MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING
November 17, 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 Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf 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; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

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

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

   A. Presentation – Water Conservation, Brad Lancaster
   Mr. Lancaster is a consultant who has been reviewing Eagle Mountain's water system and resources, specifically how water can best be used to provide value for the City.

   B. Presentation – Utah Valley Women's Initiative, Glynis Tolerico
   Ms. Tolerico described the programs and goals of the Utah Valley Women's Initiative.

   C. Discussion – RDA
   Economic Development Director Ikani Taumoepeau discussed the Gateway Economic Development Area. An economic development area uses tax increment financing to encourage commercial development in a specific area of undeveloped land. The Gateway EDA was approved several years ago. City Administration is ready to activate it and will bring a proposal to the Council for approval at the meeting on December 1.

   D. Discussion – Pole Canyon Master Development Agreement
   City Attorney Jeremy Cook explained the proposal to amend the Pole Canyon Master Development Agreement (MDA). In connection with the MDA, the City entered into agreements with the White Hills Sewer Special Service District (WHSSD) and the White Hills Water Company (WHWC) to take over both systems. Both agreements need to be amended to reflect recent issues. In addition, a regional park was required in the original MDA. Other amenities are being negotiated in its place. These items will be voted on in a future meeting.

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

13. Eagle Mountain Benches/Eagle Mountain Ranches

Mayor Pengra asked Planning Director Steve Mumford to describe any significant changes to this item since it was last reviewed by the City Council. Mr. Mumford said there were no significant changes made at the October 27 Planning Commission meeting. The Commission recommended the Council approve the application, with the condition that all lots be a minimum of one acre. They tabled the application at a previous meeting, until the City Council could make a decision on how to address road pavement issues on Lake Mountain Road. The Council has since decided Lake Mountain Road will remain a rural residential road, which must be paved by developers as they develop property along the road. The City may install a gate on Lake Mountain Road as a traffic calming measure until the entire length is paved.

Mr. Mumford reviewed the City's criteria for rezoning. Developments must comply with the Future Land Use and Transportation Plan and must be compatible with surrounding uses or provide buffering for incompatible uses. He reminded the Council that their decision either to approve or deny will be considered valid by the courts if it is reasonably debatable that the action promotes the general welfare. It is not required to be based fully on findings of fact.

The only new public comment that has been received has been a proposal to transition from the existing five-acre lots to three-acre lots and then to one-acre lots. If the Council wants to approve that, it will have to be included in the motion, or the Municipal Code would have to be amended before the applicant submits a subdivision plat application. The Code currently requires minimum one-acre lots next to agricultural building lots.

Issues that need to be considered as part of a plat application, but not as part of the rezone approval, include whether building may be allowed under the powerline corridor, road paving, natural gas service, trail requirements, etc.

Councilmember Bradley said he has received only negative public comments. One resident told him his property rights would be infringed because the resident wouldn't be allowed to graze animals up to the property line of the one-acre lot. Mr. Mumford said according to the Municipal Code, an agricultural use wouldn't be affected by a residential lot. However, there is potential conflict between the individuals owning the lots.

Mr. Mumford said he had received a couple of comments from owners of undeveloped land nearby who were in favor of the rezone.

18. Upper Hidden Valley Master Development Agreement

Upper Hidden Valley is located south of the Hidden Hollow Elementary School. The Land Use Element of the Hidden Valley Master Development Plan was approved by the City Council on December 2, 2008. Since that time the project was divided into the Upper Hidden Valley and Lower Hidden Valley project areas. An agreement for the Lower Hidden Valley area was signed by Mayor Jackson on May 4, 2011. The Land Use Element approval vested the Upper Hidden Valley with a maximum number of units in each area of the project, land uses and the major road layout for the project, along with the parks, open space, and trail network.

The approval of a Master Development Plan is conditioned on approval of a Master Development Agreement. The City and the developers are working through some final issues. Because this is a large, complex project, the developers are requesting that this agreement be finalized well before construction begins. Other agreements must still be completed and funding must be put in place.

Funding will be complex because of the size of the project and the number of developers. The developers hoped the City would agree to create an assessment area, but that was not approved.

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

MOTION: ***Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember 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.***

Mayor Pengra adjourned the meeting at 6:33 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf 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; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Brad Hickman, Parks & Recreation Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **SR 73 Planning Study** – UDOT is holding an open house to discuss transportation concepts related to Wride Memorial Hwy (SR 73) on November 18 from 5:30-7:30 p.m. at Black Ridge Elementary. Public input is requested. The study team is working with local governments to identify concepts that are compatible with city plans and accommodate potential transit, bike, and trail improvements.
- **Turkey Trot** – The City's annual walk/run will be held on Thanksgiving morning at 8:00 a.m. Registration is available now on the City website, Events calendar. The event starts at Hidden Hollow Elementary and finishes at Pony Express Parkway across from City Hall. Prizes will be awarded in several categories. Entry is FREE, but registration is required.
- **Tree Lighting Ceremony** – The City's annual tree lighting ceremony will be held on Friday, December 4 from 6:30 p.m. to 8:00 p.m. at City Hall. Festivities include meeting Santa,

vendors, hot chocolate, an essay contest, a gingerbread house contest, and a tree decoration auction. Vendors are wanted. Please contact the City Events Department if you are interested.

- **Santa on the Fire Truck** – Another holiday tradition will be held on Saturday, December 5 starting at 8:00 a.m. when Santa will be visiting Eagle Mountain neighborhoods on the fire truck. Please make sure children stay on sidewalks and do not run into the street. The fire truck is not able to go down dead-end streets and may not be able to drive down every street due to time restrictions. Listen for sirens and watch in your neighborhood for the fire truck. Proceed safely to the area where the fire truck is. The end time is approximate. We will post on the City Facebook page and send an email notification when Santa is finished making the rounds.
- **Youth Tech Jam --** Eagle Mountain City is offering a free community event for youth ages 9-18 who are interested in computer programming. Come learn how to make apps and games. Free food and awesome prizes! Registration is required, as well as a laptop. Must register by December 1. First 100 to register get a free t-shirt. For more information and to register, please visit emcitytechjam.org.

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

Tiffany Ulmer made a suggestion for the Santa on the Fire Truck event. Since the truck can't go down every street, perhaps a time could be posted for when Santa will be at City Hall. She made a presentation about the cemetery monument and wall. She thought the brick wall would invite kids and teenagers to climb, sit and draw on the wall. She proposed a cast iron fence, which is a more traditional fence for a cemetery, allows visibility from the street and doesn't encourage vandalism.

Steve Conger, Chair of the Cemetery Board, said he's a Fire Captain for the City. He sometimes gets questions from those he helps on ambulance calls, if the victim doesn't survive, about whether they can bury their loved one in Eagle Mountain. He appreciated the Council's bringing the cemetery along as far as they have. He and the Cemetery Board are anxious to see it completed. They felt that a wrought iron only enclosure will make it look a little like a jail.

Mike Owens thanked everyone who was involved in his campaign for City Council. He congratulated those who were elected. He stated the cemetery needs improvement, since the City built it and is committed to completing it. It's not who for those who are buried there, but for those who are mourning. He read the names of those who are buried there. He hoped the Council would make the decisions needed to make it a place of solace for people who mourn.

Britney Shunn, Mayor of the Youth City Council, thanked Councilmembers Burnham and Ireland for working with the program. The Youth Council is currently working with Jesus Feeds on a food drive. They're also preparing an anti-bullying conference to be held next year. She invited all eligible youth to attend the Youth Council meetings.

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 in attendance. He wished everyone a happy holiday time.

Councilmember Burnham

Councilmember Burnham appreciated everyone in the room for taking an interest in their city. She congratulated those who were elected to the City Council and wished everyone happy holidays.

Councilmember Ireland

Councilmember Ireland thanked Ms. Shunn for coming and sharing what the Youth Council is doing. He appreciated working with the Youth Council and invited more youth to attend. He congratulated the Councilmembers-elect. He offered his condolences to the people in France who suffered from last week's bombings. He encouraged City residents to appreciate the freedoms and peace they enjoy from living in this community. He thanked law enforcement and fire service personnel who keep everyone safe.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone and thanked them for being at the meeting. He appreciated the communications he receives from residents. He hoped, as the City works through its growth and challenges, that people can find common ground and look out for each other.

Councilmember Bradley

Councilmember Bradley was pleased to see a full room. His thoughts went out to the terror victims in Paris. He was there about two weeks before the attacks. The images of their first responders reminded him of the City's first responders and what they're willing to risk to keep others safe. He congratulated those elected to City Council, but wished there had been better voter turnout. He thanked Councilmembers Burnham, Ireland and Steinkopf for their service on the Council. He brought up the recent small business meeting and invited all owners of small businesses to attend future meetings.

Mayor Pengra

Mayor Pengra congratulated the new Councilmembers and thanked those whose terms are ending. He's appreciated working with them. He also said there are many things going on in the world involving strong disagreements between neighbors, sometimes to the point of terrorist attacks. He hoped everyone would remember that they're all neighbors. He loved how Eagle Mountain people care about each other.

CONSENT AGENDA

9. MINUTES
   A. October 20, 2015 – Regular City Council Meeting

10. BOND RELEASES – Out of Warranty
   A. Evans Ranch, Plat B1
   B. Meadow Ranch, Plat 7

11. SITE PLANS
   A. AUB Church / Private School
   B. Jiffy Lube
   C. Spring Run Church

MOTION: ***Councilmember Ireland moved to approve the Consent Agenda. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna***

Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

SCHEDULED ITEMS

12. MOTION - The City Council will Recess the Meeting and Convene as the Official Board of Canvassers to Canvass the Eagle Mountain City General Election.

This item was presented by City Recorder Fionnuala Kofoed. The Board of Canvassers reviewed the report of election results, prepared by the City Recorder as the Election Official, and considered and approved the report of the results, execution of the report and certification of the final vote totals for persons on the ballot. State law requires that the City Council, as the Board of Canvassers, canvass the 2015 General Election no sooner than seven (7) days and no later than fourteen (14) days after the election.

MOTION: ***Councilmember Ireland moved to adjourn as the City Council and reconvene as the Board of Canvassers. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

B. MOTION – Consideration and Approval of the Report of the Eagle Mountain City General Election of November 3th, 2015, Verifying the Results of the Election by Ratifying the Results of the Canvass; Accepting the Report of the Election Official and Certifying the Election Results; and Declaring the City Council Candidates, Reported by the Election Official as Receiving the Highest Number of Ballots, to be Elected.

City Recorder Fionnuala Kofoed presented the final figures received from the Utah County Elections Office. Each Councilmember received a Certificate of Canvass. The total number of votes cast was 1,618, which constituted a 16% voter turnout. Stephanie Gricius received 905 votes, Ben Reaves received 766 votes and Colby Curtis received 700. She asked the Board to canvass the election by motion.

Councilmember Bradley asked how much it cost to run the election with a contract with the County Elections Office, as opposed to running it entirely with City staff. Ms. Kofoed responded the regular cost of an election is $12,000. This election cost somewhat less than $17,000, partly because it was expensive to pay poll workers to run the early voting. Although this election was monetarily more expensive, the burden lifted from City staff was very valuable. It removed the City Recorder's Office staff from the political issues that accompany an election.

Mayor Pengra noted that the City is growing so fast that counting paper ballots is becoming untenable. Ms. Kofoed said when staff counts paper ballots, they start at 3:00 p.m. and it takes until 11:00 p.m.

MOTION: ***Councilmember Ireland moved to approve the report of the Eagle Mountain City General Election of November 3, 2015, verifying the results of the election by ratifying the results of the canvass, accepting the report of the Election Official, certifying the election results, and declaring the City Council candidates reported by the Election Official as receiving the highest number of ballots to be elected.***

Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

C. MOTION – The Board of Canvassers will Adjourn and Reconvene as the City Council.

MOTION: ***Councilmember Burnham moved to adjourn as the Board of Canvassers and reconvene as the City Council. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

PUBLIC HEARING

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 98.39 Acres from Agriculture to Residential.

This item was presented by Planning Director Steve Mumford. This is an applicant-proposed rezone of approximately 98.39 acres from Agriculture to Residential. A majority of the property is located near 5504 N. Lake Mountain Road, and 5.5 acres are located immediately south of 5121 N. Lake Mountain Road. They are known as the Eagle Mountain Benches and Eagle Mountain Ranches subdivisions.

Mr. Mumford recapped his presentation from Work Session, reported on page 2 of these minutes.

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

Waleed Hamouda, who owned land adjacent to the developers' land, supported the rezone application. There are one-third-acre lots on Lake Mountain Road near the church. When he is ready to develop his land, he planned to develop one-third-acre lots. He didn't understand how any taxpaying residents could be prevented from using the road. He's heard people complaining that trees would be cut down, but most homeowners leave several trees on their property. He said the complaints about having more neighbors speeding down the road could be resolved by enforcing the traffic laws.

Greg Jeppson, a resident of Lake Mountain Road, wanted any development in the area to be compatible with current, agricultural development. He was concerned about safety in the use of Lake Mountain Road and thought the proposal to install a gate on the road was an inadequate solution. He was concerned about increased noise and pollution. He thought this unique area of Eagle Mountain should be preserved. Development would displace the local animals. The original City plan indicated that area should be maintained in its original state.

Milinda Martin, a resident of Lake Mountain Road, has been reading the Master Plan and has found many reasons not to rezone. The Master Plan says the area "currently zoned for agricultural uses will likely remain so for the foreseeable future." Requiring five-acre lots doesn't infringe the owners' property rights. She felt the Council's decision needed to be based on property rights and police powers. Police powers are health, safety and law enforcement. The rezone would make the street less safe. It would put more of a strain on the water system and cause water and air pollution. The Master Plan says Eagle Mountain should be Utah's most desirable place to live and that steps must be taken to preserve natural vegetation. One of the elements of conservation integration is the natural environment.

Stephanie Gricius said she was asked to read a statement from several residents. The statement asked that the rezone be tabled until the updated Transportation Master Plan has been adopted. It isn't reasonable to say the rezone supports the general welfare or greater good. It was fiscally irresponsible for the City to maintain so much roadway for the benefit of a few, and the City may have to finish the road between property owners, which would burden all the taxpayers. Paving the road would make it a *de facto* collector road. Before approving additional rezoning for Lake Mountain Road, Airport Road should be completed. The City should wait until it has enough money in impact fees to support the road project. The surrounding property owners, who would be adversely affected, should be given consideration.

Kim O'Donnell said "precedent" was mentioned several times in the Planning Commission meeting, which means an event that precedes others. In the early 1990s, some landowners purchased agricultural land. The City wasn't incorporated until 1996. The precedent for agricultural land along Lake Mountain Road was set before the City was incorporated.

Jody Hooley believed the property should remain agricultural. She felt her property rights would be impacted due to compatibility and transition issues. Suburban residents come in and object to the agricultural lifestyle among their neighbors. She objected to "leapfrog zoning," meaning one-acre lots at one end of the road, then an eight-acre lot, potentially followed by one-acre lots before the five-acre lots. She also felt the rezone would contribute to flooding.

Mayor Pengra read an email he received from Debbie Souza-Pappas, director of Second Chance Wildlife Rehabilitation. She has seen the toll taken on wildlife due to loss of habitat. The areas being considered for rezoning are prime habitat for prey that eagles rely on for food.

Jennifer Morrison felt the City's growth momentum is so fast, that it's in danger of going off the rails. She didn't want to lose the unique qualities of the City. The land in the rezone area was set aside to be agricultural land. She takes her kids to the animal sanctuary every year. She didn't think the rezone should be approved until there is an alternative road ready.

Carl Wetzel bought five acres in 1993. The first mayor said the City would supply them with water, which didn't happen. The mayor also said, at that time, that they could divide their lot into two lots, and that didn't happen either. He supported the rezone. It won't threaten anyone or the animal shelter. He thought additional development would create less flooding and less fire danger. He thanked the Councilmembers for their time.

Ilene Wetzel supported the residential rezone. She bought five acres twenty years ago. Her taxes go to the City and she would like to see the development come in. She's waited many years to be able to be able to develop her land. As development comes in and the roads are constructed, there will be fire hydrants to control fires and there will be more chance to hook up to the City sewer system.

James Taylor said development will never stop in that area. His concern was more septic tanks and more traffic on Lake Mountain Road. He was also worried about development in Hidden Valley affecting the traffic on the road. He wanted development done right.

Karen Scott, one of the developers requesting the rezone, said the traffic in the subdivision will be going north, not past those residents who have been worried about traffic. Most of the driveways won't enter Lake Mountain Road. She said wild animals like raccoons are a nuisance. Hawks and eagles look great, but they kill chickens. The land is not suitable for agriculture. She and her

husband have complied with all the requirements of the Municipal Code, the Fire Code, and the Future Land Use Plan of the General Plan. They've given easements to Airport Road and to landlocked landowners. There will be a retention pond. City zoning is for half an acre and they've made minimum one-acre lots. They plan to build a green-home subdivision.

Ken Olson thinks it's a reasonable use of one's property, based on being part of a city rather than a rural county area, to have one-acre lots. They're both eligible for large animals. He's lived in South Jordan for 26 years and there are farms adjacent to small lots and townhomes. The traffic hasn't increased very much and no one is infringing on each other's property rights. He supports the rezone and doesn't think one-acre lots infringe on anyone's property rights. Requiring lots larger than one acre makes it very hard to do anything with the property.

Jeff Scott, one of the developers requesting the rezone, said the whole project is designed to be energy-efficient. He has a contractor ready to build an energy-efficient home on one of the lots to demonstrate what an energy-efficient home would be like. He believed most people who develop land plant more trees than they take out. Their purpose is to share the land so other people can enjoy it. All the lots will be sized from slightly over one acre up to two acres. There will be an easement going from Lake Mountain Road to Airport Road and they will pave Lake Mountain Road. There will be a road leading to properties that are currently landlocked.

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

Councilmember Westmoreland asked if Mr. Scott had said he would build some three-acre lots. Mr. Scott stated some of the lots near the powerline could be two to three acres.

Councilmember Westmoreland asked if part of the powerline corridor would be reserved for a trail. Mr. Mumford said the Master Plan shows a regional plan going through the City in the utility corridor.

Councilmember Bradley asked Mr. Scott if he planned to continue the trail. He said he could either continue the trail or give the City an easement through the corridor.

Councilmember Westmoreland asked Mr. Scott if he had considered buffering between his property and adjoining properties. Mr. Scott pointed out the Municipal Code states that one-acre lots are acceptable buffering next to five-acre lots.

Councilmember Burnham asked the Council to discuss buffering.

Councilmember Steinkopf said he felt the buffering between Stonebridge and Cedar Pass Ranch has worked well.

Councilmember Bradley said the Municipal Code requirement of one-acre lots didn't help in this situation. He felt Lake Mountain Road is a unique part of the City. He thought it might be workable to allow smaller lots on the west side of the road and keep the east side more rural.

Councilmember Ireland said the Scotts aren't losing any property rights if this rezone is denied. They have the right to develop five-acre lots. Granting the rezone gives them additional rights. Granting the rezone could potentially have a negative impact on others. The Council needs to be very careful when approving rezones, not to harm anyone else. He lives in a neighborhood much like the one being proposed. It's very different than the rural nature of Lake Mountain Road.

Councilmember Bradley would like Lake Mountain Road to remain rural, similar to Cedar Pass Ranch.

Discussion ensued on how buffering might work in this case.

MOTION: ***Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning approximately 98.39 acres from Agriculture to Residential, with a minimum one-acre lot size, except for the 5-acre Eagle Mountain Ranches parcel, and the one adjacent to Mike Kieffer's property must be a minimum of two acres.***

The motion failed for lack of a second.

MOTION: ***Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning approximately 98.39 acres from Agriculture to Residential, that all the border lots in the rezone be a minimum of five acres, with interior lots stepping down from four to three to two to one acre lots. Councilmember Steinkopf seconded the motion.***

Councilmember Bradley asked Mr. Scott if such a motion would allow him to go forward. Mr. Scott said the five-acre parcel could be divided in half, but the motion for the larger parcel would need to follow the current Code requirement of one-acre parcels.

Councilmember Burnham said she would vote against this due to the transitioning. Some adjacent landowners approve of it and one is definitely against it. Also, the stepped-down lots would be hard to create.

MOTION: ***Councilmember Ireland amended his motion to move to adopt an Ordinance of Eagle Mountain City, Utah, rezoning approximately 98.39 acres from Agriculture to Residential, that all the border lots in the rezone be a minimum of five acres, with interior lots stepping down from four to three to two to one acre lots, with sewer to be stubbed in. Councilmember Steinkopf did not accept the amendment.***

The Council voted on the previous motion. Those voting no: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion failed with a unanimous vote.

MOTION: ***Councilmember Ireland moved to deny an Ordinance of Eagle Mountain City, Utah, rezoning approximately 98.39 acres from Agriculture to Residential. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Donna Burnham. The motion passed with a vote of 4:1.***

Councilmember Burnham pointed out the only way the applicant can have this item reconsidered is if two of the Councilmembers voting against it requested that it be considered again. Otherwise, the project would have to show significantly changed circumstances in the area.

PUBLIC HEARING

14. Heatherwood, Amended Preliminary Plat and Amended Heatherwood, Phase 1, Final Plat.

A. MOTION – Consideration of the Amended Heatherwood, Preliminary Plat.

B. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Amending the Heatherwood, Phase 1, Final Plat.

Heatherwood on the Green was approved by the City Council on November 15, 2005. This development comprises 200 units on 20.45 acres of land. This land was vested and zoned with The Ranches Master Plan. Since the approval of this project, part of Phase 1 has been built. A portion of Phase 1 and all of Phase 2 are unbuilt. There are two separate applications with this project: a recorded plat amendment and a preliminary plat amendment. There is also an application for a one-lot final plat for a future church lot.

The recorded Heatherwood Amended Plat 1 consists of 96 units. Forty-four units have been built or are in the process of being built. In Plat 1 on the east side of Desert Canyon Road there are 10 units that are recorded but have not been built. The purpose of the recorded plat amendment is to vacate those 10 units. The 10 vacated units will be combined along with a portion of Heatherwood Phase 2 to create one single lot that will be purchased from the developer for a future church site.

The preliminary plat amendment will create two new phases (Phases 2 & 3). The phases will consist of the vacated units from the recorded plat amendment and the originally approved Heatherwood Phase 2 development, which was never recorded with Utah County.

The new preliminary plat will feature a redesign of the units' configuration. With Phase 1, the configuration of the units created issues with drainage and snow plowing/stacking. The new configuration will align the end units parallel with the other units. The new design will allow for better drainage and create more areas for snow stacking and plowing. All of the units will also be unattached from one another and feature rear-loading garages. All of the utilities and infrastructure are already on site for this project.

Mayor Pengra opened the public hearing at 9:22 p.m. As there were no comments, he closed the hearing.

Councilmember Bradley was concerned about traffic flow through residential areas to the Porter's Crossing Town Center. Mr. Mumford said there are no plans at present to build a through street.

Councilmember Westmoreland asked about the drainage issues in the first phase. The applicant said the rain gutters in the first phase pointed straight down from the buildings. In the new construction, the gutters will run out to the street and there will be room to push snow out back.

MOTION: ***Councilmember Ireland moved to approve the amended Heatherwood preliminary plat. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Heatherwood, Phase 1, final plat. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

PUBLIC HEARING

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Amending The Cove at Rock Creek, Plat 2 Final Plat.

This item was presented by Planning Director Steve Mumford. This proposed amendment to The Cove at Rock Creek, Plat 2 adds one additional unit, taking the total unit count from 23 units to 24 units. This property is located south of the existing Rock Creek Development, off of Rock Creek Road and Clear Rock Road.

Mayor Pengra opened the public hearing at 9:34 p.m. As there were no comments, he closed the hearing.

Councilmember Ireland asked if the Council could approve the amendment under the current park improvement/open space code. Mr. Cook said the subdivision was vested with the Code that was in place when the final application was filed. The requirements can't be changed retroactively.

MOTION: ***Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Cove at Rock Creek, Plat 2, with the condition that a park fee in lieu be assessed on the additional unit, per the City's current Municipal Code. Councilmember Westmoreland seconded the motion.***

The applicant stated that he believed the original plat was approved with excess open space. If the new open space requirements were adopted after the application was filed, there would be no reason to consider a park fee in lieu. If the excess open space meets the current requirements, there also won't be a need for a park fee in lieu.

Councilmember Ireland declined to amend the motion. He felt the applicant should improve the open space beyond what was approved before the additional building was proposed.

Those voting aye: Adam Bradley, Ryan Ireland, and Tom Westmoreland. Those voting no: Donna Burnham and Richard Steinkopf. The motion passed with a vote of 3:2.

The applicant objected to the park fee in lieu because it could be applied to any park in the City. Mayor Pengra committed to spending the fee on this subdivision.

PUBLIC HEARING

16. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Creating an Industrial Overlay Zone.

This item was presented by Planning Director Steve Mumford. This staff-proposed amendment to the City's Development Code (Title 17 of the Municipal Code) adopts an industrial overlay zone. The zone is intended to encourage development around the wastewater treatment plant by allowing slightly reduced design standards. This will provide a buffer between the treatment plant and higher-end businesses outside the overlay zone.

Mayor Pengra opened the public hearing at 9:51 p.m. As there were no comments, he closed the hearing.

Councilmember Burnham pointed out that "commercial laundries" are permitted uses and "commercial and industrial laundries" are conditional uses. "Laundry and dry cleaning establishments" are also conditional uses. Mr. Mumford suggested retaining "laundry and dry cleaning establishments," making it a conditional use and dropping the other two.

MOTION: ***Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, creating the Sewer Industrial Overlay Zone, removing commercial laundries and commercial and industrial laundries from the use table.***

The motion failed for lack of a second.

MOTION: ***Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, creating the Sweetwater Industrial Overlay Zone, removing "commercial laundries" and "commercial and industrial laundries" from the use table. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

17. AGREEMENT – Consideration of a Franchise Agreement between Eagle Mountain City and Sena Wave, LLC.

This item was presented by City Attorney Jeremy Cook. The proposed franchise agreement documents the terms and conditions for Sena Wave, LLC to install, operate, repair and maintain an internet services network within Eagle Mountain City. They would lay service lines in City utility easements.

Councilmember Ireland asked if there would be any significant difference between this agreement and the agreement with Direct Communications. Mr. Cook responded that this one provides more protections for the City.

MOTION: ***Councilmember Ireland moved to approve the revised franchise agreement between Eagle Mountain City and Sena Wave, LLC. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

18. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Upper Hidden Valley Master Development Agreement.

This item was presented by Planning Director Steve Mumford and City Attorney Jeremy Cook. The proposed resolution formally approves the Upper Hidden Valley Master Development Agreement. Upper Hidden Valley is located south of the Hidden Hollow Elementary School.

Mr. Mumford and Mr. Cook recapped the presentation they made in Work Session, which is reported on pages 2 and 3 of these minutes.

The agreement calls on the City to acquire a right-of-way across private land through eminent domain if the developers are unable to negotiate a right-of-way. There is one parcel owned by the Bureau of Land Management and another the City foreclosed on that might be sold before this project is ready for construction. Elise Erler of SITLA, one of the developers, explained there are

cross-easements going through the property almost all the way to Pony Express Parkway. However, if the required rights-of-way aren't acquired all the way through the property, the project could be stalled. Ms. Erler said Airport Road leads towards the Upper Hidden Valley area, but there is some private land in between.

Councilmember Ireland wanted to know if the City could be obligated to build a section of road if the proper rights-of-way aren't acquired. Mr. Cook said the developer would have to build it. As a system improvement, it would be reimbursable by impact fees. He recommended language be added to the agreement to specify the road has to be built prior to the project being built to assure that traffic wouldn't go onto Lake Mountain Road, to the extent that Lake Mountain Road hasn't been developed to handle that traffic.

Mayor Pengra asked if the road would be part of the backbone improvements. Mr. Mumford said the backbone improvements constitute Lake Mountain Road into the project and Pony Express Parkway into the project.

Councilmember Ireland asked whether Ms. Erler thought Hidden Valley Parkway would be extended to Pony Express Parkway before Airport Road was completed. Ms. Erler responded that there was a specific time line, but she couldn't remember the details at the moment. When the plan was put together in 2008, there wasn't a focus on roads. However, the intent was to bring residents from Upper Hidden Valley straight to the Mid Valley area.

Mayor Pengra said the roadways should be addressed with the Master Transportation Plan.

Mr. Cook said another issue will be mining operations. Currently, developers can mine materials on their properties, but have to use them on-site. In this project, there is so much material that needs to be mined that the developers want an alternative permit process. Mr. Cook recommended leaving the possibility open, but allowing the City the option of denying it.

Mayor Pengra asked if the City could deny mining on SITLA property. Ms. Erler said SITLA, as a State agency, has the right to ignore City regulations, but they are voluntarily subjecting themselves to City ordinances. They are requesting a way to remove excess mined materials, if necessary.

The next issue of concern is park improvements. The developers have agreed to comply with the City's current regulations for park space, although they were entitled to comply with the requirements in place in 2008. The current requirements are beneficial to both the City and the developers. If new Code changes are made before the agreement is signed, the City won't be able to enforce them on the developers.

Mayor Pengra was concerned that the Council just imposed a current Code amendment on a previously-approved project with the Rock Creek vote. Mr. Cook said that might be the case. However, the developer has the right to withdraw its amendment applications. Upper Hidden Valley is different because the developers aren't asking for a change, but for vesting. This complies with the State Code.

Mayor Pengra stated the City applies development standards because leaving development entirely up to individuals doesn't provide a structure for consistent development.

Mr. Cook recommended the Council table this item, due to the unresolved issues.

Councilmember Westmoreland asked if the issue of setbacks from ridgelines has been resolved. Mr. Mumford said that hasn't been specified in the agreement.

Ms. Erler said the ridgeline is too steep to be buildable. SITLA's intent is not to build at the top of the buildable slopes, except in areas that won't be visible. Ruining the view of the ridgeline wouldn't be an advantage to the developers.

Mayor Pengra asked if that should be specified in the agreement. Ms. Erler felt the process is too far along to add this to the agreement, plus the City doesn't have a Code governing it. Ms. Erler pointed out that the City built a water tank on the ridgeline and was able to hide it from view.

Mr. Mumford said his main concern was that there be a trail system and public amenities at the ridgetop, which can be addressed with the preliminary plat.

Councilmember Ireland wanted to know if a regional park should be included in the plan. There's plenty of room for hiking and biking, but there might be a need for space for more organized recreation. Mr. Mumford said it might be best to allow the parks to be governed by the requirements in place when the development is built.

Mayor Pengra called for a motion.

MOTION: ***Councilmember Ireland moved to table a Resolution of Eagle Mountain City, Utah, approving the Upper Hidden Valley Master Development Agreement. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

19. BID AWARD – Consideration of an Award of Bid to Utah Correctional Industries for Construction of a Wall and Entrance for the Pony Express Memorial Cemetery.

This item was presented by Parks and Recreation Director Brad Hickman. The City Council approved funding for a wall and monument entryway for the Pony Express Memorial Cemetery. The proposed bid awards the contract to Utah Correctional Industries.

Mr. Hickman described the process of bidding the project. Early in the year, the Council budgeted $40,000 for the wall and entrance. Another $100,000 was allocated from the proceeds of the utility sale. Staff researched the project to find the most durable structure possible that would allow for visibility into the cemetery. They sent the design out for engineering bids. The design consists of a 500-foot rock entry monument and wall. Utah Correctional Industries returned a "do not exceed" bid, meaning they will only charge the actual cost. As a State entity, they are not allowed to make a profit.

Councilmember Bradley stated $40,000 was allocated for the entry monument and $100,000 was allocated for a fence around the cemetery. Councilmember Burnham agreed. Councilmember Ireland said the minutes of the last meeting said the $100,000 was for a fence around the cemetery.

Mr. Hickman reminded the Council the parcel being considered now is not the entire cemetery property. Security fencing would be fine around the section that's currently being utilized, but a permanent structure wouldn't fit the entire property.

Councilmember Ireland said the property is clearly visible as a cemetery now. The four-wheeling that happened last winter isn't likely to happen again. He didn't understand why the Cemetery Board is recommending this particular style of wall.

Mayor Pengra said this has been discussed multiple times. No other design has been proposed. One of the problems the City has with retaining active boards is that the Council doesn't accept their advice.

City Recorder Fionnuala Kofoed stated that the Cemetery Board reviewed the designs of several other cemeteries over the last two years. The first rendering was created by Ken Sorenson when he worked in the Planning Department. It was presented to the Council.

Councilmember Steinkopf stated a rock wall will last much longer than wrought iron.

Mr. Hickman reminded the Council the figures he presented in the past were very approximate. UCI's bid is much lower than estimates he's received from private companies.

Councilmember Bradley wanted only the entryway and about 50 feet of wall. The rest of the active area should be fenced with wrought iron. The additional acreage can be dealt with later.

MOTION: ***Councilmember Steinkopf moved to award a bid to Utah Correctional Industries for construction of a wall and entrance monument for the Pony Express Memorial Cemetery for an amount not to exceed $140,000 and authorize the Mayor to sign the contract.***

The motion failed for lack of a second.

Councilmember Ireland asked that the Cemetery Board present a design for a $40,000 entryway monument. Mr. Hickman stated the estimates he received from the private sector for that were around $56,000. UCI estimated $35,000 to $40,000.

MOTION: ***Councilmember Ireland moved to award a bid to Utah Correctional Industries for construction of a wall and entrance monument for the Pony Express Memorial Cemetery for an amount not to exceed $40,000 and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland and Tom Westmoreland. Those voting no: Adam Bradley and Richard Steinkopf. The motion passed with a vote of 3:2.***

Councilmember Westmoreland asked what kinds of fencing would be acceptable for the cemetery. Mr. Hickman said other cemeteries in the state used wrought iron, precast walls or brick structures. The design Mr. Hickman presented, which was approved by the Cemetery Board, is similar in color and materials to other monuments around the City.

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

None.

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

None.

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

23. ADJOURNMENT

MOTION: ***Councilmember Ireland moved to adjourn the meeting at 11:50 p.m. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

APPROVED BY THE CITY COUNCIL ON DECEMBER 1, 2015.

Melanie A Lahman for
Fionnuala B. Kofoed, MMC
City Recorder