



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