



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

January 16, 2018

Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

3:00 P.M. BUDGET WORK SESSION – CITY COUNCIL CHAMBERS

Discussion Items Only – no action will be taken on the budget

1. Welcome
2. Budget Principles – *Presented by Aaron Sanborn*
3. 2018 Budget Review – *Presented by David Mortensen*
4. Leadership Video Presentation – *“Start with Why” by Simon Sinek*
5. Council Discussion – *Presented by Mayor Westmoreland and Ifo Pili (transportation, parks and open space, imaging and branding, economic development)*

5:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; David Mortensen, Treasurer/Assistant Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff’s Deputy.

Mayor Westmoreland called the meeting to order at 5:07 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS – This was an opportunity for the City Administrator to provide information to the City Council. These items were for information only and did not require action by the City Council.

City Auditor Ron Gilbert discussed the FY 2018 financial audit, which was scheduled to be approved as part of the Consent Agenda. He described the auditing process and presented the results. Eagle Mountain received an “unqualified opinion,” the highest possible result, meaning the auditors found no substantial issues with the City’s financial processes or with its compliance.

with State regulatory requirements. Mr. Gilbert expressed appreciation for the assistance the auditors received from City staff.

A. PRESENTATION – Pulse Point App / UFA

John Magnar of the Unified Fire Authority introduced the PulsePoint mobile application, which would inform CPR-trained users when there was a cardiac emergency in a public location nearby, and whether there was an automatic emergency defibrillator at the location. The objective was to get CPR to victims before emergency responders arrived, increasing the survival rate of cardiac arrest patients. He asked the City Council to allow him to hold a press conference about PulsePoint in City Hall in the near future.

B. UPDATE – Sports Complex

City Administrator Ifo Pili stated City Administration was approached last year by a group interested in building an indoor sports complex in Eagle Mountain. Staff later discussed potential locations with SITLA and Ivory Homes. Although the initial proposal was unsuccessful, another proposal was recently submitted to the City. Mr. Pili asked the Council for their feedback on the possibility of building an indoor sports complex.

The Mayor, Council and Mr. Pili discussed possible configurations of such a project.

2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

15. A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Third Amendment to the Porter’s Crossing Town Center Master Development Plan Map.
- B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Porter’s Crossing Town Center Master Development Agreement.
- C. MOTION – Porter’s Crossing Town Center Amended Preliminary Plat.

Steve Mumford and Mike Hadley of the Planning Department stated that the proposed changes to the master development plan removed a small area of commercial development, replaced a few multifamily units with small single family residential lots, changed a residential pod to civic use, and added an institutional component.

The Planning Commission recommended approval of the preliminary plat, called the New Park at Porter’s Crossing, conditioned on submittal of a full traffic impact study and an open space worksheet with an amenities table.

The preliminary plat required a total of 3.88 acres of improved open space. The applicant proposed 8.33 acres of improved open space, consisting of a tot lot, 3 benches, a trail and turf. Because most of the landscaping was turf and trail, there were very few amenities. The applicant was working with the City on a possible recreation center, and hoped to use that recreation center for a portion of the required amenity points and/or open space improvements in the overall project. The development agreement would be drafted in such a way as to require additional park improvements and amenities throughout this project (and others in this master plan) if the recreation center was not constructed.

Mr. Mumford requested the Council's input on what amenities they would like in the parks, particularly in Pods 3B and 3D. He also requested their input on the developers' proposal for a temporary recreational vehicle storage area.

He noted that the developers requested smaller residential lot frontages than were allowed by City ordinance, which would have to be written into the master development agreement. Mr. Mumford felt the master development agreement should include more specific commitments as to what would be built in each area of the development.

Councilmembers discussed specific points of the proposal. They considered a proposed area of senior housing and assisted living facilities. They also discussed clubhouses and mixed-use areas.

16. **ORDINANCE** – An Ordinance of Eagle Mountain City, Utah, Adopting Ridgeline Protection Standards.

City Planner Tayler Jensen stated the Planning Department designated prominent ridges that should be protected from development. Many of them were already deemed unbuildable because they exceeded a 25% slope. The Planning Department attempted to avoid prohibiting development on buildable land where possible.

3. **ADJOURN TO A CLOSED EXECUTIVE SESSION** – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:07 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis and Benjamin Reaves. Stephanie Gricius participated by telephone beginning at 7:15 p.m.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Economic Development Manager; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief; Eric McDowell, Chief Sheriff's Deputy.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:05 p.m.

5. PLEDGE OF ALLEGIANCE

Melissa Clark led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Christmas Tree Disposal** – The Eagle Mountain City Parks Department will offer free Christmas tree disposal through January 20. Residents can drop live trees, free of all decoration, at the rodeo grounds, 4447 Majors St. Please leave them on the asphalt parking area.
- **Youth Baseball and Soccer Registration** – Eagle Mountain Baseball and Eagle Mountain Youth Soccer are accepting registrations for the spring season through mid to late February. Please visit their websites for details – embaseball.com and eaglemountainyouthsoccer.com.
- **City Offices and Library Closed** – The City offices and Library will be closed on Monday, February 19 in observance of the President’s Day holiday.

7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Kevin O’Donnal, a resident of Lone Tree, spoke to a representative of developers who planned to build in that area. The representative said they planned to build right up to the ridgeline. He recommended approval of a 100’ buffer between construction and ridgelines. He thanked Neighborhood Improvement Officer Diane Liberti and City Planner Tayler Jensen for helping him with the issue of a developer piling rocks on a ridgeline near Walnut and Blue Spruce Roads. They cover the entire ridgetop. He had been told there will be many more rocks piled there.

Mayor Westmoreland asked if City staff had any information about the rocks on the ridgeline. City Engineer Chris Trusty said he would inspect the site.

Tyler Shimakonis, a member of the Board of Trustees of Lakeview Academy, wanted to let the Council know Lakeview had received approval from the State Charter School Board for a satellite campus. It would be located in Saratoga Springs near the existing campus.

Councilmember Gricius joined the meeting by telephone at 7:15 p.m.

8. CITY COUNCIL/MAYOR’S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Gricius

Councilmember Gricius thanked everyone attending the meeting.

Councilmember Clark

Councilmember Clark had the opportunity to go to the Pony Express Events Board meeting. They planned to hold a rodeo royalty pageant on March 24. Those interested could contact ponyexpresseventsem@gmail.com.

Councilmember Reaves

Councilmember Reaves welcomed everyone to the meeting.

Councilmember Burnham

Councilmember Burnham was excited about the new Lakeview Academy campus. She said members of the Senior Citizen Advisory Council had mentioned to her the Councilmembers were hard to hear and asked that they speak directly into their microphones. Councilmember Burnham asked if the City had the equipment needed to allow the hard-of-hearing to listen to City Council meetings. City Recorder Fionnuala Kofoed said there was equipment available that she could set up if she had some advance notice. Councilmember Burnham said the Senior Council was very active and had a full schedule of activities for residents 55 years old and older.

Councilmember Curtis

Councilmember Curtis thanked everyone for attending the meeting.

Mayor Westmoreland

No comment.

9. APPOINTMENTS

- A. Youth Council Advisors
 - i. Tyler Slack
 - ii. Heather Slack

MOTION: *Councilmember Reaves moved to appoint Tyler Slack to the Youth Council Committee of Advisors for a term ending June 30, 2019. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to appoint Heather Slack to the Youth Council Committee of Advisors for a term ending June 30, 2019. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to the appointees.

CONSENT AGENDA

10. MINUTES

- A. December 12, 2017 – Joint City Council and Planning Commission Work Session
- B. January 2, 2018 – Regular City Council Meeting

11. CHANGE ORDER

- A. Pony Express Widening Project – Horrocks Engineers

12. BID AWARD
 - A. Pony Express Widening Project Canal Extension – Knife River Construction
13. FY 2017 AUDIT – Acceptance of the FY 2017 Financial Audit – Ron Gilbert
14. BOND RELEASE – Into Warranty
 - A. The Village at Porter’s Crossing

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

SCHEDULED ITEMS

PUBLIC HEARING

15. A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Third Amendment to the Porter’s Crossing Town Center Master Development Plan Map.
- B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Porter’s Crossing Town Center Master Development Agreement.
- C. MOTION – Porter’s Crossing Town Center Amended Preliminary Plat.

This item was presented by Planning Manager Mike Hadley. This applicant-proposed amendment to the Porter's Crossing Town Center Master Development Plan and Agreement removed a small portion of proposed commercial development, replaced it with a multi-use pod containing retail and apartments, replaced some multifamily development with small single family residential lots, changed a residential pod to civic use, and added an institutional component to the plan. Additionally, the applicant proposed a preliminary plat, contingent on the approval of the MDP amendment, which contained 169 small single family lots on 35.58 acres with an overall density of 4.75 units per acre.

Councilmember Curtis asked how the changes would affect the density transfer agreement. Mr. Mumford said it entirely removed the density transfer agreement. A few units would be transferred from Pod 4 to Pod 14.

Mr. Mumford recommended tabling the master development agreement, as there were some numbers that hadn't been finalized. The Council could approve the master development plan and the preliminary plat contingent on approval of the master development agreement.

The Council discussed details of the proposal at length, similar to the Work Session discussion found on pages 2 and 3 of these minutes. The developers expressed appreciation for their feedback and stated they would work on incorporating it into the final plans.

Mayor Westmoreland opened the public hearing at 8:24 p.m.

Brad Davies asked what security was planned for the RVs in the storage area. The developer responded that detailed plans would be made and presented to the Council.

Mayor Westmoreland closed the public hearing at 8:25 p.m.

Mr. Pili explained that City staff approached the developers with a proposal for meeting some of the amenity points requirements. The developers were open to either a recreation center or amenities located throughout the development.

Mr. Cook said the developers' most urgent concern was approval of the preliminary plat, so they could work on the final plats. He didn't believe the master development plan and agreement were ready for approval.

MOTION: *Councilmember Burnham moved to table an ordinance of Eagle Mountain City, Utah, approving the Third Amendment to the Porter's Crossing Town Center Master Development Plan Map until the February 6, 2018 City Council meeting. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Mr. Cook pointed out that fencing should be consistent throughout the development, which would be governed by the master development agreement.

MOTION: *Councilmember Burnham moved to table a resolution of Eagle Mountain City, Utah, approving the Second Amendment to the Porter's Crossing Town Center Master Development Agreement until the February 6, 2018 City Council meeting, in order to finalize details of the agreement. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

MOTION: *Councilmember Clark moved to approve the Porter's Crossing Town Center Amended Preliminary Plat, with the conditions listed in the staff report and requirements for a drainage report and for consistent fencing throughout the development. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

PUBLIC HEARING

16. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Creating Chapter 17.62 of the Eagle Mountain Municipal Code for Ridgeline Protection Standards.

This item was presented by City Planner Tayler Jensen. This staff-proposed ordinance created Chapter 17.62, Ridgeline Protection Standards, for the purpose of protecting the City's ridgelines from development. The ordinance was tabled at the November 19, 2017 meeting, with direction to City staff to further specify which ridgelines should be protected and how much distance from ridgelines should be restricted from building.

Mr. Tayler explained City staff would designate protected ridgelines. The ridgeline protection standards would shield those ridgelines from development that could result in hazardous conditions, reduced quality of life, or visual scarring of important natural features. Staff was

careful to write a code that would be easy to understand, interpret and enforce. This proposal designated prominent ridgelines within the City and prevented building within fifty vertical feet of prominent ridgelines. It also created development standards for property located in close proximity to prominent ridgelines, provided for an integrated ridgeline trail system, and allowed density transfer for otherwise buildable land rendered unbuildable by this code. In tandem with the hillside development standards, this ordinance would protect significant ridgelines from development. In the future, staff planned to revise the hillside development standards for developable hillside property.

Mr. Jensen presented maps giving a general idea of how ridgeline protection would affect specific locations. He and Mr. Mumford described how the ridgeline protection zones were measured on steep slopes as compared to somewhat more level areas. They planned to refine the maps further, based on additional review of the maps created by GIS software and suggestions made by Councilmembers.

Mayor Westmoreland allowed resident Kevin O'Donnal to speak. He asked why the ridgeline near his neighborhood in Lone Tree was not considered prominent. Mr. Jensen said it was based on his opinion of the terrain.

Councilmember Gricius asked about the provision for trail easements on private property. Mr. Jensen said they were optional, as easements might otherwise be considered a taking. Some of the language might need to be revised to ensure the public trail system was continuous. Mr. Mumford felt a provision could be added to the Municipal Code to place easements at the plat approval stage.

Mayor Westmoreland opened the public hearing at 9:08 p.m.

Jeff Ruth was glad to see ridgeline protection go forward. He noted that no one attending the meetings knew what a 25% grade was. He said he had spoken to at least one developer who said he could flatten 25% sloped land into buildable lots.

Mr. Mumford responded that the language in the Municipal Code was somewhat unclear. It would be clarified when the hillside development amendment was presented to the Council.

Elise Erler, representing SITLA, commended staff for the preservation of the ridgelines, viewsheds and open space. She noted that Upper Hidden Valley was very steep on the east side and fairly level on the west side. There was an underlying approval for approximately 100 residential units in the area included in the ridgeline ordinance. She encouraged the Council to allow the staff to work with SITLA to protect the ridgeline itself without encroaching on the approved development area. She stated the language in the density transfer section conflicted with the approved Upper Hidden Valley Master Development Agreement, and requested a reasonable standard for the allowable case-by-case decisions.

Manfred Riem wanted to know why unbuildable land with a 25% slope wasn't included in the ridgeline ordinance. He felt the City should be communicating with the developer dumping rocks on the Lone Tree ridgeline and then communicating the information to residents.

Mayor Westmoreland explained that ridgelines and slopes were in two different portions of the Municipal Code. He thought that once all of the issues were defined, staff might be able to create

an overall slope and ridgeline map. Mr. Mumford stated the maps were approximate and properties needed to be evaluated by engineers.

Councilmember Clark asked if developers with excavation permits had to have proof onsite so members of the public could know if the excavation was permitted. Mr. Trusty said excavators should have a stormwater pollution prevention plan (SWPPP) and post a sign at one of the sites covered in the plan.

Keith Piccioni, a resident of Lone Tree, said during the last year the developers were blasting and jackhammering on steep slopes. They used a "pit truck" to move materials, which was so large it didn't belong on a residential road. They did it on weekends and holidays when there were no Code Enforcement personnel working. They took the blasted rock material and dumped it on the ridge.

Mr. Mumford said City staff would look into the situation.

Mayor Westmoreland closed the public hearing at 9:33 p.m.

Councilmember Curtis asked why excavation was allowed in residential areas. Mr. Trusty explained only the extractive overlay zone allowed excavated materials to be moved from the excavation site. Outside of that zone, materials had to be processed on-site to be used on-site, to prepare for approved construction.

Mayor Westmoreland was concerned that the rocks on the ridgeline could fall.

Councilmember Reaves asked if damage was being done to the road. Mr. Piccioni said the concrete manhole collars were all damaged.

Mayor Westmoreland directed staff to work out the density transfer and easement language of this ordinance.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, creating Chapter 17.62 of the Eagle Mountain Municipal Code for ridgeline protection standards, with the following conditions:*

- *Land under public trails would be dedicated to the City rather than having easements placed on it.*
- *Density transfers allowed in the Municipal Code would supersede those in approved master development agreements.*
- *City staff was authorized to work with the City Attorney to address existing master development agreements with land that would be rendered unbuildable by this ordinance.*
- *Ridgeline maps would be adjusted to address land in existing master development plans.*

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

AMENDED MOTION: Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, creating Chapter 17.62 of the Eagle Mountain Municipal Code for ridgeline protection standards, with the following conditions:

- **Land under public trails would be dedicated to the City or have easements placed on it.**
- **Density transfers allowed in the Municipal Code would supersede those in approved master development agreements.**
- **City staff was authorized to work with the City Attorney to address existing master development agreements with land that would be rendered unbuildable by this ordinance.**
- **Ridgeline maps would be adjusted to address land in existing master development plans.**

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

17. CITY COUNCIL/MAYOR'S BUSINESS AND LIAISON REPORTS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Gricius

Councilmember Gricius stated the Parks and Recreation Board needed some additional members. They would like those vacancies filled as soon as possible.

Councilmember Clark

Councilmember Clark said she had the opportunity to attend the Utah Valley Economic Development Forum with Councilmember Burnham and Economic Development Manager Aaron Sanborn. The Planning Commission meeting was quite lively. She appreciated the members serving on the Planning Commission.

Councilmember Reaves

Councilmember Reaves said he would be meeting with the Military and Veterans Advisory Board shortly. He thanked the Council for making appointments to the Youth Council Committee of Advisors.

Councilmember Burnham

Councilmember Burnham said the Planning Commission elected Matt Everett as Chair and Rich Wood as Vice-Chair. The Senior Citizen Advisory Council elected Joye Roberts as Chair and Karen Scott as Vice-Chair

Councilmember Curtis

Councilmember Curtis asked Ms. Kofoed to send him the meeting schedules for the Library and Cemetery Boards.

Mayor Westmoreland

No comment.

18. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

See previous item.

19. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

20. ADJOURNMENT

MOTION: *Councilmember Reaves moved to adjourn the meeting at 9:49 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.*

Approved by the City Council on February 6, 2018.



Fionnuala B. Kofoed, MMC
City Recorder