EAGLE MOUNTAIN

EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

February 19, 2019, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Evan Berrett, Management Analyst; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Jason Hall, Recreation Supervisor; Riley Pilgrim, Battalion Chief; Eric McDowell, Chief Deputy.

Mayor Westmoreland called the meeting to order at 4:04 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A Capital Projects Update

City Administrator Ifo Pili said the intent of the Capital Projects update is to inform the Council on the status of the utility sale funds, and to review the projects on the plan to ensure the prioritization fits the Council's intent, as they communicated at the visioning meeting.

Assistant City Administrator/Finance Director Paul Jerome said the City received approximately $12.3 million from the utility sale. To date, the City has spent approximately $7.1 million on projects. The line item for park restrooms is not marked as complete, as the Pioneer Park rodeo grounds facility is still under analysis. More information regarding that restroom will be presented at a later meeting. The trail connectivity is also not marked as complete, as the City is evaluating where the needs are for trails within the City. Two items removed from the plan are parking at Nolen Park and paseo improvements in City Center.

Mr. Pili said the plan contains all Council-approved projects. The match grant program contains approximately $900,000. He said that fund can be used for other projects on the plan, as the match grant program has been cumbersome for residents to navigate.

Councilmember Curtis asked when the paseos were removed from the plan. Mr. Pili said that project was discussed at a previous City Council meeting and was removed by the Council. Mr. Jerome stated he left the project on the document as a removed item in order to maintain project history in the plan. Mr. Pili said the paseo budget of $850,000 would not be enough to improve all of the paseos in City Center. Councilmember Burnham said the paseos need to be improved, but not necessarily with park amenities, to discourage garbage dumping and reduce the amount of weeds that become potential fire hazards.

Mr. Jerome explained the match grant funds can be utilized for needed park improvements in existing parks throughout the City. Councilmember Curtis said he prefers to have residents involved and asked if previously submitted proposals for the match grant program can be completed with the existing funds. Mr. Pili said the Council expressed improvements were needed throughout the City and stated using the match grant fund would enable the Council's required improvements to be made now, without the residents going through the match grant process.

Councilmember Clark said Councilmembers should visit the parks throughout the City and note what improvements are needed and develop a plan at a later date. She asked if Utah County has grants available to the City for park improvements. Mr. Pili said grants available from the County would not be sufficient to complete any of the projects. City Recorder Fionnuala Kofoed said a State water conservation grant has been used in the past, and that grant typically is available in the spring.

Mr. Pili stated if the Council wants removed projects such as the paseos placed back on the plan, staff can do so at the direction of the Council. Mr. Jerome said he believes most of the funds for the City Center streetscape landscaping came from the removal of the paseo improvements.

Councilmember Curtis asked why the SilverLake slides project was no longer on the plan. Mr. Pili explained the project is still on the list and can be completed. He asked the Council to inform staff if they feel strongly on an item's priority, and the plan can be adjusted accordingly.

Councilmember Curtis said Wride Memorial Park was a large expense and would prefer additional funds be invested in other areas of the City. Mayor Westmoreland asked the Council to make a project priority list to discuss at a later date.

Councilmember Reaves said he would like to review the applications that have been submitted in the past for the match grant program. Councilmember Clark said the match grant funds can be utilized to complete projects that residents have submitted proposals for, without residents going through the cumbersome match grant process.

Ms. Kofoed explained the City intended to complete the project in the Northmoor subdivision. An issue regarding the property dedication arose, and that needs to be corrected before the project can move forward.

Councilmember Curtis expressed concerns that the match grant program hasn't been advertised to the City, and the original applicants were frustrated with the process. Parks and Recreation Director Brad Hickman explained he personally contacted each applicant that submitted a proposal. He explained one common issue in the proposals was that the improvements requested were on private property. Staff heavily vetted each application to ensure the feasible projects were completed. The only one remaining is the Northmoor project, which will be eligible once the property is deeded to the City.

Councilmember Clark said she does not want staff to reevaluate each application; she wants to determine where proposed projects are located in the City in order to gauge where residents desire improvements.

Councilmember Burnham said the match grant program's intent was to get the most possible accomplished using City funds, as residents were providing funding for the projects as well. City Center does not have many large HOAs to fund the resident portion of the projects, and the dissolution of The Ranches HOA creates the same issue.

Regarding roads, Mr. Pili explained the City can bond for all of the work to complete everything now, or the City can complete projects in phases to avoid bonding. Another option is to borrow from the City Enterprise Funds. The current investment status of the Enterprise Funds provides a 1% return. If the City borrows from itself, the return would be 3% to 3.5% and would save hundreds of thousands of dollars in bond issuance fees. The projects would need to be phased, as the Enterprise Funds do not have $10 million available to loan. The City can also use a hybrid of bonding and borrowing from Enterprise Funds.

Councilmember Clark said she prefers to borrow from the City's Enterprise Funds, as the City receives a greater return than if the funds stay invested as they are.

City Engineer Chris Trusty said Horrocks Engineers confirmed a phased approach in transportation improvements is feasible. They recommended widening Pony Express Parkway from Lake Mountain Road to Mid Valley Road as phase one. This would cost approximately three million dollars and would need to be completed within two years of the high school opening. The second phase would be from Aviator Avenue to Bobby Wren Boulevard and would cost three million dollars. This phase can be planned for four to five years after the opening of the high school. He explained the projects are likely to be prioritized higher on Mountainland Association of Governments'(MAG) list if the City budgets funds towards them.

Mr. Pili explained if the City bonds for a transportation project with the expectation that MAG will fund the project, the City runs the risk of the project not ranking high enough on MAG's list to obtain reimbursement. Utilizing Enterprise Funds helps mitigate that risk.

Discussion ensued regarding MAG projects and funding.

Mr. Pili said staff would like to bring the road phasing plan to the Council before the July budget implementation. It may be possible to fund the first phase through the current budget. Once the phasing plan is approved, staff will create a funding plan for the Council's approval.

1.B Parks Amenity Points

Community Development Director Steve Mumford explained parks and open space points are assigned to developers based on the amenities provided in parks; the points typically correlate with the cost of improvements. The point system originally was set with each point valued at approximately $500 in improvements. As the system currently stands, a 600-square foot restroom is valued at 100 points, and a 1,200-square foot restroom is 200 points. The smallest restroom on the points worksheet is three times larger than what the City requires. The worksheet allows 100 points per park acre; a developer typically receives 300 to 400 points for a park, and a restroom potentially could utilize a majority of their points.

Mr. Hickman said the State purchasing contract for a 190-square foot, two-stall restroom is $45,490. A 252-square foot, four-stall restroom is $75,750. A 520-square foot, six-stall restroom is $131,776, and a 780-square foot restroom with six stalls and four showers is $211,510. He said the restroom at SilverLake is 800 square feet and the Nolen Park restroom is 1,100 square feet.

Councilmember Reaves said developments should build restrooms that fit the needs of the areas in which they are built.

Councilmember Curtis asked if the Council is willing to allow more points for larger restrooms, which could sacrifice other park amenities. He said the City needs to be fair and cannot ask developers to build a facility that the City would not build.

Councilmember Burnham stated she agrees with changing the worksheet but would like a cap placed on the maximum points allowed for restroom facilities.

Mr. Hickman said the Wride Memorial Park restroom was custom-built due to issues with the splash pad. He said the two-stall and four-stall restrooms will fit the majority of park needs in the City.

Mr. Mumford said options include either allowing more points for restrooms or incentivizing other amenities with the assumption that the City will install restrooms at a later date.

2. AGENDA REVIEW

11. MINUTES

11.A February 5, 2019 Minutes

Ms. Kofoed stated she made minor edits to the minutes after they were sent to the Council.

12. RESOLUTIONS

12.A Consolidated Fee Schedule

Councilmember Curtis said the stage rental application should state the City "shall" waive the rental fee for sponsored organizations, instead of "may" waive them. He said the Council was clear when approving the purchase of the stage that sponsored organizations needed to be able to utilize the stage.

Councilmember Burnham said Pony Express Events asked event staff about using the stage but was told it was already scheduled for the summer. Councilmember Clark said the Eagle Mountain Arts Alliance was told the City has planned events every weekend of the coming summer.

Communications and Community Relations Director Linda Peterson said staff has communicated with both committees, and the committees were told the stage will be available to them. The City has a summer concert series planned, but the stage is not booked every weekend this summer. She explained the policy states City events have priority, but those two committees are allowed to use the stage without fees.

Mr. Pili explained there is a hard cost in using the stage; the City will pay for labor, a vehicle to transport the stage, and administrative costs.

Councilmember Curtis said he would not have approved the stage purchase if he knew organizations would not be able to use the stage. He said the Eagle Mountain Arts Alliance and Pony Express Events communicated to him that they are not allowed to use the stage. Mr. Pili reiterated the organizations have not been told they cannot use the stage. Ms. Peterson said Pony Express Events requested to use the stage on July 4, and Special Events Manager Dawn Hancock said they could. She said the Eagle Mountain Arts Alliance did not have a firm schedule, but they were told the same thing: The City will work with them to provide the stage as needed.

Ms. Kofoed explained that Jared Gray with Pony Express Events met with Ms. Hancock last week, and that was the first communication the City received regarding his stage usage. Councilmember Curtis stated Mr. Gray said he called the events department two weeks ago.

Councilmember Burnham said Mr. Gray wanted to use the stage every July 4, but as City events are not on the same date every year, events may conflict.

Mr. Pili said he is not opposed to providing the stage but wanted the Council to understand there are hard costs associated with its usage. Councilmember Burnham said Pony Express Events has a vehicle that can pull the stage. She asked if people can be trained to transport and set up the stage, and events that require City employees to transport and set up can be charged a rental fee.

Councilmember Curtis said he wants it to be easy for sponsored organizations to utilize the stage, as they offer value to City residents by putting on events. Councilmember Clark said staff needs to be able to approach the Council if the benefits of allowing the stage to be used rent-free no longer outweigh the expense.

Mr. Pili stated City staff does not want to charge sponsored organizations for the use, nor are they attempting to make it unavailable. He said changing the agreement from "may" to "shall" could make the City second-guess sponsoring events. Councilmember Curtis said the rental fee of $1,500 per day would price Pony Express Events and the Eagle Mountain Arts Alliance out of using the stage. Mr. Pili reiterated that the City is not charging those organizations for the stage usage.

Councilmember Burnham said she wanted to ensure the City is not planning so many events that outside organizations are no longer able to or need to provide events. She does not want four concerts a summer to turn into eight concerts the following year and grow from there.

Ms. Peterson said the application notes fees may be waived for City sponsored events. The application is intended to be used for events outside of the City, or groups not sponsored by the City. The fee structure and policy have been designed to be similar to Lehi's stage and fees. Ms. Kofoed stated the information in the packet explained that City-sponsored organizations would not be charged a rental fee. Ms. Peterson said the only item not addressed in the packet is staff time, as that is currently being analyzed.

13. PRELIMINARY PLATS & SITE PLANS

13.A The Landing at Eagle Mountain Phase 4 Amended Preliminary Plat

Planning Manager Michael Hadley said the proposed amended preliminary plat is for 31 lots on 6.55 acres, for a density of 4.74 dwelling units per acre. The plan removes open space that was on the original plat but is not owned by the applicant, removes a connector road to the north that would connect to a private road, and adds two lots.

Applicant Andy Flemm explained he submitted a new preliminary plat, as there are now two owners of the land included in the existing preliminary plat. Monte Vista Ranch owns the open space along the west, north, and east sides of the lots. He said he attempted to communicate with Monte Vista Ranch regarding the open space for months, and finally was connected through Mr. Mumford's office. Monte Vista Ranch wants twenty times the going rate per acre for buildable land in the City, which is not reasonable. He said they intend to provide a fee in lieu of open space, as Walden Park is located next to the development and the funds can go towards that park.

Councilmember Clark stated the applicant has made every effort to solve the orphaned land issue, and said the applicant has no control over the neighboring property. She asked if the applicant can build what is presented, according to Municipal Code.

Councilmember Curtis said approving the plan would create orphaned land. He asked how the applicant was able to apply for a preliminary plat under an expired master development agreement.

Councilmember Burnham asked what effect an approval of the preliminary plat would have on Monte Vista Ranch. Mr. Mumford said the portion on the north end would remain vacant unusable land, and could potentially be sold at a tax sale, if property taxes are not paid by the owner. He said the northeast portion near Walden Park may need to be purchased by the City in the future.

Councilmember Clark asked what negative consequences arise if the land is orphaned. City Attorney Jeremy Cook said the Council needs to review the property as three different pieces: the land to the west, the strip of land to the north, and the land to the east. The west portion likely will be included in a future development to the west. The area next to the park could potentially remain undeveloped. The City could purchase that land, or work with the property owner on other options. Mr. Mumford explained that staff was very careful to not allow either side an advantage when discussing the property with the two landowners.

Councilmember Clark asked if the City has recourse if the vacant land is not being maintained to City standards and expressed concerns that future homeowners may be negatively impacted by poorly maintained property. Mr. Cook stated the homeowners may install fences on the rear of their lots, leaving a foot-wide strip between their lot and the property to the north.

Applicant Cameron Spencer said this subdivision has come to the Council for approval in the past, and the Council has denied the applications based on the protection strip to the north. He believes the protection strip is in place in order to allow Monte Vista Ranch to prohibit competitive development. He said the preliminary plat application contains a fee in lieu of the park requirement, and the funds can be utilized in the adjacent park. He stated an approval would remove Monte Vista Ranch's leverage in negotiations and may encourage them to work in good faith with affected landowners.

Councilmember Curtis expressed concerns regarding the City being asked to take on risk by approving the preliminary plat. Councilmember Clark stated the application can be approved as presented and meets Municipal Code.

Mayor Westmoreland asked if Monte Vista Ranch has been asked to deed the land to the City, as it is not usable to the landowner, and if so, why it was not deeded over. Mr. Cook said the land likely will not be abandoned, as the property taxes are minimal. He said he is not aware of the City attempting to acquire the property, as it is not currently an issue for the City. Mayor Westmoreland said he would like to work with the applicant, Monte Vista Ranch, and City staff in good faith to determine a solution that benefits the community.

Mr. Mumford said if the Council approves the plan, a condition of approval can be added that allows the lots to be enlarged to include the land in discussion, if an agreement is made with Monte Vista Ranch and the applicant.

Mr. Spencer stated the applicants feel strongly that the proposed plan meets Municipal Code, and whether or not an adjacent landowner works with him is not in his control and should not affect the plat's approval. He explained Monte Vista Ranch said his company must "pay to play" and Monte Vista Ranch has protection strips throughout the City. He said they will continue making efforts to obtain the property, but feels the City is the only party able to solve the issue by using eminent domain, if discussions remain as they have been.

Mr. Mumford said Monte Vista Ranch did express affability to the City purchasing the land but did not set a price. He advised against utilizing eminent domain, as the City wants to work harmoniously with Monte Vista Ranch in the future. He confirmed for the Council that Monte Vista Ranch does have protection strips in multiple areas in the City.

Ms. Kofoed explained the history surrounding the land in question. The developer sold the property to a company who recorded and built The Landing Phase 1. The Landing Phase 2 was recorded, but an owner did not sign the Mylar. Because of this, the open space surrounding the lots did not transfer to the City.

Discussion ensued regarding property transfer records and open space buffers within The Landing and other subdivisions in City Center.

13.B SilverLake Clubhouse and Pool Site Plan

Mr. Mumford said the proposed site plan increases the clubhouse to 5,000 square feet, and expands the pool to 1,800 square feet, and said Mr. Cook has had discussions with the applicant regarding the CC&Rs and HOA documentation.

Councilmember Clark said the Northmoor/Southmoor pool serves 171 units, and the SilverLake pool is requesting to serve 1,200 units. She said while the pool is larger than previously presented, it still is not the size it should be.

Mr. Cook said there are benefits and disadvantages to extending the pool to the single-family units and said offering the amenity to that large an area could potentially negate the purpose of the Municipal Code pool requirement.

Mayor Westmoreland expressed concerns regarding the Council potentially endorsing a plan in which homeowners are paying for an amenity that they feasibly cannot use.

Applicant Bronson Tatton said his consultant designed the pool and clubhouse square footage based on data from previous projects they have designed. He said three to four percent of the community will utilize the pool at one time during peak hours. The single-family units on the south side of Tickville Wash have an HOA fee of $35 a month. Of the monthly dues, $15 is allocated to the pool and clubhouse. The monthly dues for the cluster homes are $55, and the townhomes are $90.

Councilmember Burnham said the Northmoor/Southmoor pool previously sold memberships, as the pool was not being used by residents. Councilmember Clark clarified they stopped selling pool passes three years ago, and a resident informed her the pool is overcrowded due to current resident use.

13.C Skyline Ridge Phase 2 Preliminary Plats 5 and 6

Mr. Hadley said the proposed plat has 43 lots on 14.4 acres, for a density of 2.98 dwelling units per acre. He explained $1,795.36 per lot is being placed in escrow in lieu of improved open space. There are areas within the plat that contain steep slopes, but the slopes in buildable areas do not exceed Municipal Code limitations. A cul-de-sac is over the 250 feet maximum allowed but was designed as such at staff request to facilitate more buildable areas in the lots. The Fire Chief has approved the cul-de-sac's length. The proposed retaining wall is between 8 and 12 feet tall. The City's preference is that retaining walls are no taller than six feet per tier, with cuts no greater than 18 to 20 feet, and slopes graded to a maximum of 2:1. The City requires a fence at the top of the wall and a drainage swale to direct runoff away from the slope face.

Councilmember Curtis asked why the Planning Commission recommended a retaining wall height restriction of five feet. Mr. Hadley said one of the Commissioners works with retaining walls and made the recommendation based on experience. Another reason related to safety.

Councilmember Clark asked if the escrow funds will be utilized in the park in the area. Mr. Hadley said the funds go towards park improvements within the project. As the applicant improves the park, they are reimbursed. If the applicant does not finish the park, the City will use the funds to complete it.

Councilmember Clark asked if the trailhead is included in the proposed plan. Mr. Hadley said parking stalls are included at the trailhead.

Councilmember Curtis asked how far the cul-de-sac goes up the hillside, and how visible the homes would be to surrounding developments. Councilmember Clark said the road goes towards a low-lying area, which allows the development to proceed without blasting.

Councilmember Clark asked if swales or fire protection will be required along the property's boundary with the hillside. Mr. Trusty said a cut-off ditch is required at the top of the lots.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed executive session was held. The meeting was adjourned at 6:22 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Evan Berrett, Management Analyst; Linda Peterson, Communications and Community Relations

Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Riley Pilgrim; Battalion Chief; Eric McDowell, Chief Deputy.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:16 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Gricius led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

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

- Chamber of Commerce Luncheon – The Eagle Mountain Chamber of Commerce will hold their first quarter luncheon at City Hall on Thursday, February 21 at noon. UDOT's Jeremy Bown will share the current state and future of the transportation projects affecting our area. Cost is $15 and includes lunch. A registration link is posted on the City website calendar.

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

- Eagle Mountain Symphony Orchestra – The Eagle Mountain Symphony Orchestra is holding rehearsals on Friday evenings at 7:00 p.m. at Faith Community Church, 3535 Ranches Parkway. They will be playing Vaughn Williams, Haydn, and The Greatest Showman. Email eaglemountainsymphony@gmail.com if you are interested in joining the orchestra.

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

7. PUBLIC COMMENTS

None.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis
Councilmember Curtis thanked those in attendance. He asked Community Development Director Steve Mumford to provide the Council with an update regarding the Municipal Code amendment on zoning.

Councilmember Burnham
Councilmember Burnham said the hazardous waste disposal event is a good opportunity to dispose of dangerous waste. She expressed her gratitude to fellow Councilmembers.

Councilmember Reaves
Councilmember Reaves welcomed those in attendance. He said as liaison to the Parks and Recreation Board, he is asking for committed individuals to contact him to be placed for consideration for the board.

Councilmember Clark
Councilmember Clark welcomed those in attendance and those watching the livestream. She thanked Ms. Kofoed and Ms. Peterson for their work setting up the livestream service. She encouraged residents to attend the HAM radio training and advised residents to have a plan in place for emergencies.

Councilmember Gricius
Councilmember Gricius welcomed those in attendance.

Mayor Westmoreland
Mayor Westmoreland said the State of the City video is available and encouraged residents to view it. His recommended book of the month is *To Kill a Mockingbird.*

CONSENT AGENDA

9. BID AWARDS

9.A Smith Ranch Traffic Signal

9.B 2019 Well #6 Drilling

9.C Pony Express Widening Project Phase 3

10. BOND RELEASES

10.A Brandon Park Phase A Plat 1

10.B Evans Ranch Phase G Plat 1

11. MINUTES

11.A February 5, 2019 Minutes

12. RESOLUTIONS

12.A Consolidated Fee Schedule

12.B Joint Interlocal Agreement

MOTION: ***Donna Burnham moved to approve the consent agenda. Melissa Clark seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

13. PRELIMINARY PLATS & SITE PLANS

13.A The Landing at Eagle Mountain Phase 4

Planning Manager Michael Hadley explained the proposed project has 29 lots and removes a road that no longer connects to a City road, as roads in the Colonial Park development are private roads. He said an issue to consider is that the property is no longer owned by a single entity.

Councilmember Burnham asked if the City can mediate a discussion between the two property owners. City Attorney Jeremy Cook said staff did approach Monte Vista Ranch regarding the property and can potentially attempt discussions again. His concern is the appearance of the City giving one party leverage in the negotiations.

Councilmember Reaves said he is not convinced that all avenues of negotiation have been exhausted. He expressed the desire to have the other property owner in attendance to discuss the issue and asked the applicant if he can do more to obtain the land in question.

Applicant Cameron Spencer said more can always be done; however, forward movement depends on the property owner to the north. He said he was prepared to pay fair market price for the land, and still is. The price per acre Monte Vista Ranch requested for the unbuildable property in question is higher than any other property price within all zones in Eagle Mountain City. His opinion is that an approval from the City Council will allow the applicant to reengage with Monte Vista Ranch to attempt to purchase the land at a reasonable price.

Applicant Andy Flemm said he understands the Council's reluctance to use eminent domain, but his previous experience with eminent domain causes him to believe it to be a good option for mediation. A third person independently values the property. If the seller is not happy with the value, he can have another appraisal completed, and the buyer and seller can use those figures to negotiate.

Councilmember Curtis asked if the discussions between the applicant and Monte Vista Ranch were heated. Mr. Flemm stated they were not. After multiple unreturned emails and voicemails, Mr. Mumford's office was able to facilitate a phone conversation between Mr. Flemm and Monte Vista Ranch. Mr. Flemm explained his desire to purchase the land, and the Monte Vista Ranch representative stated a purchase price. The price was so unreasonable that further conversation was not necessary.

Mr. Mumford said the fee in lieu is $3,750 per lot, plus the appraised value of the land. If this application is approved, the City will appraise the property for the fee in lieu payment, so the City will have a value associated with the land under discussion.

Councilmember Reaves asked if it is common practice for cities to use eminent domain to facilitate negotiations. Mr. Mumford said it is not. He explained previously, the City attempted to mediate a negotiation between Monte Vista Ranch and another property owner regarding an easement, and the City's involvement was not helpful. He recommended against mediation between the two entities in this instance.

Councilmember Curtis suggested the Council table the application for further discussion. He said it would be helpful to have a representative from Monte Vista Ranch present for the discussion. He expressed concerns about future problems the orphaned land may cause but stated he does not believe eminent domain is an appropriate action for the City to take.

Councilmember Clark stated that not taking an action on the application gives the appearance that the City is taking the side of Monte Vista Ranch.

Councilmember Reaves said the Council is not prepared to make a decision at this time. He asked Mr. Spencer if the offer from Monte Vista Ranch was a one-time offer. Mr. Spencer said the offer was stated as such, and the difference between the asking price and market value was so great that they did not pursue the issue further.

Mr. Spencer stated his application meets all Municipal Code requirements and stands on its own merit. The land in question around his proposed plan is already orphaned land; this application does not create orphaned land. He said the Council can add a condition of approval requiring him to continue working with Monte Vista Ranch, which will allow an opportunity to readdress the land purchase. He said Monte Vista Ranch was notified and invited to the meeting and chose not to attend.

Mayor Westmoreland asked Mr. Mumford if the proposal meets all obligations in the Municipal Code. Mr. Mumford said yes; the Council has the authority to approve a fee in lieu of open space.

Councilmember Curtis expressed concern that an approval of the preliminary plat creates a problem for the City that it currently does not have. Mr. Cook said without the approval of the preliminary plat, the land is undeveloped; the worst-case scenario would be for the land to remain undeveloped for an additional twenty years. He asked if it is reasonable to require a developer to acquire land from a third party for a City park.

Councilmember Clark said the land cannot be developed. She does not want to penalize the applicant for a third party not negotiating in good faith, and the applicant has done everything the Municipal Code requires. She said the previously approved plat is no longer valid, as the property is not owned by a single entity.

Councilmember Gricius stated she is not concerned about the orphaned land in question, as it could be worse. There are areas within the City that are neglected.

Councilmember Clark stated this application is an example of why master development agreements need to have expiration dates. Councilmember Curtis said the master development agreement is expired and asked how the plat has vested rights.

Councilmember Clark said approval of this project reduces the amount of unimproved land within the City. She stated the Council can deny the project and leave the land undeveloped for an additional twenty years, become a mediator between the two entities, or approve the project.

Councilmember Gricius said the Council is the Land Use Authority for the City. It is up to the Council to make a decision that allows the best possible outcome for residents.

Councilmember Curtis said it is not the Council's responsibility to make the project feasible for the applicant. He does not believe all avenues have been exhausted. He said the City should have a discussion with Monte Vista Ranch regarding their upcoming projects.

Councilmember Clark recommended tabling the item. Councilmember Gricius said if the item is tabled, the City needs to help facilitate negotiations, as the applicant has made multiple attempts to work with Monte Vista Ranch. Councilmember Clark asked if there is anything the City can do that has not been attempted already. Mr. Mumford said staff can discuss options with City Administrator Ifo Pili.

Mr. Cook said the City has already facilitated discussions between the applicant and Monte Vista Ranch. Mr. Spencer reiterated the proposal meets Municipal Code. He said an additional two weeks will not allow enough time to solve the purchase price issues. He said an approval that also asks him to readdress the issue with Monte Vista Ranch allows them to move forward. Mayor Westmoreland agreed that setting an arbitrary deadline of two weeks does not resolve the issue.

Ms. Kofoed said a resident in attendance was under the impression that this item was a public hearing item.

Eagle Mountain resident Jeff Ruth said he lives close to the proposed development and prefers approval of the project. He said the approval may force Monte Vista Ranch to develop the vacant property. If not approved, all the land will stay vacant.

Councilmember Clark asked if concern regarding the small amount of land around the applicant's project is a large enough issue to delay the application, which meets Municipal Code. Councilmember Gricius said it is not. The orphaned pieces of land will be in back yards, and homes in the development will reduce weeds and dust for adjacent residents.

Councilmember Curtis said the Council tabling the item is not delaying the project. He reiterated his belief that approving the plan means the City will take on risk.

MOTION: ***Donna Burnham moved to approve The Landing at Eagle Mountain Phase 4 Amended preliminary plat with the following conditions:***

1. ***The applicant makes reasonable attempts to work with the landowner to resolve the strip of land to the north and add it to the lots on the north side;***
2. ***The applicant makes reasonable attempts to work with the landowner to dedicate the eastern piece of land in the northeast corner to the City, to be added to Walden Park;***
3. ***The applicant removes one lot and distributes the land to the lots on the north side of the project; and***
4. ***The applicant is allowed to front-load garages and not require the homes to utilize the alleyway for rear-loading garages.***

Stephanie Gricius seconded the motion.

Councilmember Reaves asked what the applicant will do to resolve the issue. Mr. Spencer said he will work in good faith with Monte Vista Ranch. It is in the best interest of his company to add the orphaned property to the lots on the north side of the project. The property on the east side would be used as parks and open space dedicated to the City, reducing the fee in lieu amount. He stated they are months away from breaking ground, as they still need to go through the final plat process.

Councilmember Reaves asked if the applicant will install a fence around the orphaned land and asked if the section to the north is large enough for a trail. Mr. Spencer said they do not have plans to install a fence at this time, as Municipal Code does not require it. The land is only one foot wide in parts, so there is not enough space for a trail.

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

13.B SilverLake Clubhouse and Pool Site Plan

Mr. Mumford said the clubhouse has been expanded to 5,000 square feet, and the pool has been increased from 1,200 to 1,800 square feet. He said the applicant's intent is to include the units south of Tickville Wash in the amenity area. An additional fourteen units have been added to the plan, as approved by the Council at a previous meeting. The development now contains 264 townhome units.

Councilmember Clark said a clause in the Municipal Code states the Planning Commission may recommend a pool size that accommodates 35% of the residents in the development and said the proposed pool does not accommodate that total.

Councilmember Curtis said the Council can either limit the pool use to the multifamily units only or require a larger pool that could accommodate the single-family homes in addition to the multifamily units.

Councilmember Reaves asked if the residents who pay higher HOA dues will receive a greater benefit than those who pay lesser dues. Mr. Tatton said the areas with higher HOA dues include additional amenities. He said they consider the pool, clubhouse, and common open space as an amenity package. As it is a package, each amenity does not serve 35% of the population at one time. For example, the parks do not include enough swings so that 35% of the population can swing at the same time. He said if 35% of the City population attended a City Council meeting, City Hall could not accommodate them.

Councilmember Curtis said residents may not understand that they will not able to use the pool when they desire to, if that many units are permitted access. Mr. Tatton explained the area which is allowed to utilize the pool has been disclosed to residents.

Councilmember Clark said the pool is not large enough to allow 1,200 units access. Councilmember Curtis asked Mr. Cook if the Council can limit the use to multifamily units only or require a larger pool facility. Mr. Cook said the Council can require either of those options. He said the Municipal Code can be interpreted to argue against allowing developers to spread the cost of pools required with high density developments across the lower density single-family homes.

Councilmember Burnham asked how the Council can prevent an HOA from assessing dues to single-family homes not in the amenity area. Mr. Cook said that can be addressed in the HOA documents. He said the declarant can commit to structure the CC&Rs to that effect, but in the future, homeowners can vote to change the pool access.

Councilmember Reaves asked if there is room to expand the pool in its current location, while leaving the clubhouse as it is currently designed. Mr. Tatton explained to the east is the planned extension area of SilverLake Parkway, to the north is Golden Eagle Road, and to the south is a planned park.

Councilmember Clark said the pool in the proposal is 100 square feet smaller than the Northmoor/Southmoor pool, which is underserving that development.

Mr. Tatton said Mr. Jensen suggested using the Evans Ranch pool's square footage to unit ratio in the SilverLake pool design. He said the fenced area that includes the pool is 6,000 square feet. He said he is providing a large clubhouse, deck area, and other amenities, which are not provided in other developments in the City. He asked what size of pool the Council would like to see in order to allow all 1,200 units use.

Councilmember Clark said the package is well put together, but the Council is concerned with allowing 1,200 units use of the amenity. She said additional pools are likely necessary.

Mr. Tatton said they can decrease the size of the clubhouse and reclaim that area for the pool. They increased the clubhouse from 4,250 to 5,000 square feet at the Planning Commission's request. Mr. Mumford said every multifamily project requires a clubhouse, and a 1,200-square foot clubhouse is required for every 250 multifamily units.

Mr. Tatton said he can use the Evan's Ranch size of 3.67 square feet per dwelling unit and determine if that is a feasible size for the SilverLake pool. Councilmember Clark stated the Evans Ranch pool is not vetted yet, as the area is not built out. Councilmember Curtis said 3.67 square feet per dwelling unit is a reasonable size and places the SilverLake pool in the same category as other community pools, but he would prefer to use what is dictated in the Municipal Code and require a pool with 4.0 square feet per dwelling unit.

Discussion ensued regarding the origins of the Municipal Code and the reasoning for the limitation set of 250 units per pool.

Mr. Cook stated allowing 1,200 units to utilize a pool that is meant for 250 units is not reasonable but advised against applying the Tier III and Tier IV requirements to the single-family units.

Councilmember Clark asked if the clubhouse needed to be resized according to Municipal Code, similarly to the pool's resizing. Councilmember Burnham stated there is not space for a larger clubhouse. Mr. Mumford explained Evans Ranch does not have a clubhouse; they were required to have a clubhouse according to the number of units built but were allowed to build a pool in its place.

Discussion ensued regarding clubhouse size requirements, and staff and the Council determined the SilverLake clubhouse should be 2,400 square feet.

Mr. Tatton said he would prefer to return to the original clubhouse size of 4,250 square feet in order to avoid a redesign and can look for space to build a pool the size the Council wants. He mentioned that he can include an in-ground spa to help meet the pool size requirement.

Mayor Westmoreland asked the Council to provide specific requirements for the pool and clubhouse sizes. Councilmember Reaves said he would like larger facilities, maximizing the space available. He asked Mr. Tatton to attempt to design a pool with 3.67 to 4.0 square feet per dwelling unit.

Mr. Mumford asked the Council if they were willing to allow clubhouse square footage over the required 2,400 square feet to be used against the pool size requirement. Councilmember Curtis said he is not comfortable removing 1,850 square feet from the pool requirement. Councilmember Clark said removing 1,850 square feet from the required pool size still offers a large pool; adding an in-ground spa also adds to the amenity package. A large clubhouse is desired, as it is used year-round.

Mr. Tatton said his goal is to return with a plan that the Council will approve. Councilmember Curtis asked Mr. Tatton to inform staff of the updated design before the project returns to the Council.

MOTION: ***Melissa Clark moved to table SilverLake Clubhouse and Pool site plan to allow the applicant to redesign the plan with the following requirements:***

1. ***The applicant increases the size of the pool to match staff's HOA pool study; and***
2. ***The applicant ensures the clubhouse square footage meets Municipal Code requirements.***

Colby Curtis seconded the motion.

Discussion ensued regarding setting specific pool and clubhouse size requirements. Mr. Tatton clarified that the Council will not require a 4,800-square foot pool and a 5,000-square foot clubhouse.

AMENDED MOTION: ***Melissa Clark moved to table SilverLake Clubhouse and Pool site plan to allow the applicant to redesign the plan with the following requirements:***

1. ***The applicant increases the pool size to be within the HOA pool study range, up to 4.0 square feet per dwelling unit; and***
2. ***The applicant considers what is required in Municipal Code for the clubhouse square footage.***

Colby Curtis seconded the motion.

Councilmember Burnham stated the motion does not reflect the fact that the applicant can use extra square footage in the clubhouse towards the pool size requirement.

AMENDED MOTION: ***Melissa Clark moved to table SilverLake Clubhouse and Pool site plan. Colby Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

13.C Skyline Ridge Phase 2 Preliminary Plats 5 and 6

Mr. Hadley said the originally approved preliminary plat has been adjusted to remove the need for blasting. He said one cul-de-sac's length does not meet Municipal Code, but the Fire Chief has approved its length. He showed a slope map for the project and explained the lots are not close to any ridgelines. He said staff prefers retaining walls to be no higher than six feet per tier, and Planning Commission recommended a height limit of five feet.

Councilmember Curtis said the plan is reasonable, including the cul-de-sac length.

Councilmember Burnham asked for clarification on the reasoning behind the recommendation of five feet for the retaining wall height. Councilmember Curtis said Commissioner Gray recommended a four-foot limitation, and the Commission and applicant agreed on five feet.

Applicant Jake Toombs said the engineer does not see any issues with the five-foot height limit and believes there is enough depth in the lots to meet that requirement.

Councilmember Reaves asked how the applicant will mitigate runoff, as the slopes are significant. Mr. Toombs said the swales are large enough to accommodate all runoff.

Councilmember Clark said she spoke with Mr. Trusty and a fire break and drainage ditch are in place on the opposite side of the hillside. When the fire break and drainage ditches are maintained, the runoff is managed; the City maintains that area.

Mr. Mumford said a bench drain and a split rail fence are required above lots on all 2:1 slopes above retaining walls in the City.

MOTION: ***Colby Curtis moved to approve Skyline Ridge Phase 2 Preliminary Plats 5 and 6 with the following conditions:***

1. ***An updated slope stability report is provided for both plats;***
2. ***Maximum height of retaining wall is 5 feet with a maximum of 4 tiers, with all tiers to be evenly divided in height. All retaining walls should be inspected by a licensed geotechnical engineer throughout the construction period and who will provide a letter at the completion of the project stating that the walls have been constructed per their recommendations and conform to typical construction requirements, including the stability and makeup of the materials. Retaining walls shall not be located any closer than 10 ft. from a home;***
3. ***No blasting may be used in this project;***
4. ***A fence and drainage swale shall be constructed on the top of any retaining wall area;***
5. ***Homes shall be designed with the hillside to reduce necessary cutting/grading and retaining wall heights;***
6. ***Lots that average 25% or greater shall be removed;***
7. ***All retaining walls, drainage, and required fence along the top of the retaining walls shall be completed before home construction in either of the phases; and***
8. ***Two more parking stalls shall be added in Track B park for snow removal.***

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

14. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Gricius
Councilmember Gricius stated her preference for leaving Utah League of Cities and Towns.

Councilmember Clark
Councilmember Clark recommended residents make preparations for potential emergency situations. She said Sandy City residents were unaware of their water problems. She said Ms. Peterson does a good job of communicating with residents and encouraged residents to opt in to City notifications.

Councilmember Reaves
Councilmember Reaves said he has spoken with one Parks and Recreation Board member and they will consider options moving forward with the board.

Councilmember Burnham
Councilmember Burnham said she met with Pony Express Events. They are considering adding an additional event.

Councilmember Curtis
Councilmember Curtis said the Youth Council meets the second and fourth Wednesday at 6:00 p.m. The Senior Citizen Council is interested in providing Meals on Wheels in the Senior Center. He said there are concerns regarding the financial aspect of charging three dollars per meal. Ms. Kofoed said the Senior Citizen Council can communicate with her regarding funds, as well as other requirements that may be in place. Councilmember Curtis said he has been shadowing Mayor Westmoreland and they are working with Mountainland Association of Governments for transportation funding.

Mayor Westmoreland
Mayor Westmoreland said the City is off to a great start and good things are coming.

15. CITY COUNCIL BOARD LIAISON REPORTS

16. COMMUNICATION ITEMS

1.6M Upcoming Agenda Items

16.B Financial Report

17. ADJOURNMENT

MOTION: ***Donna Burnham moved to adjourn the meeting at 9:39 p.m. Stephanie Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

Approved by the City Council on March 5, 2019.

Fionnuala B. Kofoed, MMC
City Recorder