

Eagle Mountain City Council Minutes 2016, Part 2

Dates of City Council Meetings:

- April 5, 2016
- April 19, 2016
- May 3, 2016
- May 17, 2016
- June 21, 2016

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 5, 2016

Work Session 4:00 p.m. Policy Session 7:00 p.m.

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

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

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

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Melanie Lahman, Deputy City Recorder; Johna Rose, Deputy City Recorder; Linda Peterson, Communications & Community Relations Director; Mike Hadley, Senior City Planner; Tayler Jensen, City Planner; Jeff Weber, Facilities and Operations Director; Mack Straw, Public Utilities Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

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

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

A. Presentation – Outrage / Utah County Health Department

Representatives of the Utah County Health Department's Outrage program, which fights smoking among teenagers, described the program and presented information on tobacco and e-cigarette use among teenagers. They asked for the City Council's support in protecting teens and children from smoking.

B. Discussion – Spring Run Fencing

James Allred and Ralph Johnson, the developers of the Spring Run project, presented their plans for fencing in Spring Run for the City Council's feedback. The Council stated their approval of the plan to use white vinyl fencing throughout the project.

C. Presentation – FY 2016-2017 Preliminary Budget

Assistant City Administrator/Finance Director Paul Jerome presented the changes to the preliminary budget since the last budget presentation and answered the Council's questions.

Councilmember Bradley asked why there is a Capital Projects Fund and a General Fund Capital Projects Fund. Mr. Jerome explained that capital projects paid for by the Capital Projects Fund are new infrastructure. Maintenance work and equipment purchases come from the General Fund Capital Projects Fund.

Councilmember Curtis asked Mr. Jerome to explain what the Impact Fee Fund will be used for. Mr. Jerome said it will be used for new road projects such as paving Bobby Wren Blvd., as well as reimbursing utility sale proceeds that are impact fee related.

Councilmember Gricius asked when the City plans to update the General Plan. Mr. Jerome responded that Administration has been holding interviews to select which firm to hire for the project.

Councilmember Curtis asked if the public will be involved in the update process. Mayor Pengra said there will be meetings, open houses and online opportunities for public participation.

Councilmember Curtis asked about the new solar and commercial inspection fees. Mr. Jerome said that those fees will be passed through to independent contractors hired to do those inspections.

Councilmember Curtis noted that the actual costs for attorney services has exceeded the projected costs every year for the past few years. He asked why the projections aren't increased. Mr. Jerome said the excess costs have been related to unexpected issues the City has encountered in each of those fiscal years. Analysis indicates General Fund attorney expenditures will decrease in fiscal year 2017.

Councilmember Reaves asked how excess attorney expenditures are paid for. Mr. Jerome said they've covered by General Fund balance. He stated all attorney expenditures aren't paid from the General Fund. Each fund that uses attorney services contributes to paying the costs.

Councilmember Curtis wanted to be sure the Youth Council will have enough funding to attend Local Officials' Day at the Legislature in January. Mayor Pengra said the City would be sure to enable that.

Councilmember Gricius asked if the Military and Veterans Board had a budget. Mr. Jerome said it did not. The Youth Council and Senior Citizens Council are the only boards with budgets.

Councilmember Curtis wanted to know why projected employee benefits have been lower than actual costs for several years. Mr. Jerome thought it was a coding error and planned to look into it.

Councilmember Curtis asked about the educational assistance line item. Mr. Jerome explained the City provides tuition reimbursement for employment-related educational expenses.

Councilmember Curtis asked about the Streets Department expenditures. Mr. Jerome said they cover street maintenance and improvements to help streets last longer. Much of the revenue comes from B & C road funds from the State.

Mayor Pengra stated few municipalities are able to pay completely for road maintenance through B & C road funds, which are based on gasoline taxes. The Legislature recently increased gasoline taxes, which will be helpful in the future. Some road maintenance costs will have to come from the General Fund. The City has completed a five-year arterial road maintenance project over the last two years. A maintenance program for collector roads is about to begin. Subdivision roads must be maintained, as well.

Councilmember Gricius asked about the expenditure for Utah Code books. Mayor Pengra said he has a set in his office. The Recorder's Office has a set, as well.

Councilmember Gricius asked about the transfer from Parks and Recreation to the Fleet Fund. Mr. Jerome responded it was for a new vehicle needed by the Parks and Recreation Department.

Councilmember Gricius asked what the expenditures for building maintenance were for. Mr. Jerome said they're for a floor scrubber and new carpet for City Hall. The carpet is worn out and coming up at the seams, causing a trip hazard. The records closet needs to be expanded by moving a wall. Cases will also be purchased to display historical photographs and other items.

Mr. Jerome stated adjustments to the Enterprise Funds are related to changes in personnel responsibilities, resulting in changes to which funds pay for their staff costs. The Solid Waste Fund has had savings from switching to the IRL landfill from the North Pointe landfill. New expenditures will be budgeted for an annual community cleanup, Code Enforcement cleanup costs and a chipper for tree prunings. There will also be more trash receptacles installed at City facilities.

The General Funds Capital Projects Fund will include preparing Sunset Drive for a traffic signal and installing a signal at the entrance to SilverLake, as well as a portion of the cost of work on Bobby Wren Blvd., improvements to the bike and pedestrian plan, improvements to Hummer Road and Golden Eagle Road, purchase of a salt shed and purchase of digital announcement signs.

The Impact Fee Funds will pay for water and sewer reimbursement agreements, public safety projects, a storm water IFFP update, work on Bobby Wren Blvd and possibly other road projects.

The Debt Service Fund is comprised of assessment area bonds only – all other bonds the City holds that are not in the Debt Service Fund are related to Enterprise Funds and are budgeted within those respective Enterprise Funds. For assessment area bonds, the Debt Service Fund will be zeroed out to manage reimbursements and expenditures as they move irregularly through the fund. Landowners pay assessments, the City pays reimbursements to landowners with reimbursement agreements, and the City acquires properties from landowners who don't pay their assessments.

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

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

City Planner Tayler Jensen stated that this project, formerly called Evans Ranch North, has previously been reviewed by the City Council, which expressed concerns about the location, size and amenities of the park. The developers have reconfigured the park to incorporate the Council's comments. This reconfiguration will require a variance to allow three lots a smaller frontage than the Municipal Code allows.

The developer has proposed building a smaller park than the Municipal Code requires, in exchange for paying a park fee-in-lieu. The fee-in-lieu could be used in the neighborhood park or in a

nearby City park. City staff and the developers agreed the fee-in-lieu would be best used in a park on the nearest City land.

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 17.60 of the Eagle Mountain Municipal Code for Landscaping, Buffering, Fencing and Transitions and Chapter 17.80 for Sign Regulations and Sign Permitting.

Mr. Jensen stated the amendments to Chapter 17.60 remove the minimum turf requirement for commercial and industrial projects and create a water-wise landscaping standard. They also remove the words “Commercial, Industrial or” from Table 17.60.160(a).

Councilmembers asked about various details of the amendments. They questioned the language in the amendments that excludes multifamily dwellings. Mr. Jensen responded that the amendments are designed to remove the turf requirement from commercial and industrial projects and leave it in place for multifamily residential developments.

The amendments to Chapter 17.80 would change the signage requirements for business parks. The Business Park zone was created after the signage ordinance was adopted, so it needed to be added to the signage chapter. The Planning Department also added pictures to the signage section of the Code to make the requirements clear.

15. MOTION – Consideration of a Site Plan for the Pony Express Dental Office.

Mr. Jensen stated this site plan calls for two buildings and a block wall, which will buffer the site from the nearby residential property. The developers have requested that the wall not be required until the second building is constructed. The Planning Commission recommended that the wall be built with the construction of the first office building.

Councilmember Curtis asked how the site will be accessed. Senior Planner Mike Hadley said a paved access road will lead from Ira Hodges Scenic Parkway to the building site.

Councilmember Reaves expressed concern about the traffic impact of the dental office and the adjacent gas station, both of which will be located near the roundabout at the intersection of Eagle Mountain Blvd. and Pony Express Parkway. Councilmember Gricius agreed.

Mr. Jensen said a master site plan will be provided when the rest of the project is platted, which will better illustrate the access to and from the roads.

Mayor Pengra pointed out that the dental office will occupy a large lot and create very little traffic. The gas station will generate much more traffic.

Mr. Hadley stated the majority of the traffic generated by the gas station will be coming into Eagle Mountain from the west on Eagle Mountain Blvd.

Joel Featherstone, representing Westates Properties, said Westates only owns part of the property. Businesses will be developed on the rest of property later.

Mayor Pengra asked Mr. Featherstone if he was prepared to accept the risk that either the Planning Commission or the City Council could deny the application. Mr. Featherstone said he and his partners were aware of that and willing to accept the risk.

Councilmember Bradley asked how the site would be buffered from the nearby residential area. Mr. Jensen said there would be a 6' tall privacy wall and a 20' wide buffer zone. He recommended that one of the conditions of approval should be that no construction be allowed or certificate of occupancy be issued until the platting process is complete and an access road is in place.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

Mayor Pengra adjourned the meeting at 6:26 p.m.

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

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Melanie Lahman, Deputy City Recorder; Johna Rose, Deputy City Recorder; Linda Peterson, Communications & Community Relations Director; Mike Hadley, Senior City Planner; Tayler Jensen, City Planner; Mack Straw, Public Utilities Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Pony Express Days – Pony Express Days will be held June 2-4. Registration information is available for carnival vendor booths and parade entries. Home décor and other boutique vendors are welcome. More information is available at emcity.org/ped.
- Miss Eagle Mountain Scholarship Pageant – The Miss Eagle Mountain Pageant will be held on Saturday, April 16 at 7:00 p.m. at Frontier Middle School. Tickets will be available soon on the City website.
- Woman of the Year Nominations – There are many outstanding women in Eagle Mountain. Each year, residents have the opportunity to nominate a woman who has made significant contributions to the community through leadership and service. The Woman of the Year award will be presented at the Miss Eagle Mountain Pageant. Nominations will be accepted via a form on the City website, News section, through April 13.
- Pony Express Rodeo Arena – Check out upcoming events at the Pony Express Rodeo Arena at www.ponyexpressspecialevents.com. Events include the rodeo, demolition derby, and Endurocross.
- Community Clean-up – Eagle Mountain City invites residents to participate in a city-wide community clean-up on Saturday, April 30. Individuals, families, church groups, Scouts, and other organizations are welcome to participate. Registration is available on the City website at

www.emcity.org/cleanup. Several projects have been designated by the City for improvements. Volunteer groups will be divided into different areas. Check-in is between 8:30 a.m. and 9:00 a.m. at Frontier Middle School (please note, the location was changed from Cory Wride Park to Frontier Middle School due a conflict with soccer games). Dumpsters will be available for residents' use on the south side of Mid Valley Road. Free lunch, t-shirt, and other giveaways will be available for volunteers! Donuts, hot chocolate, and coffee will be provided at check-in while supplies last.

- Household Hazardous Waste Disposal Day – Utah County will hold their annual household hazardous waste disposal day this Saturday, April 9 at the Provo Towne Centre mall. Information is available on the City website, News section.

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

Drew Curley felt the City was being too ambitious in the plans for Cory Wride Park. A plan costing \$3-5M total would be adequate to create a destination park.

Matt Visser said the proceeds from the utility sale should be used to benefit current residents. He believed the improvements to Cory Wride Park would primarily benefit the subdivisions which will be built near it. He wanted the money spent on completing existing parks. He said the Parks and Recreation Advisory Board and the Youth City Council should have been consulted on the park plans. He didn't think the City had enough money to maintain the upgrades to Cory Wride Park.

Jared Gray, a member of the Cemetery Board, said the Board has discussed the date for the grand opening of the cemetery and recommended holding it on Memorial Day. He thanked the Youth Council and the City Council for their help with the Mascot Miracle Foundation, which will hold a Mascot Rodeo, followed by an Exceptional Rodeo for children fighting terminal illnesses. He also presented information on the rodeo, demolition derby and Endurocross.

Mayor Pengra responded to the comments on Cory Wride Park by describing the extensive effort by City staff and park planning professionals that has gone into planning the amenities and financial issues for the park. He noted the multiple opportunities provided to the public for input into the process.

Councilmembers joined the discussion. Councilmember Gricius stated for the record that she liked the direction the plan was headed, but was not satisfied with the costs.

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

Councilmember Curtis

Councilmember Curtis invited youth ages 14-18 to join the Youth City Council. Their current project is building stick horses for the Exceptional Rodeo, which will benefit terminally ill children. He encouraged residents to be sure that any home improvement projects they do comply with the Municipal Code and their neighborhood's CC&Rs.

Councilmember Bradley

Councilmember Bradley thanked those who made public comments and said there will be many more conversations about the park. He wanted to make sure the City utilizes its boards and

committees properly. He congratulated City Administrator Ifo Pili and his family on the baby Mrs. Pili is having today. He was happy with how many residents attended the recent political party caucuses.

Councilmember Reaves

Councilmember Reaves thanked everyone who attended the meeting, especially those who made public comments. He said he listens to and considers the comments. He felt unsettled about the cost of the Cory Wride Park plans. The Council is not in agreement yet, but will continue to find solutions. He reminded everyone that Spring Break means more children will be playing in the streets and asked them to drive cautiously.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone to the meeting.

Councilmember Gricius

Councilmember Gricius welcomed everyone to the meeting.

Mayor Pengra

No comment.

9. PRESENTATION – Sewer Department Award for Outstanding Waste Water Service

Mayor Pengra presented the award from the Rural Water Association of Utah, recognizing the Eagle Mountain Waste Water Department for superior service to Eagle Mountain residents. Mack Straw, the Public Utilities Director, accepted the award.

10. APPOINTMENT

A. Parks and Recreation Advisory Board – Tyler Shimakonis, 3-year term

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

CONSENT AGENDA

11. MINUTES

A. March 15, 2016 – Regular City Council Meeting

12. RESOLUTION

A. Approving the Eagle Mountain Municipal Wastewater Planning Program

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

SCHEDULED ITEMS

PUBLIC HEARING

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

This item was presented by City Planner Tayler Jensen. The proposed amendment to the Oak Hollow Master Development Plan replaces all of the townhome units with 130 single family dwellings. The project is located directly north of Evans Ranch and south of Pony Express Parkway and was previously known as Evans Ranch North. The Master Development Plan was presented to the City Council as a discussion item at its March 15, 2016 meeting.

The developer brought two configuration options for the project. Option #1 enlarges the park in the center of the community and removes the blind/hidden corners. This proposal removes one lot along the Tickville Wash and provides a paved asphalt trail across the wash, connecting into the City-owned park to the south, while also improving the asphalt trail from Pony Express Parkway to the City-owned park. Option #2 also enlarges the park in the center of the community, making the park thinner and extending it all the way through to the northern street, opening it up more to the community. This option also provides a paved asphalt trail across the wash into the City-owned park, as well as improving the asphalt trail from Pony Express Parkway to the City-owned park.

Option #2 requires a variance for the frontages of three lots to provide adequate space for the paved asphalt trail. The applicant has stated that if this option were selected, the lots with the reduced frontages would not be located next to each other, and 15' side yard setbacks (5' minimum on each side, totaling 15' combined) would be preserved for the lots with reduced frontages.

Mayor Pengra opened the public hearing at 7:50 p.m. As there were no comments, he closed the hearing.

Councilmember Westmoreland asked why the plan doesn't include a trail to Pony Express Parkway.

Dylan Young, one of the developers, stated the new plan is improved enough to make the trail to Pony Express Parkway unnecessary. A trail from a residential area through a commercial area was also deemed unsafe.

Councilmember Reaves asked if an alley could be installed between two of the building lots, to shorten the walking distance to the park. Mr. Young said it would require reducing the frontages of two additional lots, which would violate the Municipal Code. Reduced lot frontages are only allowed for lots that abut open space.

MOTION: *Councilmember Gricius moved to adopt an ordinance amending the Oak Hollow master development agreement, including the Planning Commission conditions and the option 2 park configuration. Councilmember Reaves seconded the motion.*

City Attorney Jeremy Cook pointed out that the agenda item was the master development plan map, not the master development agreement.

AMENDED MOTION: *Councilmember Gricius moved to adopt an ordinance amending the Oak Hollow master development plan map, including the Planning Commission*

conditions and the option 2 park configuration. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Benjamin Reaves. Those voting no: Tom Westmoreland. The motion passed with a vote of 4:1.

The Planning Commission conditions were as follows:

1. The project must meet the dark sky standards of EMMC Chapter 17.56.
2. Street lights must be paid for before recording, and must be installed prior to the first certificate of occupancy.
3. The applicant must provide mitigation measures recommended by the traffic impact study.
4. The applicant must get a slope stability study and provide recommended mitigation measures.
5. The installed trail must match the trails in the Evans Ranch development.
6. The applicant will remove one lot adjacent to the entrance of the park and the details will be worked out with City staff.
7. The Pin Oak Parkway street name must be changed to Bridleway Road.

PUBLIC HEARING

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 17.60 of the Eagle Mountain Municipal Code for Landscaping, Buffering, Fencing and Transitions and Chapter 17.80 for Sign Regulations and Sign Permitting.

This item was presented by City Planner Taylor Jensen. The proposed ordinance amends Chapter 17.160 of the Municipal Code by removing turf requirements for commercial and industrial projects from Table 17.60.160(a) and adding Chapter 17.60.090 for Water Wise Landscaping Standards. The proposed amendments to Chapter 17.80 for Sign Regulations and Sign Permitting add illustrations to provide clarity to signage standards and add references to the Business Park zone, which was created after the signage standards.

Mayor Pengra opened the public hearing at 8:17 p.m.

Drew Curley asked if there are any limitations on electronic signs in the Municipal Code.

Mayor Pengra said they are restricted in both the dark sky and signage sections of the Code.

Mayor Pengra closed the public hearing at 8:18 p.m.

Councilmember Curtis asked, with all the restrictions on what materials are allowed in water wise landscaping areas, what was allowed.

Mayor Pengra said the intent was to have contrasting colors in the landscaping.

Councilmember Bradley noted the exclusion of bark and lawn clippings prevents them from washing out of the landscaping and affecting the storm water system.

Mr. Jensen said the Planning Department adapted this section from another city's code. That city had to add the restriction against white and gray rocks after many residents used them, which gave the look of extensive concrete.

MOTION: *Councilmember Bradley moved to adopt an ordinance amending Eagle Mountain Municipal Code Chapter 17.60 Landscaping, Buffering, Fencing and Transitions and Chapter 17.80 Sign Regulations and Sign Permitting. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, and Benjamin Reaves, Tom Westmoreland. Those voting no: Colby Curtis, Stephanie Gricius. The motion passed with a vote of 3:2.*

15. MOTION – Consideration of a Site Plan for the Pony Express Dental Office.

This item was presented by City Planner Tayler Jensen. The proposed 1.64 acre commercial building site for the Pony Express Dental Office is located south of Eagle Mountain Boulevard and west of Ira Hodges Scenic Parkway. The plan includes a 6' privacy wall and a 20' wide buffer zone between the site and the adjacent residential area. Because the dental office occupies only part of the property, the applicant has requested permission to delay construction of the wall until the rest of the property is developed. The Planning Commission recommended that the wall be built with the construction of the dental office building.

The landscaping plan will have to be consistent with the landscaping standards that were just approved. A lighting plan will have to be submitted.

The building site is only a small section of the ten-acre property. The entire property must be platted before a building permit is issued. The proposed plat is expected to be presented to the Planning Commission and the City Council at their upcoming April meetings.

Councilmember Curtis asked the applicants to explain their reasons for asking to delay the construction of the privacy wall. The applicants didn't believe a wall 50' from the initial development would be useful. However, if the City or the adjacent residents want the wall right away, the applicants will be happy to provide it.

Councilmember Bradley was concerned about whether cars entering and leaving the project will disturb nearby residents.

Councilmember Westmoreland asked whether the trigger for the wall could be either a parking lot or the second building, rather than construction of the second building being the only trigger.

Mayor Pengra was unsure the wall would be built if it wasn't required to be built with the first building. However, he couldn't see any way to guarantee it.

The applicants asked if getting approval for the entire site now, including the wall, would enable City staff to approve the second building, or if the City Council would have to approve it.

Mr. Cook pointed out the Municipal Code allows the master site plan to act as the preliminary plat. Final plats are staff-level approval. However, since the property hasn't been subdivided, it will have to go through the subdivision process.

Mr. Hadley reiterated that the master site plan will be presented at the next Planning Commission and City Council meetings. He said building the wall with the first building will buffer the residential area from the construction activities.

Councilmembers Gricius and Reaves preferred that the wall be built with the first building. Councilmember Curtis wondered if having a wall alone in a field would invite graffiti or look unfinished.

Councilmember Westmoreland asked if triggers for building the wall could be written into the agreement, or if that would be a problem. Mr. Hadley said it would create difficulties. The City has a history of fences not being built until the end of projects. When the time came to build the fence, the developers said it was the responsibility of the builder.

MOTION: *Councilmember Reaves moved to approve a site plan for the Pony Express Dental Office, requiring the 6' privacy wall to be built with the first building, and including the Planning Commission's conditions of approval. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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 thanked everyone who came to the meeting.

Councilmember Bradley

See board report.

Councilmember Reaves

Councilmember Reaves said there are seven new, committed members on the Parks and Recreation Advisory Board. He's been to all of the meetings. They are discussing how to create a collaboration with the Mayor and staff.

Councilmember Westmoreland

See board report.

Councilmember Gricius

See board report.

Mayor Pengra

Mayor Pengra felt Memorial Day would be ideal for the cemetery dedication. He reported that 13 department heads and other staff members completed a two-day incident command emergency management class, which was provided by the Unified Fire Authority. The only other local city that has completed that training is Herriman.

He stated the plans for Cory Wride Park won't ever satisfy everyone. He asked residents and Councilmembers who object to them to talk to him so he can explain the lengthy planning process that staff and professional park planners have gone through to create the best possible result. Although feedback is welcome, there is a point when the process has to move forward. Although some people feel this is irresponsible spending, it is a rare opportunity to build a destination park without bonding. He pointed out that there is still money available for completion of other parks in the City.

Mayor Pengra and the Council discussed whether additional opportunities should be provided for public education and input on the park plans, or whether enough discussion has been held.

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 Bradley was unable to attend the most recent Economic Development Board meeting; however, he said there are exciting things coming in the near future. He invited residents to participate with the Board.

Councilmember Westmoreland said the Library Board didn't meet during March, but will meet in April. He was unable to attend the Cemetery Board meeting, but they're discussing the unveiling of the cemetery's entrance monument. They are requesting the Mayor and Council's input as to whether it should be held on Memorial Day.

Councilmember Gricius stated the Senior Council is moving along. She said the Military and Veterans Board wanted to know how they can be involved in the Pony Express Days Family Fun Night. They've also been discussing how they can help military personnel returning from deployment.

18. COMMUNICATION ITEMS
A. Upcoming Agenda Items

19. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 9:12 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON APRIL 19, 2016.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 19, 2016

Work Session 4:00 p.m. Policy Session 7:00 p.m.

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

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Linda Peterson, Communications & Community Relations Director; Ikani Taumoepeau, Economic Development Director; Aaron Sanborn, Management Analyst; Jessica Alvarez, Human Resources Director; Steve Mumford, Community Development Director; Tayler Jensen, City Planner; Jeff Weber, Facilities and Operations Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:13 p.m.

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

Mr. Pili brought up an item requested by the developer of Porter's Crossing Town Center. A monument sign was recently approved by the Council. The sign was approved to sit partially on private property and partially on City property. The utility lines have been placed in such a way that the sign can't be placed on private property. The developer is requesting permission to place the sign entirely on City property.

After a brief discussion, the Council decided the issue could be resolved by City staff.

A. Discussion – Municipal Standard Requirements for Septic Systems

Mayor Pengra said the Municipal Code was amended last year to allow septic systems on lots larger than one acre. This has made it difficult to develop some building lots.

Councilmember Bradley asked what the staff's main concern was with septic systems. City Engineer Chris Trusty said the staff wanted a non-negotiable minimum lot size for septic systems. The other concern was gravity flow vs. lift stations. The City has one operational lift station. Restricting septic systems will create a need for more lift stations. The State Code says homes within 300' of a sewer line must connect to the sewer system.

Community Development Director Steve Mumford was concerned about a "domino effect," that everyone beyond a first septic system would also need to be on septic. The Utah County Health Department felt there was a danger of sewage percolating into the soil and contaminating the groundwater. The City's response to that was to increase the lot size on which septic systems would be allowed, so there would be room for redundant systems on each lot.

Mayor Pengra said two property owners have informed him of difficulties with complying with the City's regulations.

Mr. Trusty said the lift station near Lone Tree services all the Lone Tree subdivisions. The land it sits on is owned by a private property owner. He stated the property will be deeded to the City. Otherwise, the lift station would need to be relocated or another lift station would have to be built.

Councilmember Westmoreland asked whether lift stations are temporary measures or permanent fixtures. Mr. Trusty said they are permanent. However, he believed a gravity line could be installed in that area by the time it's built out.

Councilmember Curtis asked what options are available. Mayor Pengra said the preference is always gravity flow down to the treatment plant. The question is whether the City will insist on homes being connected to the sewer system, or whether it will accommodate developers who need septic systems because connecting will be cost-prohibitive.

Scot Hazard, a property owner in Lone Tree, originally designed a lift station to lift to the existing one. Mr. Trusty felt that would increase the chance of mechanical failure. However, a gravity-fed line would have to be three miles long. Mr. Hazard was willing to develop one-acre lots, but the development will be too close to the lift station to allow for septic systems.

Councilmember Gricius asked whether the State could force a developer to connect to a sewer system. Mayor Pengra said the State wouldn't step in unless the City had a major disaster, such as enough septic tanks failing that the groundwater was contaminated.

Councilmember Bradley felt it was acceptable to make an exception when an exception is warranted.

Councilmember Curtis asked how the development would have been designed before the septic system regulations were amended last year. Mr. Hazard said he would have built forty half-acre lots.

Mayor Pengra said another landowner wants to build an accessory structure with a restroom on his property; however, according to the new regulations, the restroom would have to be connected to a sewer line.

Mr. Trusty stated a smaller lift station leading to the existing lift station might be a better option than septic systems. Mr. Hazard said he would be happy to do that, but would need to develop smaller lots to make it economically feasible. He would still develop one-acre lots along the transition line from the five-acre lots in Cedar Pass Ranch.

Councilmember Westmoreland was less concerned about septic systems on one-acre lots than multiple lift stations. Mr. Trusty said lift stations rarely fail.

The Council advised Mr. Hazard they would approve of smaller lots with a small lift station lifting to the larger, existing one in Lone Tree subdivision, as long as there is redundancy to protect against failure.

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

13. CONSENT AGENDA

Councilmember Gricius pointed out a reference to residential restrictions on page 9 of the April 5, 2016, meeting minutes. City Planner Tayler Jensen stated the residential restrictions were included as an example from another city. The Code amendment discussed on that page was intended to refer to commercial projects only.

Mayor Pengra felt the Code amendment itself was clear on the fact that it only referred to commercial projects.

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 2.45 of the Municipal Code for Youth Council.

City Recorder Fionnuala Kofoed explained the proposed changes to the Municipal Code. The Youth Council wanted to change the number of advisors from three to two, as it's difficult to find three advisors.

The Youth Council proposed removing the item that refers to working with the Mayor, Council and department heads. They proposed allowing 7th graders to be appointed to committees. They also proposed discontinuing the Public Works, Public Safety and Planning & Zoning committees. They wanted to change the dates they report information to the City Recorder and remove the requirement to keep a historical scrapbook. They wanted to remove the requirement for being a registered voter from the requirements to serve on the Youth Council. They wanted to change the date of the Youth Council election to June so the election will have a better turnout. They would also like to add additional voting locations.

Councilmember Bradley felt they should work with the Mayor and City Council, rather than delete the requirement, or else they should change the name of the group, since they would be a volunteer group only, rather than involving themselves with City government.

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 7.05.030 of the Municipal Code for Definitions.

City Attorney Jeremy Cook stated this ordinance is a response to the anti-smoking presentation at the last City Council meeting. It prohibits all kinds of smoking in City parks, including electronic cigarettes.

A representative of the Utah County Health Department showed the Council an example of the signs the department would provide for display in City parks. The sign said, "Smoking prohibited including e-cigarettes."

Item 16 was removed from the agenda at the applicant's request.

17. MOTION – Consideration of the Evans Ranch, Plat E, Preliminary Plat.

Mr. Jensen stated this is a 24-lot phase of the Evans Ranch project. The developers will be required to install fencing and landscaping. The Planning Commission recommended approval with conditions.

The developers have also submitted a proposal for updating the entrance signs to the subdivision. Mr. Mumford said the signs are a separate issue from the preliminary plat. He wanted the Council to be aware the signs are being updated, but the update doesn't require a Council vote.

18. MOTION – Consideration of the Eagle Mountain Commercial, Plat A, Preliminary Plat.

This item proposed splitting the lot approved for the Pony Express Dental Office, creating Parcel 1. Parcel 2 will be addressed with the master site plan. The access road would be required to connect to Ira Hodges Scenic Parkway when Parcel 1 is completed and property must be dedicated along Eagle Mountain Blvd for a right-of-way. The Planning Commission recommended approval with conditions.

The Council asked for details on the completion of the road. Mr. Jensen said it would be only 20'-wide pavement at first. It would be completed with curb-and-gutter when the master site plan is completed. Each parcel in the master site plan will be approved individually. The master site plan is a guide for those approvals.

19. MOTION – Consideration of the Valley View A, Phase 7B, Preliminary Plat.

Valley View A, Phase 7B, exchanges two building lots for parkland. That amendment to the master development agreement was previously approved by the City Council. The result will be a smaller park with better amenities. The Planning Commission recommended approval without conditions.

20. MOTION – Consideration of the Utah County 2016 Municipal Recreation Grant.

Ms. Kofoed explained these funds come from restaurant taxes that are allocated to cities by the County Commission, based on population. The project will complete a trail connecting Sandpiper Road to the Bud Evans Trailway, completing the Hidden Canyon Park. The project will cost slightly more than the allocation. The difference will come from General Fund balance.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

Mayor Pengra adjourned the meeting at 5:41 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Linda Peterson, Communications & Community Relations Director; Ikani Taumoepeau, Economic Development Director; Aaron Sanborn, Management Analyst; Steve Mumford, Community Development Director; Tayler Jensen, City Planner; Jeff Weber, Facilities and Operations Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Pony Express Days** – Pony Express Days will be held June 2-4. Registration information is available for carnival vendor booths and parade entries. Home décor and other boutique vendors welcome. Visit emcity.org/ped.
- **Pony Express Rodeo Arena** – Check out upcoming events at the Pony Express Rodeo Arena at www.ponyexpressspeialevents.com. Events include the rodeo, demolition derby, and Endurocross.
- **Artillery Training** -- Camp Williams will hold artillery training Wednesday, April 20 through Friday, April 22 from 8:00 a.m. to 5:00 p.m. each day.
- **Miss Eagle Mountain** -- Congratulations to Miss Eagle Mountain 2016 Kaylie Blacka, 1st Attendant Sara Hafen, and 2nd Attendant Courtney Reall, and Woman of the Year Emma Evans.
- **Community Clean-up** -- Eagle Mountain City invites residents to participate in a city-wide community clean-up on Saturday, April 30. Individuals, families, church groups, scouts, and other organizations are welcome to participate. Registration is available on the City website at www.emcity.org/cleanup. Several projects have been designated by the City for improvements. Volunteer groups will be divided into different areas. Check-in is between 8:30 a.m. and 9:00 a.m. at Frontier Middle School (please note, location changed from Cory Wride Park to Frontier Middle School due a conflict with soccer games). Dumpsters will be available for residents' use on the south side of Mid Valley Road. Free lunch, t-shirt, and other giveaways for volunteers! Donuts, hot chocolate, and coffee will be provided at check-in while supplies last.
- **Target Shooting** – BLM is seeking public comment regarding target shooting in the East Lake Mountains. Visit the City website, News section for details.

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

Jani Rae, the Pony Express Rodeo Royalty first attendant, offered the Mayor, City Council and City Administrator each a voucher for two free tickets to the rodeo, in appreciation for their support of the rodeo.

Mayor Pengra told Jenny he wanted to support the rodeo by buying his own tickets and asked her to give his voucher to someone who was unable to purchase tickets.

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

Councilmember Gricius

Councilmember Gricius thanked everyone for coming to the meeting. She said she participated in the nominating convention last Saturday and encouraged everyone to participate in their party's convention.

Councilmember Westmoreland

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

Councilmember Reaves

Councilmember Reaves thanked everyone for coming to Policy Session and being involved.

Councilmember Bradley

Councilmember Bradley welcomed everyone, especially the firefighters. He offered to answer any questions the high school students had after the meeting. He congratulated the newly-crowned Miss Eagle Mountain royalty and the City's Woman of the Year, Emma Evans. He said he would love to see last year's Miss Eagle Mountain royalty attend a City Council meeting and report on what they did during their year. He congratulated Mr. Pili, Mayor Pengra and the staff for earning the Trust Accountability Grant. He thanked Jani Rae for the rodeo tickets and for helping run the events at the rodeo arena.

Councilmember Curtis

Councilmember Curtis welcomed everyone to the meeting. He thanked the City staff for what they do. He was excited to see members of the Youth Council at the meeting and thanked them for their work. He invited young people from 7th grade through high school to be part of the Youth Council. He congratulated Emma Evans for being chosen as Woman of the Year. He thanked the Special Events Committee for the rodeo tickets and congratulated Jani Rae on being the Rodeo Queen's first attendant.

Mayor Pengra

Mayor Pengra thanked the Special Events Committee for their offer of tickets to the rodeo. He was impressed by how the contestants at the Miss Eagle Mountain and the Pony Express Rodeo Royal Pageants put themselves out there at such a young age. Both programs encourage a lot of personal growth. He also said the remodeling of Fire Station #1 will be completed tomorrow.

9. PRESENTATION – Paraprofessional Certificate Presented to Michele Graves by Nancy Haight Representing the Utah Library Association.

This item was placed on the agenda in error. The presentation will be made at a future meeting.

10. PRESENTATION – TAP Award Presented by Brent Oakeson, Utah Local Governments Trust.

Mr. Oakeson described the Trust Accountability Program and congratulated City staff on completing the requirements. Of the 500 government entities that are members of the Utah Local Governments Trust, only 77 have received the grant.

11. PROCLAMATION – Proclaiming April 29, 2016 Arbor Day

Mayor Pengra read the proclamation and stated the City will complete a tree-planting project in honor of Arbor Day. The City has received a \$600 grant from the Arbor Day Foundation to be used for planting trees.

MOTION: *Councilmember Westmoreland moved to approve a proclamation declaring April 29, 2016, Arbor Day in Eagle Mountain City. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

12. APPOINTMENT

A. Youth Councilmember – Hannah Nearman

MOTION: *Councilmember Curtis moved to appoint Hannah Nearman to the Youth Council to complete Annabelle Peterson’s term ending on June 30, 2016. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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

CONSENT AGENDA

13. MINUTES

A. April 5, 2016 – Regular City Council Meeting

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

SCHEDULED ITEMS

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 2.45 of the Municipal Code for Youth Council.

City Recorder Fionnuala Kofoed invited Britney Shunn, the Mayor of the Youth Council, to explain the proposed changes. Ryan Ireland, a Youth Council advisor, accompanied her. The Youth Council recommended amendments to Chapter 2.45 of the Municipal Code. The amendments include reducing the Committee of Advisors from three members to two and revising the purposes and responsibilities of the Youth Council to be more in line with its current roles and activities.

The Youth Council recommended the following amendments:

- Reduce the Committee of Advisors from three members to two.

- Delete paragraph 2.45.050.C.3, as it doesn't accurately reflect the Council's current goals and activities.
- Allow 7th graders to serve on committees.
- Eliminate the committees on public safety and public works, and remove planning and zoning from the parks and recreation committee.
- Eliminate responsibility for assisting with the City historical scrapbook.
- Change the records review by the City Recorder from July and December to June and December.
- Eliminate voter registration as a requirement for voting in Youth Council elections.
- Change the Youth Council election day to the second Tuesday in May of each year.
- Provide an option for additional polling places in local schools.
- Set terms to run for one year from July 1 through June 30.

Councilmember Bradley was impressed that the members of the Youth Council studied the Municipal Code section so carefully and that Ms. Shunn explained the proposed changes so clearly. He thanked her for serving as Mayor.

Councilmember Curtis was very impressed with the Youth Council and commended Ms. Shunn on her service as Youth Council Mayor.

Ms. Kofoed pointed out that the Municipal Code didn't allow Ms. Shunn to be Youth Council Mayor because she wasn't in 11th grade. An exception was made on a trial basis. Ms. Shunn has done an excellent job, and Ms. Kofoed recommended adding a change to the Code allowing younger members of the Youth Council serve as Mayor.

Mayor Pengra asked Ms. Shunn to take that idea back to the Youth Council and vote on how they would like to amend the Code.

Councilmember Westmoreland felt paragraph 2.45.050.C.3 should be retained. Ms. Shunn stated the general responsibilities in the previous paragraph include the responsibilities listed more specifically in paragraph 3.

Councilmember Reaves felt the Youth Council was making committee changes based on their current interests. He wondered what would happen if an incoming Youth Council were interested in the subjects being eliminated.

Ms. Shunn said the proposal was to remove the sentence because it says the Youth Council "shall" participate in those committees. Councilmember Gricius suggested replacing "shall" with "may."

Mayor Pengra proposed amended language for the section on committee, stating, "The Youth City Council may create the following committees to assist the Council in carrying out their plans, goals and projects. Each committee shall be advised by a member of the youth city council. The members of the committees are to be appointed by the youth city council with the approval of the mayor and city council. Committee membership shall be for a one-year period. Committee members must be in at least seventh grade and not yet a graduate of high school. The committees may be named as follows:" The language should be followed by the names of the committees as they're currently listed in the Code.

Mr. Ireland said the history of the Youth Council shows what they have actually participated in. They do many projects not listed in the Code. He felt the Code should state what the Mayor and Council want the Youth Council to do to help them with their responsibilities.

Councilmember Curtis noted the Youth Council can go above and beyond what's listed in the Code.

Councilmember Gricius stated the Municipal Code states the purpose of the Youth Council, among other things, is to acquire knowledge of government through active participation in the system. That participation should require activity in all of the subjects listed in the committees as shown in the Code. However, she said she will support the Youth Council in whatever way they decide to run their council.

MOTION: *Councilmember Curtis moved to adopt an ordinance amending Chapter 2.45, Youth Council, of the Municipal Code, as proposed by the Youth Council. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 7.05.030 of the Municipal Code for Definitions.

This item was presented by City Attorney Jeremy Cook. The proposed ordinance amends Chapter 7.05.030 of the Municipal Code to include a definition for “Smoking,” to clarify the types of smoking prohibited in City parks. This amendment is at the request of the City Council in support of the Utah County Health Department’s OUTRAGE program, which works to reduce smoking among teenagers.

Mr. Cook stated this amendment clarified the prohibition against smoking in City parks to include any oral smoking device, such as electronic cigarettes.

MOTION: *Councilmember Bradley moved to adopt an ordinance amending Chapter 7.05.030, Definitions, of the Municipal Code. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Councilmember Bradley thanked the Utah County Health Department for their help with this issue.

16. A. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Oak Hollow Master Development Agreement.

B. MOTION – Consideration of the Oak Hollow Preliminary Plat.

This item was removed from the agenda at the applicant's request.

17. MOTION – Consideration of the Evans Ranch, Plat E, Preliminary Plat.

This item was presented by Planning Director Steve Mumford. The proposed Evans Ranch, Plat E, preliminary plat has a total of 24 lots on a 6.55 acre parcel. The property is included in the

Evans Ranch Master Development project and is located east of Porter's Crossing Parkway. Plat E is the fifth residential area of the Evans Ranch subdivision. The Planning Commission recommended approval with conditions.

As part of the Evans Ranch project, the entry signs are being updated. They will be larger and have more features than the current bollard signs. There will be two at each of the three entrances to the Evans Ranch subdivision. This is a separate, staff-level action from the City Council Plat E approval. Mr. Mumford requested the Council's feedback on the signs.

Mindy Dansie, representing the developers, stated the signs will be internally illuminated, much like the existing signs.

Mr. Mumford said the developers have spoken to the nearby homeowners. The homeowners are in favor of the new entrance signs.

Councilmember Curtis asked if there is a timeline for collecting funds for the future park located on City property. Mr. Mumford explained the developers are required to improve the Evans Ranch park. The adjacent park and the Oak Hollow park will be improved with community development funds paid by the developers. The timing is to be determined by the City. The City is working with the developers and a landscape architect to develop a design. The Council will have input into the design.

Councilmember Bradley asked when the park improvements need to be made. Mr. Mumford said they need to begin when 50% of the building permits for the single-family lots in the entire Evans Ranch project are issued. The developers have already completed much of the grading on the park property.

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

18. MOTION – Consideration of the Eagle Mountain Commercial, Plat A, Preliminary Plat.

This item was presented by Planning Director Steve Mumford. The proposed Eagle Mountain Commercial, Plat A, preliminary plat is a two lot subdivision on a 10.25 acre parcel. Lot 1 of the subdivision is where the Pony Express Dental Office will be built. The property is located south of Eagle Mountain Boulevard and west of Ira Hodges Scenic Parkway in City Center. A master site plan is being completed.

Lot 2 includes a street easement leading to Lot 1. The road will include at least 20' foot wide asphalt.

Councilmember Curtis asked about the fire flow report. Mr. Mumford responded the water lines and fire hydrants are tested before any building construction begins. Councilmember Bradley felt required steps shouldn't be included in the conditions. Mr. Mumford said one of the planners added them to the list just to be sure they are completed.

Councilmember Bradley was concerned about the road looking unfinished and running through an empty field.

Mr. Mumford said the Council will review the master site plan shortly, which will give them a better idea of what the project will look like. It will be similar to the Kneaders area in Saratoga Springs, which developed slowly, but looks finished now. There will be a somewhat unfinished look for a while, which will improve as the project is completed.

Greg Day, representing the developers, said the project is meant to be of good quality. It has some unique problems, being the first commercial project in City Center. However, there are already applications in progress from businesses considering locating in City Center.

MOTION: *Councilmember Westmoreland moved to approve the Eagle Mountain Commercial, Plat A, preliminary plat, including the recommendations from the Planning Commission. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The recommendations from the Planning Commission are as follows:

1. The access road from Ira Hodges through Parcel 2 to Parcel 1 must be completed with at least a 20' wide paved surface and a Fire Department-approved turnaround prior to any certificate of occupancy being issued.
2. No future development other than the dental office shall be permitted on either parcel until a master site plan has been approved which addresses the site layout, access, circulation, and design standards.
3. Three fire hydrants shall be located within 600' of the proposed dental office, and be shown on the utility plan.
4. A fire flow report shall be completed with a minimum flow above 1,500 gpm.
5. A post indicator valve (PIV) shall be shown on the utility plan.
6. Property shall be dedicated along Eagle Mountain Boulevard to the full build-out width of a 122' right-of-way.

19. MOTION – Consideration of the Valley View Plat A, Phase 7B, Preliminary Plat.

This item was presented by Planning Director Steve Mumford. The proposed plat creates two half-acre lots on a portion of the property that was dedicated to the City with the Valley View Ranch Plat A, Phase 7 subdivision in 2015. The property will be conveyed to Wasatch Land Company (Edge Homes) in exchange for additional park improvements. The Valley View master development agreement was amended on March 1, 2016 to allow for this exchange.

The Planning Commission recommended approval with no conditions.

Councilmember Westmoreland asked if the park will be accessible along two sides. Mr. Mumford said it would only be accessible from Mustang Road. The City is working with Camp Williams to improve the road in that area.

MOTION: *Councilmember Reaves moved to approve the Valley View Plat A, Phase 7B, preliminary plat. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

20. MOTION – Consideration of the Utah County 2016 Municipal Recreation Grant Project.

This item was presented by City Recorder Fionnuala Kofoed. The Utah County Commission has determined the funding for the 2016 Municipal Recreation Grant Program. Funds for this program come from the Tourism, Recreation, Culture and Convention Tax and the allocations to cities are determined by population, based on the 2013 State of Utah Official Census Data. This year's allocation to Eagle Mountain is \$13, 823.02. Staff proposed to install an asphalt trail in the Hidden Canyon Park that would connect to the Bud Evans Trail. All County funds are available on a reimbursement basis.

Councilmember Bradley wanted to know if this project will complete the park. Mayor Pengra said there will still be some work required, focused on water conservation.

Mayor Pengra was unhappy with the program because it taxes restaurants to fund parks. Ms. Kofoed explained that if individual cities don't use their allocations, the money is placed into a fund that can be used by any city.

Councilmember Reaves asked if this program can be budgeted for annually for park improvements. Ms. Kofoed said the program has existed as long as she's been working for the City.

MOTION: *Councilmember Curtis moved to approve the Utah County 2016 Municipal Recreation Grant in the amount of \$13, 823.02. for use on the Hidden Canyon park trail extension. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Gricius
No comment.

Councilmember Westmoreland
See board report.

Councilmember Reaves
No comment.

Councilmember Bradley
See board report.

Councilmember Curtis
Councilmember Curtis asked whether the decision had been made as to whether five-foot sidewalks will be allowed. Mayor Pengra said it was worth considering. Staff will study it and see if they can present it to Planning Commission and City Council.

Mayor Pengra
Mayor Pengra thanked all those who stayed through the meeting.

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

Councilmember Westmoreland

The Library Board will be meeting on Thursday.

Councilmember Bradley

The Economic Development Board will meet this week or next.

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

24. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 8:47 p.m. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MAY 3, 2016.



Fionnuala B. Kofoed, MMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 3, 2016

Work Session 4:00 p.m. Policy Session 7:00 p.m.

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

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Linda Peterson, Communications & Community Relations Director; Chris Trusty, City Engineer; Ikani Taumoepeau, Economic Development Director; Aaron Sanborn, Management Analyst; Calvin Bergmann, Management Intern; Jessica Alvarez, Human Resources Director; Steve Mumford, Community Development Director; Tayler Jensen, City Planner; Jeff Weber, Facilities and Operations Director; Zac Hilton, Streets and Storm Water Director; Mack Straw, Public Utilities Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

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

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

- A. Discussion – UFA Wildland Fires, Battalion Chief Riley Pilgrim

Chief Pilgrim was unable to attend the meeting and will attend the May 17, 2016, meeting.

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

9. APPOINTMENTS

- Youth Council Advisors

- i. Tani Ireland

- ii. Heather Woffinden

Councilmember Gricius asked if City staff was positive it would be allowable to have a three-person Committee of Advisors, since the Youth Council ordinance was changed last meeting to allow for a two-member committee. Mayor Pengra responded that they were sure.

Councilmember Curtis asked if there are any consequences for having too few members on the committee. Mayor Pengra said there are instances occasionally where boards operate in a slightly different way than the Municipal Code specifies. Their level of authority is not enough to cause concern.

14. AGREEMENT – Consideration of a Professional Services Agreement between Eagle Mountain City, Utah, and CRSA for the Eagle Mountain 2016 General Plan Update.

14. AGREEMENT – Consideration of a Professional Services Agreement between Eagle Mountain City, Utah, and CRSA for the Eagle Mountain 2016 General Plan Update.

This item was discussed prior to item 12.

Planning Director Steve Mumford stated the City received six proposals from very qualified firms, which were scored and ranked by a selection committee. All were then invited to interviews. CRSA was clearly superior in its team dynamic and its willingness to customize a solution to Eagle Mountain's needs.

Kelly Gillman, a Senior Principal of CRSA, presented the firm's proposal for updating the General Plan. Their process will focus on three areas: the current strengths of the community, community-driven planning, and practical means of implementation. CRSA will use two firms as consultants: Zions Bank Public Finance on economic issues and Alta Planning and Design on land use issues.

CRSA specializes in place-making--creating communities that people want to live in and visit and that generate interest from retailers. The process includes community planning, visioning exercises and development of design guidelines. A scenario development process will help select which paths will meet the City's needs. The project will also include a branding strategy. An interactive map will allow individuals to indicate concerns they have about particular locations.

Mr. Gillman presented a preliminary schedule, which will include monthly meetings and a number of opportunities for outreach to the public. They expect to have the General Plan documents substantially complete by the end of the year. Councilmembers will be invited to sit on various committees.

CRSA will use an integrated guidance process which selects goals and objectives important to the community and ties them to specific capital improvement projects. One of the key deliverables will be a Citizens' Guide to the General Plan, so the public can understand the plan without reading through the entire, 100-page document.

Councilmember Curtis asked when it would be appropriate to convey the Council's specific expectations. Mr. Gillman said he expects to form three or four stakeholder committees and a steering committee. He hoped Councilmembers would be interested in participating with those committees.

Councilmember Curtis ask what LEED stands for. Mr. Gillman responded LEED is a system that evaluates whether a building has been constructed sustainably. There are various levels, with Platinum being the highest. CRSA built a project in Kimball Junction that received the Platinum certification.

Councilmember Gricius asked about the West Lake Vision Study that CRSA completed for the Mountainland Association of Governments. She wanted to know if it would tie in with the Eagle Mountain project. Mr. Gillman said the West Lake study was an area-wide project completed several years ago.

Councilmember Bradley asked about the optional geographic information system (GIS) component of the plan. Mr. Gillman said it would be a short-term mapping exercise which would allow CRSA to build an online, interactive ArcGIS map.

Councilmember Curtis asked about the disputes clause in the agreement. He wanted to know why Eagle Mountain would ever want to resolve disputes by litigation, rather than arbitration. City Attorney Jeremy Cook said litigation is the City's norm, although it varies depending on the other party and the subject of the dispute. Arbitration can be very expensive, as each party must hire an arbitrator, and it may not result in a resolution unless it's binding arbitration. Mr. Gillman said CRSA's attorney also prefers litigation.

12A. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Oak Hollow Master Development Agreement.

12B. MOTION – Consideration of the Oak Hollow Preliminary Plat.

City Planner Taylor Jensen described some points of the Master Development Agreement. 7.1 acres of the area are zoned Commercial and 27.11 acres are zoned Residential. The maximum density is 5.2 units/acre, totaling 130 units in the entire project. The agreement requires trees and six-foot-wide park strips. A six-foot tall, decorative masonry wall will divide the commercial and residential areas and decorative fencing will be built around all open spaces, including parks and unbuildable land. There will be an eight-foot-wide trail along Porter's Crossing Parkway. The neighborhood park will be smaller than the Code requires, in exchange for a park fee, which will be used to improve the City park to be built adjacent to the development. This fee-in-lieu is permitted by the Code. Street standards, including a 43' right-of-way along Porter's Crossing Parkway and specified turn lanes, are also stated in the agreement.

Councilmember Curtis asked why a master development agreement was being approved at this time. Mr. Jensen explained that Oak Hollow was originally part of the Evans Ranch Master Development Plan, but was not included in the Evans Ranch Master Development Agreement. Mr. Cook stated many of these issues were resolved with the Oak Hollow Master Development Plan approved at the April 5 City Council meeting. The Master Development Agreement details all of the development requirements for the project.

Councilmember Gricius asked when the park had to be constructed. Mr. Jensen said the developers will either build the park before the plat is recorded or bond for park costs with the recordation of each phase.

Councilmember Westmoreland asked whether the wall between the residential and commercial areas will have a landscaped area. Mr. Jensen said the Municipal Code requires landscaping in buffer zones.

13. AGREEMENT – Consideration of a Franchise Agreement between Eagle Mountain City, Utah, and Comcast of California / Massachusetts / Michigan / Utah, LLC.

Mr. Cook said this agreement allows Comcast to offer cable services in the City. Because franchise agreements are regulated by Federal law, very little of this agreement can be negotiated, with the exception of the franchise fee. The fee primarily reimburses the City for any damage caused by the Comcast service lines and for some administrative costs.

The agreement requires the City, if allowed by law, to allow Comcast to provide other services after negotiating contract terms.

Councilmember Reaves asked how the City came to make an agreement with Comcast. Mayor Pengra said Comcast approached the City for permission to provide services in Eagle Mountain. The City has granted a franchise agreement to every service provider that has requested one.

Councilmember Westmoreland asked if there was any case in which the City would grant different franchise fees in the same industry. Mr. Cook said most cities follow the industry standards.

15. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2016-2017 and Setting a Public Hearing for Adoption of the Final Budget.

Assistant City Administrator/Finance Director Paul Jerome presented the changes in the budget since his last presentation.

The budget for the Miss Eagle Mountain Pageant was increased by \$500 to cover increased expenses. There was a \$135,000 overall decrease in the Enterprise Funds. Attorney fees will probably increase. The Military and Veterans Advisory Board may receive budget funds, as well. Building-related revenues are expected to increase beyond projections.

For the sake of transparency, the proceeds of the utility sale will be held in the Electric and Gas Funds until projects receive final approval, when the funds will be expended through budget amendments.

Councilmember Gricius asked about the rise in employee insurance costs. Mr. Jerome said the City evaluates insurance costs every year to get the lowest price that will serve the employees' needs.

Councilmember Gricius asked why there is no allowance for overtime in the Storm Water Fund. Mr. Jerome said he will look into that.

Councilmember Gricius asked what the Administration charge in Fund 52 is. Mr. Jerome responded it's the total of the employee staff time spent on Enterprise Fund services by employees not part of the utility departments.

Councilmember Gricius asked why the requested Enterprise Funds materials budget is three times last year's amount. Mr. Jerome said there will be service increases, such as increased street sweeping, and necessary equipment purchases.

Councilmember Gricius asked what the car allowance is. City Administrator Ifo Pili explained that a few employees have car allowances in their salary contracts. However, the allowance listed in the budget is for the times when employees have to use their personal vehicles because a City vehicle is unavailable.

Councilmember Curtis asked whether the City should continue printing and mailing the newsletter. Mr. Pili said the newsletter will be provided digitally-only starting in

September. Linda Peterson, Communications and Community Relations Director, explained the annual surveys have consistently indicated that residents want the paper newsletter. It will be hard to get the same amount of residents to opt in to an electronic version. However, it is reasonable to make the change.

Councilmember Curtis asked if the City has decided to purchase any audio-video equipment upgrades. Ms. Kofoed said there are excellent options for better video equipment, but they are very expensive for the amount of users who watch online City Council meeting videos. The City Council Chamber audio system will be replaced within the next month.

Councilmember Curtis wanted to know why the employee activity fund decreased last year and will go back to the previous level this year. Mr. Jerome said there is more in the budget than is typically spent. Employee activities include an annual golf tournament at The Ranches Golf Course, the Wellness Committee, an end-of-year party, and breakfast provided at monthly employee training meetings. The Wellness Committee is exploring some other options.

10. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

Mayor Pengra adjourned the meeting at 5:27 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Linda Peterson, Communications & Community Relations Director; Chris Trusty, City Engineer; Steve Mumford, Community Development Director; Ikani Taumoepeau, Economic Development Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

11. CALL TO ORDER

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

12. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1652 presented a flag ceremony.

13. INFORMATION ITEMS/UPCOMING EVENTS

- **Pony Express Days** – Pony Express Days will be held June 1-4. Registration is open for parade entries and the baby contest. Vendor booths are full. Other activities include a free

Family Fun Night, new and improved Carnival, 5K Charity Run, and more! Visit emcity.org/ped for information.

- **Pony Express Rodeo Arena** – Check out upcoming events at the Pony Express Rodeo Arena at www.ponyexpressspeialevents.com. Events include the rodeo, demolition derby, and Endurocross.
- **Blood Battle Blood Drive** – Eagle Mountain City will participate in the annual blood drive competition among North Utah County cities sponsored by Horrocks Engineers on Monday, May 16 from 9 a.m. to 3 p.m. Those interested in donating, please see the information on the City website, News section.
- **Cemetery Inauguration Ceremony** – The City will hold an Inauguration Ceremony at the Pony Express Memorial Cemetery on Monday, May 30 (Memorial Day) from 10 a.m. to approximately 10:45. This ceremony follows the completion of the entrance monument to the cemetery.
- **Youth Council Elections** – Youth interested in election to youth council shall file a statement of candidacy with the City Recorder by 5:30 p.m. on May 5, 2016. A link to the document is available on the City website, News section.
 - All students attending high school and junior high or an equivalent academic level at or above ninth grade, for the following school year, residing within the Cedar Valley area are deemed to be registered to vote for youth council candidates.
 - Every student who runs for office will be listed on a single ballot. The candidate receiving the most votes at the election will serve as youth mayor. The candidates receiving the next five highest numbers of votes will serve as members of the youth council. All remaining candidates will have an opportunity to serve either as youth department heads or committee members.
 - The general election will be held on May 10, 2016. The polls will be open at the City Recorder's Office from 7:00 a.m. to 7:00 p.m. Additional polling places will be announced closer to the date of the election.
- **Community Clean-up** – Thanks to everyone who participated. Over 435 people registered and a great deal of work was accomplished.

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

Clara Bartell, a resident of the Mt. Airey subdivision, spoke in behalf of many of her neighbors who were having trouble with dust, noise and nighttime light coming from the gravel pit. She appreciated the new traffic signal at Mt. Airey Drive and Wride Highway, which has made driving much safer. However, the gravel pit creates a lot of dust, to the point that some people are having breathing problems. It sometimes operates all night, generating enough noise and light to keep people up at night. She requested that the City deny the operator's request for an extension of allowed operating hours.

City Administrator Ifo Pili said he and the Mayor have spoken to the landowner several times, including earlier today. The traffic signal was installed as a result of the City threatening to shut the gravel pit down. Another meeting with the landowner is scheduled for early next week. He wants the gravel pit to move to the back of the mountain, which the City is willing to agree to. If necessary, the City will assign the Code Enforcement Officer to monitor the hours the pit operates.

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

Councilmember Curtis

Councilmember Curtis thanked all the residents, volunteers and City staff who made the Community Clean-up Day successful. He invited all youth ages 14 through high school to participate in Youth Council, which meets every second and fourth Wednesday in the City Council Chambers.

Councilmember Bradley

Councilmember Bradley thanked the Boy Scout troop for the flag ceremony. He said at a meeting at Camp Williams last week for officials of cities adjacent to the camp, he sat in a huge gun emplacement, which reminded him to appreciate the military members who sacrifice for their country. He encouraged everyone to attend Pony Express Days and appreciated the City staff members who work on that event. He thanked everyone who participated in the Community Clean-up. He asked for a report from last year's Miss Eagle Mountain and her attendants about what they accomplished during their year as ambassadors for the City. He thanked Ms. Bartell for her comments about the gravel pit.

Councilmember Reaves

Councilmember Reaves thanked everyone for attending the meeting, especially the Boy Scouts for presenting the flag ceremony. As a former military member, he knows what it means to swear to protect the country. He appreciated always having representatives from the Sheriff's Office and the Unified Fire Authority at these meetings. He asked everyone to be careful during fire season, especially when shooting. The City needs to move forward on posting signs to keep people safe in recreational shooting areas. He appreciated those who helped with the Community Clean-up. He was excited for the new Youth Council advisors being appointed at this meeting.

Councilmember Westmoreland

Councilmember Westmoreland welcomed those attending the meeting.

Councilmember Gricius

Councilmember Gricius thanked Matt Visser for his service on the Youth Council Committee of Advisors. She was excited to participate in a one-day Fire School next week with other Councilmembers.

Mayor Pengra

Mayor Pengra said it was very encouraging to see so many people participate in the Community Clean-up and evidence their involvement in the community.

16. APPOINTMENTS

1. Youth Council Advisors
 - i. Tani Ireland
 - ii. Heather Woffinden

MOTION: *Councilmember Gricius moved to appoint Tani Ireland to the Youth Council Committee of Advisors for a one-year term. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to appoint Heather Woffinden to the Youth Council Committee of Advisors for a one-year term. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Ms. Ireland and Ms. Woffinden.

CONSENT AGENDA

17. MINUTES

1. April 19, 2016 – Regular City Council Meeting

18. BOND RELEASE – Into Warranty

1. SilverLake Plat 14

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

SCHEDULED ITEMS

19. A. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Oak Hollow Master Development Agreement.

B. MOTION – Consideration of the Oak Hollow Preliminary Plat.

This item was presented by Planning Director Steve Mumford. The proposed Oak Hollow Master Development Agreement and preliminary plat comprise 130 residential lots. The project is located directly north of Evans Ranch and south of Pony Express Parkway. The Master Development Plan was approved by the City Council at its April 5, 2016 meeting.

This development was previously known as Evans Ranch North. Evans Ranch North was included in the Evans Ranch Master Development Plan, which is the map of the project, but was never included in a master development agreement, which formalizes all the details of developing the project. As a result, the applicant proposed a new master development agreement. Mr. Mumford recapped the discussion of the master development agreement which was held during the Work Session and is shown on page 3 of these minutes.

Mr. Cook stated the City may not need the entire 43' of right-of-way along Porter's Crossing Parkway. That will be determined at a later time.

Councilmember Curtis thanked Dylan Young of Fieldstone Homes for working with the City to find mutually beneficial solutions to the issues involved in this project.

Councilmember Bradley noted there was no landscape plan and the traffic mitigation procedures weren't specified. Mr. Mumford said the plan would be approved at the staff level and the traffic mitigation would be done according to the recommendations of the traffic impact study.

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

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

20. AGREEMENT – Consideration of a Franchise Agreement between Eagle Mountain City, Utah, and Comcast of California / Massachusetts / Michigan / Utah, LLC.

This item was presented by City Attorney Jeremy Cook. The proposed franchise agreement documents the terms and conditions for Comcast to install, operate, repair and maintain a cable services network within Eagle Mountain City.

Mr. Cook stated most provisions in franchise agreements are governed by Federal law, and those provisions are non-negotiable. The 5% franchise fee is the maximum amount allowed by law. This is a non-exclusive franchise, which allows other providers to offer the same services. It includes a provision allowing Comcast to provide other, ancillary services. The agreement has a ten-year term, which is standard for the industry. Federal law does not allow the City to terminate a franchise agreement. It has to be renegotiated at the end of the term.

Councilmember Curtis asked if the fee is standard across franchised providers, such as internet services. Mr. Cook said it only applies to cable services.

MOTION: *Councilmember Reaves moved to approve a franchise agreement between Eagle Mountain City, Utah, and Comcast of California / Massachusetts / Michigan / Utah, LLC. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

21. AGREEMENT – Consideration of a Professional Service Agreement between Eagle Mountain City, Utah, and CRSA for the Eagle Mountain 2016 General Plan Update.

This item was presented by Planning Director Steve Mumford. The General Plan guides decision-making on future development by the Planning Commission, City Council and City staff on transportation, land use, parks and recreation, economic development, affordable housing and a variety of other subjects.

The professional services agreement documents the terms and conditions for CRSA to complete the City's General Plan update. CRSA specializes in architecture, planning, urban design and land architecture. The project is expected to take ten to twelve months to complete. There will be many opportunities for public and stakeholder input.

Mr. Mumford stated the project will cost \$99,919. There is also an optional fee of \$8,500, to be determined later in the update process, for interactive mapping.

Councilmember Gricius asked who will determine whether the additional fee is spent. Mr. Mumford said it will be determined by the steering committee.

Councilmember Reaves asked if the fee will come back to the City Council for approval. Mr. Mumford said it was included in the agreement so staff won't have to come back to the Council for a change order. If the Council wasn't comfortable with allowing staff to make the decision, that provision can be removed from the agreement.

Councilmember Reaves asked what, exactly, a general plan consists of, as opposed to a development agreement. Mr. Mumford stated a general plan is a guiding document for how the City should look, feel and work in the future. The plan includes goals and implementable strategies to achieve those goals. It also includes the City's land use and transportation.

Immediately after the General Plan update is approved, City staff will begin the process of amending the Municipal Code and the Future Land Use Plan and Transportation Plan as necessary to implement the changes.

Councilmember Bradley wanted to know if a proposed project could be denied if it complied with the Municipal Code, but not the General Plan. Mr. Mumford said projects should be approved if they comply with the Municipal Code. The General Plan is the visioning document that is applied through the Municipal Code.

MOTION: *Councilmember Westmoreland moved to approve a professional services agreement between Eagle Mountain City, Utah, and CRSA for the Eagle Mountain 2016 General Plan Update in the amount of \$99,919, with an optional fee of \$8,500; the agreement includes the redline changes in sections 9 and 23 of the agreement, allowing for a \$5,000 upfront payment and additional indemnification language. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

22. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2016-2017 and Setting a Public Hearing for Adoption of the Final Budget.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The State Code requires that the City Council review and tentatively adopt a budget by the first regularly scheduled meeting in May. Additionally, the City Council needs to establish the time and place of the public hearing before the final budget is adopted. The public hearing will be scheduled on May 17, 2016 and the final budget will be adopted on June 21, 2016.

Councilmember Gricius commended Mr. Jerome and his team for doing a good job on the budget. She has some continuing concerns, which she will discuss with Mr. Jerome next week.

Councilmember Westmoreland asked if this vote authorizes the tentative budget to be released to the public. Ms. Kofoed said it adopts the tentative budget and sets a public hearing for May 17;

once the Council adopts the tentative budget, the budget becomes a public document. Mayor Pengra said it approves the tentative budget to go forward. Staff will begin to prepare requests for proposals for the most important capital improvement projects in anticipation of the final budget being approved.

Councilmember Curtis asked about the General Plan update listed in General Fund Capital Projects. He wanted to know if the updated project was being carried forward to the FY 2017 budget. Mr. Jerome said it was, because the funds won't be expended before June 30. Funds that are budgeted, but not expended, have to be brought forward with the FY 2016 final budget amendments.

Councilmember Bradley didn't want to increase the fund for the Miss Eagle Mountain Pageant. That was one of the reasons he didn't approve the budget last year and why he wants Miss Eagle Mountain to report on her year. Mayor Pengra said he will ask her to report to the Council.

Councilmember Gricius asked what the banked water transfer fee is. Ms. Kofoed responded the fee covers the attorney's time for transferring water to service a particular development. Mr. Cook said banked water is an amount of water a developer has dedicated to the City for future projects.

Councilmember Reaves asked about a line item for a projected budget for Miscellaneous, which is increasing from \$5,000 to \$200,000. Mr. Jerome said it's a revenue line item for landscaping escrows and community improvement fees. Ms. Kofoed explained that the community development fee is required to be paid prior to recording a plat and is used to build parks within the community. The park fee-in-lieu is an option for developers to pay for park improvements rather than improving a park. Landscaping escrow bonds is bonding for park improvements that are eventually released to developers upon successful completion of the 1-year park warranty period.

Councilmember Curtis asked about the bike boulevard in the Bike and Pedestrian Plan improvements. He felt that the funds could be better spent on other projects. He would like it to be secondary to more important road projects.

Discussion ensued on bike and pedestrian projects. The bike boulevard was stricken from the project list. Side path crossings were discussed and retained on the list.

Councilmember Bradley questioned spending \$250,000 on a salt shed. Mayor Pengra explained that road salt left in the open develops a crust that makes it difficult to load into plow trucks. A salt shed is a structure placed on a hard pan that keeps salt from leaching into the ground. It reduces the City's investment in salt in the long run. It's expensive because it's large enough to drive a dump truck into and load it, and the shed is sturdy enough not to have to be replaced.

The improvements to Hummer Road were discussed. City Engineer Chris Trusty stated the City is waiting for Camp Williams to place the road base. The City will place the curb-and-gutter, as well as the asphalt for the road and the trail.

Mayor Pengra asked about the Sunset Drive project. Mr. Trusty responded that the project is in the design phase now. When the design is complete, the City will receive an updated engineer's estimate of the cost.

Mayor Pengra asked if the Golden Eagle Drive project should stay on the list. Mr. Trusty said the developer is doing the work, based on the City's promise to provide some of the funds. The funds will be reimbursed by impact fees once the project is added to the impact fee schedule.

MOTION: *Councilmember Bradley moved to adopt a Resolution of Eagle Mountain City, Utah, adopting the Eagle Mountain City tentative budget for fiscal year 2016-2017, with the changes discussed in Policy Session, and setting a public hearing on May 17, 2016. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The changes made to the tentative budget are as follows:

- The bike boulevard was removed from the project list.
- The Miss Eagle Mountain Pageant budget was increased by \$500.
- The Military and Veterans Advisory Board may be granted budget funds.

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

Councilmember Curtis

No comment.

Councilmember Bradley

See board report.

Councilmember Reaves

Councilmember Reaves stated the Economic Development Board asked the Parks and Recreation Board for input on a grant application for improving some trails in the City. He appreciated the opportunity for the boards to work together.

Councilmember Westmoreland

See board report.

Councilmember Gricius

See board report.

Mayor Pengra

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 Bradley reported that the Economic Development Board met last week. The members are actively spending their own time and resources. He recommended that the City Council include them any time they're working on economic development issues.

Councilmember Westmoreland reported that the Library Board met recently. The Library has acquired some new electronic devices that are popular with borrowers. The Cemetery Board is making final arrangements for the Memorial Day inauguration of the cemetery.

Councilmember Gricius reported that the Military and Veterans Advisory Board moved their meeting to Monday so they can get their budget submitted on time.

25. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items

26. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 9:09 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MAY 17, 2016.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING

May 17, 2016

Eagle Mountain City Council Chambers

1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Linda Peterson, Communications & Community Relations Director; Jessica Alvarez, Human Resources Director; Aaron Sanborn, Management Analyst; Calvin Bergmann, Management Intern; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Jeff Weber, Facilities and Operations Director; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Water Director; Mack Straw, Public Utilities Director; Ross Fowlks, Fire Chief; Michael Burrows, Fire Captain; Eric McDowell, Sheriff's Deputy.

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

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

2.

A. Discussion – UFA Wildland Fires, Battalion Chief Riley Pilgrim

This presentation followed the presentation on the Transportation Master Plan.

Chief Pilgrim reported that he and his team at the Unified Fire Authority (UFA) have been working on the Community Wildfire Protection Plan (CWPP) in this area for the last 18 months. He explained that a CWPP needs the participation of a community Fire Council to help design community education events, organize Firewise Days, keep the CWPP up-to-date and keep the community engaged in fire risk mitigation projects. Participation by a City Council member has been found in other communities to greatly increase the success of Fire Councils. He acknowledged Fred Peeples, an Eagle Mountain resident and former firefighter, who has been a driving force and has attended almost every community meeting.

Fire risk mitigation projects include educational events, fuel treatment and fuel elimination. Fire hazard mitigation can also qualify for Eagle Scout projects. The efforts put in by the community are tracked and contribute to the State match towards expenses of fighting a large fire.

Mayor Pengra stated Eagle Mountain is uniquely positioned, because it is part of the Unified Fire Authority Special Service District and has wildland interface. The district pays the cost of the City's State match. Fire Council participation reduces that match.

Chief Riley said the State is not expecting to collect any money. The State assessment is designed to encourage cities to put a value on the time and effort cities put into fire hazard mitigation. UFA is offering to pick up the cost for wildfires that burn into extended attack or outside of Federal lands, in return for the community putting the time and effort into reducing the risk. It empowers communities to take an active role in deciding where the risk is and figuring out how to reduce it.

Councilmember Reaves referred to Chief Riley's statement that the City has about a year to implement the program. He asked for more details about the process. Chief Riley said the program operates mostly in the summer, so most of the activity will take place between now and October. About forty seasonal UFA employees will do a lot of the project work. Once the Fire Council is formally created, there will be an initial meeting to set up the vision and direction for the program. In additional meetings, the CWPP will be designed. The second phase is the implementation of higher-risk mitigation projects. Phases 2, 3 and 4 implement progressively lower-risk projects. The timeline is flexible because the seasonal employees are also firefighters who may be unavailable for weeks at a time fighting fires.

Bri Binnebose, the Urban Interface Coordinator for the Utah Division of Forestry, Fire and State Lands, pointed out that Eagle Mountain already has a CWPP in place. The Fire Council needs to be formally organized. As soon as possible, a Council needs to come together and schedule meetings and projects. More detailed planning can take place during the winter.

Councilmember Reaves asked about the recent legislation Ms. Binnebose referred to. Chief Pilgrim said the Legislature's HB 56 in 2015 charged the Division of Forestry, Fire and State Lands with creating a strategy to deal with catastrophic wildfire. In 2016, the Legislature passed SB 122, permitting municipalities to cooperate with the State, as counties have been able to do. Additionally, SB 212 provided one-time additional funding for fire suppression. The Division also plans to be more aggressive in recovering costs for human-caused fires. The money recovered will be added to the fire suppression fund.

Mayor Pengra selected Councilmembers Bradley and Reaves to lead the Fire Council and work with Ms. Binnebose.

B. Presentation – Transportation Master Plan, InterPlan

Representatives of InterPlan, which is now part of Parametrix, explained the draft plan was developed with the help of a stakeholder committee composed of City staff, members of the Planning Commission, and SITLA. They presented the draft plan at recent an open house in Eagle Mountain. The final draft incorporated the public comments they received.

InterPlan looked at the existing road network and modeled City traffic flow. At the moment, traffic flow is within level-of-service standards. InterPlan modeled traffic out to

2040 to determine what future road network would adequately service the expected growth. They designed a future network in collaboration with City staff.

They reviewed the cross-section standards for each roadway type and the corridor preservation on Cory Wride Highway, making recommendations for each. Kai Tohinaka, a Transportation Planner, said a master transportation plan is a long-range document which is expected to be adjusted with time.

Councilmember Curtis asked whether the plan assumes Eagle Mountain will grow into a metropolitan area or will continue to have a small-town profile. Mr. Tohinaka responded they worked with City staff to generate socio-economic data to input into a future transportation model geared toward the City's plans for a rural feel.

Councilmember Curtis asked City Attorney Jeremy Cook how binding a master transportation plan is. Mr. Cook said it can be amended to accommodate future changes.

Mr. Tohinaka pointed out this is a phased plan, for ten, twenty and thirty-year projects. Those which are added to the Capital Facilities Plan would be more binding.

Mr. Trusty stated this isn't an action item. It's a preview for the Council preceding a public hearing and adoption of the plan. The City needs a transportation plan to establish its level of service, in order to determine what service improvements can be funded through impact fees.

Councilmember Curtis asked Mr. Trusty to generate comparables with other cities for impact fees and/or levels of service, whichever would indicate how comparable Eagle Mountain is with other cities.

Mayor Pengra asked Mr. Trusty asked if InterPlan or UDOT did the traffic counts for the plan. Mr. Tohinaka said InterPlan's consultant did the traffic counts in May, 2014. Mayor Pengra stated the traffic count would be higher now than it was two years ago.

Councilmember Bradley asked about gaps in transportation service. He felt Airport Road should be a priority, to create another useful access to Cory Wride Highway. Mr. Trusty responded that he agrees and he's spoken to the consultant about it.

Councilmember Bradley asked whether the City's plan coordinates with landowners' plans, particularly SITLA's plans. Mr. Tohinaka stated InterPlan consulted with the landowners in 2014 and received a copy of SITLA's plan.

Councilmember Reaves asked if their plans have been updated. Mayor Pengra said SITLA's plan hasn't changed, but it would be good to talk to the current developer of their land.

Councilmember Bradley asked why SITLA recommended a bypass road off of Pony Express Parkway. Elise Erler of SITLA stated Pony Express Parkway was planned as a residential road. The bypass would accommodate higher-speed traffic. She said Ivory Homes, the developer, will be presenting a preliminary plat in the next few months. She'll ask them to include drawings of the entire plan along with the plat.

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

11. MINUTES – May 3, 2016 – Regular City Council Meeting.

Councilmember Curtis requested a correction to the May 3, 2016 minutes. His intent at that meeting was to ask whether there were consequences to having too few members on the Youth Council Committee of Advisors, rather than too many.

14. ORDINANCE – Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2015-2016 Budget.

Assistant City Administrator/Finance Director Paul Jerome pointed out that the majority of the amendments being presented were for growth-related projects, such as the water transmission line in the North Service Area. Impact fees for assessment areas 2000-1 and 2013-1 paid off more than was expected. The Dispatch building assessment was paid over two fiscal years. The grant for sports lighting at Cory Wride Park and the Community Development basement renovation were also growth-related. These amounts accounted for 93% of the final budget amendments.

Councilmember Bradley asked why there was no budget for the Dispatch building. Mr. Pili explained the City appropriation was made in 2015, but the City chose to carry part of the cost over and pay the cost in two fiscal years.

Councilmember Bradley wanted to know what the SeamlessDocs renewal was and why the cost doubled from the original estimate. Communications & Community Relations Director Linda Peterson said the City evaluated the software in the beginning, then decided to make a multi-year purchase of the software license. Mr. Pili said the \$5,000 was an estimate used as a placeholder.

Councilmember Bradley asked why furniture for the Community Development Building was being added as an amendment rather than budgeted with the construction agreement. Mr. Trusty said only the cost of the basement remodel was included in the original budget amendment. The first estimate he received for furniture was approximately \$73,000. It's been reduced to less than \$45,000.

Councilmember Gricius asked if most of these amendments were items that had already been approved and paid. Mr. Jerome responded they were primarily growth items and previous approvals.

Councilmember Curtis felt he was being required to approve items that were approved before he was elected. Mayor Pengra clarified these amendments were for tracking purposes, to create a clear paper trail.

Mr. Pili noted the City used to do budget amendments nearly every other month. That's been streamlined. Now budget amendments almost always document decisions that the Council already made.

Mayor Pengra stated that part of his campaign platform was not to have budget amendments. He's found that, although he dislikes them, they can't be entirely eliminated. They're often either compulsory or beyond the City's control.

Councilmember Curtis asked about projects, like the skate park improvements, he thought were coming from the utility sale proceeds and are budgeted elsewhere. Mr. Jerome said money was budgeted for this fiscal year, which will be supplemented by a grant, which has to be expensed through the General Fund.

Councilmember Curtis asked how the City could have enough growth to support almost doubling the General Fund. Mr. Jerome said only about \$400,000 affected the General Fund. The other amendments affected other funds.

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

Mr. Jerome described the changes made since the budget was last brought to the Council. The City is no longer collecting fees for trees in the SilverLake subdivision, so that revenue line has been removed. The fire incident payment line was increased to reflect the increase in calls due to the continued growth of the City. He received a request from the Military and Veterans Board for \$4,050, which included increases for the Veterans' Breakfast, Pony Express Days, school supplies for children of service members, and a library book.

Councilmember Gricius explained that the Board thought they had \$2000 for the breakfast last year, so that's the amount they requested this year. The library book money is to allow them to purchase a special edition book for the library each year. Discussion continued on the Military and Veterans Advisory Board budget.

Mr. Jerome stated the changes to the General Fund budget totaled a reduction of \$15,738.

The changes to the Enterprise Funds amounted to only about \$4,000, primarily due to a reduction in paper and mailing costs. The newsletter is going to a digital-only format in the Fall. The Public Information and Utility Billing Departments will have changes in personnel costs due to a reorganization of those departments.

The only change to the Debt Service Fund was a reduction of the amount due to the General Fund from SID 98-1 for the amount of a rebate of approximately \$400,000.

The Impact Fee Fund changed to take into consideration the recent increase in the park impact fee, which will take effect on July 1.

The Capital Projects Fund wasn't included in the information provided to the Council because the change, the removal of the bike boulevard, was discussed in the last meeting.

Councilmember Bradley asked how to avoid budget amendments, perhaps by better forecasting next year and avoiding under-budgeting. Mr. Jerome responded some amendments are due to population growth, which improves the City's ability to provide services to the residents. However, budget amendments as a whole have little to do with the General Fund. The Finance Department tries to consider trends in growth to forecast the budget properly.

Mr. Pili stated the Finance Department is the messenger of unfortunate news, but they do a good job of keeping the numbers in order. The Administration Department determines the final budget amounts. He noted the City has faced downturns and Administration knows how to handle them.

Mayor Pengra stated there is nowhere in the budget where a decrease in revenues would make the City unable to meet its responsibilities.

Councilmember Gricius had questions about several line items. Mr. Jerome and the relevant department heads answered her questions.

Councilmember Curtis thanked Mr. Jerome for compiling the budget and working with all of the Councilmembers on their concerns.

16. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 17.100.040 of the Eagle Mountain Municipal Code for Master Site Plans and Chapter 17.60 for Landscaping, Buffering, Fencing and Transitioning.

City Planner Taylor Jensen said the amendment to Chapter 17.100.40 would allow master site plans to serve as preliminary plats for commercial developments, as they do for industrial developments. The Planning Commission recommended approval.

The amendment to Chapter 17.60 would require masonry walls or commercial developments when they border residential or agricultural developments or zones. The Planning Commission recommended approval.

Councilmember Curtis asked how, in practical terms, allowing master site plans to serve as preliminary plats would streamline the approval process. Mr. Jensen responded a master site plan and a preliminary plat show virtually the same information, so the change would eliminate an unnecessary step in the approval process.

17. AGREEMENT – Consideration of a Professional Service Agreement with Langvardt Design Group LLC, for Phase 1B of the Cory Wride Memorial Park.

Parks and Recreation Director Brad Hickman stated the agreement being considered only covered design work on Phase 1B. No construction work would be approved by voting on this agreement. The Parks and Recreation Department is anxious to complete the design work and move ahead with the project.

The agreement includes two fees. The design development fee includes taking recommendations from staff, Council and others, then creating a detailed design, down to the colors and numbers of the smallest amenities. The second and larger fee is for the creation of detailed construction documents. Both fees are “not to exceed” fees. They will be decreased if the park amenities are reduced.

Councilmember Curtis asked how the contract would accommodate the elimination of amenities. Mr. Hickman said it would depend on whether the item was removed or postponed.

18. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Adopting a Neighborhood Matching Grant Program.

Management Analyst Aaron Sanborn stated this program will use the \$1M allocation from the utility sale proceeds for a matching program to help neighborhood groups improve their parks. The groups will complete an application, which will be evaluated by the Parks and Recreation

Advisory Board. The applications approved by the Board will be brought to the City Council for final approval.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

Mayor Pengra adjourned the meeting at 6:35 p.m.

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Linda Peterson, Communications & Community Relations Director; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Tayler Jensen, City Planner; Ikani Taumoepeau, Economic Development Director; Ross Fowlks, Fire Chief; Michael Burrows, Fire Captain; Eric McDowell, Sheriff's Deputy.

5. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:08 p.m.

6. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1061 presented a flag ceremony.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Pony Express Days** – Pony Express Days will be held from June 1st to 4th. Registration is open for parade entries and the 5K Charity Run. A few spots have become available for vendor booths. Please contact Dawn in the Events department if interested in a booth. Other activities include a free Family Fun Night, the new and improved carnival, and fireworks. Visit emcity.org/ped for information.
- **Pony Express Rodeo Arena** – Check out upcoming events at the Pony Express Rodeo Arena at www.ponyexpressspecialevents.com. Events include the rodeo, demolition derby, and Endurocross.
- **Cemetery Inauguration Ceremony** – The City will hold an Inauguration Ceremony at the Pony Express Memorial Cemetery on Monday, May 30 (Memorial Day) from 10:00 a.m. to approximately 10:45 a.m. This ceremony follows the completion of the entrance monument to the cemetery.
- **Successful Gardening** – Learn how to have a garden that uses very little water, produces huge volumes of food, uses no chemicals, no purchased fertilizer, is never tilled, and gets rid of 95 percent of weeds forever! Caleb Warnock, the bestselling author of 16 books on natural gardening and self-reliance, will present information and show the demonstration garden he has created using City-owned open space in Eagle Mountain on Thursday, May 19 from 6:30 to 9:30 p.m. at City Hall.
- **Rain Barrels** – Eagle Mountain City is participating in the Utah Rivers Council's 2016 RainHarvest program. Discounted rain barrels are available to Eagle Mountain residents for

\$50 (quantities are limited). Pre-order your barrels now at: www.savesomethingutah.org. The barrels will be distributed on June 23 at City Hall from 5:00-8:00 p.m.

- **Splash Pad Opening** – The splash pad at Nolen Park will open for the season on May 20. The splash pad typically stays open through mid-October.
- **Cultural Diversity Celebration** – The Eagle Mountain Public Library and the Eagle Mountain Arts Alliance have partnered to host a free community event celebrating cultural diversity on Saturday, May 21 from 11:00 a.m. to 4:00 p.m. at City Hall. Activities include cultural displays, music, dancing, entertainment, the Food Truck Underground, storytelling, and more.

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

Marianne Smith said the baseball diamond lights at Wride Park were amazing. She will be happier about them when the timer is fixed, so they turn off at night. She was pleased that the sewer line along Pony Express Parkway was completed.

Melissa Smith spoke on behalf of the Miss Eagle Mountain Scholarship Pageant. She co-founded the pageant in 2003, and the 13th queen was just crowned. She wanted to emphasize the scholarship program and the mentorship offered by the pageant. In 2009, when Kim Onions was selected Miss Eagle Mountain, Sadie Huish was her Little Miss. Sadie was dealing with cancer at the time. Representatives of the Miss Utah organization visited her home and presented her with the white Little Miss dress and tiara she would have worn in the Miss Utah Pageant if she had been well enough. When she passed away, she was laid to rest in the white dress. Ms. Smith thanked the City Council for continuing to support the Miss Eagle Mountain Scholarship Pageant.

Wendy Lojik also spoke about the Miss Eagle Mountain Scholarship Pageant. The Miss Eagle Mountain and Miss Utah pageants are part of the Miss America Program. The Miss America program is a nonprofit organization which is the largest provider of scholarship assistance to young women in the United States. The contestants contribute tens of thousands of dollars' worth of community service each year. All contestants are required to donate hours of service and raise funds to benefit charity.

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

Councilmember Gricius

Councilmember Gricius thanked everyone for attending the meeting. She went to the UFA Fire School last week and loved it. It gave her a new respect for the work firefighters do.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone and invited them to attend the Memorial Day inauguration of the Pony Express Memorial Cemetery.

Councilmember Reaves

Councilmember Reaves thanked everyone for attending and thanked the Boy Scouts for the flag ceremony. He also thanked those who spoke about the Miss Eagle Mountain Pageant. He felt the most important part of the program was the educational and leadership opportunities it provided. He appreciated the great work done by the Fire Department and the Sheriff's Office.

Councilmember Bradley

Councilmember Bradley welcomed everyone and said he felt the meetings that don't have a flag ceremony are lacking something. He was reminded this week of the value of the City's being part of UFA. Eagle Mountain's crew was busy, so a Riverton crew responded to an alarm in his neighborhood. He thanked everyone who made Youth Soccer so successful this year. He thanked those who attended the Eagle Mountain Business Forum and invited others to join.

Councilmember Curtis

Councilmember Curtis thanked Miss Eagle Mountain and the organizers of the Scholarship Pageant for the work they do. He enjoyed his experience with Fire School and expressed appreciation for emergency responders. He encouraged youth to join the Youth Council.

Mayor Pengra

Mayor Pengra was pleased to have Boy Scouts, members of multiple boards, prior Councilmembers, neighbors, residents, prior volunteers, Miss Eagle Mountain, prior employees, firefighters and Sheriff's deputies all in attendance at the meeting.

10. INTRODUCTION / REPORT – Introduction of Miss Eagle Mountain 2016 Kaylie Blacka and report from Miss Eagle Mountain 2015 Ella Barlow.

Kaylie Blacka, Miss Eagle Mountain 2016, stated her platform was Coping with Bullying. She felt young children are affected by bullying and the effects remain through their lives. She wanted to teach children positive ways to react to it. Her attendants, Sarah Hafen and Courtney Reall, introduced themselves.

Ella Barlow, Miss Eagle Mountain 2015, presented each Councilmember with a packet describing her year of service. She worked with the Christmas Box House, which helps foster and abused children, went to many City events and local parades, and helped with the Miss America project to provide shoes for people in Burkina Faso, West Africa.

11. PRESENTATION – Paraprofessional Certificate Presented to Michele Graves by Nancy Haight, Representing the Utah Library Association.

Ms. Haight stated, in order to earn this certification, Ms. Graves had to demonstrate professional management, development and education in four areas: library service, public service, technology and administrative management. She has participated in many workshops and has served in several professional organizations.

CONSENT AGENDA

12. MINUTES
 - A. May 3, 2016 – Regular City Council Meeting
13. BOND RELEASE – Into Warranty
 - A. Evans Ranch, Plat A
14. BOND RELEASES – Out of Warranty
 - A. Evans Ranch, Plat B2
 - B. Evans Ranch, Plat B3

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

The correction referred to was on page 1 of the minutes. The question he asked at that meeting was whether there would be a consequence for operating the Youth Council Committee of Advisors with too few members, not too many as was stated in the draft minutes.

SCHEDULED ITEMS

PUBLIC HEARING

15. ORDINANCE – Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2015-2016 Budget.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. State statute requires the City to amend its budget to appropriate funds for increased expenses. The proposed ordinance amends the fiscal year 2015-2016 budget for increases in the General Government, Enterprise, Capital Projects, Debt Service and Impact Fees Funds.

Just over half of the \$7M in amendments was related to the growth of the City's population. There were also amendments related to higher than expected payments to the City on special improvement district assessments. Almost \$1M was due to impact fee reimbursement agreements. Specific capital improvement projects included the North Service Area water transmission line for \$1.85M, the grant for the lights at the Cory Wride Park ball fields, the remodeling of the Community Development basement renovation and half of the City's obligation towards the new Utah Valley Dispatch building. Less than \$400,000 of the amendments affected the General Fund.

Mayor Pengra opened the public hearing at 8:06 p.m.

Sam Allen requested that the Council not approve the amendment approving a payment for bleachers for the Pony Express Special Events Committee, as he couldn't find any evidence that they are a legitimate 501(c)3 charity.

Mayor Pengra stated the bleacher payment was not paid to the committee. It was a purchase of an improvement to the rodeo arena, which is City property.

Wendy Lojik said she was the original incorporator of the Pony Express Special Events Committee. The committee's attorney confirmed its 501(c)3 status. She reported that every dollar the committee earns is donated to the City facility.

Mayor Pengra closed the public hearing at 8:14 p.m.

Councilmember Bradley stated, although he has always supported the Special Events Committee's work, he never voted for or supported any payments for the bleachers at the rodeo grounds because the committee said they wouldn't ask for any more money. However, the money was paid to the owners of the bleachers. This amendment is for transparency, so the payment is clearly documented.

Councilmember Reaves assured the public the money the City receives is being carefully managed. He felt the Mayor and staff are doing a great job of running the City.

MOTION: *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2015-2016 budget. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

PUBLIC HEARING

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

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. State statute requires that the City Council hold a public hearing on the proposed budget and that the final budget be adopted by June 22. The tentative budget was adopted by the City Council on May 3, 2016. The final budget will be the document that governs the expenditures for FY 2016-2017.

Mr. Jerome reviewed the changes made since the last posted version of the budget. There was a \$25,000 reduction in the collection of fees for tree planting, because that is being done by developers now. There was an increase in fire incident payments from Utah County to offset fees paid to Utah County Dispatch for fire calls. The budget for the Military and Veterans Board was posted as \$2,600; however, Mr. Jerome received an increased request this morning. There was also an adjusting entry in the fund balance to bring the difference between revenues and expenditures to zero.

Mayor Pengra invited Lois Leikam, representing the Military and Veterans Board, to explain the Board's budget request. Ms. Leikam listed the following:

- \$300 for Pony Express Days activities
- \$2000 for the Veterans' Breakfast
- \$350 for yellow ribbons and flags for the welcome home processions for military personnel
- \$350 for care packages for deployed service members
- \$150 for school supplies for children of wounded veterans
- \$800 for the American Legion Boys' and Girls' State program
- \$100 for a book for the Library

Mayor Pengra encouraged the Military and Veterans Board to contact local businesses for donations for the Veterans' Breakfast.

City Recorder Finn Kofoed explained there were supplies left over after last year's Pony Express Days, which were going to be donated to the Board, but the weather and some logistics were problematic. The City plans to help with this year's breakfast. There was a concern about multiple Eagle Mountain boards asking for donations from local business, so the Military and Veterans Board has been asked to work with the Events Department on the breakfast.

Mayor Pengra opened the public hearing at 8:48 p.m.

Sam Allen requested that the Council not approve any payments to the Pony Express Special Events Committee, as he couldn't find any evidence that they are a legitimate 501(c)3 charity.

Mayor Pengra closed the public hearing at 8:51 p.m.

Mayor Pengra said he remembered seeing that the Committee was an applicant for a charity designation. He was opposed to providing tax dollars to an incomplete organization. They have now moved forward. Eagle Mountain donated funds to assist with their first rodeo on the basis of its benefit to the community. The bleachers were purchased as an asset to a City facility.

Councilmember Bradley clarified there is currently no City money being directed towards the Special Events Committee.

Councilmember Gricius thanked Mr. Jerome for taking the time to answer her many question in the last two weeks.

Ms. Kofoed pointed out the City doesn't receive the certified tax rate from Utah County until sometime in June. The tax rate and the final budget are normally approved together. If the budget is passed at this meeting, the motion will have to specify the certified tax rate will be approved separately.

MOTION: *Councilmember Bradley moved to table an Ordinance of Eagle Mountain City, Utah, adopting the Eagle Mountain City fiscal year 2016-2017 budget, until the next meeting. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, and Tom Westmoreland. Those voting no: Benjamin Reaves. The motion passed with a vote of 4:1.*

PUBLIC HEARING

17. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 17.100.040 of the Eagle Mountain Municipal Code for Master Site Plans and Chapter 17.60 for Landscaping, Buffering, Fencing and Transitioning.

This item was presented by City Planner Tayler Jensen. The proposed ordinance amends Chapter 17.100.040 of the Municipal Code to allow master site plans to serve as preliminary plats and amends Chapter 17.60 to require masonry or decorative concrete walls as a buffer between commercial and residential developments.

Because the approval process for industrial developments allows master site plans to serve as preliminary plats, this amendment would the Municipal Code more consistent by using the same process for commercial developments. It would also reduce a redundant step in the approval process.

The second amendment would raise the standard for buffering when required where a commercial development borders a residential or agricultural zone. This amendment is based on comments from the public. The requirement would be changed from a fence to a solid, decorative wall. Illustrations of acceptable and unacceptable walls are included in the amendment.

Mayor Pengra opened the public hearing at 9:06 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Westmoreland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 17.100.040 of the Eagle Mountain Municipal Code*

for Master Site Plans and Chapter 17.60.110 for Landscaping, Buffering, Fencing and Transitioning. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

18. AGREEMENT – Consideration of a Professional Service Agreement with Langvardt Design Group LLC, for Phase 1B of the Cory Wride Memorial Park.

This item was presented by Parks and Recreation Director Brad Hickman. The proposed professional service agreement documents the terms for the planning, landscape architecture and site design services for Phase 1B of the Cory Wride Memorial Park. Phase 1B is about 40% of the proposed park design. The agreement does not authorize construction, only the detailed design services and construction documents. The work would be done in cooperation with City staff.

The City Council previously expressed a concern about the hourly rate, so Mr. Hickman spoke to Craig Hahn of Langvardt. Mr. Hahn approved adding an hourly rate structure to the agreement, which would reduce the total contract amount if some amenities were to be eliminated from the design.

Councilmember Gricius proposed having City staff present a public open house, rather than Langvardt's staff. She felt it would allow for a more unbiased presentation, which would be more responsive to the residents' needs. Mr. Hickman responded his experience with Langvardt is they are passionate about creating a quality product that incorporates the staff's input. He felt they could present it more thoroughly.

Mr. Pili stated the City has done surveys for input from residents. Langvardt incorporated that input into the design. He asked Councilmember Gricius if her concern was with holding the open house or with Langvardt itself. She said she didn't feel the preliminary design truly reflected the residents' wishes. For instance, four pickleball courts are included, but they ranked very low in the residents' preferences.

Councilmember Bradley supported holding a public hearing, to be presented by Langvardt, to get public input on the preliminary design. He preferred delaying the vote on the agreement until after the open house.

Mayor Pengra stated he contacted Langvardt and was told they would be willing to conduct an open house within the next couple of weeks.

Mr. Hickman suggested combining this open house with the one for the design of the medians in Pony Express and Ranches Parkways, which is already in the planning process.

Councilmember Curtis expressed a preference for City staff conducting the open house.

Councilmember Westmoreland suggested posting a board in Cory Wride Park showing the preliminary design, so residents could see the design in relation to the actual location.

In reference to the contract amount, City Attorney Jeremy Cook pointed out the difficulty of determining exactly how long a given element took to design. The fee shown in the agreement is a "not to exceed" fee covering the overall deliverables.

Councilmember Curtis asked if the design would be an overall design, including future construction, or whether it should be scaled down to what this Council would realistically approve.

Councilmember Westmoreland recommended it be an overall design. Scaling back is less cumbersome than adding improvements. Mr. Hickman pointed out an overall design would allow for building infrastructure that would support future construction that might not be approved immediately.

After a lengthy discussion, Mayor Pengra called for a motion.

MOTION: *Councilmember Reaves moved to approve a professional service agreement with Langvardt Design Group LLC, for Phase 1B of the Cory Wride Memorial Park in the amount of \$170,170.00 and authorize the Mayor to sign the contract. Councilmember Westmorland seconded the motion. Those voting aye: Adam Bradley, Benjamin Reaves and Tom Westmoreland. Those voting no: Colby Curtis and Stephanie Gricius. The motion passed with a vote of 3:2.*

19. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Adopting a Neighborhood Matching Grant Program.

This item was presented by Management Analyst Aaron Sanborn during Work Session, as found on page 7 of these minutes. In summary, the proposed program details the process in which HOAs apply for matching funds to complete specific park projects. There are three main project types groups can apply for: physical improvements, public safety, and historical projects. The funds for this Neighborhood Matching Grant Program were allocated by the City Council from the proceeds of the utility sale.

Councilmember Gricius was pleased to have the Parks and Recreation Advisory Board included in this process.

Mayor Pengra wanted to be sure the Council had confidence in the Parks and Recreation Advisory Board, before they vote to include them in the approval process. He didn't want the Board to experience frequent disapprovals after they study the proposed projects.

Councilmembers Gricius, Reaves and Westmoreland expressed their confidence in the Parks and Recreation Advisory Board.

Mayor Pengra invited Drew Curley, Chair of the Parks and Recreation Advisory Board, to speak. Mr. Curley thanked the Council for their confidence in the Board.

MOTION: *Councilmember Gricius moved to adopt a Resolution of Eagle Mountain City, Utah, adopting a Neighborhood Matching Grant Program. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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 Westmoreland

No comment.

Councilmember Bradley

Councilmember Bradley encouraged business owners to participate in the Eagle Mountain Business Forum. He thanked Ms. Kofoed and her staff for conducting the Youth Council election.

Councilmember Reaves

No comment.

Councilmember Curtis

Councilmember Curtis reminded everyone of the upcoming Pony Express Rodeo and the Demolition Derby.

Mayor Pengra

Mayor Pengra thanked everyone who stayed through the entire meeting.

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

Councilmember Curtis reported that the Youth Council election had over 150 votes, many more than in previous elections.

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

23. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 10:03 p.m. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Approved by the Eagle Mountain City Council on June 21, 2016.



Fionnuala B. Kofoed, MMC
City Recorder



EAGLE MOUNTAIN CITY COUNCIL MEETING

June 21, 2016

Eagle Mountain City Council Chambers

1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

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

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

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

None.

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

13. ORDINANCE – Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2015-2016 Budget – Final Amendment 2.

Assistant City Administrator/Finance Director Paul Jerome presented the final amendments to the fiscal year 2016 budget. The budget amendments presented in the May 17, 2016 meeting were approved as final amendments, but some additional issues were found in the General Fund, Capital Project Fund and Internal Service Fund that needed to be addressed.

Councilmembers discussed the proposed amendments.

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2016-2017 Budget and Certified Tax Rate.

Assistant City Administrator/Finance Director Paul Jerome presented the fiscal year 2016-2017 budget and certified tax rate. The tentative budget was accepted by the City Council on May 3, 2016. State statute requires the final budget to be adopted by June 22.

Councilmembers discussed the budget.

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Following Chapters of the Eagle Mountain Municipal Code: Chapter 16.35.100 Sidewalks Trails and Pathways, Chapter 17.10 Definitions; Chapter 17.25 Residential Zone; Chapter 17.30 Residential Zone Bonus Density Entitlements; and Chapter 17.70 Accessory Apartments.

City Planner Tayler Jensen explained the proposed amendments to the Municipal Code. Chapter 16.35.100, Sidewalks, Trails and Pathways, would be amended to remove a reference to a chapter of the Code that no longer exists and to increase the size of sidewalks and the local street right-of-way. Chapter 17.10, Definitions, would be amended to define “tiny homes on wheels” and clarify the definition of “manufactured home or dwelling.” Chapter 17.25, Residential Zone, would be amended to update setback requirements. Chapter 17.30, Residential Zone Bonus Density Entitlements, would be amended to remove the community improvement fee from Tier I bonus density requirements. Chapter 17.70, Accessory Apartments, would be amended to permit tiny homes on wheels in Base and Tier I residential zones.

The City Council discussed the amendments.

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

Mr. Jensen stated the Metro Ready Mix site will be on the north boundary of Eagle Mountain, just south of Camp Williams. It’s almost .8 mile from both of the nearest public roads. When the nearest subdivision, Spring Run, is completed, the plant will still meet the requirement of a quarter-mile from the nearest residential area.

The Municipal Code states the project must not be visible from any public street. The Planning Department did a computer model of the full 94-foot height and found that it will not be visible. It will be required to have a dust control plan through the Utah Dept. of Environmental Quality. Noise must be less than 65 decibels at the property line during specified nighttime hours. Regarding traffic, the applicant has indicated the plant’s trucks will not use Mt. Airey Drive, as it’s more cost-effective to go through Saratoga Springs.

Councilmember Westmoreland asked if the hill blocking the view of the proposed plant is the one that is being mined and will eventually be flattened. Mr. Mumford responded that it is.

Councilmember Westmoreland asked what recourse the City has if the dust is not kept under control. Mr. Jensen said the Planning Department talked to other cities with Metro plants. Midvale said they have had to direct the company to turn on sprinklers a couple of times. Pleasant Grove hasn’t had any problems. Mr. Pili said if the dust isn’t controlled, the City won’t have any recourse. There won’t be any way to differentiate between the dust from the asphalt plant and the dust from the concrete plant.

Mayor Pengra said he and the staff recognize there’s an issue. He felt it would be wise to table the project until there are more answers to the questions of noise and air quality.

Councilmember Curtis asked City Attorney Jeremy Cook if the City has any legal discretion to deny this project, if it meets the Code for the Extractive Industries Overlay Zone. Mr. Cook said because it’s an approved use, it can’t be denied without specific reasons. The project can be

denied if it is going to create significant health or safety issues, or if there is insufficient water supply or water pressure. The Council can also place traffic or access conditions on the approval.

Councilmember Curtis asked if the City could rezone the property in the future if a future Council decided that it wanted to have a different use in the area. Mr. Cook said property can always be rezoned, but once a project is submitted, it is vested with the zoning at the time of submission. One option is to keep the overlay zone, but make certain uses conditional rather than approved uses, which would give the Council more discretion in whether to approve proposed projects.

Mayor Pengra noted homebuilders in Eagle Mountain could benefit from having concrete trucked in from nearby, as the concrete will be fresher and better quality. He recognized the City has been unsuccessful in solving the problems with the asphalt plant.

Mr. Pili stated the project is entirely within the requirements of the Municipal Code. The questions about the approval are based on the trouble the City has consistently had with the asphalt plant, whose owners went through the same approval process the concrete plant is now going through.

17. MOTION – Consideration of the Pole Canyon, Phase A, Preliminary Plat.

This item was removed from the agenda at the request of the applicant.

18. MOTION – Consideration of the Lakeview Estates Preliminary Plat.

Mr. Jensen stated this preliminary plat will be located south of Wride Memorial Highway, north of Cedar Pass Ranch and includes a mixture of 65 half-acre and one-acre lots. There are some steep slopes on the property, which are not buildable. UDOT has announced a potential right-of-way for an expansion of Wride Memorial Highway, which will impact the north edge of the development. Potential buyers will have to be told that those lots may be included in the right-of-way. There is one piece of remnant land, not part of any lot or right-of-way, which is not permitted by the Municipal Code. Discussion was held on how to manage the remnant.

Councilmember Bradley asked if there are traffic concerns with the plat. Mr. Mumford said there is only one exit from the development, on Sunset Drive. There is some concern that too much traffic will enter Wride Highway from Sunset Drive. However, with the traffic signal that has just been installed at the intersection, traffic service will be at a high enough level that the Fire Marshal approved the plat.

Councilmember Curtis stated the developer came to the Council recently asking for half of the lots to be on the sewer system and half on septic tanks. City Engineer Chris Trusty said all the lots will be connected to the sewer system, which will be equipped with a lift station.

Councilmember Curtis asked if the lots adjacent to Wride Highway are larger lots. Mr. Mumford said all those are one-acre lots.

Councilmember Curtis asked if the detention pond will count towards the improved open space. Mr. Jensen said nothing that is designed to contain a ten-year storm is allowed to count towards open space.

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

Mr. Jensen explained this project will be located next to the Holiday Oil gas station being built near the intersection of Eagle Mountain Blvd. and Pony Express Parkway. The site faces Ira Hodges Scenic Parkway. The applicant has submitted a final plat, but the plat can't be approved until the owner of the entire property submits a master site plan. City Administration allowed a delay in the master site plan to accommodate approval of the first businesses interested in locating in City Center. The normal process needed to be adjusted in order to take advantage of this year's construction season.

Councilmembers were concerned about a lack of cohesive planning without a master site plan. Mr. Pili said the City won't issue building permits unless the proper planning has taken place. He felt introducing commercial development into City Center was worth the extra effort of adjusting the approval process.

20. MOTION – Consideration of the Gateway Park, Phase B, Preliminary Plat.

Mr. Mumford stated this four-lot plat is located between Wride Memorial Highway and Gateway Park, Phase A. The applicant has been working with UDOT to close a deal for purchase of a right-of-way along the highway. The deal has not gone through, so the applicant is moving forward with the commercial plat. If the highway right-of-way is approved, it will run through much of the property.

Mr. Mumford spoke to UDOT yesterday and was told Talon's Drive is not an approved access to Wride Memorial Highway. The developer will have to apply for an access.

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

No Closed Executive Session was held.

Mayor Pengra adjourned the meeting at 6:13 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Linda Peterson, Communications & Community Relations Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:08 p.m.

5. PLEDGE OF ALLEGIANCE

Adam Bradley led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Early Voting** – Utah County is conducting early voting through June 24. Early voting will take place at Eagle Mountain City Hall Council Chambers. Hours for the early voting are 8:00 a.m. - noon on Tuesdays and 1:00 – 5:00 p.m. on MWThF. A Primary Election will be held on June 28. Hours for the Primary Election are 7:00 a.m. – 8:00 p.m. at established polling locations. Registered voters with current, government-issued ID may vote. Please call the Utah County Elections Office at 801-851-8128 or go to vote.utah.gov for additional information or questions.
- **New Traffic Signal** – A new traffic signal on Wride Hwy at Sunset Drive has been activated. Please be watchful in this area as drivers adjust to the new signal.
- **Rain Barrels** – Eagle Mountain City is participating in the Utah Rivers Council's 2016 RainHarvest program. Discounted rain barrels are available to Eagle Mountain residents for \$50. The pre-order period is closed but barrels will be distributed on June 23 at City Hall from 5:00-8:00 p.m. There may be a limited quantity available for purchase on site.
- **Citywide Yard Sale** – Eagle Mountain City is offering a city-wide yard sale opportunity on Saturday, June 25. Simply register your site on the participant map at emcity.org/yardsale.
- **Annual Citizens' Survey** – Eagle Mountain City's annual citizens' survey is available through 12:00 a.m. on July 28. The survey will take 10-15 minutes to complete. Responses from this survey guide many City decisions and direction. The survey may be accessed on the City website, News section.
- **Neighborhood Grant Match Meeting** – In 2014, Eagle Mountain City residents voted to sell the gas and electric utilities, and in early 2015 the sale was completed. As a result of the sale, the City had excess funds that could be used on projects to help enhance the City. The City Council approved a Neighborhood Community Matching Grant Program to accomplish this purpose. Under this program, neighborhoods can work together with the City on projects designed to:
 - Enhance & beautify neighborhoods
 - Foster a sense of community and neighborhood pride through resident participation in a neighborhood project
 - Foster a team partnership between the City and residents designed to create and facilitate positive change
 - Reinvest utility sale funds into the communityThis program has been designed to help direct utility sale proceeds back into neighborhoods around the City until those approved utility sale funds have been disbursed. Interested groups can find all the necessary application requirements and information on the City website, under Community. All interested applicants for the Neighborhood Match Grant Program should plan on attending a pre-application meeting on June 30 from 7:00-8:00 p.m. at City Hall.
- **Fireworks Restrictions** – The Unified Fire Authority has announced the State is at a high risk for wildland urban interface fires. Please use extreme caution when using fireworks during the upcoming season. The safest way to enjoy fireworks is to attend a public display conducted by trained professionals. Fireworks-restricted areas are in close proximity to areas covered brush and grass, thick forested areas, open fields, etc. Generally, they will be the same areas that were prohibited last year. Visit the interactive map for information on prohibited areas at www.unifiedfire.org under Services, Prevention, Fireworks. For those in restricted areas of

Eagle Mountain, asphalt surfaces at the following City parks may be used – SilverLake Amphitheater, Smith Ranch, and Pony Express.

- **City Offices Closure** – The City offices and Library will be closed Monday, July 4 for the Independence Day holiday. The Library will also be closed on Saturday, July 2.
- **Extreme EnduroCross** – Check out upcoming events at the Pony Express Rodeo Arena at www.ponyexpressspecialevents.com. An Extreme EnduroCross event will be held July 16.
- **Scales & Tails and Movie in the Park** – The Eagle Mountain Library and City Events Department will present a free animal show with Scales & Tails Utah, followed by a screening of the movie Babe, on Saturday, July 9 at SilverLake Amphitheater. The Scales & Tails show will be from 7:00 p.m. to 9:00 p.m., with the movie starting at dusk.

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

Sam Allen, a resident of City Center, felt Cory Wride Memorial Park will be too crowded upon its completion and have the wrong amenities. He hoped the City wouldn't give any benefits to Ivory Homes in consideration of their donation of \$1.8M towards the development of the park. He thought the City could build four parks around the City for the amount it is spending for Wride Park. He requested that the Council reconsider the project.

Lori Gilson, a resident of Mt. Airey subdivision, thanked the Council for the neighborhood park matching program. Residents of her neighborhood have been making plans and raising funds for a park. She was unhappy with the lack of beautification in the City and asked for regulations requiring beautification of the industrial developments that are built along Wride Memorial Highway.

Mayor Pengra read an email from Sandra Worrells. Ms. Worrells appreciated the kindness of Eagle Mountain residents. She disliked the mining operations across Wride Memorial Highway and felt adding additional industrial businesses so close to residential neighborhoods is not in the City's best interests. She appreciated the new traffic signal at the intersection of Wride Memorial Highway and Mt. Airey Drive; however, she was surprised there wasn't a left-turn arrow for eastbound drivers to turn onto Mt. Airey Drive. She said this entrance to the City is ugly. In addition, a large field between Wride Memorial Highway and Inverness Road is being filled in by the owner, creating clouds of dust and mounds of dirt and debris.

Mayor Pengra said he agreed the City needs additional beautification where it can be done; however, a lot of the unsightly land belongs to private owners, who will beautify the land as they build on it. He pointed out that much of the utility sale money is being spent on City beautification projects.

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

Councilmember Gricius

Councilmember Gricius said Pony Express Days went very well. She encouraged everyone to vote in the Primary Election.

Councilmember Westmoreland

Councilmember Westmoreland said he would contact Mr. Allen to address his concerns, many of which could be resolved with some additional information. He wished everyone a happy Independence Day.

Councilmember Reaves

Councilmember Reaves felt it was a misconception that elected officials don't listen to constituents. He said as an elected official, he is a public servant. He appreciated all the residents who are involved with the City.

Councilmember Bradley

Councilmember Bradley thanked everyone who made Pony Express Days possible and those who attended. He thanked the staff members who conducted the open house about the plans for Wride Memorial Park, and those who attended the open house. He invited residents to contact him with their concerns about the park plans. He thanked the Streets Department for quickly repairing Mt. Airey Drive after a recent water line incident. He urged everyone to vote in the Primary Election.

Councilmember Curtis

Councilmember Curtis welcomed everyone to the meeting. He thanked the Scouts who were attending the meeting to fill requirements for Boy Scout merit badges.

Mayor Pengra

Mayor Pengra said he and all of the Councilmembers are there to serve the City. They pay attention to all of the comments they receive from City residents.

9. PRESENTATION – Recognition of Marianne and Glenn Smith, Grand Marshal 2016

Mayor Pengra presented a plaque to Marianne and Glenn Smith in honor of their being the Grand Marshal of the 2016 Pony Express Days Parade.

Mrs. Smith said she and Mr. Smith enjoyed and appreciated the opportunity to participate as the Grand Marshal of the parade.

CONSENT AGENDA

10. MINUTES

A. May 17, 2016 – Regular City Council Meeting

11. BOND RELEASE – Into Warranty

A. Spring Run, Phase 1

12. BOND RELEASES – Out of Warranty

A. Meadow Ranch Storage

B. O'Fallon's Bluff, Plat C

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

SCHEDULED ITEMS

PUBLIC HEARING

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2015-2016 Budget – Final Amendment 2.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. State statute requires the City to amend its budget to appropriate funds for increased expenses. The proposed ordinance amends the fiscal year 2015-2016 budget for increases in the General Fund, Capital Project Fund and Internal Service Fund. The amendments approved at the last meeting were labeled the final amendments, but additional issues were found that needed correction.

Councilmember Bradley asked why the audio system cost increased from \$17,000 to \$22,000. City Recorder Fionnuala Kofoed explained the budget for the project was approved several years ago. When the bid was updated, it came in higher than the previous one. In addition, ADA-compliant devices were added, which will allow hearing-impaired people to participate in City Council meetings.

Mayor Pengra opened the public hearing at 7:47 p.m. As there were no comments, he closed the hearing.

Councilmember Curtis invited any residents who have questions about the budget amendments to ask, so they can understand the reasoning behind the votes.

Councilmember Bradley stated much of the money from the utility sale is being spent on parks and roads. These are priorities for the City. The amount approved for Cory Wride Park only accounts for about half of the park-related expenditures.

Mayor Pengra pointed out much of the money being spent on Cory Wride Park comes from impact fees and grants. Out of approximately \$14M in utility sale proceeds, only about \$3.5M will be spent on Cory Wride Park.

MOTION: *Councilmember Westmoreland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2015-2016 budget (final amendment 2). Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

PUBLIC HEARING

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2016-2017 Budget and Certified Tax Rate.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. State statute requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 22. The tentative budget was approved by the City Council on May 3, 2016 and a public hearing for the final budget was held on May 17, 2016.

The certified tax rate is calculated by the County Assessor's Office annually to ensure each municipality receives the same amount of property tax revenue each year. If the property values

rise and the current revenue plus growth remain essentially the same, then the rate decreases. If the assessed values decrease, then the rate rises in order to maintain the revenue level from the previous year. The rate this year is 0.001081, which is slightly more than a 3% decrease.

Mr. Jerome explained the changes to the budget since it was last presented.

General Fund

Due to the passage of House Bill 362, the City's B and C road funds were increased by \$100,000, which will allow the City to complete additional roadwork. The City will continue to subsidize the roadwork which isn't covered by B and C road funds. In addition, the City plans to implement an inventory module in its management software application. This required some adjustments to interfund transfers. There will also be a transfer to the Capital Projects Fund.

Enterprise Funds

The Enterprise Funds will be amended to incorporate the changes caused by the implementation of the inventory module.

Capital Projects Fund

The expenses for the trail along the Bobby Wren Blvd. extension will be eliminated. The project will be combined with the Bobby Wren road project for the sake of cost savings. The savings will be available for other projects.

Impact Fee Fund

The change to the parks impact fee will increase the revenue to this fund. Impact fees can only be used for infrastructure improvements, not operations or maintenance.

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

Councilmember Reaves let the audience know the Council and City staff have been working diligently on the budget for months.

Councilmember Westmoreland asked Mr. Jerome what amount is being moved into the Capital Projects Fund. Mr. Jerome explained State law doesn't allow a municipality to hold more than 25% of its operating budget in reserve. Any excess must be moved to the Capital Facilities Fund for use on infrastructure projects.

The Mayor and Council discussed road projects.

Councilmembers commended Mr. Jerome and his team for completing the budget, which is a very large and complex document.

MOTION: *Councilmember Westmoreland moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the Eagle Mountain City fiscal year 2016-2017 budget and certified tax rate of 0.001081, as set by the State of Utah from values calculated by the Utah County Assessor's Office, with the change of transferring \$345,500 into the road maintenance schedule from the General Fund. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. Those voting no: Stephanie Gricius. The motion passed with a vote of 4:1.*

PUBLIC HEARING

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Following Chapters of the Eagle Mountain Municipal Code: Chapter 16.35.100 Sidewalks Trails and Pathways, Chapter 17.10 Definitions; Chapter 17.25 Residential Zone; Chapter 17.30 Residential Zone Bonus Density Entitlements; and Chapter 17.70 Accessory Apartments.

This item was presented by City Planner Tayler Jensen. The proposed ordinance includes amendments to the following chapters:

- Chapter 16.35.100 Sidewalks, Trails and Pathways, removing a reference to a chapter of the Code that no longer exists and increasing the size of the local street right-of-way.
- Chapter 17.10 Definitions, defining “tiny homes on wheels” and clarifying the definition of “manufactured home or dwelling.”
- Chapter 17.25 Residential Zone, reducing Base Density and Tier 1 setback requirements.
- Chapter 17.30 Residential Zone Bonus Density Entitlements, removing the community improvement fee from Tier I bonus density requirements.
- Chapter 17.70 Accessory Apartments, permitting tiny homes on wheels in Base and Tier I residential zones.

The proposal for increasing the local street right-of-way is designed to accommodate an increase in the minimum sidewalk width from 4’ to 5’. The increased width will make sidewalks more comfortable for people walking together.

Regarding tiny homes on wheels, there is currently no minimum home size in the City, only a requirement that homes be attached to foundations and utility services. Staff research determined that the majority of tiny homes in the U.S. are on wheels and are commonly used as accessory dwelling units. The Code amendment would require a minimum size of 140 sq. ft., exterior design elements similar to the primary home, and the wheels to be skirted while on the property.

The proposal to reduce the front and rear setback requirements from 50’ to 25’ would bring the City more in line with nearby cities. The change is proposed for lots in Base and Tier I residential developments on both sides of a road when the road has been constructed with curb, gutter, and a trailway. Staff also proposes reducing side setbacks to no less than 12’, with a minimum combined side setback of at least 30’.

The removal of community improvement fees coincides with an increase in parks impact fees which will take effect on July 1. The community improvement fee was, at one time, useful to the City, but it was confusing to developers. Substituting the increased parks impact fees will simplify the requirements.

Mayor Pengra opened the public hearing at 8:51 p.m.

Aaron Wilding spoke about tiny homes on wheels. He lived in a trailer home for seven years. The lack of code standards in the area made for poor living conditions.

Scott Hazard, who requested the reduced setbacks, said smaller front setbacks will make it easier for homeowners to maintain attractive front yards. The reduction will also encourage homeowners with animal rights to keep their animals in the rear yard.

Mayor Pengra left the public hearing open to allow any items not approved to be continued to a future meeting.

MOTION: *Councilmember Gricius moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 16.35.100 Sidewalks Trails and Pathways, of the Eagle Mountain Municipal Code. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 4:1.*

MOTION: *Councilmember Curtis moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 17.10 Definitions, of the Eagle Mountain Municipal Code. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 17.25 Residential Zone, of the Eagle Mountain Municipal Code, as proposed by staff. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, Chapter 17.30 Residential Zone Bonus Density Entitlements, of the Eagle Mountain Municipal Code. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. Those voting no: Benjamin Reaves. The motion passed with a vote of 4:1.*

MOTION: *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 17.70 Accessory Apartments, of the Eagle Mountain Municipal Code. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Because all items passed, Mayor Pengra closed the public hearing at 9:03 p.m.

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

This item was presented by City Planner Tayler Jensen. The proposed concrete plant will be located on the north side of Wride Memorial Highway and south of Camp Williams. It is a permitted use in the Extractive Industries Overlay Zone. Mr. Jensen recapped his presentation from the Work Session. The presentation and Council discussion are found on page 2 of these minutes.

Councilmember Westmoreland asked John Dunn, President of Metro Ready Mix, about dust control and buffering. Mr. Dunn responded the location was chosen because his operation is a permitted use. His company operates plants in several more densely populated areas. They don't

have complaints from neighbors in those locations. This location is far enough away from residential areas in Eagle Mountain that he doesn't expect any issues.

Councilmember Westmoreland asked about dust control and buffering. Mr. Dunn said Metro operates other plants much closer to populated areas and has had no complaints. He felt the plant will be so far away it won't be audible or visible.

Councilmember Reaves asked about hours of operation. Mr. Dunn responded Metro plants typically run from 6:00 a.m. to 6:00 p.m. The Eagle Mountain operation will comply with the City's noise ordinance.

Councilmember Westmoreland asked if the materials will be covered. Mr. Dunn said the sand and gravel will be outside, uncovered. All the other materials will be stored inside and will remain inside because they are mixed pneumatically.

Councilmember Westmoreland asked Scot Hazard, the owner of the property, how long it was likely to take to excavate the hilltop that hides the plant. Mr. Hazard said it depended on market demand for the products produced by the asphalt plant; fifteen years would be a good guess. Councilmembers didn't like the thought of the 90-foot concrete tower being visible once the hill is excavated.

Mayor Pengra stated he wasn't yet comfortable with approving the concrete plant because the asphalt plant has been a tremendous noise and pollution problem. Although he hasn't yet studied the environmental effects of the concrete plant, he felt the plant might add to those problems. He would like the item to be tabled.

Mr. Dunn explained his operations are regulated by the State with regard to air quality and are designed to operate in urban areas.

Mayor Pengra said he's received many emails opposing the plant. Without knowing more, he couldn't respond to those comments with confidence. He would like to visit a Metro plant. A couple of the Councilmembers asked to visit, as well.

MOTION: *Councilmember Bradley moved to table a site plan for Metro Ready Mix until July 5, 2016. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

17. MOTION – Consideration of the Pole Canyon, Phase A, Preliminary Plat.

This item was removed from the agenda at the request of the applicant.

18. MOTION – Consideration of the Lakeview Estates Preliminary Plat.

This item was presented by City Planner Tayler Jensen. The proposed 65 lot preliminary plat, on approximately 68 acres, is located on the south side of Wride Memorial Highway next to Westview Heights. It includes sloped areas, including some too steep to build on. Land will be preserved at the north side of the project for a future expansion of Wride Memorial Highway. The project requires 1.49 acres of improved open space; the portion of the detention basin designed to manage ten-year storms may not be counted towards the improved open space. There is a piece of

remnant ground shown at the south edge of the plat, not included in a lot or right-of-way, that needs to be accounted for.

Councilmember Gricius asked about an unbuildable slope included as part of a building lot. She didn't think any unbuildable land should be included in any lot. Mr. Mumford stated the staff considers the terrain. Small variations in lots will be graded according to a grading plan that must be submitted as part of the development application. Building lots are not permitted on larger areas like washes or hillsides, where there is a potential for a landslide. For example, some small hills in Evans Ranch were allowed to be graded, but a setback was required from the wash.

Mayor Pengra pointed out the City requires a slope analysis in a case like this.

Councilmember Westmoreland asked about some undedicated land on the north side of the development, which will be a remnant if UDOT doesn't use the entire right-of-way. No decision was made.

MOTION: *Councilmember Bradley moved to approve the Lakeview Estates preliminary plat with the conditions listed in the staff report. Councilmember Westmoreland seconded the motion.*

Councilmember Westmoreland asked if the remnant on the north side should be mentioned in the motion, in order to define who is responsible for maintaining it, because there's no mention of it in the plat. Mayor Pengra stated it will be acceptable to allow that to be determined later in the process.

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

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

This item was presented by City Planner Tayler Jensen. The dance studio is located in City Center, south of Eagle Mountain Boulevard and east of Ira Hodges Scenic Parkway on approximately one acre.

Parking was discussed and it was determined the parking provided is adequate. A trail in front of the building was also discussed. Mr. Mumford said there was a question of whether a sidewalk or trail will fit on that lot in front of the building. Councilmember Gricius pointed out a trail will dead-end at the nearby church property. Mayor Pengra stated the other end of the trail will connect to the trail bordering Eagle Mountain Blvd.

The lack of a master site plan was also discussed. Mr. Mumford said the master site plan must be submitted before this project can be approved.

Scot Hazard, the applicant, said the only way a trail or sidewalk would fit on the lot was if it were partially in the right-of-way. In order to properly install a sidewalk, the lot would have to be enlarged. He's been dealing with several preliminary master site plans, so he's had to redesign the site several times. He is anxious for an approved master site plan. Regarding the possible walkway, there will be landscaping between Ira Hodges Scenic Parkway and the building. He introduced Jamie Adams, who has been running the dance studio out of her basement for nine years. She needs to have the building completed before the semester change at the end of the year.

Mr. Pili said he'll be meeting with the landowner shortly and should be able to resolve the problem. He asked if having the Gotta Dance site plan approved at the July 5 meeting will impact the timeline of his project.

After the Council had an extended discussion about possible solutions, Mr. Hazard listed the issues he needed resolved:

- where storm water will be detained
- how the site will meet the road (curb-and-gutter or a swale, and whether there will be a walkway)
- whether the fire hydrant will be installed by the landowner or as part of the building site

MOTION: *Councilmember Reaves moved to table a site plan for Gotta Dance Studio until July 5, 2016. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

20. MOTION – Consideration of the Gateway Park, Phase B, Preliminary Plat.

This item was presented by Planning Director Steve Mumford. The proposed four-lot, commercial subdivision on 8.18 acres is located on the north side of Wride Memorial Highway and west of Mt. Airey Drive.

Mayor Pengra felt Mr. Hazard was developing this property to increase the property value in advance of UDOT purchasing land for a large corridor to service an expansion of Wride Memorial Highway. The development would make the corridor preservation much more complicated. Anything that complicates the corridor preservation will direct businesses to other cities in the local area.

Mr. Hazard responded that he understood the Mayor's concern. However, the development has been designed for a very long time. The project has been delayed while he has negotiated with UDOT. UDOT has never provided any definite offer. If UDOT went through the eminent domain process, it would be better for him. As it stands, he wants to reserve the right to develop on the property.

Councilmember Gricius asked if UDOT would expand the road on the other side if the commercial area is developed. Mayor Pengra said it is impossible to know. The highway is now in the National Environmental Policy Act (NEPA) process, which evaluates the environmental impact.

Councilmember Curtis read an email from Matt Parker of UDOT that indicated UDOT and the seller had agreed on a price. At closing, the seller raised the price. Mr. Hazard said that was a complete misrepresentation. Mayor Pengra said he's spoken to Mr. Hazard and UDOT, as well as a member of the Advisory Council to the State Transportation Commission. There is very clear disagreement as to what happened. The one thing that was clear was the Advisory Council is getting its information from the same person from whom Mr. Hazard is getting his information. Mayor Pengra didn't know where the miscommunication was, but has spoken with the individual's supervisor, who will have a conversation with Mr. Hazard.

Mr. Hazard stated he brought this issue to the State Ombudsman's Office. The response he got was the Ombudsman has taken the issue of UDOT announcing a right-of-way plan without

purchasing the property to the Legislature, without receiving a solution. The landowner is left with no purchase by UDOT, and no opportunity to sell to another buyer. The public record of the negotiation with the State shows Mr. Hazard's good faith attempt to sell the property to UDOT.

After additional discussion by the Council, Mayor Pengra stated it was clear there was no intent by the developers to enrich themselves at public expense, but the issue of whether the land can fairly be sold to private parties remains.

City Attorney Jeremy Cook suggested the Council turn their attention to the details of the proposed plat itself. Mr. Mumford explained the Planning Department's main concern is creating safe access onto Talon's Drive. Left-hand turns should be limited to intersections at traffic signals. A frontage road or access easements may need to be added to the site.

Mr. Cook added a concern about the access to the property west of the site, which may or may not be a through access.

After Council discussion of the access points and a possible roadway, Councilmember Bradley made a motion.

MOTION: *Councilmember Bradley moved to approve the Gateway Park, Phase B, preliminary plat. Councilmember Gricius seconded the motion.*

Councilmember Curtis asked what the ramifications are of not approving the project. Mr. Cook stated if there are issues, the plat should be tabled. He was concerned about the future UDOT surface road giving access to the traffic signal.

Those voting aye: Adam Bradley, Stephanie Gricius and Benjamin Reaves. Those voting no: Colby Curtis and Tom Westmoreland. The motion passed with a vote of 3:2.

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

None.

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

None.

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

24. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 11:03 p.m. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Approved by the City Council on July 5, 2016.



Fionnuala B. Kofoed, MMC
City Recorder