



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

September 6, 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 Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. Councilmember Adam Bradley was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Linda Peterson, Communications and Community Relations Director; Jessica Alvarez, Human Resources Director; Steve Mumford, Community Development Director; Chris Trusty, City Engineer; Jeff Weber, Facilities Director; Mack Straw, Public Utilities Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief 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.

None.

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

9. APPOINTMENTS

Mayor Pengra announced his proposed appointees for three City boards. He recommended Dale Jakins for the Parks and Recreation Advisory Board, Corbett Douglas for the Cemetery Advisory Board and Michael Small for the Military and Veterans Advisory Board.

12. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Establishing a Temporary Moratorium on New Permits or Approvals for Mining Operations or Concrete or Asphalt Facilities in the Spring Run and Talon's Cove Extractive Industries Overlay Zone.

Community Development Director Steve Mumford stated City staff recommended a six-month moratorium on new permits or approvals for mining operations or concrete or asphalt facilities in the Extractive Industries Overlay Zone. The purpose would be to study the effects of the industries there on the health, safety and welfare of the residents. Negative effects in those areas would constitute a compelling, countervailing interest to having the overlay zone on the land.

Councilmember Reaves asked how the land would be reclaimed after the mining leases have expired, should the City choose reclamation. Mayor Pengra stated the mining leases were private agreements. It would be premature to consider reclamation when the City had no control over the leases.

13. MOTION – Consideration of the Sale of a Vacant Parcel of Real Property Containing Approximately 40.76 Acres, Identified as Utah County Parcel Number 58:040:0013.

Mayor Pengra removed this item from the agenda.

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 16.35 of the Eagle Mountain Municipal Code for Development Standards for Required Public Facilities.

Mr. Mumford stated these amendments didn't change anything in the Municipal Code. Rather, they added illustrations clarifying right-of-way requirements and street cross-sections.

Councilmember Curtis said he attended the Planning Commission meeting where this was discussed. He believed the changes would be beneficial to the Code.

Councilmember Reaves said he felt these were useful changes.

15. MOTION – Consideration of the Eagle Mountain Benches Preliminary Plat.

Mr. Mumford stated this application was previously submitted with smaller lot sizes, which would have required a rezone. This submission's minimum lot size was five acres, which complied with the existing zoning.

Improvement of Lake Mountain Road has been an issue with this project. The Municipal Code requires developers to pave existing roads in their developments. Sections of this historically dirt and gravel road have recently been surfaced with a reclaimed asphalt product. The Fire Code allows gravel roads, as long as there is a sprinkler system in each home.

Mr. Mumford consulted with and Zac Hilton, the City's Streets and Storm Drains Manager. Mr. Mumford and Mr. Hilton felt the road should be improved to the satisfaction of the Fire Marshal, the City Engineer and Mr. Hilton. Mr. Hilton told him the City plans to re-grade the road within the month.

Another issue was the gas and electric utility corridors. The Municipal Code designates the land within the corridors unbuildable, although "unbuildable" is not defined. Kern River Gas Transmission Company standards recommend its corridor be maintained as open space, but allow for some private use as long as Kern River reviews the plans, no structure exceeds 12 feet in height, and Kern River retains access to the property through gates. Rocky Mountain Power has similar restrictions for its powerline corridor. A couple of City parks are located in the corridor, as well as an HOA park.

The City's General Plan shows a regional trail through the utility corridor. The Planning Department has worked with the developer to find an alternative to avoid running the trail through

building lots. The original route would have the trail run through the utility corridor, which would place it in the center of the developed lots. Other options would move the trail through various sections of BLM land, the utility corridor, and along Lake Mountain Road.

The Planning Commission recommended three conditions: an acceptable connection for the regional trail, compliance with any and all restrictions imposed by the utility companies, and improving Lake Mountain Road to the satisfaction of the City Engineer and the Fire Marshal.

Councilmember Westmoreland asked if there was a dispute over the application of the Code. City Attorney Jeremy Cook stated there was no dispute. The project falls under the agricultural chapter of the Code. Property owners may use the land under the utility corridor for farming or livestock. He didn't think a regional trail corridor was a reasonable taking for that many lots. The City would need to pay fair market value for the land for the trail.

Jeff Scott, the applicant, asked to make a comment. He stated the utility corridor was broken, and more of it went through agricultural land than residential. He wanted to place a trail along the easement west of Lake Mountain Road and then onto BLM land.

Councilmember Westmoreland stated the Council has often deferred to staff to work out details. In this case, he would prefer the details to be worked out by the Council. Mayor Pengra agreed.

Councilmember Gricius noted the lot size requirements for Agriculture zoning. Since some of the lots were mostly unbuildable land, she wanted to know what the unbuildable areas could be used for.

Mr. Mumford said the Agriculture zone allows for processing of agricultural products, commercial hunting, farming, windmills, silos, etc. Subdividing the land into building lots requires that enough room be reserved to accommodate building a home on each lot.

Councilmember Gricius asked if driveways were allowed to cross the utility corridor. Mr. Mumford said they were, but Kern River Gas Transmission would have to approve the design and have a representative on-site when the driveway was installed.

Mr. Mumford stated the applicant submitted an updated plan earlier in the day. The road cross-section was changed from 66 feet to 60 feet and a couple of other very minor changes were made.

16. MOTION – Consideration of the Shops at City Center Site Plan.

Mr. Mumford explained this was a site plan for two retail buildings in City Center, each of which would have a drive-through for a potential, future restaurant. The project would be accessed from Eagle Mountain Blvd.

The preliminary plat was approved with two lots. The owners were expected to submit a master site plan to act as a preliminary plat; however, they were unwilling to do that because they wanted flexibility to adjust to market conditions.

Although the Municipal Code states parking should be to the side or the rear of the buildings, the owners believed that configuration wouldn't work for a retail project. The Council could allow the parking area to front the buildings, as long as additional berming and landscaping were installed to

screen the view of the pavement. Acceleration and deceleration lanes will be required on Eagle Mountain Blvd.

17. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving Eagle Mountain’s Participation in the Utah County CDBG Program.

City Recorder Fionnuala Kofoed said the City has participated in the Community Development Block Grant (CDBG) program since 2000. City projects funded by the program have included the senior van and streetlights along Eagle Mountain Blvd. The Housing and Urban Development Department recently added additional language to the agreement, which requires it to be re-approved. Signing the agreement would allow the City to participate in the program immediately. If the Council chose not to approve the agreement, there would be a three-year waiting period before the City could participate again.

18. BID AWARD – Consideration and Award of Bid to Ellsworth Paulson for the 2016 Well Generator Project.

Facilities and Operations Director Jeff Weber stated the generators would provide emergency power back-up for wells #3 and #5, which are located in Hidden Canyon.

Public Utilities Manager Mack Straw explained that these two wells were chosen to receive generators because they have the highest water production.

Councilmember Westmoreland asked for a more detailed breakout of the costs for the generators. He wondered why the City didn’t use mobile generators. Mr. Straw said the cost included the generators and all the equipment and services required to properly install them.

Mike Chambers, representing Hansen and Luce Engineers, explained each generator would be mounted on a large concrete pad, surrounded by a weatherproof enclosure and provided with sound muffling and a 24-hour fuel tank. They are 900 kW diesel generators which will be equipped to turn on automatically if they detect a power failure.

Councilmember Curtis asked what routine maintenance they’ll need. Mr. Weber said the City has a maintenance contract with Wheeler Equipment for all of the City’s generators, which includes a weekly start-up. The generators will be tied to the SCADA system, which will warn City staff of any problems that need to be addressed.

City Administrator Ifo Pili explained the City first considered mobile generators, but mobile equipment powerful enough to power the wells would be very large and even more expensive than the stationary generators.

19. BID AWARD – Consideration and Award of Bid to Westbrook Construction, Inc. for the 2016 City Park Restroom Utilities Project.

Mr. Weber said this project only encompassed the water, sewer and electrical utilities for the restrooms, which will be located in Smith Ranch, Pioneer and Walden parks.

20. BID AWARD – Consideration and Award of Bid to CXT Incorporated for the 2016 City Park Restroom Project.

Mr. Weber said this agreement was for the restroom buildings themselves. They are high-quality prefabricated buildings such as the Forest Service uses in the mountains.

Councilmember Gricius felt any parks that lack drinking fountains should have them. Mr. Weber said fountains could be included with these restrooms for a relatively small cost.

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 5:26 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Linda Peterson, Communication and Community Relations Director; Steve Mumford, Community Development Director; Chris Trusty, City Engineer; Jeff Weber, Facilities Director; Mack Straw, Public Utilities Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:03 p.m.

5. PLEDGE OF ALLEGIANCE

Benjamin Reaves led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Fall Clean-up Dumpsters and E-waste Collection** – Eagle Mountain City is offering free fall clean-up dumpsters and E-waste (electronics) collection for Eagle Mountain residents from Thursday, September 8 through Sunday, September 11. Dumpsters will be located in the open space south of Frontier Middle School (1427 N. Mid Valley Rd.) and may be accessed via Mid Valley Rd. The dumpsters are for yard and general household waste. They cannot accept any hazardous materials, tires, appliances, or large furniture items. There will be a separate dumpster for scrap metal. Bins will be available for E-waste, including TVs, computers, and miscellaneous electronics. Please dispose of these items as designated by signage on the bins. A list of acceptable and unacceptable E-waste items is available on the City website.

- **City Departments Moved** – Several departments previously located in City Hall have moved to the Community Development Building, located at 2565 N. Pony Express Pkwy. These departments are: Building & Planning (now the Community Development Department), Special Events, and Parks and Recreation. Phone numbers and email addresses have not changed.
- **Road Closures** – The following road closures are currently in effect:
 - Peregrine Road Closure – Peregrine Road will be closed from Ranches Parkway to Sparrowhawk through September 9. Detours and traffic control are in place.
 - Pony Express Lane Closure – One northbound lane will be closed on Pony Express Pkwy. at Sandpiper Rd. (near Hidden Hollow Elementary) through September 12 for a Questar Gas project. This closure may be intermittent. The work day is expected to be from 9:15 a.m. until approximately 5:00 p.m.
 - Hillside Drive Road Closure – Shiloh Way to Lippizan Way until further notice.
- **Road Work** –Construction is in progress on the extension of Bobby Wren Blvd. Please watch for workers, use caution in the area, and alert children to stay away from the construction zone and materials. Work is expected to be finished by November.

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

Mike Kieffer thanked Mr. Mumford and his staff for adding diagrams to the Municipal Code. Diagrams and charts make the Code more understandable. He felt the Community Development Block Grant (CDBG) resolution was a bad idea, as it gave the Federal government more control over the City. He objected to the required language against excessive force used by law enforcement. He didn't think law enforcement officers should have to be concerned about whether they're being scrutinized.

Mayor Pengra clarified the rules and organization of the CDBG program.

Jeff Ruth asked that the City mow alongside the trails in late April or early May to get rid of foxtails, which dig into animals' legs and sometimes have to be removed surgically. Mowing later spreads foxtail seeds.

Ingrid Russell requested a dog park because people's dogs are part of the community. She thought dogs would behave better and bark less if they had an opportunity to exercise more. Mayor Pengra mentioned the preliminary plan for Cory Wride Memorial Park included a dog park, although he didn't know what the time frame would be or whether it would be included in the final plan.

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

Councilmember Curtis

Councilmember Curtis encouraged youth ages 14 - 18 to join the Youth Council. He thanked everyone who helped with the 20th anniversary event.

Councilmember Bradley

Councilmember Bradley apologized for not attending the meeting in person. He thanked the City staff who worked on the "Back to the 90s" 20th anniversary event.

Councilmember Reaves

Councilmember Reaves thanked everyone who helped with the anniversary event: law enforcement, fire and rescue, City staff and volunteers. He's had a lot of positive feedback. He encouraged everyone to attend City events.

Councilmember Westmoreland

Councilmember Westmoreland felt it was an honor to serve this community.

Councilmember Gricius

Councilmember Gricius thanked everyone who helped with and attended the anniversary event. She congratulated Pikachu for being voted Eagle Mountain's favorite Pokemon in the children's mock election held at the event. She stated the Senior Advisory Council has events every week. The Military and Veterans Advisory Board meets the third Thursday of each month.

Mayor Pengra

No comment.

9. APPOINTMENTS

- A. Parks and Recreation Advisory Board – Dale Jakins
- B. Cemetery Advisory Board – Corbett Douglas
- C. Military and Veterans Advisory Board – Michael Small

MOTION: *Councilmember Curtis moved to appoint Dale Jakins to the Parks and Recreation Advisory Board for a term ending December 31, 2018. 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 Gricius moved to appoint Corbett Douglas to the Cemetery Advisory Board to complete a term vacated by Wendy Lojik, ending December 31, 2019. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Gricius moved to appoint Michael Small to the Military and Veterans Advisory Board to complete a term vacated by Kindra Jones, ending December 31, 2017. 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.*

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Jakins, Mr. Small and Mr. Douglas.

CONSENT AGENDA

10. MINUTES

- A. August 16, 2016 – Regular City Council Meeting

11. BOND RELEASE – Into Warranty

A. Skyline Ridge Phase 1C, Plat 2

MOTION: *Councilmember Reaves moved to approve the Consent Agenda. 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.*

SCHEDULED ITEMS

PUBLIC HEARING

12. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Establishing a Temporary Moratorium on New Permits or Approvals for Mining Operations or Concrete or Asphalt Facilities in the Spring Run and Talon’s Cove Extractive Industries Overlay Zone.

This item was presented by Community Development Director Steve Mumford. The proposed ordinance restricts land use requests with respect to approved uses under the Extractive Industries Overlay Zone. The temporary moratorium would be in place while the City completed a study addressing the existing and potential impacts of industries in the Extractive Industries Overlay Zone on the health, safety and welfare of residents.

Mayor Pengra opened the public hearing at 7:41 p.m.

Corbett Douglas asked if six months was long enough to conduct an adequate study on the health impacts on residents of the community. He wondered if it would be possible to extend the study.

Mayor Pengra said he felt six months was long enough to make use of the information available.

Councilmember Reaves pointed out that State law doesn’t allow more than a six-month moratorium.

Nick Baird, an employee of Hadco and TM Crushing, wanted the Council to know the companies have been working hard to clean up the gravel pit and comply with State and Federal air quality laws. Company representatives will make a presentation at a future Council meeting on what they’ve done to comply with all the agencies that regulate their operation. The companies wanted to improve their relationship with the City by cooperating and giving the City full access to the site and to information it needed.

Dave Openshaw, a resident of Meadow Ranch, wanted to know how the heavy traffic from the gravel pit will be managed to avoid damage to Wride Memorial Highway.

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

Councilmember Gricius asked what the scope and objective of the study would be. Mayor Pengra said the intent was to identify the impact of continued and expanded extractive operations on the residents of the City. Negative effects on the residents’ health, safety and welfare would constitute a countervailing public interest, potentially leading to the removal of the overlay zone. However, objections to the use of the land would not.

Councilmember Curtis stated he wanted a permanent solution. He wanted the current owners to be able to use their land, but he wanted to avoid ending up with an eyesore like the mining operation at Point of the Mountain in Salt Lake County. He understood that wasn't the goal of the study, but he wanted the Council to consider the question.

Councilmember Reaves said the section of the Municipal Code governing the overlay zone stated the owners of the land are required to submit a reclamation plan detailing how the land would be restored after the mining operations were completed.

Mr. Mumford noted the Extractive Industries Overlay Zone overlays base zoning. The base zoning will direct the future use of the property. The base zoning is a mix of business park, industrial, residential and commercial. An overlay zone is designed to allow for additional uses.

Councilmember Bradley appreciated the staff listening to the public and the Council and working on this moratorium. He thanked Mr. Baird for coming to the meeting and providing information.

MOTION: *Councilmember Gricius moved to adopt an Ordinance of Eagle Mountain City, Utah, establishing a temporary moratorium on new permits or approvals for mining operations or concrete or asphalt facilities in the Spring Run and Talon's Cove Extractive Industries Overlay Zone. 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

13. MOTION – Consideration of the Sale of a Vacant Parcel of Real Property Containing Approximately 40.76 Acres, Identified as Utah County Parcel Number 58:040:0013.

Mayor Pengra removed this item from the agenda.

PUBLIC HEARING

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 16.35 of the Eagle Mountain Municipal Code for Development Standards for Required Public Facilities.

This item was presented by Community Development Director Steve Mumford. The proposed amendment to the Municipal Code added Section 16.35.140 Diagrams, to clarify the City's standards for road rights-of-way. Mr. Mumford explained how the diagrams were created.

Mayor Pengra opened the public hearing at 8:01 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Reaves moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 16.35.140 of the Eagle Mountain Municipal Code for Development Standards for Required Public Facilities to clarify the City's standards for rights-of-way. 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.*

15. MOTION – Consideration of the Eagle Mountain Benches Preliminary Plat.

This item was presented by Community Development Director Steve Mumford. The applicant proposed a preliminary plat on 101.62 acres of land, currently zoned Agriculture. The property is located along Lake Mountain Road. The proposal consists of 16 lots that are 5 acres or larger. The project complies with the City's Future Land Use General Plan designation of Rural Residential and a rezone is not required for the development. The project came before the Council previously with smaller lots, which required a rezone. The rezone was denied by the Council.

The Municipal Code requires roads in new developments to be paved. However, Lake Mountain Road has historically been a dirt road and is currently partially surfaced with road base. In addition, since this wouldn't be a residentially-zoned project, there would be leeway to finish the road to the satisfaction of the City Engineer and the Fire Marshal, without necessarily paving it. Surfacing the road without paving would require sprinkler systems in every home.

Some of the property in the lots would be located in the power and gas corridors, which the Municipal Code designates unbuildable land. The utility companies do allow certain restricted uses on the corridor, such as fences and grazing.

The Eagle Mountain General Plan shows a regional trail through the utility corridors. However, running the trail through so many lots in an agricultural subdivision would be an unreasonable taking, according to the City Attorney. Other options would move the trail through various sections of BLM land, the utility corridor, and along Lake Mountain Road. One option would be to require trail improvement along Lake Mountain Road rather than road improvement.

The Planning Commission recently held a public hearing and recommended approval with the following conditions:

1. Applicant shall work with staff to provide an acceptable connection for the regional trail in the utility corridor.
2. The development must comply with any and all restrictions placed on properties affected by the utility corridor.
3. Lake Mountain Road shall be improved as a gravel road to the satisfaction of the City Engineer and Fire Marshal.

Mr. Mumford requested the Council to resolve condition #1 at this meeting.

Councilmember Westmoreland asked if the recycled asphalt would be applied to both Lake Mountain Road and the road to be constructed within the project. Mr. Mumford said the applicant planned the local road to be gravel-surfaced.

Mayor Pengra pointed out that Lake Mountain Road was originally a county road, which didn't meet City standards. The City has improved it as much as possible with the recycled asphalt available from other City projects. The new gravel road in the development would be built to City standards.

Councilmember Westmoreland asked if the trail would connect with any other trail. Mr. Mumford said there was no asphalt trail in the area; however there were some dirt trails.

Mr. Scott proposed running the trail along the west side of Lake Mountain Road, because the trail in the nearby Glenmar subdivision will run along the west side of the road.

[Inaudible comment from audience.]

Councilmember Curtis asked if it would be safe for residents to live so close to the gas transmission line, and if buyers had to be notified that they're moving into a utility corridor.

Mr. Cook said the corridor would be shown on the plat and in the title report at the time the property was sold.

City Engineer Chris Trusty stated any digging in the corridor must be supervised by Kern River employees.

Discussion ensued on the road surface. Mayor Pengra noted there were objections to paving the road when the smaller-lot subdivision was proposed, because traffic would increase considerably.

Mayor Pengra expressed concern about what would happen if there were an emergency with the gas line.

[Inaudible comment from Mr. Scott in the audience.]

Councilmember Reaves was worried about a property owner digging in the utility corridor without requesting supervision by the gas company.

Councilmember Gricius felt lot 8 should be considered completely unbuildable. Mr. Scott said he planned to keep the lot for grazing. Mr. Mumford said it could be designated unbuildable on the plat map if the applicant was willing to agree. Mr. Scott responded that he was willing to do that.

Mr. Mumford proposed marking the buildable area of each lot on the plat map.

Discussion ensued on the size and construction of the trail and the surface of Lake Mountain Road.

MOTION: *Councilmember Gricius moved to approve the Eagle Mountain Benches preliminary plat, with the conditions included in the staff report, as well as adding the buildable area footprint to the plat, designating lot 8 as unbuildable, putting a natural-graded, maintained dirt trail on the west side of the road, with the road being surfaced with recycled asphalt and the side road being gravel. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The conditions listed in the staff report are as follows:

1. Applicant shall work with staff to provide an acceptable connection for the regional trail in the utility corridor.
2. The development must comply with any and all restrictions placed on properties affected by the utility corridor.
3. Lake Mountain Road shall be improved as a gravel road to the satisfaction of the City

Engineer and Fire Marshal.

In addition, the staff report listed the following restrictions imposed by Kern River Gas Transmission. Similar restrictions are imposed by Rocky Mountain Power. The applicant will be required to comply with them, as well.

Kern River has specific requirements for development around utility easements. The following are requirements for fencing, landscaping and driveways.

Fencing:

1. Fencing will not be installed parallel to the pipeline within the easement.
2. Fence posts will not be installed within 5 feet of any Kern River pipeline. Fence posts will be hand-dug.
3. Fences will have an access gate installed within the right of way location, which needs to be approved by Kern River.

Landscaping

1. No trees or large deep-rooted shrubs are permitted on the right of way.
2. Kern River needs to approve any proposed shrubs in the right of way.
3. Kern River reserves the right to cut or remove plants and trees on the right of way. Kern River assumes no responsibility for any cost involved.
4. All sprinkler and irrigation systems require review by Kern River representative.

Driveways and Paved Areas

1. Kern River must complete a preliminary engineering review.
2. Access to the soil above the pipeline must be maintained for leak detection.
3. The recommended minimum cover over Kern River's existing pipeline is 5.5 feet at roads and driveways.
4. All roads and driveways crossing Kern River facilities will cross at an angle as close to 90 degrees as possible.
5. Kern River retains the right to cut all roads and driveways within existing right of way and will have no responsibility to restore, loss of use or access or any damages.

16. MOTION – Consideration of the Shops at City Center Site Plan.

This item was presented by Community Development Director Steve Mumford. The proposed site plan for the Shops at City Center is located on lot 2 of the City Center Commercial development, Phase A, Plat 1, which is south of Eagle Mountain Boulevard and west of Ira Hodges Scenic Parkway.

Mr. Mumford stated this project consists of two, multi-tenant retail buildings west of the Holiday Oil gas station currently under construction and east of the future Pony Express Dental office. Each building would have a drive-up window for potential fast-food restaurant use.

The approved preliminary plat required an approved master site plan; however, none has been submitted. The concept plan submitted shows the building sites, retention basin, access points and the location of the monument sign. A street lighting plan should also be submitted. Property along Eagle Mountain Blvd. was required to be dedicated for the full, 122-foot right-of-way. This will need to appear on the final plat.

Eagle Mountain's design standards call for parking to be located at the side or rear of the project. Parking may be allowed in front if additional berming and landscaping reduce the view of the

asphalt and screen headlights. Additional architectural details must be added to the buildings, as well.

Acceleration and deceleration lanes will be required on Eagle Mountain Blvd.

The Planning Commission recommended approval with eleven conditions.

Mayor Pengra requested that the Council allow City staff to work out the details of landscaping, berming and streetlight locations. The Council agreed.

Councilmember Curtis asked if a master site plan was going to be submitted. Mr. Mumford said the property owners chose not to do so, since they were only selling property, not developing it. He asked if the Council was willing to move forward with this project without one. Mr. Mumford did not want to stop a commercial project in City Center for lack of a master site plan.

Mayor Pengra said he felt the intent behind the master site plan requirement was correct, but most of the concerns have been accounted for without the plan.

Mr. Pili stated City staff has discussed this project thoroughly. They felt all the City's concerns have been dealt with.

Councilmember Curtis believed the City should amend the Municipal Code to allow for omission of master site plans, rather than continuing to allow exceptions.

Mr. Pili explained that, because the property owners were selling lots, but not developing the property, they were unwilling to submit a formal master site plan. Rather than stop the project, City staff came up with a solution, which was to allow the concept plan to replace the master site plan.

Mayor Pengra pointed out the entity putting the project together was the broker, not the owners.

Mr. Mumford recommended that conditions #2 and #6 be omitted. Condition #2 requires a master site plan and condition #6 requires an island for every 12 parking spaces. The recommendation is to allow an island for every 13 spaces.

MOTION: *Councilmember Westmoreland moved to approve the Shops at City Center application, with the conditions included in the staff report, striking conditions #2 and #6. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The conditions listed in the staff reported in the staff report were as follows:

1. An amended preliminary plat or a master site plan will be required prior to a building permit being issued.
2. ~~No building permit shall be issued until a master site plan has been approved which addresses site layout, access, circulation and design standards.~~
3. Property shall be dedicated along Eagle Mountain Boulevard to the full build-out width of 122' right-of-way.
4. A final plat shall be approved and recorded prior to a building permit being issued.

5. Chosen building details shall be continued on all sides of the buildings (4 sided architecture).
6. ~~Parking islands required a minimum of every 12 parking stalls.~~
7. Dumpster enclosures must be provided and approved by staff.
8. The applicant shall provide a ten-foot (10') landscaped strip between the sidewalk/trail and the parking lot.
9. Street lights will be required every 150'-250' along Eagle Mountain Boulevard.
10. Acceleration and deceleration lanes will be required on Eagle Mountain Boulevard.
11. Applicants must comply with any traffic recommendations made by the City Engineer after the traffic memo is reviewed

17. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving Eagle Mountain's Participation in the Utah County CDBG Program.

This item was presented by City Recorder Fionnuala Kofoed during Work Session. The minutes of the presentation are found on page 4.

Councilmember Reaves asked Ms. Kofoed to explain what Community Development Block Grants have provided the City in the past. Ms. Kofoed said the grants were designed for redevelopment of blighted areas, for projects for the benefit of senior citizens and for other projects benefitting low to moderate residents. A grant paid for streetlights on Eagle Mountain Blvd. Another paid for the senior citizens' van.

The City has participated in the program for 18 years. The Department of Housing and Urban Development has recently added language to the agreement referring to civil rights and fair housing; so the participants must pass a new resolution and sign a new agreement.

Councilmember Reaves discussed the benefits of the program. He pointed out that this funding returned tax dollars to the City that the residents have already paid.

Councilmember Curtis felt this program constituted government overreach. He felt the new language was anti-police and propagated high-density housing.

MOTION: *Councilmember Westmoreland moved to respectfully decline participation in the Utah County CDBG Program and not to adopt a the associated Resolution. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. Those voting nay: Benjamin Reaves. The motion passed with a vote of 4:1.*

Mayor Pengra respectfully disagreed with the Council's decision, although he understood the spirit of their comments.

Councilmember Bradley then ended his phone connection to the meeting.

18. BID AWARD – Consideration and Award of Bid to Ellsworth Paulson for the 2016 Well Generator Project.

This item was discussed in Work Session. The minutes of the discussion are found on page 4.

MOTION: *Councilmember Gricius moved to award a bid to Ellsworth Paulson for the 2016 Well Generator Project in the amount of \$465,081.000 and authorize the Mayor to sign the contract. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

19. BID AWARD – Consideration and Award of Bid to Westbrook Construction, Inc. for the 2016 City Park Restroom Utilities Project.

This item was discussed in Work Session. The minutes of the discussion are found on page 4.

MOTION: *Councilmember Reaves moved to award a bid to Westbrook Construction, Inc. for the 2016 City Parks Restroom Utilities Project in the amount of \$62,970.00 and authorize the Mayor to sign the contract. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

20. BID AWARD – Consideration and Award of Bid to CXT Incorporated for the 2016 City Park Restroom Project.

This item was discussed in Work Session. The minutes of the discussion are found on page 5.

MOTION: *Councilmember Gricius moved to award a bid to CXT Incorporated for the 2016 City Park Restroom Project in the amount of \$150,000.00 and authorize the Mayor to sign the contract. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Curtis
No comment.

Councilmember Reaves
No comment.

Councilmember Westmoreland
No comment.

Councilmember Gricius
No comment.

Mayor Pengra
No comment.

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

24. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 10:00 p.m. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

DRAFT