



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

March 17, 2020, 7:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

The meeting was conducted electronically due to the COVID-19 virus and recommendations regarding social distancing and not congregating in groups of more than ten people. Based upon these circumstances, the meeting began at 7:00 p.m., forgoing the Work Session.

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

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; Lianne Pengra; Deputy Recorder; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Chris Trusty, City Engineer; Linda Peterson, Communications Director; Aaron Sanborn, Economic Development Director; Zac Hilton, Streets and Storm Drain Manager; and Brad Hickman, Parks and Recreation Director.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

As the meeting was conducted electronically, the meeting body did not recite the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

None.

7. PUBLIC COMMENTS

The public was able to submit comments via email to recorder@emcity.org; however, no comments were received.

8. CITY COUNCIL/MAYOR'S ITEMS

None.

CONSENT AGENDA

9. AGREEMENTS

- 9.A. Pony Express Trench Repair Construction Management Service – Project Engineering Consultants, Ltd.

10. BID AWARDS

- 10.A. Eagle Mountain City Parks, Trails, & Open Space Master Plan Update – MHTN Architects

- 10.B. 2020 Eagle Mountain Slurry Seal Project – Morgan Pavement

11. BOND RELEASES

- 11.A. Oak Hollow Phase A, Plat 5 – Out of Warranty

- 11.B. Pony Express Town Homes – Out of Warranty

- 11.C. Trailhead Town Homes – Out of Warranty

12. MINUTES

- 12.A. February 18, 2020 – Regular City Council Meeting

13. PRELIMINARY PLATS & SITE PLANS

- 13.A. Hidden Hollow Phase B – Amended Site Plan

14. RESOLUTIONS

- 14.A. Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule for Cemetery Fees and Park Reservation Fees

MOTION: *Councilmember Curtis moved to approve the consent agenda, with the February 18, 2020 minutes as amended, and removing item 13.A. Hidden Hollow Phase B amended site plan and placing it as a scheduled item for further discussion. 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

13. PRELIMINARY PLATS & SITE PLANS

- 13.A. Hidden Hollow Phase B – Amended Site Plan

Community Development Director Steve Mumford presented the item. This application only addresses the Parks and Amenities Plan for the Hidden Hollow Phase B preliminary plat. The Hidden Hollow Phase B preliminary plat and site plan were approved by the City Council on September 4, 2018. Phase B consists of 17 single-family lots and 54 townhouses, for a total of 71 lots/units. The plan included a gravel trail at the base of the hill behind the townhouses, a storm water detention basin, and a 20-stall trailhead parking lot with a drinking fountain, restroom, trailhead kiosk, bike tool rack, wayfinding signs, and bench/picnic tables with shade structure.

Mr. Mumford explained the following reasons the applicant is requesting the amendment. Moving the restroom further from the well improves the water source protection, removing the risk of potential sewer leaks that may compromise the water quality at the well. The project engineer recommended that the restroom be moved further from the well as a better engineering solution. Additionally, the location of the existing parking lot does not provide potential for expansion. The upper parking lot provides more parking in an area that can be expanded. And finally, the trail behind the townhouses, tucked in between the buildings and the retaining walls, does not provide a benefit to the neighborhood, while the larger parking lot provides a benefit to the community at large.

The new proposal includes eliminating the trail behind the townhouses, moving the trailhead bathroom and amenities to the new upper parking lot, and replacing the curb, gutter and asphalt on twenty parking stalls with eighty parking stalls on nine inches of sub-base and six inches of road base with railroad ties at the ends of the stalls. The applicant is willing to install wood fencing instead of railroad ties. The earthwork has already been completed to prepare the smaller parking area adjacent to the well, so rather than completely swapping places between the parking lot and the detention basin, the plan will include a larger parking area and a smaller overflow parking area.

Mr. Mumford explained that landscaping will remain as it was presented with the original proposal, except for the south portion; instead of the native open space, it will now be sixty parking stalls, along with the trailhead amenities. The Hidden Valley area is used quite frequently by the mountain biking community and is an attraction for mountain bikers from many other cities. The local high school mountain bike teams use these trails to train, and they have begun holding a mountain bike race on the trails each season. Additional parking in this area would be well used.

The applicant has provided costs from bids to provide evidence that the proposed changes do not represent a cost savings. The trail preparation was bid at \$1.16 per square foot with 10,300 square feet for a total cost of \$11,950. The gravel trail does not have traffic loads, so it would be different from a parking lot section. The asphalt was bid at \$1.48 per square foot on 7,050 square feet for a total of \$10,434. The bid for the curb and gutter installation was \$22.13 per linear foot on 360 feet for a total cost of \$7,966.

Staff has discussed the possibility of the City paving the parking areas in the future. The Streets Manager Zac Hilton has estimated the cost of paving at approximately \$2.00 per square foot, which includes materials and labor. If grading and rolling work is required, that number may increase slightly. There are also potential grant opportunities that staff is researching to help with the cost of paving and additional trailhead amenities.

Mr. Mumford explained the main area of debate during Planning Commission was the paving of the parking lot.

Applicant Ryan Bybee said the Planning Commission recommended replacing the railroad ties, which deteriorate with age, with a split-rail fence to define the parking area. He expressed concern that the fencing materials and installation may exceed the funds allocated to the purchase of railroad ties.

Councilmember Love suggested matching the fence style with the fencing used in other areas in Eagle Mountain.

Councilmember Curtis asked why the same material wasn't being used on both parking lots instead of road base for one and asphalt on the second. Councilmember Love explained it was due to costs, and the Planning Commission wanted to use the funds, if available, for paving the twenty-stall lot.

Councilmember Clark asked if the cost of maintaining the split-rail fence would be higher than other fencing options. Parks and Recreation Director Brad Hickman said the split-rail fence would require some maintenance upkeep, but repairs are inexpensive. He said using the same fencing as used throughout the City along rights-of-way would be preferable.

Mr. Bybee said he agreed with the desire for fencing consistency but expressed concern regarding a significant increase in cost to install split-rail fencing around the parking lots. He stated he would be willing to use some of the amenity points and costs allocated to Phase C to install the fencing.

Councilmember Love said the amenities for Phase C include mountain bike trails and playground equipment and expressed concern that removing the playground equipment would result in a reduced benefit to townhome residents. Councilmember Clark expressed the need for playground equipment for the multifamily residents and said the City allowed the mountain bike trails as amenities as a benefit to the overall community; she wants to ensure the residents have sufficient amenities for their housing community.

Councilmember Curtis expressed concern that the amenities would appear unfinished and would provide insufficient benefits to both the housing development residents in addition to the overall community.

Councilmember Love stated her preference for eighty parking stalls in unpaved lots over twenty stalls in a paved lot and said the parking would benefit the residents by eliminating street parking.

Councilmember Gray expressed concern that the parking lots would be used as overflow parking for the multifamily homes and unmarked stalls would cause decreases in parking utilization due to vehicles and trailers parking across multiple stalls.

Mr. Mumford said concrete barriers could be used to designate parking stalls, and City code enforcement could issue parking violations if necessary.

Discussion ensued clarifying the potential amenity fund transfers and allocations.

Mr. Hilton said City staff could pave the parking lots in-house, if the City Council approves funds for the project.

Councilmember Curtis said he wants to ensure the parking lots are aesthetically pleasing due to their location near a neighborhood, and a fence would do more to improve the appearance than asphalt.

Mr. Bybee expressed willingness to accommodate the City Council's directives as long as the funds necessary did not exceed the original fund allocation for the project; the purpose of the railroad ties was to designate parking stalls. He stated parking etiquette has not been an issue in the area and feels optimizing the number of parking stalls available would be the best course of action. He explained the townhomes will have either two- or three-car garages, the community has overflow parking, and the location on an incline from the trailhead parking to the townhomes would make its use as overflow parking unlikely due to inconvenience.

Discussion ensued regarding the bid figures for the subbase installation.

Councilmember Curtis stated he would prefer split-rail fencing over asphalt installation in the lower parking lot. Mayor Westmoreland and Councilmember Love concurred.

Mr. Jerome indicated the cost for split-rail fencing, including installation and staining, is \$19 per linear foot.

Mr. Bybee stated the amended site plan budgeted \$4,000 for railroad ties, and he would need to take measurements of the parking lot perimeters before providing an estimate for split-rail fence installation. He suggested installing subbase on both parking lots and split rail fencing on the lower parking lot and requesting State funding for the installation of the split rail fence for the upper parking lot.

Councilmember Curtis expressed concern regarding leaving the upper parking lot unfinished. He stated his preference to decrease the size of the upper parking lot and allocate the funds to complete a fence.

Mayor Westmoreland suggested installing a non-continuous fence at corners and other key points to mark the parking lot while reducing overall costs.

Councilmember Gray expressed his preference to install the parking lots now and that it would be more convenient and less expensive for the City to pave the parking lots at a future date than to expand or install additional parking.

Discussion ensued regarding the cost to the City to install asphalt on the parking lots.

Councilmember Burnham stated her preference for the highest number of parking stalls possible and the use of the remaining funds to install as much non-continuous split rail fence as possible.

Councilmember Love suggested transferring the funds allocated to the mountain bike trails in Phase C to finishing the fence.

Mr. Bybee explained the mountain bike trail installation and maintenance has occurred over the past ten years as part of a master planned mountain bike trail system on an easement donated to the City. Amenity points and landscape open space credit for the trails are being awarded for Phase C of this project. Mr. Bybee said funds from Phase C or other phases, other than playground equipment, could potentially be allocated for completing the parking lot fencing.

Councilmember Clark said the City compromised when allowing the mountain bike trails to count for amenity points and wanted to ensure the residents are receiving sufficient amenities.

Mr. Mumford explained the asphalt removal was included in the proposal, so the funds cannot be reallocated.

Councilmember Burnham expressed concern regarding transferring funds and points from future phases and suggested conditioning as much split-rail fence as the funds allow.

MOTION: *Councilmember Burnham moved to approve the Hidden Hollow Phase B amended site plan with the following conditions:*

- 1. A full updated set of landscape plans shall be submitted and approved before building permits can be submitted in Phase B Plat 2;*
- 2. Applicant shall replace railroad ties with \$4,000 worth of discontinuous, split-rail fencing at corners, entrances, and partial perimeters of the upper and lower parking lots;*
- 3. The applicant shall transfer the cost of the removal of the gravel trail from behind the townhomes to the upper parking lot and curb and gutter;*
- 4. The applicant shall work with staff to record a plat amendment for the single-family development;*
- 5. The applicant shall work with staff to provide appropriate storm water drainage from the lower parking area; and*
- 6. The upper parking lot amenities shall include a drinking fountain, a restroom, tables with shade structures, bike racks, trees, trailhead kiosk, a bike tool rack, and wayfinding signs.*

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

15. ORDINANCE/PUBLIC HEARING

15.A. An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 16.15.050 Review of Concept Plans

Planning Manager Michael Hadley presented the item. Mr. Hadley explained this is a change in the Municipal Code removing the word “or” under Concept Plan Review; this amendment will require concept plans to be presented to both the Planning Commission and the City Council.

Councilmember Love stated this ordinance resolves a contradiction in Municipal Code whereas regulations require an item to be presented to the Planning Commission before the City Council.

Councilmember Curtis clarified the amendment removes an unintentional potential loophole from Municipal Code.

Mayor Westmoreland opened the public hearing at 8:39 p.m. As there were no comments submitted to recorder@emcity.org, the hearing was closed.

MOTION: *Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Chapter 16.15.050 Review of Concept Plans, 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.*

16. AGREEMENT

16.A. Transportation Reimbursement Agreement Between Eagle Mountain City, Utah and Flagship Homes

City Administrator Ifo Pili presented the item. The reimbursement agreement is tied to the approval of the site plan for SilverLake 21 and 24 which was presented for City Council approval on February 18, 2020. The item was tabled until the reimbursement agreement was ready for approval.

Mr. Pili stated staff and the applicants have come to an agreement that both sides feel is fair, and he explained that impact fees for Golden Eagle Road will be applied to the project. City Attorney Jeremy Cook said there has been much discussion regarding how to calculate capacity for these roads, due to the lack of State-mandated standards.

MOTION: *Councilmember Curtis moved to approve a transportation reimbursement agreement between Eagle Mountain City, Utah and Flagship Homes. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

17. SITE PLAN

17.A. SilverLake South 21 & 24

Mr. Hadley explained the SilverLake South preliminary plat was recommended for approval by the Planning Commission on September 24, 2019 and then approved by the City Council on October 1, 2019. Plats 21 and 24 are included within the SilverLake South preliminary plat. Plat

21 consists of 27 single-family lots and 32 town home units for a total of 59 lots/units. Plat 24 consists of 39 single-family lots and 33 town home units for a total of 72 total lots/units.

This item was tabled at the February 18, 2020 City Council meeting until such time as a reimbursement agreement between City staff and the developer is in place; a safe route to the elementary school is determined; the applicant submits updated elevation renderings that include architectural articulation to rear elevations, multiple masonry materials, and masonry wraparound depths that meet the standards set in the SilverLake Master Development agreement; and the applicant submits updated plans with approved trail materials.

Councilmember Gray verified the concrete trails adhered to the City's eight-foot width standards as the renderings were not to scale.

Councilmember Curtis inquired regarding the materials used for the rear elevations.

Applicant representative Pete Evan explained that differences in shades of stucco, roof height, banding, and pop-outs create visual variance between individual units, and that none of the rear elevations fronted on major roadways. Mr. Evan expressed a willingness to wrap masonry materials eighteen inches to the sides of the homes as required and to improve communication with the design center to not allow homeowners to select the option without the requisite wrapping.

Councilmember Love expressed concern that elevation option A failed to meet the SilverLake Master Development Agreement (MDA) requirement of multiple masonry materials, due to the single use of Hardie board and asked if the single material elevation was less expensive.

Mr. Evan explained the elevations options usually vary in price but depending upon the location of the home and the design of the surrounding homes, the homeowners may not be allowed all elevation options.

Councilmember Love said that although Hardie board is an allowable masonry material, the MDA requires the use of multiple masonry materials. She said if homeowners are selecting elevation option A due to preference, she does not want to prohibit the option but also does not want to sacrifice a neighborhoods aesthetical variety if homeowners are only selecting elevation A because it is the least expensive option.

Mr. Evans stated regardless of price, the full Hardie board fiber cement siding elevation, even on custom or partially custom homes, is the most popular option. He suggested the addition of an elevation option including variance in the fiber cement siding appearance to adhere to the MDA.

Councilmember Love said a combination of board and batten, fiber shingles, and fiber cement sidings would adhere to the multiple material MDA requirements.

Councilmember Curtis agreed specific material types should not be required if not desired by homeowners and that variance in the appearance of fiber cement and/or the inclusion of board and batten siding would meet the intent of the MDA without requiring the use of rock or brick.

Applicant representative Bronson Tatton explained that during the preliminary plat approval, the Council required a corridor opening from the shared drive in the cluster product in Phase 20 to provide a safe route to the new elementary school. Best Vinyl has been directed to remove a section to create an opening in the fence tomorrow and an eight-foot, cement trail will be installed to connect the fence opening with the SilverLake Parkway trail. He said eight-foot cement trails will be installed along both sides SilverLake Parkway and Golden Eagle Road.

Councilmember Clark asked if the units on each side of the fence opening have been purchased. Mr. Tatton said neither lot has been purchased, and he is working to obtain a trail easement along the properties.

Councilmember Clark verified with the applicant and staff the potential foot traffic routes to the new elementary school and that the proposed location of the school crosswalk would not be located near the roundabout.

Councilmember Love expressed concern the walking route to school would conflict with the drop off routes for vehicular traffic.

Councilmember Clark said the layout is similar to Pony Express Elementary School located on Smith Ranch Road and stated the necessity of mindfulness in the placement of the crosswalk.

Councilmember Love expressed concern that children living in the townhomes south of the roundabout would not use the indicted safe route to school and asked if a second crosswalk would be located to the south of the roundabout on Silverlake Parkway.

Councilmember Clark said each elementary school is allotted two crossing guards and staff works with the school to determine the best placement of the crosswalks.

Councilmember Love asked if Golden Eagle Road would be completed from Silver Spring Way to Silverlake Parkway before school begins in the fall.

Mr. Evans said Golden Eagle Road is scheduled for completion midsummer including streets, curb and gutter, sidewalks, and pavement; however, landscaping will not be completed until after the dry utilities are installed.

Councilmember Curtis asked for the landscaping completion date. Mr. Tatton said landscaping installation will begin after dry utilities are installed in late summer or early fall with an estimated completion spring of 2021.

Councilmember Curtis asked if the applicants would agree to the inclusion of timeframe conditions in the motion. Mr. Evans said he understands the need for the completion of Golden Eagle Road before school begins in the fall, but due to the unpredictable nature of landscaping installation, he preferred not to have a mandated timeframe.

Discussion ensued regarding timing for landscape completion. The applicants agreed to condition the landscaping to be completed within twelve months of the installation of the extension of Golden Eagle Road.

MOTION: *Councilmember Curtis moved to approve the SilverLake South 21 & 24 site plan with the following conditions:*

- 1. Applicant shall pay a landscape cash escrow to the City of \$2,810.40 per lot/unit at plat recording;*
- 2. The fencing along Golden Eagle Road shall match the collector road fencing approved for the SilverLake South area;*
- 3. The fire pit shall be moved away from any structures;*
- 4. An ADA-compliant parking stall shall be included;*
- 5. All trails shall be installed in accordance with City Municipal Code standards including an eight-foot width;*
- 6. Golden Eagle Road street and sidewalk extension installation shall be completed before school begins on August 18, 2020.*
- 7. Landscaping shall be completed by July 31, 2021; and*
- 8. Elevation A shall contain multiple design elements including siding color variance and/or a combination of masonry materials such as fiber cement, board and batten, and/or fiber cement shingle sidings subject to staff approval.*

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

18. ORDINANCE

18.A. An Ordinance of Eagle Mountain City, Utah, Adopting a Transient Room Tax

Economic Development Director Aaron Sanborn explained that recently staff has been in discussions with various development groups surrounding the possibility of bringing a hotel to Eagle Mountain City. The State allows cities to collect up to a 1 percent transient room tax on hotels, motels, inns, bed and breakfasts, and other short-term rentals. This ordinance would allow the City to receive increased tax revenue from these operations, which helps to offset costs associated with those services. State Code states that the transient room tax is to be used for General Fund purposes. The tax would be collected by the Utah Tax Commission and remitted to the City under our current agreement.

Mr. Sanborn said the City estimates there are approximately ten short-term rentals currently located within the City.

Councilmember Curtis asked if the tax is required to be in place before the construction of hotels and expressed concern the collected taxes would be allocated mostly to other cities.

Mr. Sanborn explained the tax does not need to be in place before the construction of hotels. He said the tax fund would be allocated to and directly benefit the City.

Councilmember Gray expressed concerns related to raising taxes and asked if the tax would be in lieu of other taxes.

Mr. Sanborn explained the intent of the tax, in addition to sales tax, is to offset nonresident use of and impact to City infrastructure and other amenities. He said currently, the impact is low; however, the impact will rise as the number of short-term rentals increase in accordance with City growth.

Councilmember Gray asked if owner's property taxes offset those expenses. Mr. Sanborn explained the property tax is insufficient to offset all the costs.

Councilmember Love said the tax would not increase costs to residents. Councilmember Gray stated residents would be impacted when paying for accommodations for visiting relatives.

Mayor Westmoreland asked if other cities charge the tax. Mr. Sanborn said he did not find any cities with short-term rentals that did not charge the tax. He said Utah is experiencing a growth in short-term rental properties.

Councilmember Clark said homeowners only pay 60 percent of property taxes if the home is not occupied the full year, and this tax helps mitigate the financial burden assumed by the City for those types of properties.

Discussion ensued regarding the reasons for, impact of, and appropriateness of the tax.

MOTION: *Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, adopting a transient room tax. 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.*

19. CITY COUNCIL/MAYOR'S BUSINESS

20. CITY COUNCIL BOARD LIAISON REPORTS

21. COMMUNICATION ITEMS

21.A. Upcoming Agenda Items

21.B. Financial Report

22. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 9:33 p.m. 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.*

The meeting was adjourned at 9:34 p.m.

Approved by the City Council on April 7, 2020.



Fionnuala B. Kofoed, MMC
City Recorder

