EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

April 16, 2019, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; 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; Suzie McCorristin, Special Events Assistant; 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. PRESENTATION - Eagle Mountain City Branding

Management Analyst Evan Berrett explained branding challenges for Eagle Mountain City and why this item was brought to the Council at this time. Cities and municipalities use places and things for branding, which Eagle Mountain City lacks. People and ideas are also used in branding packages, but the City's population is diverse and constantly evolving with many differing interests, likes, and dislikes. Since the current logo was created ten years ago, the City has changed greatly. The population has more than doubled, the gas and electric utilities have been sold, and the City has seen major economic development growth. Items with the current logo require replacement; therefore, now is an appropriate time to consider rebranding.

Mr. Berrett detailed flaws in the current logo and explained the process thus far in creating a new design. The intent of the new logo is to be adaptable for multiple medias, to be bold and recognizable, and to provide additional meaning. The proposed logo of layered eagles and stars offers symbolism, is versatile, and is unique. He asked if the Council is supportive of a new logo at this time.

Mayor Westmoreland explained most cities update and modernize logos every five to seven years. As the City will be installing wayfinding signage soon, now is an appropriate time to update branding. He said the design process focused on the logo, versus an updated tagline, as the branding needs a center starting point.

Councilmember Curtis said the proposed logo is reminiscent of militia designs and the stars are similar to the Subaru logo. He would prefer a design that captures the open space feel of the City. He said he is not largely supportive of a new logo design, and stated he is more in favor of refreshing the current design.

Councilmember Gricius agreed that a refresh of the current logo is a more favorable option but would be supportive of changing the design if a proposed logo is far superior to the existing one.

Councilmember Clark stated it would be helpful for the Council to see previous versions of the logo in order to help understand the process staff and the design company used to come to the proposed design. She agreed that the brand does not necessarily need a complete overhaul, and the logo can be updated. She expressed appreciation for the work that went into the design thus far.

Councilmember Burnham said she is not opposed to a new logo, but stated she disagrees with Mr. Barrett's description of the current logo's flaws. She feels the proposed design is common and has a look similar to military and political logos; the stars are reminiscent of Eastern European designs. She stated she likes the layered look. She expressed that the design, either a refreshed version of the current logo or a complete redesign, needs to be implemented soon if it is going to be changed.

1.B. PRESENTATION - 2019-2020 Preliminary Budget

Treasurer/Assistant Finance Director David Mortensen presented the preliminary fiscal year 2019-2020 budget. The budget expenditure breakdown by fund type is as follows: 39% Enterprise Fund, 37% General Fund, 17% Capital Projects Fund, 6% Impact Fee Fund, and 1% Debt Service Fund. The General Fund has a slight increase from the FY 2019 budget, which is to be expected as the City grows. The Capital Project Fund, Impact Fee Fund, and Enterprise Fund differences are slightly skewed due to Facebook projects and the Mountainland Association of Governments road widening project.

The total projected revenue for FY 2020 is approximately $14.2 million. Approximately half of the revenue comes from property and sales and use taxes; 25% from Planning, Building, and Engineering fees; 10% from the State's B&C road funds; 8% from interfund transfers; 5% from miscellaneous revenues; and 1% each from sports and recreation fees and fines and forfeitures.

Mr. Mortensen explained the General Fund expenditures and said the largest expenses are from Public Safety, Streets, and Parks. The breakdown of the types of expenditures is as follows: 55% from materials, supplies, and service; 39% from personnel services; 4% from interfund transfers; and 3% from capital projects.

Mr. Mortensen said the proposed expenditures are just over $14 million, leaving $181,440 to be added to the fund balance reserve account, or rainy day fund. This is needed to maintain a 25% fund balance reserve.

Mr. Mortensen presented the per capita cost of the City's government. This is determined using the population as of January 1 and the fiscal year budget which runs from July to June. The FY 2019 per capita cost is $343.26; the estimated FY 2020 per capita cost is $342.70. The City estimates a population increase of 8% and proposes an 8% increase in FY 2020 expenditures. The proposed budget includes a 4% increase in the General Fund full-time equivalent (FTE) expenses.

Mr. Mortensen explained changes in the General Fund budget from the tentative version presented to the Council in March. These changes are a result of factoring in the final amount of the Utah County Sheriff's Office contract, a reduced expense for the Special Events Department stage wrap, correcting a formula error in the Engineering budget spreadsheet, and removing a line item from the Planning Department budget that was mistakenly entered twice. A change to Utility Billing personnel affected the Enterprise Fund budget.

The proposed FY 2020 budget includes an FTE increase of 3.07. This is to add a full-time administrative employee to assist the Engineering and Facilities Departments, and one full-time and one part-time employee in the Parks Department. The additional FTE increases in Recreation and the Library are to adjust hours, not add employees.

Another major change from the previous year is an increase of $50,000 for this year's municipal election. The budgets for the Economic Development golf tournament and Shop Fest (formerly the Street Fair) were increased by $10,000. This increase will be covered by projected revenues. The Library has increases for equipment purchases and for staff tablets to be used in the Library and at offsite events.

Mr. Mortensen explained the Special Events increase in salary is not due to adding personnel; it is to account for expenditures in the past and place them in the correct area within the budget. Other department personnel assist with special events and overtime hours are paid by their departments. Staff would like the overtime hours to be paid out of the Special Events budget to account appropriately. A new addition to the budget is for a proposed summer concert series, which would cost $10,000. The proposed Special Events budget includes an increase in the Pony Express Days expense, as attendance for Pony Express Days has dramatically increased over the years. The Special Events budget also includes $25,000 for a generator and a wrap for the stage that was purchased this year.

The proposed General Fund budget includes project management training and software, Community Development Building office and storage improvements, and a third-party salary market study. It also includes copiers for the Community Development Building and Wastewater Department, Planning Commission and City Council tablet replacements, Council Chambers audio/visual equipment, Accela Land Management software, and Springbrook Employee Self-Services software.

The Public Safety budget includes an increase in crossing guards due to growth, an increase in the Utah County Sheriff's Office contract, an additional resource officer for Cedar Valley High School, and storage and a trailer for emergency management equipment.

The Planning Department budget includes funding for a Parks and Open Space Master Plan update and a Downtown Visioning Plan. The Building Department budget includes an increase of third-party plan reviews and inspections due to commercial growth.

The Streets Department budget maintains the same level of paved road maintenance as prior years, includes increases in the sidewalk, streetlight, and traffic signal maintenance, and an increase in snow plowing due to growth. This budget also includes purchases of an enclosed trailer and a tilt deck trailer, as well as a hydraulic unit with post pounder and remover.

The Parks Department budget includes an increase in utility charges including water, electric, and gas for park maintenance. It also includes an increase to the third-party landscape maintenance contract due to the City's growth. The park amenities repair budget has been increased this year due to aging equipment. The Parks Department budget includes expenses for the Pony Express Parkway and Ranches Parkway trails overlay, a Kubota UTV with rotary sweeper, pressure washers for the Kubotas, a welder, and a snow plow for trails and the cemetery.

Major General Fund capital purchases include $1 million for the City entrance, wayfinding and monument signs; $2.6 million for recreation facilities; $100,000 for a Library addition for meeting rooms; $640,000 for the Community Development Building extension and salt shed relocation; $20,000 for Cory Wride Memorial Park improvements; $40,000 for trail and sidewalk improvements; $240,000 for improvements to the bike and pedestrian plan; and $1.5 million for City Center medians and streetscapes. The City Center medians and streetscape expense will be funded with $1 million from the utility sale proceeds and $500,000 from impact fees.

Mr. Mortensen presented park improvements that the Council has communicated to staff as high priorities and requested input from the Council on prioritizing the projects. He said he will send the project list to the Council and requested a prioritized list as soon as possible in order to present a final list at the next City Council meeting.

City Administrator Ifo Pili explained there are expensive projects on the list which are funded from the utility sale proceeds and funds have, previously, been set aside. He said impact fees can also be used to fund the projects, such as Storm Drain Impact Fees for detention pond projects; the funding sources are being finalized.

Councilmember Curtis asked that the potential theater location at SilverLake Amphitheater be considered with SilverLake park improvements.

Councilmember Clark said the Kiowa Valley park did not need a pavilion. She said pavilions are important and should be installed in most parks but felt a pavilion would be more appropriate at the Smith Ranch park. Parks and Recreation Director Brad Hickman said the intent was to add the pavilion in Skyline Ridge's park, not Kiowa Valley.

Councilmember Gricius stated the restroom in Valley View is more important than the Meadow Ranch pavilion.

Discussion ensued regarding costs of pavilions.

Mr. Mortensen said the Cemetery Fund budget includes $55,000 for an angel garden, and the Fleet Fund budget includes the purchase of additional vehicles for the Facilities, Parks, and Water Departments. The Water Enterprise Fund budget includes an FTE increase of 1.625 for a full-time backflow prevention employee and 0.625 for an additional part-time employee. Backflow prevention protects the City's water system from being compromised by residents use of fertilizer or other substances. The Water Enterprise Fund budget also includes an addition to the valve maintenance budget, new meter installations, turbidity meters for wells, Wride Memorial Highway water lines, and a variable frequency drive for Well #1.

The Sewer Enterprise Fund budget includes increases in equipment, supplies and maintenance due to the aging of the system. It also includes additions of a bio-solids disposal budget, an engineering services budget, a chemicals/fertilizer budget, increases in lab work due to additional State testing requirements, an increase to Timpanogos Special Service District services due to growth, a 20-horsepower pump for the influent pump station, and a heat protective building for the wastewater plant meter.

The Solid Waste Enterprise Fund budget includes an increase in the solid waste disposal contract due to the City's growth. The Storm Drain Fund budget includes increases in equipment, supplies and maintenance, an increase in public education and outreach for clean water inlet markers, an addition of a banking fees budget, and an enclosed trailer for tools and project supplies.

Mr. Mortensen said the Utility Billing Fund budget includes an FTE increase of 0.375 to transition one part-time employee to a full-time employee to increase the office's efficiency. This fund budget also includes an increase to the Deployed Military Abatement program.

Discussion ensued regarding the FTE addition in the Utility Billing Office. Mr. Pili explained the request was presented to the Council last year and was denied; it is a necessary increase as there is only one full-time employee currently in that department. The City bills over 9,000 residences monthly. Staff recognizes this is a long-term commitment versus a one-time purchase, and FTE increases are heavily scrutinized.

1.C. DISCUSSION - Blasting

This item was removed from the agenda.

1.D. DISCUSSION - Upcoming Code Amendments

Community Development Director Steve Mumford explained staff is working on many Development Code amendments and presented five of those currently being researched. The amendment to the Development Standards for Required Public Facilities is to address amenity points given to developers for restroom facilities in parks. The amendment was presented to the Planning Commission and was unanimously recommended for approval. It adjusts the standard to more closely align with the facilities the City installs in parks, and allows extra amenity points for additional restroom stalls.

The section of Municipal Code relating to animal regulations is being amended to differentiate between pet sitters, kennels, and hobby breeders. It also bases allowances on size of dogs as well as lot sizes. Councilmember Clark asked that the amendment be streamlined and have two categories for dog sizes instead of four.

The Hillside Site Development Standards will specify retaining wall standards, berm and fencing requirements on top of steep slopes, revegetation/wildfire protection provisions, and will state no blasting or grading is permitted to make unbuildable lots buildable. The standards will also include a requirement that lots have a building pad that is under a certain percent slope, possibly 15%. This will be an amendment to Municipal Code Chapter 15 and will not require Planning Commission review.

Mr. Mumford stated the Council has requested the Extractive Industries Overlay zone be removed from Municipal Code. This overlay was added to Municipal Code in 2012 during the Spring Run master plan process. The overlay provides control over mining location and asphalt and concrete production. It requires reclamation of mining sites, buffering for neighborhood uses, neighboring property owner noticing, a minimum lot area of ten acres, 1,000 feet distance from residential development, and a quarter-mile distance from residential development for any rock crushing and batch plants. The overlay is a rezone, and rezones are legislative decisions and are not considered absolute rights. Legislative decisions do not require the approval body to take action based upon findings of fact.

Councilmember Curtis said State law prohibits entities from putting restrictions on vested mines. Once the legislative decision is made to allow mining, the mine is then vested, and the Council cannot add conditions such as hours of operation. City Attorney Jeremy Cook said he will research the law to gain an understanding of what options the City has.

Mr. Mumford said the overlay zone can be removed from Municipal Code, but if the Council desires to allow extractive uses in the future, the use would need to be added back to Code. Anything not specifically permitted in Municipal Code is prohibited. Another option is to enact a six-month moratorium on extractive industries to allow staff time to research and review the use. Another option is to amend the overlay zone to require a development agreement with the rezone, remove asphalt production as a permitted use, add additional conditions or standards, limit the size of disturbance permitted, and include a time limitation. He explained a change to this zone was noticed to be presented at the next Planning Commission meeting on April 23, but a specific ordinance has not been prepared yet, and asked for the Council's feedback. He said staff is not required to present the ordinance at that meeting if a decision is not made.

Councilmember Burnham stated the Council and staff need to research the new State law to determine how it impacts the City. She would like to remove asphalt production as a permitted use and include the other conditions Mr. Mumford detailed.

Councilmember Curtis asked if the use can be permitted through agreements without the overlay zone in place. He expressed concerns regarding vesting a mine with indefinite rights.

Councilmember Clark agreed with Councilmembers Burnham and Curtis. She said the overlay needs to have an expiration date.

City Attorney Jeremy Cook said he will research the best way to impose time limits, subject to the new State law.

Mr. Mumford stated the Residential Zone and Residential Bonus Density Entitlements amendment is a large change to Municipal Code. The amendment will create new residential zones to implement the new land use designations in the General Plan's Future Land Use Map. The bonus density concept is still included within the zones. Bonus density allows the City to require developers to install parks and open space; Euclidian zones remove that possibility and cause the City to develop parks with impact fees or other funding sources.

Mr. Cook explained park requirements in Euclidian zones are more likely to be challenged, as the developer does not have the option to develop at a lower density to minimize park requirements.

Councilmember Curtis said the flexibility given in the bonus density system only benefits developers. He stated he does not want any multifamily units within single-family unit areas and asked about the minimum density standards. Mr. Cook clarified the City sets density maximums but not minimum densities.

Mr. Mumford explained the more specific the zone requirements are, the less creativity and flexibility the City and the builders have. He explained staff is adding an additional residential zone based on the Planning Commission's feedback. The intent of the zone amendments is to keep the beneficial flexibility in the current bonus density system, while keeping developments from maximizing density with plans that are a single lot size. The minimum lot size and average lot size requirements assist the City in understanding what the plans will entail when developed.

Councilmember Gricius said she likes the proposed draft and asked if developers can pay for multifamily unit rights in single-family home areas. She asked if the amendment could prohibit developments from rezoning up more than one level of density. Mr. Mumford said developers will need to apply for a rezone to build at a higher density than the existing zone allows. Rezones are legislative decisions, so the Council does not have to approve projects that do not make sense according to the City's future plans. This amendment makes it difficult to obtain higher density and to maximize density in developments, while still maintaining the option to require parks and open space.

Councilmember Curtis said he wants the uses delineated with single-family homes and cottage lots separate from townhomes and apartment complexes.

2. AGENDA REVIEW

10. AGREEMENT

10.A. Services Agreement

Councilmember Clark asked that this item be removed from the consent agenda and placed as a scheduled item for further discussion.

12. CHANGE ORDERS

12.A. Change Order - Pony Express Parkway 2019 Widening Project

Councilmember Clark asked that this item be removed from the consent agenda and placed as a scheduled item for further discussion.

14. RESOLUTIONS

14.A. Fireworks Map

Councilmember Gricius said the fireworks map has gone through multiple drafts and much work went into the presented version. It is more extensive than previous years' maps. City Recorder Fionnuala Kofoed explained the resolution needs to be sent to Unified Fire Authority by the beginning of May so it can be submitted to Utah County by June 1.

Mr. Cook said paragraph four in the resolution designates specific areas that are approved for fireworks, but according to the map, those areas are no longer permitted.

Fire Chief Ross Fowlks recommended the resolution reference the current year's map instead of specific areas, as the map can be updated every year. The resolution will not be posted at fireworks stands; the map will be posted.

Councilmember Clark asked Communications Director Linda Peterson to put out a release that states where fireworks are allowed.

Ms. Kofoed stated her preference is to have easily identifiable designated areas for fireworks and that those areas are noted on the map. She stated that an exhibit can be added to the resolution that shows designated areas.

Ms. Peterson said in prior years, the designated areas have been the asphalt parking areas at the top of SilverLake Amphitheater, at Smith Ranch Park, and at Pony Express Park. If those areas will be changed, the information needs to be clearly communicated to residents.

Councilmember Curtis asked why the City is not required to follow the map for City firework events. Ms. Kofoed clarified different regulations are in place for professional firework displays; residents can request a permit for firework displays in the City. The map is intended to identify restricted firework areas for residents and the public.

Councilmember Clark stated previously there have been issues with neighborhoods blocking off streets for firework displays, and asked it to be clearly communicated to residents that they cannot close roads.

Discussion ensued regarding permitted verses designated areas. Mr. Cook explained the map does not give residents the right to trespass on private property.

Mr. Cook explained he and Ms. Kofoed will adjust the verbiage regarding permitted areas during the break, and Ms. Peterson can notify residents of the recommended permitted areas in the City.

14.B. Utah County Interlocal Agreement

Discussion ensued regarding ranked choice voting. Ms. Kofoed stated that she does not recommend using ranked choice voting for this election. The City can learn from other municipalities that chose to use ranked choice voting and consider it as an option in the future.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: ***Councilmember Burnham 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 Clark seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

The meeting was adjourned at 6:17 p.m.

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

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

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

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:10 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Gricius led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Red Cross Blood Drive** – There is an urgent need for blood donors. A blood drive for the Utah Red Cross will be held at City Hall on Monday, April 22 from 11:30 a.m. to 5:30 p.m. Register at redcrossblood.org and use sponsor code Eagle Mountain City.

- **Community Cleanup** – Volunteer registration is open now for the City's annual Community Cleanup event on Saturday, May 4. At this event, the City invites volunteers from the community to sign up to help with cleanup projects that improve public spaces in Eagle Mountain. Volunteers may register as an individual or group and receive snacks, hats and other giveaways, and a free lunch. Since the event falls on May 4th this year, any volunteers sporting Star Wars apparel or gear will receive a bonus giveaway. Following the cleanup event, the Utah County Sheriff's Office – Eagle Mountain Division will host a Meet and Greet event at the park from noon to 2:00 p.m., featuring various departments, vehicles and equipment, and information about community programs and services. This event is open to everyone, even if not participating in the cleanup.

- **Spring Cleanup Dumpsters** - Spring cleanup dumpsters for yard, e-waste, and light household waste will be provided by Eagle Mountain City from Thursday, May 2 at 4:00 p.m. through Sunday, May 5 at 8:00 p.m. Dumpsters will be located off of Mid Valley Road, west of Cory Wride Memorial Park. Dumpsters will be hosted by volunteers from Mortenson Construction and Facebook.

- **Pony Express Days** – Registrations are open for Pony Express Days food vendors, carnival boutique vendors, businesses and services info booths at Family Fun Night, parade entries, 5K participants, and Motorcycle Adventure Ride & Campout participants. Visit emcity.org/ped for details and registration links.

- **Pony Express Days Rodeo & Demolition Derby** – Tickets are on sale now for the Pony Express Days Rodeo, held Memorial Day weekend, and the Demolition Derby, held June 1. Visit ponyexpressevents.com for ticket information.

- **Summer Youth Theater Camp** – Registration is open for Eagle Mountain Community Theater's summer youth camp – Robin Hood: Legend of the Sherwood Bandit. The camp is for ages 8 to 18 and will be held in June. Early bird pricing of $50 is available through May 1. For more information, please visit eaglemountainarts.com.

- **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.

- **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. Notifications can be received by email and/or text.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:17 p.m.

Marianne Smith requested Glenmar Ranches be granted an exemption from the City's streetlight requirement.

Adam Ferre spoke in favor of granting Glenmar Ranches an exemption from the streetlight requirement.

Jeff Ruth asked if an administrative law judge can put a process in place to enforce the City's ordinances. He expressed frustration regarding a neighbor's lack of landscaping and property maintenance. He said the City is large enough to warrant a justice court.

Councilmember Clark asked what the City can do to enforce ordinances and asked that this be brought to a future meeting as a discussion item. City Administrator Ifo Pili explained the City does have a process in place. The City does not have a justice court and attempts to do everything possible to avoid suing residents; individuals can choose to not pay assessed fines, and the next step is litigation. He said the City works with residents to rectify issues, and often times the problems resurface, such as when weeds grow back. City Attorney Jeremy Cook said he will follow up with Code Enforcement to find a solution to Mr. Ruth's issue.

Michael Johnson explained he has been on the Parks and Recreation Board for over a year. He said the board is defunct and has only had three meetings in 15 months. There are grants in place that the City is not taking advantage of due to the lack of resident involvement. He asked the Council to advertise board openings to create an effective board.

Alicia Roothoff stated describing the responsibilities of the Parks and Recreation Board in the City's announcements will help fill the board positions. Ms. Roothoff explained she is in the current blasting zone for the Hidden Hollow projects. She and her neighbors feel they have no voice in whether blasting will be allowed and are not in favor of allowing further blasting. She spoke against the Hidden Valley Highway and the surrounding high-density housing.

Mayor Westmoreland closed public comment at 7:38 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis
Councilmember Curtis thanked those in attendance.

Councilmember Burnham
Councilmember Burnham thanked those in attendance.

Councilmember Clark
Councilmember Clark welcomed those in attendance and thanked those who spoke during public comment. She said the Councilmembers care about the residents of the City. She encouraged residents to serve on the Parks and Recreation Board. She said the Eagle Mountain Arts Alliance is hosting a quilt show on Saturday at Garden Near the Green, and the Youth Council meets the second and fourth Wednesday of the month at City Hall.

Councilmember Gricius
Councilmember Gricius thanked those in attendance.

Mayor Westmoreland
Mayor Westmoreland thanked those in attendance.

9. PROCLAMATION

9.A. Proclamation

Mayor Westmoreland said while the City does have many trees, residents and staff are working to add more; this work has helped the City obtain the Tree City USA designation. The proclamation is in association with that designation.

MOTION: ***Councilmember Gricius moved to proclaim the last Friday in April as Arbor Day in Eagle Mountain City. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

CONSENT AGENDA

10. AGREEMENT

10.A. Services Agreement – Farmers Market

11. BOND RELEASES

11.A. Lake View Estates Phase A Plat 1 - Out of Warranty

11.B. Evans Ranch K-5 - Out of Warranty

12. CHANGE ORDERS

12.A. Change Order - Pony Express Parkway 2019 Widening Project

13. MINUTES

13.A. April 2, 2019 Minutes

14. RESOLUTIONS

14.A. Fireworks Map

MOTION: ***Councilmember Clark moved to approve the consent agenda, removing items 10 and 12 and add them as scheduled items. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

10. AGREEMENT

10.A. Services Agreement

This item was discussed after item 15.B.

Economic Development Director Aaron Sanborn said residents have expressed an interest in a farmers market in the City. This is not something the City would like to manage, so a request for proposals was sent out to solicit qualified individuals to run a farmers market. The City received one response from the Painters, residents of Eagle Mountain, who would run the market as the Utah Farmers Market. The proposed location for the market is the north side of Cory Wride Memorial Park. The Utah Farmers Market would manage the event, to include obtaining vendors and market operations.

Councilmember Clark confirmed that vendor parking will be in the dirt area, and the asphalt parking stalls will be for park visitors and market patrons. Mr. Sanborn said there are approximately 500 parking stalls and the park has sufficient space for a farmers market in addition to existing events and visitors.

Councilmember Curtis said he loves the idea of a farmers market, but stated he has a few concerns. He asked if the management company is a non-profit or for-profit entity, and stated he is concerned that the City is offering a company the space at no charge while allowing the company to retain all profits. He said he struggles with helping private corporations while providing services for the City. City Attorney Jeremy Cook clarified there are only two individuals who make up the management company, and that it is a for-profit organization. He said a non-profit company can still pay for services to organize an event while maintaining a non-profit status.

Councilmember Clark said the agreement could be a six-month trial, to be renegotiated next year. She stated residents ask for this service and the City does not want to manage it.

Mr. Cook explained the Painters are taking a risk and the City has limited the amount they can charge vendors and limited the size of the event. It is unlikely they will make a great deal of money.

Councilmember Burnham asked what the vendor fees are for the market. Mr. Cook said the management company will not charge farmers, and a scale is in place for charging commercial vendors. Councilmember Clark asked if there is a difference between a food truck or a vendor who brings in cottage bakery items. Mr. Cook said those bringing in home-baked goods would not be considered a food vendor. Mr. Sanborn confirmed the home-produced item vendors will be charged differently than food trucks.

Utah Farmers Market representative Becky Painter said they intend the event to be a farmers market, instead of a market of produced items. Farmers can sell their produce for free. Vendors will be able to sell items produced at home, as that is an added value to the market.

Councilmember Clark asked if Supplemental Nutrition Assistance Program benefits will be accepted. Ms. Painter said they have passed the deadline for applying for that option. She said the cost of insurance alone is $900, and the market will not even break even this year. She clarified that youth farmers will be charged $5 a day to sell products but can sell their produce for free. This is to encourage youth entrepreneurs.

Ms. Painter explained it may take years to build up the farmers market, but they are hopeful that it will become a successful event.

MOTION: ***Councilmember Curtis moved to approve an agreement between Utah Farmers Market and Eagle Mountain City for the management of a farmers market at Cory B. Wride Memorial Park. Councilmember Clark seconded the motion.***

Councilmember Clark asked if the City will limit food trucks at Cory Wride Memorial Park during the farmers market, and if the maximum of 50 food trucks stated in the agreement includes outside food trucks not associated with the farmers market. City Recorder

Fionnuala Kofoed explained food trucks are restricted by the City's permitting process. Councilmember Clark confirmed that food truck vendors will not be able to locate at the park during the farmers market without signing up as a vendor.

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

12. CHANGE ORDERS

12.A. Change Order - Pony Express Parkway 2019 Widening Project

This item was discussed after item 10.A.

City Engineer Chris Trusty said the change order amount is based on the estimated construction costs to extend the Pony Express Parkway widening to Mid Valley Road. It is a five-lane road with a center median and bike path. The contractor working on the high school will install a left-turn lane at that site; they have already installed a right-turn lane. The turn lanes will be extended to a length of 400 feet; this will allow a stacking capacity of approximately twenty cars.

City Administrator Ifo Pili said the City can borrow from the State Infrastructure Bank. If UDOT takes ownership of Pony Express Parkway, they would absorb that expense. He explained the funding can come from impact fees, borrowing from the City, or borrowing from the State Infrastructure Bank. He said they will bring the final funding options to the Council at a later meeting. The City's plan is still to widen Pony Express Parkway to Eagle Mountain Boulevard.

Mayor Westmoreland said adding additional length to the road widening project will use a portion of the City's rainy day fund, so borrowing from the State Infrastructure Bank is a good option. This additional widening of Pony Express Parkway puts the road development a few of years ahead of schedule.

Councilmember Clark said transportation is one of the main reasons for the City's existence.

Councilmember Curtis asked what the rainy-day fund balance will be after the widening project is paid for. Mr. Pili explained this project will not be funded through the rainy-day fund. He said the City can borrow from the solid waste fund, which would be a transparent interfund transfer that does not have to be paid back. The State has not informed the City what the interest rate is for a loan through the State Infrastructure Bank, but the City expects it to be low. The State has $2 million available.

MOTION: ***Councilmember Clark moved to approve the change order for the Pony Express Parkway 2019 widening project with Kenny Seng Construction. Councilmember Burnham seconded the motion. Those voting aye: Colby***

Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.

15. ORDINANCES/PUBLIC HEARINGS

15.A. An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.38 for the Commercial Storage Zone.

This item was discussed after item 17.D.

Community Development Director Steve Mumford said the applicant-proposed amendment increases the number of allowed moving vehicles to be displayed outside of a building or in front of a fence at moving storage facilities from six to twelve. He said the item was tabled at a previous City Council meeting to allow staff to research the amendment. Staff recommends an increase to ten vehicles.

Sunset Storage owner Scott Weber stated his business has room for twenty vehicles. He explained the business rarely has more than twelve vehicles parked in the front parking area. He suggested the increase to twelve to allow trailers to be temporarily parked for pick up and drop off.

Mayor Westmoreland opened the public hearing at 9:07 p.m. As there were no comments, he closed the hearing.

Councilmember Curtis asked for the differences between the applicant's proposal and staff's recommendation. Mr. Mumford said currently the Municipal Code allows six moving vehicles to be displayed outside of a building or in front of a fence. Staff recommends allowing ten moving vehicles (six trucks and/or box trailers and up to four flatbed trailers). The applicant's proposal is twelve vehicles (eight trucks and/or box trailers and up to four flatbed trailers).

Mr. Weber said his business has been storing the smaller moving trucks behind the building. He explained longer moving trucks are a challenge to park in the back of the business. He said the request for additional parking is not a marketing issue, but a lack of available space in the rear of the business.

Councilmember Clark asked if the applicant's concern is that trucks are dropped off after business hours, causing them to be out of compliance. Mr. Weber said they have four trucks in the front of the business most of the time, but the Municipal Code includes flatbed trailers in the moving vehicle definition. He explained parking moving vehicles in the back of the business creates liability issues.

Discussion ensued regarding the differences between box trailers and flatbed trailers.

Councilmember Burnham reminded the Council this amendment will apply to the entire City, not just Sunset Storage. Mr. Weber stated it will only apply to his business, as Eagle

Mountain Storage does not have room to park moving vehicles in front of the business. Mr. Mumford clarified the owner of Eagle Mountain Storage has discussed paving a section in front of his facility to allow for parking.

Mayor Westmoreland asked staff to explain the intent of the current Municipal Code regarding the number of allowed vehicles. Mr. Mumford said it is to avoid visual clutter, and to allow some vehicles to be placed in the front of the business without taking up too many visitor parking stalls. He showed examples of other moving and storage facilities in surrounding cities.

Councilmember Gricius asked if the amendment would be unnecessary if the applicant extended the existing wall. Councilmember Clark said that was suggested previously, but the applicant explained that would cause the area to be too small for the trailers. Mr. Mumford said the original landscape plan contained an access to the adjacent property, which, if extended, the wall would impede.

MOTION: ***Councilmember Curtis moved to deny the proposed ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.38.090 for the Commercial Storage Zone. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

15.B. An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.20 Agriculture Zone and 17.10 Definitions.

Mr. Mumford explained the applicant-proposed amendment is to add a definition for an Equine Assisted Therapy Center and add it as a conditional use in the Agriculture zone. This would only be a conditional use in the Agriculture zone, and each use would require a conditional use permit that goes to the Planning Commission.

Councilmember Curtis expressed concerns regarding clinical therapy centers and if the definition could apply to non-equine applications; the definition of a clinical therapy center needs to be very specific.

Marley Juarez, Strides Pediatric Therapy Director of Operations, explained she and Casey Wiest, Director of Clinical Services, are the cofounders of Strides Pediatric Therapy. Ms. Wiest said the services offered are all outpatient and they provide occupational, speech, and physical therapy. She explained they are using the horse's movement to facilitate a change in the child, such as they would with a weight or swing. They are not servicing children with trauma-based diagnoses. She said the typical diagnosis for those served at this center are autism, Down syndrome, or other developmental or physical disabilities.

Councilmember Curtis expressed concern regarding allowing commercial uses in the Agriculture zone. He stated conditional uses are almost always required to be approved.

Councilmember Clark asked if there is a way to ensure the amendment does not facilitate all types of commercial therapy centers in Agriculture zone. Mr. Cook said therapeutic equestrian riding, equine-facilitated therapeutic services, and equine-assisted services are limited as they are written, but clinical therapy sessions may be too broad a category. He said wording can be added that limits treatment to outpatient services only, and that limits those served by the center.

Ms. Juarez said they included clinical services in the definition because they plan to bring a mobile office building to offer services in an office or gym setting. They understand the need to have buildings congruent with the structures within the Agriculture zone. They cannot operate within the definition of an equestrian center, as office space is not allowed there, and they cannot operate in a Commercial zone, as horses are not allowed in that zone.

Ms. Wiest said patients currently must go to multiple locations to obtain the services Strides Pediatric Therapy wants to provide in a single location. The horses are not used in every session; it may not be conducive to use the horse on a particular day. They are a pediatric clinic and serve clients up to 21 years of age. They would like to have two of each kinds of therapists, and would like to be able to grow, as the need is great in Utah County. All services will be individual therapy unless they offer a monthly family support event.

Councilmember Clark said having all services in one location would be a benefit to the City. She expressed the desire to ensure clinical therapy services are limited to be in addition to equine therapy, and that the City is able to limit the amount of traffic.

Councilmember Curtis said he likes the idea presented by the applicants and asked if the conditional use permit would stay with the land, if the owner decided to move or sell to another owner. He stated he is concerned about other clinical uses and asked how the City could verify that horses are being utilized in therapy sessions. He also asked if the use could be approved through a business license, instead of through this definition addition. Mr. Cook clarified the conditional use permit stays with the property and stated the applicant would not be able to obtain a business license as the current Municipal Code stands.

Ms. Wiest said they will own the property, and explained the use of the horse is dependent on the patient. A horse can only be used for three sessions per day.

Councilmember Curtis expressed concern that horses would only be used a small part of the time. Ms. Wiest explained patients use a horse at least every other week; at least half of the time, horses are utilized in therapy sessions.

Councilmember Gricius stated the horses are on the property and the Council should not regulate how often medical treatments include horses; the impact to the neighborhood is not different if treatment is in the office or on a horse.

Councilmember Curtis said he likes what the applicant is proposing, but expressed concern that the amendment would allow clinical commercial centers within the Agriculture zone.

Ms. Wiest suggested the definition be inclusive and require both equine and clinical services.

Mr. Cook stated his concern that the definition could be interpreted to provide drug rehabilitation treatment centers and potentially a group-home center. He said the amendment should not be written in a way that is discriminatory. He explained limiting the allowable age could potentially be considered discriminatory; limiting it to outpatient services would not be discriminatory.

Councilmember Curtis asked if the facility would be required to obtain a professional license. Ms. Juarez said the services listed in the proposed amendment are technically defined forms of treatment; each center may not offer all of those treatment options. She explained Hoofbeats to Healing only offers therapeutic riding and does not offer clinical services. Ms. Wiest said in order to allow patients to use medical insurance, the facility needs to clinically evaluate the patients to understand their needs.

Discussion ensued regarding possible phrasing and definitions that would ensure clinic-only services will not be allowed in the proposed conditional use. The Council agreed to add outpatient to the definition and require three of the four services listed in the proposed amendment.

Mayor Westmoreland opened the public hearing at 9:52 p.m.

Becky Painter explained she offers adaptive riding. Equestrian therapy is not a license-required practice. She said requiring a license may not stand up to legal scrutiny.

Mayor Westmoreland closed the public hearing at 9:54 p.m.

Councilmember Curtis said they can approve the item with a strict definition and adjust it later, if needed.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.20 Agriculture Zone and 17.10 Definitions with the definition being changed to state "Equine Assisted Therapy Center" means an outpatient facility that offers therapeutic equestrian riding, equine-assisted services, and equine-facilitated therapeutic services, and may offer licensed clinical therapy services. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

15.C. An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 16.15 for Concept Plans.

This item was discussed after item 12.A.

Mr. Mumford said this item was presented to the Planning Commission and was recommended for approval with additions that clarify applicants cannot present concept plans to the City Council without presenting to the Planning Commission, and that staff's word is not binding. He said it is beneficial for some projects to be discussed with the Council before moving forward with applications.

Councilmember Clark asked if there is a limit to how many times a project can be presented to the Council or Planning Commission. Mr. Mumford said there is not a limit set in Municipal Code. A recent item was presented to the Planning Commission a few times, and the applicant was told that in order to present again, a new concept plan fee would be required.

Mayor Westmoreland opened the public hearing at 10:30 p.m. As there were no comments, he closed the hearing.

MOTION: ***Councilmember Clark moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 16.15 for Concept Plans. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

16. MOTION/PUBLIC HEARING

16.A. Significant Land Disposal - Portion of Parcel 46:543:0075

Mr. Cook explained the City is disposing of a small section of land, approximately 300 square feet in size. The land is not significant in actuality, but as it is designated significant land, a public hearing must be held to dispose of it. It is more beneficial to the City to not own this property; the shape is odd, and it is between a private lot and the roadway.

Councilmember Clark asked that the document titled Land Disposal Map be removed from the packet, as it is confusing when compared with the actual land to be disposed of that is shown in the Ranches Estates C Land Disposal Map.

Mayor Westmoreland opened the public hearing at 10:33 p.m. As there were no comments, he closed the hearing.

MOTION: ***Commissioner Clark moved to approve a significant land disposal, portion of parcel 46:543:0075. Councilmember Curtis seconded the motion.***

Councilmember Clark asked if the reason for the land disposal can be stated for the record. Ms. Kofoed explained communications to her from Planner Tayler Jensen state the arrangement is that the developer has agreed to build a single-story home on the lot in exchange for the property. Mr. Cook said he is unsure if that stipulation has been finalized, and it may still be in negotiations. He said the Council can make that a condition of approval. Councilmember Clark stated she does not want to make that a condition of the motion.

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

17. MOTION

17.A. Hidden Hollow Blasting Permit Application

This item was discussed after the Consent Agenda.

Mr. Trusty informed the Council the applicant was not in attendance. He stated the applicant believes this item is a continuation of the previous year's blasting permit. The applicant removed disturbed material over the last year and now needs to continue blasting for a sewer trench and to remove a final section of material that they were not able to blast last year. Mr. Trusty explained the City did not receive any complaints from the applicant's previous blasting. There are eight homes within 500 feet of the proposed blasting site, and the applicant understands the requirement of pre- and post-blast inspections for homes in the area.

Councilmember Curtis asked if additional building permits have been given to the applicant in the past year, and asked how close the nearest home is to the blasting site. Mr. Trusty said he did not believe building permits have been given in the last year. The closest home is 343 feet away.

Councilmember Clark confirmed with staff that this blasting is for utility work and for a section of material the applicant was not able to remove with previous blasting. She also confirmed that residents will be notified before any additional blasting takes place. She stated the City's blasting ordinance is the most restrictive in the state. Residents have the right to request pre- and post-blast inspections to ensure they have redress for any issues that arise due to blasting. The blasting company must have insurance and is required to place a bond to protect City structures. The City has also reduced the allowed intensity to half of the typical approved intensity in other areas in the state. She said the applicant utilized additional measures to protect residents during previous blasting events.

Mr. Cook clarified the $25,000 bond is in place to protect residences, as well as City structures. If a resident has a claim against the developer, the City will not release the bond back to the developer until those claims are resolved.

Councilmember Curtis asked how many blasting events this application requests and how many were previously approved. Mr. Trusty said he believes this application is for six events, and stated it may be safe to assume seven events will be necessary. The previous approval was for 23 total blasts; the applicant only completed 11 blasts.

Councilmember Clark stated it would be best to table the item to allow the applicant to return to address the Council's questions.

MOTION: ***Councilmember Clark moved to table the Hidden Hollow blasting permit application. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

17.B. Juniper Springs Blasting Permit Application

Mr. Trusty said this item was discussed at a previous meeting and the applicant asked that the item be tabled to allow a redesign of the plan to reduce blasting.

Applicant Travis Taylor said the intent of the redesigned plan was to move the orientation of structures to allow a new driveway layout in order to minimize blasting. The proposed changes potentially eliminate the need for blasting in the project. He said in the City's Land Use Authority table, a minor adjustment to a preliminary plat does not require the project to go through approval process again, but a major adjustment does. He explained that staff determined the amended plan was a major adjustment, requiring additional applications and approvals. He asked that the blasting permit application be tabled to allow development to begin without blasting. They will complete all work that can be done without blasting, and he will return to City Council with specific plans if there are portions that require blasting.

Mr. Taylor said he met with Frank Pulley, Jr., the Alpine School District Director of Physical Facilities, and Kraig Sweat, Alpine School District Construction Supervisor.. They communicated that Alpine School District utilizes blasting in construction of their facilities. Mr. Pulley spoke with the Alpine School Board and informed Mr. Taylor that the District is concerned about blasting during school hours. They provided Mr. Taylor with a list of conditions in which they would approve of blasting. Mr. Taylor explained to the Council that Mr. Mumford has independently verified this information with Alpine School District.

Mr. Taylor explained he sent a mailer to surrounding residents and requested a meeting to discuss potential blasting; one resident came to the meeting. This resident communicated that he had damage in his drywall from prior blasting which is being remedied, and said as long as he is able to obtain a pre-blast inspection, he approves of additional blasting. Mr. Taylor said he received an email from another resident who requested a pre-blast inspection and monitoring equipment in her home.

Councilmember Curtis thanked Mr. Taylor for finding creative solutions to blasting concerns. He said he is wary of committing to a way forward without knowing what potential blasting will specifically entail. Mr. Taylor said the original plan required a total of 18 to 24 blasting events. They would have had three blasts in one day, once a week, over a period of six to eight weeks. The realigned plan potentially reduces the blasting by up to 80%.

Councilmember Clark asked the applicant to describe the history of the project. Mr. Taylor said the current version has twenty to thirty fewer units than the original plan, which was approved in 2006. Councilmember Clark confirmed that the applicant reduced density at the request of the Council and surrounding residents, and she stated the applicant has further redesigned the plan to reduce blasting.

Mr. Taylor said they will analyze the cost/benefits of blasting before returning to request permission from the Council. They will determine if the requirements of blasting are worth the expense, or if they will utilize other excavation options.

Councilmember Gricius stated she appreciates that Mr. Taylor is willing to look at ways to avoid blasting. She said she would approve allowing the plan change to be classified as a minor adjustment to the preliminary plat.

Mayor Westmoreland expressed concerns regarding the width of Hidden Valley Parkway. Mr. Mumford said the road was approved with the Hidden Valley Master Development Plan before Hidden Valley Elementary was built. Mr. Trusty said the road is 100 feet and will have five lanes.

Mr. Mumford explained staff determined the adjustment of the plan to be a major amendment and said the Council can determine the adjustment is a minor amendment. Mr. Trusty said the applicant's belief is that the change includes a driveway realignment, not a road realignment.

Councilmember Curtis confirmed with staff that since no other changes are being made to the plan, the driveway realignment can be considered a minor amendment.

Mr. Taylor asked that a portion of the blasting permit fee be refunded if no further blasting is required. Mr. Cook said that can be considered by the Council at a later date as a reimbursement request agenda item.

MOTION: ***Councilmember Gricius moved to table the Juniper Springs blasting permit application. Councilmember Clark seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

17.C. Juniper Springs Request for Partial Waiver of Application Fees

This item was removed at the applicant's request.

17.D. Glenmar Ranches Phase B Request for Waiver of Streetlight Requirements

Mr. Mumford explained Glenmar Ranches is along Lake Mountain Road. The first phase of Glenmar Ranches has been approved and is being developed. He said Municipal Code requires streetlights to be installed at a minimum of 150 feet and a maximum of 250 feet apart on arterial and collector streets. Residential streets require streetlights at a minimum spacing of 250 feet and a maximum of 350 feet. The Municipal Code allows Council to exempt urban-type public infrastructure such as streetlights in base density developments.

Applicant Steve McCleery said they spoke about the possibility of streetlights with existing residents and with those considering purchasing lots in Phase B. He explained they considered the Arrival subdivision and the other developments north of Wride Memorial Highway and said he feels his project warrants the waiver that was granted for those subdivisions. The current requirement is thirteen streetlights in Glenmar Ranches Phase B.

Councilmember Gricius explained her neighborhood does not have streetlights. There was a concern with children walking in the streets, as there were no sidewalks, but there are now sidewalks around the school. Her main concern is safety of children walking in the dark.

Councilmember Curtis understands the importance of the rural open feel, but stated safety is a concern in the City. He stated there are generally more problems in areas without streetlights. He asked if the applicant would be willing to compromise by only installing lights along Lake Mountain Road. He said the City receives many requests for streetlights where none exist. The lights will be full cutoff and will not shine into homes.

Councilmember Clark said she understands the applicant's desire to not have streetlights. She asked if the applicant would be willing to install three lights at the major intersections, instead of the full thirteen. Mr. McCleery said the residents who have purchased homes did so with the understanding that there were no lights in place.

Applicant Marianne Smith said the residents have their own lights on their homes and can be turned on and off, as needed. There is enough natural light throughout the project. She explained the intent of the project is to have no constant manmade lights. She said with thirteen streetlights, three would be directed towards her home. She stated the distance between intersections along Lake Mountain Road is 548 feet.

Councilmember Curtis said it is assumed that lights are included in subdivisions, and stated safety is important, and crime is a concern in the City.

Mr. McCleery said there will be 45 homes on approximately 100 acres; therefore, traffic will be minimal. He said the community all feels the lights are not necessary.

Mr. Mumford clarified in Phase B, there are 50 acres included in lots, and Phase C contains 34 acres. All streetlights installed in the City are full cutoff, dark sky-compliant lights. The light will shine straight down, but a small percentage does bleed out. He explained the homes on the west side that are currently being built are at a lower elevation, so they may see more light than those to the east.

Councilmember Curtis stated if lots are not sold at this point, the landowners will not be purchasing homes with the belief that there will not be lights.

Mr. McCleery said they believed they would be able to obtain the exemption based on verbiage in the base density ordinance. He said the compromise of three lights is an improvement on thirteen, but they believed they would not be required to install any, based on the exemptions given to Arrival and Valley View. He expressed the desire to maintain dark skies for the nature preserve they have planned.

Councilmember Clark stated she strongly supports property rights, but safety is important. Mr. McCleery agreed that safety is important, and said he believes the design of the project provides safe features. No roads are directed straight down the hill, and they have added curves to avoid straightaways.

Councilmember Curtis said all homes will have lights on the porches, garages, and rears. He said it is not reasonable to believe three additional lights will cause that much more light in the subdivision.

Councilmember Clark asked if a resident could speak.

Resident Kristy Dunn owns a home in the first phase of Glenmar Ranches. She said she was informed there would be no streetlights, and two of the three under discussion would be along her property line.

Mr. McCleery said he spoke with Mr. Hazard and was told his exemption was easily obtained. Mr. Mumford said Arrival was different in that they would need to bring power from the first phase to the second phase at great expense.

Councilmember Curtis said this project has been granted many exemptions such as not requiring the trail to Pony Express Parkway. He said the adjacent SITLA development is high density and will contain many streetlights.

Applicant representative Kenneth Olsen said Valley View has 335 lots and most of the traffic is along Horizon Drive and Mustang Road. He explained Glenmar Ranches is along a hillside ridge and only a few houses will utilize the roads.

Councilmember Curtis stated he is unsure of a decision at this time. He sees both sides of the issue and both are important factors. Mr. Mumford said the applicant is eager to move forward, and staff can approve the construction drawings with the streetlights if the Council tables this item. If the Council decides to allow an exemption at a later time, the streetlights can be removed from the construction drawings. The Municipal Code does not require the streetlights to be in place until the first certificate of occupancy is approved.

Ms. Smith said she has told potential buyers that the project will not contain streetlights and stated she does not want any lights in the project. She said in comparison with other developments, Glenmar Ranches is small with only three entrances.

Councilmember Curtis expressed concern that surrounding landowners in the area will request the same exemption, especially since the density will increase.

Councilmember Gricius asked if the trail to Pony Express Parkway can be added back if the streetlights are removed, in order to provide a safe walking area off the street. Mr. McCleery said trails exist in the current plan.

MOTION: ***Councilmember Burnham moved to approve the Glenmar Ranches Phase B request for waiver of streetlight requirements. Councilmember Gricius seconded the motion. Those voting aye: Stephanie Gricius, Donna Burnham, and Melissa Clark. Those voting nay: Colby Curtis. The motion carried with a vote of 3:1.***

18. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Gricius was excused at 10:38 p.m.

Councilmember Curtis
None.

Councilmember Burnham
See Board Report.

Councilmember Clark
See Board Report.

Councilmember Gricius
None.

Mayor Westmoreland
Mayor Westmoreland said the City is considering funding to provide dinner to staff and the Planning Commissioners during Planning Commission meetings, as they now hold work sessions.

19. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Burnham
Councilmember Burnham welcomed Allstate to the City.

Councilmember Clark
Councilmember Clark reminded residents of the quilt show that will be held on Saturday at Garden Near the Green.

20. COMMUNICATION ITEMS

20.A. Financial Report

20.B. Upcoming Agenda Items

21. ADJOURNMENT

MOTION: ***Councilmember Curtis moved to adjourn the meeting at 10:38 p.m. Councilmember Clark seconded the motion. Those voting aye: Colby Curtis, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

Approved by the City Council on May 7, 2019.

Fionnuala B. Kofoed, MMC
City Recorder