



## EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

May 7, 2019, 4:00 p.m.  
Eagle Mountain City Council Chambers  
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

### FACEBOOK SITE VISIT – 2:00 P.M. at 1499 N. Pony Express Parkway

### 4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Colby Curtis, Stephanie Gricius, Donna Burnham and Melissa Clark. Councilmember Benjamin Reaves arrived at 4:38 p.m.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Evan Berrett, Management Analyst; Aaron Sanborn, Economic Development Director; Steve Mumford, Community Development Director; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; David Mortensen, Treasurer/Assistant Finance Director; Linda Peterson, Communications Director; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Facilities/Operations Director; Dawn Hancock, Special Events Manager; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

Mayor Westmoreland called the meeting to order at 4:03 p.m.

#### 1. CITY ADMINISTRATOR INFORMATION ITEMS

##### 1.A. DISCUSSION - 2019 Micro Surface Project Update

Streets and Storm Drain Manager Zac Hilton explained a micro surface project was approved at the March 19, 2019 City Council Meeting. A portion of Pony Express Parkway, from Eagle Mountain Boulevard to Lake Mountain Road, was included in that project. The Pony Express Parkway widening project has made it necessary to remove this section of the project and replace it with Bobby Wren Boulevard, Woodhaven Boulevard, and Spring Run Drive. The intent is to bring a request to the Council for a micro surface project for Pony Express Parkway from Eagle Mountain Boulevard to Porters Crossing this summer, with the work to be completed in September. The work will take approximately one week to complete, and traffic can begin to use the roads within two hours of the micro surfacing being placed.

##### 1.B. PRESENTATION - Facebook Project Update

William Marks, Facebook Community Development Regional Manager, introduced Scott Bratsman, Eagle Mountain Site Manager, and KC Timmons, West Region Operations Director. Mr. Marks explained the Eagle Mountain City datacenter is the tenth of fifteen datacenters Facebook is constructing worldwide. Facebook intends to utilize augmented reality and virtual

reality on their platform; those uses are data-intensive. He presented images of other Facebook datacenters and explained the uses within the buildings.

Mr. Marks explained Eagle Mountain's power, water, and streets infrastructure, as well as the available pool of talented, skilled trade workers, were driving forces in Facebook's decision to build in the City. There are currently 700 workers at the datacenter site, and that number will peak to 1,000 to 1,500 during the construction process. Once all phases are completed, each of the five datacenter buildings will employ approximately 100 employees. The project is approximately a \$750 billion investment.

Mr. Marks stated Facebook is involved in charitable giving, and he has met with local schools to discuss the intent to start a school grant program.

By the end of 2020, Facebook's datacenters will be supported by 100% clean, renewable energy. Facebook's datacenters use 38% less electricity and 80% less water than other datacenters, as the server design is more efficient than traditional air-conditioned server setups.

## 2. CONCEPT PLAN

### 2.A. Cedar Development Concept Plan

Mike Geddes, owner of Huntington Homes and the Cedar Development project, explained the property was approved for 135 townhomes in The Ranches Master Development Plan. The project was put on hold during the downturn of the housing market.

Mr. Geddes said the land has been on the market as a commercial property for three years but has not garnered much interest. Although interest has been low thus far, their desire is to create a neighborhood commercial area. The plan designates areas for assisted living facilities, commercial development, and 70 townhomes. To distinguish his property from surrounding multifamily projects, they have developed three building concepts with no more than four units per building. They have taken feedback into consideration and designed the backs of the units to be similar to front sides. He stated the project offers appropriate transition from the single-family homes near the golf course to the commercial property and the highway.

Councilmember Burnham asked what the proposed buffering is along Inverness Road. Mr. Geddes explained the plan is to have landscaped open space with trees, and possibly an open split-rail fence.

Councilmember Curtis asked if the project was ever platted and stated his concern that commercial area is lacking in The Ranches area of the City. Community Development Director Steve Mumford said it was approved as part of the expired Ranches Master Development Plan, but the City does not have record of an approved preliminary plat. He explained vacant land in the expired Ranches Master Development Plan is considered to be in the process of being rezoned to match the General Plan designation, which is Community Commercial for this parcel. Community Commercial allows Mixed-Use Residential; Mixed-Use Residential is not currently defined in Municipal Code.

Councilmember Clark expressed concern regarding four-unit townhomes being placed adjacent to single-family homes.

Discussion ensued regarding garage locations in the project. Applicant Blake Barrett explained the garages have been located on the back of the units and the units now include additional entry points on the garage sides, according to the Planning Commissioners' feedback. They have designed the project to avoid rows of garages.

### 3. AGENDA REVIEW

#### 16. AGREEMENT

##### 16.A. Professional Services -- Horrocks Engineers

Mayor Westmoreland said staff has requested to remove this item from the agenda. City Engineer Chris Trusty explained that the City budgeted \$150,000 for the contract, and the lowest bid received was \$78 per hour. At that cost, the City can perform this in-house with a full-time employee. There is enough work currently to sustain an employee for at least two years.

#### 18. PRELIMINARY PLAT

##### 18.A. Lone Tree Plat F

Mayor Westmoreland said he has been asked to remove this item from the consent agenda.

Councilmember Curtis asked if the plan meets Fire Code. Mr. Mumford said Lone Tree and Sunset Ridge overall do not comply with spacing standards, but Lone Tree Plat F does comply with Fire Code and with spacing standards. Fire Chief Ross Fowlks explained the road connections to Circle 5 Ranch to the west and to the north will provide needed additional access points once those areas are developed.

Councilmember Clark said Walnut Drive only functions as an access point if Circle 5 is built and if the applicant completes the eastern side of the project.

Discussion ensued regarding future potential developments.

City Attorney Jeremy Cook said representatives from Lone Tree and Circle 5 Ranch have worked together to create an access point that connects; the two approved preliminary plats for Lone Tree and Circle 5 Ranch do not have a road connection. He stated no more than thirty lots can be developed in Circle 5 Ranch with only one access point.

Planning Manager Michael Hadley explained the plat is being amended to reduce blasting. Councilmember Curtis stated the applicant committed to not blast. Councilmember Gricius said the Council can prohibit blasting as a condition of approval.

## 20. RESOLUTION/2019-2020 BUDGET

### 20.A. A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2019-2020 and Setting a Public Hearing for Adoption of the Final Budget.

Treasurer/Assistant Finance Director David Mortensen said the proposed budget is largely similar to what was presented at the April 16, 2019 City Council meeting. The General Fund change is an increase of \$9,000 for emergency management professional and technical services; this includes \$5,000 carried forward from FY 2019 plus an additional \$4,000.

Mr. Mortensen explained the transfer from the Gas Fund for utility sales proceeds projects was reduced by \$780,000. This is due to previous transfers either not being expended, or projects being moved to different fiscal year budgets.

Based on the Council's feedback, staff removed the City entrance and wayfinding monuments project, park and pedestrian improvements, and the Community Development Building expansion from the planned capital projects. The following projects were added: SilverLake Woodhaven park, Skyline Ridge park pavilion, Valley View park bathroom, Northmoor detention pond and park, City Center paseo orchards, and Smith Ranch park improvements.

Assistant City Administrator/Finance Director Paul Jerome explained the City Center streetscape project budget is \$1 million, and \$500,000 is budgeted from impact fees for the City Center medians project. These projects were originally budgeted to be funded through utility sales proceeds; the projects can be added back to the utility sales proceeds projects at the Council's request, but other projects would need to be removed.

Staff is working with the design architects to determine a phasing plan for the City entrance and wayfinding monuments, and is also analyzing options for solutions to the Community Development Building overcrowding.

Discussion ensued regarding disc golf courses. Parks and Recreation Director Brad Hickman explained staff has researched disc golf sites and said in order to create a quality disc golf course, items such as trees or other challenges need to be present. There is an open space area with a trail system and juniper trees in Skyline Ridge that may be a good location.

Mr. Jerome explained the projects on the priority list that are not included in the budget can be completed using match grant funds. Discussion ensued regarding the history of the match grant fund program and ways to move forward with the funds. Mr. Hickman explained adding new parks created difficulties with the match grant program; projects are easier to facilitate if they are oriented towards adding amenities to existing parks. He



stated staff can request project proposals to determine resident interest in utilizing the match grant funds before the Council budgets the funds elsewhere.

## 21. ORDINANCES/PUBLIC HEARINGS

### 21.A. An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 16.35 Development Standards for Required Public Facilities.

Mr. Mumford explained this amendment addresses amenity points awarded to developers for restrooms in parks.

### 21.B. An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 8.25 Explosives.

Mr. Cook explained the explosive ordinance falls under Municipal Code Chapter 8, which normally is not regulated by the Land Use Development and Management Act. Staff has determined blasting may fall under land use regulations, so an appeal authority must be in place. This amendment adds an appeal authority that mirrors other land use appeal authorities.

### 21.C. An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use & Transportation Corridors Map of the Eagle Mountain City 2018 General Plan.

Mr. Mumford said the proposed amendment to the Future Land Use & Transportation Corridors Map of the Eagle Mountain City 2018 General Plan adjusts land uses near the eastern end of Eagle Mountain Boulevard to better match the hillside terrain. Staff received a more detailed terrain map that shows more buildable land than is currently designated on the Future Land Use Map. Staff reviewed the engineered drawings and will review each project as development applications are submitted to ensure projects comply with the City's hillside ordinances. Any lots with average slopes over 25% will be designated as unbuildable in the development process.

Mr. Mumford explained the second change modifies land uses immediately adjacent to City Hall. An island of land is currently designated Neighborhood Residential 3, but the area was always intended to be Commercial. The property west and east of City Hall is shown as public, but the City does not own that land. Staff proposes that be changed to Community Commercial.

Councilmember Clark expressed frustration that the landowner requested the hillside change after the General Plan was approved.

Councilmember Curtis expressed concern that the landowner of the hillside parcel will not abide by the Foothill Residential requirements. Mr. Mumford said the City's plan is that

vacant land in expired master development plans will be rezoned to match the General Plan designations.

21.D. An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 6.05 Animal Control.

Planner Tayler Jensen explained the staff-proposed amendment clarifies different activities that commonly take place with animals, including kennels, pet sitting and dog breeding, and limits the number of animals allowed based on lot size. The proposed amendment reduces the permitted number of dogs in condominiums from four to two.

22. MOTION

22.A. Hidden Hollow Blasting Permit Application

Mr. Trusty explained the applicant previously received approval for 24 blasts and conducted 11 of those blasts last year. This application is for up to six additional blasts.

Councilmember Curtis asked if the City can request that blasting wait until school is out for the summer.

Councilmember Clark said this blasting is for utility trenches and some excavation can only be done through blasting. She explained the City's blasting ordinance protected residents during last year's blasting.

23. EAGLE HEIGHTS VILLAGE

23.A. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Approving the Eagle Heights Village Master Development Plan.

23.B. SITE PLAN & PRELIMINARY PLAT

Mr. Jensen presented the project which contains 294 units on 51.38 acres for a density of 5.72 dwelling units per acre. The applicant recently provided an updated site plan that now meets connectivity requirements in the Municipal Code. Alpine School District has informed staff that all students in this project will be bussed to school, which addresses safe routes to school.

Discussion ensued regarding future schools and trails. Councilmember Curtis asked what the City generally requires of developers regarding trails, and how far away the nearest trail is. Mr. Mumford explained the City generally requires developers to install trails along their property frontage. Mr. Cook said the nearest trail is a quarter of a mile away. Mr. Mumford said the closest recorded plat is 600 feet away.

Mr. Cook suggested the best location for a future trail will be from the center of the proposed development to the park in the subdivision to the west.

Mr. Jensen explained the applicant is proposing to provide one 1,656-square foot pool, instead of two 1,000-square foot pools. This pool provides over 5 square feet of pool space per unit. The applicant is proposing 15-foot setbacks. Municipal Code states Tier III setback standards are 20 feet, but allows the Council to adjust setbacks, if so desired. Reduced setbacks have been approved for other projects in the City including Heatherwood and Evans Ranch Townhomes. Councilmember Clark asked if there is a justification for allowing reduced setbacks. Mr. Jensen explained Municipal Code does not state specific reasons the Council should consider when allowing reduced setbacks.

Mr. Jensen said staff feels the access into the project from Eagle Mountain Boulevard should mirror the access to the north in order to align the roadways for safety.

Discussion ensued regarding park locations and amenities within each park. Councilmember Curtis expressed concern that the plan meets open space requirements but does not offer usable space. Councilmember Clark expressed concern that the proposed parks do not contain a variety of playground equipment; the tot lots will be unused as the population ages. Mr. Mumford said Municipal Code leaves the design of parks to the developers but does provide guidance as to types of amenities and locations of parks throughout projects. The Council can determine what amenities should be awarded points.

#### 24. POLE CANYON RDA

24.A. RESOLUTION - A Resolution of Eagle Mountain City Utah, Adopting an Interlocal Cooperation Agreement between Eagle Mountain City and the Eagle Mountain Redevelopment Agency.

24.B. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Adopting the Pole Canyon Community Reinvestment Project Area Plan, as Approved by the Eagle Mountain Redevelopment Agency, as the Official Community Reinvestment Project Area Plan for the Project Area and Directing that Notice of the Adoption be Given as Required by the Statute.

Economic Development Director Aaron Sanborn explained the project area is an 80-acre section in the Pole Canyon Master Development Plan; the parcel is identified as industrial property. The ordinance allows the City to provide benefits to encourage development in the area. A company is in discussions to build in this area. The business would invest between \$280 and \$300 million in capital investments, and would create approximately 1,200 to 1,400 jobs. This project would create an adjacent shovel-ready site that is not included in the community reinvestment project area. The project benefits include direct and indirect job creation, and increases in property, sales, and franchise taxes.

#### 4. ADJOURN TO A CLOSED EXECUTIVE SESSION

**MOTION:** *Councilmember Curtis moved to adjourn into a closed executive session for the purpose of discussing the purchase, lease, or exchange of real property,*

*and reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:10 p.m.

**POLICY SESSION (Directly Following Redevelopment Agency Meeting) – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Colby Curtis, Stephanie Gricius, Donna Burnham, Benjamin Reaves, and Melissa Clark

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Evan Berrett, Management Analyst; Aaron Sanborn, Economic Development Director; Steve Mumford, Community Development Director; Chris Trusty, City Engineer; Linda Peterson, Communications Director; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

ALSO PRESENT: Youth Council Mayor Isaac Barrus, and Youth Councilmembers Jordan Noyes and Hannah Jensen.

**10. CALL TO ORDER**

Mayor Westmoreland called the meeting to order at 7:37 p.m.

**11. PLEDGE OF ALLEGIANCE**

Youth Council Mayor Isaac Barrus led the Pledge of Allegiance.

**12. INFORMATION ITEMS/UPCOMING EVENTS**

- Pony Express Days – Pony Express Days will be held May 24 through June 1. Tickets are on sale for the carnival, rodeo, and demolition derby. Registrations are open for carnival boutique vendors, 5K participants, and motorcycle adventure ride & campout participants. Visit [emcity.org/ped](http://emcity.org/ped) for full schedule, details and registration links. Please be aware there is a change in the parade route this year. A map is posted on the website. Also be aware that the carnival will be located at Wride Memorial Park.
- Arts in the Park – Eagle Mountain Arts Alliance will be offering an Arts in the Park program this summer at Wride Memorial Park, recommended for children ages 3 to 10. Information and registration is available at [www.eaglemountainarts.com](http://www.eaglemountainarts.com).



- Symphony Orchestra – The Eagle Mountain Symphony Orchestra is seeking additional members. Rehearsals are held Fridays from 7:00 p.m. to 9:00 p.m. at the Gotta Dance studio at 4038 N. Ira Hodges Scenic Parkway.
- 4th of July Concert – Pony Express Events presents a 4th of July concert and fireworks at the rodeo arena, featuring Brenn Hill and Charlie Jenkins. Tickets are on sale now at [ponyexpressevents.com](http://ponyexpressevents.com).
- City Notifications – We encourage residents to sign up for City notifications to be aware of public safety emergencies and stay informed about road construction projects, City news and events. Register at [www.emcity.org/notifyme](http://www.emcity.org/notifyme). Notifications can be received by email and/or text.

Youth Council Mayor Isaac Barrus stated the Youth Council is a great experience for City youth. He said the Youth Council was involved in all City events this year, which made him aware of the scope of services the City provides. Youth Council is a great addition to resumes and helps students obtain scholarships. They meet on the second and fourth Wednesdays of the month at 6:00 p.m. in the City Council Chambers.

Miss Eagle Mountain's Outstanding Teen Second Attendant McKenna Mrozla and Miss Eagle Mountain Second Attendant Shalia Rokobuludrau introduced themselves to the Council.

Eagle Mountain's Outstanding Teen Rachel Mortensen introduced herself and explained her platform, Hand to Hand: Joining the Generations for a Bright Future, brings the youth in the City in contact with the City's senior citizens. This allows the older generation to impart wisdom to the youth in the area, and facilitates interaction between the generations.

Miss Eagle Mountain Roxanna Mortensen introduced herself and said her platform is water safety. She explained her plans to organize a water safety day at the Lehi outdoor pool, and to hold a lifejacket donation drive for the Utah Lake Marina.

### 13. PUBLIC COMMENTS

*Mayor Westmoreland opened public comment at 7:52 p.m.*

Gillian Taylor explained plans to hold a financial education event and asked for information regarding advertising the event and utilizing the Council Chambers. Mayor Westmoreland asked Ms. Taylor to communicate with the Recorder's Office regarding the building use.

Bruno Hunziker stated the landscaping at the White Hills entrance is in need of repair, a sidewalk and manhole cover have been broken in White Hills, Eagle Mountain Boulevard needs to be resurfaced, and he asked when the White Hills sewer system will be completed. City Recorder Fionnuala Kofoed explained the City does not own the property where the flagpole is located and cannot maintain that land. She stated she will communicate further with Mr. Hunziker regarding that property ownership. City Engineer Chris Trusty said a lift station has not been installed due to the potential future business in the area; the City does not want to install a smaller lift station if

a larger one will be required shortly. Assistant City Administrator/Finance Director Paul Jerome said he will speak with the City Attorney to determine what sewer fees are currently being assessed.

Wolfgang Franz said Lake Mountain Road needs to be repaired. Mr. Trusty said a water line was installed on Lake Mountain Road and as soon as pulverized material is available, they will restore the road to preexisting conditions.

Tami Lowery expressed concerns regarding speeding along Canyon Wash Drive and asked for options in slowing traffic. Mayor Westmoreland asked Ms. Lowry to communicate with Chief Deputy Eric McDowell.

James Crandall expressed appreciation to the Council for keeping White Hills residents informed of projects in the area.

*Mayor Westmoreland closed public comment at 8:14 p.m.*

#### 14. CITY COUNCIL/MAYOR'S ITEMS

##### Councilmember Curtis

Councilmember Curtis thanked residents for their feedback.

##### Councilmember Burnham

Councilmember Burnham thanked those in attendance.

##### Councilmember Reaves

Councilmember Reaves expressed appreciation for the youth in attendance.

##### Councilmember Clark

Councilmember Clark thanked those in attendance and expressed appreciation to Jeff Weber, the City's Emergency Manager. Over 100 people attended an earthquake preparedness event that Mr. Weber and Anjanel Larsen organized. She said an event for summer preparedness is scheduled for Thursday at 7:00 p.m. at City Hall. In June, a free HAM radio training class will be held at City Hall on Wednesday nights; the HAM radio test will be available for \$14.

##### Councilmember Gricius

Councilmember Gricius thanked those in attendance.

##### Mayor Westmoreland

Mayor Westmoreland thanked the Youth Council and excused them from the meeting at 8:19 p.m.

#### CONSENT AGENDA

#### 15. BOND RELEASE

##### 15.A. Arrival Phase B Plat 1 -- Out of Warranty

16. AGREEMENT

16.A. Professional Services -- Horrocks Engineers

17. MINUTES

17.A. April 16, 2019 Minutes

18. PRELIMINARY PLAT

18.A. Lone Tree Plat F

19. RESOLUTIONS

19.A. Consolidated Fee Schedule

19.B. Surplus Property

**MOTION:** *Councilmember Curtis moved to approve the consent agenda, removing item 16 from the agenda and moving item 18 to the scheduled items. Councilmember Clark seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

**SCHEDULED ITEMS**

18. PRELIMINARY PLAT

18.A. Lone Tree Plat F

Planning Manager Michael Hadley stated the amended preliminary plat contains 57 lots on 22.02 acres. He presented the redesigned plan, the park landscape plan, and the slope analysis.

*Mayor Westmoreland opened public comment at 8:23 p.m.*

Ben Watson stated Walnut Road should not be in its proposed location as there is a large amount of bedrock. He also expressed concerns regarding drainage.

Blair Murri said he is not opposed to the new design, but expressed concerns regarding flooding, road width, and the lack of road connections to Wride Memorial Highway.

David Peterson expressed concerns regarding water pressure in the area, and stated additional traffic will cause issues during peak commute hours. Mayor Westmoreland asked City Engineer Chris Trusty to follow up with Mr. Peterson regarding the water pressure concern.

Elise Riggle explained her yard floods often and asked that the new development retain water appropriately. She said a trench was in place around her home, but as residents moved in, the landscaping was adjusted, causing the water to flow to her yard.

Councilmember Curtis confirmed with Mr. Trusty that the City requires French drains where needed, and also requires a drainage plan for each lot.

Kevin O'Donnal stated developers should not make money at the expense of existing residents. The developer knew a plat was in place when the land was purchased, and the amended plat simply includes less infrastructure. He requested the Council deny the proposed plan.

*Mayor Westmoreland closed public comment at 8:38 p.m.*

Councilmember Gricius asked the applicant about the flooding issues in the area.

Applicant Brian Haskell said a drainage plan for each lot is required during the final approval process. They will provide a plan that shows the property will drain correctly, and not toward existing residences. The road construction and storm drain system will also help direct runoff properly.

Councilmember Clark asked Mr. Haskell to address resident concerns regarding the amended plan containing higher density near existing homes. Mr. Haskell said the revised plan is based on feedback received from residents and the Council. The plan now contains the same number of lots on the west side of Bristlecone Road adjacent to existing homes as the original plan. One lot has been removed along Blue Spruce Road which enlarged surrounding lots. Those lots are now approximately 500 square feet smaller than the approved preliminary plat. He explained the primary reason for the amended plat is because the original plan would have a greater impact on the existing residents, to include blasting.

Mayor Westmoreland asked if Mr. Haskell would be willing to stipulate that no blasting will take place in the project. Mr. Haskell said the intent is to not blast, but stipulating to no blasting would remove property rights that exist in Municipal Code. He said technology may change in the future that would allow blasting in isolated areas without causing impact to existing residents. He stated the process to obtain a permit for blasting is intensive and the likelihood of him requesting blasting for this plan is approximately only five percent. He reiterated his intent to not blast.

Councilmember Clark said excavation processes exist that do not include blasting, and other areas in the City contain the same type of rock that has been mitigated without blasting. She stated the importance of protecting existing property owners' rights.

Councilmember Curtis expressed concern regarding approving the amended plat without prohibiting blasting.

Mr. Haskell said they can remove the 300 series lots from the preliminary plat, if that helps move the approval process forward. They will stipulate for the record that they have no intention of blasting, and will take every measure possible to excavate without blasting. He stated he is not



willing to give up a property right that is given to property owners in the Municipal Code. If they determine that a need to apply for a blasting permit exists, they will notify surrounding residents of the City Council meeting in which it will be discussed.

Councilmember Gricius asked Mr. Haskell if he would be willing to stipulate no blasting in the 100 and 200 series lots. He agreed to that stipulation.

**MOTION:** *Councilmember Gricius moved to approve the Lone Tree Plat F amended preliminary plat with the condition that blasting permits will only be issued if all other reasonable means have been exhausted. Councilmember Burnham seconded the motion.*

**AMENDED MOTION:** *Councilmember Gricius moved to approve the Lone Tree Plat F amended preliminary plat with the condition that blasting permits will only be considered if all other reasonable means have been exhausted. Councilmember Burnham seconded the motion.*

Councilmember Reaves stated Mr. Haskell offered to remove the 300 series lots. Mr. Cook explained if the applicant is willing to withdraw the 300 series lots, the plat can be redrawn to exclude those lots. This will vacate the 300 series lots; they would no longer be platted. The applicant would be taking a risk as the property will need to comply with any future Municipal Code or ordinances. Mr. Haskell stated he is aware of that fact.

**AMENDED MOTION:** *Councilmember Gricius moved to approve the Lone Tree Plat F amended preliminary plat with the following conditions:*

- 1. No blasting shall be permitted.*
- 2. The 300 series lots and Walnut Drive shall be removed from the preliminary plat.*

*Councilmember Burnham seconded the motion. Those voting aye: Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. Those voting nay: Colby Curtis. The motion carried with a vote of 4:1.*

## 20. RESOLUTION/2019-2020 BUDGET

- 20.A. A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2019-2020 and Setting a Public Hearing for Adoption of the Final Budget.

Ms. Kofoed stated the budget presentation is available to the public online in the City Council packet.

**MOTION:** *Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, adopting the Eagle Mountain City tentative budget for Fiscal Year 2019-2020 and setting a public hearing for adoption of the final budget scheduled for May 21, 2019. Councilmember Reaves seconded the motion.*

*Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

## 21. ORDINANCES/PUBLIC HEARINGS

### 21.A. An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 16.35 Development Standards for Required Public Facilities.

*Mayor Westmoreland opened the public hearing at 9:11 p.m. As there were no comments, he closed the hearing.*

**MOTION:** *Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Chapter 16.35 Development Standards for Required Public Facilities. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

### 21.B. An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 8.25 Explosives.

Councilmember Reaves confirmed with staff that the amendment defines the appeals process for blasting permits.

*Mayor Westmoreland opened the public hearing at 9:13 p.m. As there were no comments, he closed the hearing.*

Councilmember Curtis asked if the amendment makes it more difficult for the Council to deny blasting permits and if the City will be required to pay an appeals court. Mr. Cook said it simply determines the appeal process; the City would need to pay attorney fees during an appeal to the District Court, but would not be required to pay a court fee.

**MOTION:** *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 8.25 Explosives. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

### 21.C. An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use & Transportation Corridors Map of the Eagle Mountain City 2018 General Plan.

Mayor Westmoreland explained this update corrects minor errors found in the General Plan.

*Mayor Westmoreland opened the public hearing at 9:15 p.m. As there were no comments, he closed the hearing.*

**MOTION:** *Councilmember Gricius moved to approve an ordinance of Eagle Mountain City, Utah, amending the Future Land Use & Transportation Corridors Map of the Eagle Mountain City 2018 General Plan. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

21.D. An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 6.05 Animal Control.

Planner Tayler Jensen explained the proposed amendment limits the number of animals permitted based on lot size. The amendment clarifies different activities that commonly take place with animals, including kennels, pet sitting and dog breeding. It also clarifies that dog grooming businesses located in homes will be regulated with home-based business licenses.

*Mayor Westmoreland opened the public hearing at 9:19 p.m.*

Jason Heidel asked if grooming and pet sitting businesses will need to abide by the total number of dogs permitted based on lot size. Mr. Jensen explained the total number of dogs on the property includes dogs owned by the homeowner and those being watched. Grooming businesses are regulated by the home-based business ordinance which limits the number of trips per hour and per day.

Larry Christensen asked what consequences are in place for repeated nuisance violations and asked if home-based businesses can have more than one non-family member employee.

Councilmember Clark said neighbors have been mediating the situation Mr. Christensen has described, and the business owner has made efforts to rectify the situation.

Ms. Kofoed said the City has been working with this business for several months. The City's Code Enforcement Officer has visited the site, but as the Utah County Sheriff's Office is the correct authority to address noise violations, the Recorder's Office directed residents to contact the Sheriff's Office. The applicant has submitted a business license renewal application and is addressing the number of employees, noise issues, and building concerns. They are currently working with the Building Department to correct building issues.

Mr. Jensen said the proposed amendment does not change enforcement procedures. He stated permits can be revoked if conditions of approval are not met.

*Mayor Westmoreland closed the public hearing at 9:26 p.m.*

Councilmember Burnham stated more dogs should be allowed on 40-acre parcels. Councilmember Gricius agreed that the number should be higher and asked that the 1- to 40-acre tier be split into two tiers: 1- to 5-acre properties and 5- to 40-acre properties. The Council agreed to table the item

to the next meeting. Councilmember Gricius will inform Mr. Jensen of her suggested number of allowed dogs in the 1- to 5-acre and 5- to 40-acre tiers.

Ms. Kofoed explained if the amendment changes, an additional public hearing should be held when the item is discussed again.

**MOTION:** *Councilmember Gricius moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Chapter 6.05 Animal Control until the next regularly scheduled City Council meeting. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

## 22. MOTION

### 22.A. Hidden Hollow Blasting Permit Application

Mr. Trusty explained the applicant was approved for 24 blasts last year and completed 11 blasts. They are requesting approval for up to an additional six blasts to finish utility trenches and remove one knoll of land.

Councilmember Burnham asked the applicant if he would consider postponing blasting until after school is out for the summer. Applicant Ryan Bybee said they would consider that but would prefer to conduct the blasting before the end of the school year, and would limit blasting to after school hours.

Councilmember Reaves asked if four to six blasts will complete the project. Mr. Bybee said the blast engineer communicated that the work can be completed with four blasts, but he is requesting up to six to have leeway, if needed.

Mr. Trusty said the application states the work will be completed by June 15, 2019. He recommended adding additional time if the condition will be placed that blasting wait until after school is out for the summer.

Councilmember Clark asked Mr. Bybee to detail previous blasting events. Mr. Bybee said last year, one resident called to report blasting damage. They put a monitor on the resident's home and further blasting did not register on the monitor at all. They have committed to repairing popped nails in one home, even though that likely was not caused by blasting.

Councilmember Reaves asked what other safety measures are taken during blasting. Mr. Bybee said the blasting operator will shut down the entire area, including the trails. They use blast blankets which minimize projectiles. He stated they use one of the best blasting operators in the state. He requested permission to blast between 4:00 p.m. and 5:00 p.m.

**MOTION:** *Councilmember Burnham moved to approve the Hidden Hollow blasting permit application with the condition that while school is in session, blasting*



*will only take place between the hours of 4:00 p.m. and 5:00 p.m. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

## 23. EAGLE HEIGHTS VILLAGE

### 23.A. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Approving the Eagle Heights Village Master Development Plan.

### 23.B. SITE PLAN & PRELIMINARY PLAT

Mr. Cook explained a conditional use permit was approved by the Planning Commission with a condition that the eastern row of homes be changed to single-family detached homes. The applicant appealed the condition to the City Council, and the Council remanded the permit back to the Planning Commission. The Planning Commission found findings of fact and conclusions of law supported the previously approved condition of approval. The applicant requested a straw poll on the site plan before moving forward in the appeal process. Mr. Cook stated any discussion at this meeting will not factor into the conditional use permit determination. If the Council upholds the Planning Commission's decision regarding the conditional use permit condition of approval, the site plan presented at this meeting will not comply. The straw poll does not vest the applicant with any guarantees.

*Mayor Westmoreland opened the public hearing at 9:46 p.m. As there were no comments, he closed the hearing.*

Mr. Jensen presented the plan, which includes 294 units located on approximately 51.38 acres, for a project density of 5.72 dwelling units per acre. A temporary second access is included in the plan and complies with Municipal Code. The temporary access will become a pedestrian trail once future additional access points are developed. The applicant is proposing to provide one 1,656-square foot pool, instead of two 1,000-square foot pools; this provides over 5 square feet of pool space per unit. The applicant has proposed 15-foot setbacks, instead of 20-foot setbacks as required in Municipal Code; the Council has the authority to approve reduced setbacks. The applicant has also proposed that the master development plan serve as the preliminary plat.

Mr. Jensen explained staff feels the access from Eagle Mountain Boulevard into this development be designed to align with the access into Eagle Point. Staff also recommends removing the park equipment from Park 5 and placing that in another park to create a larger playground area. Mr. Trusty stated the applicant has communicated that they are willing to align the road with the property he owns. The entrance to Eagle Point is wider than the property owned by the applicant.

Applicant Kirt Peterson informed the Council he has communicated with Alpine School District and they will have a bus stop for the high school on the property. He said a trail can be installed in Park 6, as that will be dedicated to the City, and he is willing to relocate Park 5 to another area of the project in order to spread the parks out. The units have been adjusted to meet connectivity standards, and the facades have been redesigned based on the Council's feedback.

Regarding the straw poll, Mr. Cook asked the Council to generally describe their opinions of the project, and state any items that would automatically cause the project to be denied.

Councilmember Curtis said in order for the project to be approved, he would like the plan to include 20-foot setbacks. Usable green space is preferable to a buy down option, and parks should not be placed within any retention or detention areas. He stated a trail stub needs to be included, and the park space should be more centrally-located and not simply included as an afterthought; the design decisions have been made to include more units. He expressed appreciation to the developer for redesigning the unit elevations.

Councilmember Gricius said she would be more comfortable with the plan if the changes discussed were made. She does not have a preference on removing one of the garden boxes and replacing it with a tot lot.

Councilmember Burnham stated her appreciation to the applicant for the changes made thus far. She does not have an issue with 15-foot setbacks, as they are twin homes and not multiple townhome units. She said with the changes discussed, she would likely vote to approve.

Councilmember Reaves stated the project looks too busy. He would like the green space spread out more in the project, and said he does not like the 4-acre park at the end of the development. He is not inclined to approve the reduced 15-foot setbacks.

Councilmember Clark appreciates the changes made to the plan and stated she would not approve 15-foot setbacks. She would prefer curved roads, as this project appears similar to military housing. She stated she likes the garden boxes and pool, as well as the two clubhouses, and appreciates that it will be a bussed community to the local schools. If the improvements discussed are made, with larger setbacks, she would likely vote yes for approval.

**MOTION:** *Councilmember Gricius moved to table an ordinance of Eagle Mountain City, Utah, approving the Eagle Heights Village Master Development Plan, as well as the Eagle Heights Village Site Plan and Preliminary Plat, to the next regularly scheduled City Council meeting. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

## 24. POLE CANYON RDA

**MOTION:** *Councilmember Gricius moved to approve a resolution of Eagle Mountain City Utah, adopting an interlocal cooperation agreement between Eagle Mountain City and the Eagle Mountain Redevelopment Agency. Councilmember Clark seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

- 24.B. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Adopting the Pole Canyon Community Reinvestment Project Area Plan, as Approved by the Eagle Mountain Redevelopment Agency, as the Official Community Reinvestment Project Area Plan for the Project Area and Directing that Notice of the Adoption be Given as Required by the Statute.

**MOTION:** *Councilmember Clark moved to approve an ordinance of Eagle Mountain City, Utah, adopting the Pole Canyon Community Reinvestment Project Area Plan, as approved by the Eagle Mountain Redevelopment Agency, as the official Community Reinvestment Project Area Plan for the Project Area and directing that notice of the adoption be given as required by the statute. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

25. RESOLUTION/UDOT LOAN

- 25.A. A Resolution of Eagle Mountain City, Utah, Approving an Agreement between Eagle Mountain City and the Utah Department of Transportation (UDOT) for a Loan, not to Exceed \$2,000,000, Issued by the Transportation Infrastructure Loan Fund for the Widening of Pony Express Parkway.

Councilmember Clark stated that although the City does not need to widen Pony Express Parkway at this time, they are choosing to do so for safety reasons. Mayor Westmoreland agreed and said the work will be completed ahead of schedule based on the criteria of the traffic study projections.

**MOTION:** *Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, approving an agreement between Eagle Mountain City and the Utah Department of Transportation (UDOT) for a loan, not to exceed \$2,000,000, issued by the Transportation Infrastructure Loan Fund for the widening of Pony Express Parkway. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

26. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Curtis

None.

Councilmember Burnham

None.

Councilmember Reaves

None.

Councilmember Clark

None.

Councilmember Gricius

None.

Mayor Westmoreland

Mayor Westmoreland said he spoke with the Utah County Attorney regarding concerns over a City court system. He stated the City can hire a judge, as needed.

Mr. Pili stated the City currently has the option to retain a judge. Mr. Cook explained if a judge only comes once a quarter, it can be difficult to enforce and work through violations; District Court can be utilized for larger issues.

Discussion ensued on code enforcement processes.

Ms. Kofoed said Utah County received a grant to install a permanent ballot drop box at City Hall. The \$3,000 ballot drop box contains fire suppressants, and cameras are in place for security purposes. Ballots can be dropped off until polls close. The Recorder's Office will still have a ballot drop box for residents who would like to utilize that service.

## 27. CITY COUNCIL BOARD LIAISON REPORTS

None.

## 28. COMMUNICATION ITEMS

### 28.A. Upcoming Agenda Items

## 29. ADJOURNMENT

**MOTION:** *Councilmember Reaves moved to adjourn the meeting at 10:55 p.m. Councilmember Clark seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

Approved by the City Council on May 21, 2019.

  
Fionpuala B. Kofoed, MMC  
City Recorder