigation, greater search focus, City news and events more prominently advertised, information about City leaders more prominently displayed, and inclusion of the MY EM section to provide useful information to new residents in particular. Department pages would be more easily navigable with drop down sub-menus. They would include less linear content, more variety, and better content organization. Departments will be more clearly marked, and their respective pages will include content organization tools such as accordions and tabbed areas. Department interior pages will have easier navigable menus, ever-present contact information, greater design flexibility and be completely unique to Eagle Mountain with consistent branding across the site.

An ‘other’ interior page will provide opportunities for adding information in a more interesting and impactful way. It will also be a clean and open content area to ensure that content does not look too cluttered. Pages will be consolidated to ensure each page has unique and valuable information. He also discussed the content searching tools that will be included on the website and illustrated the manner in which a search tool will function.

One component that will make the City’s website unique is compatibility with in-home digital voice assistant devices. Fifty-five percent of homes are expected to have digital voice assistant devices by 2022 and integration of this tool will allow access to information and some website actions by simply audibly asking the device for assistance. This tool provides access to a variety of applications from fact-based information to getting utility bills paid.

Mr. Berrett then provided a cost breakdown for the project. Breaking out of the typical government website mold and significantly enhancing communication with residents comes with a larger price tag, but the return on investment could potentially be significant. The base build cost is \$26,250 and a custom interior component is \$25,000. The cost breakdown for additional features is as follows:

- Accordion content box: \$4,320
- Tabbed content box: \$4,860
- Department submenus: \$1,620
- Custom FAQ with tabs: \$4,860
- TOTAL: \$15,660

The in-home digital voice assistant device would cost \$5,000 through an independent contractor or \$10,400 through Ingenuity Community Connect. This component could be delayed until FY 2019 to provide a greater focus on the basic website redesign project.

Mr. Berrett provided a comparison of Eagle Mountain’s website project with projects completed in Sandy City and Saratoga Springs.

He added that South Jordan recently spent over \$100,000 for a website with the same features to be included in the Eagle Mountain project.

16. MOTION – SilverLake 18 Preliminary Plat.

Planning Manager Hadley provided an overview of the Planning Commission recommendation for the SilverLake 18 Preliminary Plat application. The project is a 55-lot development located south of Tickville Wash and north of Golden Eagle Road. The proposed preliminary plat would provide better access to a new elementary school and increase connectivity between SilverLake and Evans Ranch. The density of the project is 5.17 units per acre. The traffic impact study for SilverLake South shows that with mitigation, intersections will perform at a higher level of service than they currently do, or would do without the project and mitigation. The traffic study contemplates all 1,200 units to eventually be constructed below Tickville Wash. The study also indicated that there is a warrant for a traffic signal at Woodhaven Boulevard in addition to the signal at Pony Express Parkway and SilverLake Parkway. A four-way stop is also planned for the intersection of Porter's Crossing Parkway and Golden Eagle Road. Mr. Hadley reiterated the benefit of improved connectivity that will result from the development. He reviewed an aerial map and conceptual plan for the project to illustrate traffic flow options and street connections. The project includes a variety of lot sizes and the Planning Commission voted to recommend approval of the preliminary plat with the following conditions:

1. A four-way stop shall be placed at the intersection of Porter's Crossing Parkway and Golden Eagle Road, when deemed appropriate by the Eagle Mountain City Engineer.
2. The applicant shall pay a park cash escrow of \$2,810.40 per lot (total escrow \$154,572) prior to recording this plat.

Councilmember Burnham inquired as to the length of time the City will hold escrow before the money can be refunded to a developer. City Attorney Cook stated that funding can be used by the City to complete improvements that are not completed by the developer due to various circumstances. However, developers are eligible to receive a refund of their escrow funds once a certain percentage of units in the development have been completed. Councilmember Burnham stated that she has been contacted by residents in the area who are curious about the timeframe for the completion for the park improvements in the development. Mr. Cook stated that the developer deeded property to the City, but they are not responsible to pay for improvements; however, the developer is working with the City for a design for the park and City Administration is considering funding options.

Discussion then focused on the terms of the master development agreement for the project, with a focus on the timing of park improvements in relation to the pace of home construction. Mr. Cook stated that the agreement is vague enough that it can be interpreted many different ways. He was unsure whether the intent was to construct the park improvements before homes were built around the park property, but he can understand why that may have been an expectation of the residents living there now. Councilmember Curtis stated that he is concerned about allowing the construction of additional homes, the owners of which will also be expecting a park sooner rather than later. Councilmember Burnham stated that she is as concerned about road construction as she is about park construction. With the increase in residential units, there will be a direct increase in traffic levels in the area. Mr. Cook stated that the developer would have been happy to construct Golden Eagle Road if the City had been in a position to pay for its portion of the improvements, but it did not provide a great benefit to the developer to proceed with that construction because their project does not front the road.

17. MOTION – SilverLake 19 Preliminary Plat and Site Plan.

Planning Manager Hadley provided an overview of the Planning Commission recommendation for the SilverLake 19 Site Plan and Preliminary Plat application, a proposed 52-lot preliminary plat containing 16 single family lots and 36 townhomes, located south of Tickville Wash and SilverLake 16. The applicant has also provided a site plan for the townhome portion of the development. Mr. Hadley reviewed the site plan and identified two areas of open space to be included in the plat, with tot lots to be located in each of the areas. As there is no comprehensive park plan in place for SilverLake south of the wash, staff recommends that the Council continue to require pro rata cash escrow in the amount of \$2,810.40 per lot. He then noted no club house is provided with this phase of the development, but the Planning Commission has recommended that the next phase, SilverLake 20, include a clubhouse and pool, if necessary. This clubhouse will serve the townhome units in SilverLake 19 and must be constructed prior to the issuance of certificates of occupancy. Mr. Hadley concluded with a review of the elevations that have been approved for the townhomes.

Mayor Westmoreland invited input from the applicant relative to planning for future parks and the provision of open space.

Pete Evans, Flagship Homes, stated that he has appreciated the candid manner in which he has been able to work with City staff in order to achieve creative solutions to address the concerns and needs of the community. He then noted that construction of Ansley Park is underway. Playground equipment has been delivered and should be installed by the end of March, weather permitting. Landscaping should be completed by the end of April in order for the park to be open to the public in May. Work on SilverLake Parkway will commence soon, with excavation to begin next week and irrigation to follow soon after. He stated that project should be completed by the middle of May.

Mr. Evans noted that he spoke with staff about the Woodhaven Community Park and he is considering options for funding the improvements at that location. The obligation of Flagship Homes was to dedicate the property to the City with the understanding the City would be responsible for improvements. He stated that all plans for the entire SilverLake project include the park as an amenity for residents of the development. At this point, he has decided to commit resources of a landscape architect to assist with the design of the park; that individual has submitted some conceptual designs for review by the City. There is the potential to secure some creative finance options that would allow Flagship Homes to proceed with construction of the park rather than leaving that burden with the City. That will be dependent upon reaching an agreement with the City relative to the design of the park. If plans can be finalized in April, the project can commence in May with a 120-day timeline to completion. He stated he wants to work with the City to make sure that SilverLake is considered a nice place to live in Eagle Mountain. He will continue to work with staff relative to the design of various infrastructure improvements and build-out of open space and park property.

Discussion ensued regarding street connectivity within SilverLake and adjacent arterial roads in the vicinity of the project.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

The meeting was adjourned at 6:10 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Analyst; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jason Hall, Recreation Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Dallin Fulmer with Boy Scout Troop 1028 led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Community Meeting – Neighborhood Watch:** The next community meeting featuring information about the neighborhood watch, Community Emergency Response Team (CERT), and Volunteers in Police Service (VIPS) will be held Thursday, March 8 from 7:00 to 9:00 p.m. in the City Council Chambers. Those interested are invited to attend any time within that time period.
- **Spring Forward:** Daylight savings time begins Sunday, March 11 at 2:00 a.m.; don't forget to adjust your clocks one hour ahead. This is also a good time to change out batteries for your home's smoke detectors.
- **Easter Egg Hunt:** The City's Easter Egg Hunt for ages three through 12 will be held Saturday, March 24 at Nolen Park at 10:30 a.m. sharp. Make sure to bring a basket or bag to collect eggs and check eggs for prize tickets before leaving the park.
- **Miss Eagle Mountain and Outstanding Teen Pageant:** The scholarship pageant will be held Saturday, March 24 at 7:00 p.m. at Frontier Middle School. Tickets are \$7.00 for the combined pageants and are available for purchase online via the City website events calendar.
- **Autism Awareness Event:** An Eagle Scout in the community has developed new sensory baskets that will be provided to the library for use by autistic children; the baskets contain noise dampening headphones, sunglasses, and toys that can help autistic children enjoy their library visits even more. An event will be held Saturday, March 10 from 11:00 a.m. to 12:30 p.m. to unveil the project at the library. There will be fun crafts, story time, and volunteers on hand to work with autistic children and answer questions and give advice.

- **Community Clean-up:** Registration is open for the annual community clean-up event to be held Saturday, April 21 from 8:00 a.m. to noon. Individuals, families, and groups who are interested in participating are welcome. Volunteers will receive breakfast, lunch, and a swag bag.
7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and 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 thanked everyone for attending the meeting. He recognized the Boy Scouts present and indicated he appreciated their attendance.

Councilmember Burnham

Councilmember Burnham also thanked the Boy Scouts for their attendance. She reminded those in attendance of upcoming Republican and Democratic caucus events scheduled for Tuesday, March 20. Residents can find the location of their local precinct meeting online. She encouraged residents to attend caucus events and make their voices heard.

Councilmember Reaves

Councilmember Reaves welcomed those in attendance to the meeting and stated he is grateful to be participating.

Councilmember Clark

Councilmember Clark stated she especially excited to see all the youth in attendance tonight. She said she is also excited to see a new member of the Parks and Recreation Board sworn in tonight and she encouraged everyone to get involved in the community by looking into volunteer board service opportunities.

Councilmember Gricius

Councilmember Gricius also welcomed those in attendance this evening.

Mayor Westmoreland

Mayor Westmoreland welcomed those in attendance this evening.

9. RECOGNITION

A. John Linton, Planning Commission

Mayor Westmoreland noted Mr. Linton was unable to attend this evening. Mr. Linton has served on the City’s Planning Commission from August 2006 to July 2012, and as the Planning Commission Chair from July 2012 to December 2017. He thanked Mr. Linton for his service and stated the award will be delivered to him at a later date.

B. Mike Owens, Planning Commission

Mayor Westmoreland stated Mike Owens served as a member of the Planning Commission from January 2016 to October 2017. He thanked Mr. Owens for his service and presented him with an award from the City.

Mr. Owens stated it was an honor to serve and he enjoyed the experience greatly. It was fun to be part of the Planning Commission and have some input on the future development of the City. He thanked the Mayor and Council for the opportunity.

10. APPOINTMENT

- A. Parks and Recreation Advisory Board
 - i. Adam Olsen – 3-year term

MOTION: *Councilmember Gricius moved to appoint Adam Olsen to the Parks and Recreation Advisory Board of a term ending December 31, 2020. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

City Recorder Kofoed administered the oath of office for Mr. Olsen.

CONSENT AGENDA

11. MINUTES

- A. February 20, 2018 – Regular City Council Meeting

12. CHANGE ORDER

- A. Porter's Crossing Traffic Signal – Cache Valley Electric

13. BOND RELEASES – Into Warranty

- A. Eagle Point Townhomes Plat B
- B. Glenmar Ranches
- C. Heatherwood Church

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

SCHEDULED ITEMS

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Second Amendment to the Fiscal Year 2017-2018 Annual Budget.

Mr. Jerome stated the proposed amendments to the FY 2017-2018 budget include expenditures for Capital Projects, the General Fund, Fleet Fund and Impact Fees for projects including a website upgrade, Springbrook upgrade, fees in lieu and library books, expenses related to the Capital Projects Fund (power line relocation), expenses related to Impact Fee Funds (waterline extension), and vehicle repairs in the Fleet Fund.

Councilmember Burnham asked if the Council has the option of voting in opposition to the website upgrade, but in favor of the budget amendments with the understanding that the contract for the

website project will need to be approved by the Council due to the expected cost of the project. Mr. Jerome answered yes.

Councilmember Reaves asked if that means that \$120,000 would still be allocated for the project, but the project scope would not be approved until considered by the Council. Mr. Jerome answered yes.

Mayor Westmoreland opened the public hearing at 7:26 p.m.

Trevor Norton, 7666 N. Snowy Owl Road, inquired as to when the FY 2017-2018 budget was adopted and why there is a need to change the budget at this time. He also asked where the funds are coming from to cover the amendments.

Mr. Jerome stated that the City is required to adopt an annual budget by June 22 each year, with each fiscal year commencing July 1. The City's budget has many different funds, each with their own source of revenue and expenses are allocated to each of these funds. The City also has a fund balance that cannot exceed 25% of the total budget and it is common to use money from the fund balance to cover new expenditures. Additionally, grant revenues are being used for some of the new expenditures and impact fees are being used for various capital projects.

Mr. Norton asked if it is correct that many of the funding sources for the budget amendments are from increased tax revenues or impact fee revenues that have been collected since the budget was adopted. Mr. Jerome answered yes. He added that it is typically necessary to consider mid-year budget amendments related to emergency projects or community growth.

Mayor Westmoreland closed the public hearing at 7:32 p.m.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, approving the second amendment to the fiscal year 2017-2018 annual budget. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

15. MOTION – Professional Service Agreement between Eagle Mountain City and Vision Internet for Website Redesign and Maintenance.

Management Analyst Evan Berrett reviewed the information presented during the Work Session.

Councilmember Clark inquired as to when the original Request for Proposals (RFP) for the website redesign project was published. Mr. Berrett noted the RFP process was initiated in July of 2017. Councilmember Burnham inquired as to the impact on the project if the RFP were performed again, with Vision Internet given the opportunity to provide an updated proposal. Mr. Berrett stated that the delay may be crucial given that City Administration feels now is the time to proceed with the project given the website's impact on economic development in the community. The project can take some time and if the City is trying to attract businesses now, the time to start the project is now. He added he is not optimistic that the City would receive lower project bids if the RFP were rebid.

Councilmember Reaves stated that he feels that it would be appropriate to remove the project component relating to in-home digital voice assistance compatibility. Mr. Berrett stated that component is not critical and removing it from the project could reduce the total project cost by upwards of \$10,000.

Councilmember Curtis inquired as to any remedies the City might have in the event that Vision Internet is unable to fulfill their responsibilities. Mr. Berrett stated that the agreement includes clauses to provide for cancellation in the event terms are not being met by the provider.

Councilmember Burnham asked why the Council did not receive a copy of the agreement they are being asked to approve. City Recorder Kofoed stated that the terms approved by the Council tonight will be included in the City's standard contract, which will then be processed according to the City's contract review process. Councilmember Burnham stated that her experience has been that the Council has been provided with an agreement to review and recommend changes to. Ms. Kofoed stated that the City now has a standard agreement form for business services to be provided by the City. She noted that agreements that are development-specific are provided to the Council for consideration, but business services are dealt with in a standard agreement form with the scope of work included as an exhibit to the agreement. The scope of the website redesign will be included as an exhibit to the agreement for this project.

Councilmember Curtis stated that he believes the annual maintenance costs quoted by Vision Internet are too high and he would like to know what the \$16,000 amount will cover and what service the City will receive. He stated that he would have liked to see the proposed contract to determine if that issue is addressed. Mr. Berrett stated that Vision Internet's standard maintenance cost is 15 percent of the initial project cost. This amount will cover annual maintenance of all components of the website. If the City were opting for the \$26,250 project cost for simple base build of the website, the annual maintenance costs would be much less.

Councilmember Curtis referenced the cost of \$4,320 for a custom accordion content box and noted that once that component of the project is complete, there should not be any need for Vision Internet to provide annual maintenance of that item. He stated he is concerned that the annual maintenance amount is based upon the total project cost when there are some components of the project that will not need to be maintained. Mr. Berrett stated that he had that same concern. When he questioned Vision Internet, they explained that while the digital asset itself may not break down and need maintenance, the total product that the digital asset is placed into (the website itself) will change and the asset will need to adapt to work within those changes. Budgeting for the annual cost now will allow the City to anticipate costs that would have otherwise been surprising. Councilmember Curtis stated he understands the analogy, but he believes the maintenance costs are too high. He noted that he feels there are options to reduce those costs and in his professional experience, the company he works for commonly discounts annual maintenance costs by up to 50 percent.

Ms. Kofoed noted that one option for the City Council would be to decide what components they would like to include in the scope of work for the project and that scope of work could then be converted to an exhibit for the standard business services contract used by the City and the entire document could be provided to the Council in a future meeting for consideration.

Discussion then centered on technical components and integration versatility of the overall website redesign project. Mr. Berrett noted that one reason Vision Internet was favored after the completion of the RFP was their experience with providing versatility and flexibility.

Councilmember Burnham then shifted the focus of the discussion to the fact that the City's website can be an economic driver. While the Council is discussing the hard costs of the website redesign project tonight, there has been no mention of the money the City could potentially be losing due to the antiquated website. Mr. Jerome agreed and stated that the scope that is being recommended by staff is based upon the several discussions between Administration and staff regarding problems that residents, businesses, or Councilmembers themselves have encountered with the website.

Councilmember Gricius stated that functionality is far more important than creating a website that is 'cutting edge.' Residents should not be required to pay for that type of product. Mr. Berrett stated he feels that the lines between functionality and cutting edge have been somewhat blurred relative to the interior pages of the website. As staff approached the project, the priority was not to create a cutting-edge product, but one that was functional, user friendly, easily navigable, and engaging. There is a lot to be said for the experience that residents or businesses have due to the customization of the interior pages of the website.

Councilmember Curtis stated he understands the goal behind customization of interior pages, but he is unsure whether the prices associated for that customization are warranted. Mr. Berrett indicated the first thing he would remove from the project scope is the list of items labeled as "Extra Features." This would reduce the total price by \$15,660.

Councilmember Reaves asked if there has been any discussion about training a City employee to perform regular maintenance of the website in order to possibly reduce the annual maintenance costs quoted by Vision Internet. Mr. Berrett stated that it is his understanding that bulk of the \$16,000 annual maintenance costs are for updates to the coding of the website, which the City will not have access to.

Councilmember Burnham asked Councilmember Curtis if he would feel more comfortable proceeding if the City were to repeat the RFP process for this project. She asked if it is his opinion that the City could get more competitive pricing in that event. Councilmember Curtis stated he does not necessarily believe the pricing is noncompetitive; rather, he does not understand the value proposition that is being presented. He asked if it might be possible to invite Vision Internet representatives to a meeting to expand on their ideas for customization of the interior pages. Mr. Berrett stated he is willing to invite them to a meeting to participate in that type of discussion. He emphasized that all websites created by Vision Internet conform to the same template with customization inside of that template. Departments will be given the ability to customize the layout within that template. The main difference between a Word Press product and the product to be provided by Vision Internet is the viability of the long-term maintenance and management of that content.

Mayor Westmoreland suggested that the Council provide staff with some direction regarding the manner in which they should proceed. Councilmembers Curtis and Burnham emphasized that they are not questioning the expertise of staff or being critical of the project scope recommended by Vision Internet. Mr. Berrett stated he welcomes the Council's feedback, but noted that the recommendations he has made are not arbitrary and, instead, are part of a larger goal that the

Council has been involved in shaping. He stated the goal of the project is to solve problems for the City and to create a quality project for the long term.

The Council then engaged in discussion regarding items to be removed from the project scope with the goal of reducing the overall project price, with debate regarding the need to customize interior pages of the website. Councilmember Curtis reiterated his biggest concern relates to the cost for annual maintenance of the website. He stated that if the project is truly being customized, it should not be necessary to perform extensive annual maintenance.

The Council concluded to direct staff to develop an agreement with the project scope as an exhibit to the agreement, but to invite Vision Internet to a future meeting to discuss costs associated with interior customization and justification of their annual maintenance costs.

Councilmember Burnham stated she would like to understand how quickly the City would receive service from Vision Internet in the event of any changes that would require website maintenance or updating. She asked if the annual maintenance costs directly correlate to the response time the City can expect. Mr. Berrett stated he is willing to ask those questions, as that has been a main point of concern for the City in the past.

MOTION: *Councilmember Burnham moved to table a professional service agreement between Eagle Mountain City and Vision Internet for website redesign and maintenance and instruct staff to address the matters raised during this meeting. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

16. MOTION – SilverLake 18 Preliminary Plat.

Mr. Hadley stated the proposed plat has 55 single-family lots on 10.52 acres. The property is located south of Tickville Wash, east of Evans Ranch and north of Golden Eagle Road. The proposed preliminary plat would provide better access to the new elementary school and increase the connectivity between SilverLake and Evans Ranch. The density of the project is 5.17 units per acre. The traffic impact study for SilverLake South shows that with mitigation, intersections will perform at a higher level of service than they currently do, or would do without the project and mitigation. The traffic study contemplates all 1,200 units to eventually be constructed below Tickville Wash. The study also indicated that there is a warrant for a traffic signal at Woodhaven Boulevard in addition to the signal at Pony Express Parkway and SilverLake Parkway. A four-way stop is also planned for the intersection of Porter's Crossing Parkway and Golden Eagle Road.

Mr. Hadley reviewed an aerial map and conceptual plan for the project to illustrate traffic flow options and street connections and noted that during the February 13 Planning Commission meeting, the body discussed with the applicant the SilverLake South context plan, specifically to address a connection over Tickville wash to Silver Creek Way, and the extension of Golden Eagle Road to the east to connect into Saratoga Springs. Parks and park plans were also discussed at the meeting. The project includes a variety of lot sizes and the Planning Commission voted to recommend approval of the preliminary plat with the following conditions:

1. A four-way stop shall be placed at the intersection of Porter's Crossing Parkway and Golden Eagle Road, when deemed appropriate by the Eagle Mountain City Engineer.

2. The applicant shall pay a park cash escrow of \$2,810.40 per lot (total escrow \$154,572) prior to recording this plat.

Councilmember Curtis referenced the discussion of this project during Work Session and asked the applicant, Pete Evans of Flagship Homes, if he is willing to commit to the park improvements he reported on and the extension of Golden Eagle Road prior to the start of the 2018-2019 school year. Mr. Evans stated he is more comfortable committing to reaching an agreement with the City by April regarding the design and funding plan for the Woodhaven Community Park improvements, given that he has been working on that project for a long period of time. However, relative to the Golden Eagle extension there are many factors yet to be determined, such as financing of the project. Flagship Homes is willing to work with staff to address those issues, but he cannot commit to the Council at this time that the project will be complete before school begins in the fall of 2018.

Councilmember Curtis asked if Mr. Evans would be comfortable agreeing to work with staff to develop an agreement regarding the manner in which the Golden Eagle Road project will be addressed jointly between Flagship Homes and the City. Mr. Evans answered yes. Councilmember Curtis then asked if Flagship Homes would consider developing a preliminary or conceptual plat for the remainder of the property to be included in the SilverLake development in order for Council to gain an understanding of the improvements to be performed on the remainder of the property. Mr. Evans answered yes and stated he has provided the overall concepts for the remainder of the project to staff. He expounded on plans for a larger amenity package for the remainder of the project. He added he is willing to continue to work with staff to ensure that the SilverLake project creates value for the community.

Discussion ensued on whether approval of the SilverLake 18 application should be conditioned upon Flagship Homes' willingness to develop a concept plan for the remainder of the property to be developed. Staff indicated that it isn't necessary.

MOTION: *Councilmember Curtis moved to approve the SilverLake 18 preliminary plat based on the conditions recommended by the Planning Commission and with the understanding that the applicant will work with staff to address the issues of road connectivity and park placement. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

17. MOTION – SilverLake 19 Preliminary Plat and Site Plan.

Mr. Hadley explained the proposed 52-unit residential development contains 16 single-family residential lots and 36 townhomes. The 7.35-acre parcel is located south of Tickville Wash and the SilverLake 16 subdivision and the density for the project will be just over seven units per acre. The applicant has also provided a site plan for the townhome portion of the development, which identifies two areas of open space to be included in the plat with tot lots to be located in each of the areas. As there is no comprehensive park plan in place for SilverLake south of the wash, City staff recommends that the Council continue to require pro rata cash escrow in the amount of \$2,810.40 per lot. No clubhouse is provided with this phase of the development, but the Planning Commission has recommended that the next phase, SilverLake 20, include a clubhouse and pool, if necessary. This clubhouse will serve the townhome units in SilverLake 19 and must be constructed

prior to the issuance of certificates of occupancy. Mr. Hadley concluded with a review of the elevations that have been approved for the townhomes, after which he noted the Planning Commission recommended approval with the following conditions:

1. The applicant shall pay a park cash escrow of \$2,810.40 per lot/unit (total escrow of \$146,140.08) prior to recording this plat.
2. Side elevations of townhomes that face public ROWs shall have the same features in the same proportions as front elevations.
3. A clubhouse (and pool if necessary) be planned for SilverLake Phase 20.
4. A clubhouse serving the townhome units in SilverLake 19 must be constructed prior to receiving certificates of occupancy for more than 75 townhome units in SilverLake south of the wash.
5. Six additional guest parking stalls (18 total) shall be provided in SilverLake 19 (The Municipal Code requires 12).

Councilmember Curtis stated that the master development agreement for the SilverLake project provides a ratio for the allowed clustering of townhomes and he asked if additional clustering in future phases will result in the total amount of clustering exceeding that allowance. Mr. Hadley stated the total number of clustered townhomes to be allowed in the project is 75 and this phase includes 36. Councilmember Curtis asked if the 75 units are allowed anywhere in the south area. Mr. Hadley answered yes; they could be located anywhere south of the wash. Councilmember Curtis then noted he likes the layout and inclusion of the green space.

MOTION: *Councilmember Curtis moved to approve the SilverLake 19 preliminary plat and site plan based on the conditions recommended by the Planning Commission. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. 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.

Mayor Westmoreland

Mayor Westmoreland reminded the Council of a joint Planning Commission and City Council meeting scheduled for Tuesday, March 13 to review the progress of the project to update the City's General Plan. Documentation has been sent to the entire Council for review in advance of the meeting.

Mayor Westmoreland reported that the regularly scheduled City Council meeting of March 20 has been cancelled in observance of caucus meetings; the next Council meeting will be held April 3.

There were no comments by City Councilmembers.

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.

Councilmember Curtis

Councilmember Curtis stated he recently attended the Cemetery Board meeting and he can report it is a very efficient group and they are working to plan the Memorial Day program for the City.

Councilmember Burnham

Councilmember Burnham reported on her assignment as the liaison to the Senior Citizens Advisory Council. The group has been tasked with finding seniors in the community who may need help with spring clean-up. She asked that names of individuals in need of help be provided to the Council by April 2. She added that the Council provides activities for individuals 55 and older.

Councilmember Reaves

No comments.

Councilmember Clark

Councilmember Clark reported on her assignment as the liaison to the Economic Development Board. During their most recent meeting there was good conversation about a program to spotlight local businesses. She then reported on her assignment as the liaison to the Planning Commission. There have been some growing pains associated with turnover on the Commission, but the body is working well. Training will be provided by City staff to give the group information about their role, land use rights, and open and public meetings.

Councilmember Gricius

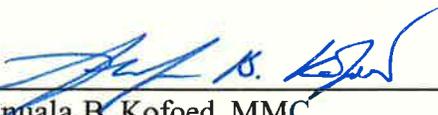
No comments.

20. COMMUNICATION ITEMS
A. Upcoming Agenda Items

21. ADJOURNMENT

MOTION: *Councilmember Reaves moved to adjourn the meeting at 8:53 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on April 3, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN
JOINT CITY COUNCIL AND
PLANNING COMMISSION MEETING

March 13, 2018 7:00 p.m.

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

7:00 P.M. - Eagle Mountain City Planning Commission and City Council Work Session

ELECTED OFFICIALS PRESENT: Colby Curtis, Stephanie Gricius, Donna Burnham, Melissa Clark and Tom Westmoreland EXCUSED: Benjamin Reaves.

COMMISSION MEMBERS PRESENT: Rich Wood, DeLin Anderson, Brett Wright, Jared Gray, and Matthew Everett.

CITY STAFF PRESENT: Mike Hadley, Senior Planner; Steve Mumford, Community Development Director; Paul Jerome, Asst. City Administrator/Finance Director; and Johna Rose, Deputy Recorder.

OTHERS PRESENT: Melissa Fryer, CSRA Consultant; and Susie Perthera, CSRA Consultant.

Mayor Westmoreland opened the meeting at 7:07 p.m.

Susie Perthera, CSRA consultant, presented the proposed Transportation and Land Use portion of the Eagle Mountain City General Plan. Ms. Perthera discussed the components of commercial businesses locating within the City.

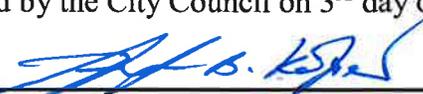
The City Council and Planning Commission discussed the proposed Transportation and Land Use portion of the Eagle Mountain City General Plan. Since the document was still in draft form, it was not released to the public. It is anticipated that these plans will be presented to the public sometime in April 2018.

Councilmember Stephanie Gricius and Paul Jerome were excused at 8:45 p.m.

This was a Work Session and no action was taken or public comments were made.

The meeting was adjourned at 10:31 p.m.

Approved by the City Council on 3rd day of April, 2018



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

April 3, 2018

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

3:00 P.M. SITE VISIT – CORY B. WRIDE MEMORIAL PARK

ELECTED OFFICIALS PRESENT: Councilmember Melissa Clark, Councilmember Ben Reaves, and Councilmember Colby Curtis.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Brad Hickman, Parks and Recreation Director; Steve Mumford, Community Development Director; Melanie Lahman, Chief Deputy Recorder.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. Councilmember Donna Burnham 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; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; 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; Jeff Weber, Facilities/Operations Director; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; B.J. Eccles, Sheriff's Deputy.

Mayor Westmoreland called the meeting to order at 4:05 p.m.

1. **CITY ADMINISTRATOR INFORMATION ITEM** – This was an opportunity for the City Administrator to provide information to the City Council. This item was for information only and did not require action by the City Council.

A. PRESENTATION – FY 2018-2019 Preliminary Budget

City Treasurer David Mortensen presented the initial version of the fiscal year 2019 preliminary budget. The total expenditures by budget area were as follows:

General Fund:	\$12,700,262
Enterprise Funds:	\$11,210,553
Impact Fee Funds:	\$2,976,000
Capital Projects Fund:	\$2,230,000
Debt Service Funds:	\$836,108

General Fund revenues were expected to be slightly lower than expenditures, so approximately \$129,807 of the Fund Balance Reserve will need to be used to balance the budget. The largest of the General Fund Capital Projects will be widening a section of Pony Express Parkway, construction of a road to service the new high school and HAWK crosswalk signals. Mr. Mortensen noted the per capita cost of government during fiscal year 2018 was \$330.88, compared to \$321.53 for fiscal year 2019. These were approximations based on statistical analysis. The precise cost varies as funds are received and expended.

Mr. Mortenson planned to make additional presentations to the City Council throughout the budget process.

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

14. MOTION – Professional Service Agreement between Eagle Mountain City and Vision Internet for Website Redesign and Maintenance.

This agreement was tabled at the last City Council meeting.

Management Analyst Evan Berrett stated City staff recently put out a request for proposals to update the website with a more attractive and functional design.

Mr. Berrett stated the proposal from Vision Internet, the City's current website provider, was the most complete and cost-effective of all the responses received. Vision has improved its hosting provision since it began working with Eagle Mountain and had provided a detailed plan for significant improvements.

Councilmember Curtis felt the cost was too high for what was being offered, especially for annual maintenance and specialty items on various pages. Adam Isern, representing Vision, assisted Mr. Berrett in explaining the procedure and costs of customizing and maintaining the website.

15. MOTION – Disposal of Significant, Real Property Identified as Utah County Parcel Number 58:034:0181.

City Attorney Jeremy Cook stated this item would be discussed in Closed Executive Session.

16. MOTION – Eagle Point, Plat J Amended Preliminary Plat.

City Planner Tayler Jensen said this development would be located east of Lake Mountain Road, adjacent to Eagle Point I. The plat amendment was being requested due to several lots being combined and sold as a church site. The Planning Commission recommended approval of the project with several conditions. The developers have already complied with most of them, as follows:

- Lot count reduced by 13 (original submittal was for 184 units)
- Setback exhibit compliant with City setback standards requiring 15' in the front, 22' for driveways, 5' and 10' (15' Total) for side yards, and 20' at the rear.
- Floyd Ct. added between Mercer Dr. and Ophir Dr. to comply with the connectivity code.

- All lots on Ophir Dr. increased to greater than 10,000 SF in size.
- 36 total lots to be made larger than 10,000 SF.

17. MOTION – Gateway Park, Plat 3 Preliminary Plat.

Planning Manager Mike Hadley stated the proposed plat was for six lots on 15.76 acres, west of and adjacent to Eagle Mountain Storage. The property was zoned Business Park and Industrial. There would be a temporary second access onto Wride Memorial Hwy., which would either be removed with the highway expansion or become a permanent access onto a future frontage road.

Councilmember Clark asked if there were any plans to use part of the space for recreational vehicle storage. Mr. Hadley said there was RV storage in the existing storage units.

Councilmember Curtis asked if the developers would create an overall landscape plan, rather than depending only on the landscape provided by the buyers of individual lots. Mr. Mumford said there could at least be an overall plan for streetlights along the road and preliminary landscape plans for the individual lots.

Mayor Westmoreland wanted to ensure land was left available as a right-of-way for a frontage road or highway expansion and possibly a light rail line.

City Attorney Jeremy Cook stated a possible solution would be to place the parking lot closer to the road rather than the buildings.

18. MOTION – Sunset Ridge Amended Preliminary Plat.

Mr. Hadley said the Sunset Ridge plat amendment included redesign of some of the roads and changes in the configuration of some of the lots. The changes reduced the need for grading and should eliminate blasting entirely.

The Council and staff discussed where trails and roads should be located for safety and connectivity.

City Engineer Chris Trusty noted the City recently applied to the Mountainland Association of Governments for funding for some road widening in the area.

Brian Haskell, representing the applicants, offered to answer any questions. After speaking to the Planning Commission, the applicants were considering eliminating the trail corridor, since it appeared to cause more problems than benefits.

19. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 3.10 of the Eagle Mountain Municipal Code Related to the Municipal Energy Sales and Use Tax.

Assistant City Administrator/Finance Director Paul Jerome stated this tax was levied on electric and gas utility bills. In researching how to encourage large businesses to locate in Eagle Mountain, City Administration found that most states didn't charge this tax. They felt that relieving this tax would help to attract such businesses, large data centers in particular.

Councilmember Curtis asked whether the natural gas portion of the energy tax should be included in this change. Mr. Jerome said large data centers used very little natural gas in their operations. The proposal could be changed to specify that it applied to electricity only.

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

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

The meeting was adjourned at 5:48 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. Councilmember Donna Burnham 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; Aaron Sanborn, Economic Development Manager; Evan Berrett, Management Analyst; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Ross Fowlks, Fire Chief; B.J. Eccles, Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Stephanie Gricius led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Adaptive Easter Egg Hunt – An Easter egg hunt for individuals with disabilities and their families will be held Saturday, April 7 at Frontier Middle School. Meet the Easter Bunny from 12:00-12:45 p.m. The egg hunt will begin at 12:45 p.m. sharp. This event is organized by Western Utah County Family to Family Network and is not restricted to Eagle Mountain residents.
- Neighborhood Watch Community Meeting – The next community meeting featuring information and training related to Neighborhood Watch, Community Emergency Response

Team, Eagle Mountain Emergency Communications Team, and Volunteers in Police Service will be held Thursday, April 12 from 7-9 p.m. in the City Council chambers. Those interested are invited to attend anytime within that time period.

- Utah County Household Hazardous Waste Collection Day – Utah County residents with household hazardous waste items such as old gasoline, paint, fluorescent light bulbs, batteries and unused medications will be offered safe disposal of these items at a Household Hazardous Waste Collection Day on Saturday, April 14 from 9 a.m. to 3 p.m. The collection will take place in the west parking lot of the Provo Towne Centre Mall in Provo. For details, including a list of what will or will not be collected, please visit the City website, Events calendar.
- Service Day at Camp X – The new Boy Scout Camp in Eagle Mountain (temporarily named Camp X) is holding a community service day on Saturday, April 14. Various projects will help prepare the camp for its opening this summer. Visit utahscouts.org/serviceday for more info and to register. Community Clean-up – Registration is open for volunteers for the annual citywide Community Clean up event, to be held Saturday, April 21 from 8 a.m. to Noon. Individuals, groups, families, and anyone who wants to participate is welcome. Volunteers receive a breakfast snack, lunch, and a swag bag. Info at www.emcity.org/cleanup.
- Grand Marshal Nominations – Eagle Mountain City and Pony Express Special Events extend 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 Extreme Enduro events. Please visit emcity.org/ped parade page for details on nomination requirements.

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

Dan Richards asked about the process of cleaning and improving the detention pond next to his house in the Arrival subdivision. The Council and staff discussed how to have that work completed.

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 Clark

Councilmember Clark wanted to highlight some great things going on in the City. She said the City recently had an Easter egg hunt for children. The Youth Council helped in various ways. A resident planned an Easter egg hunt for teens, who got to spend a little while just being kids. Streets and Storm Water Manager Zac Hilton recently purchased a scarifier blade to better grade gravel roads.

Councilmember Reaves

Councilmember Reaves welcomed everyone to the meeting.

Councilmember Curtis

Councilmember Curtis congratulated the new Miss Eagle Mountain royalty.

Councilmember Burnham

No comment.

Mayor Westmoreland

Mayor Westmoreland said the groundbreaking for the new Boy Scout camp would be held on Wednesday, April 18 from 10:00 a.m. to 12:00 p.m.

9. RECOGNITION

- A. John Painter, Mayor
- B. Adam Bradley, City Councilmember

Mayor Westmoreland presented plaques to former Mayor John Painter and former Councilmember Adam Bradley and thanked them for their outstanding service to the City.

CONSENT AGENDA

10. MINUTES

- A. March 6, 2018 – Regular City Council Meeting

11. CHANGE ORDERS

- A. 2018 Crack Seal Project – CKC Asphalt
- B. Cory B. Wride Memorial Park, Phase 1B

12. BOND RELEASES – Into Warranty

- A. Overland Phase A, Plat 1
- B. Spring Run Phase B, Plat 2

13. RESOLUTION – Declaration of Surplus Property

- A. Vehicles

MOTION: *Councilmember Curtis moved to approve the Consent Agenda, specifying the amount of the Wride Memorial Park change order as \$372,630.49 and indicating a change to the minutes stating that Councilmember Clark asked a question about the RFP on item 15, rather than Councilmember Burnham. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

14. MOTION – Professional Service Agreement between Eagle Mountain City and Vision Internet for Website Redesign and Maintenance.

Management Analyst Evan Berrett presented this proposed agreement for website redesign and maintenance. The website redesign would significantly improve search functionality, ease of use and content organization. This item was tabled from the March 6, 2018 meeting. Having reviewed

several proposals, staff felt the Vision proposal was the best option. Since the March 6, City staff worked with Vision staff to negotiate a decrease in annual costs and revise the agreement to be more specific about what it covered.

Councilmember Curtis thought the cost of the agreement was too high. He stated a number of ways he felt the website could be updated for a lower cost. He also objected to approving a five-year contract with automatic rate increases.

Mr. Berrett responded staff had reviewed all of the bids for the agreement and Vision was the most cost-effective for the services requested. He asked exactly what Councilmember Curtis was requesting, so he could include it in a new request for proposals if this agreement was not approved. He felt it was not likely that staff would receive lower bids if the project was re-bid.

Councilmember Curtis stated his remaining objections to the agreement. He wanted better management of documents related to subdivision plats and better live-streaming of Council meetings than what was proposed. He felt a five-year maintenance contract was too constricting.

Councilmember Reaves asked if this was the lowest bid. Mr. Berrett stated the City had initially hired Revize Software. The amount they bid was lower, but their service was unacceptable. Staff had to cancel the agreement.

Adam Isern of Vision Internet stated the cost was affected by the term of the agreement. Vision generally priced agreements on a five-year schedule. Their proposal to Eagle Mountain was heavily discounted. He believed Vision's management wouldn't agree to less than three years.

Mr. Pili stated the Council didn't appear to be ready to make a decision. He suggested tabling the agreement until the Council felt ready to vote on it.

MOTION: *Councilmember Curtis moved to table a professional service agreement between Eagle Mountain City and Vision Internet for website redesign and maintenance so that the contract can be further negotiated and the Council's concerns can be addressed. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

15. MOTION – Disposal of Significant, Real Property Identified as Utah County Parcel Number 38:302:0005.

This item was discussed during the Closed Executive Session.

MOTION: *Councilmember Gricius moved to approve the disposal of significant, real property identified as Utah County parcel number 38:302:0005 subject to the conditions discussed during the Closed Executive Session. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

16. MOTION – Eagle Point, Plat J Amended Preliminary Plat.

City Planner Taylor Jensen stated the proposed plat contained 171 single-family lots on 45.29 acres. The property was located east of Eagle Point I and north of Eagle Mountain Boulevard. The plat was being amended because eight of the lots were sold and combined into a church site. The improvements over the previous approval would include: a larger park, more trails, better connectivity, larger road rights-of-way and better storm water management.

Councilmember Curtis objected to the increase in density represented by this amendment.

Councilmember Reaves felt the park was too far away from the eastern edge of the development.

Scott Dunn, representing Patterson Construction, said employees at Patterson were divided between those who wanted to redesign the entire plat and those who wanted only to change the area affected by the church site. He felt the new design exceeded the requirements of the current Municipal Code.

Councilmember Curtis felt the City was very different now than it was when the plat was originally approved.

Councilmember Clark said this was prime development land and shouldn't be filled with small lots. She preferred quarter-, half- and one-acre lots.

Councilmember Burnham felt this should be treated as an entirely new plat rather than an amendment, because the developers chose to make significant changes.

Councilmember Gricius asked Mr. Dunn if the plat design took drainage into account. Mr. Dunn said specific drainage would be included in the construction plans, which would be reviewed by City Engineer Chris Trusty.

Mayor Westmoreland asked if Mr. Dunn was in a position to negotiate at this meeting. Mr. Dunn said he could convey what the Council wanted to Patterson Construction. He stated the owners of the project felt strongly they were entitled to the number of lots in the previous approval.

Mr. Cook stated the Council could table the application until he could research whether there was case law on whether the developers were entitled to a partial amendment. Tabling would also allow time for additional negotiation.

MOTION: *Councilmember Gricius moved to table the Eagle Point, Plat J amended preliminary plat to the next scheduled meeting. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

17. MOTION – Gateway Park, Plat 3 Preliminary Plat.

Planning Manager Mike Hadley stated the proposed project was a six-lot preliminary plat for business park uses. The project was located in the Gateway Park development north of Cory B. Wride Memorial Highway.

Mayor Westmoreland asked whether this design would allow enough space for UDOT's expansion of Wride Memorial Highway as well as a potential light rail line.

Scot Hazard, representing the developers, stated the developers had already sold a considerable amount of land to UDOT. He preferred to hold any restrictions on the remaining property until a site plan was presented to the Council.

Councilmember Curtis brought up the large sign on Mr. Hazard's property near Wride Memorial Hwy. Mr. Hazard stated the sign was approved through UDOT and the City. Mr. Cook stated he had spoken with the developers' attorney. They disagreed about whether the sign could remain as it was.

Discussion ensued on streetlights and landscaping. Mr. Hazard suggested working with the staff to create a landscaping plan for the park strips.

MOTION: *Councilmember Curtis moved to approve the Gateway Park, Plat 3 preliminary plat with the following conditions: the applicant worked with staff to outline a landscaping standard for the park strips that would be consistent with the rest of the area and worked with staff to install streetlights as required by the Municipal Code. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

18. MOTION – Sunset Ridge Amended Preliminary Plat.

Mr. Hadley said the proposed amended plat kept the total number of lots the same as the original approval (189), but changed the road and lot configuration in the northwest portion of the project. The plat was originally approved as Lone Tree West.

MOTION: *Councilmember Gricius moved to approve the Sunset Ridge amended preliminary plat with the Planning Commission conditions, as well as requiring Unbridled Court to be renamed, and requiring compliance with the City's blasting code. Councilmember Curtis seconded the motion.*

After discussion, the motion was amended.

AMENDED MOTION: *Councilmember Gricius moved to approve the Sunset Ridge amended preliminary plat with the Planning Commission conditions, as well as requiring Unbridled Court to be renamed and requiring compliance with the City's blasting code, specifying blasting would be limited to that necessary for utility installation and road construction. Councilmember Curtis accepted the amendment. Those*

voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

19. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 3.10 of the Eagle Mountain Municipal Code related to the Municipal Energy Sales and Use Tax.

Assistant City Administrator/Finance Director Paul Jerome presented this item during Work Session, as recorded on page 3 of these minutes.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, amending Chapter 3.10 of the Eagle Mountain Municipal Code related to the Municipal Energy Sales and Use Tax with the condition that the change only applied to electricity, not natural gas. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. 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 Gricius
No comment.

Councilmember Clark
See board liaison report.

Councilmember Reaves
No comment.

Councilmember Curtis
See board liaison report.

Councilmember Burnham
No comment.

Mayor Westmoreland
No comment.

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

Councilmember Curtis reported the Library Board was considering a pilot program abolishing Library fines for a short period of time. The data they had showed fines undermined the purpose of the Library and didn’t bring in much money. They were also working on appointing new members to the Board.

Councilmember Clark stated the Planning Commission was trained last week on their powers and duties by Ms. Kofoed and Mr. Cook.

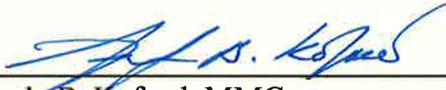
22. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

23. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 10:09 p.m. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on April 17, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

April 17, 2018

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

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

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; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Analyst; Michele Graves, City Librarian; 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; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Westmoreland called the meeting to order at 5:06 p.m.

Brent Oakeson, representing the Utah Local Governments Trust, presented an award to the City for earning the Trust Accountability Program grant. The grant amount for the 2017 year, received in February 2018, was \$4,196. Because the City earned the grant for three years in a row, it also qualified to receive a 4.5% reduction in the workers' compensation premium.

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

A. DISCUSSION – Signage

Mayor Westmoreland was interested in establishing an overall signage standard guiding decisions on commercial and residential signage.

Community Development Director Steve Mumford described Eagle Mountain commercial and temporary signage regulations. He explained the ladder signs in the City and the sign management agreement with the Lehi Area Chamber of Commerce. He also described the requirements for the community entrance signs placed at subdivision entrances.

Councilmembers discussed existing signage that appeared to violate the Code, as well as types of signage they would like to consider adding.

B. DISCUSSION – Meadow Ranch Dog Park

Parks and Recreation Director Brad Hickman stated that a group approached the Parks and Recreation Board early last year about constructing a dog park. The group created the

nonprofit Eagle Mountain Dog Park Foundation, made preliminary plans and began fundraising.

Michael Johnson, the Chair of the Eagle Mountain Dog Park Foundation, distributed written information to the Mayor and Councilmembers. The preliminary plans include a K-9 training area, large dog play area and small dog play area, all of which would be gated, as well as a parking lot, restroom and pavilion. Mr. Johnson described the phasing and financial issues associated with starting up the park.

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, Adopting the Third Amendment to the Fiscal Year 2017-2018 Annual Budget.

Assistant City Administrator/Finance Director Paul Jerome stated the proposed amendments to the FY 2017-2018 budget included expenditures for the General Fund, Capital Projects and Enterprise Funds.

Mr. Jerome said the first amendment was for a traffic study in anticipation of installing HAWK (High-intensity Activated crossWalk) signals at marked, mid-block crosswalks. The second was for a comprehensive utility rate study, which hasn't been done since 2011. The third was for additional fencing and construction work for Phase 1B of the Cory B. Wride Memorial Park.

14. AGREEMENT – Venue Lease Agreement between Viive Events, LLC and Eagle Mountain City for a Lights Fest.

City Recorder Fionnuala Kofoed stated the proposed agreement documented the terms for Viive Events to hold a lights fest in Eagle Mountain City. The event would take place at Cory B. Wride Memorial Park in September. The agreement was essentially identical to last year's, except there will be no fireworks display. Last year's event generated a \$3,800 donation to the City's Events Department.

There was some discussion about making it a two-year agreement. However, the Council preferred to keep it an annual agreement.

15. MOTION – Utah County 2018 Municipal Recreation Grant Project.

City Recorder Fionnuala Kofoed stated the Utah County Commission allocated \$14,931.62 to Eagle Mountain for the 2018 Municipal Recreation Grant. City staff proposed using the funds to offset some of the cost of purchasing a portable stage. The stage could be used for City events and rented to other groups. Eagle Mountain has been renting a stage from Lehi City for its events, and would purchase a nearly identical one. The cost of a permanent stage at the SilverLake Amphitheater was prohibitive.

16. BID AWARD – Award of Bid to S & L, Inc. for the White Hills Sewer Project.

City Engineer Chris Trusty stated the proposed bid was for the construction of a transmission pipeline system to transport sewage from White Hills to the Eagle Mountain wastewater treatment

facility located south of City Center. It would replace a failed lagoon system. The award of bid would be contingent on the approval of State funding.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

The meeting was adjourned at 6:23 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

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; 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; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:08 p.m.

5. PLEDGE OF ALLEGIANCE

Girl Scout Troop 650 presented a flag ceremony.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Groundbreaking – New Boy Scout Camp** -- The Utah National Parks Council, Boy Scouts of America (BSA), will hold a groundbreaking event tomorrow, April 18 from 10:00 a.m. to Noon for the new camp in Eagle Mountain. The camp will be located on the north side of Wride Hwy between Cedar Fort and Fairfield near the existing White Hills neighborhood. Anyone who is interested is invited to attend and check out the camp.
- **Community Cleanup** – The City's annual Community Cleanup event will be held on Saturday, April 21. About 500 volunteers are registered to help with various projects around the city. Dumpsters for household/yard and electronic waste will be available from 8:00 a.m. until filled at SilverLake Amphitheater and Wride Memorial Park. A prescription drug take-back hosted by the DEA will also be available at Wride Park. Visit emcity.org/cleanup for details on what is accepted in the dumpsters and other information.
- **Youth Council Elections** -- Youth Council elections will be held on May 8, 2018. Requirements to serve on the Youth Council are:
 - Each member must be a resident of the Cedar Valley area for at least one month.
 - Must be at least ninth grade and not yet a graduate from high school.
 - Must be at least in the eleventh grade to serve as mayor of the Youth Council.

- Must be a resident of Eagle Mountain to serve as the mayor of the Youth Council.
- A pre-election meeting will be held at City Hall at 6:00 p.m. on April 25 for the purpose of reviewing the functions, goals and purpose of the Youth Council.
- **Nominations Sought** – Nominations are being accepted for the Pony Express Days Grand Marshal. Recognize someone in the community who contributes to making Eagle Mountain City a great place to live. Submit your nomination through May 7 at emcity.org/GM.
- **Volunteers Wanted** – Volunteers are wanted for Pony Express Days and other community events. Pick from available shifts. Register at emcity.org/volunteers.
- **Pony Express Days Discount Carnival Tickets** – The Pony Express Days carnival will be held May 31, June 1, and June 2. Discount tickets at \$20 for a one-day unlimited ride pass are available for purchase at City Hall during business hours or at all Eagle Mountain schools except Frontier Middle School.

7. PUBLIC COMMENTS

Hillary Bolander spoke about having a safe path in her neighborhood for children to use for walking to school. Her children attended Pony Express Elementary School. She also said a school zone was needed across Pony Express Parkway. She requested this in 2014. The Mayor and Council at the time stated safety measures would be installed, but they never were.

Mayor Westmoreland asked Mr. Jerome to answer Ms. Bolander's concern. Mr. Jerome described the safety measures planned as part of the Pony Express widening project, including a HAWK traffic signal.

Ms. Bolander requested crossing guards and a school zone. Mr. Jerome responded that a crossing guard would be stationed at the HAWK crossing. Mr. Jerome said that would be considered in the remaining project planning.

Mayor Westmoreland asked Mr. Mumford if there were additional safety plans. Mr. Mumford said a path would be constructed along St. Andrews Drive.

The Mayor, staff and Council discussed several options for safe travel to schools.

8. CITY COUNCIL/MAYOR'S ITEMS

Mayor Westmoreland

Mayor Westmoreland introduced Miss Eagle Mountain, Kaylee Mahoney, and Eagle Mountain's Outstanding Teen, Sydney Glass, and invited them to speak about their platforms. Ms. Glass said her platform was "Greater Than One," advocating for people living with Type 1 Diabetes. Ms. Mahoney's platform was prevention of distracted driving.

Councilmember Gricius asked Ms. Mahoney what the City could do to help her. Ms. Mahoney stated some local high schools have held events on distracted driving prevention. She would like to hold an event like that at Westlake High School.

The Mayor announced the measures City staff is making to help residents with the annual influx of tumbleweeds.

Councilmember Curtis

Councilmember Curtis thanked everyone for attending the meeting.

Councilmember Burnham

Councilmember Burnham commended the City's residents who try to find solutions to problems they encounter, such as Michael Johnson spearheading the dog park project.

Councilmember Reaves

Councilmember Reaves welcomed everyone to the meeting.

Councilmember Clark

Councilmember Clark thanked those who share their thoughts and invested their efforts with the City. She commended Aaron Sanborn for working out issues with the City's email system. She also commended Linda Peterson, who's been dealing with the problems caused by the combination of wind and tumbleweeds.

Councilmember Gricius

Councilmember Gricius welcomed everyone to the meeting.

CONSENT AGENDA

9. MINUTES

A. April 3, 2018 – Regular City Council Meeting

10. BID AWARDS

- A. Water, Sewer and Storm Drain User Rate Study – Lewis Young Robertson & Burningham
- B. Storm Drain IFFP – JWO Engineering

11. BOND RELEASE – Into Warranty

A. Sunset Ridge Phase A, Plat 3

12. RESOLUTION – Consolidated Fee Schedule

A. Library Fees – Temporary Late Fine Exemption

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

SCHEDULED ITEMS

PUBLIC HEARING

13. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Third Amendment to the Fiscal Year 2017-2018 Annual Budget.

Assistant City Administrator/Finance Director Paul Jerome stated the proposed amendments to the FY 2017-2018 budget included expenditures for the General Fund, Capital Projects and Enterprise

Funds. One was funding for HAWK crosswalk signals, another was funding for a utility rate study and the third covered increased costs for construction work in Cory B. Wride Memorial Park.

Councilmember Reaves asked if the traffic study was being initiated by the City or others. Mr. Jerome said it was initiated by the City. If the results warranted it, the City would work with partners later in the process.

Mayor Westmoreland opened the public hearing at 7:44 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah, approving the third amendment to the fiscal year 2017-2018 annual budget. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

14. AGREEMENT – Venue Lease Agreement between Viive Events, LLC and Eagle Mountain City for a Lights Fest.

City Recorder Fionnuala Kofoed stated the proposed agreement documented the terms for Viive Events to hold a Lights Fest in Eagle Mountain City. The event would take place at Cory B. Wride Memorial Park on September 8, 2018 and would be the only such event Viive held in Utah during 2018. The terms of the agreement were identical to those of last year's agreement, except that there would be no fireworks display this year.

MOTION: *Councilmember Curtis moved to approve a venue lease agreement between Viive Events, LLC and Eagle Mountain City for a Lights Fest. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

15. MOTION – Utah County 2018 Municipal Recreation Grant Project.

City Recorder Fionnuala Kofoed stated the Utah County Commission determined the funding for the 2018 Municipal Recreation Grant. Funding was based on the 2016 State of Utah Official Census Data population estimates. Eagle Mountain was allocated \$14,931.62 for the 2018 grant. City staff proposed using the funds to offset costs for the purchase of a portable stage, similar to the one the City had been renting from Lehi City. It would be used for City events and rented to other groups, with the revenue offsetting its cost within five years. Purchase of a permanent stage was cost-prohibitive.

Mayor Westmoreland asked if the stage would be ready to use this year. Ms. Kofoed said it would be ready.

Councilmember Clark asked whether the Council wanted to purchase a stage whether or not it was approved as a grant project by Utah County. Mayor Westmoreland said the money was allocated in the budget. The recreation grant would offset some of the cost.

If Utah County approved the stage as a grant project, the City would execute an agreement for the purchase of the stage and adopt a fee schedule for stage rentals.

MOTION: *Councilmember Reaves moved to approve the Utah County 2018 Municipal Recreation Grant project in the amount of \$14,931.62. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

16. BID AWARD – Award of Bid to S & L, Inc. for the White Hills Sewer Project.

City Engineer Chris Trusty stated the proposed bid was for the construction of a transmission pipeline system to pump sewage from White Hills to the Eagle Mountain wastewater treatment facility located south of City Center. The system would replace the non-functional lagoon system White Hills has been connected to. S & L, Inc. has been a responsible contractor for City projects in the past.

MOTION: *Councilmember Curtis moved to approve an award of bid to S & L, Inc. for the White Hills sewer pipeline system, contingent on State funding, in the amount of \$1,335,688.20, and authorize the Mayor to sign the contract. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Mayor Westmoreland invited Councilmembers to make any comments they had on the sign ordinance update discussed under City Administrator Items during Work Session.

Councilmember Clark said some residents had expressed an interest in having a temporary permit available for movable and/or inflatable signage such as “fly-boys.” She asked if the staff would do some research on that.

Mr. Pili asked Mr. Mumford if the Municipal Code’s temporary signage regulation could be interpreted to include such signage for special events. Mr. Mumford said the Code, as written, prohibited them.

Councilmember Clark said she wanted strict time limits on movable signage and model home flags.

Councilmember Curtis didn’t want large, electronic signage approved in Eagle Mountain. He felt it conflicted with the rustic feel of the City. He didn’t mind low-profile electronic signage with moderate lighting.

Councilmember Clark said a monument sign with an electronic component was different from a large, electronic sign. She didn’t like the mobile electronic signs City staff used to provide information at City entrances.

Councilmember Gricius wanted to relax the time and location restrictions on political signs.

Councilmember Burnham wanted staff to survey business owners to find out what their needs were. She didn't want City government to be too restrictive about neighborhood entry signs.

Mayor Westmoreland said this was intended to be a discussion about commercial signage.

17. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Gricius

No comment.

Councilmember Clark

Councilmember Clark said the Planning Commission meeting last week was very well-attended.

Councilmember Reaves

No comment.

Councilmember Burnham

No comment.

Councilmember Curtis

Councilmember Curtis thanked the Council for approving the Library's temporary program for abolishing fines.

Mayor Westmoreland

No comment.

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.

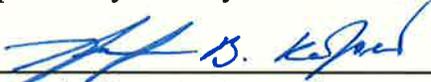
19. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

20. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 8:12 p.m. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on May 1, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

May 1, 2018

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 Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, and Stephanie Gricius. Benjamin Reaves 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; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Analyst; Michele Graves, City Librarian; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Westmoreland called the meeting to order at 4:08 p.m.

1. **CITY ADMINISTRATOR INFORMATION ITEMS** – This was an opportunity for the City Administrator to provide information to the City Council. These items were 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.

14. **ORDINANCE** – An Ordinance of Eagle Mountain City, Utah, Rezoning Five Acres of The Ranches Golf Course from Open Space to Residential.

City Planner Tayler Jensen explained this five-acre rezone consisted of six pods, one of which was commercial and the others residential. The Planning Commission voted on each pod separately. The purpose of the rezone was for to generate revenue in order to construct an events barn for the benefit of the golf course. He noted the rezone had been revised several times.

Mark and Kristin Whetzel, the applicants, explained the rationale behind the design of the various portions of the project. The rezone had to be designed in a way that maintained the integrity of the golf course. She explained that the golf course needed improved amenities to increase its revenues to a level that would sustain it. Mr. Whetzel stated that Tele

Wightman, the golf pro, would be at Policy Session with a petition signed by 230 people in support of the rezone.

15. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2018-2019 and Setting a Public Hearing for Adoption of the Final Budget.

City Treasurer David Mortensen described the amendments to the 2018-2019 budget made since the previous Council meeting.

State Code requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 30. The tentative budget had been available for public review in preparation for adoption by the City Council. After the City Council conducts a public hearing, the Council may move to adopt the final budget as proposed or with amendments. The final budget will be the document that governs the expenditures for the 2018-2019 fiscal year.

16. MOTION – Eagle Point Plat J, Amended Preliminary Plat.

City Planner Tayler Jensen stated the applicant proposed a 166 lot single-family development located on 45.29 acres of property for a project density of 3.66 dwelling units per acre. This proposal amended a previous one, including a larger park adjacent to the Eagle Point Plat I church. The redesigned road network provided for higher connectivity than previous approvals, and midblock pedestrian trails improved the overall walkability.

17. AGREEMENT – Cooperation Agreement between Eagle Mountain City, Utah, and the Eagle Mountain Arts Alliance for Visual and Performing Arts.

This item was discussed after item 18B.

City Recorder Fionnuala Kofoed stated the proposed agreement documented the terms for the Eagle Mountain Arts Alliance's use of certain public parks and facilities within the City. Because the City had limited resources to plan and promote visual and performing arts events and opportunities, City Administration wished to provide non-monetary assistance to the Eagle Mountain Arts Alliance, which would promote visual and performing arts in the City.

18. A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 8.25 of the Eagle Mountain Municipal Code for Blasting.

The proposed amendment to the Municipal Code changed the City permit approval process and criteria for blasting, requiring that the City Engineer approve or deny blasting permits in areas more than 1,000 feet away from any existing residential structure within 30 days. The time to approve or deny the application could be extended up to 60 days if the City Engineer determined that additional information was necessary to evaluate the application or a third party needed to be consulted to evaluate the application.

In addition to approval by the City Engineer, any application proposing blasting within 1,000 feet of any existing residential structure would have to be approved by the City

Council. The City Council could consider the following factors in granting or denying the application:

- a. The proposed number and size of blasts;
- b. The distance between the proposed blasts and existing residence;
- c. Whether the blasting is necessary to install public or private infrastructure or facilities that will benefit the public at large;
- d. Whether alternatives to blasting exist, such as use of machinery, and the potential costs, timing and impacts of any alternatives;
- e. Any conditions or restrictions proposed by the applicant to alleviate the potential negative impacts to surrounding property owners; and
- f. Site specific conditions, such as slope, soils, and emergency access.

B. MOTION – Goldsworth Blasting Permit.

The Council discussed technical details of the blasting project with Ken McCoy of 3-Rivers Drilling.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

Mayor Westmoreland adjourned the meeting at 6:02 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

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; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Analyst; Michele Graves, City Librarian; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Youth Council Elections** -- Youth Council elections will be held on May 8, 2018. Requirements to serve on the Youth Council are:
 - Each member must be a resident of the Cedar Valley area for at least one month.

- Must be at least ninth grade and not yet a graduate from high school.
- Must be at least in the eleventh grade to serve as mayor of the Youth Council.
- Must be a resident of Eagle Mountain to serve as the mayor of the Youth Council.

Those interested in running for Youth Council office need to file a statement of candidacy by sending an email to the City Recorder at fkofod@emcity.org by May 3, 2018 stating their intent to run and how they meet the eligibility requirements.

- **Nominations Sought** – Nominations are being accepted for Pony Express Days Grand Marshal until midnight tonight. Recognize someone in the community who contributes to making Eagle Mountain City a great place to live. Submit your nomination at emcity.org/GM or email info@emcity.org.
- **Volunteers Wanted** -- Volunteers are wanted for Pony Express Days and other community events. Pick from available shifts. Register at emcity.org/volunteers.
- **Pony Express Days Discount Carnival Tickets** – The Pony Express Days carnival will be held May 31, June 1, and June 2. Discount tickets at \$20 for a one-day unlimited ride pass are available for purchase at City Hall during business hours or at all Eagle Mountain schools except Frontier Middle School.
- **Pony Express Rodeo, Demolition Derby Tickets** – The Pony Express Rodeo will be held Memorial Day weekend on Friday, May 25, Saturday, May 26, and Monday, May 28. The Demolition Derby will be held Saturday, June 2. Tickets for both events are available at ponyexpressevents.com.

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

Jeff Ruth stated he had spoken to the Code Enforcement Officer several years ago and he was very proactive. He read on Facebook recently that a resident with an illegally-parked truck was told by a Neighborhood Improvement Officer that they only came out when complaints were called in. Mr. Ruth felt they should be more proactive and shouldn't be saying that to people.

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

Councilmember Curtis

Councilmember Curtis thanked everyone for attending the meeting and for sending emails when they had concerns, especially those who reach out respectfully. He wasn't always able to respond to them promptly, but he did read all of them.

Councilmember Burnham

Councilmember Burnham echoed Councilmember Curtis' comment. She also said there had been problems with the email system recently.

Councilmember Reaves

Councilmember Reaves welcomed everyone and agreed with Councilmembers Curtis and Burnham. He appreciated the residents' being united.

Councilmember Clark

Councilmember Clark was excited to see so many people in attendance. She knew it was because the Council would be voting on topics people were passionate about. Feeling passionate about issues was the reason each of the Councilmembers had run for election.

Councilmember Gricius

Councilmember Gricius echoed the other Councilmembers' comments.

Mayor Westmoreland

Mayor Westmoreland welcomed everyone. He looked forward to a good discussion, which would help the Council reach good decisions.

CONSENT AGENDA

9. MINUTES

A. April 17, 2018 – Regular City Council Meeting

10. BID AWARDS

- A. Pony Express Widening and Median Project – Knife River Construction
- B. Senior Center Remodel – KDK Construction, LLC

11. CHANGE ORDER

A. Pony Express Widening Project – CRS

12. ORDINANCE

A. Amendment to Chapter 2.35 of the Municipal Code for the Library Board

MOTION: *Councilmember Gricius moved to approve the Consent Agenda with the addition of item 12, Amendment to Chapter 2.35 of the Municipal Code for the Library Board. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

Item 12 was moved to the Consent Agenda.

Item 17 was discussed before item 13.

13. LIBRARY BOARD APPOINTMENTS

- A. Tim Heise – 2-year term
- B. Stephanie Squires – 3-year term

MOTION: *Councilmember Curtis moved to appoint Tim Heise to the Library Board for a term ending December 31, 2019. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to appoint Stephanie Squires to the Library Board for a term ending December 31, 2020. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Ms. Squires. Mr. Heise was unable to attend the meeting and will receive the oath at another time.

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Five Acres of The Ranches Golf Course from Open Space to Residential.

City Planner Tayler Jensen explained the proposed ordinance would rezone five acres of The Ranches Golf Course from open space to Residential zoning, with four Single Family Residential pods and two Multifamily Residential pods. The stated purpose of the rezone was to support construction of an events barn on the golf course.

The proposal being made at this meeting was different from that brought before the Planning Commission on April 10. The Planning Commission made seven motions regarding the project, changing several aspects of the project. The applicants redesigned the project with those motions in mind.

Mayor Westmoreland opened the public hearing at 8:08 p.m.

Karsen Delgado asked whether there had been a cost/benefit analysis or statistical analysis that would demonstrate that the rezone would make the golf course more profitable, and what other options had been considered, such as a public/private partnership.

Christa Kelly discussed drainage and traffic issues drainage issues and stated that no-one within 500' of the project received a notice in the mail.

John Newcomb stated his family's biggest objection was to the two-story, multifamily housing.

Sara Giles asked if there were other areas the zoning could be spread into rather than being mostly concentrated in her neighborhood.

Craig Boyens said The Ranches Golf Course was the most community-oriented golf course he'd ever seen. He supported the event barn as a way to help the golf course be a more successful business.

Angie Fenton moved to Mt. Airey Village specifically to be near the golf course and her golf "family," because it was one of the very few places where women golfers were welcome.

Jeff Ruth said the clubhouse would let the golf course flourish, which would bring in taxes that would help the City be able to afford amenities the residents wanted.

Don Sasser supported the rezone and appreciated Mr. Mumford considering his drawings while redesigning the proposal. He disagreed with the possible construction near Carnoustie and Ranches Parkway.

Boyd White agreed the golf course needed the events barn, but objected to the cost being placed on the residents through loss of the rights, property value and livability they currently enjoy.

Ashley Pitcher said her family moved to Eagle Mountain specifically for the open space and felt it was important to maintain that, especially in The Ranches, where there was very little open space

left. She said the residents had not been allowed to comment on the changes made at the Planning Commission meeting and that violated their right to due process.

Alicia Hermosillo wanted to see the golf course succeed. She wanted the rezone plans to include residents' opinions and a traffic study. She also wanted better code enforcement on illegal parking in Eagle's Gate.

Richard Steinkopf wanted the City to get regular reports of which properties were sold and the price of each. He also said the street layout of the rezone was unsafe.

Tanner Wright was concerned about safety and privacy, indicated his preferred plan on the presentation screen and suggested a variation on the proposed fencing.

Janelle Groneman, a member of the Heatherwood HOA Board, supported the golf course but objected to losing the open space views on both sides of her home. She requested that one be preserved and asked for a parking lot.

David Beene objected to the condo complex that would block his view of open space. He doubted there would be enough parking for the new events complex.

Duff Astin didn't want any more multifamily housing, as this area was the most densely built area in the City already. He questioned the financial information that Vanguard was providing.

Stephen Delle Donne said his company held a golf tournament every year, but never at The Ranches because the facility was inadequate. The new facility would make the golf course suitable for many more tournaments and events and support the City's growth.

Brent Harper stated the events barn would be an asset to the golf course and the community. The loss of the golf course would impact the City negatively.

Brad Rhees said selling this land wouldn't guarantee the golf course's viability and the open space around the golf course was a defining attribute of Eagle Mountain.

Tele Wightman, a resident and the golf professional at the golf course, said several courses in the area have failed in the last ten years. He answered some of the objections to the rezone.

Mayor Westmoreland read the following comments from residents who didn't wish to speak during the meeting:

James Bricker disagreed with the way this was handled and felt it was being done in the interests of the City and the golf course, not the residents.

Jacob Moir disagreed with the sale of land at the entrance to Eagle's Gate.

Hayden Hansen thought it would give the City a chance to grow and bring more people to the City.

Wesley Denkers approved of the rezone because change was needed in the community.

Patrick Duke felt the upgrade would make the golf course a year-round facility instead of a seasonal one, and even those who didn't golf would benefit from the new clubhouse.

Angie Duke golfed at the course and wanted a new clubhouse/event area because she felt the clubhouse was an eyesore.

Mindi Call opposed the rezone and wanted to preserve open space.

Jake Camp asked the Council to consider the City's open space and look at options to preserve the golf course's beauty.

Thomas Fox wanted to retain open space and felt the rezone would create too much traffic, as well as inappropriate access along main arterial roads.

Christine Denkers was in favor of the golf course and wanted to see more job opportunities and tournaments.

Amethyst Delle Donne supported the rezone because she believed growth was good for the City and the residents needed to be willing to allow change to come in.

Haylie Denkers was in favor of the rezone

Kristina Miller wanted impact and safety studies and was concerned about changing the nature of the Eagle's Gate collector roads due to safety issues.

Justin Pitcher was opposed to rezoning the open space on the golf course, and specifically not at the entrance to Eagle's Gate.

Jennifer & Gerald Reynolds disagreed with the rezone, particularly with the multifamily housing, because there were already too many traffic and safety issues and the area was already overcrowded.

Kim Denkers said the golf course provided jobs and increased property values. The clubhouse needed to be updated to maintain the viability of the course.

Mayor Westmoreland closed the public hearing at 9:32 p.m.

Councilmember Gricius asked Mr. Mumford to respond to the question of why the rezone was concentrated in one place. Mr. Mumford said Vanguard and the Planning Department met several times over the last two years. They reviewed every possible location and narrowed the viable locations down the current plan, based on maintaining the integrity of the golf course and generating the revenue needed to construct the event complex.

Councilmembers discussed the balance between the needs of the residents and those of the golf course. Neither side would be entirely satisfied. They reviewed each area of the rezone and considered which could remain as planned and which changes needed to be made.

MOTION: *Councilmember Curtis moved to:*

- *remove Motion Area 1 [Carnoustie Rd.];*

- *allow Motion Areas 2 and 3 [Royal Dornoch Dr.] to have up to eight, single-family, single-story homes in total, built on a half-circle of lots;*
- *allow Motion Area 4 [between Barton Creek Dr. and Mt. Airey Dr.] to have up to six, single-family, single-story homes at the Barton Creek Dr. end and the same at the Mt. Airey Dr. end;*
- *allow Motion Area 5 [Desert Canyon Rd.] to have one single story, single-family home;*
- *allow Motion Area 6 [Cunninghill Rd.] to have up to a four-plex on the south side;*
- *include the Planning Commission's recommendations; and*
- *reserve the park fees-in-lieu for the benefit of adjacent developments.*

Councilmember Gricius seconded the motion.

After further discussion, Councilmember Burnham called the question.

MOTION: *Councilmember Burnham moved to call the question. Councilmember Curtis seconded the motion. Those voting aye: Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

[On the rezone motion] Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

The Planning Commission recommendations were as follows:

- ~~1. Commercial piece shall be rezoned as Tier III or Tier IV Residential.~~
2. Applicant shall work to acquire adjacent City property to provide parking for parcel.
3. An events barn shall be added to existing agreement between Eagle Mountain City and Vanguard or a new development agreement shall be created.
4. Privacy fencing shall be required between side and rear property lines and Ranches Parkway.
5. Applicant shall provide safety netting where it is deemed necessary.
6. Applicant shall provide evidence that the golf course will maintain accreditation from the PGA as an 18 hole golf course.

Mayor Westmoreland announced a 3-minute break at 10:50 p.m.

Item 16 was discussed before item 15.

15. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2018-2019 and Setting a Public Hearing for Adoption of the Final Budget.

City Treasurer David Mortensen explained that the State Code required that the City Council review and adopt a tentative budget by the first regularly scheduled meeting in May. Additionally, the City Council needed to establish the time and place of the public hearing before the final budget was adopted. The public hearing was scheduled for May 15, 2018 and the final budget would be adopted on June 19, 2018.

MOTION: *Councilmember Burnham moved to adopt a resolution of Eagle Mountain City, Utah, adopting the Eagle Mountain City tentative budget for fiscal year 2018-2019 and setting a public hearing for adoption of the final budget on May 15, 2018 at 7:00 p.m. or as soon thereafter as business allows. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

16. MOTION – Eagle Point Plat J, Amended Preliminary Plat.

Mr. Jensen stated the proposed plat contained 166 single-family lots on 45.29 acres. The property was located east of Eagle Point I and north of Eagle Mountain Boulevard. The plat would improve park space and connectivity in the subdivision. Lot transitioning would run from one-third acre to under 10,000 sq. ft., with 35 of them being larger than 10,000 sq. ft. This item was tabled at the April 3, 2018 City Council meeting.

Councilmember Gricius thanked the applicants for accepting their recommendations at the last meeting and adjusting the design of the plat.

MOTION: *Councilmember Burnham moved to approve the Eagle Point Plat J amended preliminary plat, with the conditions made by the Planning Commission. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

The Planning Commission conditions were as follows:

1. The 20' pedestrian trail between Mercer Dr. and Ophir Dr. shall be replaced with a residential road connection.
2. Some lots shall be removed to provide for larger (1/4 acre) lots on the east side of the project.
3. Fencing consistent with residential arterial and collector road fencing standards shall be built for all lots adjacent to Eagle Mountain Boulevard and shall be installed with infrastructure improvements for each final plat.
4. The project shall comply with all mitigating measures called for by the traffic study and the City Engineer.
5. Any potential blasting shall comply with City blasting ordinances.
6. There shall be no more than 166 lots.
7. The project shall comply with all current side setback standards.

Item 17 was discussed before item 13.

17. AGREEMENT – Cooperation Agreement between Eagle Mountain City, Utah, and the Eagle Mountain Arts Alliance for Visual and Performing Arts.

In the spirit of full disclosure, Councilmember Clark stated she was one of the founders of the Arts Alliance and her husband served on the Board. They didn't receive any financial remuneration. City Recorder Fionnuala Kofoed explained that the proposed agreement documented the terms for the Eagle Mountain Arts Alliance's use of certain public parks and facilities within the City. The City would also assist the Alliance with some grant applications and with announcing some events.

Ms. Kofoed stated she spoke with a representative of the Utah Local Governments Trust, who said any organization that had an agreement with the City had to have its own insurance for events.

Kayla Young, representing the Alliance, said the Pony Express Special Events Committee had agreed to add the Alliance to its insurance policy at a fixed rate per event.

Councilmember Burnham asked if the agreement could be altered to say the EMAA shall be responsible for all hard costs for events, rather than all costs. Additional discussion followed.

MOTION: *Councilmember Curtis moved to approve a cooperation agreement between Eagle Mountain City and the Eagle Mountain Arts Alliance for visual and performing arts, with the following changes:*

- 1. Add the mobile stage and public address system.*
- 2. Rewrite item 3 to read, "Arts understands and agrees that Arts shall be responsible for all third-party costs associated with any event."*

Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

18. A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 8.25 of the Eagle Mountain Municipal Code for Blasting.

City Attorney Jeremy Cook stated the proposed amendment would add a provision to the blasting permit application process that required blasting within a certain distance of residences to get a recommendation of approval from the City Engineer and also be presented at City Council meeting for public comments and the Council's decision.

Councilmember Burnham asked whether, if application was made to blast within the allowed distance from residences, the Council would have legal grounds to deny the application.

Mr. Cook said there were criteria in the Municipal Code under which the Council could choose to deny an application, even if it was within the allowed blasting distance.

Councilmember Clark asked if the application form could require information as to what alternatives to blasting were available. She also asked, if the application was for utility blasting, it could require information as to what utilities the blasting was for. Mr. Cook said both questions could be added to the application form.

Mayor Westmoreland invited comments on the proposed code from the audience. The following residents commented in opposition to the Code amendment:

Eric Lundell
Riley Jenkins
Eric Hoskins
Brad Spackman
Dave Alpois
Cheryl Milne

Some of the residents' comments included concerns about the location and construction of retaining walls. Mr. Mumford said the Planning Department would consider those comments as they proposed future changes to the Municipal Code.

Russell Nevers, attorney for Goldsworth Real Estate, Millcreek Homes and Wilrock Crushing, requested that the City Council be required to give reasons for denying an application, if the City Engineer had recommended approval. He asked why the distance from residences was set at 1000'. Mr. Cook said it was a reasonable amount set as a basis for discussion, having a potential for real impact on homes without being an excessive distance.

Councilmember Clark explained that last December the City Council considered prohibiting blasting for making unbuildable lots buildable, so allowing the 1000' distance was a concession.

Mr. Nevers noted that the alternative, using jackhammers, would be worse for residents.

Mr. Cook stated the Municipal Code needed criteria for judging these applications, so decisions had a specific basis.

Councilmember Burnham asked if it was possible to deny blasting applications if the applicant was already out of compliance on a previous project. Mr. Cook said it was legally defensible.

Councilmember Gricius wanted to make sure all forms of blasting were included in the amendment: residential, commercial and utility.

Ken McCoy, representing 3-Rivers Drilling and Blasting, said typical wording for a regulation would be "protected or occupied structures." He stated the science behind blasting and structural damage was well-established, and the current Municipal Code restricted blasting more than was indicated by the science on structural and cosmetic damage.

Karen Toombs, one of the developers of Skyline Ridge, stated she and her husband bought land in Eagle Mountain to create a quality, affordable community. She said they would comply with any ordinance they needed to. She asked to be the City's partner and stated the delays are costing a lot of money in interest payments.

After additional discussion, Councilmember Clark made a motion.

MOTION: *Councilmember Clark moved to adopt an ordinance of Eagle Mountain City, Utah, amending Chapter 8.25 of the Eagle Mountain Municipal Code for blasting with the following changes:*

8.25.080 City Permit Approval Process & Criteria.

A. City Engineer Approval. The City Engineer shall approve or deny a complete blasting permit that does not propose blasting within one thousand three hundred twenty (1,320) feet of any permanent structure. The City Engineer may deny the permit, or impose any requirements and conditions, as necessary to protect adjacent properties, or the health, safety and welfare of the public. The City Engineer shall approve or deny the blasting permit within thirty (30) days. The City Engineer may extend the time to approve or deny the application by up to sixty (60) days if the City Engineer

determines that additional information is necessary to evaluate the application or the City Engineer requires third-party consulting services in order to evaluate the application. The City Engineer shall notify the applicant in writing of any extension.

B. City Council Approval. In addition to review by the City Engineer, any application proposing blasting within one thousand three hundred twenty (1320) feet of any existing residential structure must be approved by the City Council. If the City Engineer recommends approval of the application, the City Engineer shall include a proposed permit with all conditions of approval recommended by the City Engineer. If the City Engineer recommends denial of the application, the City Engineer shall provide a detailed analysis of the City Engineer's basis for denial of the permit. In addition to the recommendation of the City Engineer, the City Council may consider the following factors in granting, denying, or conditioning the permit:

- a. The proposed number and size of blasts;
- b. The distance between the proposed blasts and existing residences or structures;
- c. Whether the blasting is necessary to install public or private infrastructure or facilities that will benefit the public at large;
- d. Whether alternatives to blasting exist, such as use of machinery, and the potential costs, timing and impacts of any alternatives;
- e. Any conditions or restrictions proposed by the applicant to alleviate the potential negative impacts to surrounding property owners;
- f. Site specific conditions, such as slope, soils, and emergency access;
- g. If blasting for utilities, the required utilities plan;
- h. The applicant's plan for removal, export, import, processing, use, and stockpiling of material produced by the blasting, if necessary for the project or development;
- i. Whether the applicant, developer of the project, or owner of the property where the blasting will occur, is in compliance with existing agreements with the City; and
- j. Whether all aspects of the project or development, and the blasting plan, are in compliance with the Eagle Mountain Municipal Code.

C. All blasting permits shall be temporary permits and the City Engineer or City Council may terminate the blasting permit at any time, or impose additional conditions or restrictions on the blasting to protect the health, safety and welfare of the public.

Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

Councilmember Clark directed City staff to research rear setbacks, wall height and the State's definition of mining.

B. MOTION – Goldsworth Blasting Permit.

Mr. Cook stated Goldsworth Real Estate previously submitted a blasting application. The application was to be reconsidered at this meeting.

Mayor Westmoreland invited an applicant to speak.

Jacob Toombs, the builder purchasing the lots from Goldsworth, stated the blasting in the two phases being built was nearly finished. He wanted to complete the work that had been started, and then discuss minimizing blasting in future phases. When the project was initiated, he had the understanding he would be able to blast, which was necessary to make the project viable.

Councilmember Curtis asked Mr. Toombs if the business plan for the blasting was to process the aggregate onsite and then transport it for sale to others.

Mr. Toombs said it was, and that it was essential to the success of the project. Had he thought that would be a problem he wouldn't have bought the land. He needed to finish the project for business reasons and to avoid leaving an eyesore. He said truck-mounted jackhammers would be an alternative, but that would cause months of noise and vibrations. He believed the work could be completed in a few blasting events over the next couple of months.

Councilmember Burnham stated the last time a representative of the company spoke to the Council he said completion would only take a few more blasts. The Council was being told the same thing, again.

Councilmember Clark stated that Mayor Pengra was assured last June that only a few more blasts were needed. Blasting has been done since then and more was being requested.

Mr. Toombs said the project had paused and resumed several times, but since he'd been directly involved, there had been no blasting.

Mr. Pili stated he remembered a meeting in which Goldsworth representatives stated they would request a blasting permit after the Municipal Code for blasting was amended. They didn't tell him they were done blasting.

Referring to a special City Council meeting held last January, Councilmember Clark said Mr. Jacobson, representing Goldsworth Real Estate, was asked directly if there was any way the project could be completed without blasting. He assured the Council there was. The Council took that into consideration when they approved an agreement with Goldsworth.

Mayor Westmoreland felt Mr. Jacobson might have been referring to something such as jackhammering.

Mr. McCoy provided a chart showing that six blast events would finish the holes that were already drilled. The holes were drilled according to a 2-inch per second vibration standard. The standard recently changed to 1-inch per second, which would triple the shots needed.

Councilmember Clark said when she attended some of the blasts, the crew had to move away to a safe distance. She asked what that distance was. Mr. McCoy said it varied depending on the site

and was left to the discretion of the blaster-in-charge. It was typically anywhere from 700-2000 ft. although it had been done as close as 75 ft. Safety was their primary concern.

He reiterated that he wanted to work within the City's code. The alternative was jackhammers, which were much more disruptive for a much longer period of time.

Mr. Trusty stated staff had recommended re-platting the area to make more of the lots buildable.

Mr. Toombs stated there were delays last year while they tried to minimize blasting in Phase 4 in exchange for more lots in the future. Otherwise they could have finished blasting last year.

Councilmember Clark pointed out the information missing from the blasting application.

The following residents spoke in opposition to approval of the blasting permit. All were concerned about safety, home damage and the processing and transportation of the blasted material. They also had concerns about the size and location of stone retaining walls.

Jennifer Hackett
Brad Davies
Riley Jenkins
Eric Lundell

Mr. Toombs asked if the company had substantially complied with everything the City had asked them to do. He stated many previous home sites were blasted in.

Councilmember Curtis said allowing the crushing and hauling was a concession by the Council. He didn't want the deadline extended.

Mr. Toombs said he wasn't asking to extend the deadline, but to add to the volume. If there was already an agreed-to volume, he would have to address that.

Councilmember Clark said the volume agreed to was 300,000 tons. She felt it was reasonable not to grant another blasting permit until the volume was addressed. She also felt the application should be complete before it was granted.

MOTION: *Councilmember Gricius moved to table a blasting permit for Goldsworth Real Estate until the next City Council meeting, conditioned on the Council receiving a completed application and a description of the applicants' alternatives to alleviate negative impacts and what they planned to do with the material being produced. Councilmember Burnham seconded the motion.*

Councilmember Reaves asked Mr. Toombs how long it would take him to complete the application.

Mayor Westmoreland reminded the Council that the Code was now more restrictive than it was last year. The applicant deserved to know if the Council would allow him to blast if he met the criteria. He didn't want the applicant to fulfill the Council's requests and the Council ask for more.

Councilmember Clark stated the application was incomplete and it should be complete.

Mr. McCoy asked Mr. Trusty if he was willing to approve the application based on the information he had. Mr. Trusty said he was. He had some information that the Council didn't, which made the application complete. However, the discrepancy should be cleared up.

Mr. Trusty stated that smaller blasts would create less disturbance, so blasting could be done safely as close as 114', the distance to the nearest home. Should damage occur, the applicants' insurance would be expected to pay for it.

Mr. Cook stated the City held a \$25,000 bond pending resolution of residents' damage claims.

Councilmember Burnham asked if the blasting was being done with as much care as possible. Mr. Coy said it was and had been since the beginning of the project.

***Those voting aye: Donna Burnham, Stephanie Gricius and Benjamin Reaves.
Those voting no: Colby Curtis and Melissa Clark. The motion passed with a vote of 3:2.***

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

None.

20. 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.

21. COMMUNICATION ITEMS
A. Upcoming Agenda Items

22. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 1:13 a.m. on May 2, 2018. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on May 15, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

May 15, 2018

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 Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer/Assistant Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Analyst; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Facilities/Operations Director; Ross Fowlks, Fire Chief.

Mayor Westmoreland called the meeting to order at 4:10 p.m.

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

None.

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

CONSENT AGENDA (Items 9 and 10)

9A. January 22, 2018 City Council Minutes

Councilmember Clark requested that the January 22, 2018 minutes be removed from the Consent Agenda. Mayor Westmoreland directed that they be added to the next meeting's agenda.

11. **ORDINANCE** – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2018-2019 Budget. ***This was not an action item, public hearing only***

City Treasurer David Mortensen explained the changes in the proposed FY 2019 budget since his previous presentation.

12. **ORDINANCE** – An Ordinance of Eagle Mountain City, Utah, Rezoning 68.77 Acres from Agriculture to Tier II Single Family Residential.

Planning Manager Mike Hadley stated this project, called Brylee Estates, was originally intended to be entirely residential. After discussion with the Planning Commission, the developer agreed to set aside the northern portion of the project as commercial development.

13. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Designating All or a Portion of Meadow Ranch Park as a Dog Park with Dog Specific Facilities and Amenities.

The Parks and Recreation Advisory Board researched the feasibility of building a dog park in the City. The Board considered various locations throughout the City and believed that the proposed Meadow Ranch Park was the most suitable of the potential sites. The park would be operated and maintained by a non-profit organization.

14. MOTION – Pacific Springs, Preliminary Plat.

Mr. Jensen said Pacific Springs consisted of a total of 180 single family residential lots on 41.31 acres, for an overall project density of 4.38 dwelling units per acre (du/ac). This proposal represented a reduction of 33 units from the previously reviewed concept plan. The project was located south of Cory B. Wride Memorial Park, directly north of the Cedar Valley High School and west of Pony Express Parkway.

Because the project is adjacent to Wride Memorial Park, the developers asked to be allowed to buy down some of the park requirements, meaning they would build fewer parks and amenities in the project and provide the rest of the funds to the City for use in Wride Memorial Park. Buy-downs have been done successfully in other, recent projects such as Oak Hollow.

The Planning Commission recommended that the City Council require a HAWK street crossing signal on Pony Express Parkway across from Wride Memorial Park. Councilmember Burnham asked Mr. Cook if that could be considered a taking, since it hadn't been required of any other developments. Mr. Cook said if the project created a need for it, the developers should pay for it. If the project created a partial need, the City could consider an impact fee reimbursement for part of the cost.

Councilmember Reaves felt the buy-down funds should be used for another park rather than Wride Park, since Phases 1A and 1B will have been completed by the time Pacific Springs was built.

Parks and Recreation Director Brad Hickman said the funds were intended to benefit the residents in that development. Adding a component to Wride Park would likely be more effective than building additional small parks.

Mayor Westmoreland multi-use fields were always in demand and could easily be completed with those funds. Councilmember Curtis suggested additional trees.

15. MOTION – SilverLake Phase 20, Preliminary Plat.

Mr. Jensen said SilverLake Phase 20 was a 12.618 acre, 97 unit residential development containing 41 cluster lots and 56 townhome units. A large clubhouse facility was also proposed as part of this plat. It was located south of the Tickville Wash and SilverLake

Plat 19. The applicant was applying for both a preliminary plat and a site plan; the City Council could vote on the items together or separately.

The applicant has completed a traffic study for all 1,200 units that are planned to eventually be built south of the Tickville Wash. The 97 proposed lots within SilverLake 20 were included within this study. The traffic study showed multiple intersections operating at an F level of service without this project or any mitigation. The planned improvements to Pony Express Parkway, Porter's Crossing, Woodhaven Blvd. and Golden Eagle Road would bring all intersections up to an acceptable level of service.

Councilmember Clark was very concerned that Golden Eagle Road wasn't completed, and additional traffic would be pushed onto residential roads. Mr. Jensen said the developers believed they would have Golden Eagle Road completed before the new school opened.

16. MOTION – Public Water Supply Agreement between Eagle Mountain City, Utah, and the Alpine School District.

City Attorney Jeremy Cook stated this was the City's standard water rights purchase agreement for Central Water Project (CWP) water. Alpine School District (ASD) wished to make a bulk purchase in preparation for the construction of future schools.

Mayor Westmoreland stated Mr. Pili initiated discussion of this agreement with ASD several months ago. It would save ASD a considerable amount in water costs and enable Eagle Mountain use up its annual water allocation from CWP. The City was under pressure at the time to exhaust the allocation.

Councilmember Curtis asked how fair market value was calculated for water. Mr. Jerome stated the price Alpine would pay was the current price when the agreement was first being negotiated. While the price has risen since then, the City agreed to honor the price agreed to verbally during the initial discussions.

Ms. Kofoed stated there was precedent for this type of agreement. The City sold water to Vineyard City at a reduced price several years ago when there was an earlier need to exhaust the annual water allocation.

17. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Sweetwater Industrial Park Community Reinvestment Project Area #1 Plan, as Approved by the Eagle Mountain Redevelopment Agency, as the Official Community Reinvestment Project Area Plan, and Directing that Notice of the Adoption be Given as Required by Statute.

Mr. Sanborn said this was a proposed data center project to be located on 487 acres in the Sweetwater Industrial Park. The first two phases would bring 30 full-time jobs, as well as about 300 collateral jobs in trade and service industries, and an investment of \$750M, divided between real and personal property.

At this time the property brings in \$66 in total property taxes per year, divided among all taxing entities, giving Eagle Mountain City \$6 per year. At the conclusion of a 20-year tax incentive project area, the data center would generate over \$8M annually among all taxing entities, of which Eagle Mountain would receive \$758K annually.

The company made a significant request for 80% of the real property taxes and 100% of the personal property taxes to be returned to the company over 20 years, due to the size of the up-front investment the company would make. The company's up-front investment was likely to be approximately \$100M in public infrastructure costs. It would build infrastructure in excess of what the data center needed, to enable additional businesses to locate nearby. In addition, data centers reinvest in equipment every three to five years, so the taxable value of the project would remain high after the end of the tax incentive.

By State statute, 10% of the project's value, in this case \$750,000 per year, must be paid to the Redevelopment Agency to support affordable housing.

Councilmember Reaves asked if any of the City's existing housing would qualify for affordable housing. Mr. Sanborn said he was looking into the exact definition of affordable housing.

Councilmember Curtis asked if the RDA Board would program those funds. Mr. Sanborn responded the Board would have control of how the funds were used. They could be used to build or refurbish housing, support affordable housing programs existing in Utah County and possibly fund infrastructure benefitting such housing.

18. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving an Interlocal Cooperation Agreement between the City and the Eagle Mountain Redevelopment Agency.

Mr. Sanborn explained that, because a Redevelopment Agency was not a taxing entity, an agreement would have to be made with the City Council in order to provide funding to the agency. If the City Council and the Board were comprised of the same persons, the agreement was still required.

Each taxing entity party to the project would have to execute a similar interlocal agreement with the Redevelopment Agency Board. The agreements set out the terms for the distribution of tax revenue through the course of the project. If the project were to grow beyond the scope of the project area plan and budget, the agreements were flexible enough to accommodate that. The limit allowed by law was 40 years from the beginning of the project.

19. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving a Development Agreement between Eagle Mountain City, Utah and Stadion, LLC.

Mr. Sanborn stated this development agreement set the terms and conditions under which Stadion, LLC would develop the project located in the Sweetwater Industrial Park, including specific infrastructure improvements and the schedule for their construction.

Mr. Cook stated this was similar to a master development agreement. Among the improvements called for in the agreement, the company would reimburse the City for \$21M in infrastructure improvements not related to the project's requirements and would extend Pony Express Parkway south to the data center's location. The company would receive some impact fee credits, just as any other developer would. He asked the Council to authorize City staff determine specific projects and credit amounts.

Councilmember Curtis asked if a secondary water system could be constructed. Mr. Cook said it would require extensive permitting and Eagle Mountain doesn't have a source for secondary water.

20. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving a Water and Sewer Agreement between Eagle Mountain City, Utah and Stadion, LLC.

Mr. Sanborn stated this agreement spelled out the conditions under which the City would integrate Stadion's water needs into the City water and sewer system, since data centers were high-water-use operations.

Councilmember Clark asked how that would work in the event of an emergency. Mr. Cook said residents' health, safety and welfare issues would take priority over the company's needs. However, company operations would take priority over outdoor irrigation.

Mr. Jerome pointed out the City's water system was more than adequate to serve its needs. The entire City could be supplied by well #1 alone during the winter, because there was no outdoor irrigation going on. The company planned to construct an additional well and water tank as part of their \$21M in upfront infrastructure construction, as well as upgrading the CWP booster station.

RDA MEETING AGENDA REVIEW

3. ORDINANCE – An Ordinance of the Redevelopment Agency of Eagle Mountain City, Utah, Adopting the Fiscal Year 2018-2019 Budget.

City Treasurer David Mortensen stated there were no changes to the proposed budget since the previous Redevelopment Agency Board meeting. This was not an action item. The budget will be adopted on June 19.

4. RESOLUTION – A Resolution of the Redevelopment Agency of Eagle Mountain City, Utah, Approving the Draft Sweetwater Industrial Park Community Reinvestment Project Area #1 Plan as the official Project Area Plan.

Mr. Sanborn stated a redevelopment agency project was governed by a project area plan and a project area budget. The parcel of land involved in the proposed data center project was generating a total of \$66 in annual property tax revenue for all taxing entities. If developed under this plan and budget, the property would generate significant revenue, in addition to infrastructure improvements. The company committed to install more infrastructure than needed for its own project to facilitate other development in the area. While data centers bring in few direct full-time jobs, they generate a lot of revenue and provide an excellent opportunity for other businesses to follow and require relatively small amounts of municipal services.

5. RESOLUTION – A Resolution of the Redevelopment Agency of Eagle Mountain City, Utah, Approving the Draft Sweetwater Industrial Park Community Reinvestment Project Area #1 Budget as the Official Project Area Budget.

Mr. Sanborn noted this item had the same background as the previous item.

6. RESOLUTION – A Resolution of the Redevelopment Agency of Eagle Mountain City, Utah, Approving an Interlocal Cooperation Agreement between the Eagle Mountain Redevelopment Agency and Eagle Mountain City for the Collection and Remittance of Incremental Property Taxes Collected from Property Within the Sweetwater Industrial Park Community Reinvestment Area #1.

Mr. Sanborn stated this agreement was the document that permitted the Redevelopment Agency to receive property tax from each of the taxing entities. There were some changes that were made in the agreement to comply with State law and to clarify certain issues.

1. The agreements sent to Unified Fire Authority and Alpine School District had language that should have been removed regarding the financial definition of a phase. Mr. Sanborn asked that the RDA Board authorize staff to work with those entities to correct the agreements.

2. The water district agreement referred to changes in its other interlocal agreement with the City. The district requested those changes be removed from this agreement and added to the other. Its agreement also limited the tax increment to \$4.8M. Staff requested that that be removed.

City Attorney Jeremy Cook stated items 7 – 10 were substantially the same, except for the entity with which the agreement was being made.

7. RESOLUTION – A Resolution of the Redevelopment Agency of Eagle Mountain City, Utah, Approving an Interlocal Cooperation Agreement between the Eagle Mountain Redevelopment Agency and Utah County for the Collection and Remittance of Incremental Property Taxes Collected from Property Within the Sweetwater Industrial Park Community Reinvestment Area #1.
8. RESOLUTION – A Resolution of the Redevelopment Agency of Eagle Mountain City, Utah, Approving an Interlocal Cooperation Agreement between the Eagle Mountain Redevelopment Agency and Alpine School District for the Collection and Remittance of Incremental Property Taxes Collected from Property Within the Sweetwater Industrial Park Community Reinvestment Area #1.
9. RESOLUTION – A Resolution of the Redevelopment Agency of Eagle Mountain City, Utah, Approving an Interlocal Cooperation Agreement between the Eagle Mountain Redevelopment Agency and Central Utah Water Conservancy District for the Collection and Remittance of Incremental Property Taxes Collected from Property Within the Sweetwater Industrial Park Community Reinvestment Area #1.
10. RESOLUTION – A Resolution of the Redevelopment Agency of Eagle Mountain City, Utah, Approving an Interlocal Cooperation Agreement between the Eagle Mountain Redevelopment Agency and Unified Fire Service Area for the Collection and Remittance of Incremental Property Taxes Collected from Property Within the Sweetwater Industrial Park Community Reinvestment Area #1.
11. RESOLUTION – A Resolution of the Redevelopment Agency of Eagle Mountain City, Utah, Authorizing the Chair of the Redevelopment Agency to Enter Into and Execute a Participation Agreement with Stadion, LLC in the Sweetwater Industrial Park Community Reinvestment Project Area #1. The Participation Agreement Sets Forth the Conditions of

Reimbursement to Stadion, LLC for Certain Costs Involved in Developments in the Project Area; and Providing for an Effective Date.

Mr. Sanborn stated this was the agreement that authorized the Redevelopment Agency to transfer any incentives to the company according to the terms of the project area budget and the timing of those incentives.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

Mayor Westmoreland adjourned the meeting at 6:04 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer/Assistant Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Analyst; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief.

5. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:00 p.m.

6. PLEDGE OF ALLEGIANCE

Mayor Westmoreland led the Pledge of Allegiance.

Mayor Westmoreland announced the Council would begin by convening as the Redevelopment Agency Board.

MOTION: *Councilmember Burnham moved to convene the Redevelopment Agency Board meeting. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

The Redevelopment Agency Board meeting was convened at 7:03 p.m.

MOTION: *Councilmember Gricius moved to adjourn the Redevelopment Agency Board meeting and reconvene the City Council meeting. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

The Redevelopment Agency Board meeting was adjourned at 7:55 p.m. and the City Council meeting was reconvened at the same time.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Youth Council Election – The Eagle Mountain Youth Council election was held on May 8. Isaac Barrus will be the Youth Mayor for the 2018-2019 school year. Jordan Noyes, Brooke-Lynn Bytheway, Kayla Hall, Carter Morrison, and Tyler Manuel will serve as council members.
- Town Hall Meeting – A Town Hall meeting will be held tomorrow, May 16 at 7:00 p.m. The meeting will be focused on parks and recreation in the City, including an overview of upcoming events and programs and information on how residents can be involved.
- Pony Express Days Discount Carnival Tickets – The Pony Express Days carnival will be held May 31, June 1, and June 2. Discount tickets at \$20 for a one-day unlimited ride pass are available for purchase at City Hall during business hours or at all Eagle Mountain schools except Frontier Middle School.
- Pony Express Rodeo and Demolition Derby – The Pony Express Rodeo will be held Memorial Day weekend on Friday, May 25, Saturday, May 26, and Monday, May 28. The Demolition Derby will be held Saturday, June 2. Tickets for both events are available at ponyexpressevents.com.
- Pony Express Days – Pony Express Days will be held May 25 through June 2. Events include those previously mentioned, as well as a free bike ride and pancake dinner, family fun night and movie in the park, and parade! For event information, please visit emcity.org/ped.
- Volunteers Wanted – Volunteers are wanted for Pony Express Days and other community events. Pick from available shifts. Register at emcity.org/volunteers.
- The Memorial Day program at the Pony Express Memorial Cemetery will begin at 10:00 a.m. The public is invited to attend and bring blankets or lawn chairs. In the event of inclement weather, the program will be moved to City Hall.

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

None.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis

Councilmember Curtis thanked everyone for attending the meeting.

Councilmember Burnham

Councilmember Burnham expressed appreciation for those who attended the meeting and were willing to be part of the governmental process.

Councilmember Reaves

Councilmember Reaves enjoyed the activities provided by the City in May and June. He invited residents to attend the events.

Councilmember Clark

Councilmember Clark appreciated the residents' involvement. She explained that the Council didn't ask a lot of questions during the Redevelopment Agency meeting because they have already read hundreds of pages of documents and asked many questions. She commended the City staff who put in hours of overtime to work through the redevelopment project, especially Jeremy Cook, Fionnuala Kofoed, Aaron Sanborn and Paul Jerome.

Councilmember Gricius

Councilmember Gricius echoed the previous comments and welcomed everyone to the meeting.

Mayor Westmoreland

Mayor Westmoreland welcomed everyone to the meeting. He said it was an exciting time to be part of Eagle Mountain City. He appreciated the hard work put in by the Council and staff, and the input from residents.

CONSENT AGENDA

10. MINUTES

- A. January 22, 2018 – Special City Council Meeting
- B. May 1, 2018 – Regular City Council Meeting

Councilmember Gricius asked for a correction on the May 1, 2018 minutes. The minutes of the discussion on blasting incorrectly stated the types of structures she wanted the blasting ordinance to protect. The corrected statement read “all permanent structures.”

MOTION: *Councilmember Reaves moved to approve the Consent Agenda with the exception of the January 22, 2018 minutes and with a correction to the May 1, 2018 minutes as stated above. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

11. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2018-2019 Budget. ****This is not an action item, public hearing only****

Utah State statute requires that the City Council hold a public hearing on the tentative budget and that the budget be adopted by June 30. The tentative budget was accepted by the City Council on May 1, 2018. The final budget will be adopted on **June 19** and will be the document that governs the expenditures for FY 2018-2019.

City Treasurer David Mortensen stated the expenditures in the Enterprise, Capital Projects and Debt Service Funds would be lower than the last fiscal year. The General Fund and Impact Fee Fund expenditures would be higher. The cost of government per capita would be reduced to \$321.

Mayor Westmoreland opened the public hearing at 8:17 p.m.

Tyler Shimakonis asked where fines and forfeitures came from. Mr. Mortensen said they were Library fines and Utility Billing fines.

Mr. Shimakonis asked if there was a cushion in the General Fund in case a school was built in the City mid-year. Mr. Mortensen said State statute required cities to keep a reserve of from 5-25% of their revenues. Eagle Mountain's reserve was at 25%.

Mayor Westmoreland closed the public hearing at 8:18 p.m.

PUBLIC HEARING

12. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning 68.77 Acres from Agriculture to Tier II Single Family Residential.

This item was discussed after item 14.

Mayor Westmoreland stated the project, named Brylee Estates, was changed from entirely residential to 46.9 acres from Agriculture zoning to Tier II Residential and 22 acres from Agriculture to Commercial.

Planning Manager Mike Hadley said the project was located west of Eagle Mountain Boulevard and north of Brandon Park Estates.

Mayor Westmoreland opened the public hearing at 9:53 p.m.

Jeff Ruth felt the Council needed to be sure there was a variety of lot sizes in the project.

Dean Kesler asked at what point Eagle Mountain would no longer be eligible for USDA mortgage programs. The City's population may be approaching the threshold for ineligibility.

Mayor Westmoreland closed the public hearing at 9:56 p.m.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah, rezoning 46.9 acres from Agriculture to Tier II and Tier III Single Family Residential and Commercial, with 22 acres being Commercial, 15 acres being Tier III and the balance of the property being Tier II with a minimum of 15 lots being 8,000 sq. ft. or larger and the Tier III residential being adjacent to the Commercial acreage. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

PUBLIC HEARING

13. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Designating All or a Portion of Meadow Ranch Park as a Dog Park with Dog-Specific Facilities and Amenities.

This item was discussed prior to item 12.

Michael Johnson, representing the Eagle Mountain Dog Park Foundation, explained the proposed resolution was for the designation of all or a portion of the Meadow Ranch Park as a dog park. The proposed park would have dog-specific facilities and amenities. The Parks and Recreation Advisory Board and the foundation reviewed four possible locations and chose Meadow Ranch Park. Shortly before the City Council meeting, a location in SilverLake was suggested, as well.

The Council discussed the proposal with Parks and Recreation Director Brad Hickman.

Mayor Westmoreland opened the public hearing at 8:36 p.m.

Those in favor of the dog park were:

Frank Fotiatis

Anjanel Larsen

Mayor Westmoreland read a statement from Sgt. Roger Williams

Those opposed to locating the dog park in Meadow Ranch were:

Lisa Bowman spoke and read a statement from Kim Flora

Lindy Isaacson (brought a petition)

A resident read a statement from Kim Flora

Jeremy Wilson

Aaron Monson

Tracy Thomas

Mayor Westmoreland read a statement from Ching Carlson

Holly Harwood (brought messages from residents unable to attend the meeting)

Lucas Harwood

Roger Hurst

Tyler Shimakonis invited residents to get involved and help find solutions. He mentioned the Parks and Recreation Advisory Board was looking for another member. As a police officer, he stated Lehi, Saratoga Springs, and Utah County law enforcement trained during the day, so night training would not be a problem.

Mayor Westmoreland closed the public hearing at 9:04 p.m.

After discussion, the Council agreed that Meadow Ranch Park was not an ideal location for a dog park.

MOTION: *Councilmember Gricius moved to deny a resolution of Eagle Mountain City, Utah, designating all or a portion of Meadow Ranch Park as a dog park with dog specific facilities and amenities. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

The Council instructed the Parks Department and the Parks and Recreation Advisory Board to look for additional locations that might be suitable for a dog park, including parks located or that will be located in subdivisions.

14. MOTION – Pacific Springs, Preliminary Plat.

City Planner Tayler Jensen said the proposed preliminary plat contained 180 single family units, a reduction of 33 units from the concept plan. The 41.31 acre parcel was located south of Cory B. Wride Memorial Park, north of the Cedar Valley High School site on the west side of Pony Express Parkway. The developers requested a partial buy-down of open space, due to the project's proximity to Cory B. Wride Memorial Park, with the buy-down funds to be used for amenities in Wride Park.

MOTION: *Councilmember Burnham moved to approve the Pacific Springs preliminary plat with the conditions stated by the Planning Commission, with the exception of condition #5, and authorizing City staff to determine whether a crossing is necessary and if so, allowing a portion of the parks funding to be used for the crossing. Councilmember Curtis seconded the motion.*

The conditions stated by the Planning Commission were as follows:

1. All lots shall have frontages of at least 55’.
2. A park fee-in-lieu of \$197,150 shall be collected as an open space buy-down.
3. Three elevation schemes shall be used for repeated floor plans and shall be approved by the Community Development Director.
4. Homes sited on adjacent lots (or directly across the street/sharing frontage) shall have different floor plans (or elevations) and different color schemes.
- ~~5. A mid-block HAWK signal shall be provided to the north of the project to allow safe pedestrian access to Cory B. Wride Memorial Park.~~
6. A traffic signal shall be placed at the intersection of Mid Valley Road and Pony Express Parkway when the warrants are met.
7. Required collector/arterial road fencing shall be installed with infrastructure.
8. All lots shall meet the side setbacks set forth in the Municipal Code.

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

15. MOTION – SilverLake 20, Preliminary Plat.

City Planner Taylor Jensen stated the proposed preliminary plat contained a total of 97 units, 41 cluster lots and 56 townhomes, as well as a clubhouse. The 12.61 acre property was located south of the Tickville Wash and SilverLake Plat 19.

Councilmember Clark told Nate Hutchinson, President of Rockcross Development, that she drove through the area shortly before this meeting. She found the roundabout and the park strips very unattractive and full of weeds. She questioned why the Council would approve more construction when the completed areas weren’t being taken care of.

Mr. Hutchinson stated he had crews working on landscaping projects that weren’t actually his company’s responsibility. Many projects had been left undone before Rockcross bought the property out of bankruptcy. He also stated the company had donated millions of dollars’ worth of land to the City for open space.

Mr. Mumford said there was \$380,000 in fee-in-lieu funds available from the developers to the City to benefit SilverLake residents. The developers had been using those to finish the Ansley Lane park and complete the SilverLake Parkway landscaping, which will take more than 50% of those funds.

Councilmember Clark asked when Golden Eagle Road would be completed. Mr. Hutchinson said they would be happy to deed the land to the City if someone was ready to finish the road. Short of that, the developers were working their way towards finishing Golden Eagle.

Councilmember Clark noted that when Plats 16 and 17 were approved, the developers said the road would be completed before school started.

Mr. Hutchinson stated all the construction was taking longer than expected. Housing prices had gone up significantly.

Councilmember Curtis said two plats have exceeded the density allowed by the development agreement. Mr. Hutchinson said it made sense to put the townhomes together, close to the clubhouse.

Mr. Hutchinson and the Council had an extensive discussion and worked out a design acceptable to everyone.

MOTION: *Councilmember Burnham moved to approve the second proposed SilverLake Plat 20 preliminary plat, authorize City staff to work with the developer to solve any minor issues that might arise due to the quick design process, and include the Planning Commission recommendations, except for those that no longer apply due to the change in construction. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark and Stephanie Gricius. Those voting no: Colby Curtis and Benjamin Reaves. The motion passed with a vote of 3:2.*

1. The applicant shall pay a park cash escrow of \$2,810.40 per lot/unit (total escrow of \$272,608.90) prior to recording this plat.
2. Side elevations of townhomes that face public rights-of-way shall have the same features in the same proportions as front elevations.
3. Clubhouse shall be designed and have received approval from the Community Development Director prior to recording SilverLake Plat 20.
4. A clubhouse must be constructed (have received a certificate of occupancy) prior to receiving certificates of occupancy for more than 75 townhome units in SilverLake, south of the wash.
5. The applicant shall provide a master parks and trails plan.
6. The applicant shall extend the cluster lot road to accommodate snow removal and parking.

16. MOTION – Public Water Supply Agreement between Eagle Mountain City, Utah, and the Alpine School District.

This item was discussed during Work Session.

MOTION: *Councilmember Burnham moved to approve a public water supply agreement between Eagle Mountain City, Utah, and the Alpine School District in the amount of \$971,500.00. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

17. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Sweetwater Industrial Park Community Reinvestment Project Area #1 Plan, as Approved by the Eagle Mountain Redevelopment Agency, as the Official Community Reinvestment Project Area Plan, and Directing that Notice of the Adoption be Given as Required by Statute.

This item was discussed during Work Session.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah, adopting the Sweetwater Industrial Park Community Reinvestment Project Area #1 Plan, as approved by the Eagle Mountain Redevelopment Agency, as the official Community Reinvestment Project Area Plan, and directing that notice of the adoption be given as required by statute. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

18. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving an Interlocal Cooperation Agreement between the City and the Eagle Mountain Redevelopment Agency.

This item was discussed during Work Session.

MOTION: *Councilmember Gricius moved to adopt a resolution of Eagle Mountain City, Utah, approving an interlocal cooperation agreement between the City and the Eagle Mountain Redevelopment Agency, as amended during the Redevelopment Agency meeting. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

The changes discussed during the Redevelopment Agency meeting were as follows:

1. The duration of the tax increment agreement was changed to 40 years.
2. The financial definition of a phase was removed, as phases could vary in value.
3. Any additional phases not covered in the current project plan and budget would have to be added to the plan and budget so they could fall under the tax increment agreement.

19. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving a Development Agreement between Eagle Mountain City, Utah and Stadion, LLC.

This item was discussed during Work Session.

MOTION: *Councilmember Clark moved to adopt a resolution of Eagle Mountain City, Utah, approving a development agreement between Eagle Mountain City, Utah and Stadion, LLC, authorizing staff to make changes to the exhibits necessary to reflect changes in the system and development improvement costs and the allocation of the infrastructure to different system categories. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

20. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving a Water and Sewer Agreement between Eagle Mountain City, Utah and Stadion, LLC.

This item was discussed during Work Session.

MOTION: *Councilmember Burnham moved to adopt a resolution of Eagle Mountain City, Utah, approving a water and sewer agreement between Eagle Mountain City, Utah and Stadion, LLC authorizing staff to make changes as necessary to comply with*

the development agreement, as approved by the City Administrator and City Attorney. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

21. CITY COUNCIL/MAYOR'S BUSINESS

No comments.

22. CITY COUNCIL BOARD LIAISON REPORTS

None.

23. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

24. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 11:38 p.m. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on June 19, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING

June 5, 2018

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 Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. Stephanie Gricius was excused.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer/Assistant Finance Director; Lori Jolley, Accountant; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Analyst; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Facilities/Operations Director; Eric McDowell, Chief Sheriff's Deputy.

Mayor Westmoreland called the meeting to order at 4:11 p.m.

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

None.

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

9. **MINUTES**

- A. **May 15, 2018 – Regular City Council Meeting**

The minutes were removed for additional editing.

13. **MOTION** – Approving Blasting Permits for Blasting within 1,320 Feet of Residential Structures.

- A. Hidden Hollow
- B. Scenic Mountain
- C. Skyline Ridge

Councilmembers questioned various omissions and discrepancies in the applications. Councilmember Curtis questioned the Hidden Hollow application, which was not in a platted area. Mr. Trusty said the ordinance didn't require the work to be done in a platted area, but it could be reasonable to deny or table the application based on the lack of an approved plat.

Councilmember Clark asked if staff had determined why blasting recently took place in the Scenic Mountain development without permission. Mr. Trusty said he understood that there was miscommunication between the developer and the blaster. After the blasting, the developer directed the blaster to comply with City ordinance.

Councilmember Clark asked why there was no fee charged for blasting applications to cover the costs incurred in reviewing the applications. Mr. Trusty said Hidden Hollow and Scenic Mountain paid the fees found in the Consolidated Fee Schedule. Skyline Ridge's application fee was included in the inspection fees.

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City 2018 General Plan.

Mr. Mumford stated the development of this General Plan involved a number of public events from July 2016 through June 2017: open houses (including outreach events at the Food Truck Underground, Eagle Mountain's 20th anniversary celebration, Pony Express Days, and a public open house at Hidden Hollow Elementary), stakeholder workshops, and joint City Council and Planning Commission workshops. Plans and drafts were hosted on a project-specific website (www.planeaglemountain.com) where members of the public were able to leave feedback, and various scenario boards were posted at City Hall, with pens and markers for public comments and feedback. Since June 2017, CRSA had continued to work closely with City staff.

Mr. Mumford introduced Susie Petheram, a Senior Planner with CRSA. Ms. Petheram said the goal was to generate an integrated General Plan document and framework in which the various goals such as transportation, economic development and land use worked together. She described the various development zones as they had been updated from previous zoning.

Councilmember Curtis felt the plan gave developers too much latitude to place high-density housing in various residential zones.

Discussion ensued on the details of the General Plan, as well as whether the plan should be approved as a baseline document with future revisions or be tabled for further refinement.

PUBLIC HEARING

15. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 101 Acres from Agriculture to Residential.

Planning Manager Mike Hadley said this proposal was for Residential zoning with lots of one acre or more, with at least 20,000 sq. ft. (approximately ½ acre) of buildable land in each lot.

The criteria for approval of a rezone were compliance with the Future Land Use Plan (General Plan), compatibility with surrounding property uses and buffering of incompatible uses. Items to consider with this application included plans for a regional trail through the property, the existence of unbuildable land under the powerline corridor and whether Lake Mountain Road had the capacity to accommodate the additional traffic generated by development.

Councilmember Clark questioned how an island of Residential zoning surrounded by Agriculture zoning and BLM land would affect the responsibility for the road running through the property. Mr. Hadley said the applicant had contacted BLM regarding the City working with BLM to assume responsibility for the BLM portion of the road.

Mr. Trusty said the City already maintained the road with Utah County B & C road funds.

Mr. Mumford noted that Agriculture zoning didn't necessarily mean the property was in agricultural use. All property in the City was zoned Agriculture until rezoned.

Councilmember Curtis asked how the applicants were able to obtain a copy of the draft Future Land Use Plan, since a draft was not a public document. Mr. Mumford said it had very recently been added to the City's website as part of the General Plan update process and had therefore become public.

PUBLIC HEARING

16. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 17.48, Regional Technology and Industry Overlay Zone, of the Eagle Mountain Municipal Code.

Mr. Mumford stated this item came from lessons learned during the data center project. Staff realized there were some things that could be done with similar projects to make the process easier. He suggested giving the Development Review Committee (DRC) approval authority over subdivision plats for RTI projects, as well as over temporary concrete batch plants and materials processing related to those projects.

Councilmember Clark asked what the City would require if a location's parking needs changed. Mr. Mumford said if the use changed, the parking standard would be reviewed, and changed if necessary. Alternative parking would be a conditional use.

Mayor Westmoreland asked what procedure the DRC would use to communicate its decisions to the Council so the Council could communicate with residents.

Mr. Mumford stated the liaison to the Economic Development Board would be involved. In addition, Mr. Mumford was Chair of the DRC and would communicate with the Mayor and Council. He could provide the approval document to the Mayor and Council.

17. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Porter's Crossing Town Center Master Development Agreement.

City Attorney Jeremy Cook stated the City and the developers interpreted the terms of the master development agreement differently. City staff was presenting two options at this meeting for settling the disagreement. The issues centered on parks and amenities. The developers planned to install fewer parks than normally required. The disagreement was in how to value the remaining parks, pool and clubhouse requirement in order to set a parks fee-in-lieu, what value to give to the improvements being proposed, and whether the developers' bids were an acceptable basis for setting the values.

Mr. Pili explained the history of the issue. City staff suggested partnering with the developers to build a City recreation center in lieu of some of the required open space. The plan was expected to benefit both parties by decreasing the developers' open space requirements and providing a recreation center to the City. The terms were stipulated in the agreement; however, the developers saw those numbers as estimates, while the City intended them to be fixed costs. Fixed costs had to be determined to allow impact fee reimbursements.

Councilmember Curtis had difficulty with the complexity of balancing what the City would give away with what it would receive. He wanted to know how this amendment would change the balance.

Additional discussion followed on how to calculate the costs involved.

Larry Shelton of SK Hart Management stated the agreement was put together quickly just before a February City Council meeting, which contributed to the misunderstanding. The company was unaware it was negotiating fixed numbers. They believed the exhibit was for illustrative purposes only. The pool and clubhouse fees were the main points of contention. They didn't feel comfortable committing to unknown costs. In addition, the requirements for Pod 4 were different than expected, which skewed the developers' costs.

18. MOTION – Overland Community Entrance Signs.

City Planner Tayler Jensen said the Municipal Code required Council approval before signs were placed in public rights-of-way along arterial and collector roads. Ivory Homes proposed installing a monument sign along Pony Express Parkway consisting of a large stone sign and a smaller stone pillar on opposite sides of Lowe Peak Drive, the road entering Overland. When the Planning Commission reviewed the proposal, the Commissioners felt the main monument should be moved south, both to move it away from land designated for a future City park and to avoid altering the view of Cedar Valley from Unity Pass. They also requested the Eagle Mountain logo be included on the larger sign. Ivory Homes agreed to those conditions.

Mayor Westmoreland asked if the Council had any questions or comments. They had none.

19. MOTION – Eagle Mountain Utah Senior Seminary Preliminary Plat and Site Plan.

Mr. Jensen stated this application was for an LDS Seminary building on nearly an acre adjacent to the Cedar Valley High School. He said the LDS Church submitted a written request for an exemption from the requirement to locate parking in front of the building, making the case that the proposed location was safer, would provide for quieter classrooms and would align better with the high school parking lot. In addition, if the parking lot was located behind the building, it might be blocked off at times during the day behind a closed parking lot gate at the school. The exemption request stated that commercial design standards shouldn't apply to institutional uses.

The applicant requested the west setback for the building be reduced to 15' to allow for future expansion. A 15' setback would comply with the Municipal Code.

Councilmember Curtis stated he would like a wall between the Seminary building site and any adjoining residential development.

20. MOTION – Spring Ridge Church Site Plan.

Planning Manager Mike Hadley said this was a site plan for an LDS Church building on a 4.92 acre lot located off of Woodhaven Blvd. The Planning Commission recommended approval with no conditions.

Councilmember Clark asked if Golden Eagle Road would be extended across the Tickville Wash. Mr. Trusty said the road had already been extended.

21. MOTION – Steeplechase Preliminary Plat.

Mr. Mumford stated the Steeplechase plat was a one-lot, 475-acre site for a Facebook data center. It was located at the extreme south end of City Center near an agricultural protection area. State law required a plat note acknowledging that approval was conditioned upon acceptance of annoyances or inconveniences resulting from agricultural operations.

The applicant agreed to place the following note on the plat in case Eagle Mountain decided to build a road along the northern boundary of the property: “In the event that an update to the City’s Transportation Plan outlines a roadway along the northern boundary of the site, the owner agrees to provide a 38.5-foot wide right-of-way dedication to the City for construction of this roadway.”

An electrical substation was planned next to the southern boundary of the site.

22. AGREEMENT – Professional Service Agreement between Eagle Mountain City, Utah and Jibe Media for Website Redesign and Maintenance.

Management Analyst Evan Berrett said City staff previously brought an agreement with Vision Internet to the Council, which was tabled due to the Council’s concerns. Staff spoke with Vision multiple times afterwards regarding costs, features and other details of a proposed, updated agreement for their services. Staff also gathered information from several cities which used open source platforms for their websites. Based on the positive experiences of those cities, staff issued a request for proposals from Utah-based companies using open source platforms.

After closely evaluating all eight proposals, Jibe Media was clearly the best candidate. Staff then compared Jibe and Vision across multiple factors. Jibe Media again earned the highest score in the comparison. It had reasonable, flexible pricing and services, and didn’t require a multi-year agreement. It would design and maintain the City website based on WordPress, an open source product which was the largest content management system in the world.

Jibe could begin work as early as next week and would launch the website in November.

Councilmember Clark commended staff for doing an excellent job in selecting a website partner. She asked if this agreement would be the tool City staff needed and wanted. She wanted the staff to have the tools they needed for work. Mr. Berrett said they felt it would

be, and they were prepared for a learning curve because they hadn't worked with a WordPress-based website before.

Councilmember Burnham appreciated staff's listening and responding to the Council's concerns.

Councilmember Curtis wanted to state publicly that Mr. Berrett "knocked it out of the park."

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

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

The meeting was adjourned at 6:19 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. Stephanie Gricius participated by telephone.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer/Assistant Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Analyst; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:16 p.m.

5. PLEDGE OF ALLEGIANCE

Colby Curtis led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Summer Reading Kick-off** – The Eagle Mountain City Public Library will hold a free kick-off event for their Summer Reading Program at the Nolen Park pavilion on Tuesday,

June 12 from 10:30 a.m. until noon. The activity includes a performance by a Hawaiian dance group.

- The Library has many other activities through the summer. Check out the whole lineup on the City website, events calendar.
- **English Without Limits Class** – The Library offers a free English as a Second Language class for adults. Register on the city website, events calendar. Volunteers to help teach the class are also wanted. Please contact the Library.
- **Movie in the Park** – A free Movie in the Park featuring *Frozen* will be shown at SilverLake Amphitheater on Friday, June 22. Movie begins at dark.
- **Facebook Data Center** – In case you missed it, Eagle Mountain City, along with our partners at the State and other entities made a big announcement last week that Facebook will be locating a data center in Eagle Mountain. This is a very exciting accomplishment for our economic development goals. Details about the project are available on the city website, news section. A Facebook page for the data center has been established by Facebook – Eagle Mountain City Data Center. They will share information about the construction process and jobs when they have details.

7. PUBLIC COMMENTS

Katherine Morrison, age 9, saw houses being built right next to some pronghorn she saw. She was frustrated by it, because as much as people needed homes, animals needed homes as well.

Those commenting in opposition to the blasting permit applications:

Cheryl Milne

Cherilyn Egner, representing Southaven Homes

Eric Hoskins

Brad Spackman commented and presented a petition to the Mayor and Council

Jeff Ruth

Jennifer Bowerly

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis

Councilmember Curtis announced, for those who had not heard, that the Steeplechase economic development project was a Facebook data center to be built at the south end of City Center.

Councilmember Burnham

Councilmember Burnham welcomed everyone to the meeting. She was grateful for everyone who was happy about the Facebook data center and invited those who were unhappy to contact her.

Councilmember Reaves

Councilmember Reaves noted that he shared the residents' frustration with the blasting issues. It was a complex issue and the Council was looking at every possible solution. Because of the length of recent meetings with heavy agendas, he moved that the meeting time be capped at 10:30 p.m. and the remaining items be moved to the next meeting.

MOTION: *Councilmember Reaves moved to limit the length of this meeting to 10:30 p.m. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed explained that any items that weren't discussed in this meeting would move to the next meeting. For items requiring special notice, the notices would be reposted.

Councilmember Clark

Councilmember Clark acknowledged the new Youth Mayor and Councilmembers, as well as 9-year-old Katherine Morrison who made a public comment. Councilmember Clark said she went to her first council meeting when she was in 8th grade in Otsego, Minnesota.

Councilmember Gricius

Councilmember Gricius said she would have preferred to be at the meeting in person and apologized for having to participate by telephone.

Mayor Westmoreland

Mayor Westmoreland welcomed everyone. He said this was a great City Council, which listens, responds and is effective.

Mayor Westmoreland gave Jared Gray, President of the Pony Express Special Events Committee, a few minutes to speak. Mr. Gray reported on the growth and success of the rodeo and the Mascot Miracles stick horse rodeo for disabled children. He presented a plaque and a stick horse from the event.

Councilmember Clark said all of the rodeo queens from all over the state were invited to the Mascot Miracles rodeo. Many of them attended, which was great for the children.

Councilmember Curtis asked Mr. Gray to pass on the City's appreciation to the Mascot Miracles group.

CONSENT AGENDA

9. MINUTES

A. May 15, 2018 – Regular City Council Meeting

10. APPOINTMENTS – Youth Council

- A. Isaac Barrus, Youth Mayor
- B. Brooke-Lynn Bytheway, Youth Councilmember
- C. Kayla Hall, Youth Councilmember
- D. Tyler Manuel, Youth Councilmember
- E. Carter Morrison, Youth Councilmember
- F. Jordan Noyes, Youth Councilmember

MOTION: *Councilmember Reaves moved to appoint Isaac Barrus as Youth Mayor and Brooke-Lynn Bytheway, Kayla Hall, Tyler Manuel, Carter Morrison and Jordan Noyes as Youth Councilmembers. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby*

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

Ms. Kofoed administered the oath of office to Mr. Barrus as Youth Mayor and Ms. Bytheway, Ms. Hall, Mr. Morrison and Ms. Noyes as Youth Councilmembers. Mr. Manuel was unable to attend the meeting and will receive the oath of office at another time.

11. RESOLUTION

A. Public Treasurer's Investment Fund Accounts

12. BID AWARD

A. White Hills Sewer Repair Project – Rootmaster Plumbing

Councilmember Clark requested that items 21 and 22 be added to the Consent Agenda.

21. MOTION – Steeplechase Preliminary Plat.

22. AGREEMENT – Professional Service Agreement between Eagle Mountain City, Utah and Jibe Media for Website Redesign and Maintenance.

MOTION: *Councilmember Reaves moved to approve the Consent Agenda with the exception of the May 15, 2018 minutes and with the addition of scheduled items 21 and 22. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

13. MOTION – Approving Blasting Permits for Blasting within 1,320 Feet of Residential Structures.

A. Hidden Hollow

City Engineer Chris Trusty said the applicants were attending the meeting. Mayor Westmoreland invited Ryan Bybee, representing Cadence Homes, to speak about the Hidden Hollow application. Mr. Bybee described how the application met and exceeded the City's blasting requirements. Shawn Miller of 4th and Goal Drilling and Blasting explained technical details of the blast. Both answered questions from the Mayor and Council.

MOTION: *Councilmember Clark moved to table a permit application for Hidden Hollow for blasting within 1,320 feet of residential structures due to the lack of an approved subdivision plat and a slope map, and requested resident input before approval. Councilmember Reaves seconded the motion.*

Mr. Bybee asked if an approved plat was required before approval of a blasting permit application. Mr. Trusty said that wasn't required in the Municipal Code.

Councilmember Gricius noted that resident input wasn't a requirement of approval. She said the residents could have attended the meeting or sent emails if they objected to the blasting application, and didn't want to place an undue burden on the applicants.

Councilmember Burnham appreciated Cadence Homes going above and beyond the City's blasting permit application requirements.

Councilmember Clark withdrew the motion.

Vic Bronson, President of the Utah Chapter of the International Society of Explosives Engineers, explained technical details of explosives management. He commended the City for setting regulations which protected the public while making blasting practical. He described how much less disruptive blasting was compared to other excavation methods. He said correct blasting regulations made blasting safe directly under buildings and historic structures.

MOTION: *Councilmember Burnham moved to approve a permit for Hidden Hollow for blasting within 1,320 feet of residential structures. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Stephanie Gricius and Benjamin Reaves. Those voting no: Melissa Clark. The motion passed with a vote of 4:1.*

B. Scenic Mountain

Dylan Young, representing Fieldstone Homes, said Fieldstone's goal was to work closely with City staff, the Planning Commission and the City Council.

Mr. Young acknowledged that one blast had occurred that violated City standards. He had not been advised of the Code change prior to the blast and believed it was within City standards. The Code section quoted in the application he completed didn't indicate any changes. He stated he received an email from Mr. Trusty on the day of the blast saying there were possible changes to the Municipal Code and they needed to discuss the permit.

Councilmember Clark stated the previous Code did require notification to the City before any blasting took place. Mr. Young stated there were several parties involved: Fieldstone Homes, Sunroc, Arizona Blasting and VCE. Due to a failure of communication, he was unaware of the blasting until late in the day of the blast. He's since had meetings with the contractors and reviewed the ordinance with them in detail.

After thorough discussion with Mr. Young, the Council voted.

MOTION: *Councilmember Clark moved to deny a permit for Scenic Mountain for blasting within 1,320 feet of residential structures due to outstanding health, safety and welfare concerns, including the proposed number and size of blasts and the change, the distance between the proposed blasts and existing residential structures and the unclear nature of whether or not the blasting is truly necessary to install infrastructure for utilities and because the applicant has indicated that there are alternatives to blasting that do exist. Councilmember Curtis seconded the motion.*

After further discussion among the Council, Mr. Cook pointed out that they had the option to levy a \$1,000 fine before approving another permit.

AMENDED MOTION: *Councilmember Clark moved to deny a permit for Scenic Mountain for blasting within 1,320 feet of residential structures due to a lack of specificity in the application for the number and size of blasts and for the lack of consequence for an illegal blast.*

The motion failed for lack of a second.

After additional discussion, Councilmember Burnham made a substitute motion.

SUBSTITUTE MOTION: *Councilmember Burnham moved to table a permit for Scenic Mountain for blasting within 1,320 feet of residential structures until a fine of \$1,000 has been paid for the illegal blasting, along with a statement of how that will be prevented from happening again, and a more specific application with the number of blasts and the intensity of those blasts. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Stephanie Gricius and Benjamin Reaves. Those voting no: Melissa Clark. The motion passed with a vote of 4:1.*

C. Skyline Ridge

MOTION: *Councilmember Burnham moved to deny a permit for Skyline Ridge for blasting within 1,320 feet of residential structures due to the fact that they have not completed the initial cleanup in the original agreement. A blasting application would not be considered until that is completed. Councilmember Gricius seconded the motion.*

Councilmember Reaves asked if the cleanup involved materials processing and removal.

Councilmember Curtis stated the agreement was not under discussion, only the application.

Mayor Westmoreland allowed the applicant to speak.

Jake Toombs of Millcreek Homes stated the denial was very unexpected and asked for clarification.

Councilmember Burnham pointed out the City had an agreement with Millcreek Homes that the material from the previous blasting would be cleaned up. She was not willing to allow more blasting until the cleanup was completed. The company would have to comply with State mining laws, as well, before she would consider granting another permit.

Councilmembers discussed the situation further with Mr. Toombs.

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City 2018 General Plan.

Mr. Mumford said the proposed ordinance would adopt the 2018 Eagle Mountain General Plan, a complete revision of the previous General Plan. The General Plan was a comprehensive policy outline document used to guide the City in decisions related to its future growth and established the framework for the physical and social development of the City. After the General Plan was approved, either at this meeting or a future one, specific changes would be made to implement the Plan, such as amending the City’s zoning ordinances.

Councilmembers discussed their individual preferences for inclusions in the General Plan.

Mayor Westmoreland opened the public hearing at 9:46 p.m.

The following commented in support of five-acre lots in the rural residential area of Lake Mountain Road:

Jody Hooley, representing several residents of Lake Mountain Road

The following commented in support of smaller residential lots on Lake Mountain Road:

Chris Bramhall

Brandon Harrison

Waleed Hamuda

Tom Checketts

Kent Peterson

Mayor Westmoreland closed the public hearing at 10:01 p.m.

Councilmember Clark stated she wanted the General Plan to be the best it could be before it was passed.

After discussion, the Council determined the Plan should be tabled for a month.

MOTION: *Councilmember Reaves moved to table an ordinance of Eagle Mountain City, Utah, for the Eagle Mountain City 2018 General Plan until the July 3, 2018 City Council meeting. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

The Council discussed the time limit they placed on the meeting and decided to extend the meeting to 11:00 p.m.

PUBLIC HEARING

15. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 101 Acres from Agriculture to Residential.

Mr. Hadley stated this was an applicant-proposed rezone of approximately 101 acres from Agriculture to Residential with a minimum one-acre lot size. The project was located along Lake Mountain Road and was known as the Eagle Mountain Benches.

Mayor Westmoreland invited the applicant to speak.

Tom Checketts, an attorney representing owners Karen and Jeff Scott, said the application had been before the Council several times. The application had been amended to incorporate comments made by the Council. Mr. Checketts discussed recent Council approvals of similar applications, the history of Lake Mountain Road, and approvals of much denser subdivisions nearby. He brought a petition signed by 45 people who supported the application.

Mr. Checketts stated the applicants were willing to dedicate land for a regional trail and stipulate to a one-acre minimum lot size and a minimum 20,000 sq. ft. building envelope in each lot.

Councilmember Curtis questioned the platting of lots in the powerline corridor.

Councilmember Clark objected to the applicants' wanting to plat lots in the powerline corridor when they bought the land knowing land under the power corridor was unbuildable.

Councilmember Burnham asked for confirmation as to whether buffering was required if there were no adjacent approved lots. Mr. Mumford said one-acre lots were required adjacent to BLM land.

Mr. Checketts stated the applicants would be happy to stipulate to compliance with all City ordinances as a condition of the rezone.

Mayor Westmoreland opened the public hearing at 10:48 p.m.

Those who commented in support of the rezone application:

Lillian Malay

Carl Whetzel

Eileen Whetzel

Mayor Westmoreland read a comment from Mary Kaufman

Those who commented in opposition to the rezone application:

James Taylor

Marcie Taylor

Greg Jeppson

Jan Preece

Jodi Hooley

Mayor Westmoreland closed the public hearing at 11:10 p.m.

Councilmember Curtis wanted to find a way to adequately buffer the five-acre lots south of the proposed rezone.

Mr. Checketts stated one-acre and five-acre lots both allow large animals, so he didn't think they were incompatible.

Councilmember Burnham noted there was no possibility of the neighboring 15-acre property being subdivided into quarter-acre lots. The Municipal Code wouldn't allow it.

Regarding wildlife protection, Mr. Checketts suggested a large swath of dedicated open space along the south side of the property, which would also allow for a trail from Lake Mountain Road to BLM land.

Councilmember Clark said two of her remaining major concerns were the section of Lake Mountain Road on BLM land and the amount of traffic on the road. Although traffic engineers indicated the road was capable of handling much more traffic, practical experience showed that wasn't so.

Mr. Checketts said there was a requirement that the road had to be paved from property line to property line. Some of the existing neighbors didn't want additional traffic and therefore didn't want the road paved. If paving was desired, Mary Higgins, who supervised roads across Federal lands in Utah County, had said it would easily be approved.

Mr. Mumford noted the Fire Marshal would require paving.

Councilmember Burnham stated the existing traffic was largely coming from the small lots just north of Eagle Mountain Blvd.

Mr. Checketts stated all the properties rezoned on Lake Mountain Road began with Agriculture zoning, and this project was being treated very differently than the others and it felt unfair.

Councilmember Curtis questioned whether three different Councils treated the same project unfairly.

Councilmember Clark reiterated her concern that this project would change the nature of the area.

Mr. Checketts said one-acre lots would be marketed as large-animal properties. That would be included in the CC&Rs and the applicants would be happy to stipulate to placing notes on future plats protecting agricultural use.

Councilmember Clark asked Mr. Checketts to clarify what he said concerning the Council approving: 1) a rezone to one-acre lots; 2) the applicant's commitment to not platting lots in the powerline corridor; 3) paving the road so it is in compliance with fire marshal's requirement; 4) dedicating 4.6 acres of land on the south end to create a significant barrier between the rezoned property and those who have chosen to make homestead homes there.

Mr. Checketts agreed to all of Councilmember Clark's statements except the last one. In its place he proposed the 4.6 acres on the south side be conditioned on allowing some lots to extend into the powerline corridor only for the purpose of meeting the one-acre minimum for a septic system, with no possibility of building under the powerlines. Over one-fourth of the total property would still be dedicated to open space.

Mr. Checketts also proposed setting aside property, by easement or otherwise, and constructing nesting sites for raptors, putting restrictions in CC&Rs, prescribing the minimum finished square footage for buildings and setting a certain percentage of homes that had to have a three-car garage.

Councilmember Gricius said she was open to negotiations, but she didn't want to make a final decision at 11:30 p.m.

Mr. Checketts said he would be willing to meet with Councilmembers individually to get input to facilitate the discussion. He said he also spoke to neighbors who were willing to provide input.

Councilmember Clark reviewed the items Mr. Checketts agreed to: no lots in the power corridor, pave the road, and 4.6 acres of open space on the south end of the property.

MOTION: *Councilmember Gricius moved to table an ordinance of Eagle Mountain City, Utah, rezoning approximately 101 acres from Agriculture to Residential until the next regularly-scheduled City Council meeting. Councilmember Clark seconded the motion.*

Councilmember Curtis wanted to hear residents' input, as well.

Councilmember Burnham wanted assurance that the landowners agreed to these conditions.

Mr. Checketts said the landowners would agree to all of these conditions and were willing to authorize him to make a deal on other possible conditions. He explained the landowners would comply with the conditions when a final plat was approved. They were not in a financial position to pay costs in advance.

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

PUBLIC HEARING

16. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 17.48 Regional Technology and Industry Overlay Zone of the Eagle Mountain Municipal Code.

Mr. Mumford said the proposed ordinance made minor adjustments to the Regional Technology and Industry Overlay Zone to improve the City's economic development efforts with technology companies.

Mayor Westmoreland opened the public hearing at 11:13 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Clark moved to adopt an ordinance of Eagle Mountain City, Utah, amending Chapter 17.48 Regional Technology and Industry Overlay Zone of the Eagle Mountain Municipal Code. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Stephanie Gricius. Benjamin Reaves was absent for the vote. The motion passed with a vote of four ayes and one absence.*

17. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Porter's Crossing Town Center Master Development Agreement.

Mr. Cook stated the applicant was proposing an amendment to the Porter's Crossing Town Center Master Development Agreement approved in February, 2018 to clarify the fees-in-lieu for park, open space and clubhouse improvements.

Mr. Cook said Option 2 stated the applicants could adjust the value of the park improvements and the pool and clubhouse based on the actual cost to install those improvements or on estimates received to install those improvements.

Mayor Westmoreland said all of the values would come back to actual costs.

Mr. Khosrow Semnani, CEO of SK Hart Management, said it was always the applicants' intention to deal with actual costs.

Mr. Pili stated the applicants committed to real costs, so there was no need to estimate. However, using real costs would delay reimbursements to the applicants, as the costs would have to be verified before reimbursements could be made.

Mr. Cook said it was very clear, from staff's perspective, the agreement was negotiated with fixed numbers. He believed the other party's attorney understood that, but didn't convey the information to his clients.

Mr. Semnani said the conversation at the last meeting indicated the numbers were estimates. The applicants planned to transfer as much of the actual amenity costs as possible to the recreation center.

After additional discussion, the Council voted to adopt the resolution with Option 2.

MOTION: *Councilmember Burnham moved to adopt a resolution of Eagle Mountain City, Utah, approving the second amendment to the Porter's Crossing Town Center Master Development Agreement, Option 2. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Option 2 to the Second Amendment to the Porter's Crossing Town Center Master Development Agreement included the following changes:

10A.1 In-Lieu Fee for Park and Open Space Improvements.

City acknowledges that Developer may construct additional park and open space amenities, in which case the Park In-Lieu Fee will be adjusted to reflect the cost of the additional amenities constructed by Developer. In addition, Developer shall be entitled to modify the Park In-Lieu Fee if Developer determines that the actual cost of constructing the facilities would have been less than \$697,496.00.

10A.2. In-Lieu Fee for Pool and Clubhouse Improvements.

City acknowledges that Developer may construct one or both of the pools/clubhouses, in which case the Pool/Clubhouse In-Lieu Fee will be adjusted to reflect the cost of the pool/clubhouse constructed by Developer. In addition, Developer may modify the Pool/Clubhouse In-Lieu Fee if Developer determines that the actual cost of constructing the facilities would have been less than \$900,000.00.

Councilmember Gricius was excused from the meeting at 11:55 p.m.

18. MOTION – Overland Community Entrance Signs.

Councilmember Curtis said the proposed signs were too tall and he wanted the Eagle Mountain logo on both signs.

MOTION: *Councilmember Burnham moved to table the Overland community entrance signs. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

19. MOTION – Eagle Mountain Utah Senior Seminary Preliminary Plat and Site Plan.

Mayor Westmoreland called for a discussion. None was offered.

MOTION: *Councilmember Burnham moved to approve the Eagle Mountain Utah Senior Seminary preliminary plat and site plan with a 15' side setback. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

20. MOTION – Spring Ridge Church Site Plan.

Mr. Hadley said the proposed site plan was for the construction of an LDS church to be located on 4.92 acres, adjacent to Woodhaven Boulevard, on the south end of the SilverLake development.

MOTION: *Councilmember Reaves moved to approve the Spring Ridge Church site plan. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

21. MOTION – Steeplechase Preliminary Plat.

This item was added to the Consent Agenda at the request of Councilmember Clark.

22. AGREEMENT – Professional Service Agreement between Eagle Mountain City, Utah and Jibe Media for Website Redesign and Maintenance.

This item was added to the Consent Agenda at the request of Councilmember Clark.

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

None.

24. 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.

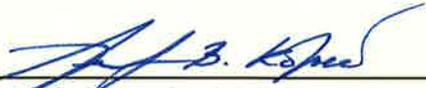
None.

25. COMMUNICATION ITEMS
A. Upcoming Agenda Items

26. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn the meeting at 12:01 a.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on June 19, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

June 19, 2018

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 Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

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

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

1. **CITY ADMINISTRATOR INFORMATION ITEMS** – This was an opportunity for the City Administrator to provide information to the City Council. This item was for information only and did not require action by the City Council.

- A. **Hillside Site Development Standards**

Community Development Director Steve Mumford stated the Planning Department wanted to refine and finalize this item before it came to Council for a vote. They were researching the hillside standards of other cities. One of the requirements they were considering was terracing instead of tall retaining walls. At the tops of the terraced areas, there would be fences or berms. Another issue being considered was standards for blasting bedrock for subdivisions.

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

9. MINUTES

Mayor Westmoreland stated that a request was made to remove the January 22, 2018 minutes from the Consent Agenda.

PUBLIC HEARING

13. **ORDINANCE** – An Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2017-2018 Budget – Final Amendment.

Assistant City Administrator/Finance Director Paul Jerome described the final amendments to the FY 2018 budget.

Mr. Jerome said the State wanted cities to write off any account which went to collections, essentially changing them to miscellaneous revenue and requiring an amendment.

Attorney's fees needed to be increased to cover the negotiations for the data center project. Those expenses would be reimbursed by the Redevelopment Agency after the deal was funded.

The data center fiscal impact study cost would be paid for from the professional services line item and reimbursed by the Redevelopment Agency.

Other amendments included increased costs for crossing guards, a final business incubator program rental payment, computer cost increases, sponsorship revenue, park bond reimbursements, and computer server costs.

In the Enterprise Funds, there was a weed spray tank purchase and more vehicle fuel costs than expected.

Funds were allocated for projects funded by utility sale proceeds (neighborhood improvement, Pony Express Parkway median and widening projects, trail additions, the City Center streetscape project and the remainder of the Hidden Canyon detention pond), as well as the way-finding signage project design phase.

There were also reimbursements for SID assessments and reallocation of some funds for a water lawsuit settlement agreement.

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2018-2019 Budget and Certified Tax Rate.

City Treasurer David Mortenson thanked everyone who was involved in this six-month-long budgeting process. There was a slight increase in the General Fund due to the City's growth since the last budget presentation. Capital projects were increased, due primarily to the Pony Express widening project, which will be partially reimbursed by the Mountainland Association of Governments. The reimbursement freed some funds for projects such as traffic signals.

Mr. Mortensen stated Eagle Mountain's population was expected to grow by 11% next year, while the proposed budget increase was 8% and the proposed staff increase was 5%. The per capita cost of government dropped to approximately \$322 per person.

Councilmember Clark asked if the limited staff increase, compared to the population and budget increases, was taking a toll on the employees. Councilmember Curtis expressed the same concern.

Mr. Pili said he and the department heads discussed this regularly. He said the department heads are frugal and only request additional staff when they are definitely needed.

Mr. Jerome pointed out the City avoided hiring staff on one-time funds. Staff was hired based on the availability of stable revenue sources. Many of the staff increases were due to increased regulatory requirements.

Mr. Mortensen noted paved road maintenance was reduced to allow for a .5 FTE employee for the Recorder's Office.

Mr. Jerome explained the City requested traffic studies for various intersections. The studies recommended traffic signals at Smith Ranch Rd., Mid Valley Road, Aviator Avenue (previously called High School Road), SilverLake Parkway and a HAWK signal between Red Hawk Ranch Rd. and Tinamous Rd.

Councilmember Curtis asked why traffic signals were going to be placed at intersections that didn't have traffic problems when others were already failing.

Mr. Trusty said some of the congestion at failing intersections would be relieved by the planned traffic signals. For instance, the signal at SilverLake Parkway would provide breaks in traffic to allow turns from Woodhaven Blvd. Should some failures remain, traffic studies at those intersections could be repeated. Some areas, like the future Aviator Avenue, were projected to fail upon installation unless traffic signals were installed with the intersections.

Mr. Mortensen said Utah County informed the City that its certified tax rate would decrease from .001011 to .000924, reflecting the City's growth.

PUBLIC HEARING

15. MOTION – Disposal of Significant Real Property Identified as Utah County Parcel Number 58:033:0136.

This item was discussed after item 20.

Ms. Kofoed said the owner of a residential property assumed a fence on City land indicated the boundary between the lot and the City property, and inadvertently installed a shed and landscaping on the City property. Although the homeowner was responsible to know the dimensions of the property, it was understandable that the fence would appear to indicate the property line. Rather than demolish the shed and landscaping, the homeowner asked to purchase the land between the lot and the City fence.

Ms. Kofoed said the purchase would be discussed in Closed Session. If the purchase was approved, the homeowner would pay fair market value for the land plus administrative costs.

PUBLIC HEARING

16. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapters 16.20, 16.25, 16.30, and 16.35 of the Municipal Code for Parks and Open Space and Landscape Plans.

City Planner Taylor Jensen stated the purposes of the proposed changes were as follows:

- Simplifying the requirements for preliminary plat and final plat landscape plan submittals.

- Simplifying the calculation of the guarantee amount for parks and improved open spaces. Developers are required to improve parks and open spaces prior to recording the first plat, or they can pay cash to the City to be held in escrow at the rate of \$3,750 per lot. That amount was calculated at the rate of \$2.00/sq. ft. for the base level improvements, plus \$500/sq. ft. for labor, multiplied by 150%. One lot would require 1,000 square feet of open space. $(1,000 \times \$2.00 + \$500) \times 1.5 = \$3,750$. This number was compared with bond amounts and park costs for recent park projects in the city, and found to be very comparable.
- Eliminating small common areas in multi-family projects from qualifying as improved open space. Open space should be large enough to be usable as a park.
- Allowing storm water basins to count as improved open space at a rate of up to 75%, if improved with sod and other improvements.
- Changing the parks and open space fee-in-lieu from \$5.75/sq. ft. to \$3.75/sq. ft. plus the appraised value of the land.

PUBLIC HEARING

17. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapters 17.10, 17.38, and 17.40 of the Municipal Code for Moving and Storage Facilities and Businesses.

On June 12, 2018 the Planning Commission discussed the proposed changes with staff, and advised that the word “Businesses” be added to the “Moving and Storage Facilities” definition. The Planning Commission also asked that the development standards for moving and storage facilities and businesses be amended to say that “Up to 10 additional rental vehicles may be placed inside a structure or behind a minimum of a six foot privacy fence or wall.” The purpose of adding the words “a minimum of” was to allow flexibility for the Planning Commission and/or City Council to require a taller wall where it was deemed appropriate.

Councilmember Burnham asked how this would affect Eagle Mountain businesses already renting out vehicles such as moving vans, especially the Ridley’s grocery store where rental vehicles were parked in the customer parking lot.

Mr. Jensen said those businesses had not been approved for vehicle rentals, and any land use not specifically allowed by the Municipal Code was prohibited. In addition, the Planning Department received complaints from residents and from a storage business wanting to add vehicle rentals as a service and was told it couldn’t. The department researched how other cities regulated vehicle rentals and wrote Code amendments tailored to Eagle Mountain.

Mr. Jensen said vehicles could be rented in a commercial parking lot legally, following a site plan review, if three vehicles or less were parked in approved parking spaces and/or up to ten additional vehicles were parked behind a wall or within a structure.

Councilmember Curtis asked if, technically speaking, Ridley’s was out compliance with Code by operating other businesses, such as Starbucks and Dairy Queen, within the store. He thought such a multiple use ought to be confined to a business park area.

Councilmember Burnham stated it would make sense to have rental vehicles at a storage business, but not in a commercial business.

Mayor Westmoreland felt this item would need more discussion time, and should perhaps be tabled during the Policy Session.

PUBLIC HEARING

18. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 17.60.120 of the Municipal Code for General Fencing Provisions.

Mr. Jensen said this was a simple change to the General Fencing Provisions stating that all retaining walls needed to comply with hillside site development standards. It was essentially a redundant regulation offering residents an additional section in which to find the information.

19. MOTION – Overland Community Entrance Signs.

The proposed two-part sign would be located north of the Overland development, near the intersection of Pony Express Parkway and Lake Mountain Road. The proposal was to locate one portion on each side of Pony Express Parkway. The larger one would consist of a 20' obelisk standing on a 4' high, 58' long pedestal with a 38' long, 6' tall monument sign located on the pedestal. The monument sign would be topped with a 3' tall trellis structure. The other portion would be a 20' obelisk on a 4' pedestal placed on the other side of Pony Express Parkway. Because the design contained no reference to Eagle Mountain City, the applicant agreed to include Eagle Mountain signage on the main monument.

An additional 10' long, 4' tall monument sign was already installed at the intersection of Lowe Peak Drive and Pony Express Parkway. This sign was constructed without a right-of-way sign approval, as the applicant was unaware of the requirement. The applicant has paid the application fee, proposed relocating the sign closer to the Pony Express Trail, and requested approval to have the sign within the public right-of-way.

Mr. Jensen provided the heights of monument signs in other local areas. Daybreak's sign on Bangerter Highway was 23' tall. Traverse Mountain's sign was 25' tall. Legacy Farms' entry sign was 30' tall. For comparison, an average telephone pole was 40' tall.

20. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 101 Acres from Agriculture to Residential.

This item was discussed before item 15.

Planning Manager Mike Hadley explained that the applicant proposed rezoning approximately 101 acres of land currently zoned Agriculture to Residential. The plan had a minimum one acre lot size, with at least 20,000 sq. ft. of each lot not being encumbered by the utility corridor. The residential zoning complied with the City's Future Land Use General Plan, which designated this area Rural Residential. The draft of the new Future Land Use Plan designated this area as Foothill Residential. Foothill Residential was comprised of mixed lot sizes, with the majority ranging from ¼ - 1/2 acre in size.

Tom Checketts, representing Jeff and Karen Scott, the property owners, stated he contacted neighboring property owners, inviting them to comment on the proposed development. He said only one responded and his question was where on the map his property was shown. Councilmember Curtis sent him a comment stating that rather than the 4.6 acre buffer at the southern end of the property, he would prefer relatively square, two-acre lots. Mr. Checketts said

the owners were open to that possibility; however, it wouldn't provide the trail access and wildlife protection afforded by the buffer.

Mr. Checketts said the powerline corridor was the size of over 20 football fields. He proposed, as at previous meetings, that some lots be allowed to extend into the corridor as long as no structures were allowed to be built in it.

Councilmember Curtis stated the City had never allowed residential lots to be located within the powerline corridor.

Mr. Checketts said the City's ordinance didn't allow construction within the corridor, but permitted unbuilt portions of lots within it. He pointed out the owners of the five-acre lots on Lake Mountain Road had fenced-in areas of their lots that extended into the corridor.

Councilmember Curtis pointed out Mr. Checketts had offered this suggestion several times and was denied every time.

Mr. Checketts stated the denial of lots extending into the corridor, in addition to the denial of development at the "bottom" of the project, could make the project economically unfeasible.

Mayor Westmoreland pointed out the City didn't allow residents to use the powerline corridor.

Mr. Cook said the City's position was that all of the land in the corridor was dedicated to the City. The lots on Lake Mountain Road that extended into the corridor existed before the City's incorporation. However, if the intent was never to have any use of the land under the powerlines, there would be a question as to why the land was in an easement rather than a "fee taking" for the corridor. In an easement, land could typically be used for compatible uses. In the case of a power corridor, those would be agriculture or livestock.

Councilmember Clark asked what was included in Mr. Checketts' example of the corridor taking up over 20 football fields' worth of land. Mr. Checketts said the 138 kV City powerline was east of the football field example and the Kern River gas line was west of it. The "football field" area in the center was the Rocky Mountain powerline.

Discussion ensued on minimum lot dimensions, required setbacks and usable building envelopes.

Councilmember Clark asked how wide the wildland buffer at the south end of the project would be. Mr. Checketts said it would be about 100' wide and 2200' from north to south. His understanding was the City would want roads stubbed from the south and the west for continuity of traffic; although the applicants would be happy to place them where the City Engineer or the Fire Chief directed.

21. MOTION – Permit for Blasting in Scenic Mountain within 1,320 Feet of Residential Structures.

City Engineer Chris Trusty stated this application was tabled at the last meeting. The applicants were instructed to bring the application back with a \$1000 illegal blasting fine paid and the maximum number of blasts indicated in the application. The new application showed a maximum of eight blasts.

Councilmember Curtis asked what changes were shown from the previous application. Mr. Trusty said the applicants added a couple of blasts to ensure the work could be completed within the maximum requested. The blasts would be below the maximum power allowed by the City.

Councilmember Curtis asked what recourse the City had for violations of the materials processing and transportation ordinance. Mr. Trusty said he spoke to the contractor and was told material would not be transported out. Rather, some would have to be brought on-site. However, if City inspectors observed violations, the site would be shut down.

22. **AGREEMENT – Professional Service Agreement between Eagle Mountain City, Utah and GSBS Architects for Place-making and Wayfinding Signage and Amenities with Associated Landscaping.**

Communications and Community Relations Director Linda Peterson said this proposal was for wayfinding and placemaking signage and amenities to define an identity and brand for Eagle Mountain among the residents, potential residents and businesses. It was also to delineate the City's boundaries and locate points of interest. City staff determined that GSBS provided the best response to the request for proposals.

GSBS would plan environmentally friendly, dark sky compliant landscaping into the design.

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

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

The meeting was adjourned at 6:22 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer/Assistant Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Benjamin Reaves led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Limitless Supercar Shoot-Out & Car Show** – Eagle Mountain City is a sponsor of the Limitless Supercar Shoot-Out & Car Show, benefitting Make-a-Wish Utah, which will be held Saturday, January 23 from 10 a.m. to 7:00 p.m. at two locations in Eagle Mountain. The car show, featuring high-end sports cars, will take place from 10 a.m. to 2 p.m. at the soccer field on the east side of Pony Express Pkwy at Wride Memorial Park. Admission to the car show is free. The Supercar Shoot-Out is a competition where the cars take turns trying to best the top speed, which can be over 200+ MPH. A link for tickets and more info is available on the City website, Events calendar. **Residents should be aware that Eagle Mountain Blvd will be closed for this event from approximately 2:30 p.m. to 7:30 p.m.
- **Cory B. Wride Memorial Park Grand Opening** -- Eagle Mountain City will hold a grand opening event for the new phase of Cory B. Wride Memorial Park on Saturday, June 30 from Noon to 3 p.m. The park is located on Pony Express Pkwy south of Mid Valley Rd. A free hot dog lunch will be served and giveaways distributed while supplies last. Music will be provided by the Eagle Mountain Symphony Orchestra and DJ Specialist. Kona Ice and The Soda Truck will also be on site for purchase of cool treats. Equipment displays will be provided by the Utah County Sheriff's Office and Unified Fire Authority.
- **Fireworks Restrictions** – Some areas of Eagle Mountain are restricted for fireworks use. Please check the city website, News section for information about fireworks restriction and legal dates and times of use.
- **Movie in the Park** – Eagle Mountain City will present a free Movie in the Park on Friday, June 22 at SilverLake Amphitheater, featuring Frozen. One free 9 oz. Kona Ice shaved ice per person and free popcorn while supplies last. The summer movie series continues July 13 with Coco and July 28 with Jumanji: Welcome to the Jungle.
- **Pony Express Reenactment** -- The National Pony Express Association (NPEA) Annual Re-Ride Is coming through Eagle Mountain on Sunday, June 24th, at approximately 6:10 p.m. Details on the city website, News section.
- **Citizen Satisfaction Survey** -- Eagle Mountain City wants your feedback! Please take our annual Citizen Satisfaction Survey and have the chance to win \$25 off your July utility bill. The survey will close Friday, June 29, 2018. Access the survey at www.emcity.org/survey.

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

No comment.

Councilmember Burnham

No comment.

Councilmember Reaves

Councilmember Reaves welcomed everyone to the meeting.

Councilmember Clark

Councilmember Clark said she had an opportunity to go to the Eagle Mountain Symphony Orchestra concert on the 14th. She recommended checking out the Eagle Mountain Arts Alliance website for future events.

Councilmember Gricius

Councilmember Gricius welcomed everyone. She said she was able to participate in the kestrel banding activity run by Shon Reed and held a couple of kestrels.

Mayor Westmoreland

No comment.

CONSENT AGENDA

9. MINUTES

- A. January 22, 2018 – Special City Council Meeting
- B. May 15, 2018 – Regular City Council Meeting
- C. June 5, 2018 – Regular City Council Meeting

10. CHANGE ORDER

- A. Senior Center Remodel

11. RESOLUTION – Consolidated Fee Schedule

- A. Central Utah Conservancy District Water Development Project Fees (CWP water use)
- B. Park Rental Fees

12. BOND RELEASE – Into Warranty

- A. Lake View Estates, Phase 2

MOTION: *Councilmember Burnham moved to approve the Consent Agenda with the exception of item 9A. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

- 13. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2017-2018 Budget – Final Amendment.

Assistant City Administrator/Finance Director Paul Jerome presented the final amendments to the fiscal year 2108 budget. According to State statute, the City was required to amend its budget to appropriate funds for increased expenses. This ordinance amended the fiscal year 2017-2018 budget for increases in the General Government and Impact Fee funds. The amendments included bad debt expense due to new State regulations on debt collection, dispatch services, Planning and Building Departments overtime, computer equipment, crossing guards, a final Business Incubator Program rental payment, Pony Express Days sponsorships, park fee-in-lieu reimbursements to developers, and a storage server for IT needs. Most were handled through increased fund balance. The Mountainland Association of Governments line item was moved to the General Government Fund. A data center study, attorney's fees and Community Reinvestment Area consulting will be reimbursed as the Facebook data center project develops.

In Enterprise Funds, a weed spray tank and increased fuel costs were added to the budget.

In the Capital Projects Fund, the wayfinding signage design agreement and utility sales proceeds projects were budgeted.

Impact Fee and Debt Payment Fund changes were generally related to reimbursement agreements.

Mayor Westmoreland opened the public hearing at 7:24 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Reaves moved to adopt an ordinance of Eagle Mountain City, Utah, amending the fiscal year 2017-2018 budget – final amendment. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2018-2019 Budget and Certified Tax Rate.

City Treasurer David Mortensen thanked everyone who participated in the six-month-long budgeting process.

Mr. Mortensen presented the budgetary changes made since his previous presentation, as well as how the fiscal year 2018 budget compared to that of 2019.

He stated the per-capita cost of government was expected to drop to \$321 per resident.

Changes to the Capital Projects Fund included the Pony Express Parkway widening project, the Aviator Avenue (formerly High School Road) extension, new traffic signals along Pony Express Parkway and the Safe Routes to School project.

Changes to the Capital Purchases Fund were much the same as those to Capital Projects. Changes to Enterprise Funds included purchases in the Water and Sewer Funds and a new contract for solid waste disposal.

The Certified Tax Rate was reduced to .000924 due to increased property values. The rate fluctuates in order to keep the dollar amount received by the City the same each year.

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

Councilmember Curtis asked if the Capital Projects fund for traffic signals had to specify the locations for the signals. Mr. Mortensen said it was a single amount leaving the Council discretion to decide where to place the signals.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, adopting the Eagle Mountain City fiscal year 2018-2019 budget and certified tax rate. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

PUBLIC HEARING

15. MOTION – Disposal of Significant Real Property Identified as Utah County Parcel Number 58:033:0136.

City Recorder Fionnuala Kofoed stated Eagle Mountain City received an application for the purchase of a portion of significant, real property in Southmoor owned by the City. The landowner mistakenly constructed a shed and landscaping on City property. Staff indicated that disposing of the .02-acre property would have no negative effect on the City. The owner would pay the fair market value of the property, as well as all administrative costs.

Councilmember Curtis specified to the public that this transaction had nothing to do with the golf course.

Mayor Westmoreland opened the public hearing at 7:43 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Reaves moved to approve disposal of significant real property identified as Utah County Parcel Number 58:033:0136 in the amount of \$10,100.00. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

PUBLIC HEARING

16. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapters 16.20, 16.25, 16.30, and 16.35 of the Municipal Code for Parks and Open Space and Landscape Plans.

City Planner Tayler Jensen stated these amendments to the Municipal Code were intended to reduce the complexity of the City's current parks and open space requirements and improve the consistency of the implementation of those requirements across all developments.

Mayor Westmoreland opened the public hearing at 7:50 p.m. As there were no comments, he closed the hearing.

Councilmember Clark stated the Chair of the Planning Commission said differently-sized flood basins (detention and retention ponds) should have different fee-in-lieu rates.

Mr. Trusty said those basins were constructed based on the local terrain and storm drain calculations. It would be difficult to create a consistent tier system.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah, amending Chapters 16.20, 16.25, 16.30, and 16.35 of the Municipal Code for Parks and Open Space and Landscape Plans. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

The purposes of the proposed changes were as follows:

- Simplifying the requirements for preliminary plat and final plat landscape plan submittals.
- Simplifying the calculation of the guarantee for parks and improved open spaces. Developers were required to improve parks and open spaces prior to recording the first plat, or they can pay cash to the City to be held in escrow at the rate of \$3,750 per lot. That amount was calculated at the rate of \$2.00/sq. ft. for the base level improvements, plus \$500/sq. ft. for labor, multiplied by 150%. One lot would require 1,000 square feet of open space. $(1,000 \times \$2.00 + \$500) \times 1.5 = \$3,750$. This number was compared with bond amounts and park costs for recent park projects in the city, and found to be very comparable.
- Eliminating small common areas in multi-family projects from qualifying as improved open space. Open space should be large enough to be usable as a park.
- Allowing storm water basins to count as improved open space at a rate of up to 75%, if improved with sod and other improvements.
- Changing the parks and open space fee-in-lieu from \$5.75/sq. ft. to \$3.75/sq. ft. plus the appraised value of the land.

PUBLIC HEARING

17. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapters 17.10, 17.38, and 17.40 of the Municipal Code for Moving and Storage Facilities and Businesses.

City Planner Tayler Jensen stated this amendment to the Municipal Code was intended to do three things:

- Create a definition for “Moving and Storage Facilities and Businesses”.
- Allow for moving and storage facilities and businesses as conditional uses within the Commercial Storage and Industrial zones.
- Create development standards for moving and storage facilities and businesses.

The amendment would specify that a maximum of three rental vehicles could be displayed outside of a building or in front of a 6’ privacy fence or wall. All vehicles would have to be parked in an improved parking area within designated parking stalls. Up to ten additional rental vehicles could be placed inside a structure or behind a privacy fence or wall at least six feet tall.

Councilmember Curtis asked if this definition would include rental trucks in a commercial area such as Porter's Crossing Town Center. Mr. Jensen said it would not.

Councilmember Clark asked if rental moving vehicles would be allowed in the vehicle storage area approved for Porter's Crossing Town Center. Mr. Jensen said he didn't know; he would have to research that.

Mayor Westmoreland opened the public hearing at 8:04 p.m. As there were no comments, he closed the hearing.

Councilmember Burnham said she didn't mind if a commercial storage business had more than three rental vehicles displayed outside the building. Six might be a better limit. She felt industrial areas should not have the same standard as commercial storage.

Mr. Jensen said that change could easily be made.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah, amending Chapters 17.10, 17.38, and 17.40 of the Municipal Code for Moving and Storage Facilities and Businesses, as presented, with the exception of changing Chapter 17.38.090(E) from a maximum of three moving vehicles to a maximum of six moving vehicles, and deleting the sentence limiting the number of vehicles that could be stored behind a wall. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

PUBLIC HEARING

18. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 17.60.120 of the Municipal Code for General Fencing Provisions.

City Planner Tayler Jensen said this was a simple amendment to the fencing provisions of the Municipal Code, stating that all retaining walls had to comply with Eagle Mountain's hillside site development standards.

Mayor Westmoreland opened the public hearing at 8:11 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, amending Chapter 17.60.120 of the Municipal Code for General Fencing Provisions. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

19. MOTION – Overland Community Entrance Signs.

City Planner Tayler Jensen recapped the presentation he made in Work Session, found on page 5 of these minutes.

Bryon Prince, representing Ivory Development, said the size of the monument was scaled to be appropriate for what Overland will be at full build-out. Overland was planned to be a very large development, both residential and nonresidential, bridging the gap between The Ranches and City Center. Ivory Development was considering adding a plaque with information on the Pony Express Trail. Mr. Prince stated the natural elevation would be graded down before installation of the signs, which would make the signs about four feet lower than they appeared on the illustrations.

Councilmember Burnham stated she thought the signs were too large; however, she didn't feel the Council should design Ivory's signs.

The Council discussed signage size and designs, and what would be appropriate for Eagle Mountain.

Councilmember Clark asked why the signs were on both sides of Pony Express Parkway. Mr. Prince stated the property extends fairly evenly over both sides of the road. He noted the development and the buffer zone around the signs will be so large, the signs will be in scale with their surroundings. He referred to a large subdivision sign the company installed in Fruit Heights which had sections located on both sides of the road and displayed both the development's name and the city's logo.

Councilmember Reaves felt the signs should be more representative of the City's look and feel.

Mayor Westmoreland felt the size was less relevant than the design. He appreciated the sense of seriousness and stability these signs projected, which has been somewhat lacking in the City's signage up to this point.

Mr. Prince stated the signs were designed to replicate the design of the historical Pony Express signs. He said 12-foot-tall signs wouldn't be visible. He was willing to compromise on the size.

Mr. Jerome looked up a replicate Pony Express sign and found that it was 20' tall.

MOTION: *Councilmember Burnham moved to approve the Overland community entrance signs with a maximum height of 20', including the obelisk and the pedestal. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Stephanie Gricius and Benjamin Reaves. Those voting no: Colby Curtis. The motion passed with a vote of 4:1.*

20. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 101 Acres from Agriculture to Residential.

Planning Manager Mike Hadley reviewed the presentation he made in Work Session. The presentation and discussion are found on pages 5 and 6 of these minutes.

Councilmember Curtis asked if every home within 300' of a sewer line would be required to connect to the sewer system.

Councilmember Burnham stated she voted against that motion several years ago because it affected existing homes. Mr. Mumford and Mr. Cook read the Municipal Code, which stated

existing homes weren't required to connect to a sewer line. Each new subdivision was required to include a note on the plat stating that any homes within 300' of a sewer line would be required to connect to the sewer system. If a homeowner's septic system failed, the home would have to connect to the sewer system anyway.

Councilmember Gricius asked if the item could be approved with a stipulation that the sewer line should be approved without coming within 300' of existing structures.

Mr. Cook explained that Eagle Mountain Benches was located within the source protection area of a potential well. No contamination source can be within 100' of a well site (Zone 1). Zone 2 was comprised of the land that had a 250-day time of travel through the ground from the point of collection to the well. Septic tanks were normally not allowed in Zone 2 unless the water source was above the well or the well was specifically designed to protect from septic contamination.

Mr. Trusty stated the hydrogeologic engineering would be completed shortly. He believed a well would more likely be dug close to Eagle Mountain Blvd.

Ms. Gricius stated the developers would be willing to finish the road to the north and widen the buffer zone to 150'. In order to facilitate the sewer line, one-acre lots would have to encroach into the 138 kV corridor; ½ and 1/3-acre lots would not. No driveways would access the main road.

Councilmember Clark felt too much traffic would pass the Friends-In-Need animal sanctuary.

Councilmember Gricius noted the wildlife buffer zone between Friends in Need would remain.

Councilmember Curtis stated this plan was worse than what was already denied. He wanted the area to remain one of Eagle Mountain's only existing rural areas.

Mr. Checketts compared the lot sizes proposed for Eagle Mountain Benches to those approved for Foothills at Unity Pass.

Councilmember Burnham pointed out that Foothills at Unity Pass didn't have existing large-lot homes near it, and the smallest lots were on the other side of a ridge.

Mr. Checketts brought up the sizes of the lots approved for Sunset Flats. Councilmember Clark stated Sunset Flats was adjacent to some of the smallest lots in Eagle Mountain, so there wasn't really any equivalence.

Councilmember Burnham stated lots without animal rights would be close to lots with large-animal rights.

Mr. Checketts felt the lots without animal rights were far enough away from the large-animal lots to be acceptable. He said this plan would be an asset to the City because of the trails, open space, low density and preservation of wild animal habitat.

Councilmember Clark referred to an earlier experience of seeing residential lots created around farms, in which the new residents demanded the farms shut down or move because of the noise and smells created by the farms.

After additional discussion, Councilmember Curtis made a motion.

MOTION: *Councilmember Curtis moved to deny an ordinance of Eagle Mountain City, Utah, rezoning approximately 101 Acres from Agriculture to Residential. Councilmember Clark seconded the motion.*

Councilmember Burnham reminded the Council that a denial would cause the applicants to have to wait a year before resubmitting the plan.

Additional discussion followed.

SUBSTITUTE MOTION: *Councilmember Gricius moved to table an ordinance of Eagle Mountain City, Utah, rezoning approximately 101 acres from Agriculture to Residential until the next regularly-scheduled City Council meeting. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Stephanie Gricius and Benjamin Reaves. Those voting no: Colby Curtis. The motion passed with a vote of 4:1.*

21. MOTION – Permit for Blasting in Scenic Mountain within 1,320 Feet of Residential Structures.

City Engineer Chris Trusty said the City received an application for a permit for blasting in an area that was within 1,320 feet of any residential structures. According to the Municipal Code, City Council approval was required. This item was presented and tabled at the June 5, 2018 meeting.

Councilmember Curtis asked if the company would be willing to use blasting blankets. He said they would, although the distance between these blasts and the nearest structures was much more than required for the use of blasting blankets.

Mr. Young proposed submitting a pre-blast plan for each blast.

Councilmember Burnham thanked Mr. Young for the extensive information he provided after the last meeting at her request.

Councilmember Curtis asked for clarification that no crushed material would be removed from the site. Mr. Young assured him that wouldn't happen.

Councilmember Clark stated that she drove to all of the blasting sites regularly and asked for watering records. She said there was enough of a dust problem in Eagle Mountain without adding to it from blast sites.

Councilmember Clark asked Mr. Young's blasting expert, Vic Bronson, if blasting blankets would help mitigate the dust problem. He said they wouldn't; only watering would do that.

Councilmember Clark asked if the trucks bringing road construction materials into the site would travel on S.R. 73 or on residential roads. Mr. Bronson said the trucks would use residential roads until the S.R. 73 connection was completed.

MOTION: *Councilmember Burnham moved to approve a permit for Scenic Mountain for blasting within 1,320 feet of residential structures; with the conditions that all*

blasts within 500 feet of a structure use blasting blankets and all blasts follow the City's watering/dust control regulations. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

22. AGREEMENT – Professional Service Agreement between Eagle Mountain City, Utah and GSBS Architects for Place-making and Wayfinding Signage and Amenities with Associated Landscaping.

Councilmember Reaves asked Communications and Community Relations Director Linda Peterson if this agreement would include research on where the monument signs would be placed. Ms. Peterson said the phases of the agreement weren't set yet. Staff planned to bring the phases to the Council for budget approval.

Councilmember Burnham asked how many City entry monuments would be placed. Ms. Peterson said that would be part of the company's research.

MOTION: *Councilmember Curtis moved to approve a Professional Service Agreement between Eagle Mountain City, Utah and GSBS Architects for Place-making and Wayfinding Signage and Amenities with Associated Landscaping in the amount of \$53,770.00 and authorize the Mayor to sign the contract. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

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

None.

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

Councilmember Gricius said the Parks and Recreation Board needed at least one more member.

Councilmember Curtis was impressed with the Memorial Day program at the cemetery. He reported the Library Board had two new members.

Councilmember Clark was looking forward to a report from Economic Development Director Aaron Sanborn about the Eagle Mountain Chamber of Commerce in an upcoming City Council meeting.

Councilmember Burnham said progress was being made on the remodeling of the double-wide trailer into a senior citizens' center.

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

26. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn the meeting and reconvene as the Redevelopment Agency Board. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

The meeting was adjourned and reconvened at 10:32 p.m.

REDEVELOPMENT AGENCY MEETING – CITY COUNCIL CHAMBERS

BOARD MEMBERS PRESENT: Board Chair Tom Westmoreland, Board Members Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves.

1. CALL TO ORDER

Board Chair Westmoreland called the meeting to order at 10:32 p.m.

PUBLIC HEARING

2. RESOLUTION – A resolution of the Redevelopment Agency of Eagle Mountain City, Utah, Adopting the Fiscal Year 2018-2019 Budget.

City Treasurer David Mortensen stated there were no changes to the Redevelopment Agency budget since his last presentation. This budget only included the 2012 EDA and the Parkside CDA. The Sweetwater CRA #1 would be included in a future budget.

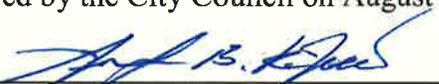
Board Chair Westmoreland opened the public hearing at 10:35 p.m. As there were no comments, he closed the hearing.

MOTION: *Board Member Curtis moved to adopt a resolution of the Redevelopment Agency of Eagle Mountain City, Utah, Adopting the Fiscal Year 2018-2019 Budget. Board Member Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

3. ADJOURNMENT

MOTION: *Board Member Curtis moved to adjourn the meeting at 10:36 p.m. Board Member Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on August 7, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE
M O U N T A I N

EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

July 17, 2018

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 Tom Westmoreland, Councilmembers, Melissa Clark, Colby Curtis, Stephanie Gricius. Donna Burnham participated by telephone. Benjamin Reaves was excused.

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

Mayor Westmoreland called the meeting to order at 4:08 p.m. He excused Councilmember Reaves and stated Councilmember Burnham would be participating by telephone.

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** – Cory B. Wride Memorial Highway (S.R. 73) State Environmental Study Update, *presented by Matt Parker, UDOT Project Manager*

Mr. Parker said the Draft S.R. 73 State Environmental Study (SES) for Cory B. Wride Memorial Highway from Pioneer Crossing to Eagle Mountain Blvd. will be released after 5:00 p.m. today, which will begin a 31-day public comment period. He showed a rendering of the Wride Highway/Ranches Parkway intersection as it will look with frontage roads.

Mayor Westmoreland asked if Mr. Parker had any updates on the Mountain View Corridor project. Mr. Parker stated the construction contract for the section from 2100 North to Wride Memorial Highway had been awarded. He expected work to begin within a month.

Councilmember Curtis asked if the study reflected the final, preferred alignment for the roadway. Mr. Parker said it would determine the area in which the project could be built. No construction would be allowed outside the permitted area. Ed Rock of WSP, a UDOT consultant, said 19 homes will be acquired and two may potentially be acquired. Fifteen residential properties will be partially acquired. That didn't include the acquisition of vacant lots.

B. DISCUSSION – Subdivision Bond Forms

City Attorney Jeremy Cook said the Municipal Code gave developers two options: they could install all public improvements at the beginning of a project or bond for public improvements and record the subdivision plat earlier. The City had discretion as to what form of bonding would be accepted.

The City's policy was to accept escrow agreements or cash bonds, which were the most secure and the easiest to call in the event of a default on the developer's part. Some developers have requested that the City accept surety bonds or letters of credit. The City has found that surety companies were slow to issue bonds, while letters of credit weren't FDIC insured. However, since this was a policy issue, City staff brought it to the Council for direction.

City Recorder Fionnuala Kofoed stated the City has experienced the expiration of surety bonds when the premiums weren't paid, so the bonds couldn't be called if the developers failed to complete subdivision improvements.

C. UPDATE – Acceptance of Purchase Offer for a Portion of Parcel 38:302:0005

Mr. Cook said this item would be discussed in Closed Session.

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

CONSENT AGENDA

Councilmember Clark questioned why the preliminary plat was on the Consent Agenda. She felt it didn't allow for discussion and didn't provide a record of the decision-making process.

Ms. Kofoed suggested placing items that required no changes on the Consent Agenda. The City Council always had the discretion to remove an item from the Consent Agenda and place it on the Policy Session agenda.

9. MINUTES

- A. June 19, 2018 – Regular City Council Meeting

This item was removed from the agenda.

10. PRELIMINARY PLATS

- A. Eagle Top Phase 2, Preliminary Plat

11. BOND RELEASES

- A. Oak Hollow Phase A Plat 4 – Into Warranty
- B. Valley View Foothills Plats 1 & 2 – Out of Warranty

Councilmember Clark questioned the Oak Hollow bond release because of an unfinished section of road. Mr. Trusty said it was on City property and would be completed as soon as possible.

12. AGREEMENT

A. FirstDigital Telecom, LLC Franchise Agreement

Councilmember Curtis asked what the agreement consisted of. Jason Hakanson of FirstDigital Telecom stated that FirstDigital was a Utah local exchange carrier of internet and fiber systems.

PUBLIC HEARING

13. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City 2018 General Plan.

This item was discussion after item 14.

Community Development Director Steve Mumford presented the proposed 2018 revision of the Eagle Mountain General Plan. The General Plan, a comprehensive policy document, was used to guide the City in decisions related to its future growth. A preliminary version of the General Plan was presented at the June 5, 2018, City Council meeting and was tabled to allow the Council to work through some revisions with staff.

Mr. Mumford said the Bureau of Land Management indicated they may allow some BLM land to be developed, perhaps by transferring it to SITLA.

The northernmost annexation area of the City was initially designated Agricultural/Rural Residential. However, when City staff discussed the Camp Williams buffer zone with the Utah National Guard, the Guard representative said the Guard strongly preferred no residential zoning north of Wride Memorial Highway. The designation was changed to Open Space where the Guard had already contracted for conservation easements and in the Guard's strong-priority areas. In medium-priority areas, the General Plan designation was changed to Business Park/Light Industry.

In the south annexation area, the Foothill Residential zone was replaced by Agricultural/Rural Residential.

Councilmember Clark questioned the large areas of uniform zoning. She was concerned about massing too much of the same use in one area.

Mr. Mumford responded the largest areas were designated for large data centers, higher education or retail uses which required hundreds of acres each. Some of the larger areas could be reduced as requests for other uses were made.

Councilmember Curtis asked when Airport Road was likely to be completed. Mr. Trusty said it would probably be approximately ten years. It was expected to be completed in six years, but the widening of Pony Express Parkway allowed it to be delayed.

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 101 Acres from Agriculture to Residential.

This item was discussed before item 13.

Eagle Mountain Benches was designed to be comprised of one-acre lots served by septic systems; however, a potential well site was recently discovered nearby. If septic systems were built on all of the property, the well site would be unusable because a public well site had to be surrounded by a water source protection zone. Planning Manager Mike Hadley presented the most recent proposal, allowing for part of the property to be served by the City's sewer system. The revised plan included 1/3 and 1/2-acre lots in addition to one-acre lots.

Mayor Westmoreland stated the City planned to identify additional proposed well sites.

Councilmember Curtis didn't want to allow sewer lines near existing homes with septic systems because the Municipal Code required any home within 300' of a sewer line to connect to the sewer system, even if the home already existed and was served by a septic system.

Councilmember Gricius asked City Planner Tayler Jensen to review the septic system regulations in the Municipal Code.

Mr. Mumford asked for a brief discussion of the fencing style to be used in SilverLake south of Tickville Wash. The developers requested that it be included in the agenda, but it was inadvertently left off the agenda.

Mr. Cook noted the item wasn't on the agenda. He felt it would be all right if the Council listened to the presentation and provided their responses to City staff after the meeting.

Bronson Tatton of Fieldstone Homes proposed a different style of fencing for the collector roads than what was normally approved. It was a vinyl privacy fence with upper and lower rails. The panels would be secured to the posts with metal fastenings. It would be a gray color with a woodgrain pattern, coated with UV protection.

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 and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Stephanie Gricius. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:33 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers, Melissa Clark, Colby Curtis, Stephanie Gricius. Donna Burnham and Benjamin Reaves participated by telephone.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer/Assistant Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Area; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Brad Hickman, Parks and Recreation Director; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Stephanie Gricius led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

Mayor Westmoreland invited Rob Shelton and Richard Seal to report on the Limitless Supercar Shoot-Out & Car Show, which raised enough money to grant 60 Make-A-Wish Foundation wishes, including a wish for Tyson, an Eagle Mountain resident.

- **Movie in the Park** – A free Movie in the Park featuring *Jumanji: Welcome to the Jungle* will be shown at SilverLake Amphitheater on Friday, July 20. Movie begins at dark. Free popcorn and cotton candy will be served while supplies last.
- **Extreme Enduro** – Pony Express Events will hold an Extreme Enduro event on Saturday, July 28 at 7 p.m. at the rodeo arena. Info and Tickets at www.ponyexpressevents.com.
- **Beat the Heat Bonanza** – Eagle Mountain City will hold the annual Beat the Heat Bonanza event at Nolen Park on Saturday, August 4 from 12-3 p.m. This event is free and features as number of inflatable water slides.
- **SR-73 Environmental Study Public Meetings** – UDOT will hold a public hearing on July 31st from 6:30 p.m. to 8:30 p.m. at Black Ridge Elementary School for the SR 73 Draft SES. The public is invited to view the refined alignment of the freeway with Frontage Road system and provide comments on the Draft SES. The draft is posted to the project website and the public comment period will be open through August 15th. Official comments will be accepted through the website comment form, email and at the public hearing. For more information on the study please visit the project website at UDOT.utah.gov/SR73.
- **Sign up for City Notifications** – There are many ongoing transportation and other projects that impact residents this summer. Don't miss out on traffic alerts and news, as well as emergency notifications – sign up to receive city notices by email or text at www.emcity.org/notifyme.

7. PUBLIC COMMENTS

Karen Stanley asked about lot size transitioning in the General Plan. Mr. Mumford stated the General Plan was the overall vision document and the Municipal Code was the document in which the regulations were set out. The Municipal Code included transitioning regulations.

Steve Cattani related the history of the road through Cedar Pass Ranch, which was proposed to be widened; the change was just removed from the General Plan. He said Cedar Pass Ranch was originally supposed to be buffered from other properties and the washes were supposed to be left alone. The original residents were told by the developers there would be large lots throughout The Ranches, ridgeline protection, horse trails and equestrian centers. When the City was incorporated, those residents were included without their consent and the original community plans were abandoned. He asked that the road through Cedar Pass not be widened.

Marcie Taylor asked the Council to help Lake Mountain Road residents with the excessive off-highway vehicle riding. OHV drivers were damaging both the road and private property. She asked for a written notice to be added to the mailed utility bills stating the OHV regulations. Also, someone built a hut up the hill from the power station where young people are partying and burning fires.

Mayor Westmoreland said an insert could be added to the utility bills. Councilmember Clark asked Lt. Eric McDowell of the Sheriff's Office to speak about the situation.

Lt. McDowell stated the residents on Lake Mountain Road knew they should call Sheriff's Office Dispatch when people were speeding down the road and violating property rights.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Gricius

Councilmember Gricius thanked everyone for attending the meeting. She said she read all of the emails and listened to all of the voicemails she received on the subjects of this meeting, although she was unable to respond to them. She thanked Unified Fire Authority for putting out a tree fire today.

Councilmember Reaves

Councilmember Reaves apologized for not attending the meeting in person. He was sick and didn't want to spread a germ.

Councilmember Clark

Councilmember Clark welcomed everyone to the meeting. Last year she was sitting in the audience at Council meetings with strong feelings about issues, too. She attended an Eagle Scout Court of Honor recently for a Scout who had completed a great service project for the community. She hoped the City would continue to benefit from great community service projects.

Councilmember Curtis

Councilmember Curtis stated Councilmembers would be happy to speak to community groups when requests were made. He thanked those who contact the Councilmembers with civility. He also asked everyone to be careful where they set off fireworks to avoid starting fires.

Councilmember Burnham

Councilmember Burnham thanked everyone for attending and was happy to be able to attend by telephone. She appreciated the emails she received from residents.

Mayor Westmoreland

Mayor Westmoreland welcomed everyone and asked for patience while road construction went on.

CONSENT AGENDA

9. MINUTES
 - A. June 19, 2018 – Regular City Council Meeting
10. PRELIMINARY PLATS
 - A. Eagle Top Phase 2, Preliminary Plat
11. BOND RELEASES
 - A. Oak Hollow Phase A Plat 4 – Into Warranty
 - B. Valley View Foothills Plats 1 & 2 – Out of Warranty
12. AGREEMENT
 - A. FirstDigital Telecom, LLC Franchise Agreement

MOTION: *Councilmember Curtis moved to approve the Consent Agenda with the exception of item 9A. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

13. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City 2018 General Plan.

This item was discussed after item 14.

Mr. Mumford said this was a complete rewrite of the General Plan. The most recent one was written in 2005. This rewrite has been in process for two years. The latest version incorporated concerns expressed by the public, the Planning Commission and the City Council.

The Future Land Use and Transportation Map showed areas outside the City boundaries that were within the Annexation Policy Plan, meaning they were eligible to be annexed into the City if the owners wished.

The northwest area of the annexable properties was proposed to be large lot residential and light industrial property. Because the Utah National Guard requested that the area remain a buffer between the City and Camp Williams, the zoning was changed to Open Space and Business Park/Light Industry.

SilverLake's density was reduced to better match its master development plan.

The alignment of the highway was shifted slightly north, which opened up some Residential property.

The transportation map showed Mid Valley Road as an arterial road.

Cedar Drive, in Cedar Pass Ranch, was controversially designated a collector road; however, it was removed before Policy Session and the traffic plan directed through adjacent property.

Three property owners had contacted City staff, requesting the freeway alignment be routed around their properties and the properties be entirely designated Residential.

Mr. Mumford introduced Susie Petheram, an Associate Principal at CRSA Architects, who was the consultant for the General Plan rewrite. Ms. Petheram reminded the City Council that the land use categories described in the General Plan were deliberately general. How they were implemented would be up to the Council.

She clarified that agricultural preservation and wildlife conservation were some of the target objectives for the Foothill Residential zone, which would be the least dense of the residential zones. Agricultural/Rural Density One and Agricultural/Rural Density Two would be semi-rural in nature. The Council would need to decide what that meant.

A bicycle use plan was included in the Future Land Use and Transportation Plan, since transportation for all ages and abilities was a useful strategy. Alternate modes of transportation would make up a small fraction of overall transportation costs.

The General Plan indicated that multifamily housing should be located near activity areas such as retail stores, which would help with the transportation investment by increasing ridership. It would also give some guidance to developers as to appropriate areas for their projects.

Ms. Petheram then discussed the Future Land Use and Transportation Map. The land uses per total land area predicted by the General Plan were:

- Commercial – 3%
- Mixed-use Residential/Commercial – 4%
- Neighborhood Residential – 32%
- Rural Residential – 22%
- Civic – 1%
- Parks and Open Space – 17%
 - Didn't account for future Parks and Open space in Residential areas

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

Marianne Smith said the Agricultural/Rural Residential areas stopped at the powerline corridor. She suggested they continue to where Lake Mountain Road intersected with Pony Express Parkway. She and the adjoining landowner to the north wanted to donate 72 acres for wilderness preservation, 37.5 acres of which would be entirely available to the City for well sites.

James Taylor appreciated the elimination of the collector road through The Ranches.

Mayor Westmoreland read Shalynn Engle's comment form asking that large lots should extend to Pony Express Parkway.

Danae Anderson owned property in the area in 1995, before Eagle Mountain City existed. He had seen many changes then, most of which lessened the rural feel the early residents enjoyed. The amount of traffic on the proposed collector road through Cedar Pass Ranch would have caused safety issues for horse riders and children in the neighborhood.

Tiffany Felix thanked the Mayor, Council and City staff for listening to the residents' input on the proposed collector road.

Doug Grover thanked the Council for eliminating the collector road.

Mayor Westmoreland read Kathleen Densley's statement, which said Eagle Mountain needed to allow wildlife corridors to accommodate the City's delicate ecosystem.

John Painter stated the percentages of Parks and Open Space given by Ms. Petheram included unbuildable land.

Deborah Painter thanked the Council for the new amenities in Wride Memorial Park, which would be an asset to the City. She presented a petition signed by 700 people, stating they didn't want any connector road in Cedar Pass Ranch.

Mark Lindsay appreciated the elimination of the collector road through Cedar Pass Ranch.

Jacinda Montano expressed appreciation for the elimination of the collector road.

Duane Richins was grateful for the elimination of the collector road. He was a realtor and said most of the houses he's sold in the last year were on large lots.

Beau Beck, a veterinarian, said large lots were important to families.

Elise Erler, representing SITLA, said the new General Plan was well done. She stated Mid Valley Road was always intended to be an arterial road. She was pleased with the alignment of Porter's Crossing. She noted the Hidden Valley Parkway extension was not on the master plan for the Hidden Valley area. It would have to be very small because the ridgeline was very steep. She didn't think it was a prudent use of public funds. SITLA was working on a land exchange with BLM along Lake Mountain Road. That land will change to residential. The future annexation areas will allow SITLA to annex some lands into Eagle Mountain. She reminded the equine community that Pony Express Park had an unpaved trail that was specifically preserved for equine use.

Eric Gardner wanted the City government to create more rural preserved land.

Mayor Westmoreland closed the public hearing at 10:05 p.m.

Council and staff discussed details of the proposed zoning for specific areas of the City in the General Plan map.

They also discussed how landowners would exercise their property rights within the framework of the Plan. One landowner had requested the freeway be aligned in a way that didn't affect his property. Another wanted his property to be zoned Residential, rather than Employment

Center/Campus. Councilmembers felt an area adjacent to the highway wasn't suitable for Residential zoning.

Councilmember Clark wanted to buffer Cedar Pass Ranch because the Tickville Wash was quite wide through there.

Councilmember Gricius brought up the advantages of having varied lot sizes in one area. Mr. Mumford said that was one of the Plan's priorities.

Mayor Westmoreland stated he understood why the National Guard wanted to minimize development in the annexation area adjacent to Camp Williams through placement of a Business Park zone there. He wondered what the benefit was to the City. Mr. Mumford stated an equivalent amount of large-lot residential was placed further to the south, so it was still an option for residents.

Councilmember Curtis asked if the landowners were willing to develop their property as a Business Park. Mr. Mumford stated this land was in the annexation policy plan; it was not part of the City. The property owners could choose whether to allow the property to be annexed.

Mayor Westmoreland stated the General Plan Map was greatly improved over previous versions. He appreciated the work put into it by City staff, City Council and the Planning Commission, as well as input from the public. He noted that it needed further refinement, but it was headed in the right direction.

Councilmember Reaves requested that the Plan not impose on anyone's property rights. He didn't want the Plan to dictate how the Council used its authority. He wanted the East bench to be designated Agricultural/Rural Density One or Two.

Councilmember Burnham approved of the Plan document, but noted any General Plan could be improved as needed.

Mr. Mumford reminded Council that if changes were to be made to the plan in the motion, there were also residents' concerns to be considered.

Councilmember Gricius said one of the locations with property owner concerns is the Employment Center/Campus in the Town Center area. She said that the property owner would like to have it designated as one of the residential categories. Councilmember Clark stated she would like to leave it as a Mixed Use/Commercial zone. Councilmember Curtis said it did not work as residential, as it is on the freeway. Councilmember Gricius agreed. Councilmember Curtis said the property owner has requested this in the past. Councilmember Burnham said she agreed that a residential designation did not fit, even though she understands the property owner's concerns. Councilmember Clark said she would like to give the property owner what is requested, but to realign the freeway would cause too many problems in the future. Councilmember Reaves agreed that keeping it as proposed is best, based on the freeway location.

Councilmember Clark said the next area with property owner concerns is Monte Kingston's property. Mr. Mumford clarified that it is in the East Bench neighborhood in the northern part of the Agricultural/Rural Density Two, next to the Tech Campus. Mr. Mumford said the property owner requested that this section be designated Neighborhood Residential One or Two. The

property owner's request is based on housing needs for future Tech Campus employees, and the fact that the area is flatter than hill locations, which is conducive to smaller lots or multi-family units. It is currently designated Agricultural/Rural Density Two. Councilmember Curtis said that area is not conducive to multi-family housing. Mr. Mumford confirmed that the property directly to the west of this is the powerline corridor, with open space adjacent to that, and then the Tech Campus. Councilmember Curtis said the request is the least compatible use. Councilmember Gricius said the request would double the density, allowing four to twelve units per acre. Councilmember Burnham said that the high density housing would not make sense. Councilmember Clark agreed. Councilmember Reaves said he would prefer to keep it Agricultural/Rural Density Two, as well.

Councilmember Curtis said the other property owner concern is from the person who sold land to Facebook. He stated they currently have so much land available for the requested use. Councilmember Gricius said they are welcome to apply at a later date, and that discussion would happen at that point.

Councilmember Gricius said the next area is on the top section of the Neighborhood Residential One section in the Town Center area, adjacent to Business Park/Light Industry. She explained they are discussing taking out the horizontal road in that area. Councilmember Clark said it is the eastern road stub. Councilmember Burnham said removing this would keep people from using Cedar Drive as a collector road. Councilmembers Clark and Reaves agreed.

Councilmember Clark asked what were the boundary lines the property in question. Councilmember Curtis said the horizontal boundary for most of that land is south of Oquirrh Mountain Ranch. Councilmember Burnham said the lower density of Cedar Pass Ranch is adjacent to the high density of Oquirrh Mountain Ranch. Councilmember Clark explained that is why they are working to find a boundary. Councilmember Burnham said it would work to leave it as it is currently designated and allow for buffering. Councilmember Clark said the upper right-hand corner could be designated Agricultural/Rural Density Two to allow for buffering between the 5-acre lots, and tapering down to where Overland is located. Councilmember Burnham agreed with that option. Councilmember Reaves said this would help mitigate traffic with Cedar Pass Ranch. Councilmember Clark recommended it be designated as Agricultural/Rural Density One to allow for tapering down. Mr. Mumford identified the 160-acre parcel that had the stub road that is being removed. Councilmember Clark asked if it was 160 acres.

- MOTION:** *Councilmember Clark moved to adopt an ordinance of Eagle Mountain City, Utah, adopting the Eagle Mountain City 2018 General Plan with the following changes:*
- *Remove the east-west extension*
 - *Convert Eagle Mountain Benches from Agricultural/Rural Density Two to Agricultural/Rural Density One*
 - *Convert the Agricultural/Rural Density Two areas on the east bench to Agricultural/Rural Density One*
 - *Designate the north end of Lake Mountain Road from the Agricultural/Rural Density One zone to Pony Express Parkway as Agricultural/Rural Density Two, as referenced by Marianne Smith*
 - *Convert the yellow square to Agricultural/Rural Density One*
- Councilmember Curtis seconded the motion.*

Mr. Mumford pointed out the large yellow square was 300 acres.

Councilmember Burnham said she was confused about the East Bench area. Councilmember Clark said it was not changed. She said it is currently Foothill Residential and open space, and that Ms. Smith asked for it to be kept Agricultural/Rural Density Two so she can do one-acre and larger lots. Councilmember Curtis said it would be switched from Foothill Residential to Agricultural/Rural Density Two in one specific piece.

Ms. Kofoed asked for a map indicating the changes stated in the motion. Mr. Mumford showed his marked map to the Council, and it was sent to Councilmembers Burnham and Reaves. Councilmember Burnham clarified the lot sizes of Agricultural/Rural Density One versus Agricultural/Rural Density Two.

Councilmember Curtis confirmed that the road stub to Cedar Pass was removed. Mr. Mumford said the road stub is a public right-of-way and would need to be vacated at a later meeting. He clarified the section on the east was removed. Councilmembers Burnham and Reaves both confirmed receipt of the updated map. Councilmember Clark confirmed with Councilmembers Burnham and Reaves that the map reflected what was stated in the motion.

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

PUBLIC HEARING

14. **ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 101 Acres from Agriculture to Residential.**

This item was discussed before item 13.

City Planner Tayler Jensen stated this project was a rezone of approximately 101 acres along Lake Mountain Road from Agriculture to Residential, with the following restrictions:

- South edge of the property: 2 acre minimum lot size OR a 150'-wide open space buffer
- South of the powerline corridor: 1 acre minimum lot size (no lot space within the larger powerline corridor)
- North boundary of the project: 1 acre minimum lot size
- North side of the power line corridor adjacent to 1 acre lots: ½ acre minimum lot size
- North of the powerline corridor and west of Lake Mountain Road: 1/3 acre minimum lot size buffered by ½ acre lots

Mr. Jensen said the project was originally designed with a minimum one-acre lot size, with all lots served by septic systems. However, through the City's work with a hydrogeologist, a potential well size was identified. Because a well must be surrounded by a drinking water protection zone, part of the project would have to connect to the City sewer system. One-acre lots would be too large to reasonably be connected to the system.

Mayor Westmoreland opened the public hearing at 7:39 p.m.

Jody Hooley, a resident of Lake Mountain Road, pointed out the application for higher density had been repeatedly denied. She noted that Mr. Checketts, the landowners' attorney, repeatedly referred to other subdivisions that had been granted higher densities; however, the other subdivisions were not relevant because they were not comparable to the subdivision under discussion. Many City residents moved to Eagle Mountain for open space, which was rapidly disappearing, as well as habitat for raptors and other wildlife. She appreciated the Councilmembers' time and dedication to the City.

Mike Kieffer, a resident of Lake Mountain Road, wondered why this issue was still being discussed. Referring to the possible well site in the area, which could affect the density of the project, he said there were many other locations for wells that wouldn't affect the property rights of surrounding landowners. If an existing septic system failed after a sewer line was placed within 300' of the home, the resident would have to remove the septic system at great expense and also connect to the sewer system at their own expense. He noted that it was not the City's responsibility to see that a developer's project was profitable. He asked that residents be allowed to rebut claims by the developer's attorney, who had never lived under the powerline.

Kim O'Donnell stated he was one of the owners of the animal sanctuary on Lake Mountain Road. He started by commending Councilmember Clark for her passion for serving the City. Mr. O'Donnell said the sanctuary helped many people in Eagle Mountain, including volunteers and people serving community service time. If this proposal was approved, he and Mrs. O'Donnell would move away and the sanctuary would be lost. The loss of the sanctuary would be a loss to the City. He stated the developers had changed their publicly expressed reasons for developing the land. They also claimed five-acre lots wouldn't be salable, but many five-acre lots had been sold in the City.

Mayor Westmoreland asked Mr. Mumford if City staff had any input on the comments made by the public. Mr. Mumford said they did not.

Mayor Westmoreland closed the public hearing at 7:52 p.m.

Councilmember Clark said she watched many videos of previous City Council meetings in preparation for becoming a City Councilmember. Previous Councils had considered the development of this land, and felt this was a unique area of the City. She found that the area already had an approved plat for five-acre lots. She wanted to know how the land had changed since then.

Councilmember Gricius stated the problem with smaller lot sizes came up because of the potential well site near the property. She believed preserving the well site was the priority, especially when the City could have a population of 170,000 at full build-out.

Councilmember Curtis said if anything, the land was now more difficult to build on. He didn't feel it was the Council's responsibility to enable a sewer system to be built on the property.

Councilmember Clark didn't feel the discussion about the well site, with the decision about whether the site should have septic tanks or sewer hookups, should be decisive. The issue should be whether a smaller lot subdivision would be good for the City based on the nature of the land.

Councilmember Curtis said the Agriculture zoning designation was being used as a holding designation until land was zoned in another category. He felt it should be an important land use in its own right.

Councilmember Reaves was concerned about setting a precedent of allowing smaller lots. He asked what would determine the development of the land, or whether the City Council would ever allow it to be developed. He agreed that sewer vs. septic shouldn't be a priority in the discussion. He felt the rezone could be accomplished with some negotiation. He wanted proper buffering and wanted the developers to preserve the agricultural feel of the area.

Mr. Checketts responded that the developers were willing to compromise and had tried to incorporate previous comments by the Council.

Councilmember Burnham said the south edge of the property should be a 150' wide open space buffer, not two-acre lots. Lots would not provide natural habitat for wildlife. She could not approve 1/3-acre lots and would have difficulty approving 1/2-acre lots.

Mr. Checketts stated the developers would be happy to accept a minimum 1/2-acre lot size. They would agree to a 1-acre minimum if necessary. He noted wildlife had 1,100 acres of BLM land for habitat.

MOTION: *Councilmember Curtis moved to deny an ordinance of Eagle Mountain City, Utah, rezoning approximately 101 acres from Agriculture to Residential. Councilmember Clark seconded the motion. Those voting yes: Melissa Clark and Colby Curtis. Those voting no: Donna Burnham, Stephanie Gricius and Benjamin Reaves. The motion failed with a vote of 2:3.*

Councilmember Gricius asked staff how to prevent existing residents from having to connect to the sewer system when they already have an operating septic system.

Mr. Mumford stated there was a section of the Municipal Code authorizing the Council to give permission to stay with septic in cases of undue hardship.

Mr. Cook proposed rewriting that entire section of the Code.

Councilmember Gricius asked Mr. Checketts, for the record, if the developers were still willing to install nesting boxes for raptors. Mr. Checketts said they were.

MOTION: *Councilmember Gricius moved to approve an ordinance of Eagle Mountain City, Utah, rezoning approximately 101 acres from Agriculture to Residential with the following conditions:*

- *The area east of the powerline corridor shall have a minimum lot size of 2.5 acres, with the lots to be served by septic systems.*
- *The area west of the powerline corridor shall have a minimum lot size of one acre, without a stipulation in this motion as to whether septic systems would be permitted west of the corridor.*

- *The main powerline corridor shall be preserved as open space for a possible future regional trail.*
- *A 150'-wide open space buffer shall be required along the south side of the property.*
- *The applicant shall install raptor nesting boxes on the property, in consultation with Hawk Watch and the Eagle Mountain Kestrel Project.*
- *Each lot shall have a minimum ½ acre building envelope.*
- *A note shall be recorded against the plat stating that there are agricultural uses in the area.*

Councilmember Burnham seconded the motion.

Councilmember Gricius stated existing, functional septic tanks would not be required to tie in to the City's sewer system. The Council will consider an amendment to septic tank regulations in the Municipal Code at the August 21st City Council meeting.

Councilmember Reaves asked if the rezone was to Residential or Rural Residential. Councilmember Gricius stated it was to Residential with specified minimum lot sizes.

Those voting yes: Donna Burnham, Melissa Clark, Stephanie Gricius and Benjamin Reaves. Those voting no: Colby Curtis. The motion passed with a vote of 4:1.

Ms. Kofoed asked if a specific number of kestrel nesting boxes was to be required. Councilmember Gricius said the applicant would work with Hawk Watch and the Eagle Mountain Kestrel Project to determine how many nesting boxes will be built.

Following this item, the Council considered item 13.

Councilmember Reaves was excused at 11:03 p.m., after the vote on item 13.

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

None.

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

None.

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

18. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 11:05 p.m. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham,*

Melissa Clark, Colby Curtis and Stephanie Gricius. The motion passed with a unanimous vote.

Approved by the City Council on November 20, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING

July 17, 2018

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 Tom Westmoreland, Councilmembers, Melissa Clark, Colby Curtis, Stephanie Gricius. Donna Burnham participated by telephone. Benjamin Reaves was excused.

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

Mayor Westmoreland called the meeting to order at 4:08 p.m. He excused Councilmember Reaves and stated Councilmember Burnham would be participating by telephone.

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 – Cory B. Wride Memorial Highway (S.R. 73) State Environmental Study Update, *presented by Matt Parker, UDOT Project Manager*

Mr. Parker said the Draft S.R. 73 State Environmental Study (SES) for Cory B. Wride Memorial Highway from Pioneer Crossing to Eagle Mountain Blvd. will be released after 5:00 p.m. today, which will begin a 31-day public comment period. He showed a rendering of the Wride Highway/Ranches Parkway intersection as it will look with frontage roads.

Mayor Westmoreland asked if Mr. Parker had any updates on the Mountain View Corridor project. Mr. Parker stated the construction contract for the section from 2100 North to Wride Memorial Highway had been awarded. He expected work to begin within a month.

Councilmember Curtis asked if the study reflected the final, preferred alignment for the roadway. Mr. Parker said it would determine the area in which the project could be built. No construction would be allowed outside the permitted area. Ed Rock of WSP, a UDOT consultant, said 19 homes will be acquired and two may potentially be acquired. Fifteen residential properties will be partially acquired. That didn't include the acquisition of vacant lots.

B. DISCUSSION – Subdivision Bond Forms

City Attorney Jeremy Cook said the Municipal Code gave developers two options: they could install all public improvements at the beginning of a project or bond for public improvements and record the subdivision plat earlier. The City had discretion as to what form of bonding would be accepted.

The City's policy was to accept escrow agreements or cash bonds, which were the most secure and the easiest to call in the event of a default on the developer's part. Some developers have requested that the City accept surety bonds or letters of credit. The City has found that surety companies were slow to issue bonds, while letters of credit weren't FDIC insured. However, since this was a policy issue, City staff brought it to the Council for direction.

City Recorder Fionnuala Kofoed stated the City has experienced the expiration of surety bonds when the premiums weren't paid, so the bonds couldn't be called if the developers failed to complete subdivision improvements.

C. UPDATE – Acceptance of Purchase Offer for a Portion of Parcel 38:302:0005

Mr. Cook said this item would be discussed in Closed Session.

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

CONSENT AGENDA

Councilmember Clark questioned why the preliminary plat was on the Consent Agenda. She felt it didn't allow for discussion and didn't provide a record of the decision-making process.

Ms. Kofoed suggested placing items that required no changes on the Consent Agenda. The City Council always had the discretion to remove an item from the Consent Agenda and place it on the Policy Session agenda.

9. MINUTES

- A. June 19, 2018 – Regular City Council Meeting

This item was removed from the agenda.

10. PRELIMINARY PLATS

- A. Eagle Top Phase 2, Preliminary Plat

11. BOND RELEASES

- A. Oak Hollow Phase A Plat 4 – Into Warranty
- B. Valley View Foothills Plats 1 & 2 – Out of Warranty

Councilmember Clark questioned the Oak Hollow bond release because of an unfinished section of road. Mr. Trusty said it was on City property and would be completed as soon as possible.

12. AGREEMENT

A. FirstDigital Telecom, LLC Franchise Agreement

Councilmember Curtis asked what the agreement consisted of. Jason Hakanson of FirstDigital Telecom stated that FirstDigital was a Utah local exchange carrier of internet and fiber systems.

PUBLIC HEARING

13. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City 2018 General Plan.

This item was discussion after item 14.

Community Development Director Steve Mumford presented the proposed 2018 revision of the Eagle Mountain General Plan. The General Plan, a comprehensive policy document, was used to guide the City in decisions related to its future growth. A preliminary version of the General Plan was presented at the June 5, 2018 City Council meeting and was tabled to allow the Council to work through some revisions with staff.

Mr. Mumford said the Bureau of Land Management indicated they may allow some BLM land to be developed, perhaps by transferring it to SITLA.

The northernmost annexation area of the City was initially designated Agricultural/Rural Residential. However, when City staff discussed the Camp Williams buffer zone with the Utah National Guard, the Guard representative said the Guard strongly preferred no residential zoning north of Wride Memorial Highway. The designation was changed to Open Space where the Guard had already contracted for conservation easements and in the Guard's strong-priority areas. In medium-priority areas, the General Plan designation was changed to Business Park/Light Industry.

In the south annexation area, the Foothill Residential zone was replaced by Agricultural/Rural Residential.

Councilmember Clark questioned the large areas of uniform zoning. She was concerned about massing too much of the same use in one area.

Mr. Mumford responded the largest areas were designated for large data centers, higher education or retail uses which required hundreds of acres each. Some of the larger areas could be reduced as requests for other uses were made.

Councilmember Curtis asked when Airport Road was likely to be completed. Mr. Trusty said it would probably be approximately ten years. It was expected to be completed in six years, but the widening of Pony Express Parkway allowed it to be delayed.

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 101 Acres from Agriculture to Residential.

This item was discussed before item 13.

Eagle Mountain Benches was designed to be comprised of one-acre lots served by septic systems; however, a potential well site was recently discovered nearby. If septic systems were built on all of the property, the well site would be unusable because a public well site had to be surrounded by a water source protection zone. Planning Manager Mike Hadley presented the most recent proposal, allowing for part of the property to be served by the City's sewer system. The revised plan included 1/3 and 1/2-acre lots in addition to one-acre lots.

Mayor Westmoreland stated the City planned to identify additional proposed well sites.

Councilmember Curtis didn't want to allow sewer lines near existing homes with septic systems because the Municipal Code required any home within 300' of a sewer line to connect to the sewer system, even if the home already existed and was served by a septic system.

Councilmember Gricius asked City Planner Tayler Jensen to review the septic system regulations in the Municipal Code.

Mr. Mumford asked for a brief discussion of the fencing style to be used in SilverLake south of Tickville Wash. The developers requested that it be included in the agenda, but it was inadvertently left off the agenda.

Mr. Cook noted the item wasn't on the agenda. He felt it would be all right if the Council listened to the presentation and provided their responses to City staff after the meeting.

Bronson Tatton of Fieldstone Homes proposed a different style of fencing for the collector roads than what was normally approved. It was a vinyl privacy fence with upper and lower rails. The panels would be secured to the posts with metal fastenings. It would be a gray color with a woodgrain pattern, coated with UV protection.

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 and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Stephanie Gricius. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:33 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers, Melissa Clark, Colby Curtis, Stephanie Gricius. Donna Burnham and Benjamin Reaves participated by telephone.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer/Assistant Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Evan Berrett, Management Area; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Brad Hickman, Parks and Recreation Director; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Stephanie Gricius led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

Mayor Westmoreland invited Rob Shelton and Richard Seal to report on the Limitless Supercar Shoot-Out & Car Show, which raised enough money to grant 60 Make-A-Wish Foundation wishes, including a wish for Tyson, an Eagle Mountain resident.

- **Movie in the Park** – A free Movie in the Park featuring *Jumanji: Welcome to the Jungle* will be shown at SilverLake Amphitheater on Friday, July 20. Movie begins at dark. Free popcorn and cotton candy will be served while supplies last.
- **Extreme Enduro** – Pony Express Events will hold an Extreme Enduro event on Saturday, July 28 at 7 p.m. at the rodeo arena. Info and Tickets at www.ponyexpressevents.com.
- **Beat the Heat Bonanza** – Eagle Mountain City will hold the annual Beat the Heat Bonanza event at Nolen Park on Saturday, August 4 from 12-3 p.m. This event is free and features a number of inflatable water slides.
- **SR-73 Environmental Study Public Meetings** – UDOT will hold a public hearing on July 31st from 6:30 p.m. to 8:30 p.m. at Black Ridge Elementary School for the SR 73 Draft SES. The public is invited to view the refined alignment of the freeway with Frontage Road system and provide comments on the Draft SES. The draft is posted to the project website and the public comment period will be open through August 15th. Official comments will be accepted through the website comment form, email and at the public hearing. For more information on the study please visit the project website at UDOT.utah.gov/SR73.
- **Sign up for City Notifications** – There are many ongoing transportation and other projects that impact residents this summer. Don't miss out on traffic alerts and news, as well as emergency notifications – sign up to receive city notices by email or text at www.emcity.org/notifyme.

7. PUBLIC COMMENTS

Karen Stanley asked about lot size transitioning in the General Plan. Mr. Mumford stated the General Plan was the overall vision document and the Municipal Code was the document in which the regulations were set out. The Municipal Code included transitioning regulations.

Steve Cattani related the history of the road through Cedar Pass Ranch, which was proposed to be widened; the change was just removed from the General Plan. He said Cedar Pass Ranch was originally supposed to be buffered from other properties and the washes were supposed to be left alone. The original residents were told by the developers there would be large lots throughout The Ranches, ridgeline protection, horse trails and equestrian centers. When the City was incorporated, those residents were included without their consent and the original community plans were abandoned. He asked that the road through Cedar Pass not be widened.

Marcie Taylor asked the Council to help Lake Mountain Road residents with the excessive off-highway vehicle riding. OHV drivers were damaging both the road and private property. She asked for a written notice to be added to the mailed utility bills stating the OHV regulations. Also, someone built a hut up the hill from the power station where young people are partying and burning fires.

Mayor Westmoreland said an insert could be added to the utility bills. Councilmember Clark asked Lt. Eric McDowell of the Sheriff's Office to speak about the situation.

Lt. McDowell stated the residents on Lake Mountain Road knew they should call Sheriff's Office Dispatch when people were speeding down the road and violating property rights.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Gricius

Councilmember Gricius thanked everyone for attending the meeting. She said she read all of the emails and listened to all of the voicemails she received on the subjects of this meeting, although she was unable to respond to them. She thanked Unified Fire Authority for putting out a tree fire today.

Councilmember Reaves

Councilmember Reaves apologized for not attending the meeting in person. He was sick and didn't want to spread a germ.

Councilmember Clark

Councilmember Clark welcomed everyone to the meeting. Last year she was sitting in the audience at Council meetings with strong feelings about issues, too. She attended an Eagle Scout Court of Honor recently for a Scout who had completed a great service project for the community. She hoped the City would continue to benefit from great community service projects.

Councilmember Curtis

Councilmember Curtis stated Councilmembers would be happy to speak to community groups when requests were made. He thanked those who contact the Councilmembers with civility. He also asked everyone to be careful where they set off fireworks to avoid starting fires.

Councilmember Burnham

Councilmember Burnham thanked everyone for attending and was happy to be able to attend by telephone. She appreciated the emails she received from residents.

Mayor Westmoreland

Mayor Westmoreland welcomed everyone and asked for patience while road construction went on.

CONSENT AGENDA

9. MINUTES
 - A. June 19, 2018 – Regular City Council Meeting
10. PRELIMINARY PLATS
 - A. Eagle Top Phase 2, Preliminary Plat
11. BOND RELEASES
 - A. Oak Hollow Phase A Plat 4 – Into Warranty
 - B. Valley View Foothills Plats 1 & 2 – Out of Warranty
12. AGREEMENT
 - A. FirstDigital Telecom, LLC Franchise Agreement

MOTION: *Councilmember Curtis moved to approve the Consent Agenda with the exception of item 9A. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

13. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City 2018 General Plan.

This item was discussed after item 14.

Mr. Mumford said this was a complete rewrite of the General Plan. The most recent one was written in 2005. This rewrite has been in process for two years. The latest version incorporated concerns expressed by the public, the Planning Commission and the City Council.

The Future Land Use and Transportation Map showed areas outside the City boundaries that were within the Annexation Policy Plan, meaning they were eligible to be annexed into the City if the owners wished.

The northwest area of the annexable properties was proposed to be large lot residential and light industrial property. Because the Utah National Guard requested that the area remain a buffer between the City and Camp Williams, the zoning was changed to Open Space and Business Park/Light Industry.

SilverLake's density was reduced to better match its master development plan.

The alignment of the highway was shifted slightly north, which opened up some Residential property.

The transportation map showed Mid Valley Road as an arterial road.

Cedar Drive, in Cedar Pass Ranch, was controversially designated a collector road; however, it was removed before Policy Session and the traffic plan directed through adjacent property.

Three property owners had contacted City staff, requesting the freeway alignment be routed around their properties and the properties be entirely designated Residential.

Mr. Mumford introduced Susie Petheram, an Associate Principal at CRSA Architects, who was the consultant for the General Plan rewrite. Ms. Petheram reminded the City Council that the land use categories described in the General Plan were deliberately general. How they were implemented would be up to the Council.

She clarified that agricultural preservation and wildlife conservation were some of the target objectives for the Foothill Residential zone, which would be the least dense of the Residential zones. Rural 1 and Rural 2 would be semi-rural in nature. The Council would need to decide what that meant.

A bicycle use plan was included in the Future Land Use and Transportation Plan, since transportation for all ages and abilities was a useful strategy. Alternate modes of transportation would make up a small fraction of overall transportation costs.

The General Plan indicated that multifamily housing should be located near activity areas such as retail stores, which would help with the transportation investment by increasing ridership. It would also give some guidance to developers as to appropriate areas for their projects.

Ms. Petheram then discussed the Future Land Use and Transportation Map. The land uses per total land area predicted by the General Plan were:

- Commercial – 3%
- Mixed-use Residential/Commercial – 4%
- Neighborhood Residential – 32%
- Rural Residential – 22%
- Civic – 1%
- Parks and Open Space – 17%
 - Didn't account for future Parks and Open space in Residential areas

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

Marianne Smith said the Agricultural and Rural Residential areas stopped at the powerline corridor. She suggested they continue to where Lake Mountain Road intersected with Pony Express Parkway. She and the adjoining landowner to the north wanted to donate 72 acres for wilderness preservation, 37.5 acres of which would be entirely available to the City for well sites.

James Taylor appreciated the elimination of the collector road through The Ranches.

Mayor Westmoreland read Shalynn Engle's comment form asking that large lots should extend to Pony Express Parkway.

Danae Anderson owned property in the area in 1995, before Eagle Mountain City existed. He had seen many changes then, most of which lessened the rural feel the early residents enjoyed. The amount of traffic on the proposed collector road through Cedar Pass Ranch would have caused safety issues for horse riders and children in the neighborhood.

Tiffany Felix thanked the Mayor, Council and City staff for listening to the residents' input on the proposed collector road.

Doug Grover thanked the Council for eliminating the collector road.

Mayor Westmoreland read Kathleen Densley's statement, which said Eagle Mountain needed to allow wildlife corridors to accommodate the City's delicate ecosystem.

John Painter stated the percentages of Parks and Open Space given by Ms. Petheram included unbuildable land.

Deborah Painter thanked the Council for the new amenities in Wride Memorial Park, which would be an asset to the City. She presented a petition signed by 700 people, stating they didn't want any connector road in Cedar Pass Ranch.

Mark Lindsay appreciated the elimination of the collector road through Cedar Pass Ranch.

Jacinda Montano expressed appreciation for the elimination of the collector road.

Duane Richins was grateful for the elimination of the collector road. He was a realtor and said most of the houses he's sold in the last year were on large lots.

Beau Beck, a veterinarian, said large lots were important to families.

Elise Erler, representing SITLA, said the new General Plan was well done. She stated Mid Valley Road was always intended to be an arterial road. She was pleased with the alignment of Porter's Crossing. She noted the Hidden Valley Parkway extension was not on the master plan for the Hidden Valley area. It would have to be very small because the ridgeline was very steep. She didn't think it was a prudent use of public funds. SITLA was working on a land exchange with BLM along Lake Mountain Road. That land will change to residential. The future annexation areas will allow SITLA to annex some lands into Eagle Mountain. She reminded the equine community that Pony Express Park had an unpaved trail that was specifically preserved for equine use.

Eric Gardner wanted the City government to create more rural preserved land.

Mayor Westmoreland closed the public hearing at 10:05 p.m.

Council and staff discussed details of the proposed zoning for specific areas of the City in the General Plan map.

They also discussed how landowners would exercise their property rights within the framework of the Plan. One landowner had requested the freeway be aligned in a way that didn't affect his property. Another wanted his property to be zoned Residential, rather than Employment

Center/Campus. Councilmembers felt an area adjacent to the highway wasn't suitable for Residential zoning.

Councilmember Clark wanted to buffer Cedar Pass Ranch because the Tickville Wash was quite wide through there.

Councilmember Griecius brought up the advantages of having varied lot sizes in one area. Mr. Mumford said that was one of the Plan's priorities.

Mayor Westmoreland stated he understood why the National Guard wanted to minimize development in the annexation area adjacent to Camp Williams through placement of a Business Park zone there. He wondered what the benefit was to the City. Mr. Mumford stated an equivalent amount of large-lot residential was placed further to the south, so it was still an option for residents.

Councilmember Curtis asked if the landowners were willing to develop their property as a Business Park. Mr. Mumford stated this land was in the annexation policy plan; it was not part of the City. The property owners could choose whether to allow the property to be annexed.

Mayor Westmoreland stated the General Plan Map was greatly improved over previous versions. He appreciated the work put into it by City staff, City Council and the Planning Commission, as well as input from the public. He noted that it needed further refinement, but it was headed in the right direction.

Councilmember Reaves requested that the Plan not impose on anyone's property rights. He didn't want the Plan to dictate how the Council used its authority. He wanted the east bench to be designated Rural Residential 1 or 2.

Councilmember Burnham approved of the Plan document, but noted any General Plan could be improved as needed.

After additional, detailed discussion, Mayor Westmoreland entertained a motion.

- MOTION:** *Councilmember Clark moved to adopt an ordinance of Eagle Mountain City, Utah, adopting the Eagle Mountain City 2018 General Plan with the following changes:*
- *Remove the east-west extension*
 - *Convert Eagle Mountain Benches from Rural Residential 2 to Rural Residential 1*
 - *Convert the Rural Residential 2 areas on the east bench to Rural Residential 1*
 - *Designate the north end of Lake Mountain Road from the Rural Residential 1 zone to Pony Express Parkway as Rural Residential 2, as referenced by Marianne Smith*
 - *Convert the yellow square to Rural Residential 1*
- Councilmember Curtis seconded the motion.*

Mr. Mumford pointed out the large yellow square was 300 acres.

Ms. Kofoed asked for a map indicating the changes stated in the motion.

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 101 Acres from Agriculture to Residential.

This item was discussed before item 13.

City Planner Tayler Jensen stated this project was a rezone of approximately 101 acres along Lake Mountain Road from Agriculture to Residential, with the following restrictions:

- South edge of the property: 2 acre minimum lot size OR a 150'-wide open space buffer
- South of the powerline corridor: 1 acre minimum lot size (no lot space within the larger powerline corridor)
- North boundary of the project: 1 acre minimum lot size
- North side of the power line corridor adjacent to 1 acre lots: ½ acre minimum lot size
- North of the powerline corridor and west of Lake Mountain Road: 1/3 acre minimum lot size buffered by ½ acre lots

Mr. Jensen said the project was originally designed with a minimum one-acre lot size, with all lots served by septic systems. However, through the City's work with a hydrogeologist, a potential well size was identified. Because a well must be surrounded by a drinking water protection zone, part of the project would have to connect to the City sewer system. One-acre lots would be too large to reasonably be connected to the system.

Mayor Westmoreland opened the public hearing at 7:39 p.m.

Jody Hooley, a resident of Lake Mountain Road, pointed out the application for higher density had been repeatedly denied. She noted that Mr. Checketts, the landowners' attorney, repeatedly referred to other subdivisions that had been granted higher densities; however, the other subdivisions were not relevant because they were not comparable to the subdivision under discussion. Many City residents moved to Eagle Mountain for open space, which was rapidly disappearing, as well as habitat for raptors and other wildlife. She appreciated the Councilmembers' time and dedication to the City.

Mike Kieffer, a resident of Lake Mountain Road, wondered why this issue was still being discussed. Referring to the possible well site in the area, which could affect the density of the project, he said there were many other locations for wells that wouldn't affect the property rights of surrounding landowners. If an existing septic system failed after a sewer line was placed within 300' of the home, the resident would have to remove the septic system at great expense and also connect to the sewer system at their own expense. He noted that it was not the City's responsibility to see that a developer's project was profitable. He asked that residents be allowed to rebut claims by the developer's attorney, who had never lived under the powerline.

Kim O'Donnell stated he was one of the owners of the animal sanctuary on Lake Mountain Road. He started by commending Councilmember Clark for her passion for serving the City. Mr.

O'Donnell said the sanctuary helped many people in Eagle Mountain, including volunteers and people serving community service time. If this proposal was approved, he and Mrs. O'Donnell would move away and the sanctuary would be lost. The loss of the sanctuary would be a loss to the City. He stated the developers had changed their publicly expressed reasons for developing the land. They also claimed five-acre lots wouldn't be salable, but many five-acre lots had been sold in the City.

Mayor Westmoreland asked Mr. Mumford if City staff had any input on the comments made by the public. Mr. Mumford said they did not.

Mayor Westmoreland closed the public hearing at 7:52 p.m.

Councilmember Clark said she watched many videos of previous City Council meetings in preparation for becoming a City Councilmember. Previous Councils had considered the development of this land, and felt this was a unique area of the City. She found that the area already had an approved plat for five-acre lots. She wanted to know how the land had changed since then.

Councilmember Gricius stated the problem with smaller lot sizes came up because of the potential well site near the property. She believed preserving the well site was the priority, especially when the City could have a population of 170,000 at full build-out.

Councilmember Curtis said if anything, the land was now more difficult to build on. He didn't feel it was the Council's responsibility to enable a sewer system to be built on the property.

Councilmember Clark didn't feel the discussion about the well site, with the decision about whether the site should have septic tanks or sewer hookups, should be decisive. The issue should be whether a smaller lot subdivision would be good for the City based on the nature of the land.

Councilmember Curtis said the Agriculture zoning designation was being used as a holding designation until land was zoned in another category. He felt it should be an important land use in its own right.

Councilmember Reaves was concerned about setting a precedent of allowing smaller lots. He asked what would determine the development of the land, or whether the City Council would ever allow it to be developed. He agreed that sewer vs. septic shouldn't be a priority in the discussion. He felt the rezone could be accomplished with some negotiation. He wanted proper buffering and wanted the developers to preserve the agricultural feel of the area.

Mr. Checketts responded that the developers were willing to compromise and had tried to incorporate previous comments by the Council.

Councilmember Burnham said the south edge of the property should be a 150' wide open space buffer, not two-acre lots. Lots would not provide natural habitat for wildlife. She could not approve 1/3-acre lots and would have difficulty approving 1/2-acre lots.

Mr. Checketts stated the developers would be happy to accept a minimum 1/2-acre lot size. They would agree to a 1-acre minimum if necessary. He noted wildlife had 1,100 acres of BLM land for habitat.

MOTION: *Councilmember Curtis moved to deny an ordinance of Eagle Mountain City, Utah, rezoning approximately 101 acres from Agriculture to Residential. Councilmember Clark seconded the motion. Those voting yes: Melissa Clark and Colby Curtis. Those voting no: Donna Burnham, Stephanie Gricius and Benjamin Reaves. The motion failed with a vote of 2:3.*

Councilmember Gricius asked staff how to prevent existing residents from having to connect to the sewer system when they already have an operating septic system.

Mr. Mumford stated there was a section of the Municipal Code authorizing the Council to give permission to stay with septic in cases of undue hardship.

Mr. Cook proposed rewriting that entire section of the Code.

Councilmember Gricius asked Mr. Checketts, for the record, if the developers were still willing to install nesting boxes for raptors. Mr. Checketts said they were.

MOTION: *Councilmember Gricius moved to approve an ordinance of Eagle Mountain City, Utah, rezoning approximately 101 acres from Agriculture to Residential with the following conditions:*

- *The area east of the powerline corridor shall have a minimum lot size of 2.5 acres, with the lots to be served by septic systems.*
- *The area west of the powerline corridor shall have a minimum lot size of one acre, without a stipulation in this motion as to whether septic systems would be permitted west of the corridor.*
- *The main powerline corridor shall be preserved as open space for a possible future regional trail.*
- *A 150'-wide open space buffer shall be required along the south side of the property.*
- *The applicant shall install raptor nesting boxes on the property, in consultation with Hawk Watch and the Eagle Mountain Kestrel Project.*
- *Each lot shall have a minimum ½ acre building envelope.*
- *A note shall be recorded against the plat stating that there are agricultural uses in the area.*

Councilmember Burnham seconded the motion.

Councilmember Gricius stated existing, functional septic tanks would not be required to tie in to the City's sewer system. The Council will consider an amendment to septic tank regulations in the Municipal Code at the August 21st City Council meeting.

Councilmember Reaves asked if the rezone was to Residential or Rural Residential. Councilmember Gricius stated it was to Residential with specified minimum lot sizes.

Those voting yes: Donna Burnham, Melissa Clark, Stephanie Gricius and Benjamin Reaves. Those voting no: Colby Curtis. The motion passed with a vote of 3:2.

Ms. Kofoed asked if a specific number of kestrel nesting boxes was to be required. Councilmember Gricius said the applicant would work with Hawk Watch and the Eagle Mountain Kestrel Project to determine how many nesting boxes will be built.

Following this item, the Council considered item 13.

Councilmember Reaves was excused at 11:03 p.m., after the vote on item 13.

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

None.

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

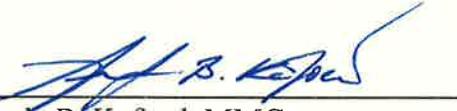
None.

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

18. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 11:05 p.m. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Stephanie Gricius. The motion passed with a unanimous vote.*

Approved by the City Council on August 7, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

August 7, 2018

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 Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. Stephanie Gricius was excused.

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

Mayor Westmoreland called the meeting to order at 4:05 p.m.

1. **CITY ADMINISTRATOR INFORMATION ITEMS** – This was an opportunity for the City Administrator to provide information to the City Council. These items were for information only and did not require action by the City Council.
 - A. **PRESENTATION – Citizen Survey**

Quincey McKeen and Desiree Haroldsen-Eccles, the City's management interns, presented the results of the annual Citizen Survey. Over 800 completed responses were received. Ms. McKeen found the answers were very much the same as in previous years. Residents liked the sense of community, interacting with fellow residents, open spaces and closeness to nature, the location slightly away from cities and the quiet, small town feel. They disliked the numerous road construction projects, worried about having enough infrastructure to support the population growth, and wanted more commercial development and less high-density residential development. They wanted a recreation center and a pool.

Ms. Haroldsen-Eccles said the survey asked how much residents knew about various City offices. She compared the results with the approval percentages. In order, residents reported they knew the least about the City Administrator, Recorder, Engineering, Facilities and Wastewater.

Slightly more than half of the responders said they were satisfied or very satisfied with public safety services, a drop of about 20%.

Councilmember Curtis asked if the drop might be due to a larger neutral response. Ms. Eccles said she would research that.

Residents wanted more official Neighborhood Watch programs with Sheriff's Office participation. They wanted more patrols; although very few people reported feeling unsafe.

Residents were more satisfied with the Administration and Finance Departments than last year, although they were less satisfied with government transparency. Several responses mentioned the secrecy surrounding the Facebook data center project.

Overall, citizen satisfaction remained the same as last year, approximately 3.5 out of 5. There were a lot of neutral responses, probably because so many residents knew little about City departments.

Councilmember Clark asked if department descriptions similar to those in the annual City budget document could be linked to the next survey, so residents would have information about the departments they were rating. Councilmember Curtis felt that would skew the responses.

Asst. City Administrator Paul Jerome felt it would be helpful to include public documents and more information about City departments in the newsletter.

Mayor Westmoreland suggested making additional information videos.

Councilmember Clark wanted to know whether enrollment in the City's notification system had increased or decreased over the past several years.

Councilmember Burnham felt videos would be much more effective than written information.

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

13. MOTION – Jeppson Automotive Repair Commercial Site Plan and Preliminary Plat.

City Planner Tayler Jensen said the proposed Jeppson Automotive Repair building would be located in the City Center Commercial project south of Holiday Oil. The site plan showed more parking spaces than required by the Municipal Code; however, the applicant requested eight parking spaces in front of the building, which would violate the Code. His rationale for the request was that customers walking from rear parking to the front of the building would pass open repair bays, which could be unsafe. A 6' tall privacy wall would surround the parking behind the building.

Councilmember Clark supported a 48-hour limit on cars being parked in front of the building.

The Planning Commission requested additional parking spaces because of auto repair businesses in Lehi that had become eyesores due to extremely crowded parking lots. They were also concerned that cars might be parked in the adjacent dance studio lot.

14. MOTION – Dublin Farms Site Plan and Preliminary Plat.

Mr. Jensen stated the proposed Dublin Farms site plan and preliminary plat were comprised of 128 townhome units located on 9.39 acres in Pods 3b and 4 of the Porter's Crossing Town Center development. Pod 3b was defined in the MDA/MDP as Improved Open Space and Pod 4 was designated as Multi-Family Residential for Attached Townhomes and vested with up to 128 units. A wall would divide the multifamily housing from single family houses.

The MDA called for the parks to be completed before 80% of the building permits were issued. The developers wished to build the entire project at once and construct the parks before 50% of the certificates of occupancy were issued.

Councilmember Clark said that, in practical terms, there was never adequate parking in either single family or multifamily developments. Residents parked on the streets, impeding traffic and snow plowing in most areas and creating a hazard for small children. She suggested the Council consider revising the Municipal Code regarding parking restrictions.

15. AGREEMENT – Professional Service Agreement between Eagle Mountain City and Executech for IT Services.

Economic Development Director Aaron Sanborn said that the City recently sent out a request for proposals for information technology (IT) services. Fourteen responses were received and upon evaluation of the proposals, staff recommended that the City contract with Executech for IT services.

Executech had extensive experience with municipal clients. All the municipal clients City staff contacted gave the company good reviews. Executech would provide a dedicated staff person to Eagle Mountain. The cost would be similar to the cost of Netwize services.

Councilmember Burnham stated she wished to abstain from the vote to prevent any perceived conflict of interest because she won an iPad during an Executech prize drawing at a ULCT conference several years ago.

Chris Gibbons introduced himself as a Senior Account Executive for Executech. He introduced Brian Hazlett, a Regional Vice President over technical operations, who covered this region. He would work directly with Eagle Mountain in terms of ensuring the success of the City's transition to Executech.

Councilmember Clark said her employer used Executech and found them very capable and responsive.

Mr. Gibbons stated while the model was to assign a specific technician to the client, Executech would operate as an IT department for the City, giving the City access to additional technicians as needed. The system was designed to be proactive, preventing issues as well as responding to them.

City Recorded Fionnuala Kofoed requested that the staff have authority to work out some of the terms of the agreement, since the hiring process happened very quickly and not every term had been settled. Mayor Westmoreland agreed.

16. RESOLUTION – Resolution of Eagle Mountain City, Utah, Approving the Third Amendment to the Pole Canyon Annexation and Master Development Agreement.

City Attorney Jeremy Cook stated the proposed resolution approved the third amendment to the Pole Canyon Annexation and Master Development Agreement, adding provisions for the funding of necessary improvements to the White Hills sewer line. The developers agreed to cover part of the cost of the debt service payments for five years.

Mayor Westmoreland asked what the right-of-way easement for the project included. Mr. Cook said it went along the road but only included the property occupied by the sewer line.

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

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:04 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. Stephanie Gricius was excused.

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

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Scouts Dallin and Sam from Boy Scout Troop 1008 led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Street Fair** – The City’s annual Street Fair will be held Saturday, August 11 from 9:00 a.m. to 4:00 p.m. on Peregrine Road. 150 small businesses will have booths at the fair. A free car show, food, and entertainment will also be offered near the booths.
- **Library Summer Reading Closing Event** – The Library will close early, at 5:30 p.m., on Thursday, August 9 to hold the final event for their summer reading program. The event is a Native American drum circle and will take place at Wride Memorial Park from 6:00-7:00 p.m. It will be led by Eagle Mountain resident Curtis Walker and is open to the public.
- **End of Summer Dance Party** – A free End of Summer Dance Party for all ages will be held on Friday, August 17 from 8:00 to 10:00 p.m. at SilverLake Amphitheater. Free glow sticks, prize giveaways, and great music will be offered. Kona Ice and Sodalicious trucks will be on site for purchase of refreshing treats.
- **Seniors BBQ** – The Eagle Mountain Seniors (ages 55+) will hold a barbecue on Monday, August 27 from 5:00 to 7:00 p.m. at City Hall. Meat will be provided. Please bring a side dish to share.
- **Sign up for City Notifications** – There are many ongoing transportation and other projects that impact residents this summer. Don’t miss out on traffic alerts and news, as well as emergency notifications – sign up to receive City notices by email or text at www.emcity.org/notifyme.

7. PUBLIC COMMENTS

Bruno Hunziker, a resident of White Hills, thanked Mayor Westmoreland for solving the White Hills water emergency. When Mr. Hunziker initially called for help, he was told the employee was not permitted by his supervisor to go to White Hills. They ran out of water the next day and were out for eight hours. Mr. Hunziker called Mayor Westmoreland, who was able to have the situation resolved. Mr. Hunziker also said he complained to a State office about the rock crusher at the quarry on Wride Memorial Highway, which was throwing dust onto the road. He hoped the Mayor could get some help with that. He also invited City administrators to go out once a month and visit City parks to see what maintenance they needed.

City Engineer Chris Trusty said he asked the State to do an inspection of the dust problem. The State inspector said he had recently been to the quarry and directed the operators to clean up the dust. Mr. Trusty said City Code Enforcement officers had also been there multiple times. He said the City inspectors looked at wind speed and debris on the road, while State inspectors looked at opacity. City inspectors could receive State training and be authorized to handle complaints as the State does. He said the quarry might need to surface its access road.

David Tobla, a resident of Eagle Point subdivision, stated off-highway vehicles were crossing the median at the east end of Eagle Mountain Blvd., damaging the median and kicking rocks into the road. He asked for a solution, perhaps a sign, to alleviate the problem.

Councilmember Curtis suggested sending the new street sweeper to the location periodically to clean up the rocks.

8. CITY COUNCIL/MAYOR’S ITEMS

Councilmember Curtis

Councilmember Curtis thanked everyone for attending the meeting and being involved in local government. He mentioned that residents sometimes resort to social media to express their frustrations with City services, and reminded everyone the City had a hotline at 801-789-5959 for reporting various issues.

Councilmember Burnham

Councilmember Burnham thanked those in attendance. She had a goal to attend every City Council meeting, either by phone or in person. However, in two weeks she would be out of the country and unable to participate.

Councilmember Reaves

Councilmember Reaves said it was good to see residents attending the meeting and stated the Council had every intention of making decisions on the residents' behalf. He thanked residents for their patience with the numerous road construction projects going on.

Councilmember Clark

Councilmember Clark stated the annual Street Fair will be held on August 11, with Eagle Mountain's Got Talent at 10:00 a.m. the same day. The Eagle Mountain Community Theater will hold auditions this weekend and Arts Com will be held on Sept. 21 & 22 at Black Ridge Elementary School.

CONSENT AGENDA

9. MINUTES

- A. June 19, 2018 – Regular City Council Meeting
- B. July 17, 2018 – Regular City Council Meeting

10. BOND RELEASE

- A. City Center Commercial Phase A, Plat 2 – Out of Warranty

11. BID AWARDS

- A. 2018 Slurry Seal Project – Morgan Pavement Maintenance
- B. Dump Truck – Freightliner of Utah

12. RESOLUTIONS

- A. Preliminary Engineering Report for White Hills Sewer Project – Jackson Engineering
- B. Street Sweeper Lease Purchase Agreement – Zions Bank

MOTION: *Councilmember Burnham moved to approve the Consent Agenda. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

13. MOTION – Jeppson Automotive Repair Commercial Site Plan and Preliminary Plat.

Mr. Jensen stated he proposed site plan and preliminary plat for the Jeppson Auto repair shop were designed for a .73 acre lot located in the City Center Commercial project south of Holiday Oil. The plan met the requirements of the Municipal Code, except for an exception request for parking in front of the building. A 6' tall privacy wall would surround the parking behind the building.

Councilmember Curtis was uncomfortable with the Planning Commission's recommendation that the applicant provide additional parking. The plan as presented met the Code requirements. He approved of allowing parking in front of the building to prevent customers from having to walk past open repair bays.

The Council discussed the possibility of prohibiting cars remaining parked in front of the building for longer than 48 hours, which would be virtually impossible to enforce. The intent was to prevent the site from looking shabby. The Council felt the applicant would be a good neighbor and keep the site attractive.

The applicant, Bryan Jeppson, said he owned a mobile mechanic business in Eagle Mountain that had been in operation for five years. He said he had spoken to the property owner about buying an additional 1.28 acres for future growth, adjacent to the property he'd already bought. He said the front parking stalls would only be for pickup and drop-off, never for vehicles being repaired. Mr. Jeppson said the building should open for business in nine months.

Councilmember Burnham noted that Mr. Jeppson was her neighbor and had responded immediately to the one complaint that had been received about his mobile repair business.

MOTION: *Councilmember Burnham moved to approve the Jeppson Automotive Repair commercial site plan and preliminary plat, with the condition that no vehicle be parked in front of the building for more than 48 hours, and removing the condition that the applicant attempt to find a way to increase the number of parking stalls. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

14. MOTION – Dublin Farms Site Plan and Preliminary Plat.

Mr. Jensen stated the proposed Dublin Farms site plan and preliminary plat were comprised of 128 townhome units located on 9.39 acres in Pods 3b and 4 of the Porter's Crossing Town Center development.

There would be three different building designs in the development. Two would be rear-entry units and one would be front-entry. The tallest building design would be located farthest away from the New Park single family home development, next to the improved open space and a 6' wall would divide Dublin Farms from New Park.

A Traffic Impact Study (TIS) was completed for the Porter's Crossing Town Center MDA/MDP, and was updated in November 2017 when the Master Development Plan/Agreement was amended. The TIS was completed for the entire project at full build-out, including the 128 townhome units vested in Pod 4.

The TIS anticipated that a signal would be warranted at the intersection of SilverLake Parkway & Pony Express Parkway and recommended that an all-way stop-control be used as an interim measure to mitigate delays and queuing at the intersection. No additional mitigation measures were recommended. A signal will be installed at the intersection of SilverLake Parkway & Pony Express Parkway as part of the ongoing Pony Express Parkway widening project.

The developers planned to provide park amenities and parking spaces in excess of the requirement.

The MDA called for the parks to be completed before 80% of the building permits were issued. The developers wished to build the entire project at once and construct the parks before 50% of the certificates of occupancy were issued.

Councilmember Reaves asked whether the project complied with the Municipal Code in relation to density. The Code stated Tier 4 projects could be developed only after Tiers 1, 2 and 3. Mr. Jensen said the tiers were being built simultaneously and met Code requirements.

Councilmember Curtis didn't approve of basing the park construction deadline on certificates of occupancy rather than building permits.

Mr. Mumford stated certificates of occupancy would work for this project because it consisted entirely of rental units. No individual buyer would be waiting for a certificate of occupancy to be issued.

Councilmember Clark referenced the Code prohibition against more than one family occupying one unit. Mr. Doolin said the developers prohibited that, as well and strictly controlled parking and trash removal because those were both important issues in a multifamily development.

Mr. Mumford clarified that the State's definition of a family was people related by blood or marriage or up to four unrelated adults.

MOTION: *Councilmember Burnham moved to approve the Dublin Farms site plan and preliminary plat with the conditions listed in the staff report. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

The conditions listed in the staff report were as follows:

1. Additional features shall be added to the side elevations of the seven side facades adjacent to public rights-of-way and/or improved open spaces.
2. Additional architectural features, to be approved by staff, shall be provided on the rear elevations of the *Payton* buildings.
3. Park property shall be dedicated to the City along with the first recorded subdivision plat.
4. The park fee-in-lieu of \$697,796.00 shall be paid to the City prior to recording any plats.
5. The park shall include a tot lot for ages 2-5.
6. Architectural features similar to those on the front elevation of the *Delinda* buildings shall be provided on the front elevation of the *Steve* buildings.
7. The park shall be completed prior to issuance of more than 50% of the certificates of occupancy.

15. AGREEMENT – Professional Service Agreement between Eagle Mountain City and Executech for IT Services.

Economic Development Director Aaron Sanborn stated the City recently processed a request for proposals for information technology services. Fourteen responses were received and upon evaluation of the proposals, staff recommended that the City contract with Executech.

The City's agreement with Netwize had a 30-day termination clause, with the 30 days beginning the 1st day of the month after notice was given. Executech wished to begin working with the City and Netwize right away to transfer information and create a seamless transition.

Councilmember Curtis asked what costs might be associated with the transition, in terms of new software and other improvements. Mr. Sanborn said the Microsoft Office applications would move to Office 365, which would simplify the transition by moving the City's data to the cloud. Executech planned to closely inspect the City's IT infrastructure to determine what needed to be done. The City already budgeted \$20,000 in this fiscal year for the known major expenses such as email migration and server issues.

Councilmember Curtis asked if the new software would be able to identify Internet connectivity issues with Direct Communications. Mr. Sanborn said the City's system used PPPOE, which Netwize was transitioning away from in order to solve much of the connectivity issues.

Key points of Executech's proposal included:

- A one-year agreement with a possible renewal term
- A dedicated Tier III Technical Consultant providing services on-site along with an expanded team of support personnel
- Forty hours of on-site and remote support, with provisions for extra support as needed. Extra hours not used will carry over for a maximum of four months.
- 24/7/365 support offered at the same rate; no premium costs for after-hours, weekends, etc.
- 24/7/365 network monitoring
- Chief Technology Officer (CTO) support to move beyond maintaining the network and repairing breaks, to modernize and expand the City's IT capabilities
- Cost: \$4,500 per month for an annual cost of \$54,000
 - Current Netwize cost is \$51,444 per year.

Councilmember Burnham stated she wished to abstain from the vote to prevent any perceived conflict of interest because she won an iPad during an Executech prize drawing at a ULCT conference several years ago. She noted that she wasn't involved in the IT RFP process.

MOTION: *Councilmember Reaves moved to approve a professional service agreement between Eagle Mountain City and Executech for IT Services in the amount of \$54,000 and authorize the Mayor to sign the contract. Councilmember Clark seconded the motion. Those voting aye: Melissa Clark, Colby Curtis and Benjamin Reaves. Those abstaining: Donna Burnham. The motion passed with a vote of 3 ayes and one abstention.*

Councilmember Curtis commended Mr. Sanborn and the staff for the enormous amount of work they did throughout the selection process.

Councilmember Reaves noted that Executech's cost proposal offered to provide up to double the amount of service hours during the first month at no additional charge to ensure a seamless transition.

16. RESOLUTION – Resolution of Eagle Mountain City, Utah, Approving the Third Amendment to the Pole Canyon Annexation and Master Development Agreement.

City Attorney Jeremy Cook stated the proposed resolution approved the Third Amendment to the Pole Canyon Annexation and Master Development Agreement, adding provisions for the funding of sewer system improvements. City staff had been working for several years to secure a grant/bond for the extension of the White Hills sewer system to Eagle Mountain's existing wastewater facilities. This agreement required the developer in the area to subsidize some of the debt service for five years, to make sure that if the development didn't happen as quickly as expected, the City wouldn't incur out-of-pocket costs.

There were also additional funds available through the White Hills Special Service District, which would cover those costs if necessary. The bond closing would be held within two weeks and the project was expected to be completed by the end of the year.

Councilmember Curtis asked if the White Hills' residents' user rates would increase. Mr. Cook said they would remain at \$45.05 per month, as adopted in the Consolidated Fee Schedule. The first user rate payment from residents would be due in November.

MOTION: *Councilmember Curtis moved to adopt a resolution of Eagle Mountain City, Utah, approving the Third Amendment to the Pole Canyon Annexation and Master Development Agreement. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

17. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Curtis

See board liaison report.

Councilmember Burnham

See board liaison report.

Councilmember Reaves

No comment.

Councilmember Clark

Councilmember Clark said the Eagle Mountain Chamber of Commerce had a kick-off luncheon last week with over 50 attendees. She invited anyone interested in becoming a member of the Chamber to contact Mr. Sanborn.

Mayor Westmoreland

Mayor Westmoreland said the City needed good people who were committed to making the new Chamber of Commerce work. It wouldn't be run by the City, but would be an independent voice working for business.

18. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Curtis stated the Library Board was in need of two new members.

Councilmember Burnham said the senior center building was almost ready to open. The Senior Advisory Council planned a grand opening event in September. She invited anyone interested in volunteering or teaching a class for the seniors to contact the Senior Advisory Council.

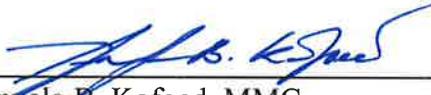
19. COMMUNICATION ITEMS

A. Upcoming Agenda Items

20. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 8:27 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on August 21, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

August 21, 2018

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 Tom Westmoreland, Councilmembers Melissa Clark, Colby Curtis and Benjamin Reaves. Donna Burnham and Stephanie Gricius were excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer/Assistant 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; Brad Hickman, Parks and Recreation Director; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Westmoreland called the meeting to order at 4:10 p.m.

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

- A. **DISCUSSION – Traffic Lights**

Assistant City Administrator Paul Jerome discussed the traffic signals budgeted for the 2019 fiscal year. Two, at Hidden Valley Parkway and SilverLake Parkway, were included in current Pony Express Parkway expansion projects. Funds for four more were included in the budget, and five locations were being considered: Woodhaven Blvd., Smith Ranch Road, Red Hawk Ranch Road, Mid Valley Road and Aviator Avenue. If a location met at least one of the three warrants for a signal, the City Engineer would recommend installing one immediately; therefore, Smith Ranch Road was already recommended for a signal installation. The City could install a traffic signal if it deemed it necessary, even if it didn't meet any warrants.

Red Hawk Ranch Road didn't yet meet any traffic signal warrants, but did meet the conditions for a HAWK pedestrian crossing signal placed mid-block.

- B. **DISCUSSION – No-Parking Zone Establishment**

Rachel Frost of the Pioneer Addition HOA gave a presentation in support of creating no-parking zones in the subdivision, indicated by red-painted curbs. Dangerous driving conditions were being created by cars parked at roundabouts and inside street curves.

Mayor Westmoreland asked City Attorney Jeremy Cook if such zones would be enforceable. Mr. Cook said it was possible to write an agreement with the HOA giving it enforcement powers. Ms. Frost said they would prefer having the Sheriff's Office do the enforcement.

Lt. McDowell said the Sheriff's Office could enforce no-parking zones with red-painted curbs or no-parking signs because they fell under State statute. Signage was preferable because red-painted curbs would be invisible under snow. Obstruction of two-lane travel could also be enforced.

Community Development Director Steve Mumford pointed out that this was a citywide problem and needed to be dealt with in all areas of the City.

Councilmember Reaves stated this was an opportunity to evaluate parking issues and solve them through whatever means were available.

Lt. McDowell said he would research State and county parking regulations. Mr. Mumford said he and Neighborhood Improvement Officer Diane Liberti would visit areas in the City with the worst parking problems and see what could be done.

City Administrator Ifo Pili thanked Ms. Frost for bringing the issue to the Council. He noted that the City didn't have the resources to post signs in all problem areas, nor did it have the resources to have the Sheriff's deputies writing parking citations throughout the City. He asked for time to work with the staff to find solutions.

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

Councilmember Curtis said he received a request just before the meeting for an amendment to the July 17 minutes regarding the discussion of Cedar Drive in Cedar Pass Ranch. City Recorder Fionnuala Kofoed pointed out those minutes had already been approved. The issue was removal of a stub road. Council discussion of Cedar Drive was included in the minutes, but not the stub road.

Mr. Mumford stated there was some confusion at the end of the July 17 meeting because the stub road in Cedar Pass Ranch and a new road indicated in the General Plan were both discussed. Removal of the stub road would require a plat vacation recorded at the Utah County Recorder's Office. Councilmember Clark requested that this information be included in these minutes.

CONSENT AGENDA

Councilmember Clark asked if the carnival agreement addendum was for the company that ran the 2018 Pony Express Days carnival. Communications and Community Relations Director Linda Peterson said it was. Councilmember Clark said she had received compliments about the carnival from residents.

PUBLIC HEARING

16. **ORDINANCE** – An Ordinance of Eagle Mountain City, Utah, Amending the Municipal Code for Septic Systems.

Mr. Mumford stated the Planning staff wrote this amendment at the Council's direction. It would remove all references to septic systems in the Municipal Code and replace them with the new Chapter 13.35, Septic and Wastewater Disposal Systems. This amendment was an attempt to protect existing property owners from unforeseen, burdensome requirements, and would give new property owners advance notice of potential future sewer hook-up expenses.

The changes made by the amendment were as follows:

- Removing all existing provisions regarding septic systems from the Municipal Code and combining them into Chapter 13.35, Septic and Wastewater Disposal Systems to improve the organization and simplicity of the Code.
- Requiring a plat note for all new subdivisions with septic tanks, notifying owners in advance, before they build homes, that they would be required to connect to the City sewer system within three years if or when sewer was extended to within 300 feet of their property.
- Exempting existing property owners with septic systems from being required to connect to the sewer system so long as their septic system was in good working order and there was not a plat note requiring sewer connections.
- Increasing the minimum lot size for a septic system to two acres.

Mayor Westmoreland asked about the proposed change from a one-acre minimum lot size to a two-acre minimum.

Mr. Mumford said that was a recommendation from the Utah County Health Department, as well as an effort by City staff to limit the use of septic systems in favor of the City sewer system. The Health Department said septic systems were normally only approved in unincorporated areas. Municipalities typically only allowed sewer systems. They recommended the City do a hydrogeological water quality density study.

Councilmember Curtis felt a two-acre minimum would eliminate the development of one-acre lots in the City. Developers would say connecting one-acre lots to sewer lines would be economically unfeasible, so they would request very small lots, instead.

Mr. Mumford stated there were one-acre lots in the City served by sewer lines, such as Overland Trails.

City Attorney Jeremy Cook said Tooele had a problem with groundwater pollution due to too high a concentration of septic tanks in one area. Failing septic tanks could also affect surface water.

PUBLIC HEARING

17. **ORDINANCE** – An Ordinance of Eagle Mountain City, Utah Amending Section 16.30.090 of the Municipal Code for Road Stubs.

Mr. Mumford stated the Planning Commission requested this Code amendment. They wanted the language to say new developments should connect to existing, adjacent road stubs (including those platted but not built), but not to say that they “shall” connect.

Councilmember Curtis asked if the Council could grant a variance if the Code said “shall.”

Mr. Mumford said the question was whether “should” was strong enough to grant the Council discretion rather than leaving the choice to the developer.

Mr. Cook stated the Code could be written to say “shall, unless the City Council determines . . .” with criteria for making a decision.

PUBLIC HEARING

18. ORDINANCE – An Ordinance of Eagle Mountain City, Utah Amending Section 17.65.060 of the Municipal Code for Home Businesses.

Mr. Mumford stated this proposal would allow property owners to utilize barns and/or large sheds on their property for paid, long-term storage so long as they comply with all requirements of the Home Business Code (Chapter 17.65). The storage would be allowed within a legal, permitted, enclosed structure in the Agriculture or Base Density Residential zones, as long as the aesthetic qualities of the primary use of the property and the surrounding area were maintained. A minimum two-acre lot size would be required. The Community Development Director or his/her designee could limit hours of operation and/or total number of clients, if necessary, to protect the character of the neighborhood.

Councilmember Clark asked if storage would be legal if a structure lacked a sprinkler system, and how that would be verified. Mr. Mumford stated any large structure was required to meet the Fire Code. He offered to speak to the Fire Marshal about fire safety requirements that would apply to this Code amendment.

PUBLIC HEARING

19. ORDINANCE – An Ordinance of Eagle Mountain City, Utah Approving an Extractive Industries Overlay Zone.

Mr. Mumford stated the parcel in question was proposed to provide materials necessary for the construction of the Facebook data center. The location of the site would allow gravel to be provided to the data center construction site without being transported from another location and heavy trucks using City roads.

Councilmember Curtis asked whether the zone set by the master development agreement expired with the agreement. Mr. Mumford said there was some question about that and it was being reviewed. Whether or not it did, the owner could request an overlay.

Discussion ensued on the location, size and composition of the gravel pit. Mr. Mumford noted that no blasting would be done and the land would be reclaimed, as required by State statute, when the construction project was completed.

Councilmember Curtis objected to having a 111 acre site approval. Mr. Cook said the overlay zone could be limited to 25 acres.

Drew Downs of Ames Construction stated the company was doing the site work for the data center. He spoke with Mr. Pili and Mayor Westmoreland in July and was directed to speak with City Engineer Chris Trusty. Due to some communication errors on his part, he assumed the gravel pit was active and permitted. It had been in use when construction was being done early in the history of City Center and had never been closed and reclaimed.

Mr. Downs distributed copies of the State-mandated mine reclamation plan to the Council and offered to post a reclamation bond with the City. The mining plan was for ten acres to be mined

and reclaimed, another ten acres mined and reclaimed, with possibly another five acres after that. He stated the pit would prevent 35,000 40-ton truckloads from driving over City roads for 25 – 30 months.

Mr. Downs said Tiffany Walden and Glade Berry allowed his company to build a road across their land, which will also help keep gravel trucks off City roads.

Councilmember Curtis pointed out that every other mine operator that came before the Council made promises and didn't keep them, so Mr. Downs would have to deal with the results of that.

Councilmember Curtis asked Mr. Downs if he had considered any other sites. Mr. Downs said there were a couple of sites further south, but he hadn't considered them because of the proximity of this pit to the work site.

Mr. Pili asked Mr. Cook what an appropriate amount would be for a fine in the event the company didn't comply with its agreement. Mr. Cook said the amount could be negotiated.

Mayor Westmoreland allowed Curren Vite, the construction manager for Mortensen Construction, to speak. He stated that this mine was not part of the original plan. Ames Construction offered the idea. Mortensen Construction told them they would be responsible for all permitting and any other issues. Mortensen was happy to use Ames' service and felt it would be good for the community.

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.

No Closed Executive Session was held.

The meeting was adjourned at 6:17 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Melissa Clark, Colby Curtis and Benjamin Reaves. Donna Burnham and Stephanie Gricius were excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer/Assistant 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; Brad Hickman, Parks and Recreation Director; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Road Construction** – With numerous road construction projects happening in the City we encourage residents to sign up for City notifications at www.emcity.org/notifyme. Notifications can be sent by email and/or text. When signing up, you may select categories of notifications you are interested in, including news, events, emergencies, sports programs, and jobs, in addition to traffic alerts. Information is also posted on the City Facebook and Twitter @eaglemtncity.
- **Eagle Mountain Symphony Orchestra** – Open Rehearsal with the Eagle Mountain Symphony Orchestra is 7:00 p.m. on August 24 at the Faith Community Church, 3535 Ranches Parkway. Come make music, meet other musicians, and have a good time!
- **Eagle Mountain Arts Con** – Eagle Mountain Arts Con will be held Saturday, September 22 at Black Ridge Elementary featuring many writing workshops hosted by industry professionals. Register at www.eaglemountainartscon.com.
- **Seniors BBQ** – The Seniors (ages 55+) will hold a BBQ on Monday, August 27 from 5:00-7:00 p.m. at City Hall. Meat will be provided. Please bring a side dish to share.
- **City Offices and Library Closure** -- Eagle Mountain City offices and Library will be closed Monday, September 3 in observance of Labor Day.

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

Marian Burningham expressed appreciation to Councilmembers Curtis and Clark, who she contacted about the minutes of the July 17 meeting. She requested an addition to the minutes to fully document the conversation about a road stub along Cedar Drive and was confident the minutes would reflect the conversation accurately.

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

Councilmember Curtis

Councilmember Curtis thanked everyone for attending the meeting.

Councilmember Reaves

Councilmember Reaves welcomed those attending the meeting.

Councilmember Clark

Councilmember Clark read a comment from Brad Davies, a City resident, thanking the Water Department for great customer service in promptly arriving and repairing a broken water meter. Councilmember Clark said this was not an exception, it was the way the staff normally served the residents.

Mayor Westmoreland

Mayor Westmoreland provided information about the road construction projects in the City. The Streets Department had hoped to be done with the project by Hidden Hollow Elementary School by the start of school. Now they planned to complete it by the end of August.

He said other government agencies in the state had been very complimentary about Eagle Mountain staff's willingness and ability to serve as project managers for the Pony Express Parkway widening project. Municipalities rarely took on that role.

9. APPOINTMENT

A. Kiara Lara – Youth Council

MOTION: *Councilmember Reaves moved to appoint Kiara Lara to the Youth Council for a term ending on June 30, 2019. Councilmember Clark seconded the motion. Those voting aye: Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

Ms. Lara was unable to attend the meeting, so Ms. Kofoed will administer the oath of office to her at a later date.

CONSENT AGENDA

10. MINUTES

A. August 7, 2018 – Regular City Council Meeting

11. BOND RELEASES – Into Warranty

- A. Arrival, Phase B Plat 2
- B. Sunset Ridge, Phase A Plat 4

12. BID AWARD

A. Test Drill #6 – All Wells Drilling

13. RESOLUTION

A. Appointment of Mack Straw to TSSD Board – 4-Year Term

14. AGREEMENT

A. Addendum to the Pony Express Days Carnival Agreement with Brown's Amusements.

15. CHANGE ORDERS

- A. Cory B. Wride Memorial Park, Phase 1B
 - i. Landscape Structures
 - ii. S & L, Inc.

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

Community Development Director Steve Mumford stated that staff was directed by the City Council to draft a Municipal Code amendment clarifying that if the City sewer system was brought within 300 feet of an existing septic system, the property owner would not be required to connect to the sewer system. He noted the proposal wasn't in response to any particular subdivision. It was an entirely separate issue.

Proposal Overview:

- Remove all existing provisions regarding septic systems from the Code, combining them into a new Chapter 13.35, improving the organization and simplicity of the Code.
- Require a plat note on all new subdivisions that include septic tanks, notifying owners in advance, before they build homes, that they will be required to connect to the City sewer system within three years if the City sewer system was extended to within 300 feet of their property.
- Exempt existing property owners with septic systems from being required to connect to the sewer system so long as their septic system was in good working order and there was not a plat note requiring sewer connections.
- Increase the minimum lot size for a septic system to two acres.

This amendment was intended to protect existing property owners from unforeseen, burdensome requirements and will give new property owners upfront notice of potential future expenses if a sewer line is extended to within 300 feet of their property.

The recommended increase in the minimum lot size for septic systems was based on a request from the Utah County Health Department. The Health Department referred to an issue in Tooele, where the groundwater and surface water had been polluted by leaking septic systems. They recommended that Eagle Mountain have a hydrogeological study done to give City staff data to determine how many septic systems could safely be operated in Eagle Mountain.

Mayor Westmoreland opened the public hearing at 7:27 p.m.

The following speakers supported allowing septic systems on one-acre lots:

Marianne Smith, a developer and Eagle Mountain resident
Kathy Grover, a real estate agent and Eagle Mountain resident
Steve McCleery, Ms. Smith's development partner
Doug Grover, an Eagle Mountain resident

Mayor Westmoreland closed the public hearing at 7:39 p.m.

Councilmember Clark asked if all new subdivision applications required a hydrogeological study from the Utah County Health Department. She wanted a subdivision-wide study to be part of each preliminary plat application submitted to the Council.

Councilmember Curtis noted that subdivisions wouldn't be ready to commission a hydrogeological study before the preliminary plat was ready for approval.

Mr. Mumford said at the preliminary plat stage, the Health Department performed a general study. Each lot was also studied at the time a building permit application was submitted.

Scot Hazard, a developer in Eagle Mountain, stated he did a subdivision feasibility study and soil analysis before every subdivision application, which studied each lot. The study was submitted to the Health Department, whose approval was required before a subdivision application could be submitted to the City. The studies found that Eagle Mountain geology was nearly ideal for septic

systems. Mr. Hazard said one-acre lots were financially viable, whereas two-acre lots were generally cost-prohibitive

Mr. Mumford said State law allowed septic systems on lots as small as 1/3 acre. Eagle Mountain had literally hundreds of septic systems on 1/2 acre lots, which was allowed in the past but was no longer allowed.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, amending the Municipal Code for septic systems, removing the condition that lots with septic systems be a minimum of two acres and adding the condition that lots with septic systems be at least one acre and directing staff to proceed with a hydrogeological study. Councilmember Clark seconded the motion. Those voting aye: Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

PUBLIC HEARING

16. ORDINANCE – An Ordinance of Eagle Mountain City, Utah Amending Section 16.30.090 of the Municipal Code for Road Stubs.

Mr. Mumford stated staff prepared this amendment to the connectivity standards at the direction of the Planning Commission. In the form the amendment was presented to the Planning Commission, it would have required new development to include road connections into all existing road stubs in adjacent developments. This would include constructed road stubs and platted unbuilt road stubs. The purpose of the change was to ensure a high level of network connectivity within an individual development, and between multiple developments. Mr. Mumford said there were road stubs all through the City.

The three Commissioners attending the Planning Commission meeting decided to change the word “shall” to “should,” preserving more flexibility for developers in designing subdivision projects.

Staff recommended using the word “shall” with discretion for the City Council to make an exception based on safety concerns, increased impact to an existing roadway not designed to handle additional traffic, or creation of a road segment exceeding a 10% grade.

Councilmember Clark asked if there would be a process for existing neighborhoods to request an exception.

Mr. Mumford said in the majority of cases the request would be made by the developer; however, a request could be made by residents during a public hearing.

Councilmember Curtis suggested tabling the item until all five Councilmembers were in attendance.

Mayor Westmoreland opened the public hearing at 8:02 p.m.

Those who spoke in favor of additional study were:

Kevin Burningham

Warren Clyde
Avelie Muhlstein
Doug Grover
Scot Hazard

Those who spoke in opposition to the amendment were:

John Painter
Cindy Clyde
Paul Kersey
Stacy Knoll
Joan Jones

Mayor Westmoreland invited Chief Ross Fowlks of Unified Fire Authority to speak. He said connectivity was essential to reach homes with fires or medical emergencies. 70,000 lb. fire engines needed plenty of room to maneuver.

Mayor Westmoreland closed the public hearing at 8:39 p.m.

Councilmember Clark said she felt stub road issues weren't as urgent as the Planning Commission thought. Although some stubs needed to be addressed, not all of them were problematic.

Councilmember Curtis felt it was unwise to make public policy based on very local situations.

Mr. Mumford stated there were few instances in which stub roads were a problem. In those cases, this amendment would help solve the problem.

Councilmember Curtis asked Mr. Cook if the City had legal authority to require developers to connect stub roads. Mr. Cook said it did if the action was reasonable to solve the problem. However, stating the requirement in the Code was somewhat more effective.

Councilmember Reaves stated much of the issue was an attempt to solve years of piecemeal development in the City. He stated that he needed more time to consider the issue.

MOTION: *Councilmember Reaves moved to table an ordinance of Eagle Mountain City, Utah, amending Section 16.30.090 of the Municipal Code for stubbed road connections until changes could be made by City staff to mitigate the impact on existing communities, safety issues, trails and applicable uses for connecting road stubs and have the amendment ready to present it to Council at the September 18 City Council meeting. Councilmember Clark seconded the motion.*

Councilmember Clark suggested holding a joint meeting with the Planning Commission to discuss issues like connectivity and parking.

Those voting aye: Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.

PUBLIC HEARING

17. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Section 17.65.060 of the Municipal Code for Home Businesses.

Mr. Mumford stated the proposed ordinance would amend the Municipal Code for home businesses to allow long term storage within permitted structures in the Base Density Residential and Agriculture zones under the following conditions:

“Long term storage shall be permitted as a conditional use in Agriculture and Base Density residential developments under the following circumstances:

- a. The minimum lot size shall be at least two acres.
- b. All storage must be within a legal, permitted enclosed, structure and maintain the aesthetic qualities of the primary use of the property and the surrounding area.
- c. Use must remain secondary to primary residential use of property.
- d. The Community Development Director or his/her designee may limit hours of operation and/or total number of clients if necessary to protect the character of the neighborhood”.

Mr. Mumford noted long term storage would be a conditional use and would have to be approved by the Planning Commission. The Commission would be able to place limitations on the conditional use.

Mayor Westmoreland opened the public hearing at 9:03 p.m.

John Painter spoke in opposition to the amendment.

Councilmember Clark asked what the impetus for this amendment was. Mr. Mumford stated it was due to a request by a resident for a long term storage business.

The Mayor and Council discussed whether the amendment would be useful to the City.

Warren Clyde stated he was on an architectural committee for his homeowners’ association. He said if a storage business was allowed as a conditional use, it would bring in customers and traffic. Storage was normally located in a commercial zone.

Mayor Westmoreland closed the public hearing at 9:18 p.m.

Mayor Westmoreland allowed a resident to speak. He said a small home business was incidental to the residential character of the home. That would be different from a storage business in which an entire building was in use.

Councilmember Reaves asked what precedent this amendment would set for writing unwarranted Code.

MOTION: *Councilmember Reaves moved to deny an ordinance of Eagle Mountain City, Utah, amending Section 17.65.060 of the Municipal Code for home businesses. Councilmember Clark seconded the motion. Those voting aye: Melissa Clark and Benjamin Reaves. Those voting nay: Colby Curtis. The motion failed with a vote of 2:1, as the ayes did not constitute a quorum.*

MOTION: *Councilmember Curtis moved to table an ordinance of Eagle Mountain City, Utah, amending Section 17.65.060 of the Municipal Code for home businesses. Councilmember Reaves seconded the motion.*

After further discussion, the Council voted.

Those voting aye: Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.

Additional discussion followed.

PUBLIC HEARING

18. ORDINANCE – An Ordinance of Eagle Mountain City, Utah Approving an Extractive Industries Overlay Zone.

Mr. Mumford stated this amendment added the Extractive Industries Overlay Zone to 111.23 acres of property (parcel 59:020:0008) located approximately one mile south of Eagle Mountain Boulevard and 1/3 mile east of Lake Mountain Road. He explained that the application covered the entire parcel, which constituted 111 acres. The applicant only wanted to mine a maximum of 25 acres. The proposal would prevent heavy trucks from traveling 7 miles on City roads.

The Planning Commission denied the application for various reasons, many of them having to do with deficiencies in the application and others related to violations of the Municipal Code. In response to the denial, the contractor agreed to the following conditions determined by staff and conditioned on the approval of the City Council:

1. Mining shall be limited to ten acres at a time. The ten acres would be reclaimed at the completion of mining activities before mining the next ten acres. Applicant will obtain a small mine permit from the state for each ten-acre parcel, including an approved reclamation plan.
2. Material removed shall not exceed 1.4 million tons. Applicant will provide a monthly tonnage report to the City on materials removed from the site.
3. Use of the materials shall be limited to the Facebook data center site and related facilities (e.g. access roads).
4. The agreement shall have a sunset clause of five years.
5. The applicant shall NOT request a blasting permit for the site.
6. Applicant shall donate \$5,000 to the City in lieu of the daily fine, for use on City improvements to be used as the City sees fit.
7. Applicant shall comply with dust control requirements for the site and access roads to the data center.

Councilmember Reaves expressed some residents' concern that the mine would grow large.

Mr. Cook explained the legal limitations the City could impose on the project. City officials could sign an agreement including conditions approved by the Council.

Conditions could include:

- Bond amount
- Hours of operation

- Dust control
- Recordation against the property, thus binding any future landowner
- Both the property owner and Ames Construction could be parties to the agreement.

Mayor Westmoreland opened the public hearing at 10:02 p.m.

Those in support of the overly zone:

Glade Berry
Curren Vite

Those in opposition to the overlay zone:

Jeff Ruth
Kathy Bitter
Wolfgang Franz
Bret Wright

Mayor Westmoreland closed the public hearing at 10:44 p.m.

Mayor Westmoreland expressed his preference for avoiding heavy truck traffic on City roads. He didn't know what form that would take.

Councilmember Clark asked if a mining site could be found further south, closer to the data center site.

Mr. Mumford stated the only sites visible further south on an aerial map were a BLM site and one that was overgrown but might be a mine site.

Councilmember Reaves asked if the Council could set some conditions for the mining company to meet and give them the opportunity to bring a proposal that met the conditions.

After further discussion, the Council voted.

MOTION: *Councilmember Clark moved to table an ordinance of Eagle Mountain City, Utah, approving an Extractive Industries Overlay Zone, with instructions to staff to bring an agreement back to Council at the next meeting, incorporating the conditions discussed in this meeting. Councilmember Reaves seconded the motion. Those voting aye: Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

The conditions to be included in the agreement are:

- Ames Construction shall post a \$25,000 reclamation bond.
- Mining shall be limited to 25 acres (2.5 sites).
- Total tonnage of material removed shall not exceed 1.4 million tons.
- Ames shall provide the City with a monthly tonnage report.

- Hours of operation shall be 8:00 a.m. – 7:00 p.m. on Monday – Friday and 9:00 a.m. – 7:00 p.m. on Saturday (staff will work through this with the applicant).
- No material shall be mined when wind speed or air quality makes it inadvisable.
- The agreement shall be recorded against the property and run with the property.
- Limit material to be mined to below the ridgeline.
- No blasting shall be permitted.
- Term not to exceed 36 months.
- Dust control.
- High fines.
- Lake Mountain Road maintenance.
- Applicant shall look for alternate locations, further south, within 6 months.

Any fines imposed by the City would be based on current code.

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

None.

20. 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.

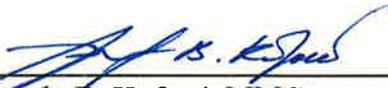
21. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

22. ADJOURNMENT

MOTION: *Councilmember Clark moved to adjourn the meeting at 11:55 p.m. Councilmember Curtis seconded the motion. Those voting aye: Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on September 4, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

September 4, 2018

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 Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis (arrived at 4:25 p.m.) and Benjamin Reaves. 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; Aaron Sanborn, Economic Development Director; 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; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Westmoreland called the meeting to order at 4:18 p.m.

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

None.

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

10. **MINUTES**

- A. August 21, 2018 – Regular City Council Meeting

11. **BOND RELEASE – Into Warranty**

- A. Evans Ranch K-4

12. **PRELIMINARY PLATS & SITE PLANS**

- A. Hidden Hollow Phase B, Preliminary Plat
- B. Hidden Hollow Phase B, Site Plan
- C. Quick Quack Car Wash, Site Plan

12A & B. Hidden Hollow Phase B

Councilmember Clark asked what condition #2 of the Planning Commission conditions for the Hidden Hollow project meant: “Steep lots shall include the building footprint.” Planning Manager Mike Hadley explained the Planning Department wanted to know where the homes were placed on the steep lots, to make sure they were positioned within the approved building envelope.

Councilmember Clark asked what power the City had to enforce condition #6: “White garage doors are discouraged.” Community Development Director Steve Mumford said that section of the Code was in the Multifamily Design Standards and was written to fit the standards of the time. The market changed since then and white doors became more popular.

Councilmember Clark wanted to discuss at a future meeting whether that should remain in the Municipal Code. She thought regulations in the Code should not be based on preference.

Councilmember Curtis asked whether the homes in the neighborhood could be rearranged so the townhomes would be lower on the hill than the single-family homes. Ryan Bybee, the developer, stated the neighborhood as designed was engineered to allow correct buffering between the homes and the townhomes.

Councilmember Clark asked Mr. Bybee if he planned to revegetate the land above the townhomes which was disturbed by construction. Mr. Bybee agreed to do that. Councilmember Clark wanted to add it as a condition.

Regarding a question on drainage control, City Engineer Chris Trusty said a drain would be installed to keep runoff out of the development’s lower floors.

Councilmember Curtis said the trails were great, but he felt there should be additional recreational amenities for the benefit of the neighborhood. Mr. Bybee pointed out the developers were dedicating the well site to the City, as well as building a parking lot with a trailhead and park.

Councilmember Clark asked if there was any guarantee that all four developers of Hidden Hollow would keep the trails in place. Mr. Bybee responded that SITLA, as one of the landowners, was closely involved in the design of the bike trail. All the developers agreed to retain the trails, and that was written into the master development plan. He and the others wanted to be sure they would continue to receive open space amenity credit for the trails.

City Recorder Fionnuala Kofoed was asked if the item should be moved to the scheduled items because the Council wanted to change a condition. She said the item could remain on the consent agenda if only one change was made. If additional conditions needed to be added, the item should be removed and approved as a scheduled item to ensure that nothing gets overlooked with the approval.

12C. Quick Quack Car Wash, Site Plan

Mr. Hadley said the owners of the Quick Quack car wash sent him updated elevations with rock added to the entrance and exit, reflecting the Planning Commission’s recommendations, as well as a smaller sign design to comply with the City’s sign ordinance. The Council didn’t feel it was necessary to make further requests that would interfere with the company’s branding, as some other cities did.

13. ALTERNATIVE FENCING

A. Brandon Park, Alternative Fencing Option – Edge Homes

Matt Hansen, representing Edge Homes, stated that Edge Homes built its developments to a high quality standard. The cedar fencing normally required in City developments wasn't durable enough to meet that standard. The proposal was for a durable, low-maintenance fencing product with a 25-year warranty. The product was already in use in a Patterson development adjacent to the Edge Homes development. While Edge Homes didn't want to mimic what the Patterson development had installed, the fence they intended to install would be compatible.

Mr. Mumford stated that the black oak or walnut brown color would be suitable.

The Council considered the samples Mr. Hansen brought and made suggestions as to what weight and appearance would be acceptable.

Mr. Hansen said the design and color of the fencing hadn't been chosen yet, although it would be a wood-look design. It would not be exactly the same as the fencing in the Patterson development.

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Section 17.65.060 of the Municipal Code for Home Businesses.

City Planner Tayler Jensen stated this amendment was requested by the City Administration.

Mayor Westmoreland stated this amendment would be regulated under the Municipal Code if it were adopted. The Council's decision was whether the City had a reason to make a blanket prohibition against private storage businesses. He felt government shouldn't prohibit an action by private citizens without a good reason.

Councilmember Clark said every resident who made a public comment about this in the previous City Council meeting was against it. Their reasons included increased traffic, unsightly storage buildings and legal issues for homeowners' associations (HOAs). However, she stated HOAs would be able to block home based storage businesses.

Mr. Jensen noted these businesses would be conditional uses limited to Agriculture and Base Density Residential lots of one acre or larger.

In response to a question about business licenses, Jeremy Cook said a conditional use permit could be revoked if the conditions were violated. Business licenses were also conditional and could be revoked. Ms. Kofoed added that violations were generally reported by neighbors who were being negatively affected by out-of-compliance businesses. Violators often came into compliance as soon as problems were reported.

Ms. Kofoed told the Council that businesses were recently exempted by the State Legislature from business licensing if the business had no impact on the neighborhood. Business owners had to apply for the exemption, which could be revoked if neighbors complained of an impact.

PUBLIC HEARING

15. A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning 72.05 Acres from Agriculture to Residential.

B. MOTION – Pony Express Estates Preliminary Plat.

The developers of the 72.05-acre Pony Express Estates project, located east of Sage Park, west of the high school and Pacific Springs, and south of the Cory B. Wride Memorial Park, proposed a rezone from Agriculture to Residential, as well as a preliminary plat for 213 single family lots. With a density of 2.96 DU/AC, the project would be the lowest-density development in the surrounding area.

The applicant was required to provide a minimum of 4.89 acres of improved open space and 489 amenity points. The applicant proposed 3.87 acres of improved open space, with an additional 1.04 acres of space within 100 year detention basins and .9 acres within 10 year detention basins for a total of 5.81 acres. Per the Municipal Code, up to 75% of detention basins may be counted as open space, if approved by the Planning Commission and City Council. The 75% would total 1.455 acres. The Planning Commission felt that the applicant had provided sufficient open space.

Because the Pony Express Trail cut through the center of the project, the applicant would provide nearly 1,700 feet of equestrian trails and over 1,800 feet of 10' wide pedestrian trails for the Pony Express Trail. The Pony Express Trail was designated as regional trail.

Aviator Avenue was shown as a minor collector with a 77' right-of-way. City Administration would like the classification for Aviator Avenue to be increased to a major collector which would require a 94' right-of-way. Some of the additional 17' of right-of-way would need to be taken from the southern edge of the development, although that was unlikely to make any lots unbuildable. However, staff asked that the applicant be able to work with staff to facilitate the wider right-of-way during the final plat process.

In addition, the stub roads in this project and Pacific Springs would be required to connect. Their designs were slightly off of connecting and would have to be moved slightly to form a road connecting the two subdivisions.

PUBLIC HEARING

16. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning 6.38 Acres from Town Core Residential to Commercial.

Mr. Jensen stated the proposed rezone of Carson Crossing was from Town Core Residential to Commercial. The 6.38 acre parcel was located on the southwest corner of Pony Express Parkway and Porter's Crossing.

Mr. Mumford noted an approval would require negotiation with the property owner for a right-of-way.

Mr. Cook stated the right-of-way could be acquired before the rezone or the rezone could be done before City staff negotiated with the owner for a right-of-way. The second choice carried the risk of having to use eminent domain to acquire the right-of-way.

Councilmember Curtis asked if the rezone could be conditioned on acquisition of the right-of-way at the prevailing market rate.

Mr. Cook said a conditional rezone would be problematic.

Mayor Westmoreland suggested tabling the item until a right-of-way was negotiated.

Mr. Cook said the rezone could be delayed until the property owner presented a site plan indicating setbacks, which would give City staff a clearer idea of how much right-of-way would be needed.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned 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 Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:55 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves.

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; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:22 p.m.

5. PLEDGE OF ALLEGIANCE

Benjamin Reaves led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Library Expanded Hours** -- Beginning Sept. 8th the library will have NEW Saturday hours- 9:00 a.m. to 5:00 p.m.
- **Adaptive Prom** -- Eagle Mountain City will hold an Adaptive Prom for guests with special needs on Saturday, September 15 from 6:00-7:30 p.m. Please be sure to pre-register as space is limited. Registration is available on at emcity.org/events.
- **Legends and Lace** – Eagle Mountain City will hold a Mommy and Me dance on Saturday, September 22 from 6:00-7:30 p.m. at Garden Near the Green. Come with Mom (or other female role model) dressed as your favorite Super Hero. Light refreshments, DJ, and door prizes - while supplies last. This event is free but space is limited and pre-registration is

required, at emcity.org/events. A Ties and Tiaras Daddy and Me dance will be held on September 29 but that event is already full. If you would like to be put on the wait list, please email our events office at events@emcity.org.

- **Jr. Jazz Registration** – Jr. Jazz registration is open now through November 6. Please visit the Sports Programs page of the city website for more information and to register.
- **Eagle Mountain Arts Con** – The Eagle Mountain Arts Alliance is hosting the Eagle Mountain Arts Con on Saturday, September 22 at Black Ridge Elementary, with a writer's boot camp scheduled for September 21. Full schedule and registration information is available at www.eaglemountainartscon.com
- **Sign up for City Notifications** – There are many ongoing transportation and other projects that impact residents. Don't miss out on traffic alerts and news, as well as emergency notifications – sign up to receive city notices by email or text at www.emcity.org/notifyme.

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 asked the Council to consider where they might allow a marijuana dispensary if Proposition 2 is approved on Election Day.

Councilmember Burnham

Councilmember Burnham thanked everyone attending the meeting and recognized the Scouts in attendance.

Councilmember Reaves

Councilmember Reaves welcomed everyone to the meeting, especially the youth. He appreciated those who attended and their input into City government.

Councilmember Clark

Councilmember Clark announced a Literacy Fair being sponsored by the Eagle Mountain Arts Alliance on Sept. 21 at 6:00 p.m. The purpose is to help parents encourage children who are reluctant readers. The newly formed Chamber of Commerce will hold a board meeting on Sept. 12 at 4:00 p.m. at the Direct Communications building. She received a number emails from residents about construction in a particular neighborhood. She contacted City Engineer Chris Trusty, who responded quickly and professionally to resolve the situation.

Mayor Westmoreland

Mayor Westmoreland welcomed everyone. He used a sports analogy to say Eagle Mountain had been winning some championships over the last few years. Those victories pushed the City into a new league where the game was more complex and the stakes were higher. He stated the Council meetings had to be more organized than they had been for the last few months. More formal meetings would produce better results in the City's behalf.

9. APPOINTMENT

- A. Brooke Ochs – Library Board

MOTION: *Councilmember Curtis moved to appoint Brooke Ochs to the Library Board for a term ending on December 31, 2020. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

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

CONSENT AGENDA

10. MINUTES

- A. August 21, 2018 – Regular City Council Meeting

11. BOND RELEASE – Into Warranty

- A. Evans Ranch K-4

12. PRELIMINARY PLATS & SITE PLANS

- A. Hidden Hollow Phase B, Preliminary Plat
B. Hidden Hollow Phase B, Site Plan
C. Quick Quack Car Wash, Site Plan

13. ALTERNATIVE FENCING

- A. Brandon Park, Alternative Fencing Option – Edge Homes

Councilmember Reaves stated for the record the wording he felt should be used for the amendment to the conditions of approval for items 12A & B: “As a condition of approval, the developer shall revegetate native, disturbed areas that were affected by the development of the Hidden Hollow, Phase B preliminary plat.”

MOTION: *Councilmember Burnham moved to approve the Consent Agenda with the following additional condition for items 12A and B: As a condition of approval, the developer shall revegetate native, disturbed areas that were affected by the development of the Hidden Hollow, Phase B preliminary plat. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

14. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Section 17.65.060 of the Municipal Code for Home Businesses.

Mr. Jensen stated the proposed ordinance amended the Municipal Code for home businesses to allow long term storage within permitted structures in the Agriculture and Base Density Residential zones. This item was tabled at the August 21, 2018 City Council meeting. A summary

of Mr. Jensen's presentation and the Council's discussion during Work Session are found on page 3 of these minutes.

Councilmember Clark stated if this amendment was approved, all permit and inspection requirements would remain in place; the amendment would also not usurp an HOA's power to prohibit such businesses in its area of the City.

Mr. Cook clarified that an HOA only had the powers written into its CC&Rs.

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

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah, amending Section 17.65.060 of the Municipal Code for home businesses. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

The amendment to the Municipal Code read as follows:

- N. Long term storage: Long term storage shall be permitted as a conditional use in Agriculture and Base Density residential developments under the following circumstances
- a. Minimum lot size: 2 acres
 - b. All storage must be within a legal permitted enclosed structure that maintains the aesthetic qualities of the primary use of the property, and the surrounding area
 - c. Use must remain secondary to primary residential use of property
 - d. The Community Development Director or his/her designee may limit hours of operation and/or total number of clients if necessary to protect the character of the neighborhood

PUBLIC HEARING

15. A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning 72.05 Acres from Agriculture to Residential.
B. MOTION – Pony Express Estates Preliminary Plat.

Mr. Jensen reviewed the presentation he made during Work Session, found on pages 3 and 4 of these minutes.

Councilmember Curtis thanked the applicant for providing a project with varied lot sizes, which was the kind of project needed in the City.

Mayor Westmoreland opened the public hearing at 7:51 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, rezoning 72.05 acres from Agriculture to Residential, and approve a preliminary plat for the Pony Express Estates project, with the conditions that no lots be less than 7,500 sq. ft. and that there will be no Tier 3 or 4. Councilmember Clark*

seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.

PUBLIC HEARING

16. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning 6.38 Acres from Town Core Residential to Commercial.

Mr. Jensen explained the proposed rezone of Carson Crossing was from Town Core Residential to Community Commercial. It was for a 6.38 acre parcel located on the southwest corner of Pony Express Parkway and Porter's Crossing, across Pony Express Parkway from the Porter's Crossing Town Center.

Councilmember Curtis asked if negotiations about Tickville Wash would be done at the plat stage. Mr. Mumford said wash protection would be done at the preliminary plat stage using the City's development standards.

Councilmember Curtis asked about the potential of residential units as an accessory use in a Community Commercial development.

Mr. Mumford said this rezone would be to the current Commercial zone in the General Plan, not the new General Plan in which zones weren't entirely defined yet.

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

Councilmember Burnham felt delaying the rezone until after the right-of-way was negotiated wouldn't delay the Carson Crossing project unreasonably. She was concerned that the City not appear to be uncooperative with new businesses.

Mr. Cook preferred tabling the rezone until after the right-of-way was negotiated. He said the Council had made it clear that they would grant the rezone once the right-of-way was negotiated.

MOTION: *Councilmember Curtis moved to table an ordinance of Eagle Mountain City, Utah, rezoning 6.38 acres from Town Core Residential to Commercial until the next City Council meeting. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. 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 Clark

Councilmember Clark announced a board meeting for the Chamber of Commerce on September 12 at 4:00 p.m. at the Direct Communications building.

Councilmember Reaves

No comment.

Councilmember Burnham

Councilmember Burnham said she was only yawning because her body thought it was after midnight, due to the vacation she just returned from.

Councilmember Curtis

Councilmember Curtis said the Library's Saturday hours were extended.

Mayor Westmoreland

No comment.

Ms. Kofoed stated for the record that Mayor Westmoreland had requested the Extractive Industries rezone item be tabled to this meeting. However, the applicant requested that it not be on tonight's agenda. It will be considered at another meeting.

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 Clark moved to adjourn the meeting at 8:12 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on September 18, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

September 18, 2018

Eagle Mountain City Council Chambers

1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis. Benjamin Reaves and Stephanie Gricius 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; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Steve Mumford; Mike Hadley, Planning Manager; Taylor Jensen, City Planner; Chris Trusty, City Engineer; Jeff Weber, Facilities Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Westmoreland called the meeting to order at 5:08 p.m.

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

- A. **PRESENTATION** – Cedar Valley High School Mascot

Cedar Valley High School Principal Courtney Johnson and most of the faculty attended the meeting and introduced the logo and mascot for the Cedar Valley H. S. Aviators. The logo was designed to look like an aviation symbol. The mascot was a kestrel dressed in an old-fashioned bomber jacket and leather helmet.

- B. **PRESENTATION** – Ranches Crossing Concept Plan

Terry Messersmith was the owner of property on the northeast corner of the Pony Express Parkway and Ranches Parkway. It consisted of a 2.57-acre corner lot and a one-acre lot adjacent to the northern edge of that lot. He had been attempting to sell the property for several years without success. Although the property was zoned Commercial, he had a potential buyer who wanted to build a commercial project on the corner lot and a townhome project on the north lot.

Councilmember Clark asked for a report of the Planning Commission's response to this request. Planning Manager Mike Hadley stated the Planning Commission felt the property should remain commercially zoned. They said the location would eventually attract commercial development.

Councilmember Curtis said Mr. Messersmith's plight was of concern to him; however, all of the other corners had successfully developed as commercial properties. He would be open to considering a residential-over-commercial development.

Mr. Taylor, the potential buyer of the project, stated his company developed the adjacent Cove at Rock Creek townhomes. After speaking with his attorney and the City's attorney, he felt it was unclear whether the expiration of The Ranches Master Development Agreement would cause the property to revert to Town Core, Commercial or Agriculture zoning.

He felt a vertical residential-over-commercial project wasn't feasible for Eagle Mountain City. His proposal included a credit union on the 2.57-acre corner lot and a townhome project on the adjacent, one-acre lot.

Councilmember Clark stated the new General Plan called for the lots to be Commercial. Mr. Taylor stated townhomes could be built as a conditional use in a Commercial zone.

Councilmember Clark pointed out that, while she wanted Mr. Messersmith to be able to use his land as he wished, this was already the most densely-populated area of the City. City residents would strongly object to more townhomes.

Councilmember Clark pointed out that successful commercial projects had been developed on all of the other corners at the intersection, which were similar sizes to Mr. Messersmith's property.

Councilmember Burnham was willing to approve fewer townhomes and a larger commercial project.

Mr. Pili said the City's Economic Development efforts had included proposing that potential buyers develop retail projects on this property. He felt the entire property could hold a successful commercial project, but dividing it with a residential project would be unsuccessful.

Mayor Westmoreland stated this item would take additional time. He closed the discussion and said it could be continued at another time, either in City Council meetings or by other means.

City Recorder Fionnuala Kofoed suggested the item could be discussed again at the end of Work Session if there was enough time.

2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
9. MINUTES
 - A. September 4, 2018 – Regular City Council Meeting
10. BID AWARD
 - A. 2018 Freightliner Chassis and Vactor Hydro Excavator – Legacy Equipment
11. PRELIMINARY PLATS & SITE PLANS

- A. Juniper Springs Preliminary Plat and Site Plan
- B. Sage Park Phase A, Plat 3 Revised Preliminary Plat

Mr. Mumford said the Sage Park Phase A, Plat 3 Revised Preliminary Plat showed five additional lots in exchange for increasing the size of the collector road through the subdivision.

Councilmember Curtis asked for clarification on Sage Park Phase A, Plat 3, as to whether five lots were added to the plat in exchange for the widening of Aviator Avenue. Mr. Mumford said that was the case, with an improvement to the park, as well. The developers would also improve the detention ponds with grass, rather than native growth.

Ms. Kofoed clarified that the increase in the Sheriff's Office hourly rate only applied to private, for-profit events for which the owners requested the deputies' presence. The new hourly rate would match the one charged by Utah County.

12. RESOLUTION

- A. Consolidated Fee Schedule – Increase in Utah County Sheriff's Office Hourly Rate for Special Events and Implement Fees for Blasting Permits

Lt. Eric McDowell stated private, for-profit events were increasing in Eagle Mountain. These costs were billed to the owners of the events. The raise in the hourly rate for security at those events would bring it into line with what the County charges. City events generally fell under the existing Sheriff's Office agreement. Both private and public events also had the benefit of assistance from the Volunteers in Police Service (VIPS).

- 13. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the First Amendment to the Fiscal Year 2018-2019 Annual Budget.

Mr. Jerome stated that all these amendments would be paid for out of fund balances.

General Fund

Website Upgrade: The website upgrade was budgeted in FY 2018. Because the funds weren't spent at the time and the project is ongoing, the \$40,000 will be moved to FY 2019.

Library Grant: Library Director Michele Graves received a grant for \$4,500 for the purchase of books.

Air Quality Monitoring Equipment: City Engineer Chris Trusty requested \$5,000 for air quality monitoring equipment for use during blasting events.

GIS Mobile System: The Street Department's share of the \$13,000 cost comes from the General Fund. The rest will be paid by the Storm Drain Enterprise Fund.

Storm Drain Enterprise Fund

All the Enterprise Fund amendments were submitted by Streets and Storm Drain Director Zac Hilton during the budget process, but were inadvertently left out of the final budget. The amendments include a concrete cart-away trailer, a water tank & sprayer, half the cost of the GIS mobile system and a replacement Bush Hog for a Kubota tractor, for a total cost of \$41,800.00.

Capital Projects Fund

The FY 2019 budget included four traffic signals. This \$200,000 amendment would fund a fifth traffic signal whose location will be determined.

Storm Drain Impact Fee Fund

All impact fee funds must be reviewed regularly. The Storm Drain Fund was being funded to \$10,000 and was due for an update.

Mr. Jerome asked the Council if they had any questions.

Councilmember Curtis asked who requested the change in alignment at the intersection of Redwood Road and Pony Express Parkway. He appreciated the improvement.

Mr. Trusty said he and a number of other people requested it.

Mayor Westmoreland allowed ten minutes for additional discussion of the Ranches Crossing concept plan.

Mr. Messersmith pointed out that the developer of the property would be responsible for completing Clear Rock Rd. That would separate the residential project from the commercial one. He reiterated that a viable business was ready to occupy the corner property.

Councilmember Curtis stated the business was desirable, but additional townhomes were not wanted.

Mr. Messersmith again said the property wouldn't support enough commercial activity for a viable sale.

Councilmember Clark reiterated that every other corner of the intersection, about the same size as his property, had successful businesses. She believed this property had the same opportunity to be successful.

Mr. Pili said it was a difficult property which had resisted all efforts to sell it. He didn't think it would serve more than one business.

Mr. Mumford stated retail interest in the City was increasing. Even though the configuration of the property was a problem, it could attract business.

Discussion continued until Mayor Westmoreland closed the meeting.

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

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:22 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis. Benjamin Reaves and Stephanie Gricius 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; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:41 p.m.

5. PLEDGE OF ALLEGIANCE

Makenzie & Carlie, two girls attending the meeting, led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Eagle Mountain Arts Con** – Eagle Mountain Arts Con, featuring many writing workshops hosted by industry professionals, will be held on Saturday, September 22 at Black Ridge Elementary. Register at www.eaglemountainartscon.com.
- **Senior Center Open House** – A ribbon cutting and open house will be held on Monday, September 24 from 5:00-8:00 p.m. for the new Senior Center (next to the City Center fire station). The public is invited to tour the new center and learn about Seniors' activities and programs and the service they provide for the community. Refreshments will be served.
- **Musicals Through the Ages** – Tickets are on sale now for Eagle Mountain Community Theatre's Musical Showcase fundraiser, "Musicals Through the Ages" to be held on September 27 and 28 at 7:00 p.m. at Garden Near the Green. For more information and to purchase tickets, please visit the Eagle Mountain Arts Alliance website at www.eaglemountainarts.com.
- **Road Construction** – With numerous road construction projects happening in and around the city we encourage residents to sign up for city notifications to stay up to date. Register at www.emcity.org/notifyme. Notifications can be received by email and/or text. When signing up you may select categories of notifications you are interested in, including news, events, emergencies, sports programs, and jobs, in addition to traffic alerts. Information is also posted on the city Facebook page and on Twitter @eaglemtncity.

7. PUBLIC COMMENTS

Ashley Pitcher said her neighborhood was experiencing major construction in a designated school safety zone. One side of the street had no sidewalk. The other side had a sidewalk, but tractors crossed it regularly. It was also the messiest construction zone she had ever seen. There's not

enough room on the heavily-used road for parking, driving and school buses. She also said when half of the park was moved, half of the sprinkler system wasn't reconnected, so the grass was dead. In addition, a construction company drove a semi-truck over a street median and park strip and broke them apart.

Mr. Trusty said he had spoken to the construction companies about parking on the street and about the broken median and park strip. He said he would follow up about the parking on both sides of the street and possibly mark one side of the street "no parking."

Mr. Pili said these issues would be discussed in staff meeting the next day. Someone would follow up with Ms. Pitcher.

Councilmember Curtis asked if a bond had been posted. Mr. Trusty said a bond wasn't normally placed until just before the plat was recorded.

Mr. Mumford said there was a building bond. He would talk to the builder, and instruct the building inspectors to review the site regularly.

8. CITY COUNCIL/MAYOR'S COMMENTS

Councilmember Clark

Councilmember Clark announced that the rehearsals for the community Messiah performances would begin soon. She also said the Eagle Mountain Chamber of Commerce was having a logo contest.

Councilmember Burnham

Councilmember Burnham said Monday's open house for the senior center was open to the entire community, not just senior citizens. The center would provide many more opportunities for community service and socializing. She said the high school mascot and logo reveal would be held on Thursday evening at Frontier Middle School.

Councilmember Curtis

Councilmember Curtis was impressed with the logo and mascot for the high school. He commended with Mr. Trusty for having the intersection of Pony Express Parkway and Redwood Rd. realigned. He also expressed appreciation for the firefighters working at the enormous fires in southern Utah County and other Utah locations. He urged people to save themselves rather than their property if the choice came up.

Mayor Westmoreland

Mayor Westmoreland, in honor of Constitution Day, encouraged the youth to study the nation's founding documents. He noted this was the last week of summer and today was the beginning Yom Kippur, the holiest of Jewish holidays.

CONSENT AGENDA

9. MINUTES

A. September 4, 2018 – Regular City Council Meeting

10. BID AWARD
 - A. 2018 Freightliner Chassis and Vactor Hydro Excavator – Legacy Equipment
11. PRELIMINARY PLATS & SITE PLANS
 - A. Juniper Springs Preliminary Plat and Site Plan
 - B. Sage Park Phase A, Plat 3 Revised Preliminary Plat
12. RESOLUTION
 - A. Consolidated Fee Schedule – Increase in Utah County Sheriff’s Office Hourly Rate for Special Events and Implement Fees for Blasting Permits

MOTION: *Councilmember Burnham moved to approve the Consent Agenda. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

13. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the First Amendment to the Fiscal Year 2018-2019 Annual Budget.

Mr. Jerome reviewed the presentation he made in Work Session, which is found on page 3 of these minutes.

Mayor Westmoreland opened the public hearing at 8:05 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, adopting the first amendment to the fiscal year 2018-2019 annual budget. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis. The motion passed with a unanimous vote.*

14. CITY COUNCIL/MAYOR’S BUSINESS

Councilmember Clark
See liaison report.

Councilmember Burnham
No comment.

Councilmember Curtis
See liaison report.

Mayor Westmoreland

Mayor Westmoreland stated that he sat on the UFA and UFSA Boards. He mentioned recent newspaper articles about questionable activities by the previous Chief and Deputy Chief. He read a summary of the opinion of the UFA and UFSA Boards, in which they expressed disappointment that the Attorney General’s Office declined to bring criminal charges against the Chief and Deputy Chief. The Boards directed staff to review all available data and then make a recommendation on

a course of action at the October Board meeting. The Boards were making every effort to serve the public's interests.

City Recorder Fionnuala Kofoed stated she received a comment from a resident, with a request that it be conveyed to the Mayor and Council. Katie Ratzliff wrote, "To the Mayor and Council, and everyone involved in getting the roads widened: This is a huge win for the city. Thank you for representing our city."

15. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Clark said the Economic Development Board and the Chamber of Commerce met and are developing the new Chamber with a lot of enthusiasm. The Planning Commission and City Council are setting up a joint meeting.

Councilmember Curtis said the Library Board would meet this week.

16. COMMUNICATION ITEMS

A. Upcoming Agenda Items

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis. The motion passed with a unanimous vote.*

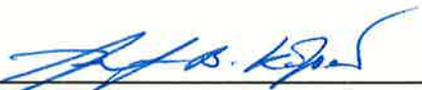
The meeting was adjourned to Closed Executive Session at 8:19 p.m.

Mayor Westmoreland and the Council returned to the Council Chambers to adjourn the City Council meeting.

17. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 9:30 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis. The motion passed with a unanimous vote.*

Approved by the City Council on October 2, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

October 2, 2018

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

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; David Mortensen, City Treasurer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Water Manager; Brad Hickman, Parks and Recreation Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Westmoreland called the meeting to order at 5:11 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

City Administrator Ifo Pili gave an update on the Ames application. The application is not currently in process, as Ames is figuring out mineral rights. City Engineer Chris Trusty said they are using an existing pit by Five Mile Pass to bring in material over an unnamed dirt road. They are not bringing in material from Hadco Construction.

2. AGENDA REVIEW

Councilmember Curtis recommended moving both preliminary plats from the Consent Agenda to the scheduled items.

10. MINUTES

A. September 18, 2018 – Regular City Council Meeting

Councilmembers had no proposed revisions.

11. BOND RELEASES

- A. Evans Ranch Phase H-1 – Into Warranty
- B. Oak Hollow Phase A, Plat 5 – Into Warranty
- C. Sweetwater Plat 5 – Out of Warranty

Regarding Item 11B, Oak Hollow Phase A, Plat 5 Bond Release Into Warranty, Councilmember Clark asked if the dead trees in Oak Hollow are a City or builder responsibility. City Recorder Fionnuala Kofoed said the landscaping is separate from the subdivision bond; this item is releasing

the subdivision bond. Councilmember Clark asked if broken sidewalks are a responsibility of the City. Mr. Trusty said this item is releasing the subdivision into a year-long warranty period, and the builder is responsible for repairs over the next year.

12. BID AWARDS

A. Steeplechase Offsite Improvements – Reynolds Excavating

Mayor Westmoreland stated this is an exciting time for Eagle Mountain City. Councilmember Clark asked if there is a bond or guarantee that the City will be reimbursed for this work. Mr. Cook said the legally binding development agreement with Facebook requires them to reimburse these costs. The only risk to the City would be if Facebook went out of business. Mr. Trusty explained Facebook has not only reviewed and approved this item, but they have also requested monthly projections so they can plan for future expenses.

13. PRELIMINARY PLATS

A. Golf Course Preliminary Plat

Councilmember Curtis said he heard there were concerns at the Planning Commission meeting and asked what the disagreement was with the Planning Commissioners and the applicant regarding the plan. City Planner Taylor Jensen said the Planning Commission was concerned that their recommendations were not taken by the City Council, and they were frustrated that they were not involved in the compromise made by the City Council.

Councilmember Curtis said they need to have a meeting to clarify duties and roles of each body. Councilmember Burnham stated some of the language used by Planning Commissioners was not appropriate. She explained that the City Council spent a lot of time on the plan and she was disappointed with the lack of professionalism.

Councilmember Clark and Mayor Westmoreland said a meeting between the two bodies would be a good idea, as well as additional training. Mayor Westmoreland also stated bringing in an outside entity to advise on roles and legalities would be a good idea, and that it is important to maintain a level of decorum.

Councilmember Burnham said she received a request from a resident that the section on Royal Dornoch Drive be changed to have four lots on either side of the street, rather than three on the south and five on the north.

Councilmember Clark said wedge lots, similar to those presented, are recorded in Evans Ranch and get premium pricing. Councilmember Burnham asked the applicant if the resident's suggestion made sense. Mr. Mark Whetzel, the applicant, said there is a restroom and cart path that would be costly to move to accommodate that suggestion. The space is open now without a proposed lot due to a main water line running in that section. He said he prefers having the pods with options to do two-story homes, as the commercial and high-density areas he was planning on were removed.

Councilmember Clark said only eight lots were approved and asked why the applicant is now proposing nine lots. Mr. Whetzel said they had a single lot by the first hole green, but the

infrastructure costs for an individual lot were too high, so it was moved to its current location. The applicant changed the plan according to the Planning Commission's recommendations.

Councilmember Clark said she understood that, but that City Council only approved eight lots. Mr. Whetzel said they have made changes based on what City Council asked for, and then again based on what Planning Commission asked for. Councilmember Clark said the Planning Commission did not request the ninth lot. Mr. Whetzel said he added the lot and that Planning Commission approved it. Councilmember Clark said that if the developer felt the lots were too small, the extra lot should be removed to allow for larger lots. Mr. Whetzel said he wanted the project to be viable in order to allow for the event barn, and the plan has gone through many revisions.

Discussion ensued regarding when plans were changed and by whom.

Mrs. Kristen Whetzel explained they had worked with staff and an engineer to create the original plan. She said the Planning Commission changed the plan, and then it was changed again when it went to City Council. She said when those changes were taken to an engineer, the end result was unexpected. She said limiting the lots to all single-story homes does not make sense for the end buyer or the developer. They want the plan to work in order to build the event barn.

Councilmember Clark said it is not "us against you" and they want the plan to be successful while honoring the requests of the current residents. Councilmember Curtis agreed and said he understands the end goal, and would like to accommodate the applicant while keeping the social contract in place that current residents bought into when they moved in.

Councilmember Burnham requested to proceed lot by lot to identify which could be two-story options. Mr. Jensen said the duplexes will be two-story structures, as they will match what was built in Heatherwood. He stated the single-story homes will be 1,500 to 1,700 square feet, and that the lot on Desert Canyon could be moved to another area as it would be a single home, on a hill next to a church and would look out of place. Councilmember Curtis said his home is 1,600 square feet and is a large space.

Councilmember Burnham said current residents purchased a golf course view and two-story homes on some lots will take that away. Councilmember Clark said having only single-story homes would look odd, but keeping the single-story homes on the lots at the end of the pods will protect the current residents' views. Mr. Whetzel said he is not a developer, but he is doing his best with the opposing changes from City Council and Planning Commission. Councilmember Clark said she wants them to be able to build the barn with a successful, good looking product in the City.

Councilmember Gricius inquired about the square footage of the lots. Mr. Whetzel said the lots will be 6,700 to 7,000 square feet. Councilmember Gricius also asked about the home sizes. Mr. Whetzel said they will be approximately 500 square feet smaller than the current homes in the area.

Councilmember Curtis asked about the relative grade with surrounding homes. Mr. Whetzel said there are higher lots towards the center. They are open to locations for two-story versus single-story lots. Councilmember Curtis said the current residents bought their views, with the understanding that the entire plan was built out, so he does not want to alter it after the fact.

Councilmember Clark asked about the park plan and the mini golf section. Mr. Whetzel said the mini golf, or putting course, is designed to allow for an open space that also enhanced the visibility of the golf course. It was difficult to identify how they would regulate the fees, if it would be closed or open based on parking availability, and other issues. He said it was decided in the Planning Commission meeting that it would be too difficult to manage as a public access, so they moved forward with a fee-in-lieu. Mr. Whetzel said he would prefer to build a putting course instead of paying the fee-in-lieu. It would be a unique open space for the City.

Councilmember Curtis asked what the biggest issue Planning Commission had with building the putting course. Council Burnham explained they brought up the difficulty of managing how to charge residents versus non-residents, and also scheduling. She recommended a reservation system similar to pavilion rentals. Mr. Whetzel said it would be a positive addition to the City and the golf course, and would look nice, but after the Planning Commission meeting, he felt it would not work.

Councilmember Burnham asked Mr. Pili if it was feasible. Mr. Pili said it could be if it is utilized like the pavilions, but the draw is being able to come and go, like at other City parks. If it becomes an issue, a reservation system could be put in place.

Don Sassier, Eagle's Gate resident, asked if reserving the putting green would be run through the same department that schedules the pavilion rentals, instead of through the golf course. Councilmember Burnham said it could be reserved through the same department that handles the pavilion reservations.

Councilmember Clark asked if there is a time limit currently placed on the pickleball courts. Assistant City Administrator/Finance Director Paul Jerome said there is not. Mr. Pili said if the putting green becomes a problem, the issues could be addressed in the future. Mr. Whetzel said they would like to have the putting green plan back in the proposal. Mrs. Whetzel said they appreciate the help they've received thus far.

B. Brylee Estates Preliminary Plat

Councilmember Curtis asked about density and proposed open space in the plan. He said with the proposed plat, there would be 16.5 units per acre. He is concerned about the possibility of 8- to 12-plex units. Planning Manager Mike Hadley said the applicant removed the Tier 3 and Commercial area from this plan. The proposed plan only contains single-family residential tiers.

Councilmember Curtis asked if densities were already approved. Mr. Hadley said the previous approval was simply Tier 3 and Commercial. He said any future proposal would need to be between 5.2 and 12.2 units per acre and comply with the approved Tier 3 standards.

Councilmember Curtis asked if that density included the open space. Mr. Jensen said it is gross density.

Mr. Jensen explained the City's frontage minimum is 55 feet, and in this plan, 20% of the lots are required to have a frontage of 60 feet, which the developer has designed. Councilmember Curtis wanted adequate space between dwellings to avoid flooding. He said setbacks and other issues

have caused flooding in his neighborhood. Mr. Hadley said they meet all codes on frontages and no variances are requested.

Mayor Westmoreland explained Aviator Avenue recently was expanded from 77 feet to 94 feet wide, and Sago Palm Road turns into Aviator Avenue. Mr. Trusty said the previously recorded subdivision named the street Sago Palm Road. He said the City is changing it to Aviator Avenue.

Mayor Westmoreland asked if Sago Palm Road should continue at 94 feet, or should it be narrowed back to 77 feet. If it is kept at 94 feet, it will become a pass-through street. Councilmember Curtis said people will use it regardless of the width, unless an alternate is given.

Mayor Westmoreland said a freeway will be close at some point in the future, most likely with an on- and off-ramp on Eagle Mountain Blvd. Councilmember Curtis asked what concessions the City would need to provide in order to obtain the larger right-of-way.

Councilmember Clark said the lots on the edges were large in order to expand the road in the future. Councilmember Burnham explained that was not the case, as that would mean the City is taking residents' yards; the lots were larger to help buffer adjoining areas.

Councilmember Curtis recommended keeping Aviator Avenue wide for future use. Mayor Westmoreland said there could be negatives to making Aviator Avenue an arterial, but it would accommodate events, parking, and turning areas. Councilmember Curtis said the street would continue for a few blocks before coming to an end at the freeway or would join an under- or overpass. Councilmember Curtis asked if there were other roads that would go through other than Mid Valley.

Councilmember Gricius said it is far enough from the high school that there won't be school-related parking needs. She understands that the City doesn't want to underestimate the amount of traffic, but overestimating can create a lot of pavement to maintain that is not being appropriately used.

Regarding the changing names on the street, Councilmember Gricius said if the road is going from a wider road to a smaller road, changing the name at that point is not a negative thing. Councilmember Curtis asked if there were houses already built on Sago Palm Road. Mr. Trusty said they have not recorded the plat yet; there is only final plat approval. Councilmember Curtis recommended Sago Palm Road be changed to Aviator Avenue.

Councilmember Clark asked Parks and Recreation Director Brad Hickman for any input on the putting course. Mr. Hickman if the reservations would go through his department. Councilmember Burnham asked if he would be willing to work with the golf course if the putting course was used to the point that the golf course was not accessible. Mr. Hickman said he would.

Councilmember Curtis said it should be available to those arriving first. Councilmember Clark asked if any other park had this amenity. Mr. Hickman said he has not seen it in any other park. He asked who would provide the putters and golf balls, and said if it is something the City Council wants to see, and it would be a benefit to the City, they could discuss options that make sense.

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 Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:16 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Benjamin Reaves and Stephanie Gricius.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications and Community Relations Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; David Mortensen, City Treasurer; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:10 p.m.

5. PLEDGE OF ALLEGIANCE

Boy Scout Josh Turner led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Witches & Wizards' Movie Night** – Eagle Mountain City will host a Witches and Wizards' Movie Night on Friday, October 5 at SilverLake Amphitheater beginning at 8:30 p.m. featuring Disney's Hocus Pocus. Come dressed as a witch or wizard. Prizes for best costumes and free popcorn. Treats for purchase available from Waffle Love and The Soda Truck. In case of inclement weather this event may be rescheduled.
- **Halloween Town** -- Businesses and organizations are invited to participate at Halloween Town by setting up a booth, decorating it for Halloween, and passing out candy or other free items to event attendees. There is no registration fee but pre-registration is required and space is limited. Register at www.emcity.org/events. Children are invited to dress up for Halloween and visit the booths. There will also be a dog costume contest, prescription drug disposal, a free car show, and lunch will be provided by Mortenson Construction and Facebook.

- **Seniors' Center** – The Eagle Mountain Senior Citizens' Center is now open and all Seniors' activities will be held there unless otherwise noticed. Check the city website calendar for events. The facility is located at 1632 E. Heritage Dr., next to the fire station in City Center.
- **Theater Auditions** -- Eagle Mountain Community Theatre Auditions for Seven Brides for Seven Brothers are October 5th and 8th. Sign-up information will be distributed soon. You can also watch the Eagle Mountain Arts Alliance website at www.eaglemountainarts.com for more information.
- **City Notifications** – We encourage residents to sign up for city notifications to be aware of public safety emergencies and stay informed about city news and events. Register at www.emcity.org/notifyme. Notifications can be received by email and/or text.

7. PUBLIC COMMENTS

Councilmember Burnham asked if the public comments could follow the Consent Agenda. Mayor Westmoreland agreed, as more of the public is in attendance for the items on the Consent Agenda.

Public comments were taken after the Consent Agenda.

Jeff Stewart said trees are dying in Nolen Park. He called and left messages but never got a call back. He explained he took the dead leaves to Cook's Nursery in Orem and was told that the trees have a fungus that could spread. Mayor Westmoreland said he appreciates Mr. Stewart's diligence. He will look into the tree fungus, and also check on the return call issue.

Jeff Ruth said the meetings used to be too long and now are too short. He said he is concerned with code enforcement. Renters moved in to the home next door to his in July, and the weeds are as high as his fence. He wants the City to get rid of the weeds and charge the resident for the removal. Mayor Westmoreland asked when Mr. Ruth last communicated with Neighborhood Improvement Officer Diane Liberti. Mr. Ruth said he received an email from Ms. Liberti a week ago. Mayor Westmoreland asked Mr. Hadley to keep him posted on updates with this situation.

Christa Kelley lives in Eagle's Gate and the golf course is right behind her property. She wants the new homes to be kept at single story, as was agreed to in May. She explained the homes with basements can be close to 3,000 square feet.

Don Sassier likes diversity and would like to see single- and two-story homes in the golf course preliminary plat. He would like the end lots to remain single-story. This gives the developer opportunity to have a better product. Councilmember Clark asked if Mr. Sassier had an opinion on a specific area allowing two-story homes; he said he prefers diversity.

Ashley Pitcher thanked the Council for changes that have happened from the previous meeting. Ms. Pitcher said it is important to look at neighborhood impact regarding the golf course preliminary plat. She said it was a poor choice to add a lot where they did. Mayor Westmoreland explained that there was a major water line and bathroom in the area in which she wanted to add a lot. Mrs. Pitcher preferred the single-story homes only, option.

Duff Aston would like the homes in the golf course preliminary plat to be single story. He asked if the sales agreement between the City and the golf course had been amended. Councilmember Curtis said he would like the agreement to state that this fulfills the golf course's intent to develop. Mr. Aston asked if the \$500,000 was due to the City at this time. Mr. Cook said he is working Mr. Whetzel's attorney and nothing can happen until the City lifts the restrictive covenant. Councilmember Burnham said this would be a separate, future approval. Mr. Aston asked if a section being sold was City-owned, and was told it is owned by Heatherwood. Mr. Aston said he is disappointed in the sale. He asked if there were plans for the clubhouse and where the plans came from, and if the golf course is making payments to the City.

Councilmember Clark explained the golf course went from negative revenue of \$300,000 to maintaining positive revenue. She said this helps the golf course in repaying their debt. Mr. Cook said the agreement states the money from the sale goes to escrow and the City has discretion to release those funds upon approval of the plans and after the event barn is under construction. The City will ensure the event barn is built.

Councilmember Curtis the Council sees the golf course's Profit and Loss yearly statement, as well.

Mayor Westmoreland closed public comments.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis

Councilmember Curtis said he is grateful for the weather notifications, even though it has not stormed yet.

Councilmember Burnham

Councilmember Burnham thanked those in attendance for coming to the meeting. She also thanked those who came to the Senior Center opening. There is a calendar on which residents can find out what is going on with the senior group.

Councilmember Reaves

Councilmember Reaves thanked those in attendance.

Councilmember Clark

Councilmember Clark confirmed that CERT training is scheduled for the coming weekend. It is a great way to get involved and meet neighbors. There is a link to register on the City Facebook page and the City website. The training is over two Saturdays, and it is a great way to serve in the community. A Handel's Messiah concert with Eagle Mountain and Saratoga Springs musicians is coming up. Information can be found at communitymessiah.com and rehearsals start this week at 775 W. Woodhaven Blvd.

Councilmember Gricius

Councilmember Gricius said she is happy to be back and welcomed the audience.

Mayor Westmoreland

Mayor Westmoreland thanked those in attendance. He also thanked Mortensen Construction and Facebook for taking on the City's fall clean up and dumpster program at their time and expense.

He said it was the smoothest cleanup event so far. He is grateful for these two great companies taking part in benefitting the community.

9. PROCLAMATION

A. Type 1 Diabetes Awareness – November 12-18

Councilmember Burnham asked if the blue lights would be put up. Ms. Kofoed said that the City is planning on putting the lights up around City Hall. Mayor Westmoreland read the proclamation.

MOTION: *Councilmember Curtis moved to adopt a proclamation declaring November 12-18, 2018 Type 1 Diabetes Awareness Week. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves. The motion passed with a unanimous vote.*

CONSENT AGENDA

10. MINUTES

A. September 18, 2018 – Regular City Council Meeting

11. BOND RELEASES

- A. Evans Ranch Phase H-1 – Into Warranty
- B. Oak Hollow Phase A, Plat 5 – Into Warranty
- C. Sweetwater Plat 5 – Out of Warranty

12. BID AWARDS

A. Steeplechase Offsite Improvements – Reynolds Excavating

13. PRELIMINARY PLATS

- A. Golf Course Preliminary Plat
- B. Brylee Estates Preliminary Plat

MOTION: *Councilmember Burnham moved to approve the Consent Agenda, moving Item 13A to the Scheduled Items. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves. The motion passed with a unanimous vote.*

Mayor Westmoreland said the offsite improvements for Facebook are an exciting start to that development.

SCHEDULED ITEMS

13. PRELIMINARY PLATS

C. Golf Course Preliminary Plat

Mr. Jensen explained that this is a 27-unit preliminary plat with 23 single-family homes and four twin homes. This was recommended for approval by the Planning Commission with a 4-1 vote.

The Planning Commission recommended that some homes be allowed to be two-story, but did not specify which lots. The applicant would like the square footage of the event barn to be a minimum of 32,000 square feet to allow for a larger building, if funding allows. The elevations are the same as presented in the rezone. The event barn would take the place of the current open seating area and would replace some parking stalls. The Planning Commission recommended a fee-in-lieu of \$101,250 plus the appraised value of 27,000 square feet of open space. Previously, the applicant presented a mini putting area between the driving range and clubhouse, but that proposal was removed at the Planning Commission meeting.

Councilmember Clark asked what the capacity of a 32,000-square-foot barn would be, and she asked Mr. Cook if homes could be built before the barn is complete. Mr. Cook said the escrow would address that. He said the applicants need to know how much money they will get from selling the lots before moving forward with the events barn. The City's goal is to know how much money it will receive, and ensure the money goes to the amenities. Councilmember Clark asked if the sacrifice of adding homes to build the event barn was good for the City and if it will keep the golf course afloat. Mr. Cook said he could not speak to that.

Councilmember Clark said the ultimate goal was to have the event barn, and the golf course would be improved because of it. She asked if there is any assurance that the golf course would be viable. Councilmember Curtis asked if the agreement ensures that the event barn is built, as they are potentially adding extra homes.

Mr. Cook said the agreement can contain all of that information. They will not be able to build on the lots until the City has assurances of the cost of the event barn and other details. He said the property cannot be used for anything other than a golf course until the City releases the restrictive covenant. Mr. Jensen said the applicant is not planning on building anything on the lots; they are selling them together as one unit.

Councilmember Clark said she does not want a small event space. She asked the applicant what the capacity will be. Mrs. Kristen Whetzel explained the event space is the same design as one already built in Montana called The Ranch Club. Mr. Whetzel explained it is sizable space and will accommodate approximately 200 people. Mrs. Whetzel added it will allow the golf course to host tournaments. She said they do not want to build too small of a space, so they are working with a partner to build a center that is large enough. Councilmember Curtis expressed his reservations regarding a 200-person limit.

Mr. Whetzel stated that putting course could be built instead of paying a fee-in-lieu for the open space requirement. It would enhance the golf course and bring more visitors. He would like the putting course to be free of charge and open to the public. Councilmember Curtis asked where the money would come from to build this amenity, and if it will come from the same funding as the event barn. Mr. Whetzel said the event barn is the first priority, but this is also part of the golf course renovations funded through the lot sales.

Councilmember Clark asked if this would actually meet the park needs for the residents in the area, and if the park plan needs to be submitted through departments like all other parks. Councilmember Curtis said it absolutely fits the park needs for the City. Councilmember Clark asked if the putting course would be more beneficial than a fee-in-lieu.

Councilmember Burnham stated the Council is in agreement that the putting course would benefit the residents. She asked who would maintain the putting course. Mr. Whetzel said the golf course will take care of the maintenance and will rent out the equipment as needed to visitors. He prefers this to the fee-in-lieu, as it costs less money and allows the applicant to put more funding to the golf course renovations and event barn.

Councilmember Curtis said the applicant can either pay the larger fee-in-lieu or they can build the putting course and use more money for the event barn. Councilmember Gricius stated a fee-in-lieu would go to a regional park, not directly to these affected residents.

Discussion ensued on what \$100,000 could provide for City parks.

Councilmember Reaves asked if the applicant is planning on building the putting course, even without the set price. Mr. Whetzel said it would cost approximately \$50,000, and even with contingency budgets, building the putting course would still be lower than the \$100,000 fee-in-lieu.

Councilmember Clark asked about timing and when the park would be built. Mr. Whetzel said they have someone who wants to build the homes. They want to start the renovations by November 1, 2018, before the snow falls, and have them done by May or June 2019. The putting course is included in this timeline. Councilmember Clark said they have received promises from developers in the past, so she wanted to clarify the applicant's timeline. She asked staff for direction on making the motion, in relation to the applicant's timeline.

Ms. Kofoed recommended adding any modifications deviating from the staff report to the motion. Councilmember Gricius asked if this meets the promises made in May that fees would go to affected residents. Councilmember Curtis asked if this item was noticed. Ms. Kofoed clarified that this was a Consent Agenda item and complied with the standard 24-hour notice.

Discussion ensued on noticing requirements and public hearings.

Councilmember Gricius stated that she wanted to ensure what is being promised to residents is actually what is going to be built. Councilmember Reaves asked if the residents in that direct area want this amenity. He asked where the putting course would be located and if residents will have people walking through their properties. Mr. Whetzel said it is right behind the clubhouse. There are existing putting greens in that location.

Councilmember Curtis said he wanted to make sure the course specifically benefits the properties next to the new lots. Councilmember Gricius said if the fee-in-lieu was split between the affected areas, the residents would not receive much in the way of amenities.

Councilmember Reaves asked if it could be constructed with amenities similar to City parks. Mr. Whetzel explained it connects to the putting greens and the proposed event center and would fit well as open space. They can add benches and trees to turn it into a nice open space area.

Councilmember Clark asked if members of the public in attendance could come back up for comment.

Mayor Westmoreland opened the meeting for additional public comment.

Mrs. Ashley Pitcher said to break up the amenity money between the four communities would be worthless; a mini golf area would be a better use.

David Bean supports the putting course, but not as a free area. It would cause traffic issues and safety concerns.

Don Sassier would prefer the money be spent in one single park, but if it is a park, it needs to be free.

Krista Kelly said when St. Andrews Drive was expanded, the pocket park was made smaller. She would like the putting course instead of a fee-in-lieu.

Coy Miller said he likes the putting course idea. His biggest fear is the golf course going away.

Mayor Westmoreland closed the public comments.

Councilmember Clark asked about removing a portion of the St. Andrews park. Mr. Hadley said the road originally went through the southern portion of the park, but was eventually moved to the northern section, so no park space was actually lost.

Councilmember Burnham said she does not mind two-story homes. Councilmember Curtis said he is concerned about the elevations and how the new homes will fit with the character of the neighborhood. However, he is not as concerned with the lots on Royal Dornoch Drive, as they currently have views of the homes across Ranches Parkway. He is concerned with the lots on Barton Creek Drive. Councilmember Clark asked which lots need to be single-story. Councilmember Curtis said the end lots on those two locations should be single-story.

Councilmember Burnham said she would like to remove the extra lot and put it back as the single lot, as was originally planned. Mr. Whetzel said the single lot by itself was not feasible financially due to excavation and utility hook-up costs. Councilmember Reaves asked if that opened up more green space. Mr. Whetzel said it is just off of the hole one green and is currently native grasses.

Discussion ensued on moving one of the lots along the north side of Barton Creek Drive and adding it to the south side. Mr. Whetzel said he likes the idea of moving the lot, as it allows for larger lots along the north side of the road. Councilmember Curtis said it creates a more finished feel along the streets.

Councilmember Clark said she wants the new homes to fit the feel of the neighborhood, in regard to one-story versus two-story homes. Councilmember Burnham asked what the lots along Barton Creek Drive were in elevation. Mr. Whetzel said they would be level to the green.

Councilmember Burnham said she would prefer the first two lots to have single-story homes. Councilmember Curtis asked if they can determine the lots that must be single-story homes only, and then add a percentage allowed for two-story homes. Councilmember Clark said she would like the end two lots to be single-story.

Discussion ensued on which lots were to be regulated as single-story homes only.

Councilmember Burnham asked if they should leave the decision to the end buyer, or if they should require a percentage to be single-story homes. Councilmember Clark stated with the six selected lots, a quarter of the lots are already limited to single-story homes.

Mrs. Whetzel said that from a real estate background, building will naturally go towards a single-story build; it is uncommon to have it mandated. She would like it to be buyer-driven. These homes will be custom builds and this will allow more customization to the buyer and builder to build what is feasible on the lots.

Councilmember Clark asked if they were being considerate of current residents. Mayor Westmoreland said they have taken into consideration the concerns of residents to make the determination that six of the lots must be single-story homes.

- MOTION:** *Councilmember Burnham moved to approve the golf course preliminary plat with the following conditions:*
- 1. A lot on the north side of Barton Creek Drive will be moved to the south side;*
 - 2. The lots noted with red and green dots on the presentation will be required to be single story;*
 - 3. The remaining lots will be buyer driven, in regards to single-story versus two-story homes;*
 - 4. The golf course park will be allowed, as opposed to the fee-in-lieu, and this will be maintained by the golf course.*
- Councilmember Clark seconded the motion.*

Mr. Jensen asked if the Council would like to add in the Planning Commission's conditions.

- AMENDED MOTION:** *Councilmember Burnham moved to approve the golf course preliminary plat with the additional conditions:*
- 1. A lot on the north side of Barton Creek Drive will be moved to the south side;*
 - 2. The lots noted with red and green dots on the presentation will be required to be single story;*
 - 3. The remaining lots will be buyer driven, in regards to single-story versus two-story homes;*
 - 4. The golf course park will be allowed, as opposed to the fee-in-lieu, and this will be maintained by the golf course.*
 - 5. An event barn shall be added to the existing agreement between Eagle Mountain City and Vanguard (or) a new development agreement shall be approved by the City Council along with this preliminary plat;*
 - 6. The applicant must provide evidence/documentation that the course will remain certified as an 18-hole golf course.*
- Councilmember Clark seconded the motion.*

Councilmember Curtis asked if the agreement will come before the City Council at a later date. He would like to be able to add a condition on the agreement that the City has fulfilled the intent to allow them to develop.

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves. The motion passed with a unanimous vote.

14. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Curtis

Councilmember Curtis asked if the City has considered other options with community dumpsters. He loves the service but wants to know if localization is an option. Mayor Westmoreland said they will look into it. Councilmember Clark said when that has been done in the past, additional staffing has been needed to ensure the dumpsters don't get overfilled. Councilmember Gricius said it is not expensive to rent one individually as a private homeowner.

Councilmember Burnham

Councilmember Burnham said she knows not all residents were happy with the compromise on the golf course in regard to number of lots and single-story versus two-story allowances. They are trying to be good partners and appreciate everyone's willingness to work with them.

Councilmember Reaves

Councilmember Reaves also appreciates the flexibility of residents.

Councilmember Clark

Councilmember Clark said that the City now has a Chamber of Commerce to help local businesses. They would like more people to join. For information, email info@eaglemountainchamber.com. A meeting is coming up on October 9, 2018, from 4:00 p.m. to 5:00 p.m. at the Direct Communications building and a luncheon will be held on October 11, 2018, from noon to 1:00 p.m. Councilmember Burnham requested that all business owners be notified.

Councilmember Gricius

Councilmember Gricius wanted to make sure the golf course received Chamber event invites.

Mayor Westmoreland

Mayor Westmoreland recognized Ms. Kofoed for her dedication and work for the City.

15. CITY COUNCIL BOARD LIAISON REPORTS

None.

16. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

17. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 9:08 p.m. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on November 20, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

November 20, 2018

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 Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. Stephanie Gricius was excused.

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

Mayor Westmoreland called the meeting to order at 4:08 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

A. PRESENTATION – Wayfinding Signs and Monuments

This item was discussed after IC.

Communications and Community Relations Director Linda Peterson introduced GSBS Architects who brought proposed design themes, potential locations, and cost estimates for entry monuments, digital signs, micro monuments, wayfinding signage, and trail signage.

Option A included entry monuments of large stones with a metal City logo, as well as metal, stone and weathered wood for the other signage. Option B had weathered wood and metal entry monuments in place of the stone monuments.

Two phases of construction were presented to Council. Phase 1 included digital signs on Wride Memorial Highway and Pony Express Parkway, and monument signs on Pony Express Parkway and Eagle Mountain Boulevard. The cost estimate presented for Option A Phase 1 was \$927,500. The cost estimate for Option B Phase 1 was \$826,000. Phase 2 included the Wride Memorial Highway entry monument. Option A was estimated at \$253,000 and Option B at \$323,000. The wayfinding signage, micro monuments and trail signs were estimated at \$500,050.

Discussion ensued regarding digital sign placements along Wride Memorial Highway at either Mt Airey Drive or Ranches Parkway, as well as along Pony Express Parkway at Woodhaven Boulevard instead of SilverLake Parkway. Staff explained property ownership made it difficult

to select a digital sign location that all residents will see upon entering the City. A segment of the population will live east of the sign locations on both roads, but when those residents go west into Eagle Mountain, they will see them.

Staff and Council discussed funding options for the project, with the final decision to happen at a later date. Staff explained the City has received more General Fund revenues than expected; \$1.25 million was projected to be transferred in FY18 to the Capital Projects Fund in order to keep the General Fund under the required 25% limit, but \$1.75 million was actually transferred. Staff expressed the expectation that FY19 will be similar.

Councilmembers Clark, Curtis, and Burnham preferred Option B. Councilmember Reaves preferred Option A. Mayor Westmoreland did not want to state a preference until a City logo is confirmed.

B. DISCUSSION – Paid Time Off

Human Resources Manager Jessica Alvarez presented a possible amendment to City policy regarding paid time off. The objectives of the change are to streamline the types of leave available to employees, to move to a more progressive way to manage time off, and to increase the hours employees can use while lowering the hours cap.

The current policy allows employees to earn 96 hours per year of sick leave, 20 hours per year of personal leave which must be used by December 31 of the accrued year, and 80 hours of vacation leave per year for employees in their first two years of service or 96 hours of vacation leave per year for employees with more than two years of service. Employees may transfer up to 40 hours of unused sick leave to personal leave, and may accrue up to 240 hours of vacation leave.

The proposed PTO policy would start in 2019 and includes 144 hours per year for employees less than two years into employment, 150 hours per year for employees with two to five years of service, 168 hours per year for employees with five to ten years of service, and 180 hours per year for employees with more than ten years of service. The proposed PTO payout for employees leaving City employment would be capped at 240 hours, but employees may carry over 320 hours.

Current employees would receive the 20 hour allotment of personal leave for 2019 as PTO, but personal leave hours would not continue in following years. Sick leave hours not used in 2018 and scheduled to be converted to personal leave hours would be given as PTO in January 2019. Employees with a sick leave balance may convert those hours to PTO at a 10% value, cash the hours out at a 10% value, convert the hours at a 100% rate to long-term sick leave, or a combination of the three options.

Staff and City Council discussed how the 10% transfer figure was determined. There have been disagreements among employees regarding the value of current sick leave balances, so the transfer to long-term sick leave allows employees to retain all sick leave hours accrued.

C. DISCUSSION – Park Board

This item was discussed before item 1A.

City Administrator Ifo Pili said the Parks and Recreation Board has not had a quorum at a meeting in the last six months. He explained this is not due to having unfilled positions; rather, a quorum of appointed board members does not attend the meetings. He stated his recommendation to disband the board.

One concern brought up by staff was the board does not have the authority to direct staff and is not currently purpose-driven. Boards are effective when given specific tasks. Another concern was the board previously has had conflict with City Council regarding suggestions made by the board which were not implemented by the Council. This can have the effect that board members feel as though their opinions do not matter.

An additional concern discussed was City staff commits time in preparation for the Parks and Recreation Board meetings, as well as on the day of the scheduled meetings, but the meetings are not held. Staff time and effort is being directed to a non-functioning board. Meeting agendas are posted, but board members do not attend. Those with items on the agenda are not able to move forward.

Council and staff discussed the intent of City boards in that they are not intended to direct staff or funding, but members of boards may want to direct those decisions.

Options discussed regarding the future of the board included disbanding the board; letting the current board member terms expire and allow to board to remain vacant, forming an ad hoc committee when projects are available and need board input; or confirming the commitment of the current board members and reset the board in January.

Council discussed having the board research projects requesting match grant funds. The request was made to have the match grant information posted online with an announcement made to residents so plans can be made now for projects to be started in the spring.

Council directed staff to attempt to fill the vacant board member positions and confirm current members' commitment to the board. Councilmember Burnham requested a three- to four-month period in which to determine the effectiveness of the board.

D. DISCUSSION – Blasting Settlement Fund

This item was discussed after item 1B.

Mr. Pili requested direction from City Council regarding the \$60,000 Goldsworth blasting settlement fund. Councilmember Clark stated the fund was to be available to residents to apply for financial assistance for repairing cosmetic damage caused by blasting. She said the funds remaining after resident assistance were to be put to parks. She said the \$12,000 settlement from Shupe was to go directly to parks. Councilmember Curtis agreed on the intent of the fund use.

Councilmember Burnham stated the City did not have a process in place to utilize the funds. City Attorney Jeremy Cook clarified Goldsworth's settlement amount has been paid over time, and the City has received \$50,000 of the \$60,000. He said the City wanted to have enough of the settlement fund in place to ensure claims could be paid.

Councilmember Clark asked why the settlement amount had not been received in full. City Recorder Fionnuala Kofoed stated the payments are received according the terms of the settlement agreement and Goldsworth is in compliance with the payment schedule.

Mr. Pili said determining which residents receive payouts and the amounts of the payouts could cause issues among residents disagreeing with City decisions. Councilmember Curtis asked if a cap can be placed on individual payouts.

Mr. Cook stated the fund's intent is to assist residents with cosmetic repairs, and it was clearly communicated that the fund was not intended to cover large claims, such as a request for \$20,000. He stated the fund could help residents cover insurance deductibles. He explained the intent would be to have a questionnaire requesting information regarding insurance costs, and quotes and estimate repairs received. He recommends having a timeframe to allow the City to receive all claims and go through the claims based on drafted criteria at that point. He said it would be clear on the claim form that the City has discretion in applying the funds, and the intent is not to reimburse for damage repairs; the payments are a way for the City to assist residents.

Ms. Kofoed said Mr. Cook's statement is consistent with the discussions at the previous City Council meeting. She said based on the number of people who have contacted the City Recorder's Office regarding this subject, there may not be large number of claims made.

Mr. Pili recommended placing caps on the payout amounts. Councilmember Clark expressed the desire to move forward in the way City Council said the City would. She said residents understand the fund is for a remedy, rather than full compensation. Mr. Cook said the agreement noted the City Council has discretion.

2. AGENDA REVIEW

Councilmembers Curtis and Clark asked to move items 15 A, 15 B, and 16 B to scheduled items.

16. RESOLUTIONS

B. Approving an Interlocal Agreement Amending and Joining Central Utah 911

Councilmember Curtis asked if Central Utah 911 is allowed to bond for buildings. Mr. Cook said the entity could vote to bond, at the discretion of the board. He explained Central Utah 911 is not a taxing entity. Mr. Cook said all interlocal members would need to agree upon the bond. Mr. Pili said in order to bond, a revenue source is needed, and the entity cannot pledge the City's tax revenue. Councilmember Burnham clarified that a bond approval would return to City Council for decision.

Councilmember Curtis asked why the special service district is being replaced. Facilities/ Operations Director Jeff Weber said the proposed agreement is what is currently in place, and only includes the addition of Juab County and Nephi City. Councilmember Curtis confirmed the presented agreement does not include additional powers. Mr. Pili said the districts are statutorily defined, and the name is simply changing from Utah Valley Dispatch, as Juab County has been added.

14. MINUTES

A. January 22, 2018 Special City Council Meeting

Councilmember Clark requested additional discussion on item 14A. She said there are sections that should be verbatim. Ms. Kofoed confirmed the minutes presented are verbatim, but staff can edit the minutes if Councilmember Clark felt they did not portray the conversation as Councilmember Clark intended. Councilmember Curtis asked if the Council needed to approve the verbatim minutes, or if the minutes can be summarized to make clear the Council's decision on the deadline dates.

Councilmembers Curtis and Clark preferred to retain the verbatim minutes for the Goldworth discussion.

18. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 320 Acres to a Regional Technology and Industry Overlay Zone

Councilmember Curtis asked why the Regional Technology and Industry (RTI) Overlay Zone was being placed, as the designation removes Council vetting and scrutiny. He said the current proposed use does not meet either of the two requirements for an RTI overlay. Community Development Director Steve Mumford said the solar energy aspect of the plan is permitted in the Agriculture Zone, but is only one part of the plan. He said four data centers are shown on the concept plan, which would not be allowed in the Agriculture Zone.

Councilmember Curtis expressed concern that approving an RTI overlay removes Council oversight. He said he wanted to ensure the intended use is worth the benefits the overlay provides to the City. Mr. Pili explained the data center sites are a benefit to the City, and if the project only contained solar panels, it would not qualify for the overlay.

Mr. Mumford explained if the ordinance is amended to limit approved uses in the RTI overlay before a site plan is applied for, the landowner is not vested with the rights as they stand today. Mr. Mumford said this property is adjacent to the Facebook site and is appropriate for the overlay. He explained if staff had known the property owner at the time of the overlay inception, the property would have been included in the initial proposal.

Councilmember Clark asked if site plans would come before the Council. Mr. Mumford said most large projects would request a development agreement, and Council would work with the landowner in the development agreement process.

Mr. Cook said if the City cannot supply utilities, the City is not obligated to provide those. The project applicant would need to pay impact fees and fund the infrastructure upfront.

Mr. Pili explained that although some items within an RTI overlay do not go to the Council, staff cannot give incentives or waive fees without Council approval.

Councilmember Burnham asked about concerns regarding the Community Commercial being designated for other uses. Mr. Mumford said if data centers without many employees were to be developed in the area, the total amount of Community Commercial would not necessarily be needed.

Kristine Mikell with Enyo Renewable Energy said Enyo develops utility-scale renewable projects in Utah. She explained they have the property adjacent to Facebook under option. They would like to build a data center with solar and battery storage nearby to the south. She said they have been invited to respond to an RFP from one of the largest data center builder in the nation, and submitted this location to the request. She expressed the importance of the overlay in attracting data centers.

20. AGREEMENT – An Agreement for Partial Release of Restrictive Easement, Right of Entry and Right of Reversion between Eagle Mountain City and Vanguard Ranches Golf Course, L.L.C. and Vanguard Golf Management Group, L.C.

Councilmember Curtis asked why this item is a separate agreement, rather than an amendment. He also requested the agreement specify that additional development is no longer allowed on the property. Mr. Cook said this agreement only releases the restricted covenant, which is an exhibit to the main agreement. He said it was simpler to create this document, rather than amend the larger agreement. He explained a future council could authorize development, even if they add the restriction to development now, but a provision in the agreement could note the intent of the current Council to not authorize further development. Councilmember Curtis stated the desire to clarify that Council is following the intent of the original agreement.

Councilmember Clark asked what allows the funds to be spent from escrow. Mr. Cook said the agreement allows the release of funds to go towards improvements to holes, which is necessary for development.

Councilmember Clark asked what the recourse is if the event barn is not constructed. Mr. Cook said the City can hold the funds in the account until the event barn is built, but some of the funds will go towards a putting green, improving holes, constructing the event barn, and improvements to the existing clubhouse. He said the City's intent is to have the funds reinvested into the golf course in actual improvements, rather than used for payroll and operating expenses. Mr. Cook said he will draft additional provisions to be added during policy session.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

Mayor Westmoreland closed the work session at 6:20 p.m. City Council did not adjourn to a closed executive session.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. Stephanie Gricius was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; David Mortensen, Treasurer/Assistant Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Evan Berrett, Management Analyst; Jessica Alvarez, Human Resources Manager; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, Planner; Chris Trusty, City Engineer; Jeff Weber, Facilities Director; 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 Westmoreland called the meeting to order at 7:09 p.m.

5. PLEDGE OF ALLEGIANCE

Boy Scout Troup 1126 led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Turkey Trot** – Eagle Mountain City’s annual Turkey Trot walk/run will be held on Thanksgiving morning, November 22, with check-in starting at 7:00 a.m. and the event start at 8:00 a.m. at Wride Memorial Park. Entry is free. Pre-register at emcity.org/turkey.
- **City Offices and Library Closure** – The City offices and Library will be closed Thursday, November 22 and Friday, November 23 for the Thanksgiving holiday. The Library will also be closed on Saturday, November 24.
- **Christmas Village** – Eagle Mountain City’s free Christmas Village event will be held on Saturday, December 1 from 5:30-9:00 p.m. at Wride Memorial Park. Please note the location change this year from City Hall. There will be a tree lighting ceremony, Santa’s arrival on the fire truck, live reindeer, petting zoo, carriage rides, mini pony rides, holiday boutique vendors, carolers, and more! More info at emcity.org/events.
- **Eagle Mountain Symphony Orchestra** – The Eagle Mountain Symphony Orchestra will perform at Garden Near the Green on December 10 at 7:00 p.m. Santa will make an appearance. Visit eaglemountainarts.com for more info.
- **City Notifications** – We encourage residents to sign up for city notifications to be aware of public safety emergencies and stay informed about City news and events. Register at www.emcity.org/notifyme. Notifications can be received by email and/or text.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:16 p.m.

Jeff Ruth requested that Council require the Eagle Point Townhomes to meet Municipal Code. He also wanted to confirm that blasting will not happen in Glenmar Ranch Phase B, and requested the Council require the homes to connect to sewer.

Julie Muhlestien expressed concerns regarding the roads in the Eagle Point Townhomes. She said the existing road does not meet Municipal Code and the developer will not add additional roads. She would like to have an additional road placed.

Mayor Westmoreland closed public comment at 7:21 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Clark

Councilmember Clark thanked those in attendance. She expressed appreciation for City staff that helped during elections. She congratulated the Eagle Mountain Community Theater for their performance of Seven Brides for Seven Brothers, and announced that Handel's Messiah will be performed on Monday, December 3 at 7:00 p.m.

Councilmember Reaves

Councilmember Reaves thanked those who came to City Hall to vote, and those who were in attendance at the City Council meeting, specifically thanking the Boy Scouts.

Councilmember Burnham

Councilmember Burnham agreed with Councilmembers Clark and Reaves and thanked those in attendance.

Councilmember Curtis

Councilmember Curtis thanked Mr. Ruth and Ms. Muhlestien for their public comments. He said he is committed to getting the best outcome for the Eagle Point Townhomes. He thanked those in attendance, and those who voted.

Mayor Westmoreland

Mayor Westmoreland is proud of Eagle Mountain residents and City staff for sacrifices made on Election Day. He thanked all who participated.

9. APPOINTMENT

- A. Sally Blaser – Library Board

MOTION: *Councilmember Curtis moved to appoint Sally Blaser to the Library Board for a term of three years. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. The motion passed with a unanimous vote.*

CONSENT AGENDA

10. BID AWARD

- A. Mastic Mixer Kettle – Maxwell Products

11. BOND RELEASES

- A. Harmony A-1 – Into Warranty
B. Pony Express Townhomes – Into Warranty
C. Evans Ranch K-2 & F-2 – Out of Warranty
D. City Center Commercial Phase A, Plats 1 & 3 – Out of Warranty
E. Oquirrh Mountain Ranch Phase A, Plat 1 – Out of Warranty
F. Sunset Ridge Phase A, Plat 3 – Out of Warranty
G. Sweetwater Plat 5 – Out of Warranty
H. Oak Hollow Phase A, Plat 3 – Out of Warranty

12. CHANGE ORDER
 - A. Pony Express Canal Project – Knife River
 - B. Pony Express Widening Project – Knife River
 - C. 2018 Pony Express Parkway South Roadway Design – Sunrise Engineering
13. 2019 MEETING SCHEDULE
14. MINUTES
 - A. January 22, 2018 – Special City Council Meeting
 - B. July 17, 2018 – Regular City Council Meeting (Amended Minutes)
 - C. October 2, 2018 – Regular City Council Meeting
15. PRELIMINARY PLATS & SITE PLANS
 - A. Eagle Point Townhomes Site Plan & Preliminary Plat
 - B. Glenmar Ranch Phase B, Preliminary Plat
 - C. Sunset Flats Preliminary Plat
16. RESOLUTIONS
 - A. Renaming Sago Palm Drive to Aviator Avenue
 - B. Approving an Interlocal Agreement Amending and Joining Central Utah 911

MOTION: *Councilmember Reaves moved to approve the Consent Agenda, accepting the verbatim minutes as presented for item 14A, and removing items 15A and 15B to be placed as scheduled items for discussion. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

15. PRELIMINARY PLATS & SITE PLANS
 - A. Eagle Point Townhomes Site Plan & Preliminary Plat

This item was discussed after item 17.

Planner Tayler Jensen presented the proposal for Plat C. It contains 306 townhomes on 22 acres of land. He said a concept plan for Plat C was submitted with Plats A and B that showed a total of 390 units. That number included 306 that were not built and the 84 units in Plats A and B.

Mr. Jensen said a traffic study shows all study intersections operating at an acceptable level of service, except for the Pony Express Parkway and Eagle Mountain Boulevard intersection, which will require a signal and potential second lane in 2040. He said the project exceeds minimum parking requirements and exceeds park requirements. He explained the road lengths comply with connectivity code, but the connectivity score does not meet the Municipal Code requirement. He explained that Council can grant an exception in the case of topography, natural features, existing development, rail, and limited access roads.

Mr. Jensen said a second clubhouse is required and is being provided. He stated a second pool is required, but the applicant has placed amenities in a central location at the Planning

Commission's request. He explained that a 1,560 sq. ft. pool might serve the same intent as the Code, which requires a 1,000 sq. ft. pool for 250 units.

Mr. Jensen said Planning Commission recommended approval with the following conditions: additional articulation provided for the Ken Harris units, and additional architectural features for side units adjacent to public rights-of-way (architectural movement, not just a flat surface).

Councilmember Clark asked what changes could be made in order to meet Municipal Code. Mr. Jensen said additional links would accomplish that. The preferred road location is not feasible due to existing homes. He said there is an additional potential location, but would require removing a park and additional homes. He said other connections would be attached to private roads that are not up to City standards, or would lead into a commercial area.

Councilmember Clark asked if there is any way to meet the connectivity code score. Mr. Jensen said intersections could be removed within the project to manipulate the score in order to meet the standard. Councilmember Reaves asked if Fall Road and Skyline Drive could be connected to Eagle Mountain Boulevard. Mr. Jensen explained there are homes along Tumwater Lane, making that option impractical.

Councilmember Curtis asked if the traffic study stated the City could require mitigation. Mr. Jensen said the mitigation recommended by the study was to add a signal at Pony Express Parkway and Eagle Mountain Boulevard in 2040, or possibly add an additional lane in the roundabout. Mr. Jensen explained the traffic study also included surrounding development.

Councilmember Curtis asked if the applicant could add an additional lane to Eagle Mountain Boulevard on their property. He asked if impact fees were available to the City for this project, and expressed the need for mitigation.

Mr. Mumford said the specific mitigation factors act as impact fees. City Engineer Chris Trusty said the improvements could be added to the City's transportation impact fee schedule, as the mitigations are not needed until 2040. He said the City could create a reimbursement agreement to pay the developer back as impact fees come in.

Discussion ensued regarding the redesign of the entrance at Eagle Mountain Boulevard and the possibility of installing two separate entryways on the north and south end of the project. It was clarified that collector roads must have a minimum distance of 300 feet between entry points. Medians would also need to be removed to allow for traffic movement, but their removal would create conflicting left turns with vehicles traveling both directions on Eagle Mountain Boulevard. Staff and Council also discussed connecting private roads to Eagle Mountain Boulevard, but determined the private roads are not built to City standards.

Patterson Construction representative Scott Dunn stated they are happy to look at other options. He explained that the project already has preliminary plat approval, but they wanted to improve the product. He said they redesigned the project and the updated version has fewer units, larger townhomes, and garages in place of large parking areas. He said the traffic problem exists without additional development of the proposed plan; this project does not change the fact that the problem exists. He said impact fees apply, as the problem is offsite.

Mr. Mumford said staff could not find evidence of an approved preliminary plat, but did find a concept plan included with phases A and B. He said the concept plan showed a road heading south, which was closed off at some point in the past, but the older concept plan did not contain a road that has been planned for in the current proposal. Mr. Mumford said staff's opinion is the project does not have vested units.

Discussion ensued regarding the history of plans for Eagle Mountain Boulevard and Pony Express Parkway. Staff and Council also discussed required entry point distances for major arterial and minor arterial roadways, as well as other mitigation options such as right-in/right-out lanes.

Mr. Dunn said if private roads were to be connected to City roads, the developer would likely bring them to current standards, although that would require a redesign of those portions of the plan. He reiterated Patterson Construction is not opposed to looking at options.

Councilmember Clark said she appreciates the updated design, but connectivity is a concern to her. She also stated the larger pool is necessary for the project.

Councilmember Burnham asked if an additional entry to Eagle Mountain Boulevard could be added. Mayor Westmoreland confirmed with staff that the distances between entries could be viable.

Staff and Council discussed fencing versus open walking trails for children walking to school. Mr. Jensen clarified a fence is required by code.

Councilmember Reaves expressed concerns with curbside parking in the area. He said although the plan does meet parking standards, there are areas that may need to be red-curbed with "No Parking" signs installed. Mr. Dunn stated those options were discussed at a recent HOA meeting, but as the areas of concern are along City roads, they are unsure who has the right to implement those ideas. Mayor Westmoreland said staff is working on a code specific to curbside parking.

Councilmember Burnham asked if the applicants would like direction from Council, or if they would like to bring back other options at a later date. Mr. Dunn said they would like an approval subject to meeting connectivity code, and they are willing to work with staff to make connectivity work. Councilmember Curtis said he would be satisfied with that condition. He said his other concern was the units with sides facing Eagle Mountain Boulevard. Mr. Dunn said they agree and will redesign the units in such a way that they will have articulation.

MOTION: *Councilmember Burnham moved to approve the Eagle Point Townhomes Site Plan and Preliminary Plat with the following conditions: additional articulation is provided for Ken Harris units; additional architectural features are provided for side units adjacent to public rights-of-way; the pool size is increased to 1560 square feet; and the project meet connectivity code by adding an access onto Eagle Mountain Boulevard. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. The motion passed with a unanimous vote.*

B. Glenmar Ranch Phase B, Preliminary Plat

This item was discussed after item 18.

Planning Manager Mike Hadley presented the preliminary plat, which includes 45 lots on 56.84 acres with a density of 0.79 units per acre.

Mr. Hadley said Planning Commission was concerned about a proposed relocation of a collector road. The applicant has proposed to move the road to the north to connect with Pony Express Parkway at the intersection with the LDS church site.

Mr. Hadley said the applicant has requested to be approved for septic tanks, as connecting to the City sewer system would require a lift station.

Councilmember Clark asked if the recommendations required by the rezone approval had been met. Mr. Hadley explained the applicant did a slope study specific to each lot, and no blasting is planned other than potential light blasting for the road. Councilmember Curtis confirmed with staff that each lot is below a 25% slope.

Councilmember Reaves asked if the recent Municipal Code amendment would require the project to connect to sewer.

Councilmember Curtis said Council intended this development to have septic tanks, but the new Municipal Code regarding connection to City sewer could override that intention. He asked if a 300-foot buffer could be placed north of the one-acre lots to avoid the requirement of connecting to sewer. He said existing homes in the area have septic tanks, and he believes this project to be a continuation of that development. He asked the location of the existing sewer line, and asked if homeowners would not need to connect to sewer until existing septic tanks fail. Mr. Mumford confirmed that is correct.

Mr. Trusty said there are potential areas for well sites, such as Hidden Valley, which would need to be included on the master plan. He said the Hidden Valley location would not be affected by septic tanks in the proposed plan.

Mr. Hadley confirmed all lots in the plan are a minimum of one acre, and that the lots are within 1320 feet of a sewer line. Mr. Mumford explained the Municipal Code as it relates to the 300-foot requirement. If a septic tank fails on a property that is within 300 feet of a sewer line, the property owner must connect to the sewer system. He said section A of the plan should not be an issue with regards to sewer, as it slopes down towards Pony Express Parkway.

Discussion ensued on costs associated with connecting to sewer systems and constructing and operating lift stations.

Councilmember Curtis asked if staff had a preference in the road location. Mr. Trusty said alternate option one is more buildable as the grades are lower, it aligns with Oquirrh Ranch Parkway, and it creates the quickest route to a major collector road. Mr. Trusty said they would like to model roads with better east/west connectivity and this option provides that. He said this change is not significant enough to affect the General Plan. Councilmember Clark confirmed that the alternate does not remove the existing home.

Mr. Mumford stated the alternate option two is better if the desire is to move traffic south from Hidden Valley. He said that option does not align with any collector road currently planned for the west side of Pony Express Parkway.

Discussion ensued on rights-of-way widths and the portion of paved area within the rights-of-way.

Steve McCleery, the applicant representative, said they prefer alternate option one as it connects to Pony Express Parkway by the LDS chapel. He said alternate option two would require a redesign, and the applicant would need to work with SITLA and Ivory Homes. It would also create a road through the ridgelines that they are planning on preserving. He said the density is higher to the north of the plan, so a collector road is better choice in that area, versus within the one-acre lots in the proposed plan. He stated alternate option two did not fit well with the planned 77-acre preserve area.

Mr. McCleery said they have worked with City staff to ensure septic will not harm the community. He explained a study shows the Hidden Valley well is a high producing well, and deeding the preserve will offer 33 acres of well options near Hidden Valley.

Mr. McCleery explained they have requested approval of septic tanks as the current eleven lots have them. He said the lift station would create a cost-prohibitive plan to offer one-acre lots; they would need to develop higher density. He explained if sewer connection is required, the current eleven lots would be an island surrounded by higher density housing and could cause contention, as those homeowners bought in to a certain type of neighborhood.

Councilmember Curtis asked if there is a plan to grade the entire area for lot development. Mr. McCleery said they are building in such a way as to preserve the natural landscape as much as possible; this is the reason they have evaluated each lot individually. He reiterated there are no plans to blast.

MOTION: *Councilmember Burnham moved to approve the Glenmar Ranch Phase B Preliminary Plat, choosing alternate option one for the road alignment, requiring the road be 77 feet wide, and allowing for the exception to connecting to sewer based on the fact that the lift station makes the connection to sewer cost-prohibitive. Councilmember Curtis seconded. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. The motion passed with a unanimous vote.*

Maryanne Smith thanked the Council for keeping an area open with connection to the natural areas of the City.

17. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Renaming Lake View Estates Park to Rodney Chase Allred Memorial Park.

This item was discussed before Item 15A.

Ms. Kofoed said Steve Allred, the owner and developer of Lake View Estates, has requested that the park located in Lake View Estates be renamed to honor three generations of Rodney Chase

Allred. Rodney Chase Allred III, Steve Allred's brother, died during the final construction of the development.

Steve Allred asked that the park be renamed in the honor of his great grandfather, father, and brother. He said the development of Lake View Estates has fallen to him, now that his brother has passed. He said his brother, who passed away in March 2017, was a faithful man, along with his father and great grandfather. He expressed the great honor it would be to have the park named in memoriam.

Mayor Westmoreland read the resolution renaming Lake View Estates Park to Rodney Chase Allred Memorial Park.

MOTION: *Councilmember Curtis moved to adopt a resolution of Eagle Mountain City, Utah, renaming Lake View Estates Park to Rodney Chase Allred Memorial Park. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. The motion passed with a unanimous vote.*

PUBLIC HEARING

18. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 320 Acres to a Regional Technology and Industry Overlay Zone.

A. Olympus Land Project – 320 acres (parcels 59:057:0002 & 59:029:0002)

This item was discussed after 15A.

Mr. Mumford explained staff and Council have created the Regional Technical and Industry (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 proposed ordinance rezones approximately 320 acres to an RTI Overlay Zone. The Olympus site is located south of the wastewater treatment plant and east of the Facebook project.

Mr. Mumford said Planning Commission expressed concerns about the northwest corner of the site, which is designated as Community Commercial on the General Plan, being lost as a potential site for commercial development. He said it is currently zoned as Agriculture, and would remain so with the overlay. He said if the property were to be rezoned as Industrial, it would be open to all other uses approved within the Industrial zone, including "dirty" industrial.

Mr. Mumford said the proposed uses fit within the RTI parameters. He stated the rezoning criteria for approval are compliance with the General Plan, compatibility determination, impact on City services, traffic generation, and property values. He explained the parcels are located within the Tech Campus neighborhood, and the future land use designation is Business Park/Light Industry, and Community Commercial, so the rezone complies with the General Plan. As the only development on adjacent property is a data center, it is a compatible use. The proposed rezone is not anticipated to place any burden on City services, as oversized utilities and services are being constructed to the Facebook site. Data centers are not high traffic creators, and it is not anticipated that the rezone would create significant traffic. The rezone is not expected to have a negative impact on property values.

Mayor Westmoreland opened the public hearing at 8:28 p.m. As there were no comments, he closed the hearing.

Councilmember Curtis asked if it was imperative for the Community Commercial section to be included in the RTI overlay area.

Enyo Renewable Energy representative Kristine Mikell said it is important to maintain the option of four data center sites. She stated since the site is still a conceptual plan, she cannot confirm what it will hold in the future. She explained if they found it was feasible to add commercial development, they would be interested in looking into that option, although they would need to rezone that section to Commercial.

Councilmember Curtis expressed concern that other landowners will apply for an RTI overlay and develop those business types in the areas designated as Community Commercial on the General Plan. Mayor Westmoreland said there are other areas that can be used to make up for the loss of Community Commercial on this site.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah, rezoning approximately 320 acres to a Regional Technology and Industry Overlay Zone. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. The motion passed with a unanimous vote.*

PUBLIC HEARING

19. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Second Amendment to the Fiscal Year 2018-2019 Annual Budget.

This item was discussed after item 15B.

Mr. Mortensen presented proposed amendments to the FY 2018-2019 budget, to include expenditures for the General Fund, Capital Projects Fund and the Impact Fee Fund. He explained that at the end of FY18, the General Fund balance had \$1.75 million over the allowed limit, which was transferred to the Capital Projects Fund.

The General Fund changes include \$15,000 for website updates. Half of the expense is for photography, and the other half is for an increase in the website base cost. A buffer of \$5,000 has been included in case there are changes in the costs.

Mr. Mortensen said the Facebook project has more than doubled the commercial inspection costs. The City contracts with West Coast Code Consultants to perform inspections. The typical annual expense is \$130,000, but the City has gone \$170,000 over that budget. Staff has requested an increase to \$300,000, and explained that it may need to be increased at a later time, if more development takes place. Mr. Mortensen clarified that permit fees cover the cost of the inspections.

The additional compliance officer is needed for commercial and developer oversight. The full-time benefited position would help oversee storm water pollution prevention and mining operations.

The final General Fund amendment of \$1,900 is to be used for a community art project. The funds would purchase 150 birdhouse kits for residents to build and decorate, and place them in a designated park or at their home. This would be an annual function for the Arts Alliance, but the City is not expecting any ongoing costs associated with the project. The Arts Alliance would take over project management.

Management Analyst Evan Berrett explained this is a prelude to a larger public arts program. The public arts program will be presented to Council at a later date.

Councilmember Curtis clarified with staff that the intent is to have the public manage the program; the City will not fund the program annually.

Discussion ensued on potential events surrounding birdhouse placement, as well as sponsors for future costs.

Mr. Mortensen said the Wride Memorial Park amendment is to pay for completed projects that were approved in FY18, but not yet paid for.

The City entrance wayfinding design was \$55,000, which is covered by the transfer from the General Fund to the Capital Projects Fund.

The Capital Projects Fund amendment of \$120,000 is for restrooms at the rodeo grounds that can be shared with the cemetery and skate park. Mr. Mortensen explained that \$240,000 was allocated to build four park restrooms from the utility sale proceeds, but only three were built with those funds. He stated at the time of construction, a two-stall restrooms cost \$80,000. He said the Pony Express Events organization will assist with construction in order to build a ten-stall restroom for \$120,000.

Mr. Mortensen said the proposed increase of \$195,000 for impact fees is related to the Valley View water tank. He clarified that impact fees are paid to the City and then those funds are used for reimbursements.

The final three amendments are related to wastewater, storm water, and transportation in City Center. Mr. Mortensen explained the amounts are budgeted in different line items, as there has been a change in the developer receiving the reimbursements. New line items are being created in order to keep the accounting separate from the previous entity.

Mayor Westmoreland opened the public hearing at 9:30 p.m. As there were no comments, he closed the hearing.

Jared Gray of Pony Express Events explained a member of the committee will provide the general contracting for construction at no cost. He said \$90,000 is remaining from the allocated funds to build the restrooms. The restrooms will be within the fenced area on the rodeo grounds, but the gates are never locked, so they will be available to visitors at the cemetery and skate park.

Discussion ensued on maintenance responsibility. Mr. Pili confirmed maintenance of the restrooms will be the City's responsibility.

Ms. Kofoed clarified that the City's procurement process must be followed for the expenditure of any public fund, so the committee will need to contact staff before making any construction purchases.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, approving the second amendment to the fiscal year 2018-2019 annual budget. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. The motion passed with a unanimous vote.*

20. AGREEMENT – An Agreement for Partial Release of Restrictive Easement, Right of Entry and Right of Reversion between Eagle Mountain City and Vanguard Ranches Golf Course, L.L.C. and Vanguard Golf Management Group, L.C.

Mr. Cook explained this agreement coincides with the preliminary plat for development on the golf course. He said the proposed agreement removes a restrictive easement, right of entry and right of reversion that were recorded in conjunction with The Ranches Golf Course Purchase Agreement. Vanguard was approved to develop certain lots on the golf course property and the City agrees to the partial release, identified in the agreement, if the proceeds from the sale of the released property are used to construct an activity barn, improve the existing clubhouse, and improve other golf course facilities.

Councilmember Curtis said the addition provided by Mr. Cook that states, "It is the understanding and intent of the Parties that the City will not release any additional development property from the Restrictive Easement pursuant to Section 9.2 of the Purchase Agreement," meets Council's intent that future development is not permitted.

Councilmember Clark asked what the escrow funds can be used for. Mr. Cook said the intent is to utilize a portion of the funds this fall to begin improvements around the lots, and to build tee boxes.

MOTION: *Councilmember Curtis moved to approve the agreement for partial release of Restrictive Easement, Right of Entry and Right of Reversion between Eagle Mountain City and Vanguard Ranches Golf Course, L.L.C. and Vanguard Golf Management Group, L.C. with the addition of numbered paragraph four which states, "It is the understanding and intent of the Parties that the City will not release any additional development property from the Restrictive Easement pursuant to Section 9.2 of the Purchase Agreement." Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. The motion passed with a unanimous vote.*

21. AGREEMENT – First Addendum to the Settlement Agreement between Goldsworth Real Estate and Eagle Mountain City.

Mr. Cook said the proposed settlement agreement addendum allows Goldsworth to retain large pieces of excavated rock materials on its property to be utilized for the purpose of landscaping and retaining walls. He explained the addendum does not pertain to other items in the agreement that Goldsworth may not have met.

Councilmember Clark said she does not feel comfortable allowing this change, as Goldsworth has not met other parts of their agreement.

Councilmember Curtis said Goldsworth was supposed to be finished with their project by October 30, and the City can now clean the area at Goldsworth's cost.

Mr. Trusty said Goldsworth representatives have said they want to retain the large rocks for retaining walls, and the smaller aggregate for backfill behind the retaining walls. He believes they may also want to use the aggregate for trenches.

Councilmember Curtis asked if the City could assess fines, as the project is not complete and the agreement terms have not been met.

Councilmember Burnham said she is not opposed to Goldsworth using the material onsite, but they should have requested the amendment before the agreement deadline passed. She said the agreement needs to be met before approving the amendment.

Councilmember Clark agreed that Goldsworth has been given enough time, and needs to be put on notice that they are not in compliance. She said the State reclamation bond for that area can be used to clean up the area if it is not done to the City's satisfaction.

Councilmember Curtis asked if the boulders are onsite due in part to the City requiring the applicant to be in compliance with retention. Councilmember Clark said the amendment to Municipal Code regarding retaining walls was passed in the summer, so Goldsworth has had time to come to Council with this request. She expressed concerns regarding the safety fence at the top of the wall.

Councilmember Curtis asked if they can put the applicant on notice that fines are now being accrued and table the request. Councilmember Clark said the fine is only \$1,000 per violation, not \$5,000 per violation as discussed in January. She stated she would like to give Goldsworth a few days to bring the property into compliance, and accrue fines at that point if it is not.

Councilmember Curtis said the City needs to start enforcing its side of the agreement.

Councilmember Burnham said if the City requires compliance before agreeing to the amendment allowing them to keep the boulders, the boulders will be removed.

Councilmember Curtis said an option could be to approve the agreement with a specific timeline to bring the property into compliance. If they do not comply by the designated time, the City can hire a company to clean the property and charge Goldsworth.

Councilmember Clark stated Goldsworth was told in January and an agreement was signed February 6, 2018, that set a date of completion. She said they can give the applicant until next Tuesday to bring the property into compliance, and assess fines at that point if it is not.

Councilmember Burnham said the boulders will remain in place if they are to be used for retaining walls, so requiring compliance now would not allow them to build the retaining wall with those boulders. Councilmember Clark agreed that allowing Goldsworth to use the boulders is good, as it will lower the truck traffic.

Mr. Trusty said much of the material onsite is specifically for retaining wall construction. Removing that material now would cause them to use more trucks to bring rock back to ensure the structural soundness of the wall.

Councilmember Clark reiterated the rock wall code was in place last summer, and the applicant has known of the date of compliance since January. Councilmember Curtis expressed similar concerns regarding allowing the applicant to have more time, as they have not met agreement terms.

Councilmember Burnham suggested the City begin assessing fines in three or four days; to avoid fines, the rock walls need to be built quickly. Councilmember Clark agreed with that option. She said the completion date of October 30 gave Goldsworth 296 work days to complete the project. The estimated number of work days needed was 90 days.

Mayor Westmoreland asked staff to estimate the number of days needed to construct the retaining walls.

Councilmember Clark said Goldsworth had 90 work days to complete the cleanup, so they have had an additional 206 work days to build the walls. Councilmember Curtis said he believed the intent was that the cleanup would be completed by June. He said rather than view the item through punitive lenses, he prefers to choose the best outcome. He expressed concern that if the City pays to clean up the area, Goldsworth will not reimburse the costs. Councilmember Clark said the State holds the reclamation bond, so the City does not have risk.

Councilmember Clark said she would like to have a firm position assessing fines for noncompliance at a certain date, and be open to Goldsworth offering a clear plan for completion to negotiate stopping the fines. She explained this would show a good faith effort on Goldsworth's part, which has not been seen yet.

Mr. Cook said the applicant has provided information on what is required to complete the project. He stated the proposed agreement is the first step in Goldsworth becoming compliant. He said the intent is to have an agreement on the next City Council meeting addressing Goldsworth's plan for the remaining material. He explained they need material for future next phases, and the agreement does not disallow them from using this material onsite. He said it does not make sense to haul material offsite, only to then haul it back onsite. He said they may be able to move the material piles to areas not as visible to residents, and bring back an updated agreement on December 4.

Councilmember Clark said Mr. Cook's information is good counsel, but Section 3 in the agreement regarding penalties for violations specifically speaks to the expectation that the material is removed. She stated they have had ample time to move the material to another area on their property.

Mr. Cook said it can be clearly communicated that the City is not waiving the fines for being out of compliance, and can talk with Goldsworth onsite to state exactly what the City believes to be violations. They can either immediately become compliant, or risk Council enforcing the penalties starting on October 30. The agreement does not require the City to give notice that fines are being assessed. Mr. Cook counseled staff to meet with the applicant onsite to see specifically what materials are addressed in the agreement, and discuss remedies.

Councilmember Burnham said she is more comfortable making it clear the City is not waiving the right to assess fines as of the date of violation.

Mr. Trusty clarified the locations of future phases.

MOTION: *Councilmember Burnham moved to table the Agreement - First Addendum to the Settlement Agreement between Goldsworth Real Estate and Eagle Mountain City. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. The motion passed with a unanimous vote.*

22. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Curtis

Councilmember Curtis said the Library Board will approach the Council to request to continue the fine free program, indefinitely. He said the funds lost are nominal, but items are being returned that would not otherwise be.

Councilmember Burnham

Councilmember Burnham said the Senior Citizens Advisory Board functions very well.

Councilmember Reaves

Councilmember Reaves said the Youth Council has not been meeting consistently. He said it has been difficult to meet with the Council, as he does not find out about meetings until the day before or the day of. He said he is working with them to schedule the meetings at least one week in advance.

Councilmember Clark

Councilmember Clark said the Planning Commission meetings have been going well. She said the "Nothing but Networking" meeting held by the Eagle Mountain City Chamber of Commerce went well.

Mayor Westmoreland

Mayor Westmoreland said he went with the senior citizens and Mortensen Construction employees and delivered twenty-four Thanksgiving meal baskets to residents. He stated United Fire Authority's previous chiefs had issues, and the Attorney General decided not to prosecute. He said the board discussed whether civil action should be taken, and the board determined a civil suit was not a good use of funds. He read the following statement from the UFA Board:

As outlined by the State Auditor's office, we believe that Former Chief Mike Jensen clearly abused his role as the CEO of this organization and took advantage of the authority provided to the position by the Board of Directors. We believe he used his position as UFA Chief, as well as other political positions he held, including being a member of the Salt Lake County Council, to manipulate the UFA/UFSA boards for personal gain. We believe that had he not held those other positions he would have never been appointed as Fire Chief.

This, combined with a failure of the past UFA legal counsel, contributed to the Board entering into a resolution and later a separation agreement that benefited Jensen through deception and limited the Board's ability to seek recompense.

However, after discussion with outside legal counsel, we have determined that the cost to recover the misappropriated funds would be an additional cost to the public's money with small chance of success as reflected by the Attorney General's decision to not prosecute. Due to this, legal action will not be pursued.

The Board of Directors takes responsibility for the poor choice in hiring and continuing to employ Jensen as the Fire Chief and for the loss of public funds that occurred as a result of his hiring.

We have taken steps to ensure this never happens again and have addressed the audit findings and established Board policies that provide a clear line of authority between the Board and its CEO. Today, the UFA has an effective Fire Chief/CEO, a detailed transparent budget, a strategic plan, and an engaged, healthy "trust but verify" culture on the Board of Directors.

Signed and agreed upon by the joint UFA/UFSA Board of Directors

Mayor Westmoreland said he traveled to Fort Worth to talk to their city representatives regarding the Facebook data center in their community. He said the trip verified what Eagle Mountain knows: Facebook is a good community partner. He visited the facility and learned they have kept construction crews onsite from day one and are currently in the final build with five sites.

23. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Curtis asked for an update regarding the transportation tax from the UTA Board. Mayor Westmoreland said Utah County is not supportive of the tax, and have pushed the decision on the tax to next year. Mayor Westmoreland said the City is not required to implement the tax, but it is still undecided. He said there are differences of opinion between the State and the County.

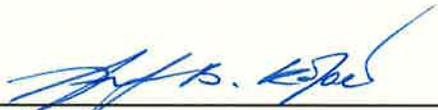
24. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

25. ADJOURNMENT

MOTION: *Councilmember Reaves moved to adjourn the meeting at 10:18 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on December 4, 2018.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

December 4, 2018

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 Pro Tem Stephanie Gricius, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. Mayor Tom Westmoreland was excused.

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

Mayor Pro Tem Gricius called the meeting to order at 4:04 p.m.

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

A. DISCUSSION – Tree Stewardship Ordinance

Management Analyst Evan Berrett presented a proposed future ordinance regarding tree stewardship. The purpose of the ordinance is to effectively maintain public trees, to plan for a robust tree canopy as the City grows, and to become eligible for tree grants. One reason the ordinance is being drafted is that the City does not have the manpower to maintain trees within all park strips. As designated by the proposal, City trees are those specifically in parks, on City property, and those in park strips maintained by the City. Hazard trees are those that are a danger to persons or property. An Urban Forester is a City employee who is a certified arborist, and is charged with ensuring the provisions of the ordinance are carried out. Heritage trees are trees with special significance to the community for historical value, unique size, species, or other factor. The ordinance is limited to public trees and does not cover trees on private property, except when safety is an issue.

The ordinance states the City would maintain City trees, removing and replacing diseased or dying trees. The City would also remove and replace hazard trees. Residents would be required to water and fertilize trees in park strips that abut their property, protect park strip trees from damage, remove fallen limbs or limbs obstructing visibility of traffic signals and signage, and rake and dispose of leaves.

The ordinance states within new developments, trees should stay in place, if possible. If not possible, trees are to be relocated under the supervision of the Urban Forester. If relocation is not feasible, the Urban Forester can issue a replacement fee based on third-party appraisal.

Property owners would be required to sufficiently maintain trees so they do not become hazard trees; if a tree becomes a hazard tree, the property owner will be required to remedy the situation. The City will generally not take action on hazard trees unless risk to life, safety or property exists. When necessary, the City will provide the property owner notice of impending action with ten working days to appeal. No action will take place until 28 days after a notice is given. If nothing is done to remedy the hazard tree and action must be taken, the City will take appropriate action and the property owner risks being fined the cost to correct the hazard tree issue.

Councilmember Clark asked if the appealing authority is the same person as the one assessing the fine. Councilmember Reaves stated the arbitration process should have a neutral party. Parks and Recreation Director Brad Hickman explained the City may use a third-party to arbitrate, if needed. He said options for an arbitrator include Utah State University Extension, another Urban Forester, or an organization that audits trees. Council directed staff to bring back options for the third-party arbitrator.

Discussion ensued on types of hazard trees and potential processes to remove hazard trees located on private property. Mr. Berrett clarified that in rare cases, the Urban Forester would remove hazard trees from private property in response to public safety issues, such as roots interfering with sewer or water lines.

Councilmember Burnham expressed concerns with residents being responsible for park strip trees. She explained it would be difficult to prove which resident damaged trees in open park strips. She also stated she did not want to require residents to maintain trees they did not plant, but approves of requiring residents to maintain trees they have planted.

Discussion ensued on manpower required for maintenance of trees. City Administrator Ifo Pili explained other municipalities have full crews to maintain trees, and some municipalities charge tree fees to residents. He said he does not want to set a precedent that the City will maintain all trees within the City.

Councilmember Curtis asked how the ordinance and penalties would be communicated to residents, and how the City would enforce the ordinance.

Councilmember Clark said trees can cause costly issues with sidewalks and roads, and asked if the ordinance would address that issue. Mr. Hickman said the ordinance can include a tree guide that determines the area required for specific tree types. He expressed the importance of educating the public once the ordinance is in place.

Mr. Berrett stated the requirements to be designated as a Tree City USA include having an Urban Forester on staff, having funds dedicated to tree maintenance, and proclaiming Arbor Day annually. He explained the initial \$8,000 annual grant from Tree City USA could be used to purchase fruit trees for residents to plant on their properties.

B. DISCUSSION – Lake View Estates Fencing

This item was removed at the request of Steven Allred, one of the property owners.

2. AGENDA REVIEW

9. ALTERNATIVE FENCE DESIGN

A. Flagship Homes Residential Privacy Fencing

Bronson Tatton with Flagship Homes presented an alternative fencing product to replace the wood fencing along SilverLake Parkway, south of Tickville Wash. He said a small section was installed along SilverLake Parkway for Council to view.

Councilmember Curtis asked if vinyl fencing has been approved for use along arterial collector roads. He also asked for staff's opinion regarding allowing vinyl fencing.

Community Development Director Steve Mumford stated white vinyl fencing has been approved in Spring Run. He said he personally likes the look and maintenance of the fencing proposed, compared to wood. However, he expressed concerns regarding its durability.

Brett Frampton with Best Vinyl explained that the fence contains metal throughout to add to its stability. The 30-year warranty covers wind damage, up to 110 mph. He said this product is installed throughout the local area, and he has not had to replace any sections in Eagle Mountain or Saratoga Springs. He said if the fence is damaged by wind, they will repair or replace it, but if the fence is hit by another object such as a trampoline, the damage is not covered under the warranty.

Councilmember Curtis asked what Advanced Community Services' opinion is. Mr. Tatton said he has not spoken with Advanced Community Services yet. He stated this product is more durable and is more consistent in appearance than wood fencing.

Discussion ensued regarding repairs versus replacements, and costs of both.

Councilmember Reaves asked if allowing this product will give Best Vinyl an unfair advantage. Mr. Frampton explained this product is not manufactured by Best Vinyl, and other companies can install it, as well.

Councilmember Clark and Mayor Pro Tem Gricius stated vinyl fencing already exists along Pony Express Parkway and Eagle Mountain Boulevard.

Councilmember Curtis asked if staff can set a standard of what the City considers premium vinyl fencing. Mr. Frampton said the installation gives the fence its quality and durability, rather than the actual vinyl fence product.

11. BID AWARDS

B. Wastewater Impact Fee Facilities Plan and Impact Fee Analysis – JWO Engineering

City Engineer Chris Trusty stated this is a necessary update to the Wastewater Impact Fee Facilities Plan.

12. CHANGE ORDER

A. 3.5 MG Tank Design Services – Sunrise Engineering

Mr. Trusty stated the City contracted with Sunrise Engineering for water tank design. Staff determined the design should combine the overflow from the existing tank to the new tank, but the

system does not have the needed capacity. He explained the storm drain system in that area needs to be upgraded to accommodate the overflow.

14. PRELIMINARY PLAT & SITE PLAN

A. Eagle Vision Site Plan & Preliminary Plat

Planning Manager Michael Hadley presented the site plan and showed Council the location of the 43-foot land dedication area for future right-of-way use.

Councilmember Curtis confirmed a 20-foot rear setback is in place on the lots in the Oak Hollow subdivision, as well as an additional 10-foot buffer on the Eagle Vision site. Mr. Hadley stated a fence is in place along the property line, and the homes are higher in elevation than the Eagle Vision site, so screening of light between the sites is adequate.

Mr. Mumford explained the Master Development Agreement between the City, Fieldstone Homes, and the property owner of the Oak Hollow subdivision specified that 43 feet along Pony Express Parkway would be required for dedication. He explained the City is in discussions with the property owner regarding how to acquire the property and to determine value of the land. He said Council can allow Eagle Vision to develop on this site, and parties to the Master Development Agreement will come to a decision regarding the land dedication costs in the near future.

15. RESOLUTION

A. Policies and Procedures Manual – Paid Time Off Conversion

Councilmember Burnham confirmed with staff that no changes had been made since the previous City Council meeting when Paid Time Off was discussed. City Recorder Fionnuala Kofoed explained the draft Policies and Procedures Manual in the packet shows Paid Time Off in place of vacation and sick time.

16. AGREEMENT – Third Addendum to the Eagle Mountain City Rodeo Grounds Operation, Management and Lease Agreement.

City Attorney Jeremy Cook stated this addendum extends the term of the agreement, and gives the City a one-year termination clause. He explained this agreement has been in place for a number of years, and staff wanted to ensure Pony Express Events has the ability to begin planning events for 2019.

Mr. Cook explained an agenda item can be brought to a future City Council meeting to address the restroom construction and maintenance. He said there may be an issue regarding utilizing the general contractor Pony Express Events wanted to provide for construction. He explained staff needs to ensure City procurement processes are followed. Mr. Pili said staff is working on aligning the construction and City procurement processes.

Mr. Pili stated the maintenance of the restroom would be the City's responsibility; however, during the Pony Express Events activities, they would be responsible to clean the facility. Mr. Cook explained an addendum would not necessarily be required to define restroom maintenance during Pony Express Events activities. He stated Pony Express Events would acknowledge the need to clean the restrooms during their events, if they want the City to keep the facilities open.

Pony Express Events representative Jared Gray stated he hoped to receive a 25- to 99-year lease. He expressed concerns regarding costs of utilities, police protection, emergency medical services, trash service, post-event cleanup services, maintenance of the grounds, and the tractor lease. He also expressed concerns regarding restrictions to the committee's association to the City, and the one-year termination clause, as he would prefer a three-year termination clause. He stated he did not feel the City should require 30-day advance written notice for events, as the rodeo is always on Memorial Day weekend.

Ms. Kofoed stated the written notice requirement addresses previous communication issues between Pony Express Events and the City. She stated a written notice such as an email is needed for City records, and is needed in order to avoid conflicts with City events and to approve Pony Express Events' proposed activities.

Mr. Cook stated that any event over 250 people requires written authorization from Ms. Kofoed, the City Administrator's designee. He explained this policy allows the City to determine if events are appropriate for the venue, and gives the City the ability to not allow events due to concerns such as risk, insurance, or suitability.

Mr. Pili explained the City does not want to commit to providing or paying for services such as emergency medical and police without knowing what the events are, and what the costs to the City would be. He said the City does not know the year-to-year costs of the tractor leases, or if the City will own or lease equipment in future years.

Ms. Kofoed stated that had staff known of Mr. Gray's concerns prior to the meeting, they could have been addressed. She explained the intent of the addendum was to allow Pony Express Events to operate in 2019.

Councilmember Burnham expressed her preference that the agreement contain all changes, versus being handled in multiple addendums. Ms. Kofoed explained the option of granting the extension now, with other details to be worked out in a later agenda item. Mr. Gray said he was comfortable with that option.

Mr. Cook stated staff can discuss the newly presented concerns and come back with an updated agreement. He explained the restriction on Pony Express Events' City association is to address concerns regarding liability; the applicant is a lessee of the City and is not acting as the City.

Discussion ensued regarding fire, police, and emergency medical services. Chief Sheriff's Deputy Eric McDowell explained the City previously used the Utah County Sheriff's Office Work Diversion program for cleanup. The events are now out of the scope of work that the program did on a pro bono basis in the past.

Mr. Gray stated the City pays for cleanup after soccer games. Mr. Pili explained the soccer organization fees paid to the City cover that cost.

Councilmember Burnham said Pony Express Events needs to enter agreements with contractors that extend up to three years. She stated if the City cancels the agreement, the committee is still obligated to pay for those contracts.

Discussion ensued regarding the agreement termination process. Ms. Kofoed advised Pony Express Events to retain an attorney to ensure their contracts are protected and include termination clauses.

Council agreed that a 10-year contract with a 3-year termination clause is reasonable.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

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

The meeting was adjourned at 5:55 p.m.

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

4. CALL TO ORDER

Mayor Pro Tem Gricius called the meeting to order at 7:04 p.m.

5. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1028 led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Eagle Mountain Symphony Orchestra** – The Eagle Mountain Symphony Orchestra will perform at Garden Near the Green on December 10 at 7:00 p.m. Santa will make an appearance. Visit www.eaglemountainarts.com for more info.
- **City Offices & Library Closures** – The City offices and Library will be closed from Noon until 4:00 p.m. on Thursday, December 6 for an employee activity.
- The City offices and Library will also be closed December 24 and 25 for the Christmas holiday, and January 1 for New Year’s Day. Additionally, the Library will be closed on Saturday, December 22 and will close early, at 5:30 p.m. on Monday, December 31.
- **Theater Auditions** – Eagle Mountain Community Theater, part of the Eagle Mountain Arts Alliance, will be holding auditions on January 4 and 5 for a production of Shakespeare’s Twelfth Night. A link to sign up is available on the EMAA website at www.eaglemountainarts.com.
- **City Notifications** – We encourage residents to sign up for City notifications to be aware of public safety emergencies and stay informed about City news and events. Register at www.emcity.org/notifyme. Notifications can be received by email and/or text.

7. PUBLIC COMMENTS

Mayor Pro Tem Gricius opened public comment at 7:07 p.m.

Ben Stanley, an attorney from Lehi and former Pleasant Grove City Councilman, stated he was nominated by Utah County to serve on the Utah Transit Authority Board of Trustees. He

explained his background and expressed his interest in serving as the Utah County representative on the board.

Jeff Ruth expressed support for the amendment to the Eagle Mountain City Rodeo Grounds Operation, Management and Lease Agreement. He said he would like to have a magistrate in place to enforce parking rules, and would also like the sidewalks to be cleared of snow and ice.

Mayor Pro Tem Gricius closed public comment at 7:13 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Clark

Councilmember Clark thanked the event staff for organizing the Christmas Village. She said she is grateful for the hard work put into the event, and wished residents a merry Christmas.

Councilmember Reaves

Councilmember Reaves also thanked the event staff. He said growth has allowed for more community involvement, and expressed appreciation for those in attendance, especially the Boy Scouts.

Councilmember Burnham

Councilmember Burnham also thanked event staff and said her grandson enjoyed the Christmas Village. She said the event was wonderful.

Councilmember Curtis

Councilmember Curtis thanked those in attendance, and expressed appreciation to Jeff Ruth for frequently attending City Council meetings and providing comments. He asked Mr. Stanley for his opinion regarding the ¼ percent tax increase, and Eagle Mountain City's bus service.

Mr. Stanley said Mountainland Association of Governments and Utah County Council of Governments are holding a meeting to discuss the tax increase. He explained the State Legislature has given incentives to support the increase, but he cannot advocate for the increase until a Utah County representative is selected for the board. He said residents would like more transportation services, but those service increases come with additional expenses. Regarding bus service in Eagle Mountain City, he said he would like to see commitments honored. He committed to utilizing Utah Transit Authority services, if appointed, and stated transit services need to be dependable and competitive for users.

Mayor Pro Tem Gricius

Mayor Pro Tem Gricius welcomed those in attendance and wished residents a merry Christmas.

CONSENT AGENDA

9. ALTERNATIVE FENCE DESIGN

- A. Flagship Homes Residential Privacy Fencing

10. BOND RELEASES

- A. Heatherwood Phase 3 – Into Warranty
- B. Eagle Point Townhomes Plat A – Out of Warranty

11. BID AWARDS
 - A. Wastewater Impact Fee Facilities Plan and Impact Fee Analysis – JWO Engineering
 - B. Solid Waste Management – Ace Disposal
12. CHANGE ORDER
 - A. 3.5 MG Tank Design Services – Sunrise Engineering
13. MINUTES
 - A. November 20, 2018 – Regular City Council Meeting
14. PRELIMINARY PLAT & SITE PLAN
 - A. Eagle Vision Site Plan & Preliminary Plat
15. RESOLUTION
 - A. Policies and Procedures Manual – Paid Time Off Conversion

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

SCHEDULED ITEMS

16. AGREEMENT – Third Addendum to the Eagle Mountain City Rodeo Grounds Operation, Management and Lease Agreement.

Mr. Cook explained the proposed amendment to the Rodeo Lease Agreement extends the terms of the agreement for ten years, and provides for a one-year termination notice. He stated Council can adjust the terms.

Council agreed to adjust the agreement to a 25-year term with a 3-year termination clause.

Councilmember Reaves asked for a progress report every three years from staff. Mr. Pili stated the update could be an administrative item on a City Council meeting agenda. Mr. Gray said the committee has been providing updates to City Council, and will continue to do so. Ms. Kofoed noted an annual update is easier to track.

MOTION: *Councilmember Burnham moved to approve the Third Addendum to the Eagle Mountain City Rodeo Grounds Operation, Management and Lease Agreement with the length of the agreement changed from ten years to 25 years, and providing for a three-year termination notice. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

17. AGREEMENT – First Addendum to the Settlement Agreement between Goldsworth Real Estate and Eagle Mountain City.

Jake Toombs with Goldsworth Real Estate stated his opinion that the agreement with the City has been met. He explained that all blasted material has been removed from the site, with the boulders

the only items remaining. He said current work on a cul-de-sac in Plat 3 is producing new material.

Mayor Pro Tem Gricius stated the collective opinion of Council is that the agreement has not been met. Councilmember Curtis said aggregate remains on the west side of the site. He said the aggregate needs to be moved to the crusher area in order for Goldsworth to be in compliance with the agreement.

Mr. Toombs said material will continue to be generated until the cul-de-sac is complete.

Councilmember Clark stated progress has been made on Plat 4, and confirmed that material in Plat 3 has been caused by jackhammering, not blasting.

Councilmember Burnham said the material onsite needs to be moved to the area where the crusher is located, and asked if that could be completed within a month. She stated she understands material will continue to be produced, and Council needs a commitment that the new material will be moved to the crusher site.

Councilmember Clark said Council wants the neighborhood development to be completed, but they have a commitment to existing residents that the area will be cleaned up. She expressed appreciation that efforts have been made, but noted the material in Plat 3 needs to be moved.

Councilmember Burnham explained that due to being out of compliance for 35 days, Council could fine Goldsworth \$35,000. She said if the one-month deadline is met, the fine will not be assessed; however, if the deadline is not met, Council reserves the right to assess the fine.

Mr. Toombs stated they would like to build the rock wall in Plat 4, immediately. The construction drawings are being completed now in order to install infrastructure. He said road base has been put down in the cul-de-sac in Plat 3, and they are working with an engineer to prepare the area for curb and gutter. He explained the asphalt will not be placed until the spring. Their plan is to clean the area to enable home construction to begin on lots over the winter.

Councilmember Clark asked how much material has been cleared, and how much will still be produced. She asked how long it will be until the lots are complete, and directed Mr. Toombs to send a cleanup plan and timeline to Mr. Trusty. Mr. Toombs said there are large rocks that need to be excavated, and is unsure of the amount of material or timeline.

Mr. Cook clarified the names of the plats in discussion. Mr. Toombs said Plat 2 will become Plats 5 and 6.

Councilmember Clark stated Plat 3 is not cleaned to Council's standards as of yet.

Councilmember Curtis said the existing aggregate needs to be moved to the crusher area. He stated he understands more material will be generated, and all new material will need to be moved to the crusher area.

Mr. Toombs asked if an agreement needs to be made in order to crush material for use onsite. Councilmember Clark explained the approval comes from the City Engineer's office; Mr. Trusty understands the Council's desires regarding onsite crushing and use in that neighborhood.

Mr. Cook clarified with Mr. Toombs and Council the areas where material needs to be removed. Councilmember Clark said lots 143 through 147 have piles of concrete, rocks and aggregate over 20 feet high. Mr. Toombs said they have been hauling material from that area, but there is rock still remaining. Mr. Trusty said he can meet with Mr. Toombs onsite to confirm what material needs to be removed.

Councilmember Burnham said the material needs to be moved by January 4, 2019, and required Mr. Toombs to stay in contact with staff if any problems arise that would cause him to not meet that deadline. She stated the material needs to be removed as it is generated, and Council reserves the right to assess fines and will continue to accrue fines as of January 5, 2019, if the material is not removed.

Councilmember Curtis said the boulders onsite need to be used or removed, and the walls must be in place by April 30, 2019. Councilmember Clark said the Planning Department has been empowered to withhold building permits until the wall is in place; Council does not want rock walls constructed after homes are in place.

Council reiterated that Mr. Toombs needs to be in contact with staff regarding any concerns in meeting the April 30, 2019 deadline.

Karen Toombs clarified the retaining walls in question are those to be built behind lots 127 through 142. She stated the excavator has estimated it will take 115 work days to build the rock wall. Councilmember Clark said the April 30, 2019 deadline is 147 days away, and 32 extra days are built into the deadline in the form of Sundays and holidays.

Councilmember Reaves said the original agreement contained additional days, but expressed concern that a skeleton crew has been working onsite. He said he wanted to make sure Goldsworth has adequate equipment and people to meet the April 30, 2019 deadline.

Mr. Toombs explained an equipment failure delayed work for three weeks. Councilmember Reaves said delays need to be communicated to Council.

Councilmember Curtis said due to the progress Council has seen over the last two weeks, they are willing to work with Goldsworth on issues that arise. Councilmembers Burnham and Curtis explained the site needs to look like a construction zone, instead of a mining operation.

Mr. Toombs and Council discussed certain material piles and relocation processes.

Mr. Cook clarified the two issues under discussion. The first is Goldsworth has been in violation of the agreement as of October 31, 2018. City Council will forgo assessing fines, subject to Goldsworth cleaning up Plats 1, 3, and 4 by Jan 4, 2019. If cleanup is not complete by that date, Council will instruct staff to assess the \$35,000 fines to date, plus any future fines. The second issue is the agenda item allowing boulders to remain onsite.

Councilmember Clark asked if a map exists that indicates where the boulders are located. She stated backfill is permissible onsite, as it is being used for the wall.

Councilmember Curtis clarified boulders can stay onsite until April 30, 2019, if they are used for the rock wall. He said Goldsworth needs to communicate any barriers to meeting this deadline to Council and Mr. Trusty. Councilmember Burnham directed Goldsworth to provide a progress

report to Council at the end of March 2019, and Councilmember Clark directed Mr. Trusty to notify Council if Goldsworth has any delays in the cleanup process.

MOTION: *Councilmember Burnham moved to approve the First Addendum to the Settlement Agreement between Goldsworth Real Estate and Eagle Mountain City, requiring the rock wall to be built by April 30, 2019, and allowing the boulders to be stored onsite until that time; requiring a progress report to City Council by March 31, 2019; and requiring Goldsworth Real Estate to communicate any delays or requests for extensions to City Engineer Chris Trusty. Councilmember Curtis seconded the motion.*

Councilmember Clark directed Mr. Toombs to give Mr. Trusty a timeline with a cleanup plan showing percentages of completed work.

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Benjamin Reaves. The motion passed with a unanimous vote.

18. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Curtis

Councilmember Curtis said liaison assignments need to be made for 2019. He explained he now works from home and is more available to take on additional duties. He said he has enjoyed being the liaison to the Library Board. The Library Board wants to indefinitely extend the fine abatement program, as it allows people to bring back late items that otherwise would not be returned, due to patrons' embarrassment. He stated the proposal will be presented in January with the fiscal impact, which likely will be less than \$1,000.

Councilmember Reaves

Councilmember Reaves said he no longer works on Tuesdays and now meets with residents more frequently. He expressed his desire to serve as the liaison to the Library Board, and stated he would like to be involved in the Parks and Recreation Advisory Board.

Councilmember Burnham

None

Councilmember Clark

None

Mayor Pro Tem Gricius

None

19. CITY COUNCIL BOARD LIAISON REPORTS

No additional reports.

20. COMMUNICATION ITEMS

A. Upcoming Agenda Items

B. Financial Report

21. ADJOURNMENT

MOTION: *Councilmember Clark moved to adjourn the meeting at 8:08 p.m. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the Eagle Mountain City Council on January 15, 2019.



Fionnuala B. Kofoed, MMC
City Recorder