EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

February 4, 2020, 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, Jared Gray, and Carolyn Love.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Fionnuala Kofoed, City Recorder; Lianne Pengra, Deputy Recorder; Elizabeth Fewkes, Recording Secretary; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Chris Trusty, City Engineer; Linda Peterson, Communications Director; Aaron Sanborn, Economic Development Director; Evan Berrett, Senior Management Analyst; Jeff Weber, Fleet and Facilities Operations Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Brad Hickman, Parks and Recreation Director; Maria Loza, Utility Billing Supervisor; Robert Ballif, Engineering Assistant; Ross Fowlks, Fire Chief; Eric McDowell, Deputy Sheriff; and Angela Valenzuela, Human Resources Manager.

Mayor Westmoreland called the meeting to order at 4:05 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

2. AGENDA REVIEW

    9. AGREEMENTS

        9.A. Rocky Mountain Power Franchise Agreement

City Recorder Fionnuala Kofoed explained the existing agreement between the City Council and Rocky Mountain Power has a five-year franchise agreement that is set to expire on March 4, 2020. Provisions in the agreement allow for renewal. There are no proposed changes in the renewed agreement. The document delineates operation, maintenance, and notification requirements and division of responsibility between the utility and Eagle Mountain, in accordance with City rights-of-way.

Councilmember Clark asked if the terms allow for amendments due to unforeseen circumstances or City growth.

Ms. Kofoed stated the agreement documents current responsibilities but neither facilitates nor impedes future amendments, she suggested maintaining an open line of communication with Rocky Mountain Power.

Mr. Cook stated the City is working with Rocky Mountain Power on revisions to the plat approval process, safety precautions for the energizing of electrical lines, and fail safes to guarantee payment to the utility by developers for infrastructure implementation. Revisions may be necessary to remove unnecessary redundancies already protected by State law.

City Engineer Chris Trusty expressed concerns about the impact of electrical upgrades Well One. Mr. Cook reiterated some of the safety concerns they are working to address.

10. AUDIT

10.A. FY 2019 Audit—Acceptance of the 2019 Fiscal Year Audit—Ron Stewart

Mayor Tom Westmoreland introduced Ron Stewart with Gilbert and Stewart CPAs to present the 2019 audit for Eagle Mountain City.

Mr. Stewart said the purpose of the audit is to ensure the City's financial statements are materially correct, financial controls in place are effective, and that financial procedures comply with State regulations. The audit found the City's financial statements to be materially correct and accurate, and in accordance with generally accepted accounting principles. Mr. Stewart stated the opinion of the firm is considered an unmodified opinion and is the best opinion that can be received.

To obtain that opinion, the firm tested different areas of the City's finances. Confirmations were sent to the City's banking institution to ensure cash balances on City records match those of the bank. Confirmations were also sent to confirm the City's records of property and sales taxes match County and State records. The firm also inspected invoices to ensure proper approvals and codings were in place, and that capital assets were purchased and received.

The CPA firm interviewed staff and walked through a selection of invoices from the point of order to when the information was entered into the financial record. This process ensured internal controls are in place to safeguard the City's assets and checks for material weaknesses and significant deficiencies. The audit did not find either of those errors.

A State compliance review finding showed the General Fund Public Works line item and some special revenue funds exceeded their budgets. The auditors considered the findings immaterial and advised the City to continue to monitor the funds and make budget amendments, as needed.

Assistant City Administrator/Finance Director Paul Jerome clarified the overspending incurred was for streetlights and will be paid by the developer but is still required to be recorded as a City infrastructure expense.

12. CHANGE ORDERS

12.A. Pony Express Widening Project Change Order #4 — Knife River Construction

The change order requests retroactive approval by the Council for a trench repair completed last summer.

Councilmember Gray clarified Mountainland Association of Government funding of the project and asked if safeguards protect against potential change order inflation.

Mr. Trusty explained the process of quantifying volumes and unit prices and that the construction manager on the engineering team researches the comparability of the bid price to similar projects to prevent overpayment.

13. MINUTES

13.A. January 21, 2020 — Regular City Council Meeting

Councilmember Colby Curtis requested the inclusion his of notes on the Ault Farms plan.

Ms. Kofoed verified the amended minutes included a correction to an appointment motion, as well as changes previously emailed to her.

14. PRELIMINARY PLATS & SITE PLANS

14.A. Holiday Oil — Sunset Drive — Preliminary Plat & Site Plan

Councilmember Curtis expressed concern regarding the lack of a secondary access for lot two.

Mr. Mumford explained the Municipal Code does not contain specific requirements for accesses to commercial properties. The matter is left to the discretion of the Fire Marshal. Councilmember Clark expressed concern approving the Holiday Oil site plan without requiring the accesses to the lot to the west would push the decision on the Fire Marshal or future Councils.

Councilmember Gray stated the lack of access could impact traffic flow for residents and other businesses. Councilmember Curtis expressed concern the proposed design could augment access and traffic difficulties for the school located across Sunset Drive and asked if alterations would resolve the issues.

Councilmember Love cited the Planning Commission's recommendation for the site to provide an access easement or connection to the property to the west of the carwash and noted the limitations of the proposed exit due to the need to wind through the gas station parking lot to reach it.

Councilmember Curtis expressed concern with the impact the high amount of traffic passing through the area would have on business access to the rear of the property. Mayor Westmoreland said the layout and placement of the carwash suggests the intent to allow traffic pass through to the north.

Councilmember Clark said the layout would be akin to the Chevron in the Ranches having a business to the west of it and stated such a layout would pose difficulties for traffic flow and accessibility. Councilmembers Curtis and Gray concurred with Councilmember Clark.

Mr. Mumford explained the Utah Department of Transportation (UDOT) generally has requirements for access on to frontage roads that prohibit accesses for individual usage, and generally require a road or combined access for multiple parcels. The City is still waiting for a response from UDOT regarding this project.

Councilmember Gray asked what the speed limit would be for the frontage road once constructed. Staff responded frontage roads have a speed limit range of 35 to 45 miles per hour.

Councilmember Gray questioned staff regarding property lines and the trail next to the plat. Mr. Mumford explained the trail will remain until UDOT builds the freeway, the freeway design has a trail along the frontage road. Discussion ensued about trails and sidewalks size, location, ownership, and maintenance once UDOT builds the frontage road. Councilmember Curtis suggested requesting the applicant move the proposed location of the trail.

Councilmember Clark asked Mr. Mumford about the applicant's response to the Planning Commission's request to add an additional stub to a piece of land near the carwash. Mr. Mumford responded the applicant expressed willingness to make the change but would prefer to put in landscaping for increased aesthetics. Mr. Mumford stated the inclusion of the stub was essential due to the single access to the property.

Councilmember Clark asked if there would be a way to allow the landscaping for now while guaranteeing the access would be put in later. Councilmember Curtis asked which owner would be held financial liable for the future access construction. Mr. Mumford said the best way to ensure future access is to include the stubbing to the property with the approval of this plat and site plan.

Mayor Westmoreland asked Mr. Mumford which route the fueling trucks would use to access the property. Mr. Mumford stated his opinion of a possible route and suggested verifying the truck route with the applicant. Discussion ensued regarding potential fueling routes and resulting traffic impediments.

Councilmember Curtis reiterated concerns regarding access. Councilmember Clark expressed concerns with approving the site plan based on anticipated infrastructure implementations, such as expansion of Wride Memorial Highway, and the potential problems delays or cancelations of projects would cause. Councilmember Clark asked if the Council could require three entrances.

Councilmember Curtis asked about access and parking agreements between the landowners of Holiday Oil and Sunset Storage that may violate Municipal Code allowances. Councilmember Clark said that would best be addressed with the applicant to verify their agreement does not attempt to supersede Code.

Councilmember Love stated they should include an official requirement for the inclusion of an access easement on the north end of the property. Discussion ensued regarding the number and location of access easements the Council should require.

Councilmember Curtis expressed concerns with the location of the fence the applicant has stated Holiday Oil will fund at Blackridge Elementary and if the fence would later be torn out by UDOT. He asked if it should be included as a requirement in the approval of the site plan. Councilmember Clark explained the specifics of the fence would be left to the discretion of the Alpine School District.

Mr. Mumford explained the applicant met with the principal of the Blackridge Elementary and the Utah County Sheriff's Office and his understanding was they would extend the perimeter of an existing fence.

The Council confirmed with applicant John Linton that Holiday Oil is under contract to purchase the land, and that the purchase agreement does not include the western parcel.

Councilmember Curtis asked Mr. Mumford if the Council should require a master site plan for both parcels. Mr. Mumford responded that the Council can require a master site plan for any area five acres or larger that is developed in phases. The entire area including the UDOT portion is 6.4 acres, without the UDOT portion, the remaining area is just over four acres, of which Holiday Oil is purchasing under two acres.

Councilmember Curtis expressed concerns that the lack of a master site plan would limit the Council's ability to mitigate potential issues.

Mr. Linton said that during the Planning Commission meeting, he had agreed to include two easements for future access and hoped that inclusion would help to alleviate the Council's concerns. Councilmember Curtis said he appreciated the inclusion and explained his concerns involve the potential business that may purchase the western parcel and how refueling trucks may impact traffic flow to that business. He asked for the applicant to offer clarification on parking near the north entrance.

Mr. Linton explained their intention is for one of the accesses to be right-in/right-out. They would like to have the option for a full access further away from the intersection of Sunset Drive and Wride Memorial Highway. The met with the owner of Sunset Storage regarding a shared access on the north side of the site plan. They have no intention of turning over a portion of their parking lot for truck parking for Sunset Storage.

Councilmember Curtis verified that there was no quid pro quo requiring truck parking in return for allowing the easement access. Councilmember Love asked if they have an official agreement with Sunset Storage to allow the easement access. The applicant replied that they do not have anything in writing but have not experienced any opposition from the other owner.

Discussion ensued regarding the various access easements desired by the City. The applicant stated his willingness to obtain an official agreement for the access easement with Sunset Storage and expressed Holiday Oil's desire to have optimal traffic flow to the property.

Mayor Westmoreland asked the purpose of the curb landscaping extending so far to the north. The applicant said his understanding is that traffic studies indicated the need to allow sufficient space between the two business accesses and that Mr. Trusty could address the reasons better than he.

Mayor Westmoreland asked Mr. Mumford about the likelihood of another road being constructed to the west in addition to the frontage road. Mr. Mumford explained that homes in the area would prevent the installation of an additional road.

Mr. Mumford stated that the trail to the north continues to the east and provides access to the school. The applicant stated Holiday Oil has been in contact with UDOT to ensure construction does not encroach onto UDOT's right-of-way. Discussed ensued regarding trails in the area before and after UDOT construction.

Mr. Linton stated he met with the Utah County Sheriff's Office and has made himself available to address any additional concerns they may have. He has met twice with the Blackridge Elementary principal to discuss concerns including that children may be tempted to visit the gas station during recess. He expressed to her willingness to assist in financing a perimeter fence; Alpine School District is obtaining bids for the fence. He indicated to the Council the area of the proposed fence installation.

Mayor Westmoreland asked what types of businesses Mr. Linton would anticipates expressing interest in the adjacent lot to the west. Mr. Linton said they have been approached by the adjacent lot's owner about purchasing the western lot. A major difficulty for a business in that location is UDOT's inflexibility with permitting business accesses off of state roads. A lack of access would devalue the western lot; however, the land might be suitable for additional storage units.

Councilmember Curtis asked who determined the size of the parcel they purchased and how it compares to other gas stations. The applicant said they typically purchase approximately two acres as it is sufficient for their purposes. Mr. Mumford stated the Holiday Oil gas station in the Ranches is on a 1.89-acre lot.

Councilmember Clark verified that the total number of moving trucks allowed per Municipal Code remains six, even after the construction of the gas station.

Mr. Mumford stated that Municipal Code does not permit the parking of Sunset Storage trucks on the gas station parking lot, but people returning the trucks may leave them parked at the gas station due to its proximity and parking availability.

14.B. JJ Ranches — Preliminary Plat

Councilmember Curtis expressed concerns about density transfers within the Pole Canyon development.

Mr. Mumford explained the Pole Canyon Master Development Agreement indicates that most of the planning areas allow for a maximum of 20% increase in units or density. Each neighborhood planning area (NPA) delineates acres, density, and number of units.

Councilmember Curtis expressed concern of density transfer from NPA-4 to NPA-3, located south of the White Hills subdivision. Some White Hills residents have expressed concern with the construction of high-density housing near the subdivision.

Mr. Mumford stated approval of this plat would not change anything in the Pole Canyon Master Development Agreement. It would not increase or decrease the amount of allowable density transfer but may increase the likelihood. Councilmember Curtis expressed his belief that the developer will transfer the density, if allowed.

Councilmember Clark asked if the overall density is determined by the number of units or the density percentage. Councilmember Gray asked if density transfer would change the allowable density of 5.5 units per acre to 6 or 7 units per acre. Mr. Mumford said he understood the agreement as allowing the number of units to increase to up to 20% in an area. Councilmember Gray verified the density could be transferred from any lot and not only from adjacent lots.

Mr. Mumford said the only way to prevent potential density transfer from this area, without amending the master development agreement, would be to approve smaller lots in this area instead of the two five-acre lots requested. Discussion ensued to determine the potential maximum number of lots allowed in the area due to density transfer.

Discussion ensued regarding the legal parameters, the duration, and expiration of the Pole Canyon Master Development Agreement. Mr. Mumford said the agreement was made in 2010, which was the year expirations were added into the Municipal Code for subdivision plats, so it is possible this agreement does not have an expiration. Ms. Kofoed explained the agreement had a December 31, 2019 expiration date that automatically renewed. It will continue to automatically renew every ten years until 2039 unless the developer is in default.

Councilmember Love asked if it is possible to reduce the total number of units allowed in that pod, since the owner wants five-acre lots, to prevent density transfer to other pods. Councilmember Clark asked if that could be done without amending the master development agreement. Councilmember Curtis replied that if the request complies with the master development agreement, the Council would be unable to limit the density transfer.

Councilmember Clark asked City Attorney Jeremy Cook for his interpretation. Mr. Cook said he would need to take a closer look at it during the break and advised approving the preliminary plat if it complies with the master development agreement.

Councilmember Love stated that during the Planning Commission meeting, a resident expressed concerns regarding past runoff and flooding issues due to poor drainage in the area. Councilmember Love suggested including a condition in the approval to address drainage issues.

Mr. Trusty said a low spot in that area is identifiable on the contour map and concurred with Councilmember Love's suggestion.

Councilmember Curtis expressed concern regarding allowing master development agreements and that perhaps the City should only approve plats individually. Councilmember Burnham suggested that instead of going away from the agreements entirely, they could be made to be smaller. Councilmember Gray suggested imposing shorter term limits to the agreements due to rapid City growth.

Councilmember Clark suggested removing the item from the consent agenda to allow for more research and discussion.

15. RESOLUTIONS

15.A. RESOLUTION — A Resolution of Eagle Mountain City, Utah, Amending the Policies and Procedures Manual, to Adopt the Fleet Policies and Procedures Manual as an Appendix to the Policies and Procedures Manual.

Fleet and Facilities Operations Director Jeff Weber explained the proposed amendment adopts a Fleet Policies and Procedures Manual as an appendix to the Policies and Procedure Manual. The appendix encompasses all City fleet operations; all references to fleet and vehicle policies have been removed from the Policies and Procedure Manual.

The reason for the proposed changes is to increase clarity and readability. They have reformatted the document, updated job titles and phone numbers, added the new drug testing location, added that all servicing will be performed in house, instructions for maintenance of GPS tracking devices, and added the IRS qualification for take home vehicles.

The City Council discussed leaving section VIII F in the Policies and Procedure Manual.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 5:47 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Fionnuala Kofoed, City Recorder; Lianne Pengra, Deputy Recorder; Elizabeth Fewkes, Recording Secretary; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Chris Trusty, City Engineer; Linda Peterson, Communications Director; Aaron Sanborn, Economic Development Director; Evan Berrett, Senior Management Analyst; Jeff Weber, Fleet and Facilities Operations Director; Ross Fowlks, Fire Chief; and Eric McDowell, Deputy Sheriff.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:07 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Gray led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Be Ready Eagle Mountain City: A free class on Neighborhood Watch and safeguarding your home will be held on Thursday, February 13 at City Hall at 7:00 p.m.

- Seniors Exercise Class: Starting tomorrow, February 5, a free Stepping On exercise class will be held at the Senior Center each Wednesday from 1:30 p.m. to 3 p.m. for seven weeks.

- Living Well with Chronic Conditions: Each Tuesday from February 11 to March 17, the Utah County Health Department will conduct a workshop for Living Well with Chronic Conditions at the Senior Center. Pre-registration is required at www.livingwell.utah.gov.

- City Offices & Library Closures: The City offices and Library will be closed on Monday, February 17 for the President's Day holiday. The Library will close early, at 5:30 p.m. on February 14.

For details about these and other upcoming events, please visit the City website at emcity.org/events. To receive City notifications, sign up at emcity.org/notifyme.

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

<u>Councilmember Gray</u>
Councilmember Gray thanked everyone attending in person and via the livestream and said he was excited to get started.

<u>Councilmember Clark</u>
Councilmember Clark expressed appreciation to those in attendance. She commended the staff for an excellent job with snow removal, as well as all of the preparation for the budget conference, the quality of the conference content, and staff efforts.

<u>Councilmember Love</u>

Councilmember Love also thanked staff for the well-done and informative budget conference and found it helpful in understanding the functions of various City departments.

Councilmember Burnham
Councilmember Burnham echoed Councilmembers Clark and Love appreciation for the budget conference.

Councilmember Curtis
Councilmember Curtis suggested moving recognitions and appointments before other administrative items to allow those individuals to leave when finished, in consideration of their schedules.

Mayor Westmoreland
Mayor Westmoreland also welcomed attendees and rated the budget conference's quality, applicability, and usability of context as excellent and expressed his appreciation of staff efforts.

CONSENT AGENDA

9. AGREEMENTS

 9.A. Rocky Mountain Power Franchise Agreement

10. AUDIT

 10.A. FY 2019 Audit — Acceptance of the 2019 Fiscal Year Audit — Ron Stewart

11. BOND RELEASES

 11.A. Evans Ranch Plat K-4 — Out of Warranty

 11.B. Spring Run Phase D, Plat 2 — Into Warranty

12. CHANGE ORDERS

 12.A. Pony Express Widening Project Change Order #4 — Knife River Construction

13. MINUTES

 13.A. January 21, 2020 — Regular City Council Meeting

14. PRELIMINARY PLATS & SITE PLANS

 14.A. Holiday Oil — Sunset Drive — Preliminary Plat & Site Plan

 14.B. JJ Ranches — Preliminary Plat

15. RESOLUTIONS

15.A. RESOLUTION — A Resolution of Eagle Mountain City, Utah, Amending the Policies and Procedures Manual, to Adopt the Fleet Policies and Procedures Manual as an Appendix to the Policies and Procedures Manual.

MOTION: ***Councilmember Burnham moved to approve the consent agenda with items 13.A. and 15.A. as amended, and removing item 15.A. and placing it as a scheduled item. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

14. PRELIMINARY PLATS & SITE PLANS

14.A. Holiday Oil Sunset Drive — Preliminary Plat & Site Plan

Councilmember Curtis verified the issues with the trails and UDOT's right-of-way, that were addressed during the work session, had been solved. Mayor Westmoreland said he assumes it will be similar to the sidewalk/trail along Mountain View Corridor, as opposed to a standard City sidewalk width. Councilmember Curtis and Love verified the existing south and west trails will remain until UDOT begins infrastructure expansion to the area.

Councilmember Curtis stated that the lot [to the west] is unlikely to develop if they approve the plat as designed, and he asked the Council if they agree with approving the plan even if it means the western lot will remain vacant.

Councilmember Love asked if they should require a stub south of the carwash or allow for an easement.

Councilmember Curtis expressed that he does not think a stub helps more than an easement would. Councilmember Gray disagreed and felt that a stub would have additional benefits such as allowing firetruck access. Councilmember Love suggested they require an easement for now and a stub when the lots to the west of the property are developed.

Councilmember Curtis asked if it is within the Council's power to require the developer to build a fence on the school's property.

Applicant John Linton with Holiday Oil said the only reason a fence would not be built is if the school district decides they do not want one; he is happy to go on record committing to assist in financing the fence.

Councilmember Gray asked if the fence was required to obtain an off-premise beer license. The applicant clarified that the requirements for the license dictate the distance between the doors of the school and the doors of the gas station; the site does not require a fence.

Councilmembers Curtis and Burnham discussed how the Council would or could include a condition to ensure Holiday Oil follows through with their agreement with the school district. Councilmember Curtis said it falls on the school district to follow through if there are issues with the fence construction. Councilmember Clark stated in the past, some developers have made verbal commitments to the Council but did not follow through. The Council was unable to enforce the verbal agreements as they were not included as conditions of the approval, granted by the Council.

Mr. Cook said because the applicant is agreeing to the construction of the fence, the Council can include it as a condition of approval or for another step in the process such as when obtaining a building permit. Councilmember Burnham asked what would happen if the school district decides they do not want a fence. Mr. Cook said the applicant could show proof that the school district does not want a fence and the City would remove the requirement.

Discussion ensued between the Council, applicant, and staff over the potential wording of the requirements in the motion.

Mr. Cook asked the Council to address the concern of moving trucks, that currently park along the future access to the gas station, relocating to the gas station's parking lot. Municipal Code does not allow for the gas station parking lot to be used as overflow parking. Councilmember Gray asked if a parking agreement was part of obtaining permission for the north access. The applicant said it was not.

Discussion ensued regarding the property line, landscaping, the availability of truck parking, and concerns over current and future Municipal Code adherence by Sunset Storage.

Councilmember Clark asked Mr. Mumford for clarification on the landscape design and placement. Mr. Mumford said he was unsure but believes the landscaping was included with the original Sunset Storage site plan but was never completed. Councilmembers Curtis and Clark expressed the desire to require landscaping in the area and to strictly enforce Municipal Code.

Councilmember Gray asked if it should be included in the motion that Sunset Storage is responsible for that portion of the landscaping. Discussion ensued regarding Holiday Oil installing landscaping on Sunset Storage's property. Mr. Linton said they want to be a good neighbor and would be willing to install the landscaping with Sunset Storage's permission.

Councilmember Gray asked if the applicant has fulfilled the Planning Commission's condition to meet with the Utah County Sheriff's Office (UCSO).

Councilmember Curtis asked Mr. Mumford if requiring an applicant to meet with the UCSO is permittable under Municipal Code. Mr. Mumford replied that it was required due to traffic and safety of school children concerns that arose during the conditional use permit review.

Deputy Sheriff Eric McDowell responded the school had reached out to his office and he passed on the concern to Mr. Mumford. They discussed the issue and he trusts the engineering and traffic studies will resolve any issues; he does not have any concerns.

The Council reviewed the potential concerns and recommendations to be included in the conditions of approval.

Councilmember Clark stated that the Planning Commission wanted to verify the applicant would comply with the dark sky ordinance due to compliance issues with a previous Holiday Oil gas station.

Mr. Linton stated the previous gas station was constructed as the dark sky ordinance was being implemented. The plans they submitted were approved, so they thought they were in compliance. He agreed to ensure they install dark-sky lights with the development of the property.

MOTION: ***Councilmember Gray moved to approve the Holiday Oil Sunset Drive preliminary plat and site plan with the following conditions:***

1. ***The applicant shall participate with Blackridge Elementary in facilitating the installation of a fence to alleviate the principal's concerns;***
2. ***The site plan shall comply with the dark sky outdoor lighting ordinance (17.56 EMMC);***
3. ***The site plan shall include access easements on the north and south ends of the western property line, and on the east side of the northern property line, and the applicant shall build an access on the north end of the western property line to lot two; and***
4. ***No landscaping shall be required of the adjacent property owner.***

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

14.B. JJ Ranches — Preliminary Plat

Mayor Westmoreland stated that during work session, the Council expressed concerns over ramifications of density transfer, should this preliminary plat be approved.

Mr. Mumford cited the requirement in the Pole Canyon Master Development Agreement for the approval of a separate master development plan for each neighborhood planning area when ready to develop. The overall density requirement stated in the Pole Canyon Master Development Agreement. Councilmember Burnham verified the Council's inability to retroactively change the density allowance. Mr. Mumford explained the future plats would need to comply with the Municipal Code in effect on the date the application is filed for development approval.

Councilmember Clark said she is in favor of approving the five-acre lots but is concerned about the impact it could have on the development of the entirety of the Pole Canyon subdivision. Discussion ensued regarding potential ramifications of density transfers and if there was a way to prevent any one area being developed with too high of density.

Mr. Cook asked Mr. Mumford if the applicant owns all of the property within NPA-4 or if they would need to get another entity to agree to stipulation that prevents density transfer from NPA-4.

He expressed the desire to approach this properly if it is the Council's prerogative to only approve the preliminary plat with the condition of reducing the ability to transfer density from this area. Discussion resumed over density numbers and how they might be transferred, as well as and the potential ways to reduce the over density potential.

Councilmember Clark asked if the motion could be approved with the condition of an approved amendment to the Pole Canyon Master Development Agreement. Mr. Cook said that would inform the applicant that the preliminary plat would be approved, but the City would not record the plat until the master development agreement alteration was approved.

Mayor Westmoreland called the applicant forward and asked his opinion on the contingency as discussed per an amendment to the master development agreement.

Applicant James Earl Smith said he could not speak to how the developers of the Pole Canyon project would feel about the contingency and felt the developer was gracious to allow them to build houses on their family farm.

The Council explained to applicant their concern about density transfer resulting from construction two homes on thirteen acres of property. Mr. Smith said he is unable to speak to how the developers would feel about adding density transfer restriction to this preliminary plat approval.

Mayor Westmoreland asked Mr. Smith if the density transfer restriction would cause him any harm. The applicant said his only concern would be a long delay in construction while waiting for the negotiation and approval of amendments to master development agreement. Mayor Westmoreland expressed that they do not want to cause him delays, but the City also feels responsible to ensure there are no unintended consequences to approving the preliminary plat. Mr. Smith said he understood and hoped that allowing a few larger lots would benefit the community.

Councilmember Burnham verified his land was adjacent to White Hills Country Estates, which has five-acre lots, and expressed her view that his construction would be harmonious with the other area. Councilmember Curtis said the Municipal Code would require lot size transitioning between the preliminary plat under discussion and future development in Pole Canyon.

Councilmember Curtis expressed concerns with how this decision will impact long-term development of the area decades from now. Councilmember Love asked for clarification from Mr. Mumford on the lot size transitioning requirements. Mr. Mumford responded this development has to comply with current Municipal Code standards requiring a transition of five-acre-lots to two-acre-lots to one-acre-lots to half-acre-lots.

Mr. Cook explained that some of the NPAs within this master development agreement have specific transitioning and others fall under the current Code, unless that transitioning prevents the developer from obtaining the overall approved density.

Councilmember Clark asked if the location of the Boy Scout campground is within the Pole Canyon area, and if the unused housing density from the campground would be transferred to the other areas the development.

Mr. Pili responded the Boy Scout park fulfilled a twenty-acre regional park requirement. Mr. Pili and Mr. Cook indicated that they would need to further research the density transfer requirements before providing an answer regarding unused density in the park.

Mr. Cook said that the master development agreement allows such a high amount of density that the agreement, as it stands, would allow the developer to put in as much high-density housing as they desire would likely request.

Councilmember Gray clarified that the regional park in NPA-17 was no longer required due to the installation of the Boy Scout campground. Mr. Cook confirmed the park is not required within NPA-17 due to the donation of one hundred acres for the Boy Scout park.

Councilmember Curtis asked if housing density had been assigned to NPA-17. Discussion ensued regarding the density. If no density was assigned to NPA-17, an amendment to the master development agreement would be needed to transfer density to that area.

Mr. Pili suggested time for staff to compile the requested information and stated the Council could make approval conditioned upon staff findings. Councilmember Gray asked what would happen if the developer rejects the conditions. Mayor Westmoreland stated the difficulty in approving the request while considering multiple scenarios. Councilmember Curtis said that staff research could find the approval or denial of this plat may not have any impact on transferable density.

Councilmember Love requested that the motion include a condition that they address potential flooding and runoff issues. Councilmember Clark stated that runoff issues may fall under the purview of other landowners.

Mayor Westmoreland asked Mr. Smith about flooding on his property. Mr. Smith said he has never had crops wash away in that area but agrees homes should be elevated sufficiently to decrease the chance of flooding. It was suggested the issue could be addressed with the building permit.

Councilmember Curtis asked Mr. Mumford the stage when flooding issues would be addressed. Mr. Mumford said they generally look at the construction drawings that come with the plat.

MOTION: ***Councilmember Gray moved to approve the JJ Ranches preliminary plat with the condition that the applicant shall work with staff to amend the Pole Canyon Master Development Agreement. Motion not seconded; motion failed.***

Councilmember Curtis moved to table the JJ Ranches preliminary plat pending an amendment to the Pole Canyon Master Development Agreement. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

16. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Burnham
See Board Liaison Report.

Councilmember Clark
See Board Liaison Report.

Councilmember Curtis
None.

Councilmember Love
None.

Councilmember Gray
See Board Liaison Report.

Mayor Westmoreland
Mayor Westmoreland expressed excitement for all the great things to come this year and thanked the staff and Council for all of their efforts.

17. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Clark
Councilmember Clark stated members of the Military and Veterans Advisory Board did not attend the past City Council Meeting due to confusion as to where and when they would be sworn in and whom was appointing them. Be Ready Eagle Mountain held a Ham radio examine class on February 4, 2020. They plan to offer at least one class per quarter to provide training and licensing. She mentioned the great things being done by Neighborhood Watch. The City offers both training and networking to help citizens prepare for disasters and emergencies. Every second Thursday, residents can attend various preparation classes. There is an upcoming meeting for the Pony Express Events, and she is excited to work with them. The Cemetery Board is planning to offer half-burial plots for children and are considering extending resident rates to certain city employees.

Councilmember Burnham
Councilmember Burnham met with the Military and Veterans Advisory Board. Email notifications send to veterans boosted attendance numbers. She agreed the misunderstanding with appointments was due to confusion over the Council making the assignments not the Board. Improvement in communication should prevent future issues.

Councilmember Gray
Councilmember Gray met with the Senior Council Advisory Council and he encouraged senior citizens to participate in the activities they offer such as Step-On and arts and crafts. Councilmember Gray expressed appreciation to staff for the additions of bathrooms at the Pony Express Memorial Park.

18. COMMUNICATION ITEMS

18.A. Upcoming Agenda Items

19. ADJOURNMENT

MOTION: ***Councilmember Curtis moved to adjourn the meeting at 8:25 p.m. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 8:25 p.m.

Approved by the City Council on February 18, 2020.

Fionnuala B. Kofoed, MMC
City Recorder

CORPORATE SEAL
EAGLE MOUNTAIN
EST. 1996
STATE OF UTAH