



## EAGLE MOUNTAIN CITY COUNCIL MEETING

**March 21, 2017**

Eagle Mountain City Council Chambers  
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Economic Development Manager; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Mack Straw, Public Utilities Director; Ross Fowlkes, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:06 p.m.

1. **CITY ADMINISTRATOR INFORMATION ITEMS** – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information only and do not require action by the City Council.

#### **A. PRESENTATION – Traffic Studies, presented by Ryan Hales**

Ryan Hales of Hales Engineering explained how traffic impact studies are conducted. Engineers count traffic at peak times, 7:00-9:00 a.m. and 4:00-6:00 p.m. on Tuesday, Wednesday and Thursday, in 15-minute intervals. They analyze the data by entering it into simulation software and comparing the traffic count to a national database. If the traffic count is close to warranting a traffic signal, Hales reports the results to UDOT, which then conducts an additional study.

Hales rates intersections from A – F, with A being the best traffic management and F being the worst. If there's an adjacent project they've recently evaluated, they layer that onto the current study. They determine how many lanes a street will need to have to manage traffic and compare that to the Mountainland Association of Governments' (MAG) master transportation plan.

Councilmember Westmoreland asked if the numbers in a traffic impact study were increased somewhat to account for growth. Mr. Hales said some cities request full build-out models, which increases the studies' accuracy.

Councilmember Reaves asked if the traffic impact study accounted for the larger households and extremely rapid growth in Eagle Mountain. Mr. Hales said a build-out

study would account for that and suggested the City might want to have one done. He noted that, in more remote locations such as Eagle Mountain, people tend to combine errands into one trip.

Councilmember Westmoreland asked how event traffic was factored into a traffic study. Mr. Hales said his firm could run an event study for high school events.

#### B. DISCUSSION – Evans Ranch Amenities

Nate Shipp, representing Evans Ranch, stated the developers had received feedback from people living in and moving into Evans Ranch regarding the amenities planned for the subdivision. The developers hired an independent company to conduct studies of residents' and potential residents' preferences.

Based on this information, and with input from the City Council, the developers wanted to amend an exhibit to the master development agreement (MDA) in the near future.

Joe Salisbury, Mr. Shipp's partner, described the proposed changes to the amenities, including wider walking paths, a pet station, revised parks, and a large playground suitable for children of all ages.

After additional discussion, the Council thanked Mr. Shipp for keeping them informed.

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

### 10. MINUTES – March 7, 2017 – Regular City Council Meeting

Councilmember Gricius requested a change on page 7, where it said there were four houses in a section of the Brandon Park development. She said four was wrong and asked that it be corrected.

### 11. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2016-2017 Annual Budget.

Assistant City Administrator/Finance Director Paul Jerome described the new budget amendments. The funds were previously approved but had not been expended until recently.

#### Expenditures

- 20<sup>th</sup> anniversary celebration
- Tank #1 waterline replacement.
- Pony Express Parkway median xeriscaping
- Bike park improvements
- Cemetery improvements

#### Revenue

- SilverLake tree planting funds, paid by the developer
- The Library received a community library enhancement grant

- Beer tax revenue to be used for the Communities that Care program

The Mayor and Council requested additional columns in the utility sale spreadsheet, to make the expenditures more clear.

Mr. Jerome stated the final transaction for the sale of Fire Station #1 to the Unified Fire Authority wouldn't entirely reimburse the City for its costs, but the rest of the costs will be written off. A transfer from the Impact Fee Fund to the General Fund will cover those expenses. In addition, the Fleet Fund will be increased to cover greater than anticipated vehicle repairs.

12. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapters 15 and 16 of the Eagle Mountain Municipal Code.

City Planner Tayler Jensen stated Chapter 16.35 will include specific standards for fencing materials to be used along arterial roads. Chapters 15.10 and 16.35 will be corrected to agree with the connectivity standards recently adopted by the City Council.

Councilmember Griecius asked who would be affected by the prohibition of vinyl fencing along arterial roads. Mr. Jensen said it would apply to new construction only.

13. PORTER'S CROSSING TOWN CENTER

Planning Manager Mike Hadley stated the amendment to the master development plan would move densities between Pod 14 of the Porter's Crossing Town Center Master Development Plan and Phase 2 of the Plum Creek townhome development.

14. ARRIVAL

Mr. Jensen stated a secondary access road was added to the preliminary plat. The road received conditional approval from UDOT and must still be approved by the Unified Fire Authority. The street rights-of-way were reduced to 50', which matches the rights-of-way in the existing phase. The amendment to the master development agreement (MDA) would allow the developers to delay the design of the park so they could solicit feedback from residents concerning how they would like the park designed. It wouldn't delay the deadline for the park's construction. It also updated an exhibit to reflect the smaller street right-of-way.

Councilmember Curtis asked for clarification of the park requirement. Mr. Jensen explained that a park was not required because the development was classified Base Density Residential. However, the developer agreed to build a park as part of the MDA.

15. MOTION – Spring Run Amended Preliminary Plat, Phase B.

Due to the amendment of the master development plan and master development agreement, this preliminary plat had to be updated. The lot count was reduced from 150 lots to 125. The park was increased from one acre to four acres, which complied with the subdivision's amended master open space and parks plan.

16. MOTION – Evans Ranch Elementary School Site Plan.

Mr. Hadley stated the City couldn't impose any regulations on a school site except for mitigation of traffic hazards and any unsafe conditions.

Councilmember Bradley asked how the new school would affect traffic counts in the area.

City Engineer Chris Trusty said the school district will have to provide a traffic impact study. An access on Golden Eagle Road will be required as part of the SilverLake 16 plat approval, which will reduce some of the congestion caused by the school.

Mr. Trusty stated a traffic signal at Porter's Crossing and Pony Express Parkway has been approved and is expected to be completed in July. There will also be a traffic signal installed at Pony Express Parkway and 800 West in Saratoga Springs. Both will ease traffic congestion in the area.

Mayor Pengra said the traffic signals will be coordinated to minimize delays in traffic.

No traffic signal was currently planned for SilverLake. Councilmember Curtis asked if Pony Express Parkway could be restriped to provide a center turning lane. Mr. Trusty said he would see if the asphalt was wide enough to accommodate that.

17. BID AWARD – Silver Spur Construction for the Replacement of the Waterline for Tank #1.

Mr. Trusty explained that tank #1 is located at the east end of Eagle Mountain Blvd. The waterline has failed several times and needs to be replaced. The old line will be tied into the tank overflow and will direct any water discharge into the storm drain system. The waterline replacement needs to be done before the road repairs on the east end of Eagle Mountain Blvd.

Councilmember Gricius noted that trails around the project Silver Spur did last year were left in bad condition. She wanted to be sure that Silver Spur left the site of tank #1 in as good condition as before they worked there.

18. AGREEMENT – The Second Addendum to the 2014 Elite Grounds Agreement for Landscape Maintenance.

Parks and Recreation Director Brad Hickman stated the contract cost increase was based on the contractor maintaining more park space than previously. The cost per square foot remained the same.

Mr. Hickman said Elite Grounds has been easy to work with and has done an excellent job.

Councilmember Curtis asked if Elite Grounds could be put in charge of more of the City's landscaping so the Parks Department would have more time for the projects they needed to do. Mr. Hickman said Elite maintains the parks and the landscaped medians. They mow native grass areas twice a year. He's looked into having them irrigate, but the Parks Department staff does a better job of it.

The agreement was originally written for a four-year term. It will be put out to bid next year.

19. AGREEMENT – The Third Addendum to the Agreement between Eagle Mountain City and Ace Disposal, Inc. for Solid Waste Disposal and Recycling Services.

Mr. Jerome stated the City's agreement with Ace Disposal will end on July 1. He met with Ace representatives, who proposed to extend the contract for two years with all charges to remain the same, except for a five-cent reduction in the recycling can fee.

Councilmember Gricius asked if the five-cent reduction was for what Ace charged the City or what the City charged residents. Mr. Jerome stated it was the fee charged by Ace to the City. The City was considering reducing its charges to the residents.

Councilmember Curtis asked why the City charges the residents more than disposal and recycling costs.

Mayor Pengra explained the Solid Waste Fund pays not only for Ace's services, but for nuisance clean-up under Code Enforcement, dumpsters for the Community Clean-up Day and other expenses.

Councilmember Curtis asked for a Council review of the solid waste fee schedule.

20. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving Vote by Mail for the 2017 Municipal Election.

City Recorder Fionnuala Kofoed stated she had planned to contract with Utah County for election administration, as she had done for the last municipal election. Utah County decided to offer vote by mail (VBM) for cities that wanted to participate. VBM will be the only option offered by the County. Because they won't contract for election administration, cities that choose not to use vote by mail will have to run their elections entirely on their own.

For VBM, the county would prepare and mail all of the ballots. Voters would mail their ballots in. Those who preferred not to mail the ballot could place it in a secure drop box in City Hall on Election Day. Any voter who lost their ballot could receive a provisional ballot from the Recorder's Office.

Ms. Kofoed stated VBM increases voter turnout and can be done at a reduced cost if administered by the County. Many municipalities have shifted to this form of election process it's becoming harder to find polling locations large enough to accommodate voters and parking. Vote by mail also gives voters time to study candidates and issues at home and vote without standing in line at the polls.

Concerns have been raised about fraud in VBM. Ms. Kofoed has researched this and found very few instances of verified voter fraud. There have also been concerns about ballots being lost in the mail, but this has been found to be very rare. Ms. Kofoed noted ballots cannot be forwarded. The Postal Service must return any undeliverable ballots to Utah County. Residents should update their address if they have moved to insure that they receive their ballot.

Signatures on ballots would be reviewed, by more than one person if necessary, just as with traditional voting. Concerns about coercion have been expressed; however, Ms. Kofoed felt they were no more likely with VBM than with traditional voting.

Colorado, Oregon and Washington have seen significant increases in voter turnout since switching to VBM. In the 2016 General Election, twenty-one of the 29 counties in Utah conducted VBM. So far, 15 cities in Utah County have chosen to contract with the County for VBM. Every municipality in Utah that has used this system has seen increased voter turnout. There have been no cases of voter fraud in Utah cities using vote by mail.

Ms. Kofoed estimated Eagle Mountain's cost would be approximately \$35,000 using VBM. Ms. Kofoed believed that was a small price to pay for increased voter turnout.

Councilmember Curtis asked if the County owned the voting machines. Mr. Kofoed responded that the County owned the machines; however, they were no longer available for the City to use. The equipment wasn't licensed and the vendor and County couldn't provide support for the system. Those resources have been moved to the vote by mail program.

### 3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No Closed Executive Session was held.

Work Session was adjourned at 6:30 p.m.

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

#### 4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:06 p.m.

#### 5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

#### 6. INFORMATION ITEMS/UPCOMING EVENTS

- **Household Hazardous Waste Collection Day** – The Utah County Health Department will hold their annual household hazardous waste collection event on Saturday, April 8 from 9:00 a.m. to 3:00 p.m. in the west parking lot of the Provo Towne Center Mall. Items such as gasoline, paint, fluorescent light bulbs, batteries and unused medications will be collected.
- **Woman of the Year Nominations** – Residents have the opportunity to nominate a woman who has made significant contributions to the Eagle Mountain community through leadership and service. The Woman of the Year Award will be presented at the Miss Eagle Mountain Pageant on April 22, 2017. Nomination forms are available on the City website, News section, through March 31.
- **Grand Marshal Nominations** – Eagle Mountain City extends the opportunity to the community to nominate a deserving individual to be the Grand Marshal for this year's Pony Express Days. The nominee will be recognized at the rodeo, demolition derby, grand parade and the

EnduroCross event. Nomination forms are available on the City website, News section, through May 5.

- **Easter Egg Hunt** – The Easter Egg Hunt will be held Saturday, April 15 at Nolen Park. This year we will have over 25,000 eggs. This event is well attended, and eggs are gathered up in a matter of minutes. Start time is 10:30 a.m. SHARP. We will also provide an opportunity to take photos with the Easter Bunny.
- **Miss Eagle Mountain Pageant** – The Miss Eagle Mountain Pageant will be held Saturday, April 22 at Frontier Middle School, starting at 7:00 p.m. Tickets are available on the City website, Events calendar.
- **Community Clean-up** – Eagle Mountain City’s second annual Community Clean-up will be held on Saturday, May 13 from 8:30 a.m. to 12:30 p.m. Groups or individual volunteers are welcome. Registration is available on the City website, Events calendar. The City will also be providing clean-up dumpsters for general household waste (smaller items) on that date from 8:00 a.m. to 6:00 p.m. off of Mid Valley Road, south of Frontier Middle School.
- **Pony Express Days** – Pony Express Days will be held May 26-June 3. Events include the rodeo, pancake breakfast & family bike ride, family fun night, carnival/vendor booths/entertainment stage, parade, demolition derby, and fireworks. Vendor applications and parade registrations are being accepted now at [www.emcity.org/ped](http://www.emcity.org/ped). We are looking for specialty acts for the parade such as magicians, jugglers, baton twirlers, etc. Tickets for the arena events are on sale now at [www.ponyexpressspecialevents.com](http://www.ponyexpressspecialevents.com).

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

Jeff Ruth asked if taxes would increase for maintenance of the Ranches Parkway and Pony Express Parkway medians if The Ranches Master HOA was dissolved due to the judgment that was just handed down in a lawsuit. Mayor Pengra said there was no intent to raise taxes while the economy was strong and growth continued. However, if there was a shortfall, one-time monies would have to be used for ongoing expenses, which was against the City’s budgeting principles. The situation would be reviewed after a year.

Brian Buckner has been dealing with water running onto his property from a neighbor’s yard. The neighbor hasn’t cooperated with him, the City’s Code Enforcement Officer, or the other neighbors whose yards are being affected. He asked that the City either contain the water or require the property owner to comply with City ordinance. He quoted Chapter 16.40.80 of the Eagle Mountain Municipal Code, which requires homeowners to keep surface runoff from causing damage to adjacent properties. Storm Drain Manager Larry Diamond told him it would cost about \$200 and one day’s work to divert the water to the gutter in front of the property.

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

Councilmember Curtis

Councilmember Curtis encouraged youth 14-18 to join the Youth Council. They’ll be able to be involved with City government and work on numerous service projects.

Councilmember Bradley

Councilmember Bradley welcomed everyone, especially the first responders in the audience. He apologized for being absent from the last meeting.

Councilmember Reaves

Councilmember Reaves appreciated everyone coming and showing interest in their City.

Councilmember Westmoreland

Councilmember Westmoreland commented that social media is a convenient place to share information. Residents sometimes use it to comment on City issues, which is fine. Some, however, ask City Councilmembers to comment on their posts. He reminded residents that the Council conducts business in City Council meetings, not on social media. He invited residents to contact Councilmembers by email or phone.

Councilmember Gricius

*Councilmember Gricius was absent briefly.*

Mayor Pengra

Mayor Pengra said he was amazed by the number of people who showed up for the Community Clean-up Day last year – about 400. It reflected the City’s general willingness to serve each other. He hoped even more residents would participate this year.

Mayor Pengra introduced Mrs. Courtney Johnson, who will be the Principal of the new high school. Mrs. Johnson asked for volunteers to serve on committees to choose the school name, the colors, and the mascot. She hoped there would be more students than adults on the committees. She looked forward to working with Eagle Mountain residents on all the tasks needed for opening and running the school. She introduced herself as a grandma, an airplane pilot and someone with high-energy ADHD who understood kids who struggle with that. Mayor Pengra invited the high school and soon-to-be high school students to write their contact information down immediately and give it to Mrs. Johnson.

9. APPOINTMENTS

A. Economic Development Board

- i. Ben Tanner, 3-year term
- ii. Ryan Myers, 2-year term
- iii. Mike Anderson, 3-year term

**MOTION:** *Councilmember Curtis moved to appoint Ben Tanner to the Economic Development Board for a three-year term ending December 31, 2019. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Curtis moved to appoint Ryan Myers to the Economic Development Board for a two-year term ending December 31, 2018. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

*Councilmember Gricius was absent briefly, but returned in time to vote on the third appointment.*

**MOTION:** *Councilmember Curtis moved to appoint Mike Anderson to the Economic Development Board for a three-year term ending December 31, 2019.*



*Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Myers and Mr. Tanner. Mr. Anderson was unable to attend the meeting and will receive the oath at another time.

Mayor Pengra thanked the new appointees for serving the community. He pointed out that residential property taxes can't entirely pay for City services. Economic development provides a stable, commercial tax base for the City.

## **CONSENT AGENDA**

### **10. MINUTES**

A. March 7, 2017 – Regular City Council Meeting

During the break, staff researched the question Councilmember Gricius raised about the number of homes in a particular section of the Brandon Park project. The recording agreed with what the minutes reported.

**MOTION:** *Councilmember Gricius moved to approve the Consent Agenda. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

## **SCHEDULED ITEMS**

### **PUBLIC HEARING**

#### **11. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2016-2017 Annual Budget.**

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The proposed amendments to the FY 2016-2017 budget included the following General Fund amendments:

- an expenditure for the 20<sup>th</sup> anniversary celebration, funded by utility sale proceeds
- an expenditure for trees in SilverLake, funded by revenue from SilverLake's developers
- revenue from a Library grant
- allocation of beer tax funds for the Communities that Care program

The Water Fund was amended to allow a water line replacement. The General Fund Capital Projects Fund was amended to allow for the Pony Express Parkway median xeriscaping, bike park improvements and cemetery improvements, including a gazebo. The capital projects were all previously approved for payment from the utility sale proceeds. The budget amendment will allow the funds to be expended.

Funds will be transferred from the Impact Fee Fund to the General Fund to reimburse the City for the shortfall between what the Unified Fire Authority paid for Fire Station #2 and what it was worth. The City has collected impact fees since the purchase to reimburse the shortfall. A small

amount remains, which will be covered by a budget amendment. The Fleet Fund will be amended to cover some unexpected repairs to large, multi-axle vehicles.

*Mayor Pengra opened the public hearing at 7:42 p.m. As there were no comments, he closed the hearing.*

Councilmember Bradley asked if all of the projects to be paid for by the utility sale proceeds were on the list of approved projects. Mr. Jerome said they were.

**MOTION:** *Councilmember Bradley moved to adopt an ordinance amending the Fiscal Year 2016-2017 Annual Budget. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

## **PUBLIC HEARING**

12. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Chapter 15 and 16 of the Eagle Mountain Municipal Code.

- A. Chapter 15.10.130 – Cul-de-sacs
- B. Chapter 16.35.070 – Streets and street systems
- C. Chapter 16.35.090 – Privacy fencing

This item was presented by City Planner Tayler Jensen. The amendments to the Municipal Code would include shortening the length of cul-de-sacs in Chapters 15.10.130 and 16.35.070, and specifying materials permitted for construction of privacy fencing on rear or side lot lines adjacent to arterial or collector road rights-of-way, in Chapter 16.35.090.

Mr. Jensen said the Municipal Code didn't specify what materials, other than "durable quality," should be used for rear fencing abutting collector and/or arterial roads. Staff proposed adding side yard fencing to the Code and a list of specific materials.

The change in the length of cul-de-sacs was already approved by the Council, but wasn't reflected in these two sections of the Code.

*Mayor Pengra opened the public hearing at 7:48 p.m. As there were no comments, he closed the hearing.*

Councilmember Reaves asked about the prohibition of vinyl fencing along arterial roads. He wanted to know if the existing vinyl fencing would have to be removed. City Attorney Jeremy Cook said the ordinance would apply to fences built from now on, not to existing fences.

**MOTION:** *Councilmember Gricius moved to adopt a resolution amending Chapters 15 and 16 of the Eagle Mountain Municipal Code, as presented in the staff report. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The amendments in the staff report were as follows:

Chapter 16.35.090 Privacy Fencing. "...Durable quality shall mean fencing of stone, masonry, decorative concrete or wood-alternative composite material. Wood fencing may be permitted if an

HOA enters into a maintenance agreement to keep the fence in good repair. Vinyl fencing shall not be allowed along rear or side lot lines abutting an arterial or collector road.”

15.10.130 Cul-de-sacs. “The maximum length of a cul-de-sac is ~~500~~ 400 feet measured from the nearest right-of-way line of the adjoining street to the center of the cul-de-sac...”

16.35.070 B. B. Cul-de-Sacs. “... In no case shall a cul-de-sac street have a length that exceeds ~~500~~ 400 feet measured to the center of the circle or serve more than 15 homes or generate greater than 150 average daily vehicle trips, unless a waiver is granted by the planning commission...”

## **PUBLIC HEARING**

### **13. PORTER’S CROSSING TOWN CENTER**

- A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Amendment to the Porter’s Crossing Town Center Master Development Plan.
- B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the First Amendment to the Porter’s Crossing Town Center Master Development Agreement.
- C. MOTION – Porter Ranch Townhomes Preliminary Plat and Site Plan.

This item was presented by Planning Manager Mike Hadley. The application was for a 128 unit residential townhome preliminary plat. The proposal was also for a site plan, master development plan and master development agreement amendment for the proposed project. The Porter Ranch Townhomes is located north of Pony Express Parkway, just west of the existing Ridley’s Market. The project consists of both Pod 14 of the Porter’s Crossing Town Center Master Plan and Phase 2 of the Plum Creek development (24 units) in The Ranches Master Plan.

Mr. Hadley said the developers wanted to transfer seven units from one pod to another in the Porter’s Crossing Town Center to meet the density requirement. They also wanted to transfer all of Plum Creek Phase 2 into Porter’s Crossing Town Center.

Mr. Hadley noted St. Andrew’s Drive would have to be extended to Eagle’s Gate before any plat could be recorded.

*Mayor Pengra opened the public hearing at 7:55 p.m.*

Drew Curley asked about the units being removed from The Ranches Master HOA. Mayor Pengra responded it had become a non-issue.

*Mayor Pengra closed the public hearing at 7:57 p.m.*

Councilmember Gricius asked about the alignment of St. Andrew’s Drive, because the illustration provided to the Council showed the extension running through a park.

Travis Taylor, representing the developers, said the illustration was included in error and the road would run alongside the park.

Councilmember Bradley asked what buffering would be located between the townhomes and the single-family homes.

Mr. Hadley said there was a 20-foot buffering requirement with a six-foot privacy fence.

Mayor Pengra asked if each unit would be on a separate water meter. Mr. Taylor said the properties north of St. Andrews Drive would be, but not those to the south. Those to the north are individually platted. Those to the south would have one owner.

Mayor Pengra asked if the individual units would pay their own utility bills. Mr. Taylor said those on the north would all be paid by the one owner if the lots weren't sold off. Those that were sold would pay their own bills. The utility bills for the units to the south would be paid by the one owner.

Councilmember Bradley asked about the recommendation for an open space and amenities table. Mr. Hadley said it was recommended, but not necessary.

Councilmember Gricius asked if the overall density would remain the same after densities were transferred between pods. Mr. Hadley said it would.

**MOTION:** *Councilmember Bradley moved to adopt an ordinance of Eagle Mountain City, Utah, approving an amendment to the Porter's Crossing Town Center Master Development Plan. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Bradley moved to adopt a resolution of Eagle Mountain City, Utah, approving the first amendment to the Porter's Crossing Town Center Master Development Agreement. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Bradley moved to approve the Porter Ranch Townhomes preliminary plat and site plan, with the condition that an updated amenities table be submitted. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

#### 14. ARRIVAL

- A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the First Amendment to the Arrival Master Development Agreement.
- B. MOTION – Arrival Preliminary Plat, Phase B.

This item was presented by City Planner Tayler Jensen. The proposed amendment to the Arrival Master Development Agreement (MDA) would modify the road widths and clarify the timing and funding of the park. The preliminary plat comprises 148 residential lots on a 188 acre parcel located north of Wride Memorial Highway and west of North Ranch.

The preliminary plat complies with the master development plan, but a second access road must be constructed before any new building permits may be issued. The applicants have proposed a long secondary access road through the property to the south of this project, accessing Wride Memorial Highway. The road must be approved by UDOT and UFA prior to the plat being recorded. UDOT has issued a conditional access permit for this road and UFA has stated it would meet their requirements.

Due to the Arrival MDA including a 50' right-of-way (ROW) exhibit for local roads of 56', the existing phase of Arrival was built with a 50' right-of-way. The applicants proposed changing the 56' requirement to 50'. The Rural Road standard in the Municipal Code calls for a 50' ROW. As the Arrival subdivision was a base density development, a Rural Road was appropriate.

The applicant proposed a modified Rural Road that included 32' of drivable surface, high-back curb and gutter rather than swales, an 8' park strip on one side of the road and an 8' trail on the other side. This ROW was reviewed by the City Engineer and the Fire Marshal, both of whom approved it. Staff preferred the proposed ROW to the existing Rural ROW, as Eagle Mountain has had limited success with swales in other areas of the City.

The applicants wanted to delay the deadline for construction of the park to have more time to solicit feedback from residents as to what amenities they would like to have. The applicants also planned to invest an additional \$30,000 toward additional amenities.

Councilmember Gricius commended the applicants for volunteering to construct a park not required with base density.

**MOTION:** *Councilmember Curtis moved to adopt a resolution of Eagle Mountain City, Utah, approving the first amendment to the Arrival Master Development Agreement. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Curtis moved to approve the Arrival, Phase B preliminary plat, with the Planning Commission recommendations as outlined in the staff report. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Councilmember Bradley asked City staff to provide high-resolution images in staff reports.

The amendments in the staff report were as follows:

1. A 20 foot public trail and utility easement shall be added to the plat.
2. The developer shall escrow \$2,913.81 per lot, and an additional \$30,068.58, with the first plat in Phase B.
3. The ROW exhibit provided by the applicant shall be adopted for all local streets within the project.
4. An approved second access onto Wride Memorial Highway shall be approved prior to issuing any building permits within Phase B.

15. MOTION – Spring Run Amended Preliminary Plat, Phase B.

This item was presented by Planning Manager Mike Hadley. Spring Run, Phase B is a 125 lot residential, preliminary plat on 25.43 acres. The project is north of Wride Memorial Highway and east of the Meadow Ranch subdivision.

The master development plan and agreement were amended late last year, which required changes to the open space and parks plan. This preliminary plat amendment reflected the new plan. The size of the park would be increased and the number of units decreased.

Councilmember Gricius asked about the fencing along the park. Mr. Hadley said fencing is required along collector roads. The Planning Commission recommended moving the fence from the north side of the park to the south side to provide visibility along the front of the park.

**MOTION:** *Councilmember Reaves moved to approve the Spring Run, Phase B amended preliminary plat as presented in the staff report. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The conditions presented in the staff report were as follows:

1. The applicant shall work with City staff to improve the amenities in the north park and to update this master open space and parks plan.
2. There shall be no fencing along the northern end of the park. Fencing is required along the southern end of the park.

16. MOTION – Evans Ranch Elementary School Site Plan.

This item was presented by Planning Manager Mike Hadley. The Evans Ranch elementary school will be located at the southeast corner of the Evans Ranch Master Development, south of Golden Eagle Road. According to the State Code, municipalities have little discretion to make requirements of school sites. They can only address safety issues.

Councilmember Gricius asked if the road in front of the school would be wide enough to have two lanes of traffic if cars were parked on both sides. Mr. Hadley said the school district had discussed making the road wider, although the site would be unlikely have enough room for that.

Councilmember Gricius asked if “no parking” signs could be installed along one side of the road. Mr. Hadley responded the school district would be willing to do that.

**MOTION:** *Councilmember Westmoreland moved to approve the Evans Ranch elementary school site plan. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

17. BID AWARD – Silver Spur Construction for the Replacement of the Waterline for Tank #1.

This item was presented by City Engineer Chris Trusty. Tank #1, which is located on the eastern bench of City Center, stores water for the South Service Area. The tank is fed with a 16 inch waterline which has failed several times. The new line will be constructed of 16 inch ductile iron pipe and will run from Lake Mountain Road to the tank. The existing pipe will be refurbished for overflow.

Because the Engineering Dept. only received one bid, Councilmember Curtis asked if it would cost additional money to put the project out to bid again. Mr. Trusty said it wouldn't cost more to do so, but staff would like to get the project completed prior to doing road maintenance during this calendar year.

Councilmember Curtis asked what effect this project would have on the Water Fund balance. Mr. Jerome said the Water Fund and Impact Fee Fund had adequate balances.

Councilmember Curtis wanted to be sure there would be no need to bond.

Councilmember Reaves asked how much the project would cost. Mr. Trusty said the bid was for \$586,357.50. The engineer's estimate was approximately \$545,000. However, the budget included a \$25,000 unforeseen circumstance amount for rock excavation. He said it was easier to include a contingency fund than to come back to Council for a change order.

**MOTION:** *Councilmember Westmoreland moved to approve an agreement with Silver Spur Construction for the replacement of the waterline for tank #1 in the amount of \$586,357.50 and authorize the Mayor to sign the agreement. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Councilmember Gricius reminded Mr. Trusty that the contractor should leave the work site in at least as good condition as they found it.

18. AGREEMENT – The Second Addendum to the 2014 Elite Grounds Agreement for Landscape Maintenance.

This item was presented by Parks and Recreation Director Brad Hickman. The proposed amendment for landscape maintenance modified the scope of work to include property that was recently improved and property that will be dedicated to the City during the course of the agreement.

Mr. Hickman noted the cost per square foot has not increased since the agreement began.

Councilmember Reaves asked if the agreement would include any part of Wride Memorial Park. Mr. Hickman said the finished park areas would be added to the agreement.

**MOTION:** *Councilmember Bradley moved to approve the second addendum to the 2014 Elite Grounds agreement for landscape maintenance in the amount of \$326,293.34 and authorize the Mayor to sign the agreement. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

19. AGREEMENT – The Third Addendum to the Agreement between Eagle Mountain City and Ace Disposal, Inc. for Solid Waste Disposal and Recycling Services.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The proposed addendum would extend the Ace agreement for solid waste disposal and recycling services until July 1, 2019. There were no proposed increases for the services.

Councilmember Curtis was concerned that the City charged residents more for the first trash can than for the second. He didn't like the first can paying the tipping fee for both cans.

Mayor Pengra asked if this discussion could be held, since it wasn't on the agenda. Mr. Cook said it was related closely enough to the contract cost to allow the discussion.

City Administrator Ifo Pili stated that staff planned to have a full analysis and discussion of the issue with the Council soon. Councilmember Curtis said he would be satisfied with a future discussion.

**MOTION:** *Councilmember Bradley moved to approve the third addendum to the agreement between Eagle Mountain City and Ace Disposal, Inc. for solid waste disposal and recycling services and authorize the Mayor to sign the agreement. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

20. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving Vote by Mail for the 2017 Municipal Election.

Utah County has offered to administer a county-wide vote by mail process for the 2017 municipal election for all municipalities that enter into an interlocal agreement. All registered voters would receive a ballot in the mail, which would be mailed back to Utah County to be processed. A secured drop box would be located at the Eagle Mountain City Recorder's Office for those that chose to drop their ballot off in person.

Councilmember Curtis felt he needed to know how much it would cost for the City to administer its own election before making a decision. He also wanted to read the interlocal agreement.

Ms. Kofoed stated it would cost less to run an election by paper ballot. She explained that the interlocal agreement wouldn't be available until the County knew which cities would participate in VBM. Another option would be to use an independent election contractor for the voting machines. Ms. Kofoed had received a bid from Dominion, an approved vendor, for scanning equipment. The quote for the equipment was \$21,140. However, this cost didn't include ballots, which would require finding a reliable printing company with the knowledge to manage election printing before the ballot cost could be determined. She estimated poll workers and training would cost approximately \$5,000.

Councilmember asked if buying voting machines was an option. Ms. Kofoed stated she wouldn't recommend purchasing equipment as machines had a limited useful life. Another concern was if the State mandates VBM in the future, the machines would be useless.

Councilmember Bradley stated Eagle Mountain had grown too much to make paper ballots practical. Ms. Kofoed said she didn't like the political involvement it created for herself and her staff.

Councilmember Curtis didn't feel he had the information he needed to approve this resolution. He didn't think VBM involved the public in the election process enough.

Councilmember Gricius read statistics on ballots being rejected for signatures not matching what the state had on file. She said identifying herself at a polling location guaranteed her vote would count.



Councilmember Bradley felt voters were responsible for following the directions on the ballot to ensure their votes were counted.

Councilmember Reaves wanted to make sure the Council had all the information necessary to compare VBM to traditional polling. He wanted to know how the voters would be well informed about VBM and wanted to be sure it had been adequately vetted. He also wanted to see a cost comparison. He asked what the deadline was to agree to use VBM.

Ms. Kofoed said the deadline was the Monday before the next Council meeting. She explained this became urgent fairly suddenly because she expected to have access to the County's voting machines as an alternative if the Council didn't adopt this resolution.

Mayor Pengra stated there were unknowns both with VBM and with independently running the election. However, the independent option placed a significantly greater burden on the Recorder's Office.

Councilmember Bradley was in favor of VBM. He lived in Oregon for three election cycles and found the process easier, more informed and completely secure. Because VBM encouraged higher voter turnout, it made the cost per vote significantly lower.

Councilmember Westmoreland said, with enough time and information, the concerns about VBM could be adequately alleviated. He objected to Utah County putting Eagle Mountain in the position of having to make this decision on such short notice. He felt this needed more time than it could receive at this meeting.

Councilmember Curtis didn't like being given so little choice by Utah County.

Ms. Kofoed stated the municipal Recorders' group believed Utah County's decision was a step in the right direction. The information was provided to the Recorders in February and Ms. Kofoed brought it up in a City budget meeting that month. What caused the urgency was the sudden lack of the County's voting machines as a back-up plan. The Recorders were grateful that the County was willing to undertake VBM. She had spoken with the Lt. Governor's Office in the past about contracting with Salt Lake County to administer the City election because she felt strongly that government owed it to the citizens to provide the best voting system.

Councilmember Reaves asked if it would be feasible to ask the County for an extension. Ms. Kofoed said she was sure the County would extend the deadline to Tuesday if the Council needed more discussion at the next meeting. She suggested the Council table the item if they didn't feel like they could approve the resolution that night. She asked the Council to give her their specific questions so she could find answers in the next two weeks. She would also attempt to get estimates from printing companies. The State would have to determine what printing companies could be used.

Ms. Kofoed said Eagle Mountain had 11,293 active voters. The County estimated the cost per primary ballot at \$1.28 and general ballot at \$1.36. There was a potential for 23 cities to participate in VBM. Fifteen has already committed. Any difference in price based on the number of cities participating would be a matter of pennies per ballot.

Mayor Pengra said cost was essentially a non-issue when it came to voting.

Councilmember Curtis asked if the County planned to send out voter information pamphlets. Ms. Kofoed said the City always sends out voter information. If the Council adopted this resolution, she would work with Communications & Community Relations Director Linda Peterson on an extensive public information campaign. She noted that some believed that a voter should make an effort to go to a polling location to vote rather than mailing in a ballot. At the end of the day, a vote was worth the same regardless of how it was cast. She was dedicated to using any method to increase voter participation.

Councilmember Bradley said voters would be better informed when VBM, because they could consult voter information on the internet while marking their ballot.

Councilmember Curtis felt voters should be invested enough in voting to be informed and then go to a polling location.

Councilmember Reaves asked Councilmember Curtis what he proposed for educating the public if the Council voted “no” on vote by mail.

Councilmember Gricius said a public information campaign could be conducted with either voting system.

Councilmember Westmoreland stated, if the rest of the state was switching to VBM and getting higher voter participation, Eagle Mountain would become less relevant if it didn't use the same method.

Councilmember Gricius felt VBM lacked integrity.

Mayor Pengra noted the passionate debate was focused on the principle of the systems. However, the practicality of setting up an independent system with a Recorder's Office staff of only three people, was that the time and effort it took would have to be the office's focus.

Councilmember Curtis asked the rest of the Council if tabling the item would help them make their decision. Councilmembers varied in their responses.

Mr. Cook stated he represented other entities that have gone to VBM. The huge advantage was that it prevented the City Recorder from being accused of interfering in the election. That has happened to Ms. Kofoed and other Recorders. Even though the accusations were unwarranted, they took a lot of time to rebut and hurt both the Recorder and the government entity.

**MOTION:**        *Councilmember Bradley moved to adopt a resolution of Eagle Mountain City, Utah, approving vote by mail for the 2017 municipal election. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Benjamin Reaves and Tom Westmoreland. Those voting no: Colby Curtis and Stephanie Gricius. The motion passed with a vote of 3:2.*

Mayor Pengra stated this was a difficult call for Councilmembers. He hadn't been in favor of vote by mail, primarily because during his campaign, he wanted everyone to understand his positions. He knew there were people who voted for him with no idea of what he represented. He felt vote by mail moved candidates further away from voters and gave those with name recognition a slight advantage.

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Councilmember Bradley reiterated his opinion that vote by mail increased informed voting. He also felt long lines at polling places discouraged voter participation. Voting at home gave people time at home to study candidates before voting.

Councilmember Curtis said vote by mail would have helped him be elected, because of name recognition, but he was still against it.

Councilmember Westmoreland said, if some aspect of vote by mail didn't work, it could be adjusted before the following election.

Councilmember Gricius asked if the Council would see the interlocal agreement before it was signed. Ms. Kofoed said, according the purchasing policy, it didn't require Council approval, but she would make sure the Councilmembers received a copy.

Councilmember Curtis wanted to know if any Federal funds or grants were used to pay for vote by mail. Ms. Kofoed said there were none that she knew of. The municipalities will share the cost.

Mr. Cook said municipalities would likely use Salt Lake County's interlocal agreement as a template because it was tested and straightforward.

Ms. Kofoed said Utah County will give municipalities a per-vote cost, along with incidental costs for travel. Municipalities will be responsible for running a vote center in each city, which will contain a secured ballot box. Municipalities will also be responsible for voter information.

Councilmember Curtis asked if a voter information pamphlet would be included with the ballot. Ms. Kofoed said only ballots will be mailed by the County. The Recorder's Office will send out postcards directing voters to the City and State websites.

Mayor Pengra asked the Council to redirect their attention to pushing information out to the voters.

Councilmember Gricius urged everyone in City government to be very careful to send out fair information, provided by candidates, and not produce their own information.

Ms. Kofoed said she was well aware of those regulations. She didn't even correct typos in statements given to her by candidates. She published information exactly as it was provided by candidates.

Councilmember Reaves said it was important to refrain from one's biases while helping voters transfer to the new system. He felt it was important for the City and Council to share the facts.

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

Councilmember Bradley

No comment.

Councilmember Curtis

No comment.

Councilmember Reaves

No comment.

Councilmember Westmoreland

No comment.

Councilmember Gricius

Councilmember Gricius reported the Economic Development Board will meet on Thursday at 6:00 p.m.

Mayor Pengra

Mayor Pengra said the Unified Fire Authority hired a new Fire Chief. He was far and away the best applicant for the job. He's made significant changes to the department and has been an extremely effective administrator.

22. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

None.

23. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

24. ADJOURNMENT

**MOTION:** *Councilmember Gricius moved to adjourn the meeting at 9:27 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Approved by the City Council on April 4, 2017.



Fionnuala B. Kofoed, MMC  
City Recorder

