MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 15, 2015

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 Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Adam Bradley participated by telephone.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Brad Hickman, Parks and Recreation Director; Jeff Weber, Asst. Public Works Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:11 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 – Value Ranking System for Public Improvements (continued)
   This discussion was continued from the previous City Council meeting. In preparation for spending the proceeds of the utility sale, Planning Director Steve Mumford asked the Council to individually rank seven criteria on a scale of 1 - 4: safety, population served, long-awaited, cost-efficiency, visibility, need and functionality. He and Recreation Director Brad Hickman averaged them and came up with the following order of importance to the Council as a whole: cost-efficiency (3.4), population served and need (both 3), safety (2.8), long-awaited (2.4), functionality (2.2) and visibility (2). He and Mr. Hickman then ranked dozens of potential projects. The rankings are preliminary and will be finalized after further discussions.

   The potential projects included construction of or improvements to parks, paths, trails, landscaping, street lighting, ponds, signage and the cemetery. There were also proposals for a small swimming pool, improvements to the library, sports programs, water projects, investments and economic development.

   Mayor Pengra said he attended a Unified Fire Authority board meeting, where wildland interface was discussed. Mayor Pengra asked Mr. Mumford to add a project to the list: $30,000 for a wildland fire defense perimeter. If the City commits funds to this project, the wildland team leader, Cpt. Pilgrim, can approach the State for a one-time appropriation of funds.

   Councilmember Ireland stated that the utility sale was driven by existing residents. The money should go to projects that benefit existing residents, rather than to new subdivisions.

For instance, he believed that #19, matching funds for new parks, would be a good use for existing neighborhoods, but not future ones.

Councilmember Ireland also thought it was important that the money be spent on projects that are visible, so residents can see that the utility sale proceeds were used for their benefit. In other words, they should be projects that wouldn't be done under normal maintenance or budgeting processes.

Councilmember Westmoreland suggested a City orchard project, providing space and irrigation for residents to plant trees.

Mr. Pili stated that staff has been considering adding permaculture to some of the detention ponds and open space. They haven't brought the idea to the Council because they are still researching the possibilities and looking at cities that have done this.

Councilmember Burnham was concerned about the amount of money recommended for each area. There seemed to be too much directed towards trails and not enough towards parks. Mayor Pengra described how the rankings applied to the various categories of projects.

Mr. Pili noted Mr. Mumford and Mr. Hickman developed this ranking to provide an organized starting point for discussion.

Councilmember Bradley felt this is a great starting point and looked forward to channeling the money where it belongs. He appreciated the Mayor and staff's efforts.

Mayor Pengra stated that this item will be brought back at a future meeting. He thanked Mr. Mumford and Mr. Hickman for developing the ranking system.

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

12. Glenmar Rezone

Since this item has come before the Council several times, Mayor Pengra asked if anyone wanted Mr. Mumford to present it again. Councilmember Ireland said the issue wasn't the rezone itself, but how this subdivision will affect associated issues such as sewer connections, traffic on Lake Mountain Road and where Airport Road will intersect with Lake Mountain Road.

Mayor Pengra stated that any subdivision that is built with septic systems will remain on septic and won't be connected to sewer lines. He said he and staff have had many conversations with developers and residents of the area. After extensive discussions, his recommendation was to install a gate at the intersection with Bobby Wren Blvd., which would prevent traffic from entering Lake Mountain Road from Bobby Wren Blvd. The gate would allow emergency responders to enter the road there. It would require residents of Lake Mountain Road to go north to exit the road. Bobby Wren Blvd. would be paved far enough east from Pony Express Parkway to encourage residents of Pioneer Addition to take Bobby Wren to Pony Express, but not all the way to Lake Mountain Road. When Airport Road is constructed, it will be a collector road and the gate can be taken down.

Lake Mountain Road would be paved in sections as developers build along the road.

Councilmember Ireland didn't understand the concern that's been brought forth that someone might come along and build quarter-acre lots, since all of the adjacent land is zoned Agriculture. Lot sizes will be a decision for a future City Council.

Councilmember Bradley reiterated his desire to have a plan for Lake Mountain Road before the Council votes on the rezone. Otherwise, Lake Mountain Road could wind up being a collector road. While most residential roads don't have future plans in place, this one is unique because it has the potential to become a collector. Mayor Pengra said Lake Mountain Road will remain a rural residential road and there is no written plan for it. The only written plan to be voted on will be the master transportation plan.

Councilmember Westmoreland asked when the gate recommendation would likely be completed.

Councilmember Bradley said his issue with the gate is that it's taking away an access from residents who already live on the road. He didn't think those residents would want to travel all the way north on Lake Mountain Road to get anywhere. Perhaps they could have access through a remote-controlled gate.

Mayor Pengra said he would like to see the gate installed with the approval of the first plat that calls for paving the road. He would be strongly opposed to having a remote-controlled gate. They're not reliable. This would be a swinging gate, not on wheels. He reiterated that this is a recommendation, not a solid plan, and that no solution will please everyone.

Councilmember Steinkopf asked if the gate would be removed once Lake Mountain Road is paved. Mayor Pengra said it would stay in place until Airport Road is constructed, which will be a collector road.

Councilmember Bradley asked if the Glenmar lots would have natural gas or propane. Mayor Pengra responded that they would have natural gas.

13. Construction Standards

City Engineer Chris Trusty explained that the construction standards have been under review for some time. Because the City sold the electric and gas utilities, references to those systems have been removed. Language was added to make the City's standards conform with State standards for storm water pollution prevention plans. Water line standards have been updated to require fittings at bends in the lines rather than bent pipes. Backfill for utilities outside of City rights-of-way will be held to the same standards as those within the rights-of-way, to maintain the integrity of City utilities.

The current minimum street standard is 9" of sub-base, 6" of base and 3" of asphalt. Language has been added requiring geotechnical reports for commercial, industrial, arterial and collector roads, so they can be built as much above minimum standards as is necessary to support traffic. Street lighting requirements were written in consultation with the City's street lighting consultant.

Storm drain inlets and catch basins will be required to be air-pressure tested, and compaction testing standards will be raised. Poly pipe will be allowed for water laterals. Street sign standards will conform to current Manual on Uniform Traffic Control Devices standards.

The Engineering Department contacted about 20 contractors, property owners and other interested individuals for feedback on the proposed standards.

Councilmember Westmoreland asked about air-pressure testing storm drains, since the level of pressure isn't specified. He requested more specific criteria. Mr. Trusty said he could add "pressure testing based on American Public Works Association standards."

Councilmember Steinkopf asked if there were standards for homeowners who dump loads of yard materials in the road in front of their homes. Mr. Trusty responded that these standards are meant for commercial projects. Residential issues are addressed in the City Code.

Councilmember Steinkopf also asked why the light poles are required to be black. Mayor Pengra said black will be the new standard. Existing green poles and canopies will be replaced with black ones when they need repair. In the future, the City will hire a contractor to paint the existing green poles black.

Councilmember Ireland asked how long it takes to replace a broken light pole. Mr. Jerome said it's a matter of how long it takes to get replacement parts. The City's streetlight contractor is going to begin stocking some parts to speed up replacements.

Councilmember Steinkopf noted that the responsibility for utility extensions "may" be the responsibility of the developer. He felt there should be definite responsibility. Mr. Trusty said it would normally be the developer's responsibility, but extensions aren't always needed.

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 6:00 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Adam Bradley participated by telephone.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Brad Hickman, Parks and Recreation Director; Jeff Weber, Asst. Public Works Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Call for Musicians** – Eagle Mountain Arts Alliance (EMAA) and Saratoga Springs Arts Council are again partnering to produce Handel's "Messiah" this December. They are in need of singers, orchestra members, and production volunteers. For more information and to register, visit www.CommunityMessiah.com. Auditions for vocal soloists and orchestra members will be held September 19 & 26. Please email info@communitymessiah.com with any questions.
- **Candidates' Debate** – A debate for City Council candidates will be held on Thursday, October 15 at 7:00 p.m. at Frontier Middle School.
- **Author Workshop Series** – The City Library is starting a monthly author workshop series on September 30. It will be held on the last Wednesday of each month at Rockwell High School. Please visit the calendar on the City website for details.

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

Colby Curtis asked why Mayor Pengra was recommending a gate on Lake Mountain Road, since the InterPlan study indicated there wasn't going to be much additional traffic on the road. Mayor Pengra said the InterPlan study said the road can handle the traffic, but the impact on residents would create issues.

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

Councilmember Steinkopf
Councilmember Steinkopf welcomed everyone to the meeting. He reminded them that, with the storms happening this week, they can go home and turn off their sprinkler systems.

Councilmember Burnham
Councilmember Burnham thanked everyone for being at the meeting.

Councilmember Ireland
Councilmember Ireland didn't think that the speed limit on northbound Eagle Mountain Blvd. should be 35 m.p.h. any further than Lehi-Fairfield Road, then it should be 65 m.p.h. He told Lt. McDowell of the Sheriff's Office that he didn't like seeing deputies parked on the side of the road in the early morning hours watching for traffic violators. He would prefer them to be driving in the neighborhoods where students are getting on school buses.

Councilmember Westmoreland
Councilmember Westmoreland welcomed everyone to the meeting.

Councilmember Bradley
Councilmember Bradley apologized for not being at the meeting in person. He thanked the Mayor, Council and staff for allowing him to participate by phone. He will need to leave the meeting early, because he is taking a semiannual test for his employment.

Mayor Pengra

Mayor Pengra thanked everyone for attending the meeting. He spoke about the people who died in floods in southern Utah this week, and reminded residents to continue caring for one another.

CONSENT AGENDA

9. MINUTES
   A. September 1, 2015 – Regular City Council Meeting

10. BOND RELEASE – Into Warranty
    A. Valley View Ranch, Plat A, Phase 9

11. FINAL PAYMENT
    A. Staker Parson Companies, Inc. – 2016 Road Projects

MOTION: ***Councilmember Burnham moved to approve the Consent Agenda. Councilmember Ireland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

PUBLIC HEARING

12. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning 16.17 Acres from Agriculture to Residential.

This item was presented by Planning Director Steve Mumford. This is an applicant-proposed rezone of 16.17 acres from Agriculture to Residential. The property is located on the west side of Lake Mountain Road approximately ½ mile southeast of Pony Express Parkway and is known as the Glenmar development. Parcel Numbers: 58-040-0042, 58-040-0043. The City Council tabled this item when it was presented for approval on July 21, 2015, pending additional information regarding timing of the development and possibly paving Lake Mountain Road.

Mayor Pengra reiterated his recommendation of installing a gate on Lake Mountain Road, which is found on page 2 of these minutes.

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

Mike Owens, a candidate for City Council, stated that the Glenmar development will only pave the north end of Lake Mountain Road from Pony Express Parkway to the end of the development. He didn't feel that was enough of a distance to encourage increased traffic on the road. He asked the Council to allow the Glenmar project to move ahead, rather than wait for a long-term traffic solution.

Elise Erler, representing SITLA, said that SITLA supports the Glenmar development project.

Marianne Smith, the developer of Glenmar, gave some history on the project. The original plan for Lake Mountain Road was for one-acre and larger view lots and horse lots. It's not suitable for an agricultural area. Development is a much better use of the land. One-acre lots would be a good buffer between smaller lots and the existing five-acre lots along the road, and would be more

affordable than larger lots. She encouraged residents of Lake Mountain Road to get involved in planning and development of the area to protect their properties with adequate buffering. The road could easily be paved by developers in the next few years. The gate that's been proposed won't need to be there for very long.

Mayor Pengra closed the public hearing at 7:34 p.m.

Councilmember Bradley said he's come to the conclusion that this rezone is acceptable and won't interfere with the residents on the southern end of the road.

Councilmember Burnham stated that she's been in favor of this rezone from the beginning. She wasn't sure that the twelve lots in Glenmar would generate enough traffic to make a gate useful.

Councilmember Ireland felt it was awkward to go from two acres to one acre. He would support Glenmar if it consisted of two-acre lots. The City has always required a progression from smaller lots to larger ones. He agreed that Glenmar would have less impact on traffic than more southern developments. He was worried that the Council would have to choose at some point to say the road was at capacity. He also wanted to know where these lots will be tied into Airport Road when it's built.

Councilmember Steinkopf noted that this decision is only a rezone. It's not a decision as to lot sizes.

Mr. Mumford explained that a rezone to Residential means that developers can develop according to the City Code. The rezone can be approved with a required minimum lot size.

MOTION: ***Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning 16.17 acres from Agriculture to Residential, with the condition that the minimum lot size be one acre. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.***

Councilmember Ireland asked Ms. Smith to be sure that each lot is slightly above one acre in size, because septic systems are only allowed on lots larger than one acre.

Councilmember Bradley was excused at 7:43 p.m.

13. <u>ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Amending Chapter 15 of the Eagle Mountain City Municipal Code for Construction Standards.</u>

This item was presented by City Engineer Chris Trusty. The proposed amendments will bring the Municipal Code into compliance with State standards and typical construction standards. In general, these recommended changes are intended to provide clarifications to ambiguity found in the City's current standards, remove references to installation practices for gas and electric services, and to add conditions for storm water pollution prevention plans as required by the State.

Travis Taylor, a developer, expressed his concerns about the backfill standard for City utilities. He felt the requirement was a heavy-handed, one-size-fits-all approach that ignored reasonable

engineering standards and cost an excessive amount. Geotechnical analysis and independent testing can determine reasonable standards.

Mayor Pengra asked Mr. Taylor what specific changes he would like to see.

Mr. Taylor objected to the section requiring any improvements connected to City utilities to be built to City standards. He didn't think private improvements should be subject to City standards.

Mayor Pengra asked Mr. Taylor if City standards for trench backfill within public easements are unreasonable. Mr. Taylor said he did. He didn't think A1 or A2 material was necessary for backfill. Mayor Pengra said the City has had many roads fail because they were built with native backfill and have failed. Mr. Taylor said the proper care wasn't taken with those materials or adequate geotechnical advice wasn't followed.

Mr. Taylor said, in general, he didn't like the City regulating private development. He understood that there were problems in the past with private HOA development, but State standards have changed and HOAs are held to a higher standard. Private development builds the City and it does a great job.

Mayor Pengra agreed that most developers do a good job. He didn't agree that the proposed standards are as far outside normal standards as Mr. Taylor believed. Mayor Pengra has spoken to other mayors and has found that developers have often built improvements that have failed. The cities then have to repair the problems.

Mr. Trusty addressed Mr. Taylor's concerns. The City allows A1, A, A1B, A2, A2-4, A2-5, A2-6 and A2-7. Those are existing standards. A3 is fine sand. A 4, 5, 6, and 7 are clay and silt. He didn't believe those were usual building materials. A8 is organic material. He felt that public utilities should be built to equal standards whether they're under public roads or not. Lower standards create a risk of contamination. The irrigation standards are intended for City-owned parks. There is nothing that says they're intended for private facilities.

The City has problems with water lines if they have too many bends on them. That's why the approved alternative equivalent was added to address Mr. Taylor's concerns. Engineering discussed these standards with Public Works for quite a while and these are standards that staff feels are reasonable for the City Council to approve.

Mayor Pengra asked Mr. Trusty what would be wrong with backfilling with sand or collapsible soil above the pipe bedding, if it's not under a roadway. Mr. Trusty said there's a potential of contamination. Adequate maintenance would reduce that possibility, but he didn't understand why the City would want to lower standards, especially in areas the City has no control over.

Mayor Pengra asked if a stated standard is required to prevent substandard backfill. Mr. Trusty replied that without the standard, any substandard backfill could be used, which would increase the potential for failure. Mayor Pengra asked if backfill material is compacted. Mr. Trusty said it is, to ensure the material can support the loading placed on it. The traffic loading is the main concern.

Councilmember Ireland asked what other developers contacted Mr. Trusty and what their concerns were. Mr. Trusty said Mike Wren was concerned that the standards required 4" of asphalt on roads. Mr. Trusty pointed out that the standards said the City would defer to a geotechnical evaluation for roads that are in industrial or commercial areas or for arterial or collector roads.

Monte Kingston asked if the recommended street sign posts were acceptable to The Ranches HOA. Mr. Trusty said he talked to the HOA and the posts are acceptable.

Councilmember Ireland asked if the State has standards regarding these same things, or do they rely on a national standard. Mr. Trusty said the APWA has standards for Utah. The State doesn't have its own standards except for UDOT road construction. Engineers throughout the state work together to set the standards.

MOTION: ***Councilmember Steinkopf moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 15 of the Eagle Mountain City Municipal Code for Construction Standards. Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

14. AGREEMENT – Consideration of a Property Maintenance and Use Agreement between Eagle Mountain City and Parkway Crossroads, LLC.

This item was presented by City Attorney Jeremy Cook. Parkway Crossroads, LLC ("Parkway") has requested that the City lease a portion of City property to them. The property is located at the corner of Pony Express Parkway and Ranches Parkway and will be used as a parking stall for vehicular parking and access. In exchange for the use of the property, Parkway will continue to maintain the landscaping on a portion of the property. Although Parkway deeded this property to the City in 2009, they've been maintaining part of the property since then. Parkway will agree to continue maintaining the property in exchange for its use.

MOTION: ***Councilmember Ireland moved to approve a property maintenance and use agreement between Eagle Mountain City and Parkway Crossroads, LLC. Councilmember Westmoreland seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

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

Councilmember Steinkopf
No comment.

Councilmember Burnham
No comment.

Councilmember Ireland
No comment.

Councilmember Westmoreland
No comment.

Mayor Pengra
Mayor Pengra hoped he wasn't sending any mixed messages with the standards that were just approved. His initial thought was if the standards are unreasonable, they should be changed. But if the standards are reasonable, they should be applied to both public and private utilities equally to

prevent failures. The City has experienced utility failures that City employees have had to remedy. He didn't think the costs were prohibitive.

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

None.

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

18. ADJOURNMENT

MOTION: ***Councilmember Ireland moved to adjourn the meeting at 8:21 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

APPROVED BY THE CITY COUNCIL ON OCTOBER 6, 2015.

Fionnuala B. Kofoed, MMC
City Recorder