EAGLE MOUNTAIN CITY COUNCIL MEETING

July 19, 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: Paul Jerome, Assistant City Administrator; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Melanie Lahman, Chief Deputy City Recorder; Johna Rose, Deputy Recorder/Business License Technician; Ikani Taumoepeau, Economic Development Director; Aaron Sanborn, Management Analyst; Jessica Alvarez, Human Resources Director; Steve, Mumford, Community Development Director; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jeff Weber, Facilities Manager; Zac Hilton, Streets and Storm Water Manager; Mack Straw, Public Utilities Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

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

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

   This item was presented after Item 10.

   Chris Jones, representing the Economic Development Board, reported on recent and upcoming Board activities. The Board sponsored a Tech Jam event, which involved over 300 young people and 50 volunteers. The young people learned programming and app-building. The event was very successful and the Board plans to repeat it next year. Some of the Board members call or visit local businesses to encourage business retention. Some are attending local business forums. The Board is sponsoring a Street Fair on August 13 to introduce local businesses to City residents. The Board plans to produce a video to demonstrate Eagle Mountain's suitability for businesses that might consider locating in the City. They also want to promote shopping locally.

   The Board would like to adopt National Night Out, which encourages neighborhoods to have block parties to which they invite local law enforcement. The object is to strengthen the bond between the community and law enforcement. Healthy, vibrant communities encourage economic development.

   Councilmember Bradley expressed appreciation for the Board and for Mr. Jones' leadership.

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

10. MOTION – Reconsideration of a Site Plan for Metro Ready Mix.

Community Development Director Steve Mumford showed an illustration of how the concrete plant would look. Councilmember Bradley felt the plant would be much larger than the illustration. Mayor Pengra responded the illustration only showed the mixing unit. Mr. Mumford described how the rest of the site would look.

City Attorney Jeremy Cook explained an agreement Metro Ready Mix was prepared to sign that gives objective, enforceable standards for issues such as dust, light, noise, traffic and enforcement of any violations of those issues. Failure to remedy violations could result in a court order to comply.

Mr. Cook stated item 4 in the agreement specifies the City could not revoke the plant's permit due to violations. The agreement also includes financial and legal solutions for violations. Item 10 confirms the City has the power to adopt ordinances in the future which any business will have to follow moving forward.

Councilmember Bradley asked what would happen if the plant complied with all these regulations, but still emitted unacceptable levels of noise and pollution. Mr. Cook said the City could adopt ordinances controlling nuisances, as long as they were applied uniformly city-wide, were not directed at one industry, and clearly supported public health and safety. In addition, the plant is subject to State and Federal air quality standards.

Councilmembers asked what could be done when wind speed gets too high for normal dust control. Mayor Pengra said the Division of Air Quality excuses industries from dust control once the wind gets to a particular speed, because dust control becomes impossible without shutting the operation down.

11. MOTION – Consideration of the Overland Phase A Preliminary Plat.

Mr. Mumford described the Overland project, which is the first residential development in SITLA's Mid Valley Master Development Plan area. Due to disagreements among Eagle Mountain, SITLA and the developer over the intent of various sections of the master development agreement, the area will need a new or revised master development plan and agreement. However, the agreement between SITLA and the developer called for beginning the project in a timely manner, so the developer brought forward a preliminary plat for review and approval. Staff felt, since the project is adjacent to Cory Wride Memorial Park and the Frontier Middle School playing fields, no neighborhood park should be necessary. The Planning Commission recommended approval of the project with the following conditions:

1. The applicant shall pay a park fee-in-lieu deposit of $150,000, as well as any additional park fee-in-lieu funds that may be required by the amended MDA.
2. Six-foot tall privacy fencing or a decorative wall shall be installed along the backs of lots 135-137 along with the infrastructure for the subdivision, similar to the examples provided by the applicant at the June 12, 2016, Planning Commission meeting.

3. A landscaped entryway monument plan shall be submitted for review and approval of the Planning Commission and City Council, and be installed prior to the first certificate of occupancy in the development.
4. A landscaping plan must be submitted for staff approval that includes landscaping treatments of the trail corridors, street trees, and temporary retention ponds. The trails and landscaping within the trail corridors must be completed prior to 40% of the building permits being issued in the final plat that includes the corridor.
5. The name of the project must be changed to Overland Phase A, with final plats being named Overland Phase A Plat 1, or Overland Plat A-1, etc.
6. Street names are not approved as proposed, and must be amended and approved prior to final plat approval by the City Council.

Mr. Cook stated staff believed the proposed plan is acceptable without the park at this point, enough to allow the project to be started. It is understood the park is a significant issue and will be resolved with a revision to the master development agreement.

Mayor Pengra commented the staff and applicant agree adding a park to this first phase of development would create more maintenance work for the Parks Department, for a park that may receive little use. This does not apply to parks that may be included in future phases.

Councilmember Curtis asked if the City would normally reduce the fee-in-lieu if no park will be required. Mayor Pengra responded the full fee is being required because neither the City nor the applicant has conceded its claim as to the park requirement. SITLA's interpretation of the agreement is that the parks requirement is already accounted for in SITLA's agreement with the City. The parties have created a "deal points" document listing their preliminary agreements with regard to the park issue, in order to move the process along. The Council may choose to require other points of agreement.

Councilmember Curtis stated Ivory Homes' $1.8M donation to Cory Wride Park was to be considered a donation separate from the required fees. Mr. Cook stated the MDA was agreed upon prior to the bonus density structure being placed in the Municipal Code. SITLA's position is they are vested with a certain amount of density and shouldn't be required to make additional improvements or dedications. Both parties are confident, with enough time to negotiate, they can reach a mutually beneficial compromise.

Discussion ensued on the amount of park land SITLA has donated already versus how much the City felt should be donated. Mayor Pengra pointed out the question at issue at this meeting was whether the Phase A plat should be allowed to go forward while these questions are being negotiated.

Councilmember Bradley stated he was unwilling to approve a plan that required residents to walk very far to any park.

Councilmember Curtis asked how the $150,000 was arrived at. Mr. Mumford said it was suggested by the applicant. Councilmember Curtis felt it should be higher, based on the lack of green space in the plan. Mr. Cook stated it was roughly half of what City staff felt should be required. It was considered a good faith amount.

Bryon Prince, representing Ivory Homes, said Ivory has been working with City staff for about a year and a half. They felt SITLA's contributions to the City were unprecedented. They believed their options were to litigate the issues, or work together and move forward while the revised master development agreement was negotiated.

12-13. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Valley View Master Development Agreement and MOTION – Consideration of the Valley View Foothills Preliminary Plat.

Mr. Mumford stated this preliminary plat, the last of the Valley View plats, has been redesigned to include a trail with a three-rail fence with unclimbable mesh, bordering an access road to Camp Williams.

The Valley View Master Development Agreement requires one-acre lots. The applicant proposed lots of half an acre to less than one acre where one-acre lots would have topographical, road alignment or technical issues. Staff believe some of those lots would be too small. The Planning Commission recommended approval as proposed.

Representatives of Camp Williams don't object to half-acre lots along the border. They are very pleased to have a road to the Camp gate that doesn't have houses fronting it. Open space in this plat is folded into the Valley View Park currently under construction.

The developer proposed a septic system on a lot smaller than one acre, due to its distance from a sewer line, The current Municipal Code requires that septic systems be redundant and located on lots of at least one acre.

Mayor Pengra noted these developers have made significant changes to the plat, at their expense, in compliance with requests from the City.

15. MOTION – Consideration of the Alpine Credit Union Site Plan.

This project would be located in the Porter's Crossing Town Center commercial center. The building design complies with City design standard. City staff requested awnings over more windows and the developer agreed.

16. MOTION – Consideration of the Heatherwood Church Site Plan.

The only item of note in this plan is a slightly different parking lot layout from the City's standard configuration. The Planning Commission recommended approval.

17. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule for Site Plan Fees.

The Community Development Department reviewed the City's site plan fees at the direction of the Mayor. They found Eagle Mountain's fees were much higher than nearby communities, except for Saratoga Springs. The department developed several options. Administration chose one which is similar to Lindon's and Draper's fees. Mr. Mumford would like to analyze all of the City's community development fees, so the cost to developers matches the cost to the City for providing the services.

18. AGREEMENT – Consideration of an Agreement for Exchange of Water Rights and Waterworks.

Mr. Cook explained that State law doesn't allow cities to dispose of water rights. Many years ago, 130 acre-feet of water was banked with the City to be held for a future project. After the water was deeded to the City, application was made to the State Engineer's Office to approve the water for use in the City. The application was denied. The City has no way to use the water. The only way to return the water to the previous owners is to exchange it for other water facilities. HHH and its partners, the previous owners of most of the water, are willing to trade the water for an easement the City needs. A similar agreement was made about ten years ago with the Community of the Apostolic United Brethren, the owners of the rest of the water.

Councilmember Reaves asked how the value of water is determined. Mayor Pengra stated that, in this case, the lack of value is simply due to the City's inability to allocate it to a project.

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

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

Mayor Pengra adjourned the meeting at 6:15 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: Paul Jerome, Assistant City Administrator; David Mortensen, City Treasurer; Jeremy Cook, City Attorney; Melanie Lahman, Chief Deputy City Recorder; Johna Rose, Deputy Recorder/Business License Technician; Ikani Taumoepeau, Economic Development Director; Aaron Sanborn, Management Analyst; Steve, Mumford, Community Development Director; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:11 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Award for Outstanding Achievement** – Eagle Mountain City received the Award for Outstanding Achievement in Popular Annual Financial Reporting from the Government Finance Officers Association (GFOA) for the 2015 Popular Annual Financial Report (PAFR). This was the City's first time receiving this award. Here is what the GFOA's website says about the program:

  "The GFOA established the Popular Annual Financial Reporting Awards Program (PAFR Program) in 1991 to encourage and assist state and local governments to extract information from their comprehensive annual financial report to produce high quality popular annual financial reports specifically designed to be readily accessible and easily understandable to the general public and other interested parties without a background in public finance and then to recognize individual governments that are successful in achieving that goal."

  Eagle Mountain City has now been awarded the three major awards from the GFOA:
  - Distinguished Budget Presentation Award for the annual budget document – awarded 9 times, starting with the Fiscal Year 2008 budget
  - Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report (CAFR) – awarded 6 times, starting with the Fiscal Year 2010 CAFR
  - Award for Outstanding Achievement in Popular Annual Financial Reporting for the PAFR – first time being awarded, starting with the Fiscal Year 2015 PAFR

  There are only about 7 cities in Utah that have received all three awards.
- **Annual Citizens Survey** – Eagle Mountain's 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 and beautify the City's 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 in the City
  - Reinvest utility sale funds into communities

  This 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. For any additional questions, please contact Aaron Sanborn at asanborn@emcity.org.
- **Fireworks Restrictions** – Per UFA, 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 brush and grass covered areas, 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, and 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 on Monday, July 25 for observance of Pioneer Day. The Library will also be closed on Saturday, July 23.
- **Road Work** – July 1 marks the beginning of a new fiscal year. The City is moving as quickly as possible to complete road projects before the weather turns colder. The City has made tremendous strides in completing maintenance on arterial roads The focus will now be on collector roads. The aim is to eventually get the City's entire transportation infrastructure on a five-year rotating maintenance plan.
  - **Capital Improvements:**
    - Traffic signal at Porter's Crossing and Pony Express Pkwy.
    - Bobby Wren extension. The Municipal Code requires that all new subdivisions have two points of access, though some do not. This project will include a trail along the street and will provide a second access point for residents in sections of Pioneer Addition.
    - Golden Eagle Road. This project will eliminate the remaining section of dirt road and connect Kiowa Valley with a second paved access to neighborhoods.
    - Hummer Road. This section will connect existing streets and run past the new park.
    - Salt shed. Not only will this help our crews to work more efficiently during plowing operations, it will bring our salting operation into compliance with EPA standards.
    - Sunset Drive improvements.
    - Side path/bike plan improvements. These are safety improvements to bike and pedestrian crossings at roundabouts and arterial roads.
  - **Maintenance:**
    - High density mineral bonding for subdivision streets. This treatment will be applied to various areas of the City in order to rejuvenate asphalt on select roads.
    - Cedar Drive overlay/repair. This treatment will be the first step in rehabilitating roads in Cedar Pass Ranch.
    - Crest Road/Cedar Pass Road overlay and repair. This is the same treatment as Cedar Drive.
    - Ranches Pkwy northbound chip seal. This treatment will be the same as the chip seal that was completed on the southbound roads a couple of years ago.
    - Pony Express Pkwy southbound chip seal. This will be for a section of Pony Express Pkwy that leads to the Community Development building.
    - Eagle Mountain Blvd. westbound chip seal. This is a large chip seal job which will renew the road surface from the roundabout to Wride Hwy.

  All maintenance processes begin with identifying areas where the road may be significantly damaged and removing failed sections, repairing the road base, and patching the surface before treatment. These improvements are subject to change as timelines and circumstances dictate.
- **Splash Pad Now Open** – The splash pad (7862 N. Tinamous Rd.) is now open, following updates and repairs. When in operation, the water may be activated between 9:00 a.m. and 9:00 p.m. daily. An activation sensor is located in the northeast corner of the pad. Simply tap with your foot to start water. No pets, bikes, or scooters are allowed on the pad. Opening and

closing dates are weather-dependent but the pad is typically open from the end of May through mid-October.

- **Street Fair** – On August 13, 2016 residents will have an opportunity to showcase their businesses and sell to the general public from 9:00 a.m. to 4:00 p.m. It will take place on Peregrine Road. Booth registrations must be made before August 6th on the City website under Businesses – Street Fair. This is a great opportunity for residents to expose many people to their business and to network with other businesses. For questions, please email eberrett@emcity.org

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

Mary Ann Adams opposed the proposal to change the Valley View Master Development Plan. She didn't want half-acre lots for three reasons: it would be contrary to the master development agreement, it would increase traffic and endanger children, and it would be a problem for the horse trail. She is located across the street from the project, where the homes are all on one-acre lots.

Charlotte Ducos explained the lengthy process involved in negotiating the original Valley View Master Development Agreement. Due to the rural nature of the area, the neighbors were uncomfortable with the high density the developer wanted. Many of the transitioning and buffering regulations in the Municipal Code came about because of those years of negotiation. She asked the Council not to approve the proposed master development agreement.

Teresa Edwards said she lived next to the proposed Valley View development. She was concerned about allowing half-acre lots. She felt doing so would be contrary to the residents' interests; rather, it would serve the developers and Camp Williams.

Rachel Clark opposed the concrete plant which would be reconsidered at this meeting. She was concerned about additional traffic and about the respiratory issues it could cause. She felt the City has plenty of industrial businesses in that area already.

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

Councilmember Gricius
Councilmember Gricius thanked everyone for attending the meeting.

Councilmember Westmoreland
Councilmember Westmoreland welcomed everyone to the meeting.

Councilmember Reaves
Councilmember Reaves welcomed everyone. He said he's noticed people are driving much too fast and asked drivers to slow down.

Councilmember Bradley
Councilmember Bradley assured residents that the Council listens to their comments. He said it's a pleasure to represent them. He was happy to see new faces in the audience. He reminded the audience about the Street Fair being held on August 13.

Councilmember Curtis
Councilmember Curtis announced the Youth Council meets on the 2nd and 4th Wednesdays of the month at 5:30. He asked people to be careful when they're playing outdoor, online games.

Mayor Pengra
Mayor Pengra said he's excited about the Street Fair. He said most residents will be surprised at the number and quality of the businesses in the City.

CONSENT AGENDA

9. MINUTES
   A. July 5, 2016 – Regular City Council Meeting

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

The corrections to the minutes, discussed in Work Session, were as follows:

Councilmember Bradley asked that his comment on the concrete plant be clarified to indicate he thought the concrete plant would not be suitable for Eagle Mountain because it would be detrimental to public safety.

Councilmember Gricius asked that "asphalt plant" on page 8 be changed to "gravel pit."

SCHEDULED ITEMS

10. MOTION – Reconsideration of a Site Plan for Metro Ready Mix.

This item was presented by Community Development Director Steve Mumford. The proposed concrete plant would be located on the north side of Wride Memorial Highway and south of Camp Williams' southern boundary. This item was tabled from the June 21, 2016 City Council meeting, and later denied at the July 5, 2016 meeting.

Mr. Cook spoke to Metro's attorneys after the denial at the last meeting. They felt the project should have been approved, based on the Municipal Code. After discussions on how to avoid litigation, both sides worked together to draft an agreement to alleviate some of the concerns expressed by the Council and City residents. This development maintenance agreement addresses dust, the view of the plant, lighting and noise. It includes enforcement measures which can be applied quickly and effectively.

The agreement, if approved, would require berming and poplar trees to block the view of the plant from many of the areas of the City and make the site more attractive. It included lighting restrictions that exceeded those required by the Municipal Code. It included a provision that exceeded the City's noise ordinance, mandating a noise level not to exceed 65 decibels at the edge of the property from 9:00 p.m. – 7:00 a.m. on Mondays through Fridays, and 9:00 p.m. to 9:00

a.m. on Saturdays and Sundays. The plant would be required to mitigate dust mitigation by running a water truck twice a day on all unpaved surfaces used by trucks. Twice per year a magnesium chloride treatment would need to be applied to all of the roads. A sprinkler system would have to be installed on all piles of materials and be operated from May 30 through September 1. The agreement would be enforced by court injunction and daily liquidated damages, as well as attorney's fees.

If the site plan were denied, Metro could appeal the denial to 4th District Court. They would very likely succeed, the plant would be built, and the City would not get the benefit of any of the conditions in the agreement. Mr. Cook recommended approving the site plan with the agreement, as it is an approved use within the Extractive Industries Overlay Zone.

MOTION: ***Councilmember Gricius moved to reconsider a site plan for the Metro Ready Mix concrete plant. Councilmember Reaves seconded the motion.***

Councilmember Reaves felt the Council owed the public an explanation of how the discussion went at the last meeting. He explained that, although the Council prepares for meetings by reading written materials and talking with staff, sometimes the discussions in City Council meetings give them the opportunity to have more information, which may affect their votes. That happened to him at the meeting two weeks ago. In his opinion, the only option the Council had was to deny the application because there were no conditions of approval for the protection of the residents.

He didn't like being in the position of having to approve a business just because it met the requirements of the Municipal Code. He felt the Council should have more discretion. However, he didn't want to have to face a lawsuit the City would probably lose.

Councilmember Westmoreland agreed with Councilmember Reaves' points. He stated, in the current political climate, it has become popular to disregard law and substitute personal preferences for law. He believed in the rule of law and felt it was important that the Council not overstep its authority. He said City staff did a very good job in obtaining conditions of approval. He was confident staff had done the best possible job of optimizing the situation.

Councilmember Bradley was adamantly opposed to this plant. He felt it was unsafe. He asked Mr. Cook whether the conditions of approval exceeded the requirements of the Municipal Code. Mr. Cook said many of them are within the Code. Some are extensions of the conditions in the Code. There is also an added mechanism for enforcement, which is not found in the Code.

Councilmember Bradley felt the agreement was not sufficiently stronger than the Code. He wanted to know what it meant when the applicants said they would appeal the denial. Mr. Cook said, under the Municipal Code, a site plan denial was appealable to the District Court. The District Court would rule in the applicant's favor unless there was a compelling, countervailing public interest. The Court could award damages, as well. He preferred not to discuss litigation positions further during the City Council meeting.

Mayor Pengra requested a vote on the motion.

Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Those voting nay: Adam Bradley. The motion passed with a vote of 4:1.

Mayor Pengra didn't want anyone to leave the meeting thinking the Council approved the application just because they were under threat of being sued. He wanted to have a thorough discussion.

Councilmember Gricius asked who would enforce the agreement. Mayor Pengra said the City's Code Enforcement Officer visits the gravel pit twice a week. He would visit the concrete plant at the same times.

Councilmember Bradley felt neither of the available options was acceptable. He would rather have a judge require the approval. He was willing to risk the taxpayers' money to get a judgment.

Councilmember Curtis agreed this was a very difficult decision. He was not willing to put any money at risk, because he believed it was a losing battle. He believed it was best to approve the plant with the agreement.

Councilmember Gricius wanted to see a risk analysis, to determine if approving the plant would create too much industry in one area. She wasn't opposed to having the plant in that location, but felt at the moment evidence was lacking.

Councilmember Westmoreland asked Mr. Cook to explain the terms of the development maintenance agreement. Mr. Cook responded the conditions were an advantage to the City. They expanded on the Municipal Code, especially as regards dust suppression. For one thing, the applicants have agreed to manage dust on any roads their trucks use, whether they own them or not. The liquidated damage provision made compliance an economic advantage for the applicant. If the City only has conditions of a site plan approval for enforcement, enforcement is much more difficult. It's much more effective to have a judge enforce the requirements.

Councilmember Curtis asked if the Council could take the DAQ's test results into account. Mr. Cook pointed out DAQ's decision would be addressing the gravel pit. Another facility's violation wouldn't apply to the concrete plant.

Councilmember Reaves felt the Council should consider removing the Extractive Industries Overlay Zone. He didn't think it was right to spend the taxpayers' money on a losing battle.

MOTION: ***Councilmember Bradley moved to table a site plan for the Metro Ready Mix concrete plant. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley and Stephanie Gricius. Those voting nay: Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion failed with a vote of 2:3.***

MOTION: ***Councilmember Curtis moved to approve a site plan for the Metro Ready Mix concrete plant, subject to the development and maintenance agreement, with the revisions discussed during Work Session. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves and Tom Westmoreland. Those voting nay: Adam Bradley and Stephanie Gricius. The motion passed with a vote of 3:2.***

The revisions discussed in Work Session were as follows:

1. Metro shall keep a verifiable log documenting water truck operations.
2. Locations of poplar trees shall be as shown on Exhibit A to the agreement.

11. MOTION – Consideration of the Overland Phase A Preliminary Plat.

This item was presented by Community Development Director Steve Mumford. The proposed 137 lot preliminary plat, on 65 acres, is located west of Pony Express Parkway and north of Frontier Middle School. The project is located in the SITLA Master Development Plan area. The SITLA Master Development Plan and Agreement were approved in 2003.

Mr. Mumford stated there will be an asphalt trail providing access to the Frontier Middle School playing fields. The Alpine School District Assistant Superintendent has confirmed that the school district supports such public access, although it must be approved by the Alpine School District Board of Education.

The City has been negotiating with SITLA and Ivory Homes regarding the intent of the master development agreement. They disagree on the meaning of some of the provisions, but are working well together towards major revisions. This has taken a lot of time, and will take more, so they created a document called the "Mid Valley Eagle Mountain City Open Space Dedication Fees Deal Points" document. It states that, while the parties disagree, they wish to move forward. Ivory Homes will put $150,000 in escrow as a deposit for park fees while the revision to the master development agreement is in process. Mr. Mumford recommended that document as a condition of approval.

Councilmember Gricius objected to the lack of green space in the plat.

Councilmember Colby said he would prefer including green space to serve the lots farthest away from Wride Park and the school grounds. He felt he had to approve the plat to find out what the outcome would be.

Councilmember Reaves didn't think a community should have to rely on a regional park. He said his opinion is based on previous promises that weren't fulfilled.

Councilmember Bradley noted the open space requirement that would normally apply to this development, which would be over three acres. Although he didn't think the project needed three acres, he didn't think residents should have to walk very far with small children to reach park space. He didn't think the developer would want to try to sell lots in Eagle Mountain without a nearby park.

Mayor Pengra felt the issue was simple: whether the Council would be willing to approve the plat, knowing the regional park will be available, without the City giving up any rights or any possibility of the applicant failing to meet any City requirements.

Councilmember Curtis stated that was not acceptable, because the Council was told Cory Wride Park wouldn't have any effect on the requirements for this development, and now it is having an effect.

Councilmember Bradley was concerned about moving forward without having the master development agreement finalized. He would be satisfied if there was a neighborhood park in a specified location.

Mayor Pengra said he told Mr. Prince it was a big concession to approve the development without determining the open space. It was different from what any other development was required to do.

Mr. Prince stated SITLA made major commitments and contributions to this development thirteen years ago. He felt those contributions were being forgotten. He said the master development agreement provided vested development rights, which this plat complied with. Ivory Homes' agreement with SITLA requires the project to move forward. Mr. Prince felt he wasn't making much progress in working with City staff towards the amendments to the agreement, so he was forced to make a plat application. He distributed a proposal for an amended agreement to the Mayor and Council, which reflects work done over the past 18 months. While there was a disagreement as to the vested rights, if the project was denied at this meeting, Ivory would likely move to litigation. He would prefer to have this plat approved while the master development agreement was being revised.

Councilmember Reaves pointed out the City is not forcing Mr. Prince to move forward. He reminded Mr. Prince it was his statement that this was being forced by the agreement with SITLA.

Councilmember Gricius disagreed with Mr. Prince, in that she didn't believe it was in the residents' best interests to be without a park. She asked if he would be willing to replace two or three lots with a park as a compromise. Mr. Prince was willing to locate a small park with a tot lot in the development.

Mayor Pengra asked Mr. Mumford if he was satisfied with this plat. Mr. Mumford responded he was happy with the lot sizes, because one-third acre lots were missing from the City's available market. In regard to the proximity to the regional park, he disagreed with the Council. He felt a quarter to half a mile was walking distance. He felt there should be a neighborhood park in the area of the development furthest from the school grounds and Cory Wride Park. One option allowed by the Municipal Code would be bonding for a future park proportionally with each approved phase.

Councilmember Curtis said he lived in SilverLake. The distance from the SilverLake Amphitheater to the furthest homes in SilverLake is .6 mile, which is too far for families with small children. On the other hand, the tot lot near his home is used constantly.

Mr. Prince said the overall plan of the entire development included a large park just beyond the northern border of this first phase. He offered to move some of that park space into the northern end of the plat. He didn't want to build a tiny tot lot.

Councilmember Gricius suggested adding a tot lot on a specified lot to the deal points document.

Mr. Prince said Ivory's understanding with SITLA, based on information from City staff, was that the $1.8M donation was to go to the regional park. That was the reason Ivory didn't contemplate putting a neighborhood park in this plat. Councilmembers stated they had been told the $1.8M would not affect the park plans for the development.

Mayor Pengra told Mr. Prince if he preferred, he could take the $1.8M donation to Wride Park and invest it in the Overland Park instead. He also wasn't insistent on having a park directly in this plat, as long as the City knows there will be a park in the development and where it will be located. He wanted to know if Ivory had completed the landscape plan for this plat, which was promised to be completed before this meeting.

Mr. Prince said the landscape design has been discussed. He said he was open to placing a one-acre park on the north side of this plat if that would make the plat design more acceptable.

Mayor Pengra asked the Council if they would be willing to allow staff to work through that recommendation and, for the time being, dedicate an acre of space on this plat to a park.

MOTION: ***Councilmember Gricius moved to approve the Overland Phase A preliminary plat, subject to inclusion of the deal points agreement and reservation of one acre of green space, the location to be decided 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.***

12. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Valley View Master Development Agreement.

Items 12 and 13 were discussed together.

This item was presented by Community Development Director Steve Mumford. The proposed amendment to the Valley View Master Development Agreement would allow half-acre lots to be built adjacent to Camp Williams' southern border. The proposed 71 lot preliminary plat, on 46 acres, is located north of Wride Memorial Highway, east of North Ranch. The property is the final undeveloped area in the Valley View Ranch Master Development Plan.

An access road to Camp Williams and the City's water tank, fenced to prevent pedestrian access, is included in the plat. No house lots front the street. The north side of the project will have a trail buffer.

The Valley View Master Development Agreement requires all lots adjacent to Camp Williams to be at least one acre, and all lots to be larger than half an acre unless there are topographical, technical or road issues. In that case, up to 5% of the lots may be less than half an acre. That 20% applies to the entire Valley View development, not just this plat.

Mr. Mumford stated the developers proposed an amendment to the master development agreement. The amendment would allow for half-acre lots next to Camp Williams. No homes would be allowed to share the same front elevation as those on immediately on either side or across the street, either directly or diagonally, and the two next to those. No more than 15% of the houses throughout the project may have the same front elevations.

The proposed master development agreement would allow half-acre lots along the border with Camp Williams, but maintain the requirement for one-acre lots bordering North Ranch.

Mr. Mumford stated the current Municipal Code requires one-acre lots along the border with Camp Williams, but gives the Council some discretion.

A Joint Land Use Study (JLUS) was conducted several years ago to help Camp Williams and the surrounding communities accommodate each other's needs. It recommended one-acre lots, but found half-acre lots acceptable.

Mayor Pengra pointed out military bases are being realigned and closed all over the country. One item that is considered is the relationship between the base and its surrounding communities. If there are problems, the base is more likely to be closed. The closure damages the local economy and leaves abandoned land containing unexploded ordinance. After studying the JLUS, City Administration prefers one-acre lots bordering the camp. However, in this case, the applicant has undergone some costs in allowing the dedicated access road. Therefore, Camp Williams and City Administration were willing to support the half-acre lots to make up for some of those costs.

Councilmember Bradley objected to giving the developers any more than their vested rights. Mayor Pengra said they were vested with more lots than they have platted.

Councilmember Reaves felt developers should work with the Municipal Code, rather than negotiating around it.

Mayor Pengra pointed out that he requested this change to accommodate a serious access need of Camp Williams.

The applicant, Ken Olsen, explained the details of the access road and the fence along the road, as well as the redesign that was done to keep houses from fronting the road.

He stated there was one lot that might need to have a septic tank, which would be an exception to City standards. He discussed other details of the design of the plat, including the reasons for the half-acre lots. He felt using entirely one-acre lots would create a poor design.

Discussion ensued on the design of the development.

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

13. MOTION – Consideration of the Valley View Foothills Preliminary Plat.

This item was discussed along with item 12.

MOTION: ***Councilmember Gricius moved to table the Valley View Foothills preliminary plat until it can be brought back with additional information. 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.***

14. MOTION – Consideration of the Alpine Credit Union Site Plan.

The proposed application is for a 3,000 sq. ft. building for Alpine Credit Union, to be located in the Porter's Crossing Town Center, Lot 2. There was no discussion on this item during Policy Session. Information was provided briefly during Work Session, which is found on page 4 of these minutes.

MOTION: ***Councilmember Westmoreland moved to approve the Alpine Credit Union Site Plan. 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.***

15. MOTION – Consideration of the Heatherwood Church Site Plan.

The proposed application is for an LDS church to be located in the Heatherwood subdivision, Lot 8. This lot was originally part of the Heatherwood on the Green subdivision and was later amended to create a larger lot to accommodate a church site. There was no discussion on this item during Policy Session. Information was provided briefly during Work Session, which is found on page 4 of these minutes.

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

16. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule for Site Plan Fees.

The proposed amendment to the Consolidated Fee Schedule reduced the non-residential site plan fees to be more in line with what other cities charge. The Community Development Department received several requests to review Eagle Mountain's site plan fees. The fees were found to be higher than those of most local communities. The department recommended lowering them to $2000 - $8000, depending on the size of the project.

MOTION: ***Councilmember Bradley moved to adopt a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule for Site Plan Fees. 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.***

17. AGREEMENT – Consideration of an Agreement for Exchange of Water Rights and Waterworks.

This item was presented by City Attorney Jeremy Cook. The proposed agreement is for the exchange of water rights for an easement for a new waterline on the north side of Wride Memorial Highway. The water is banked with the City but was never approved by the State Engineer for use within the City.

MOTION: ***Councilmember Reaves moved to approve an agreement for exchange of water rights and waterworks. Councilmember Westmoreland seconded the motion. Those***

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

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

Councilmember Gricius
No comment.

Councilmember Westmoreland
No comment.

Councilmember Reaves
Councilmember Reaves encouraged residents to take advantage of the Neighborhood Match Program for improving neighborhood parks.

Councilmember Bradley
No comment.

Councilmember Curtis
No comment.

Mayor Pengra
No comment.

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

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

21. ADJOURNMENT

MOTION: ***Councilmember Curtis moved to adjourn the meeting at 10:16 p.m. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.***

Approved by the City Council on August 16, 2016.

Fionnuala B. Kofoed, MMC
City Recorder