

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 17, 2013

Work Session 4:00 p.m. Policy Session 7:00 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: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. John Painter was absent.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Adam Ferre; Energy Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Corey Wride, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:06 p.m.

1. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

14. Evans Ranch

The proposed Evans Ranch project is located east of Porter's Crossing Road, beginning just north of Smith Ranch Road and ending south of Golden Eagle Road. The project contains 120.45 acres, and now includes 298 single family lots (242 planned lots and 56 potential lots), 163 townhome units, and a potential 11.55 acre school site. The Alpine School District has expressed an interest in acquiring (at some point in the future) a 10-12 acre school site in this southwest region of the development. However, if the school district does not choose to eventually build a school in that location, 56 single-family lots have been proposed. The project will be built in phases, beginning in the northwest portion and working south. The townhomes will be the last phase. Porter's Crossing Road would be widened as the phases are built.

The developers are proposing a "coving" design for the single-family area. The design generally results in larger lots, smaller lot frontages, more open space for trails, and an improved look/view from the street. The design also results in some lots having smaller side yard setbacks.

The developers are requesting the following exceptions to the City Code, which can be approved through this master development plan and agreement process, if the Council agrees with the applicant:

- Reduced lot frontages (width of the lot along the street)
- 5-foot side yard setbacks (with certain restrictions to be called out in the master development agreement)

The Tickville Wash runs through the property, which leaves a roughly 40-acre, triangular piece of land which will be difficult to deal with.

Staff concerns include the request for smaller lot frontages and side setbacks than City standards allow. Staff felt that the townhomes should be located closer to commercial areas and major roads, rather than in the back portion of the project. The trail corridor, open space and parks have issues.

The roads need to be discussed. Staff wants to be sure that all details of timing, park improvements, Tickville Wash improvements, utility installation and community improvement dollars are clearly spelled out in the master development agreement.

Residents have expressed concerns during previous public hearings. The concerns include the roads being unable to handle increased traffic, location and density of the townhomes, safety of children walking along Porter's Crossing, insufficient parks and playgrounds, side yard setbacks and perceived lack of safety due to homes backing up to the wash.

The Planning Commission voted to approve the project, with one dissenting vote. The Commission was concerned about open space, fencing and the five-foot side yard setbacks.

In response to these concerns, the developers reduced the number of townhomes by 100, provided more open space than is required, and has agreed to build the townhomes last. Most of the single-family homes will be more than 10 feet apart. An HOA has also been added to the plan.

Hales Engineering has found that, with the redesign of the project, the roads will retain an "A" level of service, which is the lowest wait time measured at an intersection. Some adjustments should be made to the roads once the project is fully built.

The conditions of approval require an erosion study for Tickville Wash. Single family homes will be built well away from the wash.

Mr. Nate Shipp, representing Evans Ranch LLC and DAI, the developers of the project, made a presentation. He explained that the coving design is a new one being used around the country. It's designed to minimize roads, increase lot size and maximize the amount of open space. According to the developer, it creates wedge-shaped lots, which are 30% larger than standard lots in the same amount of space. It improves the look of the neighborhoods from the streets. The developers have committed to provide an individual home plan for every lot.

They've responded to the concerns about the townhomes by reducing the number by 100 units. They'll be buffered on both the north and south and will be built after the single-family homes. The townhomes will be built with an upgraded design. All of the garages will be in the back of the townhomes.

There are "pinch points" in certain areas of the single-family homes, where the homes are only ten feet apart. The increased lot size allows for other places to put storm drainage. Each lot will have its own, individually engineered lot layout.

Driveways will be twelve feet wide at the street end to create more green space in the park strips. They'll widen towards the house. Twenty-five percent of the homes will have room for a third-car garage.

City standards require just over eleven acres of open space. This project proposes 25 acres of open space. This will allow for three soccer fields and twelve major play structures.

This design involves 25% fewer roads and 80% fewer intersections than the original 2006 design.

15. Porter's Crossing Town Center

The proposed changes extend the residential area to allow for one more row of single-family homes and add a church site. The commercial area has been amended to specify one section as Commercial zoning and the other as Commercial Office. The two residential areas have been combined for added flexibility in planning space. Commercial and office space have each been reduced by about two acres and fifteen residential units have been added. With the additional residential units, an additional .26 acre of improved open space is required.

16. Assessment Ordinance

The assessment ordinance refers to the Ranches Parkway extension encompassed in Assessment Area 2013-1. The assessment ordinance creates a lien between the property owners and the City. This acts as security for the bonds, which will be used to construct the road. The assessment ordinance also describes when assessment payments and bond payments will be made.

The ordinance itself includes the cost of the improvements, the assessment list, the levy of assessments, certification that the “soft costs” (overhead) don’t exceed the allowable percentage, the rates of assessment and the schedule of payments for the assessments. The payment schedule includes an additional 25% per payment, to be used as a credit for the final payment. This provides additional security to the City. It also defines how assessments are paid when the properties are subdivided and how the properties are released from the lien after the assessment is paid off.

The ordinance states the process for handling defaults and foreclosures. It also describes the reserve fund. The fund will reduce the City’s risk, and earn interest that will be paid to the property owners.

17. Parameters Resolution

The resolution is a continuation of the ordinance. It creates the parameters under which the bonds will be issued. It authorizes the City to issue not more than \$2.7M in bonds. The interest rate is expected to be 5%, but the resolution allows for 7% as a precaution.

The resolution includes a provision for selling the bonds at a slightly reduced price, if necessary. The bonds would have to be sold at least 97% of face value.

It also names the pricing committee as, the Mayor, the City Administrator and the Finance Director. The committee members can be changed in the approval motion.

2. PRESENTATION – Recommendation from the Economic Development Board regarding the Pony Express Days Concert.

Justin Loera, representing the Economic Development Board, explained that the Board considered ideas for reducing the City’s financial losses from Pony Express Days, focusing on the concert. They wanted to continue fostering the celebration and the sense of community it provides. They also wanted to identify partnerships that would generate marketing opportunities for the City itself and for local businesses. They felt this would improve the public image of the City and Pony Express Days.

One option would be to run the event as usual, but increase ticket prices. Another would be to partner with a local record label, allowing them to run the event. The City would rent the facility to the group running the event and supply fencing, sanitary facilities, electricity and law enforcement. The partnership could potentially sponsor other concerts throughout the year. Mr. Loera has already discussed these possibilities with Refinement Records.

Holding other concerts throughout the year would help maintain a sense of community and create a positive cash flow that could be used for improving the City's image.

Mayor Jackson discussed ticket prices with Mr. Loera.

Councilmember Steinkopf asked how much input the City would have in selecting the performers. Mr. Loera responded that the City would have input in both the performers and the schedule.

Councilmember Ireland asked how much lead time the City would need to give Refinement Records to have them involved in the concert. Mr. Loera said he didn't know, but would be happy to act as a liaison between the City and the company.

3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

City Administrator Ifo Pili invited Scot Hazard to introduce John Hadfield of Hadco. Mr. Hadfield is considering moving his corporate office to Eagle Mountain.

Mr. Hadco said his company does about \$60M per year in business. The company has 400 employees in four divisions, 19 of whom live in Eagle Mountain. There are the crushing division, the main line division (which builds highways), the concrete division and the transportation division. They also have affiliate businesses that provide another \$12M in sales. Hadco is the last independent company of any size in its field.

The company tries to keep its employees as close to home as possible. It gives the employees a better quality of life, which encourages them to do better in their jobs. If the company moves to Eagle Mountain, it would do so in phases, beginning with the mechanics.

Mayor Jackson asked when Mr. Hadfield anticipated moving his office. He said it would be in the next one to two years. He's already begun talking to architects for a new building. He mentioned that the asphalt plant in Eagle Mountain is producing faster than expected.

Councilmember Ireland asked how many Hadco employees are working in the City each week. Mr. Hadco said he believed there was an average of 60 employees per week.

Councilmember Steinkopf asked if there was something the City could be doing to prepare for and help with a transition. Mr. Hadfield said that gas and electric are available, but water and sewer need to be arranged for, as well as easement and traffic issues.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property 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 and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenschmidt seconded the motion. Those voting aye:*

Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.

POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland and Richard Steinkopf. Nathan Ochsenhirt participated by phone. John Painter was absent.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Adam Ferre; Energy Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Corey Wride, Sheriff's Deputy.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:09 p.m.

6. PLEDGE OF ALLEGIANCE

Nathan Ochsenhirt led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Farmer's Market** – The Farmer's Market will continue through September 28. It is held in the grassy area across from the fire station in City Center (1680 Heritage Dr.) from 9 a.m. to Noon. Local crafts and produce are offered.
- **Flags at half-staff** – By Presidential proclamation, flags will be at half-staff until sunset on September 20 in honor of the victims of the tragedy at the Washington Naval yard.
- **Seniors' celebrities & pizza** -- The Seniors (ages 55+) will hold their monthly activity in the City Council chambers on Monday, September 23 at 5 p.m., featuring a slideshow presentation of local seniors, with pizza and dessert. Admission is free.

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

Wendy Lojik brought a petition signed by North Ranch residents requesting that the City monitor and set policy for the Tickville Wash. They have concerns about increased water levels due to heavy rains, exacerbated by burn scars. They would like the City to develop a policy prohibiting dumping of any new fill or material on the sides or in the fingers of the wash, for the safety of neighboring homes. They would like a professional engineer to assess and monitor the wash. The wash should be left untouched and undeveloped. She said that Brandon Reall, an engineer living near the wash, will be giving information to the Council, but is out of town tonight.

Charlotte Ducos said a developer was recently pushing rocks and debris into a finger of the wash, which created a lake behind Wendy Lojik's house. Changes in water flow erode land along the wash. In the past, developers have been asked to keep construction a certain distance away from the wash. Ms. Ducos requested that the City create a firm, consistent policy keeping construction away from the wash.

Mayor Jackson asked Public Works Director Chris Trusty to comment on construction near the wash. Mr. Trusty said an excavation permit was requested for two basements, which was reviewed by the City's storm water inspector. The work that was done obviously exceeded what was permitted. The Public Works Dept. assumed that filling in the fingers wouldn't cause any damage. Mr. Trusty will send the storm water inspector to the lake by the wash to inspect it. He wants to protect the storm water system and the wash is a major storm water conveyance.

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

Councilmember Ireland

Councilmember Ireland expressed appreciation to everyone in attendance at the meeting, particularly the Boy Scouts in uniform. Participation from residents makes Councilmembers' jobs much easier.

Councilmember Burnham

Councilmember Burnham echoed Councilmember Ireland's comments.

Councilmember Steinkopf

Councilmember Steinkopf thanked everyone who participated in the city-wide yard sale event last Saturday.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone for coming to the meeting, especially the Scouts. He wished attendance was this good at every meeting.

Mayor Jackson

Mayor Jackson attended the Utah League of Cities and Towns conference last week. The training helps her as an elected official. This morning she attended the Unified Fire Authority Board meeting, and this afternoon she met with the regional director of the Dept. of Housing and Urban Development. The City participates in the Wasatch Choice for 2040 project, which is a long-range planning effort.

10. APPOINTMENT

A. Matthew Everett – Planning Commission – term ending December 2014

MOTION: *Councilmember Burnham moved to approve the appointment of Matthew Everett to the Planning Commission for a term ending on December 31, 2014. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, and Richard Steinkopf. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Everett.

CONSENT AGENDA

11. MINUTES

A. August 27, 2013 – Special City Council Meeting
B. September 3, 2013 – Regular City Council Meeting

12. FINAL PLATS

- A. Arrival, Phase A, Plat 1
- B. SilverLake, Plat 10

13. DEVELOPMENT AGREEMENT

- A. Sunset Ridge (aka Lone Tree West), Phase 1, Plat 1

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Approving the Evans Ranch Master Development Plan and Rezoning the Master Development Plan Area.

This item was presented by Planning Director Steve Mumford. The proposed ordinance approves the Master Development Plan for the Evans Ranch development, located at the intersection of Porter's Crossing and Clark Street and consisting of 298 single-family lots and 163 townhouse units on 120.45 acres.

Detailed information on this project was presented during Work Session. See pages 1 and 2 of these minutes.

Mayor Jackson brought up additional four-way stops along Porter's Crossing. Mr. Mumford responded that eventually, there should be one at Clark Street.

Mr. Nate Shipp, representing the developers, recapped much of the presentation he made during Work Session.

A major east-west road leading to a retail development in Saratoga Springs is expected to be built near the townhomes sometime in the future. The townhomes will buffer the single-family areas from this road.

Although the project wasn't previously planned to have an HOA, the developers are now considering an HOA. Mayor Jackson asked what kind of fencing was planned for the project, since it will be located in the middle of The Ranches HOA area. Mr. Shipp said that he expected it to coordinate with The Ranches fencing.

Councilmember Ochsenhirt asked about natural seeding in the open space. He asked how Mr. Shipp planned to maintain those areas of open space. Mr. Shipp said that the developers are working on a regional plan for 6 acres that include the wash. In the meantime, the wash will be left untouched, or native. Areas beyond the trail bordering the wash will be improved parks. The acreage of improved open space will still exceed City requirements.

Mayor Jackson opened the public hearing at 8:23 p.m.

Dave Bills spoke about traffic on Porter's Crossing. He felt that the road is already crowded. In an emergency, people won't be able to get out of the subdivision. He also felt that high-density housing brings in crime and other problems.

Donald Plott felt that churches, a school and townhomes in close proximity to each other create a landscape of parking lots. He felt that too much of the development doesn't comply with City Code. He commended the developers for meeting many of the residents' concerns. Porter's Crossing road isn't adequate for more traffic. Existing residents couldn't get out on Porter's Crossing last year during the evacuation. He said several residents report that the developers have made no contact with Alpine School District. Mayor Jackson said the City Planner talked to Rob Smith, Assistant Superintendent of the Alpine School District.

Jason Witham was angry that his home was flooded by sewer back-ups twice last year while he was deployed in Afghanistan. He said he hasn't been able to pay the contractors who repaired his house because the City's insurance company has refused to pay the claims. He said before any work is done, he wants the utility system repaired. He didn't think the roads could be able to handle increased traffic. He didn't want another HOA created, because HOA fees don't provide any benefits. He said the townhomes would destroy the view to the east and the wedge lots would have tiny back yards. He thought Clark Street should have a four-way stop now because the foliage blocks the view of the intersection.

Mayor Jackson said she, Chief Andrus and Lt. McDowell drove along Porter's Crossing recently and decided that the foliage near Clark Street should be taken out. Mayor Jackson asked Mr. Trusty to explain the sewer system. He said that the new development will not connect to the Porter's Crossing lift station. A second, gravity-fed sewer line will be built eventually and the lift station will be eliminated.

Nathan Perry said it's hard to turn out of Porter's Crossing in the mornings. He said the existing parks are nearly all on Porter's Crossing. The amount of traffic on the road makes the parks unsafe. He didn't know how a third-car garage would be possible, causing more parking on the street.

Amy Plott was worried about the difficulty of evacuating in an emergency. She thought high-density housing would make it harder to evacuate. Houses with small setbacks would cause flooding problems and make it easier for fire to jump from one home to another. Striping Porter's Crossing won't make children walking to school safer from traffic. She felt small parks, and parks located by the wash, don't demonstrate good planning. She would rather have the high-density housing near the main roads to reduce congestion.

Cameron Hodges gave Mayor Jackson a list of the people he was representing. He thanked the Mayor and Council for providing this forum for residents to express their opinions. He wanted a stop sign at Clark Street. He felt the increase in traffic on Porter's Crossing would be unsafe for children walking to the elementary school. He didn't think the parks as planned would be functional enough for children to play in, especially near the drop-offs next to the wash. He commended the developer for improving on the original plans for the parks, but wanted the promises put down in writing. He felt the curved roads will create a lot of blind corners. He said the school is overcrowded already, and the school district hasn't committed to another school yet.

Janelle Fuhriman wanted to know how the developer would be held accountable for building the promised parks. She was very worried about the safety of children crossing Porter's Crossing.

She would welcome more Sheriff's deputies patrolling the area, and there needs to be a stop sign at Clark Street, whether or not a new development is built. She wanted a way to make the developer guarantee not to raise the price of the school land for ten years, so the school district can afford to buy the land. She wanted the median on Porter's Crossing moved so the road could be two lanes in each direction.

Mayor Jackson asked the residents in the audience if they thought a stop sign should be placed at Clark Street right away, or later. Most responded that one should be installed now.

Barry Norton agreed with the previous comments about traffic. He was concerned not only about children walking, but also about school buses being able to transport kids. There's not enough room for buses to turn as it is. He didn't think road striping would help slow traffic. He didn't think enough care has been taken with traffic for the existing residents, much less for future residents.

Brittany Long said all of her concerns have been addressed. She thanked Mayor Jackson for meeting with her, and said she didn't want a stop sign at Clark Street yet.

Kristen Byerly felt that City officials were more concerned with the builder's interests than the residents'. She didn't think the existing roads are adequate for current traffic, especially during emergencies, and certainly not for additional traffic. She felt that townhouses would lower property values. She would rather see an active senior development.

Maureen Hopkins has open space next to her home. She was unhappy with the possibility of townhomes nearby. She liked the idea of the senior living proposal. She would also like to see a huge, green park and see the wash built up into something beautiful.

Mayor Jackson closed the public hearing at 9:04 p.m.

Mayor Jackson asked Mr. Mumford if master development plans are normally presented in this much detail. Mr. Mumford said that recently, single-family-housing plans have come in with a lot of detail. In the past, plans only showed densities, land uses and total number of units. This plan was presented in detail because of the unusual coving design. He also pointed out that most of the time spent drafting master development agreements is spent on detailed requirements for parks.

Mayor Jackson expressed her concern about the amount of traffic generated by the townhomes. She would like them not to be built until Golden Eagle Road is connected through SilverLake.

Councilmember Ireland asked City Attorney Jeremy Cook if it is legal to delay one development until certain criteria are met on adjacent land. Mr. Cook said it is, if it affects compatible uses between adjacent properties. Councilmember Ireland asked Mr. Shipp if he was willing to rezone all of the land except for the townhomes, which will be built last. Mr. Shipp said it was a matter of cash flow. It would be hard to build infrastructure with no view of how the completed development would look. So the answer would be "no." If this plan is not approved, he can come back with the plans that were approved in 2006 and have each plat approved individually.

Councilmember Ireland referred to the City's regulations on drainage between homes. He wanted to know if that kind of drainage is addressed in this project. Mayor Jackson suggested that it be detailed in the master development agreement.

Councilmember Ochsenhirt said that in his conversations with Mr. Shipp, he was told that Candlelight Homes will build each home in the subdivision and each lot will have an individually engineered lot plan. Each homeowner will be required to comply with that plan.

Councilmember Ireland also asked how the City can approve the master development plan and require that the three soccer fields be built. Mayor Jackson said the Council can require the first field, but can only suggest that the other two fields be built by the developer of the project north of Evans Ranch.

Mr. Shipp stated that his company has entered into a contract with the other developer and that the land will be developed as a park.

Mr. Mumford asked what timeline the Council wanted for building the park. Councilmember Ireland said that he was mainly concerned that the area be improved as a large, flat, grassy area that will allow for a soccer field. Councilmember Ireland wanted to know if the upgrades to the townhomes will be put in writing at plat approval or if it can be included in the master development agreement. He also asked if the school bubble density could be specified as the same density as the rest of the single-family lots, in case the school district doesn't buy the land. He asked if the wedge lots will be classified as cul-de-sac lots, and will that change the definition of cul-de-sac lots.

Mr. Cook said the townhome upgrades can be included in the master development agreement if the Council wants them to be. He also said he didn't think Mr. Shipp intended to define the lots as cul-de-sacs, nor do they need to be. The approval tonight is only to grant density. Mr. Shipp agreed to specifying a density for the proposed school site.

Councilmember Ochsenhirt stated that he would not approve any plan with "pinch points," except that this one promises engineered lot plans and a single development company throughout the subdivision.

MOTION: *Councilmember Ireland moved to adopt an ordinance approving the Evans Ranch master development plan and rezoning the master development plan area with the conditions set forth in the staff report, deleting condition #4 requiring an HOA. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ochsenhirt said that he understands that everyone in the room is concerned about traffic. Although traffic engineers have approved the traffic flow, he was still concerned about it. He would like to include Golden Eagle Road improvements into the Capital Facilities Plan.

Councilmember Burnham thanked the residents who attended meetings and met with the developer. Their involvement enabled the plan to be improved. She said that, while residents don't like townhomes, cities need them because single-family lots never pay enough to cover the services provided by a city. Townhomes subsidize single-family lots.

AMENDED MOTION: *Councilmember Ireland moved to adopt an ordinance approving the Evans Ranch master development plan and rezoning the master development plan area with the conditions listed in the staff report, deleting condition #4 requiring an HOA and requiring the proposed school site to have the same density as the rest of the single family home area of the project, until Alpine School District purchases the land. Councilmember Ochsenhirt seconded the amended motion. Those voting*

aye: Donna Burnham, Ryan Ireland and Nathan Ochsenhirt. Those voting no: Richard Steinkopf. The motion passed with a vote of 3:1.

Councilmembers Ireland and Ochsenhirt asked residents to participate in the continuing stages of the development approval process.

PUBLIC HEARING

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Porter’s Crossing Town Center Master Development Plan and Rezoning Certain Areas within the Master Development Plan Area.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amends the Porter’s Crossing Town Center Master Development Plan, decreasing the amount of office space and replacing it with a church site and single-family residential zoning, along with some other minor changes. This development is located north of the Pony Express Parkway and Porter’s Crossing intersection, and consists of 144.83 acres.

The changes consist of a total of 61 residential units, adding a church site, combining two residential areas into one, changing high-density residential from 12 units per acre to 9.6 to match Plum Creek and adding an additional .26 acre of improved open space.

Mayor Jackson opened the public hearing at 9:46 p.m.

James Shelley didn’t think there was enough commercial space or commercial zoning in the City. Cities need a commercial base. He’d like to see an increase in City tax incentives to new businesses. He didn’t see any problem with higher density housing. It won’t become like areas in big cities with bars on the windows.

Mayor Jackson closed the public hearing at 9:49 p.m.

Trevor Hull, representing the applicants, said the foundation will be poured soon for pad A, and possibly B & C. He said he’s in talks with several potential tenants. Mark Ridley told him today that he expects to open Ridley’s Market before for Christmas.

MOTION: *Councilmember Ireland moved to adopt an ordinance of Eagle Mountain City, Utah, amending the Porter’s Crossing Town Center master development plan and rezoning certain areas within the master development plan area. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Confirming the Assessment List and Levying an Assessment Against Certain Properties in the Assessment Area 2013-1 (the “Assessment Area”) to Finance the Cost of Constructing and Installing Road, Sewer, Storm Water, Culinary Water and Related Improvements, to Complete Said Improvements in a Proper and Workmanlike Manner (Collectively, the “Improvements”); Establishing a Reserve Fund; Providing for Certain Remedies Upon Default in the Payment of Assessments; Establishing the Effective Date of this Ordinance; and Related Matters.

This item was presented by Cody Deeter of Lewis Young Robertson & Burningham. The assessment ordinance formally levies an assessment onto each parcel in the assessment area. This ordinance also establishes the payment terms, timing, and use of funds related to the assessments. Additionally, this ordinance outlines the procedures to follow should assessment payments become delinquent including foreclosure requirements as well as uses and replenishment of the reserve fund. By statute, a 30 day contestability period follows the effective date of the ordinance. The special assessment bonds will close after this 30 day period runs.

Councilmember Burnham explained to the audience that this item can be handled quickly in this meeting because it has been thoroughly discussed in previous meetings, including this afternoon's Work Session.

MOTION: *Councilmember Ochsenhirt moved to adopt an ordinance confirming the assessment list and levying an assessment against certain properties in the Assessment Area 2013-1. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

17. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah (the “Issuer”), Establishing the Terms and Conditions of the Issuance of the Issuer’s Special Assessment Bonds (Assessment Area 2013-1), Series 2013 in the Total Principal Amount of Not to Exceed \$2,700,000 (the “Series 2013 Bonds”) and Related Matters.

This item was presented by Cody Deeter of Lewis Young Robertson & Burningham. The purpose of this resolution is to define the boundaries or parameters under which the special assessment bonds will be issued and to establish a pricing committee to make the final determination on the pricing of the bonds. This resolution goes hand-in-hand with the provisions of the assessment ordinance. The actual amount approved cannot exceed \$2.4 million, as that is the amount previously approved.

MOTION: *Councilmember Ochsenhirt moved to adopt a resolution establishing the terms and conditions of the issuance of the issuer’s special assessment bonds (Assessment Area 2013-1), Series 2013 in the total principal amount of not to exceed \$2,400,000 (the “Series 2013 Bonds”) and related matters. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

18. CITY COUNCIL/MAYOR’S BUSINESS – This time is set aside for the City Council’s and Mayor’s comments on City business.

Councilmember Ireland
No comment.

Councilmember Burnham
No comment.

Councilmember Steinkopf
No comment.

Councilmember Ochsenhirt

No comment.

Mayor Jackson

Mayor Jackson announced two candidate debates. One will be held on September 25 at 7:00 p.m. at Rockwell High School and another will be held on October 24 at 7:00 p.m. at City Hall.

19. 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.

Councilmember Steinkopf reported that the Parks & Recreation Advisory Board is working on getting a budget for lighting for the Mid Valley Park soccer fields. Alpine School District may want to participate in that cost.


Ms. Kofoed said the Parks & Recreation Board would like the Council's feedback on the proposed Adopt-A-Park and Adopt-A-Trail programs. They especially want to know who the liaison between the program and the City should be. Mayor Jackson said the Administration is working on that.

20. COMMUNICATION ITEMS
a. Upcoming Agenda Items

21. ADJOURNMENT

MOTION: *Councilmember Ochsenhirt moved to adjourn the meeting at 10:05 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON OCTOBER 15, 2013.



Fionndala B. Kofoed, CMC
City Recorder