EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

February 5, 2019
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; Tayler Jensen, Planner; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Facilities Operations Director; Ross Fowlks, Fire Chief; Eric McDowell, Chief Deputy.

Mayor Westmoreland called the meeting to order at 4:00 p.m.

1) CITY ADMINISTRATOR INFORMATION ITEMS

1.A Introduction.

Clay Shelley, Park Manager at Camp Floyd State Park, introduced himself and informed the Council of activities at the park. Traditional activities include Johnson's Army Adventure Camp, and day camps. New programs include Star Parties, a summer concert series the last Saturday of the month from April to September, and the Day of the Cowboy event July 26 and 27, which includes cowboy poetry, vendors, music and wagon rides. He said residents can drive to the park, or they can bike to the park over the Pony Express Trail. Mr. Shelley presented a folder listing the 2019 events at Camp Floyd, and said residents can find more information at campfloyd.utah.gov.

2) AGENDA REVIEW

10) <u>BID AWARDS</u>

10.A Aviator Road Project

City Engineer Chris Trusty explained the bid award was changed from Green Construction to Kenny Seng Construction. He said Green Construction's bid did not include all required documentation, and therefore was rejected. Staff recommended awarding the bid to Kenny Seng Construction. Councilmember Curtis asked how the project was being funded, and if Alpine School District is responsible for any of the costs. Mr. Trusty explained the road is impact fee-eligible, and the 12-inch water line is water impact fee-eligible. The school district is being charged transportation impact fees, which can be used to fund the road construction, but this project is not a direct cost to Alpine School District.

10.B Eagle Mountain Reuse Storage, Pump Station, and Distribution Line

Councilmember Reaves noted the difference in bid amounts between contractors was nominal, and asked what caused the City to recommend Kenny Seng Construction. Mr. Trusty explained Kenny Seng Construction submitted the lowest cost bid. The City has worked with them in previous projects and is comfortable with their prior performance.

11) <u>BOND RELEASES</u>

11.B Oak Hollow Phase A Plat 1

Councilmember Curtis stated resident Daniel Billings previously expressed concerns regarding flooding in this area and asked staff if that concern had been addressed. Planner Tayler Jensen said they received an email a year ago and believe it was handled; they have not received communication otherwise. Mr. Trusty agreed and said he believed the issue had been taken care of, and will confirm before policy session.

12) <u>MINUTES</u>

12.A January 15, 2019 Minutes

Councilmember Burnham requested a change from "he" to "she," and Councilmember Reaves requested two corrections from “Commissioner” to “Councilmember.”

13) <u>PRELIMINARY PLATS & SITE PLANS</u>

13.A Scenic Mountain Phase B Preliminary Plat and Site Plan

Councilmember Clark requested the item be removed from the consent agenda and placed as a scheduled item for discussion.

13.B Overland Phase C Preliminary Plat

Mr. Jensen said the updated plan adds a road stub the City requested to allow connection to future developments and better connectivity throughout the area. The new plan lowers the total number of units to 189, and the density to 4.1 dwelling units per acre. Village One has a minimum of 431 units and a maximum of 647 units. If the proposed preliminary plat is approved, a maximum of 216 units remain in Village One.

Councilmember Curtis confirmed with staff that the units cannot be moved to another village in the project. Mr. Jensen said the villages cannot all build the maximum number of units available, as that would put the project over the permitted overall density.

Councilmember Curtis expressed concerns regarding building facades facing public rights-of-way, and asked if specific design standards are dictated in the master development agreement. Mr. Jensen said they are not, but the project will abide by the design standards in the Municipal Code.

13.C SilverLake Clubhouse and Pool Site Plan

Mr. Jensen presented the proposed site plan for a clubhouse and pool that will serve the multifamily developments south of Tickville Wash in the SilverLake development. The 3,614-square foot clubhouse includes a 1,017-square foot gathering room, a 997-square foot exercise room, and a kitchen and children's playroom. The updated elevations show changes to the building color and added architectural features. The Planning Commission recommended approval of the project.

Councilmember Clark asked if the City would be required to take over management of the facility if the SilverLake Master HOA were to dissolve. Mr. Cook said it would depend greatly on why the HOA dissolved, and he does not see a situation in which the City would be required to take over the clubhouse.

Councilmember Clark expressed concerns that a sub-HOA was not in place for the clubhouse.

Councilmember Curtis expressed concerns regarding residents potentially being added to the area which is assessed fees for use, but would not feasibly be able to utilize the amenity.

Councilmember Curtis asked how many units can be served by a clubhouse, according to Municipal Code. Mr. Jensen explained the Code allows a clubhouse to serve up to 250 units.

Bronson Tatton with Flagship Homes said the area the clubhouse will serve will be a cost center; the residents within the cost center will pay higher HOA dues than other residents throughout SilverLake for the use of the facility. He explained the CC&Rs for SilverLake 16 recorded the cost center.

Councilmember Curtis asked if the HOA could add surrounding residences at a later date. Mr. Cook said he will research the CC&Rs and inform the Council of his findings.

Ms. Kofoed stated she previously requested that staff have a clear understanding of what plats would be assessed and would have access to the facility; her communication with Mr. Tatton shows Phases 16, 17, 18, 19, and 20 will be assessed the cost center assessment and will have access. She said associations in the past have permitted joint access to facilities, such has happened with Rock Springs and Plum Creek. The changes would depend on CC&Rs and bylaws, and could be made according to homeowner votes.

Councilmember Clark asked if the clubhouse will be sufficient for five plats. Mr. Tatton said it will be. He said the plats combined are entitled to 1,200 units, but the development is currently approximately 1,100 units. Councilmember Curtis asked staff if the proposed clubhouse is sufficient according to Municipal Code. Mr. Jensen explained the Code allows a clubhouse to serve up to 250 Tier III and IV (multifamily) units. A second clubhouse and pool is required with the construction of the 251st unit. The Code does not require clubhouses for Tier II, and does not address Tier II utilizing clubhouses.

13.D Cold Springs Site Plan

Councilmember Clark asked if the Planning Commission's recommended conditions of approval are included if the City Council approves the consent agenda. City Recorder Fionnuala Kofoed explained if the conditions are not changed by the Council and are included in the staff report, they are included in the motion for approval.

14) ARRIVAL - PUBLIC HEARING

14.A ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Approving the First Amendment to the Arrival Master Development Plan.

Mr. Jensen said the proposal seeks to reduce the size of the Arrival park, relocate trails, increase one lot from a half acre to a full acre, and add an additional residential lot. The applicant has committed to using the proceeds from the sale of two lots to improve the park with sod, sprinklers, and a pavilion with picnic tables. This commitment is included in the Master Development Agreement. He explained residents of the HOA have requested the park changes, and noted the subdivision is a base density development and does not require any open space. Councilmember Reaves asked that HOA meeting minutes be included in future packets for projects that reflect changes requested by homeowners.

Mr. Jensen explained the Planning Commission was initially concerned about the changes, but no residents spoke against the proposals at two separate public hearings. The Planning Department did not receive any communications from residents regarding the changes. The Planning Commission unanimously recommended approval, with the condition to add a hitching post to every park entrance.

Arrival developer Scot Hazard explained less than ten percent of the residents have large animals, and the hitching posts would not be utilized. Councilmember Gricius asked why the Planning Commission added the condition. Mr. Jensen explained one of the Commissioners has mentioned in previous meetings that he would like to see hitching posts throughout the City. There are no hitching posts located in the City at this time.

Discussion ensued on possible dual-use amenities such as bike racks that could function as hitching posts.

Councilmember Reaves asked Mr. Hazard why the trails were changed. Mr. Hazard explained Tickville Wash extends into lots, and moving the twenty-foot trail around the Wash would further encumber the property. The original design did not fully take into account the topography of the land. He said the north-south trails are sufficient, so he added east-west trails for better connectivity.

14.B RESOLUTION - A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Arrival Master Development Agreement.

Councilmember Curtis asked why the sunset clause was being extended. Mr. Jensen said the agreement will expire in four years, and as the development will not be built out at that time, the developer is requesting a six-year extension now. The current agreement contains a clause allowing a ten-year extension. Councilmember Curtis asked City Attorney Jeremy Cook to inform the Council if the amended agreement still contains the clause allowing for another ten-year extension.

Mr. Hazard said the development in Arrival is slower than a typical subdivision, as the homes are custom homes, which is the reason for his request to extend the agreement.

Discussion ensued on sunset clauses throughout developments in the City. The Council agreed that Arrival contains features and lot sizes the City desires, and the extension would allow this product to be fully developed.

Councilmember Clark asked for clarification regarding the water pressure issue noted in the agreement. Mr. Trusty explained the water pressure issue was resolved with the new water tank that was built last summer, and the agreement may need to be amended to remove that section. A lot within the development was set aside for an additional water tank, but was removed from the plans, as the additional tank is no longer needed.

Mr. Cook said the included language is typical and states that if the development needs additional water, the developer is responsible to construct a water tank. If additional developments would utilize the water tank, the added cost to build a larger tank would be reimbursable. He explained the clause may be irrelevant, as pressure issues are corrected, but he preferred to leave the agreement as is currently written.

15) ORDINANCE - PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending Municipal Code Chapter 17.35 for Conditional Uses, Chapter 17.55 for Commercial Off-site Parking, 17.80 for Signs

15.A Commercial Zone Conditional Uses and Commercial Off-street Parking.

Mr. Jensen explained anything not specifically allowed in Municipal Code is prohibited. This amendment will allow Meeting/Reception Rooms in the Commercial zone, and sets the requirement of one parking stall for every 250 square feet of building space.

Councilmember Clark expressed concerns that the parking requirement will not be adequate. She noted Garden Near the Green does not have sufficient parking stalls, which causes safety concerns. She said many event attendees will drive to the City, so the possibility exists that reception rooms within the City will have more cars than those located in more central locations.

Mr. Jensen said staff researched parking standards throughout the state and found requirements to be greatly varied. Some standards were based on seats in the facility and some on building square footage. The recommended requirement is in the middle of the range of parking standards. He said staff researched rural locations that were not central, such as Sandy or Lehi; Kamas has a parking standard of one parking stall per 250 square feet of building space, and Uintah County has one stall per six seats.

Councilmember Reaves said the City has the current problem of adequate parking. He prefers to not have a standard rule for the entire City, rather specific zone-related standards.

Councilmember Clark asked how many parking stalls are required for church buildings. Mr. Jensen said church buildings require one stall for every twenty square feet of space in the main assembly room.

Discussion ensued on shared parking lots.

15.B Signs.

Mr. Jensen said this staff-proposed amendment replaces an illustration of an Exempt Sign, and creates standards for school monument signs. He explained the current illustration shows balloons, which are not allowed in Municipal Code. The amendment does not change what is permitted.

Mr. Jensen explained the Alpine School District will use this section of Municipal Code for Cedar Valley High School's signage. The school district requested that the amendment state a limit of 45 square feet, instead of 32 square feet for the electronic portion of the sign.

Councilmember Curtis asked if schools are required to abide by the sign code. Mr. Cook explained that signs may not fall under the area in which school districts do not have to comply. He recommended the requirement be codified.

Councilmember Clark requested a discussion on signs at a later meeting. She said the Eagle Mountain Chamber of Commerce could host an event in which local businesses provide feedback. Mayor Westmoreland stated the first meeting in March could include a discussion item for sign standards.

3) ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed executive session was held. The meeting was adjourned at 5:24 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: 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; Tayler Jensen, Planner; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief; Eric McDowell, Chief Deputy.

4) CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:04 p.m.

5) PLEDGE OF ALLEGIANCE

Councilmember Gricius led the Pledge of Allegiance.

6) INFORMATION ITEMS/UPCOMING EVENTS

- **What I Love About Eagle Mountain Photo Contest** – Visit the City's Facebook page to vote for your favorite entries in the What I Love About Eagle Mountain Photo Contest. Voting ends at 5:00 p.m. on February 11. The top three vote earners will have their photos printed on canvas and the winning entries will be displayed at City Hall through March.

- **City Offices & Library Closures** – The City offices and Library will be closed Monday, February 18 in observance of the President's Day holiday.

- **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.

- **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

Mayor Westmoreland opened public comment at 7:10 p.m. As there were no comments, he closed public comment.

8) CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis

Councilmember Curtis thanked those in attendance. He stated he would like to have a discussion regarding agenda items and deadlines for documentation. He does not want to receive items within 48 hours of City Council meetings, as Municipal Code sets that deadline. City Recorder Fionnuala Kofoed clarified the Recorder's Office has a deadline for City staff to submit agenda items before the packet is sent to Council. Currently, staff must deliver agenda item documentation by close of business the Tuesday before City Council meetings. The agenda is set by the Mayor on Wednesday, and the Recorder's Office delivers packets to Council by Thursday; however, she will work with staff if conditions necessitate flexibility regarding the Tuesday deadline. She noted the tight turn-around time between Planning Commission meetings and City Council meetings. She stated her office distributes information as they receive it, and a cut-off for documentation received after the packet is posted is at the discretion of the Council. The Council can table an item if they have received documentation after the Thursday before the meeting. There is a State regulation that items added to the agenda are noticed 24 hours before the meeting is held, with the exception of emergency items.

Discussion ensued regarding potential changes in deadlines. Ms. Kofoed said the Recorder's Office will follow Council's guidance.

Councilmember Burnham

Councilmember Burnham said she is excited about the upcoming construction of Aviator Avenue. She said it will give an additional exit for the school and will be great for the City.

Councilmember Reaves

Councilmember Reaves thanked those in attendance and said he appreciates residents attending City meetings.

Councilmember Clark

Councilmember Clark said she appreciates the fact that residents hold the Council accountable and she is grateful for their involvement. She asked for input from residents on all aspects of the City. She said the military homecoming parade with the school children waving was a great example of what sets our City apart from others.

Councilmember Gricius

Councilmember Gricius agreed with the other Councilmembers' statements.

Mayor Westmoreland

Mayor Westmoreland said he is excited about the transportation improvements coming to the City. He also recognized the youth in attendance.

9) RECOGNITION

9.A Ifo Pili

Lehi City Administrator Jason Walker, on behalf of the Utah City/County Management Association (UCMA), presented City Administrator Ifo Pili a plaque in recognition of Mr. Pili receiving his International City Managers' Association Credentialed Manager Certification. Mr. Walker said only fifteen city managers in Utah hold this certification. Mr. Pili thanked Mr. Walker for presenting the award, and said he obtained the certification out of respect for the UCMA and its members.

CONSENT AGENDA

10. BID AWARDS

10.A. Aviator Road Project
Kenny Seng Construction

10.B. Eagle Mountain Reuse Storage, Pump Station, and Distribution Line
Kenny Seng Construction

10.C. 2019 Concrete Collar Replacement
Precision Manholes

10.D. 3.5 MG Water Tank Project
Pro Build

11. BOND RELEASES

11.A. Spring Run Phase A Plat 3
Into Warranty

11.B. Oak Hollow Phase A Plat 1
Out of Warranty

11.C. Oak Hollow Phase A Plat 2
Out of Warranty

12. MINUTES

12.A. January 15, 2019 Minutes
Regular City Council Meeting

13. PRELIMINARY PLATS & SITE PLANS

13.B. Overland Phase C Preliminary Plat
The proposed preliminary plat is for 190 single-family units located on 46.15 acres of property within the Overland Master Development. The project is located west of Pony Express Parkway and north of Frontier Middle School.

13.D. Cold Springs Site Plan

The proposed amended site plan removes two parking stalls, and replaces them with a dumpster enclosure. The Cold Springs development is located west of the Chevron on the south side of Pony Express Parkway.

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

SCHEDULED ITEMS

13. PRELIMINARY PLATS & SITE PLANS (removed from the Consent Agenda)

13.A. Scenic Mountain Phase B Preliminary Plat and Site Plan

This item was discussed after item 15.

Councilmember Curtis asked if Wride Memorial Highway will have a right-in/right-out turn lane. Mr. Jensen said initially, UDOT denied both of the requested accesses, but after working with the applicant for over a year, they have now approved a single right-in/right-out access. An updated traffic study was performed and still shows an acceptable level of service with the single right-in/right-out access.

Councilmember Clark asked for the density allowed in the flex pod. Mr. Cook stated 91 units are available.

Councilmember Burnham stated the applicant has requested 40 units and Council wants 34 units. She asked if Council would approve 37 units. Dylan Young with Fieldstone Homes said the density for the flex pod is 16.69 dwelling units per acre. He explained 91 units can be built in that area to meet that density.

Mr. Young said they have a new engineer who determined the flex pod area is actually 5.88 acres, not 5.48 acres as originally thought. He proposed adding the 0.4 acres to the townhome pod, which would bring the permitted units to 37 without any density overages. He said they planned larger lots in the single-family home pod to reduce density, with the assumption that they would be able to add units in the townhome pod.

Councilmember Curtis said a clause in the master development agreement was clear that density transfers outside of the UDOT expansion area were not allowed. Mr. Cook explained no density in the UDOT portion of the project could be transferred out. He said moving 0.4 acres from the flex pod with a density of 16.69 to the lower density townhome pod would result in fewer units.

Councilmember Curtis expressed frustrations regarding density transfers. Mr. Cook clarified the City has an argument to allow only 34 units. The City received a non-binding assessment from the State's private property ombudsman and the ombudsman interpreted the agreement language as Mr. Cook did; however, there is enough ambiguity in the agreement that Mr. Cook understands the applicant's interpretation. He said the applicant is not asking to transfer density from the UDOT area; rather he is taking acreage from the flex pod with a higher density and placing that acreage in the lower density townhome pod. According to the master development agreement, that move would be allowed, and the result is less density overall. The City does have the right to deny the additional three units that would bring the total to forty units.

Councilmember Clark said applicants come and request permissions in order to make their projects financially feasible. She asked at what point the City Council holds the developer to the initial agreement.

Mr. Young stated he is not asking for additional units in the project, but he understands the difference of opinion regarding the interpretation of the agreement. He said the Planning Commission staff report stated staff's opinion was the request meets the intent of the master development agreement.

Councilmember Clark said City Planners are not attorneys and they interpret the agreements with their best effort. Mr. Cook is the City's legal counsel.

Councilmember Burnham asked what Council is trying to protect within the City. She said the additional units do not affect the overall density of the project.

Councilmember Curtis said the proposal does not fit the master development agreement. Residents ask him to decrease the density in the City. Councilmember Gricius asked if the type of housing unit matters. Councilmember Curtis believed it does; the City Council had worked diligently to set the number of units for each type.

Mr. Young reiterated that he is not adding units. He is looking at the overall project and is not trying to increase density. He stated if they presented the townhomes before the single-family units, they would have built forty units. He stated his legal counsel believes the proposed plan meets the intent of the master development agreement.

Councilmember Clark asked what uses are planned for the flex pod. Mr. Young said a buyer is considering the site for multifamily units. He stated the property has been on the market for two years and this is the first offer that had been presented.

Councilmember Clark asked if the traffic study included the 91 units in the flex pod. She expressed concerns that the Council approved the original plan with two access points onto Wride Memorial Highway, and the proposed plan only contains one.

Councilmember Reaves said the 91 units in the flex pod are not accounted for in the traffic study, as they are potential units and are not in place. He noted that the Evans Ranch development fit the minimum standards of the Municipal Code, but the Council had tried to mitigate future traffic issues. The applicant threatened to sue, so the Council approved the project. That area is now a problem area in regard to traffic issues.

Mr. Jensen clarified the updated traffic study did take into account the 91 proposed townhomes, as well as the 80 single-family lots, and 40 townhomes with only one access point onto Wride Memorial Highway. He said the applicant included a potential connection to Mt. Saratoga in the current plan. Mr. Young explained an additional traffic study was conducted due to the fact that UDOT only approved one access point.

Discussion ensued regarding future road plans once Wride Memorial Highway is expanded. Mayor Westmoreland confirmed that the Council's transportation concerns had been addressed.

Mr. Cook explained that based on acreage, the project was originally permitted 86 single-family lots, 34 townhomes in the townhome pod, and 91 townhomes in the flex pod. He stated the applicant did not decrease the cluster home area; they removed six units and increased the lot sizes. Mr. Young said they decreased density in the single-family area as they believed the agreement allowed them to add the removed units to the townhome pod, as long as the overall density was not over the permitted amount.

Councilmember Curtis expressed frustration that applicants ask for what they consider nominal increases after plans are approved.

Mr. Young reiterated that they do not feel they are asking for additional units and believe the proposal meets the intent of the master development agreement. They are only building 211 units, not the 217 units as originally approved. He explained they were forced to sell property to UDOT, and that sale has set the project back two years.

Councilmember Burnham said her concern is the overall density of the project, not the product type. She expressed support for 38 units; fewer than that is not fair based on the movement of 0.4 acres from the flex pod to the townhome pod. If 38 units are granted, she requested a condition that the flex pod can only contain 90 units, not 91.

Councilmember Curtis said he does not support more than 35 units.

Councilmember Gricus believed that 37 units is reasonable.

Councilmember Reaves said he prefers fewer units. He stated he is struggling with how the applicant will ease the burden of congestion. He would like to see the plans for roads and future projects in the area.

Councilmember Clark confirmed with staff that a road will be in place to Wride Memorial Highway by Spring 2019. The master development agreement states access to Wride Memorial Highway will be complete before the 31st building permit is issued in the overall project.

MOTION: ***Councilmember Burnham moved to approve the Scenic Mountain Phase B Preliminary Plat and Site Plan with 38 townhomes. The motion failed for lack of a second.***

MOTION: ***Councilmember Gricius moved to approve the Scenic Mountain Phase B Preliminary Plat and Site Plan with 37 townhomes. Councilmember Curtis seconded the motion.***

Discussion ensued.

AMENDED MOTION: ***Councilmember Gricius moved to approve Scenic Mountain Phase B Preliminary Plat and Site Plan with the following conditions:***

1. ***The site plan must be approved prior to any building permits being issued;***
2. ***Hurstbourne Drive must connect to Vernham Lane prior to any townhome building permits being issued;***
3. ***The sewer lift station must be maintained by the HOA;***
4. ***The plans must comply with all requirements within UDOT's traffic permit;***
5. ***Townhome elevations must provide additional features such as a pop-out, bay window, or awning on side and rear elevations facing a public ROW;***
6. ***Applicant shall provide model numbers of playground equipment to the Parks and Recreation Director; and***
7. ***The maximum density is 8.23 dwelling units per acre with the maximum number of units permitted in this pod being 37.***

Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, Melissa Clark. Those voting nay: Benjamin Reaves. The motion carried with a vote of 4: 1.

Mr. Young explained the end units and the middle units of the seven-plex structures will have pop-outs in the dining rooms and shed roofs will be placed over the pop-outs.

13.C. SilverLake Clubhouse and Pool Site Plan

Mr. Jensen said the proposed site plan is for a clubhouse and pool to serve the multifamily developments south of Tickville Wash in the SilverLake development. The clubhouse will have a gathering area, kitchen, exercise area, and a children's playroom.

Councilmember Clark expressed concerns regarding cost centers, and said she prefers a sub-HOA be in place. Mr. Cook said the cost center was not recorded, so he will work with the developer to confirm it is in place. He stated the developer is confident that a mechanism is in place to ensure only the specified neighborhoods will be assessed dues for the amenity.

Councilmember Curtis expressed concerns regarding the amenity serving 1,200 units. He stated 1,200 units will be assessed for the amenity, but not all units will be able to utilize an amenity of that size. Mr. Jensen said the City can only require clubhouses in townhome developments. The Council can add a condition of approval that only townhome units can access the clubhouse, but the developer has expressed the desire to open it to the single-family units.

Mr. Tatton said they don't anticipate the entire community going at the same time, similar to the fact that the entire community will not utilize a pocket park at the same time. He explained homebuyers are purchasing their homes with the understanding that they have access to the clubhouse, so he cannot remove access after the fact.

Councilmember Burnham asked how the developer will fix potential problems regarding overuse, if they arise. Councilmember Reaves asked if Flagship has clubhouses or pools in areas similar in size to the SilverLake development. Mr. Tatton explained Flagship's development in Vineyard has 2,100 units and that development has one large and one small clubhouse. The residents will self-regulate in SilverLake, as they do in Vineyard. Councilmember Clark stated that the developer is building an amenity that she believes will not support all the residents who will be paying for it.

Discussion ensued regarding the amenities in the Evans Ranch and Overland developments.

Councilmember Burnham asked the applicant to work with staff to determine the feasibility of increasing the size of the pool and clubhouse. A concession from the City could be allowing fourteen additional units in the development without adding the required additional pool and clubhouse. She directed staff to research the cost center and ensure outside existing residents cannot be added at a later date.

MOTION: ***Donna Burnham moved to table the SilverLake Clubhouse and Pool site plan to the next scheduled City Council meeting. Council instructed staff and the applicant to research the possibility of enlarging the pool, allowing 14 additional units without requiring another clubhouse and pool facility, and asked staff to verify that cost centers are in place. Colby Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, Melissa Clark. The motion passed with a unanimous vote.***

14) ARRIVAL - PUBLIC HEARING

This item was discussed directly following the Consent Agenda.

14.A. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Approving the First Amendment to the Arrival Master Development Plan.

Mr. Jensen said the proposal reduces the size of the park, increases the size of one lot, adds an additional residential lot, and relocates trails. The applicant has committed to use the sale of two lots to improve the park with sod, sprinklers, a pavilion and picnic tables, and playground equipment. The Planning Commission reviewed the project twice with two separate public hearings and recommended approval of the project.

Councilmember Burnham asked for clarification on the locations of the hitching posts. Mr. Jensen said the Planning Commission did not detail exact locations. Councilmember Clark said if the residents desire hitching posts at a later date, they can be installed in the future.

Mayor Westmoreland opened the public hearing at 7:40 p.m. As there were no comments, he closed the public hearing.

Councilmember Gricius said she does not think it is pertinent to add the hitching posts. She said the Planning Commission did not specify required materials, and asked if the City would maintain the posts. Councilmember Burnham said if hitching posts are to be required, the locations need to be specified.

Councilmember Reaves said the area is unique and needs to be preserved. The hitching post condition can be approved and maintenance of the posts can be addressed later.

Councilmember Curtis said the Municipal Code does not require open space for this development, and expressed concerns that the Council would add additional amenities to a voluntary park.

Mr. Hazard said less than ten percent of residents in the development have horses. He stated he has not seen horses on the trails, and does not want horses on the landscaping, lawn, or concrete trails. He sees the hitching posts as a waste of space and an unnecessary expense.

MOTION: ***Stephanie Gricius moved to approve an Ordinance of Eagle Mountain City, Utah, approving the first amendment to the Arrival Master Development Plan, removing the recommended condition of approval requiring hitching posts. Melissa Clark seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, Melissa Clark. The motion passed with a unanimous vote.***

14.B. RESOLUTION - A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Arrival Master Development Agreement.

Councilmember Curtis confirmed with staff that the extension of the agreement would move the sunset clause six years further than it stands currently. Councilmember Gricius said the product in the development is one the Council wants in the City, so the extension of the agreement is beneficial to both parties.

MOTION: ***Melissa Clark moved to approve a resolution of Eagle Mountain City, Utah, approving the second amendment to the Arrival Master Development Agreement. Benjamin Reaves seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, Melissa Clark. The motion passed with a unanimous vote.***

14.C. MOTION - Arrival Amended Preliminary Plat.

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

15) ORDINANCE - PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending Municipal Code Chapter 17.35 for Conditional Uses, Chapter 17.55 for Commercial Off-site Parking, 17.80 for Signs

15.A. Commercial Zone Conditional Uses and Commercial Off-street Parking.

Mr. Jensen explained that anything not specifically allowed in Municipal Code is prohibited. The amendment allows meeting/reception rooms within the Commercial zone, and creates a parking standard of one parking stall per 250 square feet of gross floor area.

Councilmember Burnham asked if it was possible to require more parking stalls in the Municipal Code, but allow the Planning Commission to reduce the number required based on findings such as shared parking lots. Mr. Jensen stated that was an option, but specific findings would need to be clarified in the Code. He said most businesses will want more parking than is allowed and the City has maximum limits as well.

Councilmember Clark asked Mr. Jensen for the range of parking standards other municipalities have. Mr. Jensen said on the high side, standards required one parking stall per 100 square feet of gross floor area, and the low side required one parking stall per 500 square feet of gross floor area. Lehi's standard is one parking stall per 500 square feet of gross floor area.

Councilmember Curtis stated he values staff's research and would like the option to have the Planning Commission adjust the requirements, as needed. Mr. Mumford explained the Municipal Code allows the Planning Commission to grant alternative parking requirements. He said a shared parking lot could be a reason to grant that exception.

15.B. Signs.

Mr. Jensen said this staff-proposed amendment replaces an illustration of an exempt sign, and creates standards for school monument signs. He explained the current illustration shows balloons, which are not permitted in the Municipal Code.

Mr. Jensen explained the Alpine School District will use this section of the Municipal Code for Cedar Valley High School's signage. Councilmember Curtis asked where the high school sign will be placed. Mr. Mumford said it will be located on the corner of Pony Express Parkway and Aviator Avenue.

Mayor Westmoreland opened the public hearing at 8:05 p.m. As there were no comments, he closed the public hearing.

MOTION: ***Councilmember Clark moved to approve an ordinance of Eagle Mountain City, Utah, amending Municipal Code Chapter 17.35 for Conditional Uses, Chapter 17.55 for Commercial Off-site Parking, 17.80 for Signs with the electronic portion of the school sign changed to a maximum of 45 square feet. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, Melissa Clark. The motion passed with a unanimous vote.***

16) MOTION - Appointment of a City Councilmember as Mayor Pro Tempore

Mayor Westmoreland said all Councilmembers are capable and qualified to serve as Mayor Pro Tempore. He explained daytime availability is an important factor, and nominated Colby Curtis to serve as Mayor Pro Tempore for 2019.

MOTION: ***Melissa Clark moved to appoint Colby Curtis as Mayor Pro Tempore for 2019. Stephanie Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, Melissa Clark. The motion passed with a unanimous vote.***

17) CITY COUNCIL/MAYOR'S BUSINESS

18) CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Gricius
Nothing to report.

Councilmember Curtis
Councilmember Curtis expressed appreciation for the Senior Advisory Council and stated the board functions well.

Councilmember Burnham
Councilmember Burnham stated the Planning Commission is holding meetings regularly.

Councilmember Reaves
Councilmember Reaves said the boards he is liaison to have not met at this time. Meetings are scheduled for March.

Councilmember Clark
Councilmember Clark said the Youth Council attended Local Officials Day at the State Capital and met with State Representative Jefferson Moss. Representative Moss appreciated that the Youth Council is informed and engaged. Councilmember Clark appreciated community involvement in the Welcome Home parade. A HAM radio class and test will be held March 1 and 2 at City Hall, and an opioid drug overdose help training will be held on Thursday, March 14 at 8:00 p.m. at City Hall.

Mayor Westmoreland
Mayor Westmoreland explained Unified Fire Authority is in the process of updating its interlocal agreement. Ranked voting was discussed, and it was determined that on budget issues, two members can request ranked voting.

19) COMMUNICATION ITEMS

20) ADJOURNMENT

MOTION: ***Councilmember Clark moved to adjourn the meeting at 10:15 p.m. Councilmember Curtis seconded the motion. Those voting aye: Colby***

Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, Melissa Clark. The motion passed with a unanimous vote.

Approved by the City Council on February 19, 2019.

Fionnuala B. Kofoed, MMC
City Recorder