EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

March 19, 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, Benjamin Reaves, Stephanie Gricius, and Melissa Clark. Councilmember Donna Burnham participated telephonically.

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; Mike Hadley, Planning Manager; Tayler Jensen, Planner; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; David Mortensen, Treasurer/Assistant Finance Director; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Facilities/Operations Director; Dwight Payne, Code Compliance Officer; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

Mayor Westmoreland called the meeting to order at 4:09 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. DISCUSSION - Ivory Homes Club Ivory

This item was removed from the agenda at the applicant's request.

1.B. PRESENTATION - West Side Theatre Company

This item was discussed during the Policy Session after the consent agenda.

Hannah Farr introduced herself as the founder and artistic director of the West Side Theatre Company (WSTC) in Eagle Mountain. She explained she went through a dark time a few years ago and decided to start a theater company. The company has had seven successful productions since their beginning in January 2017. They would like to become a professional theater company with paid employees. The intent is to have six to eight productions a year, an education program, and theater class offerings; however, lack of space limits the company's potential. They currently rent space at Garden Near the Green for $50 an hour for productions, although they do not have storage space. Paying this rental fee keeps the company from saving seed money for future productions.

Aubrey Warner introduced herself as a member of the Board of Directors of West Side Theater Company. She explained the bottom of the hill by SilverLake Amphitheater is a perfect location for a center for the arts in Eagle Mountain. She said they desire a facility large enough to meet the needed capacity, but small enough to not negatively affect the surrounding residents. They would like to construct a two-story structure with basement space for rehearsals and classrooms. The facility would likely seat up to 300 guests, depending on how the main stage room is arranged. It would also include a prop and costume shop area, as well as classrooms for arts lessons. She explained the WSTC is in a place where they can financially pursue a building, whereas the Eagle Mountain Arts Alliance is not necessarily in that position. This building would accommodate both the Eagle Mountain Arts Alliance and WSTC.

Jess Nielson, a member of the Board of Directors, said she currently works in the costume department for Hale Center Theater. She explained WSTC is a nonprofit organization; the money made from production ticket sales will be put towards future productions. She said the building would be available for weddings, ceremonies, corporate functions and other art productions. The revenue received from rentals will allow WSTC to pay artists, buy materials for costumes and props, and offer educational classes and artistic productions. They would also like to host movie nights, open mic nights, dances, and other community events. She said they would use the company to help promote City events and projects, as well. This center will be a location where residents can connect.

Melanie Perry with WSTC said the City needs a place to gather with likeminded people who enjoy the arts. She explained construction will take approximately three years. They propose to build a temporary structure beside the permanent facility site, which would then be donated to the City. An informal study WSTC performed shows the theater would help traffic flow, as it would draw additional traffic during low peak times. The location allows people to walk to the facility for after-school programs, versus driving to another location in the City. She presented data from their informal traffic study that detailed the length of time needed to enter and exit the property. She said the company desires to be environmentally friendly in the construction of the facility, as well as in their productions. An additional amenity they would offer is photography space for a nominal fee; that fee could be donated to the City Library.

Councilmember Curtis confirmed WSTC is a nonprofit entity. He asked if they are requesting the land be given to the company, or if they are requesting to place a structure on City property, and he asked if the company had researched costs associated with this endeavor. Ms. Farr explained she has discussed the project with Assistant City Administrator/Finance Director Paul Jerome and Senior Management Analyst Evan Berrett. Three years ago, the City had an informal agreement to lease the property to the Eagle Mountain Arts Alliance, and WSTC is requesting the same offer. They are not requesting funds, nor are they requesting land to be given to the company. She explained they have not obtained formal architectural drawings because they needed to ensure the lease was feasible before moving forward. They have discussed reduced rates for construction with different companies, and they have estimated construction will cost between $1.5 and $2 million. She confirmed they have the resources to fund the project.

Councilmember Reaves stated he liked the idea of the facility and appreciates the work the WSTC has put into the project. He confirmed the request is to utilize the six acres east of SilverLake Amphitheater. He said he appreciates residents bringing projects to the Council for the benefit of the community, but stated concerns regarding placing a theater facility within a residential area. Ms. Farr said they will only have one outdoor production a year. Ms. Nielson explained their project manager has experience in constructing theaters and they have considered lighting and sound mitigations. Those mitigations are addressed in their planned budget; they want to ensure the surrounding neighborhood is pleased to have the theater located near them.

Councilmember Reaves stated he wished the presentation included a budget. He said the WSTC states they are nonprofit and asked why the program offerings discussed thus far have associated costs. Ms. Farr said they have budget documents but did not expect to present those at this meeting. She explained theater companies do not exist on ticket sales alone. Many theaters receive millions of dollars in sponsorships, but the WSTC is not in a place where they will receive those amounts of sponsorship funds. Their plan is to bring in revenue through other programs to keep the theater afloat.

Ms. Warner explained they have a wish list of programs they would like to bring to the community. Any funds received over operating costs would go towards bringing a new program to the City. Ms. Perry said the company's desire is not to make money, but to bring arts to the community. Costs associated with the building's use will solely be to cover operating expenses.

Councilmember Reaves wished WSTC had a stronger collaboration with the Eagle Mountain Arts Alliance. Ms. Perry explained she has communicated with the director of the Eagle Mountain Arts Alliance and feels they were concerned about financial obligations. She said WSTC wants to build the facility and help the Eagle Mountain Arts Alliance benefit from it.

Mr. Jerome confirmed the Arts Alliance has been involved in meetings with WSTC. Councilmember Clark asked if the Arts Alliance was concerned about finances, or if they preferred a different location. Mr. Jerome said it may be that Arts Alliance would prefer a location at Cory Wride Memorial Park. Ms. Perry explained a facility at Cory Wride Memorial Park would not create enough revenue to cover the theater's construction and operations. She said since they will be funding the facility, they prefer to utilize the location near SilverLake Amphitheater. They are not opposed to starting in SilverLake and growing to a larger facility at Cory Wride Memorial Park, similar to Hale Center Theater starting in West Valley City and moving to a large facility in Sandy.

Councilmember Clark asked about the board structure. Ms. Farr said they have seven board members who have experience in acting and in professional theater companies. She explained she has run businesses in the past, but this is the first nonprofit entity she has experience with. The company typically has approximately thirty volunteers per production, not including performers. The Peter Pan production had between 90 and 150 guests, and Pride and Prejudice sold out every night with approximately 125 guests. The past season's annual budget was $13,000, although that number will increase with a permanent structure. They have estimated monthly operations and maintenance will be approximately $7,000 to $8,000 once the facility is in place.

Councilmember Curtis asked where the company obtained the previous season's funding. Ms. Farr said ticket sales covered most of that budget. Ms. Hansen explained the board provided the funds in advance and were reimbursed after ticket sale revenue was received. The company also received some donations.

Councilmember Reaves stated this is a large undertaking and expressed concerns regarding operating costs growing from $50 an hour to millions of dollars. Ms. Nielson said permission to lease the property will help obtain half of the sponsorships needed. Their project manager has experience with constructing similar facilities. They intend to reach out to developers for sponsorships and donations. She reiterated that obtaining the lease from the City is the first step, so they did not include those details in their presentation.

Councilmember Reaves asked how the Library would partner with the company, and if they have communicated with the City Librarian. Ms. Farr explained supporting the Library was a suggestion from Mr. Jerome. They simply want to offer donations in appreciation to the City for allowing them to lease the land. They potentially can have the Library's programs offered at the theater.

Ms. Farr reiterated the difficulty in obtaining donations and sponsorships without a permanent location. Naming rights will provide a large portion of the needed funds.

Councilmember Clark explained she has a background in running nonprofit organizations, specifically theater companies. She asked if they have considered renting school space and asked what the upcoming season will offer. Ms. Farr said they have considered schools but renting a local school costs $250 per hour and still does not offer storage space. Ms. Farr said they have one production planned for the upcoming season. Not having a facility makes it difficult to offer more; once they have a permanent location, they will add additional shows.

Councilmember Clark asked how much the temporary facility will cost. Ms. Farr said they estimate it will be between $20,000 and $30,000. Councilmember Clark said she believes that number is unrealistic and if it was realistic, the City would build it. Mr. Pili said the temporary structure shown in the presentation is similar to the City's salt shed, which was $250,000. Ms. Farr said the photo was simply an idea of what they want to do, not the actual plan.

Ms. Warner explained the $20,000 to $30,000 figure was the cost obtained for existing used structures that were the size they needed. The cost of the tent was $20,000 and they added $10,000 for the concrete pad and other construction costs. She explained their project manager, Rob Chamrella, has expressed an interest in helping the company obtain a temporary structure, as the company will not survive three years without a facility. Mr. Chamrella is Ms. Nielson's father's business partner. He helped construct the conference center, has helped build LDS temples, and was on the fundraising board for the Utah Children's Theater in Salt Lake City; he has experience in fundraising and constructing facilities.

Mr. Jerome clarified the discussion item was to determine if the lease would be allowed. The company did not bring specific details to this meeting, as they cannot be determined without the agreement in place. He said the agreement will help mitigate risks to the City. Much work is still needed, and this discussion item was simply to gauge the Council's interest in the overall idea.

Councilmember Curtis stated he does not see risk to the City in allowing WSTC to lease the property. Councilmember Gricius stated she is willing to consider the lease and sees the value the arts bring to the community. The land has been sitting unused for a long period of time and would be a good location for the theater.

Mayor Westmoreland expressed appreciation for WSTC's passion and excitement in bringing this amenity to the City. He stated he would like to see them move forward.

Councilmember Curtis said this is a large undertaking; it is an exciting idea and he does not see much risk to the City in letting WSTC take the next steps in the process.

Mr. Pili said the lease concept was proposed a few years ago and from the City's perspective, it is just a lease agreement and can be drafted in such a way as to protect the City. The WSTC can't move forward with planning or fundraising without an agreement in place. He said the next step would be to bring an agreement for the Council's consideration.

Councilmember Burnham said she did not believe bringing an agreement back is the next appropriate step. She stated the City should perform a feasibility study before Mr. Cook begins to draft an agreement. She expressed concerns regarding the lack of financial details and stated she did not like the location.

Mr. Jerome explained the agreement would state the City is willing to consider leasing the land if WSTC meets benchmarks the City sets; it is not a lease agreement.

Councilmember Clark asked why the City wouldn't build the facility if it is only $1.5 million. She said she does not believe the numbers are feasible. The City does take on risk because they are allowing an art company to use City land. She said if this endeavor fails, the City cannot ask the community to support another option. She expressed concerns regarding the sustainability of WSTC, as they already reduced their season to one production.

Councilmember Curtis said currently the community is not involved and they are not being asked to support anything at this point. The current discussion is to determine if the City will consider leasing the property if WSTC meets goals the City sets. If WSTC does not meet those goals, the public will not be notified that a building is being considered.

Mr. Pili said this is an opportunity for WSTC to attempt the endeavor without the City committing to anything. He stated his opinion that a temporary structure will cost more than $20,000, but the company cannot even try to fundraise without the agreement in place.

Maria Hopkin, former executive director of the Eagle Mountain Arts Alliance, said the agreement is still active, which shows that the agreement is viable. She has worked with WSTC and is fully behind transferring the agreement from the Arts Alliance to the WSTC; she stated she supports them completely.

Councilmember Burnham asked what the temporary structure would be constructed from. Ms. Nielson said the photo of the tent was obtained through rudimentary research. The intent is to have a sprung tent with air conditioning and heating. The $20,000 figure was for the tent kit; they understand the additional costs associated with construction. She explained they did not think financial figures and specific plans would be necessary at this meeting, as they don't have an agreement in place. They cannot move forward in obtaining that information without an agreement.

Ms. Farr reiterated the understanding that this meeting was to determine the viability of a lease. She said they have researched the process extensively but did not bring that information to present because they were unaware that was necessary for this meeting. They will continue to research and do their due diligence to ensure the project is feasible before moving forward with any construction.

Mr. Pili explained WSTC cannot ask for funds for a building that does not have land to build it on. An agreement will state that if WSTC raises a certain amount of funds, they can move forward in drafting a lease agreement. City Attorney Jeremy Cook can draft the agreement with specific checkpoints to mitigate the City's risk. Councilmember Curtis confirmed it will be a memorandum of understanding that states the City will lease the land if certain goals are met.

Councilmember Clark asked the Council if they found it acceptable to allow this commercial business in a residential area. Ms. Farr said they intend to buffer the facility with gardens and footpaths to ensure the residents enjoy the theater in that location. Councilmember Curtis said a site plan will be presented to the City and the applicant will be required to buffer according to Municipal Code.

Councilmember Reaves said he likes this idea, but stated he is concerned that this location is the wrong place. Ms. Farr stated the venue is a small structure and will be approximately 80 feet by 120 feet located on six acres of property.

Councilmember Reaves said he would like a concept plan presented with the lease agreement when that returns to the Council.

Mr. Cook clarified the lease agreement is farther in the future; the next step will be a memorandum of understanding that states if WSTC raises a certain amount of money and meets certain milestones, the City will lease the land.

Councilmember Clark asked if the Eagle Mountain Arts Alliance board approved the original memorandum of understanding, and if minutes exist to support that approval. Ms. Hopkin explained the agreement with the Arts Alliance stated either side could terminate for any cause. Councilmember Clark explained her question is if Ms. Hopkin had approval from the Arts Alliance to enter that agreement, or if she was acting on her own. Ms. Hopkin said it was a board approval. She expressed frustration that when the Arts Alliance brought the same proposal to the Council, the Council did not express the concerns that are being stated now. She clarified that the proposal from WSTC is for the same land as was approved for the Arts Alliance.

Councilmember Gricius thanked WSTC for bringing the presentation to the Council.

1.C. DISCUSSION - Ladder Sign Policy

This item was discussed after item 1.E.

Economic Development Director Aaron Sanborn explained staff has been working on updating the ladder sign management process within the Municipal Code. The Lehi Area Chamber of Commerce previously had a concessions agreement with the City to manage the ladder signs, but that agreement has since expired.

Mr. Sanborn stated businesses and developers within the City have shown marked interest in utilizing the signs for advertising. The ladder sign policy needs to include processes for how to add new signs, how to approve who can utilize the signs, if the number of signs should be capped and at what amount, and what types of advertising are allowed. Currently, the Municipal Code allows a maximum of thirty ladder signs; twenty signs are in place.

Mr. Sanborn explained if a potential cap of forty signs is approved, that would not necessarily cause twenty more signs to be installed immediately. He presented a map showing current sign locations, as well as potential additional sign locations. The agreement with the Lehi Area Chamber of Commerce stated signs were to be at least 1,000 feet apart, except in areas with increased commercial businesses or in areas with increased traffic. The Planning Director could approve shortened distances on a case-by-case basis. The only areas with shortened distances between signs are along Pony Express Parkway at Ranches Parkway and Porters Crossing. Only two ladder signs are in place in City Center.

Councilmember Clark stated one of the signs at Porters Crossing and Pony Express Parkway is a potential safety hazard as it blocks the view of turning traffic. Mr. Sanborn said the agreement states ladder signs should not affect visibility, so that sign may need to be shifted to mitigate that hazard.

Discussion ensued on potential distances between ladder signs. Councilmember Curtis stated his preference that signs not be located closer than 400 to 500 feet apart. Councilmember Clark said major crossroads within the City could potentially have signs closer to each other, but longer stretches of road should have signs farther apart; Councilmember Curtis agreed with that statement.

Mr. Sanborn said the agreement with the Lehi Area Chamber of Commerce stated the City's directional signs have priority over marketing signs. He suggested alternating ladder signs on opposite sides of the road. Councilmember Clark said along Ranches Parkway, drivers will not be able to see signs on the far side of the road. Councilmember Curtis suggested the Council drive the routes to best place potential sign locations.

Mr. Sanborn said the approval process should only allow additional signs to be placed when the demand is high enough to warrant it. He said the City has a waiting list for developers and businesses wanting space at this time. Currently, businesses can rent a single slat, a double slat, or a full sign. Mr. Sanborn said his recommendation is to only allow 75% of the sign to be used for a single business.

Councilmember Curtis asked if the City could limit the number of developer signs, as developers already have sign options other than ladder signs. The ladder signs can be saved for local businesses that do not have those options.

Councilmember Reaves asked for the pricing structure for rentals and if businesses are charged a premium for specific sign locations. Mr. Sanborn said the pricing structure has not been changed from what the Lehi Area Chamber of Commerce set. A premium is charged for a double slat on the top of the ladder sign. There is the possibility to charge higher premiums for increased traffic locations.

Mr. Sanborn suggested an order of priority for sign use. The first priority would be commercial or home-based businesses located within Eagle Mountain City and nonprofit businesses with their primary operations within the City. The second priority would be residential and commercial developers advertising active projects within the City. The third would be businesses with locations outside of the City or developers advertising projects outside of City limits.

Discussion ensued regarding allowing advertising for businesses and developments outside of the City. Mr. Sanborn stated prioritization is a balancing act, and one solution is to require an active Eagle Mountain City business license, if required, and an Eagle Mountain Chamber of Commerce membership with a one-year grace period to join, if not a member at the time of application.

Councilmember Clark asked if payment plans can be implemented to allow smaller businesses the opportunity to advertise, as some may not be able to pay the cost upfront. Mr. Sanborn said that is a possibility. He explained the annual pricing structure for each spot on the ladder signs. A single slat is $540, a double bottom spot is $960, a double top spot is $1,020, and a full sign is $2,400.

Mr. Sanborn explained the Lehi Area Chamber of Commerce contracted with a company for maintenance and replacement of slats. That company could also be contracted to install the signs moving forward. He said currently, the sign rentals expire throughout the year; the City can extend rentals to make it so all sign rentals expire at the same time.

Mr. Sanborn said the agreement would prohibit political signs and offensive language, and would ensure sign copy is readable from thirty feet away to ensure traffic hazards are mitigated.

He stated the City is managing the entire process from application to installation of signs. The Eagle Mountain Chamber of Commerce does not have fulltime employees, so City staff will continue to facilitate the rental process.

Discussion ensued regarding font sizes and types, as well as percentage of signs allowed for copy.

1.D. DISCUSSION - Capital Projects Update

Mr. Pili explained staff has received suggestions from Councilmembers regarding potential projects to include in the upcoming budget and asked if there were additional projects the Council would like added. Councilmember Curtis said shade areas are important to residents. He said he would like to see shade structures in Meadow Ranch, Mt. Airey, SilverLake, Northmoor/Southmoor, and Kiowa Valley. Councilmember Gricius said restroom facilities are also needed in the heavily used parks.

Councilmember Curtis said the Meadow Ranch park needs improvement, as does the open space area in SilverLake. He said Smith Ranch and Kiowa Valley need additional parks. Councilmember Clark said the Smith Ranch park should be improved before Kiowa Valley, as it is more heavily used.

Councilmember Clark said restroom facilities were added throughout the City with the utility sales funds. She stated she would prefer to focus on adding shade amenities in the next phase of park improvements; shade structures also serve an important role in emergency response planning. Mr. Jerome said restroom facilities are mainly being added to regional parks.

Councilmember Reaves asked if drinking fountains are included with restroom facilities. Parks and Recreation Director Brad Hickman said drinking fountains are included and explained a maintenance cost is added with every new restroom facility; staff must spend five to six hours each day, including on weekends, to keep the facilities in good repair.

Regarding the Northmoor HOA property along Inverness Road, City Recorder Fionnuala Kofoed explained that Utah County will honor the recorded deed, and the property will now transfer to the City. This match grant project is now feasible.

Councilmember Reaves said he would like to see disc golf courses added within the City. Councilmembers Clark and Curtis agreed that paseos could accommodate disc golf.

Mr. Pili said staff will take the Council's comments and will incorporate those into a budget item for future Council review. He and the Mayor have discussed planting orchards in the paseos. To add disc golf in a paseo would require additional landscaping be completed; however, an orchard would not require that expense.

Councilmember Clark requested trees be planted in the area around SilverLake Amphitheater.

Mayor Westmoreland requested the Council email prioritized lists to Mr. Jerome.

Mr. Pili explained staff is not bringing a change order for Pony Express Parkway at this time, as other funding options are being reviewed.

1.E. DISCUSSION - Parkway Crossroads Parking Space Property Swap

This item was discussed at the beginning of the work session.

Planner Tayler Jensen introduced property owner Scot Hazard to discuss a property exchange between his land and City land with the City Council.

Mr. Hazard explained a portion of his property encroaches partly into the Pony Express Parkway easement. A power line was errantly located underground on his property. Moving the power line proved to be expensive for the City; instead the City exchanged a portion of the properties and Mr. Hazard adjusted the location of his building site. The City has stated they now need a portion of Mr. Hazard's property for the Pony Express Parkway expansion. Mr. Hazard suggested donating his land the City needs for road expansion in exchange for a perpetual parking easement under the powerline corridor. Mr. Hazard stated he did not believe the proposed parking area is useful to the City but can be valuable to him if parking is permitted. Mr. Hazard said he does not want to own the property, only to be permitted to park there. He explained the owner of the daycare business near this site would like to utilize a section of the property for grass and fencing to add a play area for the business.

Councilmember Curtis confirmed with Mr. Hazard that no permanent structures will be placed on the easement. Councilmembers Gricius and Reaves agreed that if no permanent structures are in place, the use appears acceptable.

Mr. Hazard stated he would relocate the trail around the parking lot at his cost, if needed.

Mr. Hazard stated small apartments may be placed on the top floors of commercial businesses on his site. Mr. Jensen said the current General Plan shows this area as Commercial, so the conceptual plan would likely meet City requirements. Mr. Hazard said his conceptual plan is very preliminary; his intention is to include a blend of affordable housing and commercial uses. He would like to keep an area accessible off the trail system for the snow cone shack and the Don Taco truck.

Councilmember Clark stated she would not approve only residential development on this site; Mr. Hazard said the property is too valuable to only develop residential units. His plan is to blend the uses. Councilmember Curtis stated this location would support a blended use.

Councilmember Reaves asked how many potential units could be located here. Mr. Hazard said twelve to fifteen one-bedroom/one-bathroom or two-bedrooms/one-bathroom units could be built on this site. He stated subcontractors working on the Facebook project have approached him regarding possible small apartments available within the City, and he is not able to provide those types of units.

Mr. Hazard explained the land exchange for parking permission will return to the City Council with the future site plan.

2. AGENDA REVIEW

10. BOND RELEASES

10.A. Evans Ranch Plat R-3 -- Out of Warranty

This item was discussed after item 1.D.

City Engineer Chris Trusty explained one phase of Evans Ranch is not being presented for a bond release, as sidewalks in that phase are cracked. He said most of the cracks are due to vehicles driving over the sidewalks during home construction. City staff will contact the builder who damaged the sidewalks to ensure those repairs are made. Builder bonds will cover that damage. The damage in the Evans Ranch phase that is not included on the agenda will be repaired by the developer.

13. RESOLUTIONS

13.A. Mountainland 2017 Pre-Disaster Hazard Mitigation Plan

Shauna Mecham with Mountainland Association of Governments (MAG) said the federal government has requested municipalities have a pre-disaster hazard mitigation plan in place before disaster events affect their areas. She explained MAG worked with City staff to create the proposed plan. The ideas in the plan are not binding; if the plan is not implemented, there are no penalties. She explained the plan has been reviewed by the Federal Emergency Management Agency (FEMA). Once the plan is approved, the City can more easily apply for FEMA grant funds in case of disaster. The plan is reviewed and renewed every four to five years.

13.B UDOT Acquisition and Maintenance of Pony Express Parkway

Mr. Jerome said a concern raised by the Council was the lack of control the City may have over City events such as the Pony Express Days parade. He said he spoke with Shawn Seager with MAG and was told that Salt Lake City closes a State road for the Days of '47 Parade, and Brigham City closes a State road for two days for their annual celebration. The City would need to apply for a permit through UDOT to close the road, but that process is in place.

Mr. Jerome said another concern brought to him was that two plans ago, bus rapid transit/light rail was planned on Pony Express Parkway. The new plan is less specific and allows the City to have conversations with MAG and UDOT to relocate bus rapid transit and light rail closer to Cory Wride Memorial Highway.

Mr. Jerome stated one of the largest concerns he received is the potential need for expansion of Pony Express Parkway before UDOT is prepared to fund it. He stated a firm answer is not available at this time, but City staff has discussed the fact that UDOT may take several years to fund the expansion. The City can apply for MAG funds, as was done with the expansion from Porters Crossing to Redwood Road. The City can still request those funds in the interim, if the expansion is needed before UDOT plans to complete it. The Saratoga Springs and Hidden Hollow expansions have helped inform UDOT that Pony Express Parkway's needs are significant and should be designated a regional road.

Mr. Jerome said if Pony Express Parkway becomes a State road, the City will enter into an agreement with UDOT. The agreement will list prohibited access onto the road; these accesses are currently prohibited by the City. He explained that medians have been closed off in previously open areas to reduce the number of crossovers. The agreement with UDOT will not necessarily determine City event use, as that use will be handled through a permitting process.

Councilmember Burnham expressed concerns that if UDOT acquires the road and maintenance, the connection from Redwood Road to I-15 may be considered more regionally significant than the expansion from Lake Mountain Road to Bobby Wren Boulevard. Mr. Jerome said the City's planned widening projects help the City in advocating for creating more adequate roads versus land acquisition for new roadway.

Mayor Westmoreland said a State funding bill was put on hold, as there were no specific applications for those funds. The City has a current project in place and the widening of Pony Express Parkway is on MAG's maps and plans.

Mr. Jerome explained the signing of the resolution allows the City to discuss the acquisition with UDOT. He said UDOT has expressed that they are considering Utah County as a whole for State funding for road acquisition; the resolution shows UDOT that the City is serious about acquisition discussions. He said the next step will be for MAG to inform UDOT of the resolution, and discussion will begin regarding when and how the transfer will take place.

14. MOTION

14.A. Juniper Springs Blasting Permit Application

Mr. Trusty explained Travis Taylor submitted a blasting permit for the Juniper Springs development and the application was denied. Mr. Trusty expressed his concerns to Mr. Taylor, and Mr. Taylor is now present to discuss the item with the Council.

Mr. Taylor, with Westates Companies, explained Juniper Springs is located across from Hidden Hollow Elementary School. He said the City's permit requirements overlap with many protocols in the fire and federal codes surrounding blasting, and they intend to follow all requirements. He explained they plan to start the blasting work from the farthest site away from existing structures, and they plan to add an additional 20% factor of safety onto the calculated value for the maximum non-monitored amount of explosives. He said the areas to the south and to the west have had blasting previously, and he proposes to use the same blasting company for his site. He explained blasting is scalable to the distance away from structures; to reduce the shock to structures, the closer blasting is, the tighter the holes are and the lower the explosive charge.

Mr. Taylor explained that a slight change to the site plan would cut the required blasting down significantly. He said he would like to discuss the item with staff over the next few days in order to adjust the plan according to the Council and staff recommendations and bring it back to a future meeting.

Councilmember Curtis said the Alpine School District and Hidden Hollow Elementary have expressed opposition to blasting. Mr. Taylor said he met with the principal and vice principal regarding schedules and timing of blasting. Councilmember Clark explained the school district is the landowner, not the administration at the school.

Councilmember Gricius asked if the item should be removed from the agenda, or if the item should be tabled. Mr. Cook recommended tabling the item to a future meeting, versus removing the item at the applicant's request. Ms. Kofoed explained the applicant would not have to pay the blasting permit fee again, and tabling the item allows it to remain on record. Tabling the item also allows the applicant and staff to hear from the Council on what changes should be made to the blasting plans.

Councilmember Gricius recommended the applicant meet with the Alpine School District before the item returns to the Council. Councilmember Clark explained an endorsement from Alpine School District is not a requirement for approval, but it helps guide the Council's decision.

Discussion ensued regarding noticing for blasting permit applications.

Councilmember Curtis asked what potential changes Mr. Taylor is considering. Mr. Taylor said they have discussed moving alleyways, which would lower the amount of blasting needed. He said even with the proposed changes, they would begin blasting farthest away from existing structures.

Councilmember Reaves asked if the applicant has considered alternatives to blasting. Mr. Taylor said they have. They were able to dig through the surface material with an 850,000-pound single ripper tooth but were not able to break through the rock. A hydraulic hammer will eventually get through the rock but utilizing that method in place of blasting would add an additional four months to excavation work. He explained his intent is to prepare the land in such a way that all blasting is completed within one day.

Discussion ensued regarding City inspections during blasting events. Councilmember Reaves said the City wants to have an objective third-party observer. Mr. Taylor said his understanding is that the inspector on site during blasting is a City employee, not a third party.

Mr. Taylor said his proposal includes additional mitigating efforts that are not required by Municipal Code. He explained those include using blast mats on all blasts, blasting only under favorable wind conditions, and spraying the surface down as needed to reduce dust.

Mr. Cook asked if the blasting would happen during school hours, or if it would be done on a weekend. Mr. Taylor said the blasting would happen during the week, but not during drop off or pick up times at the school and would not happen during school events. Councilmember Clark said the Alpine School District requested blasting not happen during the school year.

Discussion ensued regarding Alpine School District's input on blasting. Councilmember Gricius stated Alpine School District's opinion will not necessarily be her final decision; they have the same amount of input as the other surrounding land owners.

Councilmember Burnham stated 115 feet from residences is too close and agreed that the applicant should meet with the Alpine School District regarding their concerns. Mr. Taylor asked how far away would be acceptable to the Council. Councilmember Curtis stated that expectation needs to be clearly defined in the Municipal Code.

Councilmember Clark said in a previous blasting event in Skyline Ridge, the blasting company required their staff and equipment to move 500 feet away from the blasting site. Mr. Trusty explained outside of Skyline Ridge, the closest approved blasting has been 300 feet from residences; this blasting was done in Hidden Hollow. He said it is difficult to set a required distance, as the blasts are required to be smaller as they get closer to residences. He said experts have communicated to staff and the Council that blasting can be safely done within fifty feet of homes.

Mr. Taylor said he will send additional information to the Council regarding his proposal. He said it would be easier for those wanting to blast if the requirements within the permit were specific regarding items such as distances.

Mayor Westmoreland explained the blasting company Westates Companies is proposing to use is the same company that performed blasting previously in Hidden Hollow. He said the City did not receive any complaints regarding those blasting events.

The Council and the applicant agreed to table the item to allow the applicant time to communicate with affected entities and to adjust the plan.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. The meeting was adjourned at 6:09 p.m.

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

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

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; Aaron Sanborn, Economic Development Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Mayor Westmoreland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The Easter Egg Hunt will be held on April 13 from 10:30 a.m. SHARP to noon at Nolen Park. There will be four age groups, plus a special needs section. Bring your own basket for eggs and a camera if you want pictures with the Easter Bunny. Pictures will be available from 10:00 a.m. to 11:30 a.m.

- The Community Cleanup will be held on May 4 from 10:00 a.m. to noon at Cory Wride Memorial Park. Volunteer registration is available on the City website under Events.

- Pony Express Days will be held from May 30 through June 1. There will be a carnival, entertainment and vendors.

- A free Pancake Dinner will be held on May 28 from 4:00 p.m. to 6:00 p.m. at Cory Wride Memorial Park in conjunction with Pony Express Days. Also in conjunction with Pony Express Days, a Family Fun Night and Movie in the Park will be held on May 29 from 4:00 p.m. to 10:00 p.m.

- The Eagle Mountain Symphony Orchestra will hold a concert at SilverLake Amphitheater in conjunction with Pony Express Days on Friday, May 31 from 8:00 p.m. to 9:00 p.m.

- The Pony Express Days Grand Parade will be held on Saturday, June 1 starting at 10:00 a.m.

- The Pony Express Days Concert and Fireworks Show will be held on Saturday, June 1 at Cory Wride Memorial Park. The concert will be from 8:00 p.m. to 10:00 p.m. and the fireworks will start at10:00 p.m.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:16 p.m.

Mare Burningham expressed her opposition to blasting at Juniper Springs. She said she is not opposed to blasting when it benefits the public at large, but not when it is done for private gain.

Deborah Kombrough lives in Lone Tree and requested that leash laws be enforced. She asked if waste cleanup stations and a sign detailing the City's leash laws could be installed in Lone Tree. Councilmember Clark said signs can be placed and Councilmember Gricius stated leash law information can be added to an upcoming City newsletter.

Kevin Burningham lives in Cedar Pass Ranch. He stated he agrees with the Council's vision in protecting hillsides. He said the Lone Tree expansion is near his home and he does not want blasting allowed in that area.

Mayor Westmoreland closed public comment at 7:26 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis
Councilmember Curtis thanked those in attendance. He said the Youth Council meets the second and fourth Wednesday at 6:00 p.m. at City Hall. He stated he would like staff to present the new Residential zones in the near future and stated he would like to complete existing projects. He requested the removal of the Extractive Industries Overlay Zone and requested staff draft an ordinance stating property will revert to its previous zoning once the applicable master development agreement expires.

Councilmember Reaves
Councilmember Reaves welcomed those in attendance, and stated the Council is in place to serve the City.

Councilmember Clark
Councilmember Clark said she attended Utah Leadership Council and was given the opportunity to meet with other leaders in the state. She said the City and the Eagle Mountain Arts Alliance are offering birdhouse kits to residents. On Saturday at 1:00 p.m. at Cory Wride Memorial Park, the City and the Arts Alliance is holding an event to build the birdhouses.

Councilmember Gricius

Councilmember Gricius welcomed those in attendance. She agreed with Ms. Kombrough that leash laws need to be enforced. She informed the audience that the developer for the Juniper Springs project will be readjusting his plans to significantly reduce the amount of blasting he believes will be needed.

Councilmember Burnham

Councilmember Burnham thanked those in attendance.

Mayor Westmoreland

Mayor Westmoreland welcomed those in attendance. He acknowledged the increase in truck traffic in the City and said the City is working with contractors and trucking companies to minimize impact to residents. He asked residents to contact the City if they notice anything that may need to be addressed.

CONSENT AGENDA

9. BID AWARDS

   9.A. 2019 Micro Surface Project - Intermountain Slurry Seal

   9.B. Eagle Mountain Traffic Signal Project - Hunt Electric

10. BOND RELEASES

   10.A. Evans Ranch Plat R-3 – Out of Warranty

   10.B. Evans Ranch Plat K-1 – Out of Warranty

   10.C. Evans Ranch Plat D – Out of Warranty

   10.E. Glenmar Ranches – Out of Warranty

11. CHANGE ORDERS

   11.A. Pony Express Parkway Widening Project Design - Horrocks Engineering

   11.B. Porters Crossing Traffic Signal Change Order #3 - Cache Valley Electric

12. MINUTES

   12.A. March 5, 2019 Minutes

13. RESOLUTIONS

   13.A. Mountainland 2017 Pre-Disaster Hazard Mitigation Plan

13.B. UDOT Acquisition and Maintenance of Pony Express Parkway

MOTION: ***Councilmember Curtis moved to approve the consent agenda, removing item 13B for further discussion. 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.***

SCHEDULED ITEMS

13. <u>RESOLUTIONS</u>

13.B. UDOT Acquisition and Maintenance of Pony Express Parkway

This item was discussed after item 14.A.

Councilmember Curtis asked if the resolution ties the City to a specific plan. Mr. Jerome explained the resolution allows the City to communicate to UDOT their willingness to discuss Pony Express Parkway becoming a State road. It is not binding and allows more detailed conversations to happen between the City, MAG, and UDOT.

Councilmember Reaves asked if the agreement allows UDOT to take over Pony Express Parkway. Mayor Westmoreland clarified the resolution is not an agreement; it is a statement that informs UDOT the City would like UDOT to consider designating Pony Express Parkway as a state road.

Mr. Jerome said the resolution was originally drafted by MAG and the City made improvements to bring it to its current state. The resolution is part of the process to obtain funding to expand Pony Express Parkway. Another piece of that process was hiring a lobbyist with Saratoga Springs. MAG's long-range plan notes that Pony Express Parkway will either connect to the Vineyard Connector or to I-15 and is part of the overall network plan for North Utah County.

Mr. Jerome stated the City needs the road widened in Eagle Mountain, especially between Lone Tree and City Center. For Pony Express Parkway to connect to the Vineyard Connector or I-15, UDOT will need to acquire land along the route. The City has active plans in place for the local expansion portion, which helps obtain potential funding. If Pony Express Parkway is not designated as a State road, the City will need to rely largely on its own funds for expansion. The widening from Hidden Hollow to Lake Mountain Road was funded half through MAG funds and half through City taxpayer dollars. UDOT gives MAG funds which are distributed through the area. The more funds the City puts towards a project, the higher the it is on MAG's project list. If UDOT designates Pony Express Parkway as a State road, gas tax dollars can be utilized for improvements.

Mayor Westmoreland said the City's transportation funding needs have outgrown the City's and MAG's resources. Other cities have the benefit of State roads, and Pony Express Parkway has become regionally significant. The designation allows the City to obtain additional funds.

Councilmember Clark said she has researched the issue and does not see a downside to approving the resolution. Councilmember Curtis agreed and stated the resolution is not a binding agreement.

Councilmember Burnham said she is concerned that a change order was going to be presented to the Council to widen Pony Express Parkway from Lake Mountain Road towards City Center, and now there are no guarantees as to the timing of that widening project. The Council was told that the expansion to Aviator Avenue could be completed before the high school opens.

Mr. Jerome said he and Mr. Trusty spoke with Horrocks Engineers regarding the additional widening. The City was informed that Pony Express Parkway will not need to be widened past Lake Mountain Road for one to two years, since traffic signals are being installed at Mid Valley Road and Aviator Avenue, and the turn lanes are being lengthened to remove traffic from the through lanes. If UDOT has not taken over the road in the next two years, the City will need to fund the expansion at that time. The City's hope is that UDOT will have possession of Pony Express Parkway by then and will be able to use gas tax funds for expansion.

Mayor Westmoreland explained this is not a change in direction regarding the City's transportation plan; staff is attempting to find funding sources to widen the road. Mr. Pili said he understands that the Council's priority is to finish Pony Express Parkway. The City is exploring all options to widen the road; the intent is to save the residents money while completing the road as soon as possible.

Mr. Jerome clarified that the updated traffic study stated lengthening the turn lanes and installing the traffic signals will do the largest part in alleviating traffic when both schools are open.

Councilmember Burnham said a traffic study stated that the area around Westlake High School would not have traffic issues with its two traffic signals and turn lanes, but there are still problems at that site.

Councilmember Curtis asked for the cost to obtain an additional traffic study. Mr. Trusty said the current study cost $6,000 to $7,000. Councilmember Curtis stated he wants confirmation on Horrocks Engineers' opinion that the traffic signals and turn lanes will mitigate traffic.

Mr. Trusty explained travel restrictions happen at intersections, and the City is mitigating issues at the intersections.

Councilmember Reaves expressed concerns that Pony Express Parkway will go from four lanes to two and said the traffic signal at Eagle Mountain Boulevard will increase traffic backups. Mr. Trusty clarified that traffic signals will be located at Aviator Avenue and Mid Valley Road. They also have signals being installed at Hidden Valley Parkway and Red Hawk Ranch. The signals will be timed to help add breaks in traffic for those turning onto Pony Express Parkway.

Councilmember Burnham stated residents from the Overland development will have difficulty turning left towards The Ranches. Councilmember Curtis clarified the lights will be timed to mitigate that by allowing breaks in traffic.

Discussion ensued regarding the location of the merge from two lanes to one lane, as well as potential signage informing drivers a merge is ahead.

Mr. Jerome said the right turn lane into Frontier Middle School is currently 80 feet long. Both the right turn and left turn into the school will be lengthened to 200 feet. The turn lanes into Cedar

Valley High School will be 400 feet long. The through lanes along Pony Express Parkway will not be impeded by turning traffic.

Mr. Jerome explained the City does not know when or if UDOT will take over Pony Express Parkway. If the road needs to be widened in one year and has not been designated a State road, the City will move forward at that time with a process similar to what was discussed for this year.

MOTION: ***Councilmember Curtis moved to approve a resolution of Eagle Mountain City, Utah, supporting the UDOT acquisition and maintenance of Pony Express Parkway. 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.***

14. MOTION

14.A. Juniper Springs Blasting Permit Application

This item was discussed after item 1.B.

MOTION: ***Councilmember Curtis moved to table the Juniper Springs blasting permit. 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.***

Councilmember Gricius asked Councilmember Curtis for clarification as to whether he wanted to add a time element to the motion. Councilmember Curtis stated he would leave that to Mr. Taylor. However, his intent was that the motion would come back before the Council.

15. CITY COUNCIL/MAYOR'S BUSINESS

16. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Reaves
Councilmember Reaves stated his first meeting with the Library Board is Thursday.

Councilmember Clark
Councilmember Clark said the Emergency Preparedness group is hosting a guest teacher the second Thursday in April. The Eagle Mountain Arts Alliance is continuing the birdhouse project and is planning a concert series this summer. The Arts Alliance is planning an arts activity for moms and children this summer, as well.

Councilmember Burnham
None.

Councilmember Curtis
None.

Councilmember Gricius

None.

Mayor Westmoreland

Mayor Westmoreland said Unified Fire Service Area identified the City Center fire station as needing to be replaced.

17. COMMUNICATION ITEMS

17.A. Upcoming Agenda Items

17.B. Financial Report

18. ADJOURNMENT

MOTION: ***Councilmember Gricius moved to adjourn the meeting at 9:39 p.m. 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.***

Approved by the City Council on April 2, 2019.

Melanie A Lahman, Deputy Recorder

for Fionnuala B. Kofoed, MMC
City Recorder