EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

October 1, 2019, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Colby Curtis, Donna Burnham, Stephanie Gricius and Melissa Clark. Councilmember Benjamin Reaves 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; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Jessa Porter, Planner; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Linda Peterson, Communications Director; Dawn Hancock, Events Manager; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Facilities Operations Director; Brad Hickman, Parks and Recreation Director; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

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

1. CITY ADMINISTRATOR INFORMATION ITEMS

2. AGENDA REVIEW

10. BID AWARDS

10.A. Rodeo Grounds Prefabricated Restrooms – CXT Concrete Buildings

Councilmember Clark requested items related to this project note the location as Pony Express Memorial Park, as the park includes more than the rodeo grounds.

10.B. Eagle Mountain Influent Pump Station Upgrade – Corrio Construction

City Engineer Chris Trusty explained this bid award is to upgrade the pump that sends sewage into the City's treatment facility.

12. MINUTES

12.A. September 3, 2019 Regular City Council Meeting Minutes

Councilmember Burnham requested a minor change to the minutes. She stated she will inform City Recorder Fionnuala Kofoed of the change.

13. PRELIMINARY PLATS & SITE PLANS

13.A. Holiday Oil Tank Expansion – Site Plan

Councilmember Curtis confirmed with Planning Manager Michael Hadley that staff agrees with the Planning Commission's recommendations of approval.

Councilmember Clark stated fuel tanks are required to be a certain distance from homes, and asked if the increased storage affects the required distance. Fire Chief Ross Fowlks explained the applicant must obtain a permit through the Fire Prevention Bureau; this will address that concern. Community Development Director Steve Mumford explained the Fire Marshal has informed the applicant of the permitting process.

13.B. John Walden Clubhouse – Site Plan

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

13.C. West Side Theatre Company – Temporary Site Plan

Mr. Hadley explained the application is for a temporary site plan to allow a temporary performance structure, storage units and necessary facilities to be installed on City property just east of the SilverLake Amphitheater. The site will include a forty-foot by sixty-foot structure where performances will be held, portable restrooms, garbage and recycling containers, shipping containers for storage, and canopies from the tent to the restrooms and to the shipping containers. An executed memorandum of understanding (MOU) indicates that the City intends to lease this property to the West Side Theatre Company for construction of a center for the arts building to be built and operated by the theater company for the benefit of City residents.

West Side Theatre Company (WSTC) Director Hannah Farr explained they have created a new plan that addresses concerns the Council had when the item was discussed approximately six months ago. She introduced theater volunteer member Rob Sciammarella, Fetzer Architectural Millwork Executive Vice President of Business Development. Mr. Sciammarella explained he has been involved with the design and construction of high-end theaters around the country, and his company assists smaller theater companies on a volunteer basis to build permanent structures. The intent of this application is to obtain approval for a temporary structure to begin fundraising. He stated the project presents very low risk to the City, as the structures are removable, except for the sprung tent's concrete pad foundation. WSTC has created a budget, and they believe the needed funds can be raised quickly. The original cost of the project was $118,000 but will be increased by approximately $20,000 for the upgraded tent structure. While the organization is a non-profit entity, their goal is that revenue from ticket sales and donations will cover all expenses, with additional revenue going to improvements to the theater operation. They will raise all of the funds needed for the entire project before beginning any construction.

Ms. Farr explained they held two performances in August which were well attended. WSTC has between 100 and 150 people who have volunteered over the last year.

Councilmember Curtis stated the MOU was granted to allow WSTC to fundraise and expressed concern that fundraising has not taken place and the organization is now requesting approval for a temporary site plan. He explained he is concerned that the City will incur costs such as utility use.

Councilmember Clark asked if they will have all of the funds raised by November of this year, as the construction timeline notes a start date of next month. Ms. Farr explained the intent is to place shipping containers on site next month for storage. They plan to install a larger sprung structure than was originally presented, which will include storage area, so the shipping containers will likely not remain on site. Mr. Sciammarella stated they would like approval for the shipping containers in order to utilize them during the construction period.

Councilmember Curtis stated shipping containers are not allowed for other construction processes. Mr. Mumford stated construction trailers and metal buildings are allowed during construction. He stated if the shipping containers are covered or wrapped, they would be viewed similarly to other buildings in construction sites in the City. Mr. Sciammarella stated if the shipping containers are not removed after construction, they would be wrapped and would not look like shipping containers.

Councilmember Clark expressed concern that the presented plan is not complete. Mr. Sciammarella explained their intent for this meeting is to receive approval for a temporary tent structure. They will go through the permitting and approval process once funds are raised.

Mr. Mumford explained the previous City Council discussion related to a permanent structure. He stated this application is to determine if the Council will consider a temporary structure at this location, as that was not included in the original discussions when the MOU was approved. He said the Council can update the MOU to include details regarding the type of structure allowed, or they can approve a temporary site plan, as was done for the temporary seminary building at Rockwell Charter High School.

Ms. Farr stated they are seeking a commitment from the Council that they will consider a temporary structure at this site. Once they have that commitment and have raised their funds, they will go through the City's required development process.

Councilmember Clark asked why the budget shows $17,000 for production costs but only $10,000 in revenue. Mr. Sciammarella explained the theater's previous history was used to create this budget, but they have not had a consistent location for productions. Once they have a final cost for construction, they will update the budget. They will raise additional funds if needed to cover construction and operational expenses.

Councilmember Curtis expressed concern that the WSTC budget is not realistic and that the sprung tent will be at this location permanently. Ms. Farr explained the estimated annual revenue for the first season is approximately $26,000. This equates to ticket sales of sixty to seventy percent of theater capacity. The first season expenses are estimated to be between $17,000 and $20,000. She explained the sprung tents can be removed, and the condition of approval from the PC was that the agreement is readdressed in one year.

Councilmember Clark stated a show was cancelled previously due to lack of personnel. Ms. Farr explained one individual had a personal issue and rather than offer a production that was not the up to their standards, they determined that cancelling was the best decision. She said this space will allow them to obtain more volunteers and will help lower overhead costs as they will not be renting facilities. She requested the City Council allow them to try for one year.

Mr. Sciammarella stated he will present a more precise financial statement to the Council. Ms. Farr stated there are no facilities for rent on a monthly basis. They currently rent by the hour, which adds additional costs such as storage and personnel time with transporting equipment before and after each production.

Councilmember Gricius stated the plan is temporary, so if the Council does not like how it is functioning, it is only for one year. Mr. Sciammarella stated they can include removal of the concrete pad in their fundraising, if that will mitigate the Council's concerns. This location with the City's lease of $1 per year will allow the theater company's revenue to cover the costs associated with daily operations.

Councilmember Clark asked if residents will be notified of the potential business.

Mr. Mumford said notification is required for residences within 600 feet, and a public hearing is held at the Planning Commission meeting. He stated many residences are closer than 150 feet to commercial locations throughout the City. Mayor Westmoreland stated the amphitheater's use is known to surrounding residents.

Discussion ensued regarding noise; Councilmember Gricius stated the noise ordinance will apply to this use.

Councilmember Curtis asked if a fence will be required and if the intent of WSTC is to be profitable. Ms. Farr stated any revenue received that exceeds expenses will be placed back into the company, and if the City requires a privacy fence, they will install one.

Councilmember Burnham stated generators should not be permitted at this location. Mr. Mumford explained the applicants can work with Rocky Mountain Power to bring power to the site. Mr. Sciammarella said they can work with the power company to determine the cost to bring power to this site, and they can include this expense in fundraising efforts.

Councilmember Clark asked the applicants to return with more concrete details.

Ms. Kofoed stated the applicant wanted to know whether the Council would consider a sprung structure; staff felt a temporary site plan was the best option to present to the Council.

Mr. Mumford explained the temporary site plan approval process allows the Council to waive application requirements. Councilmember Clark expressed concern that the structure will not be temporary.

Mr. Sciammarella stated the theater company's desire is to prove to the City that this concept is sustainable with the end goal of a permanent building.

City Administrator Ifo Pili explained the applicants are seeking confirmation that the Council will consider a sprung structure, not approval of the site plan. Once they have commitment from the Council that a temporary structure will be considered, they can raise funds and bring final, complete plans to the City Council with a site plan application.

Councilmember Clark stated concerns regarding the budgeted costs for the structure, as well as the impact to surrounding residences.

Councilmember Burnham stated she would approve a temporary structure, as long as it is aesthetically pleasing.

Councilmember Gricius said she would approve a temporary structure, as well.

Councilmember Curtis stated storage containers would cause concern for him, and he would not approve of any hard costs to the City, such as water and power.

Ms. Farr stated they do not want the City to fund any portion of the construction or operation.

Councilmember Clark requested this item be removed from the consent agenda for further discussion.

13.D. Strides Pediatric Therapy – Site Plan and Preliminary Plat

Councilmember Curtis asked if the elevations meet Municipal Code. Mr. Mumford stated they do; however, the Planning Commission requested the elevations be similar to homes in the agriculture area and not look like commercial buildings. The applicants have not been able to find structures for their office space that look like homes. There are not specific elevation standards in Municipal Code for equine-assisted therapy centers.

Councilmember Curtis asked why the road to the site is adjacent to the current dirt road. Mr. Hadley explained the previous property owner had an access easement along the adjacent homeowner's driveway, but that homeowner did not want therapy center traffic to utilize the driveway. The applicant purchased a strip of land north of the adjacent property owner's lot for access to the therapy center.

Councilmember Burnham said landscaping can improve the visual appeal of the structures. Mr. Mumford said the applicant has moved the structures to the west side of the existing barn to be less visible to adjacent residences.

Councilmember Clark asked if the Council could require siding or other material on the buildings. Mr. Mumford said this is a commercial use in an agriculture zone, so there is more flexibility in design standards. The Council can require the applicant to comply with all of the commercial design standards, or they can offer flexibility due to the agriculture setting. The resident adjacent to this property attended the previous meeting and only expressed concerns regarding the capacity of the septic system. The capacity has been verified as an appropriate size for the use.

Councilmember Burnham asked if the delay was due to the access easement. Mr. Mumford explained the delay was due to the septic system. The Utah County Health Department reviewed the system and has granted approval for the current phase of the project. If the business expands, a new septic system will be required.

13.E. SilverLake South – Preliminary Plat

Mr. Mumford stated the Planning Commission reviewed this project and expressed concerns regarding connectivity in the northwest area and southeast area, park sizes and locations, the street name of the street that will connect to Silver Creek Way, and that cluster lots may not strictly comply with the definition of cluster lots in Municipal Code or in the SilverLake Master Development Agreement.

The Planning Commission was concerned about traffic near the new elementary school. To mitigate these concerns, the developer has removed one access onto Golden Eagle Road and moved it to connect at SilverLake Parkway. Two road lengths are slightly over the allowed length, so the Council will need to determine if another pedestrian access is needed.

Mr. Mumford explained Golden Eagle Road was originally planned as a local residential road. Flagship Homes has agreed to widen the road in front of the new elementary school to allow for turn lanes. This school has more parking than any other school in the City. Councilmember Clark expressed concern that there is not enough room for vehicles to park on both sides of the road, in addition to through traffic. Mr. Mumford said any further widening of the road would utilize impact fees.

Councilmember Burnham said the difference between Black Ridge Elementary and this school is that many more children will walk to this school, versus parents driving as they do to Black Ridge Elementary.

Councilmember Gricius stated the biggest concern will be parents parking along SilverLake Parkway as the queue may stretch that long. She asked if they can prohibit parking with red curbs near the school. Mr. Trusty said the Utah County Sheriff's Office will likely prohibit parking on one side of the road.

Utah County Sheriff's Office Chief Deputy Eric McDowell said Brookhaven Elementary has the largest student population on the smallest lot in the district. The design of the new school will help alleviate the issues that exist at Brookhaven. The widened road alleviates traffic concerns, as does the increase in parking stalls.

Councilmembers Clark, Gricius, and Burnham requested the south side curb of Golden Eagle Road be painted red to prohibit parking.

Councilmember Clark asked about crossing guards at the traffic circle during school hours. Assistant City Administrator/Finance Director Paul Jerome stated the traffic circle does not have a traffic control device that stops vehicles. Flashing beacons are in place at the traffic circle at Eagle Mountain Boulevard and Pony Express Parkway to bring attention to pedestrian traffic, but these streets may not be long enough for a flashing beacon to be effective.

Chief Deputy McDowell suggested crosswalks be located along clear lines of sight on SilverLake Parkway, versus crosswalks at the traffic circle. He stated the meandering roads will assist in reducing traffic speed.

All Councilmembers agreed to require red striping along the south side of Golden Eagle Road across from the new elementary school.

Councilmembers Clark and Gricius said the applicant needs to provide a safe route to school in the straight areas of SilverLake Parkway, not at the traffic circle.

Councilmember Curtis said parks are not located within a quarter mile of every home, which is required in the SilverLake Master Development Agreement. He stated it is not reasonable to include the neighborhood park in phase 28, and asked if the powerline corridor is included in the required open space amenity points calculation. Mr. Mumford explained the Master Development Agreement allows the powerline corridor to be included, if improved. Councilmember Curtis expressed concern that the only improvement will be grass.

Mr. Mumford explained the detailed landscape plan is not included, as the site is so large. Staff has requested a detailed plan be presented to the Planning Commission for approval. The applicants have removed trails from the open space calculations at staff's direction.

Councilmember Clark requested the item return to the Council with an amenity calculation worksheet.

Mayor Westmoreland recommended this be removed from the consent agenda for further discussion.

14. AGREEMENTS

14.A. AGREEMENT – Agreement between Eagle Mountain City, Utah and the Eagle Mountain Chamber of Commerce for the Management and Maintenance of the Ladder Signs.

Economic Development Director Aaron Sanborn explained this agreement transfers the maintenance and management of the ladder signs from the City to the Eagle Mountain Chamber of Commerce. This agreement is similar to the agreement the City had with the Lehi Area Chamber of Commerce, but includes a clause allowing the City final approval of all ladder sign locations and advertisers. As staff time will be utilized, five percent of the sign revenue will return to the City to cover those expenses. Mr. Sanborn explained that he and Councilmember Burnham are on the Chamber's Board of Directors and can provide City oversight.

Councilmember Curtis asked if the agreement restricts signs for developments outside of the City. Mr. Sanborn explained the agreement directs the applicant to the Municipal Code, which prohibits signs for developers with projects outside of the City. He said to clarify that point, he will remove the priority list and direct applicants to the City's Municipal Code.

Councilmember Clark asked if the goal is to have the Eagle Mountain Chamber of Commerce take over economic development events such as ShopFest, and how much time Mr. Sanborn spends on Chamber functions. Mr. Sanborn said he would like the Chamber to become more involved in City economic development events; this year, they have been involved with ShopFest and the Limitless Car Show. Before the Chamber brought on a director, he spent approximately one quarter of his time on Chamber functions.

Councilmember Curtis expressed concern that the City is funding Chamber functions and events. He stated the sign fund should be utilized for event expenses such as City staff time. The City should not subsidize the Chamber.

Councilmember Burnham stated the Chamber is offering services to businesses that the City has not previously been able to offer.

Mr. Pili explained the City started the Chamber to offer services to City residents. The City was going to remove all ladder signs, but came up with a creative way to keep the signs to help local businesses. He said they can have a discussion in the future regarding economic development and Chamber functions.

Councilmember Clark asked if the percentage of revenue noted in the agreement will cover City staff time.

Councilmember Burnham explained that Mr. Sanborn was previously managing the ladder signs; the agreement removes that responsibility from him and frees his time up for economic development.

Councilmember Clark asked if the Chamber receives funds from the City's budget. Mr. Sanborn said the City pays membership dues and anything above that membership payment has come from the ladder sign revenue. Of the budgeted $30,000 for the Eagle Mountain Chamber of Commerce, $5,000 is for membership dues and the remaining is a pass through for the ladder sign revenue. The City collects the revenue for the ladder signs and passes those funds on to the Chamber. With this agreement, the ladder sign revenue will go directly to the Chamber. A budget amendment will be presented reflecting this change.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:13 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Colby Curtis, Donna Burnham, Melissa Clark, and Stephanie Gricius. Councilmember Benjamin Reaves 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; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Aaron Sanborn, Economic Development Director; Chris Trusty, City Engineer; Linda Peterson, Communications Director; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Councilmember Burnham led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Farmers Market – The Eagle Mountain Farmers Market is held each Saturday from 9:00 a.m. to 1:00 p.m. at Wride Memorial Park through the end of this month, weather permitting. Information and vendor or entertainer applications are available at eaglemountainfarmersmarket.org.

- Business After Hours – The Eagle Mountain Chamber of Commerce will hold their monthly Business After Hours networking event at Eagle Mountain Storage, 9469 N. Mt. Airey Drive, from 5:30 p.m. to 7:30 p.m.

- Witches & Wizards Movie Night – Enjoy a free showing of Hocus Pocus at SilverLake Amphitheater on Friday, October 4 at 7:00 p.m. Come dressed as a witch or wizard and get a prize. Free popcorn while supplies last. Food trucks will have hot drinks, food, and treats for purchase.

- Halloween Town – Eagle Mountain City's traditional Halloween event, Halloween Town, will be held Saturday, October 26 from 11:00 a.m. to 2:00 p.m. at Nolen Park. Businesses and organizations are invited to register for a free informational booth. Visit emcity.org/events and click on the Halloween Town link to register. Bring the kids in costume for trick-or-treating, a free car show, and a dog costume contest. Food trucks will be on site with food for purchase.

- Christmas Village Vendors – Eagle Mountain City is accepting applications for holiday gift and craft vendors for the Christmas Village Boutique on December 7. Please visit emcity.org/events and click on the Christmas Village link on the calendar.

- Seniors Meal Service – The Eagle Mountain Senior Council is offering meal service at the Senior Center on Wednesdays and Thursdays, except for the first Thursday of the month. For details and menu offerings, please visit emcity.org/events and click on the Lunch at Senior Center links.

- City Notifications – We encourage residents to sign up for City notifications to be aware of public safety emergencies and stay informed about road construction projects, City news and events. Register at www.emcity.org/notifyme. Notifications can be received by email and/or text.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:11 p.m.

Zac Summers expressed concerns regarding traffic flow at the West Side Theatre Company, and stated the structure will be unusable for half of the year. He said storage containers are not permitted, and portable restrooms should not be permanently located in residential back yards. He also asked how the concrete pad will accommodate drainage.

Mayor Westmoreland confirmed with Community Development Director Steve Mumford that the details of the parking will be similar to parking for concerts at this location. Mr. Mumford explained the applicant performed an informal traffic study, which was presented at the previous Planning Commission meeting. He stated the commercial center to the west of this site is different regarding traffic concerns, as there are five commercial businesses at that location. He said the applicant has indicated other entities can use the building and stated he is unsure if it will be used year-round. These and other items such as restrooms will be determined later in the application process.

Elizabeth Evans with the Board of Directors for Eagle Mountain Arts Alliance stated art programs are expanding in the City. She expressed concern regarding the possibility that the West Side Theatre Company building will be the only location for City-sponsored art programs. She stated if the City would consider other art center locations in addition to the West Side Theatre Company site, she supports the proposal.

Mayor Westmoreland stated if the arts community continues to grow in the City, the Council would likely entertain the idea of a more comprehensive building elsewhere in the City.

Jeff Ruth stated if the West Side Theater Company parking lot fills up, vehicles will likely park on Pony Express Parkway and in the residential areas near the site. He also requested penalties be increased for loose dogs.

Mayor Westmoreland closed the public hearing at 7:23 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Gricius
Councilmember Gricius expressed appreciation for those in attendance and to the new Youth Council. She stated the State and Utah County are updating animal laws and said an upcoming podcast will address this issue as well.

Councilmember Clark
Councilmember Clark stated she is excited to see the youth in attendance. Be Ready Eagle Mountain is offering a free HAM radio class every Wednesday in October at City Hall. The class will be from 7:00 p.m. to 8:30 p.m. The test at the end of the class is $14. Also, the Military and Veterans Advisory Board is planning the veterans' pancake breakfast.

Councilmember Burnham
Councilmember Burnham expressed gratitude to the youth in attendance, particularly to the Youth Council. Her son was a Youth Council Mayor and received a two-year scholarship at Utah Valley University due to his involvement with Youth Council.

Councilmember Curtis
Councilmember Curtis thanked those in attendance and those who spoke during public comment.

9. APPOINTMENTS

9.A. Youth Council - 1-year terms

City Recorder Fionnuala Kofoed stated Brooke Bytheway was the sole individual who ran for Youth Council this year and as such, should be appointed as Youth Mayor. Five of the ten individuals in attendance at the meeting on September 18 submitted letters of interest to fill the

Youth Council vacancies, and a sixth letter of interest was sent to an incorrect email address. She encouraged all youth to participate in Youth Council, even if not appointed. Utah State representatives will be in attendance at the November 13 Youth Council meeting.

MOTION: ***Councilmember Clark moved to appoint Ilse Jessup to the Youth Council for a one-year term. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Clark moved to appoint Ela Rose to the Youth Council for a one-year term. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Clark moved to appoint Tyler Selis to the Youth Council for a one-year term. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Clark moved to appoint Salem Shimakonis to the Youth Council for a one-year term. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Clark moved to appoint Sydney Williams is to the Youth Council for a one-year term. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Clark moved to appoint Brooke Bytheway as Youth Council Mayor for a one-year term. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

Ms. Kofoed administered the oath of office to the appointed individuals.

CONSENT AGENDA

10. BID AWARDS

    10.A. Rodeo Grounds Prefabricated Restrooms – CXT Concrete Buildings

    10.B. Eagle Mountain Influent Pump Station Upgrade

11. BOND RELEASES

11.A. Brandon Park Phase A Plat 2 Bond Release – Into Warranty

11.B. Overland Phase A Plat 1 Bond Release – Out of Warranty

11.C. Spring Run Phase A Plat 2 Bond Release – Out of Warranty

11.D. Spring Run Phase B Plat 2 Bond Release – Out of Warranty

11.E. Colonial Park Phase 3 – Out of Warranty

12. MINUTES

12.A. September 3, 2019 Regular City Council Meeting Minutes

13. PRELIMINARY PLATS & SITE PLANS

13.A. Holiday Oil Tank Expansion – Site Plan

13.B. John Walden Clubhouse – Site Plan

13.C. West Side Theatre Company – Temporary Site Plan

13.D. Strides Pediatric Therapy – Site Plan and Preliminary Plat

13.E. SilverLake South – Preliminary Plat

MOTION: ***Councilmember Curtis moved to approve the consent agenda, removing item 13.B. from the agenda, at the applicant's request, and moving items 13.C. and 13.E. to the scheduled items. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

Councilmember Curtis requested staff prepare a checklist of what Councilmembers should review when releasing bonds. City Engineer Chris Trusty explained staff has items they look for such as defects of material and workmanship when determining the eligibility of developments for bond releases. They want to ensure developers are not held accountable for damage caused by builders. He will send a list to the Councilmembers showing what staff reviews and will inform the Council of extenuating circumstances such as releasing a bond in the winter with the understanding that a slurry seal will be applied to a subdivision street once the weather improves.

SCHEDULED ITEMS

13. PRELIMINARY PLATS & SITE PLANS

13.C. West Side Theatre Company – Temporary Site Plan

Councilmember Clark asked for guidance regarding the motion for this item, as the Council did not receive an actual temporary site plan. Ms. Kofoed stated the Council can make a motion they are comfortable with regarding the item. The Council can state a certain structure type will be allowed and condition the approval on a site plan returning to the Council, with required documentation.

Councilmember Curtis stated he is comfortable approving a sprung structure and amending the memorandum of understanding (MOU), but not approving the site plan.

Councilmember Clark stated the Council did not draft the MOU and asked if it is appropriate for the Council to make a motion to amend it.

Councilmember Burnham stated the Council needs to determine if a sprung structure will be allowed at this location and if the Council will permit a fee waiver. If not, the applicant will not continue moving forward with their current plan. They want that assurance before drafting final budgets and plans.

City Attorney Jeremy Cook stated the MOU is non-binding. The City has indicated the current administration's intent is to lease the land to the applicant. If the Council would like to have a more binding commitment, a motion can be made to update the MOU with appropriate language.

City Administrator Ifo Pili asked the Council if they would like the MOU changed. Councilmember Curtis stated the MOU can be updated to state the Council may consider a sprung structure, but he wants to ensure the applicant knows that plans presented would not be approved automatically. Mr. Pili explained if the Council will genuinely consider a sprung structure, amending the MOU is the best option at this point.

Councilmember Clark stated there are only so many fundraising dollars in the community. A resident communicated to her that donations are decreasing due to the increased number of schools and programs in the area.

Mr. Pili reiterated the applicant simply wants to know if the Council will consider the idea of a sprung structure.

Councilmember Gricius stated she would consider a sprung structure and those types of buildings can be aesthetically pleasing. She stated she would not approve of storage containers at the site before the funds are raised.

Councilmember Burnham agreed and stated she appreciates that the applicant committed to not beginning any construction until all funds have been raised. She stated the location is not ideal, but the City is not the entity paying for or building the structure.

Councilmember Clark stated the Eagle Mountain Arts Alliance previously did not approve of this project due to the fact that the location is not centrally located in the City. Assistant City Administrator/Finance Director Paul Jerome explained the extra distance to Cory Wride Park will decrease the number of volunteers, as they draw talent from surrounding areas, as well as from within the City.

Councilmember Clark said that the stated position of West Side Theatre Company (WSTC) is to not only serve the residents of Eagle Mountain, but to also provide an arts venue for Saratoga Springs and Lehi. She asked why the City would subsidize a project that serves more than just Eagle Mountain residents.

Councilmember Burnham said the Eagle Mountain Arts Alliance is not proposing any plan at this time. She explained that allowing WSTC to build a theater does not mean that the Council will not consider a proposal from the Eagle Mountain Arts Alliance.

Councilmember Gricius agreed and stated it is not an either/or option.

Councilmember Curtis stated the City will not subsidize the project at all. He asked if a gravel road would be permitted, versus a permanent road, and expressed concerns that the applicant may not understand all of the requirements of a site plan.

Planning Manager Michael Hadley stated a letter from WSTC committed to providing all required documentation for a site plan during the development process.

MOTION: ***Councilmember Burnham moved to add the following language to the memorandum of understanding with West Side Theatre Company: "The Eagle Mountain City Council is not opposed to a temporary tent structure similar to the rendering attached hereto as Exhibit A, provided that West Side Theatre Company complies with all City standards and approval processes, and resolves any concerns of the Council with respect to noise, parking, restroom facilities, and storage," and the fee for the approval is waived. Councilmember Gricius seconded the motion.***

Councilmember Curtis asked what the definition of temporary is. Mr. Cook stated the lease can dictate how long the structure can be in place and can include any requirements the Council feels appropriate. Councilmember Burnham said the agreement with Pony Express Events was initially readdressed every year.

Councilmember Clark expressed concerns regarding temporary site plan requirements; the motion requires the applicant to comply with City standards, but Municipal Code does not require temporary site plan applications to include details that the Council would like to review. Mr. Mumford explained Municipal Code does not have fewer requirements for temporary site plans; it gives the Planning Commission and City Council the ability to waive requirements.

Mr. Cook stated the motion is to amend the MOU, not to approve of a site plan, and reiterated that the MOU is a non-binding agreement.

Councilmember Curtis asked if the agreement can include a time limit for the temporary structure. Councilmember Burnham stated that will be included in the site plan approval. She said if the Council decides that the temporary structure will only be allowed for two years, it will not be cost effective to the applicant.

Councilmember Clark stated she supports the arts but is not open to a sprung structure at this location.

> ***Those voting aye: Stephanie Gricius and Donna Burnham. Those voting nay: Colby Curtis and Melissa Clark. Mayor Westmoreland voted aye, breaking the tie. The motion carried with a vote of 3:2.***

13.E. SilverLake South – Preliminary Plat

Councilmember Curtis stated the cluster homes must have a component of open space, and every home must have a park within a quarter-mile radius. Councilmember Burnham asked if cluster homes are supposed to be designed similarly to Colonial Park.

Mr. Mumford said Colonial Park is more defined as a garden court. Municipal Code does not require open space to be immediately adjacent to the home, but the open space must be close. The intent is that open space is provided in lieu of a back yard.

Councilmember Curtis stated a painted red curb on the south side of Golden Eagle Road across from the elementary school will mitigate parking and traffic issues.

Pete Evans with Flagship Homes stated he understands that a preliminary plat this large is unusual. They anticipate returning to the Planning Commission and possibly the City Council with a detailed parks plan. Regarding the school site, it has two fronts, versus the single front at Brookhaven Elementary. He explained the parent drop off will be located on the west side of the building with the kindergarten drop off located to the north, which removes traffic from Golden Eagle Road. They also removed an access from the residential area to Golden Eagle Road and relocated the access point to SilverLake Parkway.

Councilmember Clark stated a safe route to school needs to be planned in a location away from the traffic circle. Mr. Evans stated if lots to the west of the school have not been sold, they can include a walking path through that area to the school. If the lots have already been sold, they will consider other areas to include a path away from the traffic circle.

Regarding the cluster home open space issue, Mr. Evans said they have consolidated open space to make it more usable. The SilverLake Master Development Agreement (MDA) has a restriction on the number of townhomes in any given area. They have planned each open space area to be large enough to serve all cluster homes. He requested a variance of the quarter-mile distance requirement for the homes in the southwest portion of the plan, due to the programmed open space at the school and church. They feel they have met the intent of the MDA and of Municipal Code.

Councilmember Curtis said if the amenities are not required now, they will not be installed. Mr. Evans explained the MDA lists what amenities are required and they will return with a parks plan that notes the amenities in each park.

Councilmember Curtis stated in his subdivision in SilverLake, they have grass and two pocket parks. He stated they were told a neighborhood park would come with development of future phases, but the neighborhood park is not planned until phase 28. Councilmember Clark asked if Municipal Code requires parks at specific times during development.

Bronsen Tatton with Fieldstone Homes explained the MDA requires the clubhouse at a certain number of building permits, but does not determine how many building permits can be issued before parks are developed. He said phases 19 and 20 will contain a park for two- to five-year-olds with a nest swing, spinning bowl, and slide tower. The park for five- to twelve-year-olds will contain a pendulum swing, as well as a spinning plate. They intend to bring the park programming back for Planning Commission review. The MDA includes requirements for the park amenities, with which they intend to comply.

Councilmember Clark asked what phase does not meet the quarter-mile park requirement. Mr. Mumford said not all homes in phase 26 are within a quarter-mile of a park. Mr. Tatton stated they may be able to remove a portion of another park and locate it in phase 26. He explained the phasing may be updated to accommodate the construction of a church building; the neighborhood park may be developed sooner than originally anticipated.

Councilmember Curtis expressed concern that parks are not in this area and said a requirement can be included that the park is built before a certain number of building permits are granted. Mr. Evans asked if the Council has the ability to impose that condition of approval. Mr. Cook stated if the Council is uncomfortable with the proposed plan, the application can be tabled.

Mr. Evans explained he is not saying they will not commit to building the park by a certain number of building permits, but stated they have an MDA and are meeting the requirements.

Councilmember Curtis expressed frustration that the completed areas of this development do not have parks and stated all homes could potentially be built without any completed parks. Mr. Evans explained that they bond approximately $2,800 per lot for improvements.

Councilmember Clark stated she cannot approve the preliminary plat with the incorrect phasing, but knowing that the park will be installed by a certain number of building permits could mitigate that concern.

Councilmember Curtis stated he could not approve the preliminary plat without an amenity plan. Mr. Evans stated there are approximately 1,200 approved lots in this area under the MDA. The plan submitted includes 1,069 lots, including the 278 previously approved lots. He committed to include the park by the 300th building permit issued after this meeting.

Discussion ensued regarding the City Council approving the preliminary plat with the condition that staff reviews the parks plan, and the neighborhood park is installed by the 300th building permit.

Mr. Mumford stated the Planning Commission recommended condition of approval is that the parks plan returns to the Planning Commission for approval. He explained the landscape plan has to meet Municipal Code. The MDA is specific to acreage of parks and trail systems, and states the City's parks and amenities standards must be met. Mr. Evans explained that the site plan application for the townhomes will include park plans.

Councilmember Curtis confirmed that the Councilmembers will approve the preliminary plat as long as an amenity worksheet is approved by the Parks and Recreation Director and the neighborhood park is completed by the 300th building permit south of the wash, not including currently issued permits.

Discussion ensued regarding removing a portion of a larger park and placing the park area in an area that does not meet the quarter-mile distance requirement. The Council determined that leaving the large park as it is currently planned is best.

Regarding the connectivity issue, the Council stated the proposed plan will be approved.

Mr. Mumford suggested the crossing on SilverLake Parkway not be adjacent to the parent drop off at the elementary school. Councilmember Clark stated the applicant can work with staff to determine the best location for a crosswalk.

Councilmember Curtis asked if split rail fencing is required along Tickville Wash and requested one be installed for safety. Mr. Mumford said the City is responsible to install a trail and fence along the north end of the wash. Mr. Trusty is researching a grant to improve the safety of the wash areas where the slopes are significantly steep.

Mr. Mumford presented Saratoga Springs City's future transportation map. Saratoga Springs has requested Golden Eagle Road be a local road. Foothill Boulevard is the next priority for Saratoga Springs.

Discussion ensued regarding the condition of approval related to the neighborhood park. The Council agreed to the condition that the park is completed by the 578th recorded lot south of Tickville Wash.

Councilmember Curtis asked about the condition regarding the name of Silver Creek Way. Mr. Mumford said Tickville Wash can serve as a good location to switch street names, but the Planning Commission requested the road name remain consistent. Mr. Evans said one homeowner lives on that street, but they are willing to update the name.

MOTION: ***Councilmember Curtis moved to approve the SilverLake South preliminary plat with the following conditions:***

1. ***Applicant shall pay a cash escrow to the City of $2,810.40 per lot at plat recording.***
2. ***Detailed landscape plans, including the design and amenities with point calculations, for the parks shall be submitted for approval by the Parks and Recreation Director and Planning Director along with the associated final plat.***
3. ***Fencing along SilverLake Parkway and Golden Eagle Road shall match the collector road fencing approved for the Silverlake South area.***
4. ***The road connection to Silver Creek Way across Tickville Wash shall be built prior to recording any plat north of Harvest Crop Drive.***
5. ***The road that will connect to Silver Creek Way shall continue that name to the south.***
6. ***Developer shall construct an upgraded entryway monument at either the western edge of the project along Golden Eagle Road, or the southern end of the project at SilverLake Parkway. Improvements shall consist of a landscaped entryway with a permanent monument sign bearing the name of the subdivision.***
7. ***The applicant shall construct the walking path as presented.***
8. ***The neighborhood park shall be installed prior to the recording of a plat containing the 300th lot in this project, in addition to the 278 already recorded in SilverLake Plats 16 through 20.***
9. ***The applicant shall work with City staff to provide safe crossing routes to the elementary school.***

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

14. AGREEMENTS

14.A. AGREEMENT – Agreement between Eagle Mountain City, Utah and the Eagle Mountain Chamber of Commerce for the Management and Maintenance of the Ladder Signs.

Mr. Pili explained the history of ladder signs in the City. He stated to establish the Eagle Mountain Chamber of Commerce, the City needed to assist the Chamber during the initial creation of the organization.

Mayor Westmoreland explained the City chose to fund a local Chamber instead of the Lehi Area Chamber of Commerce. Mr. Pili stated creating the Eagle Mountain Chamber of Commerce took time, effort and funding. Using the ladder signs for Chamber funds was a creative way to establish the Chamber. These funds are not tax dollars.

Councilmember Curtis stated the signs are on City land using City capital improvements.

Councilmember Clark stated the City should not allow the Chamber to receive sign revenue in addition to financial support from the City.

Economic Development Director Aaron Sanborn explained $25,000 of the $30,000 line item in the City's budget is included as a pass through of the ladder sign revenue. The City pays $5,000 to the Chamber for annual dues. An additional $48,000 was placed in the budget in case the City retained management of the sign program and the signs needed to be replaced.

Councilmember Clark asked if staff will prepare a budget amendment. Mr. Pili explained that budget amendments are not typically presented for lowered expenses. He reiterated that the City is not paying the Chamber anything other than the annual dues.

Councilmember Curtis asked how much staff time is spent on Chamber matters. Mr. Pili stated economic development directors attend chamber events. These events are the City's opportunities to support local businesses.

Councilmember Curtis stated other City departments are not involved in related programs the way the Economic Development Director is with the Chamber. Mr. Pili explained the City provides a venue to Pony Express Events and paid $5,000 for their fireworks display.

Councilmember Curtis stated the lines are blurred between government and private entities. It creates problems to have the Economic Development Director focused on the Chamber. He expressed frustration that the City is so focused on economic development that other areas are lacking.

Regarding staff time, Mr. Sanborn stated it will take approximately thirty minutes to approve a sign slat; with an average wage of $30 an hour, it will cost approximately $500 a year for City staff to provide the required oversite to the ladder sign program. The 5% of revenue that the Chamber will pay the City will be more than $500 a year.

MOTION: ***Councilmember Gricius moved to approve an agreement between Eagle Mountain City, Utah and the Eagle Mountain Chamber of Commerce for the management and maintenance of the ladder signs with the condition that Article 4 Section 1 is amended to the following: "Compliance with Municipal Code. All ladder signs must comply with the Eagle Mountain City Municipal Code and Exhibit A, including but not limited to size, content, colors, designs, and priority. Minor modifications such as dimensions of sign slats are permissible as long as all slats on the single sign are the same dimension." Councilmember Burnham seconded the motion. Those voting aye: Stephanie Gricius, Donna Burnham, and Melissa Clark. Those voting nay: Colby Curtis. The motion carried with a vote of 3:1.***

15. CITY COUNCIL/MAYOR'S BUSINESS

None.

16. CITY COUNCIL BOARD LIAISON REPORTS

None.

17. COMMUNICATION ITEMS

17.A. Upcoming Agenda Items

18. ADJOURNMENT

MOTION: ***Councilmember Gricius moved to adjourn the meeting at 9:19 p.m. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

The meeting was adjourned at 9:19 p.m.

Approved by the City Council on October 15, 2019.

Fionnuala B. Kofoed, MMC
City Recorder