EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

March 5, 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 Donna Burnham and Melissa Clark. Councilmember Colby Curtis participated telephonically. Councilmembers Stephanie Gricius and Benjamin Reaves were excused.

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; Linda Peterson, Communications and Community Relations Director; 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; Eric McDowell, Chief Deputy.

Mayor Westmoreland called the meeting to order at 4:05 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. Pony Express Parkway Widening Project Update

City Engineer Chris Trusty said the City Council previously approved a bid for Phase 3 of the Pony Express Parkway widening project. This phase widens Pony Express Parkway from Hidden Hollow Elementary to Lake Mountain Road. Phase 4 widens from Lake Mountain Road to Mid Valley Road. Horrocks Engineers recommended Phase 5, which is from Mid Valley Road to the new high school, be completed within one to two years of the high school opening. Phase 6, from the high school to Bobby Wren Boulevard, should be completed within six years of the high school opening.

Mr. Trusty said it will cost approximately $2.5 million to complete Phase 4. City staff asked Kenny Seng Construction, the contractor currently working on Phase 3, if they would be able to complete Phase 4 before the high school's opening date, and the contractor confirmed that was possible. For this project to be completed within that time frame, a work order needs to be in place for Rocky Mountain Power to move overhead power lines, as needed.

Mayor Westmorland asked if the intersection at Aviator Avenue and Pony Express Parkway will be improved. Mr. Trusty said that intersection will be widened as part of the traffic signal project, which is included in the high school's required improvements. He said he will research the length of the turn lanes off of Pony Express Parkway to ensure they will be adequate for the anticipated traffic.

Mr. Trusty explained the total budget for the additional expansion is $2.8 million, due to potential expenses for outside inspections. He stated the timeframe to have the project completed before the high school's opening is tight, and there are possible contingencies that could extend the completion date into the school year. City Administrator Ifo Pili stated the project at Aviator Avenue is the main priority. Mr. Trusty said the change order will stipulate a set completion date and he anticipate presenting it to City Council at the first meeting in April. Mr. Pili said staff will work on the funding plan for this addition and will present that to the Council at a future meeting.

1.B. Animal Code Amendment

City Planner Tayler Jensen said staff is currently working on amending the animal regulations in the Municipal Code. Currently, the code does not differentiate between hobby breeders, those wanting more than four pets, or those who want to board pets on a short-term basis (fourteen days or less). Staff hopes to draft a code that defines dogs by size and limits the number of dogs allowed based on lot and dog size. The code will create more detailed definitions and different standards for hobby breeders, pet sitters, and traditional kennels.

Councilmember Clark said she is concerned that the hobby breeder limitations for small lots under 5,500 square feet are similar to limitations for five-acre lots. She stated seven dogs on a 5,500-square foot lot may be too many.

Councilmember Burnham asked if the numbers allowed for short-term pet sitting included pets owned by the resident. Mr. Jensen said it does; if a resident's lot size allows seven dogs for short-term pet sitting and the resident owns two dogs, they could add an additional five dogs in pet sitting operations.

Councilmember Clark asked if residents in townhomes or condos would be allowed to obtain a short-term pet sitting license under the proposed code. Mr. Jensen said all lots up to 5,500 square feet can have between four and seven dogs, depending on dog size.

Councilmember Curtis said he feels the number of dogs on smaller lot sizes should be more restrictive.

Mr. Jensen requested additional comments from the Council as he continues to draft the ordinance.

2. AGENDA REVIEW

9. BOND RELEASES

9.A. Evans Ranch Plat D

9.B. Evans Ranch Plat K-1

9.C. Evans Ranch Plat K-5

9.D. Evans Ranch Plat R-3

Councilmember Clark said Evans Ranch residents informed her of concerns regarding their sidewalks and asked if the City or the developer is obligated to repair damaged areas. She noted the damage reported to her is on Penny Lane and further to the south.

Mr. Trusty said the City does a walkthrough before removing the development from the warranty period. The developer is responsible to repair sidewalks before the project is out of warranty. Sidewalks are repaired if they become a trip hazard.

Mr. Mumford said if sidewalks are damaged due to house construction, the builder is responsible to repair those damages.

Councilmember Clark asked City staff to inspect the area and bring the bond release back for release at a future meeting.

11. <u>ORDINANCES</u>

11.A. <u>ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the Extractive Industries Overlay Zone for Ames Construction.</u>

Planning Manager Mike Hadley said the overlay is for 653 acres in the southeast corner of the City. He showed the Council a map indicating the applicant's planned starting area within the overlay site. One of the proposed conditions of approval is a designated truck route; a route is not currently specified.

Discussion ensued regarding the closest homes in proximity to the overlay area.

Robert Wadman with Ames Construction said they submitted drawings showing a proposed 25-acre parcel, as well as a 50-acre parcel for the overlay. SITLA requested the entire 653-acre parcel be rezoned, but the Planning Commission recommended a 25-acre limit for the overlay. The 50-acre option would allow work to continue for 15 to 20 years. The Utah Division of Oil, Gas, and Mining (DOGM) limits the applicant to ten-acre sections. Ames Construction can disturb ten acres at a time and must reclaim that parcel before moving operations to the next 10-acre section. All reclamation requirements are set by DOGM. Mr. Wadman identified the ridgelines on the proposed map and stated they would not disturb ridgelines in their mining processes. Operations would remain outside of the line of sight in surrounding areas.

Councilmember Clark asked where Ames Construction is bringing in material for Facebook's construction project. Mr. Wadman said they are currently suppling Facebook with material from the Pelican Point plant; this overlay would allow the material to come from a site closer to Facebook.

Councilmember Clark asked if the truck route will be along Lake Mountain Road, or if access would be from Fairfield. Mr. Wadman said they will come from Fairfield, and they would prefer to access the site from the south side of Facebook's property. He said they would need to improve the road from Lake Mountain Road to the site.

Councilmember Burnham asked how much more material Facebook requires for construction completion. Mr. Wadman said he is not sure of the total amount needed but will find out before the policy session.

Councilmember Clark said an Ames Construction representative stated at a previous City Council meeting that only 25 acres would be required to supply all materials needed for the Facebook site. She asked if the full 25 acres was still needed, as that statement was made months ago.

Councilmember Burnham asked what "other projects" identified in the application are, and where those sites are located. Mr. Wadman said other projects would be projects in Eagle Mountain within the Facebook area. He stated it is more cost effective to bring material from a close location, versus transporting material from outside of the City. Councilmember Curtis asked if Ames Construction would use material from this site for the I-15 project. Mr. Wadman said that is not their intent.

Councilmember Burnham asked about blasting regulations for the project, and stated the area is so removed from residences that it would not fall under the existing blasting ordinance.

Eagle Mountain Code Compliance Officer Dwight Payne said he will be going to an opacity class that relates to dust control measures, and said the City is considering purchasing dust and air monitoring equipment. He stated if the wind blows north, residences could be impacted. Mr. Wadman said DOGM will set requirements for blasting, to include dust control measures.

Discussion ensued regarding truck routes and potential access agreements with private property owners. Mr. Wadman said he will research access agreements and will present that information during the policy session.

Councilmember Burnham said the area is designated Foothill Residential, and very nice homes will potentially be built along the hillsides. She asked how Ames Construction will protect the hillsides in order to maintain the look of the area. Mr. Wadman said DOGM will set stipulations for reclamation. He explained he can't state exactly how the area will look after reclamation, as DOGM sets the plan based on the individual areas. It will likely involve seeding and adding natural landscaping. He said the goal of reclamation is to ensure the land appears as if they were never there. Councilmember Burnham stated she cannot picture what reclamation would look like for this site, as some mines in the area do not appear to be salvageable, even with reclamation. Mr. Wadman cautioned against using all mines as reference, as many mines are not governed by DOGM or their reclamation process.

Councilmember Burnham stated the ridgeline materials appear fragile and asked how they can protect the areas surrounding the blasting sites. She expressed concern that when Ames Construction blasts on their side of the ridgeline, damage will occur on the other side. Mr. Wadman said DOGM will take that into account in their offset limitations. The energy from the blast can be directed and will not be directed towards the hillsides.

Councilmember Clark asked staff to determine the slopes for the 25-acre and 50-acre proposed plans and inform the Council during policy session.

11.B. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Adopting Chapter 7.10 of the Municipal Code for Tree Planting and Care.

Parks and Recreation Director Brad Hickman said staff used the Council's recommendations from a previous discussion and scaled back the proposed language. The proposal includes what the City is currently doing and is a good start for a tree planting guide. It notes the City responsibilities versus resident responsibilities and designates a city contact regarding trees. Language within the proposal states permits are required to remove trees in park strips, but not trees on private property. Since staff wanted this ordinance to be educational in nature, the violation and penalty sections have been removed. The only time the City would become involved regarding a tree on private property is if a privately-owned tree becomes a hazard to public health or safety.

Mayor Westmoreland asked about the urban forester designation and if that will be a new position within the City. Mr. Hickman said he will be the designee, as he is a certified arborist. In the future, someone could be hired to fill that role.

11.C. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the Fourth Amendment to the Fiscal Year 2018-2019 Annual Budget.

Assistant City Administrator/Finance Director Paul Jerome said this is the fourth amendment for the fiscal year 2018-2019 budget. Another amendment regarding the Pony Express Parkway expansion be presented to the Council in the next month, and a final amendment will be presented at the end of the fiscal year.

Mr. Jerome explained the first item in this amendment increases the Library materials because of an additional grant that was awarded to the Library. The second item is due to a new requirement to write off bad debt once it is turned over to a debt collection service. When the utilities were sold, $1 million was set aside for bad debt. As Fund 55 was the Gas Fund, it now technically belongs to the General Fund. Staff anticipates expensing the $1 million to write off the bad debt. Once the debt is collected, those funds will return to the General Fund.

Mr. Jerome said the other changes are related to capital projects. Aviator Avenue now includes additional expenses due to changes in the roadway width. The impact fee funds for water, sewer, stormwater, and transportation will be used for this increase. The next item is to add a pavilion in Eagle Park. Utility sales funds will be used for this improvement. Staff has budgeted $50,000 and will adjust that amount, if needed. The next item is an adjustment for $12.8 million for Facebook's infrastructure. Facebook is paying for these improvements. However, since the infrastructure will belong to the City, the costs need to be noted in the budget. The final item is increasing the costs for the restrooms at the rodeo grounds by $20,000. This change is based on needed infrastructure.

Councilmember Curtis said the initial budget for the restroom was $80,000 and was already increased once. He asked if the Council can have a discussion on this specific amendment. Facilities and Operations Director Jeff Weber said the 8-stall facility is a CXT brand prefabricated concrete building. The previous budget of $120,000 was the amount noted in the bid the City received. The cost of the structure has increased to $131,000. However, the additional $9,000 is for infrastructure expenses. The restroom facility has not changed; the price has increased. He explained that when the project was originally planned, staff intended on installing a pressurized sewer system. There is now a sewer line close enough to connect to, so that cost has decreased.

Councilmember Burnham asked how long the project would take from bid to completion. Mr. Weber explained the facility is part of a State contract, so the project will not go out to bid. He said he understands the Pony Express Events committee is anxious to have the facility installed. The City will purchase the water and sewer line components and the Pony Express Events committee has committed to installing the infrastructure for the City at no cost.

12. PRELIMINARY PLATS & SITE PLANS

12.A. Eagle Village Amended Preliminary Plat

Mr. Jensen explained the amended preliminary plat replaces a previously approved townhome project of 137 units. The proposal contains 69 single-family units on 14.17 acres for a density of 4.92 dwelling units per acre. He said over 20 percent of the lots exceed the frontage requirement of 60 feet. He said eleven lots have 50-foot frontages. One section of the plan has a storm line in the ground, so the City requested that area not be included in lots but be provided as open space. This caused those lots to have shortened frontages. He explained the applicant is considering these cluster lots, as they back up to open space.

Mr. Jensen said one block exceeds connectivity standards, and technically requires a pedestrian connection. The Planning Commission proposed granting an exception, as they felt adding a pedestrian connection would be too cumbersome for the developer and would result in smaller lots.

Mr. Jensen said the applicant proposes to improve 0.878 of open space within the project, as well as an additional 1.028 acres of unimproved City open space. They are providing 192 amenity points, which exceeds the required points. The Planning Commission recommended removing lot 151, as it is heavily encumbered by easements.

Councilmember Clark asked for clarification on the planned open space improvements. Mr. Jensen explained the applicant is including a park on their property but will improve City property to meet the requirement of 1.92 acres improved open space. The area surrounding the proposed improved City property is a detention basin.

Councilmember Burnham asked for clarification regarding the lot removal. Mr. Jensen said removing lot 151 and adding that area to the proposed park space may be valuable for the community.

Councilmember Clark requested that, in the future, no unimproved orphaned land be deeded to the City. She asked what maintenance is planned for the detention basin. Mr. Hickman said an OHV access point in this area was removed at the request of residents. He explained native grasses grow in the basin and the area is scheduled to be mowed with a brush hog twice a year, based on the City's contract with the landscape maintenance company.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: ***Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Clark***

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

The meeting was adjourned at 5:30 p.m.

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

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

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; Linda Peterson, Communications and Community Relations Director; Aaron Sanborn, Economic Development Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, Planner; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jared Norton, Fire Captain; Eric McDowell, Chief Deputy.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:09 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Reaves led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Woman of the Year** – Nominations are being accepted through March 14 at 10:00 p.m. for the 2019 Woman of the Year Award. Each year, residents have the opportunity to nominate a woman who has made significant contributions to the community through leadership and service. The Woman of the Year award will be presented at the Miss Eagle Mountain Pageant on March 16. The link for nominations is available on the City website, News section.

- **Understanding Alzheimer's and Dementia** – Mountainland Association of Governments is offering a free one-hour class presenting the differences between Alzheimer's and dementia, the stages and risk factors. It will be held tomorrow, March 6 at 1:00 p.m. at the Eagle Mountain Senior Center, 1632 E. Heritage Drive. Light refreshments will be served, while supplies last. Anyone interested is welcome to attend.

- **Business After Hours** – The Eagle Mountain Chamber of Commerce will hold their next Business After Hours event on Thursday, March 14 from 5:30 p.m. to 7:00 p.m. at the new Allstate Insurance office at 4095 E. Pony Express Parkway, Suite 14 (Porter's Crossing Town Center).

- **Opioid Overdose Prevention** -- Utah County's Department of Drug & Alcohol Prevention and Treatment offers a free, one-hour course that teaches participants how to prevent and respond to an opioid overdose. The course will be offered at Eagle Mountain City Hall on Thursday, March 14 from 7:00 p.m. to 9:00 p.m.

- **Household Hazardous Waste Collection Day** – Utah County residents with household hazardous waste items such as old gasoline, paint, fluorescent light bulbs, batteries and unused medications will be offered safe disposal of these items at a Household Hazardous Waste Collection Day on Saturday, April 13, from 9:00 a.m. to 3:00 p.m. The collection will take place in the west parking lot of the Provo Towne Centre Mall in Provo. For details, including a list of what will or will not be collected, please visit the Utah County Health Department's website.

- **Eagle Mountain Symphony Orchestra** – The Eagle Mountain Symphony Orchestra presents "A Classical Adventure – The Greatest Showman" on Friday, March 22 at 7:00 p.m. at Frontier Middle School. Tickets are $3 per individual or $10 for a family of four or more. Tickets are available at the door, or online at eaglemountainarts.com.

- **Shoe Drive** – Miss Eagle Mountain Kaylee Mahoney is asking Eagle Mountain residents for help gathering shoes for the needy around the world. She has collection bins at various drop off locations around the City through mid-March. You can donate new or used shoes at local Eagle Mountain schools, Westlake High School, Eagle Mountain City Hall, or at Beyond Limits Physical Therapy. Shoes may be in any condition. If they are too worn to wear, they will be recycled.

- **City Notifications** – We encourage residents to sign up for City notifications to be aware of public safety emergencies and stay informed about 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 7:16 p.m.

Tiffany Ulmer requested the City work with the appropriate entities to ensure community mailboxes have pull-in areas to avoid blocking traffic. In her opinion, the animal code amendment should allow more animals for short-term boarding on larger lots and asked that current boarding businesses be grandfathered in when the amendment is approved.

Mike Izatt, owner of La Petite Grooming, asked the Council to model the animal limits after current horse allowances. He asked that the small, medium, and large designations be changed to only small and large. He expressed his opinion that the proposed code allowing a dog to remain unattended in a kennel for 24 hours is too long and recommended a 12-hour limit.

Mayor Westmoreland closed public comment at 7:21 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

<u>Councilmember Burnham</u>
Councilmember Burnham said the turnout for Sumtum's ribbon cutting was great and thanked residents for supporting local businesses.

Councilmember Reaves
Councilmember Reaves mentioned that he has already spoken to one individual regarding serving on the Parks and Recreation Board. He was seeking others who were interested in serving in that capacity.

Councilmember Clark
Councilmember Clark stated she began her City service on the Parks and Recreation Board and noted it was a good opportunity to volunteer. She said items on the agenda will affect the City for years to come, and explained she researches thoroughly and does not make decisions lightly. She encouraged residents to consider running for public office and expressed gratitude to those who open businesses in the City.

Councilmember Curtis
Councilmember Curtis thanked those in attendance, and reminded residents that the Youth Council meets the second and fourth Wednesday at 6:00 p.m.

Mayor Westmoreland
Mayor Westmoreland welcomed those in attendance.

CONSENT AGENDA

9. BOND RELEASES

    9.A. Evans Ranch Plat D

    9.B. Evans Ranch Plat K-1

    9.C. Evans Ranch Plat K-5

    9.D. Evans Ranch Plat R-3

Councilmember Clark requested items 9A through 9D be removed from the agenda in order to inspect the sidewalks in Evans Ranch to ensure they are in good condition.

10. MINUTES

    10.A. February 19, 2019 Minutes – Regular City Council Meeting

    10.B. January 29, 2019 Minutes – Budget Visioning Meeting

MOTION: ***Melissa Clark moved to approve the Consent Agenda, removing items 9A, 9B, 9C, and 9D. Donna Burnham seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

11. ORDINANCES

11.A. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the Extractive Industries Overlay Zone for Ames Construction.

Planning Manager Michael Hadley said the proposed overlay covers 653.82 acres in the southeastern corner of the City. He showed proposed plans from the applicant that designate either a 25-acre section or a 50-acre section to be included in the overlay, instead of the entire 653-acre parcel. He explained the applicant stated it would take 15 to 20 years to complete excavation of the 50-acre parcel.

Mayor Westmoreland asked for an update on the truck route access agreements. Robert Wadman with Ames Construction said they have received preliminary approval for access agreements through an adjacent property. Ames Construction will improve the roads and will put magnesium chloride water on the roads for dust control. They will not block access to the public lands. He stated Phase 1 of the Facebook project requires an additional 500,000 cubic yards of material; the future phases will require 1.5 million cubic yards. He said Ames Construction's goal is to provide all two million cubic yards from this location, and no other suppliers would use the mine.

Councilmember Clark asked how much material would be produced in the initial ten-acre section. Mr. Wadman said there is approximately 300,000 cubic yards in that area. The remaining 15-acres of the 25-acre section will likely produce 2.5 million cubic yards, and the entire 50-acre parcel will likely produce approximately 4.5 million cubic yards.

Mr. Wadman said the slopes range from 3:1 to 5:1 on the hillsides.

Mayor Westmoreland explained to those in attendance that the property would be excavated in ten-acre parcels. Once ten acres has been fully mined, the site must be reclaimed according to Utah Division of Oil, Gas and Mining (DOGM) requirements before the applicant can move to the next ten-acre mining parcel.

Mr. Wadman said SITLA would like the entire 653-acre site to be included in overlay area, but Ames Construction is requesting only 50 acres be given the overlay. He said a question was raised at the Planning Commission meeting regarding what benefit the rezone offers the City. He explained SITLA contributes tens of millions of dollars to public schools every year and said the City could potentially realize savings by having the materials needed for the City's road projects located closer in proximity.

Councilmember Clark asked how many truck loads equate 2.5 million cubic yards. Mr. Wadman explained truck loads average 10 cubic yards and those trucks would be removed from City roads, if the application is approved.

Mayor Westmoreland asked for an update on the truck route and if the route would affect houses in the area. Mr. Wadman said the nearest house is 2 miles away. He explained they have an access agreement on the north side of the site and will work to procure an access point to the south, as his goal is to access this project from the south side.

Mayor Westmoreland opened the public hearing at 7:43 p.m.

Jody Hooley spoke against the rezone. She said the Future Land Use Plan designates this area as Parks and Open Space and Foothill Residential. She said the proposal will destroy the ridgelines, and noted a scar remains on Lake Mountain from an abandoned mine. She said the benefits do not outweigh the problems this mining operation would cause.

Franz Wolfgang asked if Ames Construction would supply a bond sufficient to reclaim the area, as the mine on Lake Mountain has not been returned to its original state.

Mr. Wadman said they did have air quality permits for that site, but DOGM performed a site visit and determined it was not a mine that they regulate. When Ames Construction began work, the property already had a vertical face. They performed reclamation work including replacing the original topsoil and reseeding the area. He said the BLM requested the pile of materials to remain as it sits currently. He said Ames Construction will not disturb the ridgelines in the application area. DOGM will require a reclamation bond before work is allowed to begin.

Mr. Wolfgang presented photos of his vehicle to the Council and stated Lake Mountain Road's disrepair causes his vehicle to require car washes. He requested the road be maintained to a higher standard. He said since the Facebook site began construction, his phone line has been cut twice and his solar inverter has broken.

City Administrator Ifo Pili explained Facebook is not connected to Rocky Mountain Power. They are using solar power and generators; therefore, Mr. Wolfgang's solar inverter issues are not related to Facebook's power usage. Councilmember Burnham said her solar inverter went bad within two months of installation and recommended Mr. Wolfgang research his warranty.

Councilmember Clark asked staff what the City standards are regarding maintenance for rural roads. City Engineer Chris Trusty said rural roads are graded twice a year. He said a water line is being installed along the side of the road, and material has built up on the road. The contractor will place pulverized asphalt to remedy that problem. Mr. Trusty said he will connect the contractor with Mr. Wolfgang.

Greg Worthington stated he was in the mining industry for 11 years and understands DOGM requirements and reclamation. He explained his concern is 50,000 trucks driving over City roads during the first phase of mining. He asked who will pay for needed road maintenance resulting from that truck traffic.

Mr. Pili explained a benefit of the proposed location is truck traffic will be removed from City roads.

Mayor Westmoreland closed the public hearing at 8:01 p.m.

Councilmember Burnham noted that the Planning Commission recommended a condition of approval that the material will only be used in Eagle Mountain commercial areas. She asked if material from this site would be used in the Porter's Crossing commercial area, or if the intent is to limit the use to the data center area.

Mr. Hadley said the intent was to require the material to be used the data center area. He said the applicant explained they would only use mined material outside of the Facebook project if a large-scale business needed material in the data center area.

Councilmember Burnham stated she understands the benefit of removing truck traffic from City roads. She said the two mines at the entrance to the City are eyesores and expressed concern that another eyesore will be added if this overlay is approved. She said the ridgeline protection ordinance relates to residential construction and expressed concern that the backside of the ridgeline might be removed during mining operations.

Councilmember Clark said the area is mountainous and beautiful in its natural state. The Council designated the land as Foothill Residential to protect the area.

Councilmember Reaves expressed his desire to look beyond his bias against mines in the City. He said the Future Land Use Plan designates this as Foothill Residential and agreed with Councilmembers Burnham and Clark regarding ridgeline concerns. He asked why the current mines cannot sustain Facebook's project.

Councilmember Curtis agreed with the Councilmembers' previous statements. He expressed concern that the many conditions of approval would or could not be enforced.

City Attorney Jeremy Cook explained the City drafted a development and mineral extraction agreement that detailed the conditions of approval with the last overlay application Ames Construction presented. He said a similar agreement could be drafted for this location. He explained the Council may approve the rezone with a set termination date in which the property would revert back to its original zone. The approval may also include size limitations.

Councilmember Burnham expressed regret that she was part of the Council that created the Extractive Industries Overlay zone. She said this overlay was placed on property north of Wride Memorial Highway and stated she dislikes that mine's current state. She asked what the City can do to protect against potential collateral damage to the ridgelines caused by blasting behind them.

Councilmember Clark said the approval would allow Ames Construction to take down ridgelines. She stated the Point of the Mountain mine may have been approved because officials believed, at that time, that the location was far enough away from development that it would not impact residents. She said this application is not compatible with the Foothill Residential designation, nor is it compatible with the ridgeline ordinance.

Mr. Cook explained language can be included in the approval that requires monitoring equipment on the back side of the mountain and would restrict blasting if material along that hillside is disturbed. He stated approval language can be drafted to address any concerns the Council has.

Councilmember Curtis stated an approval for this site is comparable to allowing a mine in Parley's Canyon.

Discussion ensued regarding possible loss of control in determining conditions of approval if the Council denies the application.

MOTION: ***Donna Burnham moved to deny an ordinance of Eagle Mountain City, Utah, approving the Extractive Industries Overlay Zone for Ames Construction. Benjamin Reaves seconded the motion. Those voting aye: Colby Curtis,***

Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.

11.B. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Adopting Chapter 7.10 of the Municipal Code for Tree Planting and Care.

Parks and Recreation Director Brad Hickman explained the proposed ordinance sets parameters regarding how trees are maintained in the City and offers a way forward for future amendments. This version is educational and helps protect the City's urban canopy.

Councilmember Burnham thanked staff for adjusting the ordinance according to the Council's previous recommendations.

Councilmember Clark said future residents will be grateful for the effort put towards protecting trees in the City.

Councilmember Curtis asked what was changed from the previous draft to lessen the burden placed on residents. Mr. Hickman said staff removed language regarding violations and penalties. He explained the only situation in which the City would become involved with trees on private property is if a private tree became a hazard to public health or safety.

MOTION: ***Benjamin Reaves moved to approve an ordinance of Eagle Mountain City, Utah, adopting Chapter 7.10 of the Municipal Code for Tree Planting and Care. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

11.C. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the Fourth Amendment to the Fiscal Year 2018-2019 Annual Budget.

Assistant City Administrator/Finance Director Paul Jerome explained the first item in the amendment increases the expenditure for Library materials because of an additional grant awarded to the Library. The next item is due to an accounting change made by the Government Accounting Standards Board. The change requires the City to right off accounts submitted to collection agencies. When the utilities were sold, $1 million was held for bad debt. Proceeds from the utility sale belongs to the General Fund, so when those debts are recovered, the funds received will go to the General Fund.

Councilmember Reaves asked for clarification on bad debt. Mr. Jerome explained the bad debt contains delinquent bills for gas or electric services from before the sale of the utilities.

The first Capital Project amendment is due to the widening of Aviator Avenue. Funds will come from the transportation, water, sewer, and storm drain impact fee funds. The amendment for the Eagle Park pavilion will be funded from utility sale proceeds. The Facebook infrastructure amendment will be paid by Facebook, but the State requires the City to expense the cost as the infrastructure will belong to the City.

The amendment for the rodeo grounds restroom increases the budget from $120,000 to $140,000. This is due to an increase in price for the restroom structure, as well as utility installation costs. Mr. Jerome said the contractor can typically construct the facility in 60 to 90 days, so it is likely that the restrooms will be operational for the next rodeo if the contract is presented for approval at the next City Council meeting.

Councilmember Curtis stated he requested a discussion on this project at the last Council meeting and wanted to have that discussion before allocating more funds to the project. He expressed concerns that the budget was previously increased for a 10-stall restroom, and the budget is being increased again for a smaller facility. He asked why the City should spend more money for a smaller facility.

Jared Gray with Pony Express Events said he drafted a preliminary design with Facilities and Operations Director Jeff Weber and was told the design needed to be sent to an engineer for technical drawings, and then the project would go out to bid. He stated he believed he would be able to bid on the project and was unaware of the fact that the City was considering a prefabricated structure.

City Administrator Ifo Pili said discussions with Mr. Gray over the last few years have all included prefabricated structures; this is not a new point of discussion. He stated the Council can remove this item from the budget amendment in order to further discuss the project with Pony Express Events.

Mr. Gray stated he feels he can build a nicer larger facility for less cost than the prefabricated structure.

Councilmember Clark said she would like to know the cost difference between 8- and 10-stall restrooms and would like to be part of the discussion process to determine if 8 or 10 stalls is appropriate.

Councilmember Curtis stated his concern is the increase in price for a smaller facility. Councilmember Clark explained the price of the prefabricated structure increased, so a decision was made to purchase the 8-stall facility.

Councilmember Burnham said Pony Express Events expressed the desire to assist with the construction process in order to lower costs, but the requirements to allow them to build the structure are cumbersome.

Mr. Pili stated City staff spoke with Mr. Gray at length regarding the process and Mr. Gray agreed with the proposed solution of purchasing the prefabricated structure. Mr. Gray said he thought the project would be going out to bid and he would have the opportunity to bid on the project. He said they can do a bigger and better facility for the price.

City Recorder Fionnuala Kofoed said Mr. Gray informed staff that it would not be economical for him to bid on the project, and that they would not submit a bid if the City determined to use that process.

Councilmember Reaves said he would like to see restroom facilities that accommodate the City's growth. He asked Mr. Pili if staff researched the idea of Pony Express Events offering free labor. Mr. Gray said Pony Express Events has stated they would offer free labor; however, the City will need to determine what is best for its residents. He said they could build a restroom for $120,000.

Mr. Jerome clarified the $131,000 price is for a ten-stall restroom. The original price of $120,000 was obtained one year ago.

Councilmember Burnham expressed concern that Pony Express Events could offer free labor but was not able to bid on the project. Mr. Jerome explained the committee was going to assist in installing the structure but was not going to construct it.

Ms. Kofoed said the concerns Mr. Gray had related to bidding on the project. The City needs to give all companies the same opportunity; therefore, any requests for bids would disclose that the proposed price did not include labor. She stated she spoke at length with Mr. Gray regarding alternatives. One solution offered to Mr. Gray was for the City to purchase all materials, but he indicated that was not a feasible option for them.

Mr. Gray said they were not able to do work related to professional trades such as electrical and plumbing, and those sections would need to be completed by a subcontractor. Ms. Kofoed explained the project ends up being more work when it is completed piecemeal.

Mr. Jerome stated Pony Express Events had volunteered to help with installation of the water and sewer lines. Mr. Gray said that offer was made years ago and could not commit to it at this time. Mr. Jerome said that offer was made when the connections were much further away, so it would be less work now. Mr. Gray said they are willing to help but asked if that help was less proper than building the structure.

Mr. Pili said the prefabricated building removes all issues with subcontractors and bidding requirements. He explained the City approached Pony Express Events initially, but the committee stated the proposed facility was not large enough. He reiterated the plan was always to install a prefabricated structure.

Mr. Pili said a solution does not need to be determined at this time and stated the budget amendment can be removed to allow further discussion to resolve any issues Pony Express Events has.

Councilmember Clark asked Mr. Gray if Pony Express Events was still willing to help install water and sewer lines. Mr. Gray stated all they would need to do is dig the trenches. He said he does not know how deep the lines need to be and said he has unanswered questions. Councilmember Clark said if Pony Express Events is not comfortable digging the trenches, the item should be removed from the budget amendment.

Mr. Gray expressed hesitancy regarding removing the item from the budget amendment and stated an 8-stall restroom might be sufficient. He said an additional restroom can be built in the future.

Ms. Kofoed said Mr. Weber informed her the restroom has five stalls on the women's side, and four stalls and two urinals on the men's side.

Mr. Jerome said staff will research requirements for volunteer work. He stated the building cost is $131,000 and the additional $9,000 is for installation-related work. If the budget amendment is approved and staff determines the larger structure will exceed $140,000, the City can purchase the 8-stall restroom in order stay within the approved budget.

Councilmember Curtis clarified he wanted to understand the process when he requested a discussion; he now has a better understanding.

Mayor Westmoreland opened the public hearing at 9:04 p.m. As there were no comments, he closed the hearing.

Councilmember Curtis asked for a discussion to be placed on the next City Council agenda regarding match grant funds.

Mr. Pili explained that item was going to be placed on the current agenda, but staff had not received feedback. He requested the Council send feedback to staff, so staff can research costs and bring the item back for a future discussion; staff needs direction in order to determine next steps.

MOTION: ***Melissa Clark moved to approve an ordinance of Eagle Mountain City, Utah, approving the fourth amendment to the fiscal year 2018-2019 annual budget. Donna Burnham seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

12. PRELIMINARY PLATS & SITE PLANS

12.A. Eagle Village Amended Preliminary Plat

Mr. Jensen said the proposed amended preliminary plat contains 69 units on 14.17 acres, for a density of 4.87 dwelling units per acre. This plan is a significant reduction in density; the current preliminary plat is approved for 137 townhomes. The project is along Bountiful Lane, south of the Sweetwater subdivision.

Staff requested the area around a storm drain line not be included in any residential lots, which resulted in lot frontages below 55 feet. He explained lot 151 is heavily encumbered by easements which creates large sections of unbuildable land. The Planning Commission recommended this lot be removed.

One road in the plan is approximately 50 feet over what is allowed without a pedestrian connection, but the Planning Commission determined waiving that requirement was appropriate. The plan provides 1.92 acres of improved open space, which includes 0.878 within the plan and 1.028 acres of City property that the applicant proposes to improve.

Discussion ensued regarding potential uses for the land in lot 151.

Scott Dunn with Patterson Homes stated they prefer distributing the area from lot 151 to the six lots along that street in order to increase their value.

Councilmember Curtis expressed appreciation to the applicant for significantly improving the plan over the previously approved plat.

MOTION: ***Melissa Clark moved to approve Eagle Village Amended Preliminary Plat, with the Planning Commission recommendation to remove lot 151 and distribute the useable land to the adjacent lot or lots, as indicated by the applicant. Benjamin Reaves seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

13. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Clark
Councilmember Clark congratulated the Emergency Preparedness Group for their work. The HAM radio training and test they offered last weekend was well attended. She asked residents to contact Jeff Weber if groups of four to five people would like to schedule a training.

Councilmember Curtis
None.

Councilmember Reaves
None.

Councilmember Burnham
None.

Mayor Westmoreland
None.

14. CITY COUNCIL BOARD LIAISON REPORTS

15. COMMUNICATION ITEMS

16. ADJOURNMENT

MOTION: ***Donna Burnham moved to adjourn the City Council meeting and convene the Redevelopment Agency Board meeting at 9:18 p.m.. Melissa Clark seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

Approved by the City Council on March 19, 2019.

Fionnuala B. Kofoed, MMC
City Recorder