EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

EAGLE
MOUNTAIN

May 05, 2020, 5:00 P.M.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:00 P.M. WORK SESSION – ELECTRONIC MEETING VIA LIFESIZE

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love.

CITY STAFF PRESENT ELECTRONICALLY: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Fionnuala Kofoed, City Recorder; Jeremy Cook, City Attorney; Elizabeth Fewkes, Recording Secretary; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Brad Hickman, Parks and Recreation Director; Jeff Weber, Fleet and Facilities Operations Director; Jessa Porter, Planner; and Angela Valenzuela, Human Resources Manager.

Mayor Westmoreland called the work session to order at 5:04 p.m.

City Recorder Fionnuala Kofoed explained the procedural adjustments to the electronic meeting held via Lifesize and live streamed through Granicus and the proposed interim adjustments to practices relating to City Council Work Sessions and Policy Meetings. She stated the Recorder's Office had received resident communications via email to be read into the meeting during the applicable public hearings during Policy Session.

Public meetings will be held electronically in accordance with Executive Order 2020-1 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020.

1. CITY ADMINISTRATOR INFORMATION ITEMS

City Administrator Ifo Pili announced Assistant City Administrator/Finance Director Paul Jerome had achieved the International City Management Association Credentialed Manager designation and stated a formal presentation of recognition would be forthcoming. Staff and elected officials congratulated Mr. Jerome.

2. AGENDA REVIEW

9. AGREEMENTS

9.A. Insurance Renewal Agreement – NFP

Councilmember Burnham inquired if the terms of the renewal agreement represented an increase or decrease in insurance benefits for City employees.

Mr. Jerome explained that in order to retain the same level of coverage standards, premiums would have increased by 12.5 to 13 percent. The proposed agreement would bring the City in line with insurance market standards while still providing quality coverage at only a 0.4 percent premium increase.

Clint Wadsworth, Vice President at NFP Corporate Benefits, stated the City filed more insurance claims in 2019 than in previous years, which accounted for the 12.5 percent premium increase to maintain the existing agreement terms. Mr. Wadsworth searched the market for more competitive offers and suggested changes to the deductible structuring; the changes lowered the increase in premiums to less than half a percent, resulting in a $3,946 premium increase from $977,591 in 2019 to $981,537 in 2020 with a maintenance in comparable benefit coverage.

Mr. Wadsworth explained the deductible amounts remain the same at $2,500 for individual coverage and $5,000 for family coverage. In 2019, the out-of-pocket maximum amounts equaled the deductible. Under the proposed agreement, after meeting the deductible, the employee will be responsible for ten percent of medical costs until reaching the maximum out-of-pocket amounts of $3,000 for an individual or $6,000 for families.

Councilmember Love verified the health savings account employer contribution rate will remain the same as in 2019.

Mr. Wadsworth informed the Council that a recording of a meeting conducted via Zoom will be emailed to employees explaining the changes in benefit coverage in lieu of a staff enrollment meeting due to in-person meeting restrictions due to the pandemic.

10. AMENDED FINAL PLAT

10.A. Parkway Crossroads – Recorded Plat Amendment

Planning Manger Michael Hadley confirmed the amendment brings the plat into compliance with Council-approved changes.

11. MINUTES

11.A. April 21, 2010 – Regular City Council Meeting

SCHEDULED ITEMS

12. ORDINANCES/IMPACT FEES – PUBLIC HEARINGS

12.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Parks and Recreation Impact Fee; Providing

for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

12.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Storm Water Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

12.C. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Culinary Water Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters

12.D. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Transportation Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

Items 12.A., 12.B., 12.C., and 12.D. were presented and discussed concurrently.

Fred Philpot, Lewis, Young, Robertson, and Burningham Vice President, presented the items. Mr. Philpot explained the impact fees calculation process including the Impact Fees Facilities Plan (IFFP) and Impact Fee Analysis (IFA) for the Parks and Recreation Impact Fee, the Storm Water Impact Fee, the Culinary Water Impact Fee, and the Transportation Impact Fee.

12.A. – Parks and Recreation Impact Fee

Mr. Philpot presented three parks and recreation impact fee scenarios for the City Council's consideration.

Table 1.2: Park Impact Fee Schedule by Scenario

IMPACT FEE PER HH	PERSONS PER HH	FEE PER HH	2016 CALCULATED FEE	% CHANGE
Scenario 1: Maximum Allowable Including Land Value				
Single Family	4.41	**$6,903**	$6,333	9%
Multi Family	3.09	**$4,842**	$4,524	7%
Scenario 2: Excluding Land Value				
Single Family	4.41	**$1,936**	$1,158	67%
Multi Family	3.09	**$1,358**	$827	64%
Scenario 3: Investment Needed to Achieve IFFP Target				
Single Family	4.41	**$2,978**	$1,158	157%
Multi Family	3.09	**$2,089**	$827	153%

The impact fee including the applicable buy-in component is presented below. Scenario 1 represents the maximum allowable impact fee the City may assess. Scenario 2 illustrates the impact fee assuming all land is removed from the level of service (LOS) calculations. Scenario 3 illustrates the needed investment to achieve the objectives of the IFFP. In order to fund the proposed projects in the IFFP, the City would need to adopt a LOS of $675 per capita, which is still lower than the existing LOS of $1,565 (including land valuation). Removing the land value in the LOS calculation will reduce the available impact fee revenues from $39M to $11M, which is below the estimated expenditures shown in the IFFP. Thus, Scenario 2 may not be feasible if the City desires to fund the projects identified in the IFFP.

Table 1.3: Impact Fee with Applicable Buy-In Component

	BUY-IN		SCENARIO 1		SCENARIO 2		SCENARIO 3	
IMPACT FEE PER HH	**SID BUY-IN**	**MID-VALLEY REGIONAL BUY-IN**	**FEE PER HH**	**TOTAL**	**FEE PER HH**	**TOTAL**	**FEE PER HH**	**TOTAL**
Single Family								
North Service Area	$364	$110	$6,903	**$7,377**	$1,936	**$2,410**	$2,978	**$3,452**
South Service Area	-	$110	$6,903	**$7,013**	$1,936	**$2,046**	$2,978	**$3,088**
West Service Area	-	$110	$6,903	**$7,013**	$1,936	**$2,046**	$2,978	**$3,088**
Multi Family								
North Service Area	$364	$110	$4,842	**$5,316**	$1,358	**$1,832**	$2,089	**$2,563**
South Service Area	-	$110	$4,842	**$4,952**	$1,358	**$1,468**	$2,089	**$2,199**
West Service Area	-	$110	$4,842	**$4,952**	$1,358	**$1,468**	$2,089	**$2,199**

Councilmember Love asked if Scenario 2 had been used for the parks and recreation impact fees in the past because the City already owned the land, and the impact fees covered the expense of park land improvement, not purchase. Mr. Philpot said the City's ownership of the land and large percentage increases were considerations in selecting Scenario 2. He explained fee variances which are due to housing density.

Councilmember Curtis explained the rational used to determine previous park and recreation impact fee assessments including General Fund supplementation and said impact fees would need to be increased to maintain the same LOS.

Mr. Philpot discussed LOS maintenance via fund supplementation and land value changes in accordance with City growth.

Councilmember Gray expressed concern regarding fee variances between service areas. He stated due to resident use of parks throughout the City, the fees should be the same for all residents.

Discussion ensued regarding Special Improvement District (SID) buy-ins and other agreements necessitating the division of impact fees based upon improvement location in the past, and the possibility of combining the City into a single area should staff research determine all SID buy-in obligations have been met, or should the City Council determine to use the General Fund to pay off the balance.

Councilmember Clark requested clarification on the terms and remaining balances of the SID obligations.

12.B. – Storm Water Impact Fee

Mr. Philpot explained that staff and he had discussed establishing a City-wide storm water service area for impact fees; however, due to the substantial variance in capital costs, the three service areas designations were retained.

Proposed Storm Impact Fees per Equivalent Residential Unit (ERU):

North Service Area:

- Total Future Facilities Fee Per ERU: $207
- Tickville Wash Equity Buy In: $75
- **Total Combined Impact Fee: $282**

South Service Area:

- Total Future Facilities Fee Per ERU: $537
- 98-3 SID Equity Buy In: $113
- EM Properties Equity Buy In: $29
- **Total Combined Impact Fee: $679**

West Service Area:

- Total Future Facilities Fee Per ERU: $2,470
- **Total Combined Impact Fee: $2,470**

Councilmember Love requested the current impact fees for each area. Mr. Philpot stated the current impacts fees are $235 for the North Service Area, $611 for the South Service Area, and approximately $400 for the West Service Area. He verified the high increase for the west service area is due to necessary capital improvements and explained the impact fees will be used to install and improve the storm water system in an area with lower growth, which results in a higher cost per ERU.

12.C. – Culinary Water Impact Fee

Mr. Philpot presented the item and explained the culinary water impact fees changes are based upon partnership with the Central Water Project (CWP) through Central Utah Water Conservatory District (CUWCD). The developments utilizing CWP water include a one-time development fee assessed by CWP in place of a City water existing source buy-in component included as a capital cost in the impact fee total. Mr. Philpot stated the two service area designations are due to a variance in storage component costs.

TABLE A.4: SUMMARY OF REVISED IMPACT FEE PER ERC FOR DEVELOPMENT UTILIZING CWP WATER

	SERVICE AREA 1	SERVICE AREA 2
Eagle Mountain City Impact Fee	$3,668	$4,854
CWP One-Time Development Fee*	$6,839	$6,839
Total Impact Fee	**$10,507**	**$11,693**

*Fee Waived if Development Purchases CWP Water Directly from CUWCD

Mr. Philpot stated the Eagle Mountain City impact fee has decreased by approximately $600 for both service areas; however, the overall impact fees have increased due to the development fee the CWP imposes. Mr. Philpot explained the fee covers the development of capital infrastructure such as pipelines, pumps, wells and water rights, but does not include the annual maintenance fee for the CWP system.

Discussion ensued regarding the CWP specifications, implementation, and fees.

12.D. – Transportation Impact Fee

Mr. Philpot stated the transportation impact fee was calculated by updating the 2017 transportation plan based upon recent transportation projects. The totals were lower than anticipated due to alternative funding that resulted in a decrease in the impact fee cost per trip from $259 to $183.79.

Mr. Philpot presented and explained non-standard impact fee calculations. He presented the below impact fees for other cities in Utah and explained factors that can cause variances in impact fee assessments.

SFR	Eagle Mountain (Max) NSA	Eagle Mountain (Max) SSA	Eagle Mountain (Max) WSA	Tooele	Kaysville	Logan	South Jordan	Brigham City	Spanish Fork	Lehi	Saratoga Springs
Parks (Scenario 3)	$3,452	$3,088	$3,088	$2,168	$4,480	$1,292	$5,420	$3,115	$3,999	$2,600	$2,505
Storm	$282	$679	$2,470	$0	$0	$0	$1,466	$1,026	$438	$1,391	$535
Transportation	$1,908	$3,440	$1,568	$0	$1,330	$1,020	$1,807	$354	$301	$1,163	$1,125
Culinary Water	$10,507 / $11,693			$4,609	$769	$2,293	$3,108	$2,366	$1,236	$1,200	$2,531

Assumes 3/4" Meter,
1/4 Acre Lot

He stated after holding public hearings for the various impact fees, the City Council may adopt, modify, or reject the proposed impact fees. Any reduced impact fees will be immediately implemented. Any increased impact fees will undergo a ninety-day waiting period before implementation to permit time for contesting of the fees by the public, if warranted or desired.

Councilmember Love asked for clarification regarding the reduction in the transportation impact fee, despite the need for the expansion and improvement of City roadways.

Mr. Philpot explained the impact fees may only be used toward infrastructure growth or expansion. City Engineer Chris Trusty explained that some growth projects, such as the widening of Pony Express Parkway, came in under budget due to funding assistance from Saratoga Springs City and Mountainland Association of Governments, and other reimbursement agreements. Mr. Trusty explained the transportation IFFP is scheduled to be reviewed during the upcoming budget year and the impact fees will be reassessed and adjusted in accordance with the updated IFFP.

Discussion ensued regarding transportation impact fees, IFAs, IFFPs, assessments, future projects, and funding assistance.

13. RESOLUTIONS

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Revised Sage Park Business Center Development Agreement.

Community Development Director Steve Mumford explained the revised agreement was requested by the applicant. Subsequent to the City Council approving the development agreement for the Sage Park Business Center and Residential Development Area, the City and developer had a different understanding regarding whether the developer would be entitled to an impact fee reimbursement for the construction of the collector road in the project. Staff believes that the construction and dedication of the collector road was a condition of approval and the requirement for the developer to construct and install 77-feet of asphalt without reimbursement is reasonable.

Mr. Mumford explained the developer believes he should be entitled to reimbursement for the land and up-sizing costs above a 53-foot width road. In addition, the developer has requested revisions to the language with respect to an access onto Eagle Mountain Boulevard. Staff disagrees that the changes are necessary or appropriate.

The developer proposes the following revision to the development agreement:

> 3. Collector Road Dedication. The Property shall be developed in the general configuration as shown on the concept plan attached hereto and incorporated herein (the "Concept Plan"). In consideration for the City rezoning the Property, Developer shall construct and dedicate to the City a 94' wide Major Collector Road in accordance with the design standards in Eagle Mountain City Code Table 16.35.130(b) in the location shown on the Concept Plan (the "Collector Road"). Developer shall be reimbursed for all upsizing cost (including land cost) above that of the 53' road previously required as part of the prior approvals.
>
> 4. Commercial Storage Access Road. It is the understanding of the parties that Developer may is vested with the right to propose a right in / right out access into the Project to the North of the Collector Road (as shown on the attached concepts). The City shall Grant consider the access in accordance with the then existing EMMC requirements.

Staff proposes the following revision:

> 3. Collector Road Dedication. The Property shall be developed in the general configuration as shown on the concept plan attached hereto and incorporated herein (the "Concept Plan"). In consideration for the City rezoning the Property, Developer shall construct and dedicate to the City up to a 94' wide Major Collector Road (which width shall be determined by the City) in accordance with the design standards in Eagle Mountain City Code Table 16.35.130(b) in the location shown on the Concept Plan (the "Collector Road"). Developer shall be reimbursed for upsizing cost for any portion of the Collector Road that is more than 77' wide, including the value of the land required to upsize the Collector Road to greater than 77' feet at unimproved agriculture land value.
>
> 4. Commercial Storage Access Road. It is the understanding of the parties that Developer may propose a right in / right out access into the Project to the North of the Collector Road. The City shall consider the access in accordance with the then existing EMMC requirements.

Discussion ensued regarding Municipal Code requirements for and applications of a right-in, right-out access and concerns regarding granting a vested right for a right-in, right-out access as part of a development agreement, as these accesses are usually granted during later approvals for a project, once detailed infrastructure design plans and site renderings are provided to staff.

Mr. Mumford stated a traffic study has yet to be completed for the area and the project will include storage units in lieu of residential units. He explained staff recommendations for the project are based upon understandings during the initial agreement meeting and approval that the developer would cover part or all of the cost of the road width expansion.

Applicant Isaac Patterson with Patterson Construction stated his intention to construct a development that meets the City's updated General Plan. He said he had understood that the additional width, above a standard 53-foot road, for the installation of a collector road would be reimbursed through transportation impact fees and discovered the up-sizing costs would not be reimbursed while reviewing the final contract before signing the agreement. He said that due to the economic impact of the COVID-19 pandemic, Patterson Construction desired to withdraw the rezone equest and construct only residential units. He expressed a willingness to honor the rezone agreement but reiterated his preference to withdraw the application.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. The work session was adjourned at 6:47 p.m.

7:00 P.M. POLICY SESSION – ELECTRONIC MEETING VIA LIFESIZE

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:05 p.m. and explained the meeting was being conducted electronically due to the COVID-19 pandemic.

5. PLEDGE OF ALLEGIANCE

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

Ms. Kofoed explained the deadline for filing to run for City Youth Council has been extended through Thursday, May 07, 2020. Youth interested in running should submit a letter of intent to recorder@emcity.org. The election will be conducted electronically via Canvas through Cedar Valley High on Tuesday, May 12, 2020. Youth who do not attend Cedar Valley High may vote by contacting the City's Recorder's Office.

7. PUBLIC COMMENTS

Due to social distancing standards public comment during meetings is temporarily suspended.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Love
None.

Councilmember Clark
Councilmember Clark suggested having work session items return to the policy session at the next schedule meeting, instead of the current meeting, to allow more time for research and discussion with staff before voting. She said several residents had contacted her requesting the allowance for memorial signs, in addition to ribbons, to honor community members who have passed away. She expressed gratitude to Facebook and the Chamber of Commerce for their efforts to provide grant funding for small businesses struggling due to the economic impact of the COVID-19 pandemic and encouraged small businesses in need to apply for the grant assistance.

Councilmember Curtis
Councilmember Curtis also expressed gratitude to Facebook and the Chamber of Commerce for grant relief and expressed concern for and awareness of struggling businesses and a desire for the City and Council to assist in economic recovery.

Councilmember Burnham
Councilmember Burnham expressed thanks to Facebook and the Chamber of Commerce and the impact of their efforts. She expressed appreciation for residents' efforts to understand, support, and assist one another.

Councilmember Gray
Councilmember Gray thanked the residents attending the remote meeting and appreciated their efforts to stay informed on City matters. He thanked staff for their efforts during the crisis and the Communications department for handling complaints and distributing information to keep residents safe and informed. He expressed appreciation to Parks and Recreation Director Brad Hickman for addressing citizen concerns regarding park maintenance.

Mayor Westmoreland
Mayor Westmoreland expressed appreciation for resident strength and resilience during a time of crisis and efforts to adapt and assist one another. He thanked those attending electronically.

CONSENT AGENDA

9. AGREEMENTS

9.A. Insurance Renewal Agreement – NFP

10. AMENDED FINAL PLAT

10.A. Parkway Crossroads – Recorded Plat Amendment

11. MINUTES

11.A. April 21, 2010 – Regular City Council Meeting

MOTION: ***Councilmember Curtis moved to approve the consent agenda. Councilmember Gray seconded the motion. Those voting aye: Donna***

Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

SCHEDULED ITEMS

12. ORDINANCES/IMPACT FEES – PUBLIC HEARINGS

Mr. Philpot, a municipal finance consultant and Vice President of Lewis, Young, Robertson, and Burningham, reviewed the proposed impact fee analyses he presented during the work session.

Councilmember Curtis inquired if the 90-day wait period for increases to impact fees could also be applied to decreases. Mr. Philpot stated the 90-day wait period is required to allow sufficient time for developers to present information to dispute an impact fee increase and decreases are adopted and effective immediately.

Discussion ensued regarding the purpose, benefits, and payment of impact fees.

Councilmember Burnham inquired if the timing deadline for public notification had been met due to concerns expressed via resident communications. Ms. Kofoed stated the public notification requirements had been met and stated the final documentation was received by the Recorder's Office six days before the meeting, as opposed to the usual ten days.

City Attorney Jeremy Cook stated that the City Council and the public may benefit from additional time to review the proposed impact fee amendments and the impact fees could be included on the consent agenda for the following City Council meeting. Councilmember Curtis expressed concern with the inclusion of the impact fee ordinances on the consent agenda should any significant changes be made to the impact fees as currently proposed.

12.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Parks and Recreation Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

Councilmember Burnham expressed concern regarding the acreage calculations listed on Table 3-1: Existing Parks Inventory in the Parks and Recreation IFFP. Mr. Philpot stated the acreage listed on Existing Park Inventory table was not a factor in the impact fee calculation. Parks and Recreation Director Brad Hickman stated the calculations for total acreage on the Existing Park Inventory table in the IFFP includes unimproved and improved land within each subdivision, in addition to developed parks.

Councilmember Gray stated his preference for a City-wide impact fee in lieu of three separate fees for the north, south, and west service areas within the City, as the impact fee is for new construction and new residents benefit from and are allowed use of all park and recreation facilities.

Councilmember Clark requested additional information regarding SID specifications and the remaining payoff amounts. Staff verified the SID balance had been paid and could be removed from the IFA.

Discussion ensued regarding the removal of the SID, the recalculation of the impact fees, and the potential of creating a City-wide Parks and Recreation Impact Fee.

Mayor Westmoreland opened the public hearing at 7:57 p.m.

The following comments were submitted via email and the online comment form:

Good afternoon,

I wish to voice my support for the proposed changes to city code regarding raising impact fees and have this email read into the public comment record.

I am certain that organizations representing builders and developers will have representatives addressing you in opposition to the proposed increases. As a long-time resident of Eagle Mountain, in my view, residents are living with far greater financial uncertainty than developers and homebuilders, both now and for coming years.

You know many residents have taken major financial hits as a result of the COVID-19 restrictions. Many have lost jobs and will likely not recover to pre-pandemic income for some time. Our city's revenue from tax sources will likely drop as well. It is important that the needs of residents be given priority.

News and economic reports show development and construction have moved ahead at a record pace as potential homebuyers scramble to take advantage of historically low interest rates. Several realtors I know personally have reported to me that they are experiencing an unexpected dramatic increase in sales. Construction has continued to progress as essential work. Meanwhile, many resident taxpayers have seen drastic reductions in their income. These are all indicators that business remains strong for developers and homebuilders while residents face uncertainty.

Those infrastructure and other costs for new development not adequately covered by impact fees ultimately fall back upon resident taxpayers. Combine that with the economic uncertainty many residents face and potential shortfalls from anticipated tax revenue the City may be facing, now is not the time for residents to foot the bill for developments that impact fees need to cover. Far too often we have seen new neighborhoods built without adequate roads to carry new residents and all residents suffer when this happens. Meanwhile, the developer moves on to the next project.

Residential developers and homebuilders may attempt to frighten us by saying they will take their developments elsewhere. The fact is that they likely will be facing similar situations wherever they go. Yes, we want new residents. Yes, we want to be seen as an attractive home for new commercial development. But unlike homebuilders and developers, we residents don't have the same option as they do; namely, we can't put the cost off on anyone else. It falls to us for the long-term.

You are certainly aware of these points. I know you take your responsibilities very seriously and I encourage you to support raising impact fees.

Thank you,
Mare Burningham

Please accept this email public comment concerning the consideration of new Impact Fee Facility Plans and Impact Fee Analysis.

PARKS & RECREATION IMPACT FEE ANALYSIS.

a. The IFA page 4 states on Section 1: Table 1.1 Estimate of Impact Fee Value per Capita. "The City's parks classification system includes pocket, neighborhood, community and regional parks, as well as trail ways. Only system improvements are included in the impact fee analysis. System improvements include park facilities classified as community and regional parks. Trailways, pocket parks and neighborhood parks are excluded from this analysis since these are funded by developers or generally through grants." Since only community and regional parks are included in the data for consideration of the fee, it seems appropriate that Eagle Mountain create only one service area: City Wide. Utah code allows cities to include only system-wide parks for the purpose of calculating impact fees. The entire community benefits from the community and regional parks. Twenty years ago when the city incorporated it made sense to have service areas, but now as large as the city is and only the community and regional parks included, it could be reviewed to combine the entire city into one City Wide fee.

b. The land value that the IFA is based on is very high. $141,109 for park land/acre is excessive. This value is based on raw ground. In comparison: Lehi - $38,903/acre; Spanish Fork-$65,000/acre; Lindon - $101,549/acre.

The IFFP lists $54,949 for improvements. This also is high per acre. This includes parking lots, playground equipment, picnic tables, etc. I would like more time to analysis the data.

c. The city Parks/Rec account presently has a large balance. Are all the funds being utilized within the 6 year period as dictated by Utah Code on projects identified for their use in the IFFP?

Deann Huish, Government Affairs Public Relations
Utah Valley Home Builders Association

As a professional who actively bids and sees the purchase prices of raw land in Eagle Mnt. The price per acre is greatly overvalued. It is important to understand that the asking price of land is a poor indicator as a person can ask for anything but the actual value, which is what people will actually pay. Deann is correct in her comments as she submitted.

David Lewis IV
D.R. Horton Construction

Mayor Westmoreland closed the public hearing at 8:02 p.m.

Councilmember Curtis asked for an explanation of the methodology used to calculate land values. Mr. Philpot stated he used real estate data for property currently on the market to calculate an average cost of large and small land tracts and determined an average of $200,000 value per acre, then reduced the value to $150,000 per acre, in order to remain conservative.

Mr. Hickman explained the impact fees take into consideration the existing LOS. He explained staff efforts to improve park standards and services and expressed a desire to ensure the impact fees reflect the preservation and funding of the current LOS.

Discussion ensued regarding the park and recreation impact fees, regulations preventing impact fees from exceeding the current LOS standards, previous City Capital Project Fund and impact fee investments in parks and recreation to provide a quality LOS, and land cost evaluation concerns.

MOTION: ***Councilmember Burnham moved to table an ordinance of Eagle Mountain City, Utah, adopting an updated Parks and Recreation Impact Fee until the next meeting to allow additional time to verify land cost evaluations and the SID buy-in. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

12.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Storm Water Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

Mayor Westmoreland opened the public hearing 8:09 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: ***Councilmember Burnham moved to table an ordinance of Eagle Mountain City, Utah, adopting an updated Storm Water Impact Fee until the next meeting. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

12.C. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Culinary Water Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters

Councilmember Love expressed concern regarding the significant increase of the Culinary Water Impact Fee and requested clarification regarding the increase.

City Administrator Ifo Pili stated the one-time development fee CWP imposes supports the infrastructure installation and water rights costs for CWP to be able to provide water to Eagle Mountain. He explained the City has absorbed capital costs through the City's CWP Fund in the past, and the inclusion of CWP's one-time development fee is to ensure those using CWP and benefiting from CWP water assist with capital costs.

Councilmember Love asked for additional clarification as to why the culinary water fee would be significantly higher than other cities. Mr. Philpot reviewed the culinary water costs in other cities and explained variance in infrastructure debt and growth capital costs influence on impact fee assessment.

Councilmember Clark verified the increase to the culinary impact fee schedule represents a change in the funding method for an existing City expense the City had been previously subsidizing through other funds.

Mr. Pili explained obtaining water through the CWP verses other sources and the associated infrastructure and capital cost expenses, previous methods using City funds to supplement providing water for new residents, changes in the market, and City efforts to provide and maintain low water costs. He explained City efforts to educate developers purchasing water rights from other sources that exclude infrastructure and capital costs, resulting in a higher overall expense.

Mr. Pili stated one of the reasons for the higher impact fee is to prevent City debt that would increase water service rates for all residents; Eagle Mountain City has one of the lowest water rates in the Utah. He stated the City strives to avoid debt and balance the water infrastructure expense between impact fees and other City funds.

City Engineer Chris Trusty explained other cities obtain irrigation water from local secondary water sources geographically unavailable within Eagle Mountain City.

Mayor Westmoreland opened the public hearing at 9:00 p.m.

The following public comment was submitted for record:

> CULINARY WATER IMPACT FEE ANALYSIS
> a. Amendment to the 2014 Culinary Water IFA, page 4. Non-Standard Impact Fees.
> The City acknowledges in the last paragraph on this page that these are non-standard impact fees. (Typo on "transportation system". Should state Culinary Water in this last paragraph) After speaking with Chris Trusty, maybe this should be listed differently or worded differently on the Table A.3: CWP One-Time Development Fee. I'm not sure these are impact fees, but rather development fees and could be included in the Eagle Mountain Fee Schedule for Development.
>
> Thank you for taking my comments. In behalf of the builders and developers in Eagle Mountain, we appreciate having as much time as possible to peruse the documents and give comments and input to the council and staff.

Deann Huish, Government Affairs Public Relations
Utah Valley Home Builders Association

Mayor Westmoreland closed the public hearing at 9:11 p.m.

MOTION: ***Councilmember Burnham moved to table an ordinance of Eagle Mountain City, Utah, adopting an updated Culinary Water Impact Fee until the next meeting to allow for amendments to improve clarity. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

12.D. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Transportation Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

Mayor Westmoreland opened the public hearing 9:21 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: ***Councilmember Curtis moved to table moved to table an ordinance of Eagle Mountain City, Utah, adopting an updated Transportation Impact Fee until the next meeting. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

13. RESOLUTIONS

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Revised Sage Park Business Center Development Agreement.

Mr. Mumford reviewed the revised Sage Park Business Center Development Agreement presented during work session.

Mr. Cook stated concerns have arisen in the past regarding the allowance of changes to negotiated agreements and that the staff recommendations for this project are reasonable.

Councilmember Love expressed concerns that a 77-foot road would lack sufficient width to allow for a left-hand turn lane from the proposed minor collector road onto Eagle Mountain Boulevard. Mr. Mumford explained that should a 77-foot road be installed, the parking areas/emergency lanes would need to be removed or the sidewalk or park strip width reduced in order to provide for a left-hand turn lane onto Eagle Mountain Boulevard.

Applicant representative Isaac Patterson stated that during previous discussions, he had understood a right-in, right-out access had been approved. He voiced concern in having the development agreement commit Patterson Construction to binding restrictions without having the right-in, right-out access likewise guaranteed by the City. He stated the lack of a right-in, right-out access would render the property unusable. He said Patterson Construction's plan meets the intent of the updated City General Plan. Mr. Patterson expressed frustration the upgrading of the road to a collector, due to the updated General Plan, would not be reimbursed by the City and was not included in the impact analysis. He stated the standard procedures for all other cities he has developed properties in include an impact fee reimbursement for the installation of additional asphalt when a collector road is required as part of a general plan.

Mr. Patterson stated Patterson Construction's amendment proposes reimbursement for the road width expansion and a guaranteed right-in, right-out access in accordance with their understanding of the terms of the original agreement negotiation. He stated, if the Council determines to deny Patterson Construction's proposed amendment, they prefer to withdraw the residential to commercial rezone application.

Councilmember Gray asked if Mr. Patterson had reviewed the minutes and listened to the recording for the November 19, 2019 City Council meeting. Mr. Patterson stated he had read the minutes.

Councilmember Curtis stated when he discussed the development agreement with Mr. Patterson before the meeting, Councilmember Curtis did not recall the specifics of the previous agreement. Other Councilmembers recalled the road width expansion as included in the agreement approved during the November 19, 2019 meeting. Councilmember Curtis played an excerpt from the November 19, 2019 work session in which the Sage Park rezone was discussed. The audio related to Wayne Patterson's comment regarding the road under discussion.

Councilmember Curtis explained his understanding, based upon Wayne Patterson's statement on November 19, 2019, that Patterson Construction's installation of the road expansion was included with the agreement at no cost to the City.

Councilmember Clark recalled Councilmember Reaves expressing concern during the November 19, 2019 City Council meeting in permitting the construction of additional storage units instead of the desired employment center uses. She stated the Council and staff understood Wayne Patterson's statement to indicate Patterson Construction would fund the road installation in accordance with the updated General Plan and was a determining factor in the approval of the agreement. She said the City should not have to pay for a road that Wayne Patterson had previously agreed to fund.

Mr. Patterson said he would need to speak with Wayne Patterson regarding the statement, as it did not align with Patterson Construction's current position. He stated Patterson Construction's position is to install a 53-foot road, the standard width of a local residential road, and front the expense of a road expansion to a collector road with the expectation of City reimbursement for the cost of the additional width.

Councilmember Clark stated she voted to approve the project based upon the understanding that Patterson Construction would fund the installation of the full collector road width.

Mr. Patterson asked if the Council would prefer Patterson Construction to withdraw the application for the rezone to commercial and construct residential units.

Councilmember Curtis stated the Council agreed to allow the installation of storage units, an incompatible use for the area, in exchange for the installation of the collect road.

Mr. Patterson clarified the owner of the adjacent property was responsible for half of the road installation.

Discussion ensued regarding the road width and use expectations for adjacent properties, the functionality and accessibility of the Sage Park Business Park Development should a right-in, right-out be denied, and concerns regarding the City guaranteeing a right-in, right-out access before reviewing a concept plan or a preliminary plat.

Mr. Patterson reiterated Patterson Construction's preference to withdraw the rezone application.

Councilmember Clark stated the conversation should center around the rezone application withdrawal as the concerns regarding granting the right-in, right-out would no longer be relevant.

Mr. Mumford explained that if the applicant were to withdraw the rezone application and revert to residential, a collector road would no longer be required for the property but would no longer be in accordance with the updated General Plan. He stated the project's approved plat was in place before expiration dates were introduced to City developmental agreements in 2010.

Mr. Cook explained the intent of the verbiage used in the agreement allows for a right-in, right-out access, but does not guarantee the access, as this stage of the project is not the appropriate time for such approvals.

Discussion ensued regarding land use, road width, and traffic flow options for the area that best implement the updated General Plan, provide value, and addresses City needs.

Councilmember Burnham clarified the Sage Park Business Center Development included flex buildings in addition to the storage units.

Councilmember Curtis expressed frustration regarding the applicant requesting what he viewed to be changes from the previously approved application and stated a preference for the withdrawal of the rezone application as he did not feel the City was being treated fairly.

Mayor Westmoreland stated reverting to residential units would be problematic as it no longer was a compatible land use for the area in accordance with the updated General Plan.

Councilmember Love concurred with Councilmember Curtis and stated she understood Wayne Patterson's comments during the November 19, 2019 meeting as an agreement to fund the road expansion and did not perceive an alternate interpretation of his statement.

Discussion ensued regarding the interpretation of Wayne Patterson's comments during the November 19, 2019 meeting.

Mr. Patterson stated, due to other cities funding the width for collector road expansion, Patterson Construction had understood the reimbursement for the additional asphalt installation was included in the agreement.

Councilmember Gray stated his understanding was a quid pro quo in allowing the storage units in return for the road expansion and the agreement reflects that understanding. He said the applicant not signing the agreement or disagreeing with the terms does not alter the Council's approval of the agreement or intentions. He stated neither of the proposed amendments appear to meet both the needs of the applicant and the Council and suggested further negotiations may be necessary before a mutual agreement could be reached.

Mr. Patterson stated Patterson Construction pays hundreds of thousands of dollars in impact fees every year and is willing to front the cost for the road expansion and other infrastructure expenses. Where a collector road would benefit Eagle Mountain City and not only the residents of the Sage Park development and the placement is in accordance with City requests, he expressed surprise at the Council's concerns with Patterson Construction's proposed terms.

Councilmember Curtis stated the confusion and disagreements have apparently arisen due to miscommunication between the applicant and the City Council. He recognized Patterson Construction as a valuable partner with the City and stated both parties need to work together to determine a solution both sides can agree upon.

Councilmember Burnham suggested tabling the item to allow time to work with the applicant to determine a mutually agreed upon solution to prevent creating an antagonistic relationship with Patterson Construction and verified Mr. Patterson would be amenable a postponement.

MOTION: ***Councilmember Burnham moved to table a resolution of Eagle Mountain City, Utah, approving the revised Sage Park Business Center Development Agreement to allow time for further negotiating to reach a new agreement. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

13.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2020-2021 and Setting a Public Hearing for Adoption of the Final Budget for May 19, 2020.

Assistant City Administrator/Finance Director Paul Jerome presented the changes to the tentative budget since the presentation to the City Council on April 21, 2020, and projection adjustments due to the economic impacts of the COVID-19 pandemic.

MOTION: ***Councilmember Clark moved to approve a resolution of Eagle Mountain City, Utah, adopting the Eagle Mountain City Tentative Budget for Fiscal Year***

2020-2021 and setting a public hearing for adoption of the Final Budget for May 19, 2020. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, and Jared Gray, Carolyn Love. The motion passed with a unanimous vote.

14. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Clark

Councilmember Clark expressed appreciation to City Council and staff for the foresight to prepare for emergencies and budget conservatively which has prevented fiscal concerns due to the economic impact of the COVID-19 pandemic being experienced by other municipalities.

Councilmember Curtis

Councilmember Curtis reiterated Councilmember Clark's appreciation for Council and staff's fiscal conservativity. He stated he has determined to not to meet with developers outside of City Council meetings for personal reasons.

Councilmember Gray

Councilmember Gray said he has spoken with several department heads regarding the City budget and expressed appreciation for the balance the Council and staff have achieved in addressing City needs without superfluous spending.

15. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Gray

Councilmember Gray said meals are being provided at the senior center via a drive-up service. He said residents reported confusion regarding the Parks and Recreation survey questions and Mr. Hickman indicated progress is being made to address concerns.

Councilmember Clark

Councilmember Clark said Be Ready Eagle Mountain will be hosting a parking lot ham radio demonstration to provide the opportunity for certification and expressed an appreciation to the volunteers.

Councilmember Love

Councilmember Love reminded residents the Youth Council elections will be held on Tuesday, May 12, 2020. She said the Planning Commission is meeting virtually and expressed appreciation for the excellent job the Commission did in addressing concerns regarding the McDonald's site plan and preparing the application for the City Council.

Councilmember Curtis

Councilmember Curtis stated the Eagle Mountain Arts Alliance has expressed a desire to partner with the City library regarding a book swap drop box project. He expressed appreciation to the Chamber of Commerce for their efforts, work, and concern for the City.

16. COMMUNICATION ITEMS

17. ADJOURNMENT

MOTION: ***Councilmember Gray moved to adjourn the meeting at 10:35 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 10:35 p.m.

Approved by the City Council on May 19, 2020.

Fionnuala B. Kofoed, MMC
City Recorder

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