

# MINUTES

## EAGLE MOUNTAIN CITY COUNCIL MEETING

December 1, 2015

Work Session 4:00 p.m. Policy Session 7:00 p.m.

Directly Following the RDA Meeting

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 Chris Pengra, Councilmembers Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Chris Trusty, City Engineer; Kent Partridge, Building Official; Jeff Weber, Assistant Public Works Director; Zac Hilton, Streets Supervisor; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:09 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information only and do not require action by the City Council.
  - A. Presentation – Northwest Utah County Study, by SITLA/FRI.
  - B. Presentation – Proposed Development of Golf Course Lots, by Kristine Whetzel.
  - C. Presentation – Completion of Parks Projects, by Aaron Sanborn.
  - D. Presentation – Youth Soccer, by Steve Bowler, Utah Youth Soccer League #20.
2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

#### **17. Porter's Crossing Town Center Master Development Plan Amendment**

Planning Director Steve Mumford explained that the applicant is proposing changes to the densities, housing types, road layout, and open space system in the Porter's Crossing Town Center project, and has been working with City staff on the creation of a master development agreement. The proposed plan removes a future road connection to the northwest, instead proposing a connection to St. Andrews Drive in the Eagle's Gate neighborhood to the west. The plan includes the relocation of the existing park.

The maximum number of housing units is the same (726), and the housing types and densities have been shifted in an effort to comply with the City Council's previous condition of approval: *The Master Development Agreement must include language requiring that Area 3 provides a variety of housing products.*

Changes are proposed for the densities and configuration of the single-family and single-family cottage lot areas in the northern section of the project. Mr. Mumford noted the higher-density housing is located adjacent to the commercial areas, providing the residents with walkable access to businesses, as well as to parks, trails and potential future transit.

The proposal contains three neighborhood parks. The major utility corridor remains as open space, as well as the natural washes and detention areas.

Councilmember Burnham asked why 100 parking spaces were planned for the parks. Gerry Tully, the engineer for the project, said the number of spaces is approximate and will be distributed among the parks.

Mayor Pengra asked if the culverts could be engineered to allow water to run off onto the ground and percolate in. Mr. Tully said the design team is working on water conservation alternatives.

Councilmember Ireland asked Mr. Mumford about the amenities required by the proposed density. Mr. Mumford answered that higher densities require a clubhouse and possibly a swimming pool. The amenities will be specified in the master development agreement.

Councilmember Bradley asked about the extension of St. Andrew's Drive. Mr. Mumford said the intent was to benefit the residents by providing access to the Porter's Crossing Town Center commercial area, without creating extra traffic through the neighborhood.

Brad Hickman, Parks and Recreation Director, said the park will be improved with a three-way match from the City, the Ranches HOA and the residents. The park hasn't been completed pending a decision on the road alignment.

#### 24. Pole Canyon Agreement Second Amendment

Dave Pack, CEO of the Utah National Parks Council of the Boy Scouts of America, discussed a Boy Scout camp which may be located in the Pole Canyon area. Boy Scout camps are used not only by Scouts, but by all kinds of youth and service groups.

Councilmember Ireland asked for more details on the agreement. Mr. Pack described the facilities normally located on Boy Scout camps. The Boy Scouts would begin using the property immediately for tent camping with minimal facilities. Additional facilities would be built as funds were raised. Road access would have to be worked out first.

Councilmember Bradley asked what benefit this would give to Eagle Mountain's taxpayers. Mr. Pili stated that the approved plan for a regional park wouldn't be built for possibly thirty years and would require City maintenance once it was built. A Boy Scout camp would be an immediately-available facility and would be privately maintained.

Mayor Pengra noted an indirect benefit of the camp will be a marked increase in traffic count, which will increase State funding for major transportation projects and will encourage businesses to locate in Eagle Mountain.

Councilmember Ireland stated most Boy Scout camps are far away from cities. He asked Mr. Pack how a Boy Scout camp would be compatible with nearby residents. Mr. Pack said the camping areas would be located near BLM land. Day-use program areas would be closer to residential areas.

Councilmember Westmoreland asked how much additional water would be required. Nate Shipp, one of the developers, said the Pole Canyon water system has enough capacity to serve both the camp and the wake park that may be constructed next to it.

City Attorney Jeremy Cook discussed the changes to the White Hills Water Company transition agreement. WHWC is a private water company. As part of the master development agreement, the City agreed to take over the system. The system was not up to City standards, so the developer obtained a bond through the Utah Drinking Water Board. The bond is secured through the developer's assets. After the improvements were made, it was determined that additional improvements were required. The City has been working with the developer to secure additional funds and determine who is responsible to pay for the improvements. The amended agreement details the payment responsibilities. The agreement also specifies the use of excess capacity in the well. There is one remaining issue of the water use calculation for the existing White Hills subdivision. Mr. Cook requested that, if the Council approves the agreement, they approve it conditioned on the City Engineer's water use calculation.

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 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 Ireland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

Mayor Pengra adjourned the meeting at 6:29 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Chris Trusty, City Engineer; Kent Partridge, Building Official; Jeff Weber, Assistant Public Works Director; Zac Hilton, Streets Supervisor; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:19 p.m.

5. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

Mayor Pengra adjourned the City Council meeting and convened a Redevelopment Agency meeting. After the Redevelopment Agency meeting, he reconvened the City Council meeting.

## 6. INFORMATION ITEMS/UPCOMING EVENTS

- **Tree Lighting Ceremony** – The City’s annual tree lighting ceremony will be held on Friday, December 4 from 6:30 p.m. to 8:00 p.m. at City Hall. Festivities include meeting Santa, vendors, hot chocolate, essay contest, gingerbread house contest, and tree decoration auction.
- **Santa on the Fire Truck** – Another holiday tradition will be held on Saturday, December 5 starting at 8:00 a.m. when Santa will be visiting Eagle Mountain neighborhoods on a fire truck. Please make sure children stay on sidewalks and do not run into the street. The fire truck is not able to go down dead-end streets and may not be able to drive down every street due to time restrictions. Listen for sirens and watch in your neighborhood for the fire truck. Proceed safely to the area where the fire truck is. End time is approximate. We will post on the City Facebook page and send an email notification when Santa is finished making the rounds.
- **Youth Tech Jam** -- Eagle Mountain City is offering a free community event for youth ages 9-18 who are interested in computer programming. Come learn how to make apps and games. Free food and awesome prizes! Registration is required, as well as a laptop. Must register by December 1. First 100 to register get a free t-shirt. For more information and to register, please visit [emcitytechjam.org](http://emcitytechjam.org).
- **Seniors’ Christmas Dinner** -- The Seniors (ages 55+) will hold a Christmas Dinner party at the Camp Williams officers’ club on December 14 at 5:00 p.m. Admission fee is \$2.50, including dinner, a photo, and entertainment by Nathan Osmond. Visit the City website, Events calendar for registration information.

Mayor Pengra announced a special video presentation honoring the outgoing City Councilmembers, Donna Burnham, Ryan Ireland and Richard Steinkopf. After the presentation, they were presented with plaques in appreciation of their service.

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

Justin Pitcher, a resident of Eagle’s Gate represented several of his neighbors. They opposed the plan to extend St. Andrew’s Drive to the Porter’s Crossing Town Center. It would require moving the neighborhood park, which the residents have raised money for. The additional traffic would be hazardous for the children in the neighborhood. He felt the City had communicated poorly with the residents of Eagle’s Gate about the changed road plan. He did appreciate the communication received from the Mayor concerning water rights. He felt the road extensions planned on the north side of the neighborhood would be adequate for traffic needs.

James Crandall thanked the outgoing Councilmembers for their service. He expressed appreciation for the work done on Stagecoach Drive. He asked that a large pile of dirt left on his neighbor’s property from that project be removed. He felt the White Hills park doesn’t meet the completion agreement, and asked that the City communicate with residents about what still needs to be done.

Mayor Pengra asked Mr. Crandall to speak to him later about the agreement.



Stephanie Gricius spoke on behalf of a number of City residents. They opposed using City funds to pay the remainder of the cost of the rodeo bleachers purchased from Wasatch County. They felt the existing agreement should stay in place. The Council shouldn't vote on the motion until they have a written agreement documenting it.

Ms. Gricius played an audio clip from Colby Curtis. Mr. Curtis addressed four items on the agenda. He was against extending St. Andrew's Drive to Porter's Crossing Town Center. The residents of the neighborhood have been saving up to complete a park, which would have to be moved if the road is extended. He believed the road should follow the northern alignment originally planned. He opposed the City making the final payment on the rodeo bleachers. He said the agreement with the Rodeo Committee should remain the same, unless the lease agreement is also revised to require the Committee to pay fair market value for leasing the rodeo grounds. He felt the density transfers requested in the Upper Hidden Valley agreement should be limited to a maximum of 10%, and only between adjacent pods. He also said the decision on the Pole Canyon annexation amendment should be made by White Hills residents, because if the proposed Boy Scout camp is built, they will lose the park they were promised.

Brandon Watters supported the Boy Scout camp. He asked if the Pole Canyon agreement could be moved earlier on the agenda, as there were many Boy Scouts in the audience who wanted to see how the item is dealt with.

Jeremy Hurren opposed the proposed expansion of Wride Memorial Highway. He didn't understand why development in the affected areas has been allowed. He felt the City should prohibit development in those areas until the plan is finalized and take the lead in proposing another plan. He said a freeway in residential areas would be unsafe for children living there.

Zac Huish expressed his appreciation for the Mayor and Council's efforts in opposing the prison relocation. He and his family recently moved to a home in Sage Valley. Last week, he learned of the proposed realignment of Wride Memorial Highway. He didn't feel building permits should be allowed in the areas likely to be affected by the highway realignment.

Ben Tanner, a resident of Smithfield Drive, appreciated the Mayor and Council's efforts to oppose the prison relocation. He asked that no building permits be allowed on the north side of Wride Memorial Highway.

Mayor Pengra said the highway expansion is a big issue that requires extensive conversations, which will be held, with a lot of public input. It is not a City project. The alignments are proposals; they're not set yet. Although City staff didn't know what alignments the Utah Department of Transportation was going to propose, they knew the highway might be expanded, so they required developers to leave rights-of-way unbuilt. UDOT's proposals are much larger than staff expected. The City has no legal power to stop developers from building homes on their property because there is no written plan from UDOT. He has asked UDOT to hold some neighborhood meetings about the highway.

Jen Morrison told the Council about some of the good things happening in the City. She mentioned the Friends In Need animal rescue, the teenagers who volunteered to staff the haunted house, the Eagle Mountain Arts Alliance, and others. She opposed the City paying for the remaining cost of the rodeo bleachers. She felt that if the City made that payment, when the benefit goes to a service organization that committed to pay it, it should make a contribution in the same amount to each of the other service organizations in the City.

Jeff Ruth was concerned that the Rodeo Committee might cancel some events if the City didn't help them pay for the rodeo bleachers. He felt the City should take some money from the \$7.5M proposed for Wride Park and pay off the bleachers.

Peggy Hunziker spoke about the amendment to the Pole Canyon agreement, specifically Section 1 regarding building permits. Section 2 regarding the water company, Sections 10 and 11 regarding use of excess water capacity, and the new Section 17 regarding residents paying for part of the improvements to the water system.

Bruno Hunziker discussed the regional park requirements in the Pole Canyon annexation agreement, which were diminished in the first amendment and are being entirely changed with this second amendment. He felt if White Hills was going to lose its regional park, the existing park should be considerably improved. He expressed appreciation for the outgoing Councilmembers.

Mayor Pengra said he wished the public comments could be discussed further now, but the length of the agenda wouldn't allow it.

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

Councilmember Steinkopf

Councilmember Steinkopf appreciated the full room of attendees at the meeting. He's enjoyed the four years he's spent serving on the City Council and has also enjoyed working with the Mayor and Council. They have the residents' best interests in mind. The staff is great and works very hard.

Councilmember Burnham

Councilmember Burnham said it's been an honor to serve on the City Council for the last eight years. Getting to know the City's residents has been the best thing about serving on the Council. For instance, when a water main broke yesterday, City employees were working in very cold weather and residents were bringing them hot chocolate and thanking them rather than complaining about the water being shut off.

Councilmember Ireland

Councilmember Ireland thanked everyone for being at the meeting, especially the Cub Scouts and Boy Scouts. He said participation from residents is what makes good decisions. He thanked his wife and family for their support. He thanked the Mayors, Councilmembers and City staff he's worked with during his time on the Council. He noted that the Councilmembers who are leaving have 20 years of experience among them. He encouraged everyone to stay involved.

Councilmember Westmoreland

Councilmember Westmoreland said it's been an honor and privilege to work with Councilmembers Burnham, Ireland and Steinkopf. It's not easy to work out difficult decisions, and they have done it with dignity and class. He also appreciated how many residents attended this meeting. Residents with differing opinions can see each other as opportunities rather than opposition.

Councilmember Bradley

Councilmember Bradley welcomed everyone attending the meeting. He thanked Councilmembers Burnham, Ireland and Steinkopf for their example and hard work. He encouraged everyone to be involved to whatever extent they can. He appreciated Mayor Pengra's ability to give and take with the Council and residents. He wished everyone merry Christmas and happy holidays.

Mayor Pengra

Mayor Pengra spoke about how dedicated the City's employees are. Yesterday's water main break was a prime example. The employees worked from around 7:30 a.m. until after 2:00 a.m. without complaining. He thanked the employees who worked through that situation.

**CONSENT AGENDA**

9. MINUTES

A. November 17, 2015 – Regular City Council Meeting

10. BOND RELEASES – Out of Warranty

- A. Meadow Ranch Phase 5, Plat 3
- B. Meadow Ranch Phase 5, Park
- C. Arrival, Phase 1

11. SITE PLANS

- A. Foxwood/Woodhaven Church
- B. Eagle Mountain Storage Facility

12. 2016 MEETING SCHEDULE

13. CHANGE ORDER

A. 2016 Road Repair Project – Morgan Asphalt

14. RESOLUTION

A. Consolidated Fee Schedule – Collection Fees

15. BID AWARD

A. Community Development Building – Magleby Construction

16. PRELIMINARY PLAT

A. Evans Ranch, Plat D

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

**SCHEDULED ITEMS**

Item 24 was moved to the beginning of the Scheduled Items.

**PUBLIC HEARING**

17. A. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Porter's Crossing Town Center Master Development Plan Map.

This item was presented by Planning Director Steve Mumford. Mr. Mumford described the proposed changes to the master development plan map: the location of parks, some adjusted land uses and a potential connection to St. Andrew's Drive. No additional units are proposed. There are several exhibits along with the plan which discuss open space, parks and recreation, and potential improvements to drainage washes to allow them to be used as improved open space.

Councilmember Burnham noted Porter's Crossing was originally intended to extend northwest. Mr. Mumford explained the northwest alignment wouldn't be useful for connecting the Eagle's Gate neighborhood to the Porter's Crossing Town Center commercial area

*Mayor Pengra opened the public hearing at 9:31 p.m.*

Stephanie Gricius was concerned about increased traffic through the Eagle's Gate neighborhood. She felt the traffic created by the future expansion of Cory Wride Memorial Highway would flow through the neighborhood if St. Andrew's Drive was connected to Porter's Crossing. She's spoken to many of the residents there and they don't want the road extended or the park moved.

*Mayor Pengra closed the public hearing at 9:34 p.m.*

City Engineer Chris Trusty said, while traffic will increase, the lower speed limits in the subdivision will keep quite a bit of it on the larger roads. The northern alignment would keep some of the traffic out of the neighborhood, but the angle of the connection would not be as safe as the St. Andrew's connection.

Mayor Pengra said Porter's Crossing and St. Andrews Drive aren't conducive to through traffic. Drivers are likely to use the larger streets that move traffic more quickly.

Councilmember Steinkopf noted that St. Andrews has a median in the center of the road, which will slow traffic. He suggested putting some additional stop signs along the road to discourage traffic.

Councilmember Ireland asked if the Council could request a traffic study. Mr. Mumford said a traffic engineer is working on the project, but he didn't know what level of detail was being studied. Gerry Tully, an engineer representing the developer, said the traffic study should be completed in a couple of weeks. He recommended maximizing the connectivity between neighborhoods. The structure of St. Andrew's Drive naturally slows traffic, which will discourage through traffic and direct it to the larger streets with higher speed limits. He asked the Council to approve this item. Anything that needs to be adjusted based on the traffic study can be done with the approvals of individual areas.

**MOTION:** *Councilmember Bradley moved to table an Ordinance of Eagle Mountain City, Utah, amending the Porter's Crossing Town Center Master Development Plan Map until a traffic study can be completed. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*



- B. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Porter’s Crossing Town Center Master Development Agreement.

This item was removed from the agenda.

### **PUBLIC HEARING**

18. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting an Impact Fee Enactment for a Sanitary Sewer Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

This item was presented by City Engineer Chris Trusty. The Wastewater Impact Fee Enactment adopts the Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) and enacts the impact fees they recommend. Once adopted, there is a 90-day waiting period before the revised impact fees can be assessed to new building permits. The IFA recommends the maximum reasonable impact fee that could be charged to new development based on provisions in the State Code.

Fred Philpot of Lewis Young Robertson & Burningham stated the IFFP identified specific components within the impact fee statute. Then a proportionate share analysis is completed that defines dollar amounts. There are reimbursement agreements that affect the impact fee calculations, as well.

*Mayor Pengra opened the public hearing at 9:54 p.m. As there were no comments, he closed the hearing.*

**MOTION:** *Councilmember Steinkopf moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting an impact fee enactment for a sanitary sewer impact fee; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same and other related matters. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

19. MOTION – Consideration of a Final Payment to Wasatch County for the Rodeo Grounds Bleacher Purchase with the Proceeds from the Gas and Electric Utility Sale.

This item was presented by City Administrator Ifo Pili. The Pony Express Special Events Committee requested that Eagle Mountain utilize a portion of the proceeds from the gas and electric utility sale to pay the balance of what is owed to Wasatch County for the rodeo bleachers. There has been some disagreement as to whether the Committee should make the payment, as stated in their agreement for use of the rodeo grounds. Mr. Pili stated that the Committee found the bleachers at a much lower cost than City staff could find and they also provided a great deal of volunteer labor to install them. In addition, a developer made a substantial donation to the cost. Eagle Mountain has had no out-of-pocket expense for an amenity that it owns. By making this payment, the City would own \$240,000 bleachers for only \$45,000.

Councilmember Ireland wanted to know if the City would have the option to make the payment if the Special Events Committee fails to do so. Mr. Pili said it could. If the payment isn’t made, Wasatch County can repossess the bleachers.

Mayor Pengra stated if the Special Events Committee fails to pay, the City will have to pay. There has been considerable discussion in the City about privatizing activities. The Special Events Committee has done so. Requiring the Committee to make the final payment may limit their ability to succeed. If the City makes the payment, the Committee will be more financially stable and will be able to continue providing privately-managed and funded events.

Councilmember Bradley said the utility sale proceeds are taxpayer dollars, or rate payer dollars. He felt the Committee is capable of making the bleacher payment as agreed and should do so.

Councilmember Westmoreland didn't see this as a subsidy, but as a responsible decision for a City asset. It facilitates a private group stepping up to provide value to residents. The venue is valuable to the City as a place to hold many kinds of events.

Councilmember Steinkopf said the Special Events Committee has been very successful in providing value to Eagle Mountain. As they continue to succeed, they will continue to improve Eagle Mountain.

**MOTION:**        *Councilmember Steinkopf moved to approve a final payment to Wasatch County for the rodeo grounds bleacher purchase with the proceeds from the gas and electric utility sale in the amount of \$45,000. Councilmember Burnham seconded the motion.*

Councilmember Ireland asked if an agreement could be made that the Special Events Committee will refund the payment out of the proceeds of future events.

Councilmember Burnham pointed out that the Committee already donates money to the community. She didn't feel the Council could or should control how a nonprofit organization contributes to the City.

*Those voting aye: Donna Burnham, Richard Steinkopf and Tom Westmoreland.  
Those voting no: Adam Bradley and Ryan Ireland. The motion passed with a vote of 3:2.*

Mayor Pengra said that whenever someone displays goodwill by giving a donation, he felt it should be driven by the giver's own priorities.

Councilmember Ireland said he fully supports the Committee and was only concerned about funds from the utility sale being used for this payment.

20. AGREEMENT – Consideration of an Impact Fee Reimbursement Agreement between Eagle Mountain City and RCA65, LLC.

This item was removed from the agenda.

21. AGREEMENT – Consideration of a Reimbursement Agreement between Eagle Mountain City and Silver Lake Land, LLC.

This item was presented by City Attorney Jeremy Cook. Silver Lake Land, LLC owns property located north of the SilverLake project. As part of a development project, Silver Lake Land, LLC

planned to build an eight-inch sewer line. They upsized it to a fifteen-inch line for the benefit of the City's sewer system. The impact fee reimbursement agreement would reimburse Silver Lake Land, LLC for the difference between the cost of the eight-inch line and the fifteen-inch line through a yearly reimbursement based upon impact fees collected for development within the project area.

**MOTION:** *Councilmember Ireland moved to approve a reimbursement agreement between Eagle Mountain City and Silver Lake Land, LLC in the amount of \$28,620. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

22. AGREEMENT – Consideration of a Reimbursement Agreement between Eagle Mountain City and Eagle 12, LLC.

This item was presented by City Attorney Jeremy Cook. The proposed reimbursement agreement documents the terms and conditions for reimbursement of impact fees to Eagle12, LLC for a waterline that was constructed for the Sunset Ridge development. Eagle12, LLC built a larger line than was needed for its project at the City's request. The Impact Fee Reimbursement Agreement would reimburse Eagle12, LLC for the difference between the line required to service Sunset Ridge and the larger capacity the City requested. The reimbursement will be made through a yearly payment based upon impact fees collected for development within the project area.

**MOTION:** *Councilmember Ireland moved to approve a reimbursement agreement between Eagle Mountain City and Eagle 12, LLC in the amount of \$37,658.03. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

A typographical error was found which raised the correct total to \$39,478. The Council agreed to allow the correct payment amount without a new motion.

23. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Upper Hidden Valley Master Development Agreement.

This item was presented by City Attorney Jeremy Cook. The proposed resolution formally approves the Upper Hidden Valley master development agreement. Upper Hidden Valley is located south of the Hidden Hollow Elementary School.

This item has been presented to the Council in the past. Since then, several changes have been made to the draft agreement.

Paragraph 2.8 deals with removal of rock from the site. The Municipal Code requires the developers to use any extracted material on site or apply for an extractive industries overlay zone. The developers requested permission to apply for an interim use to remove excess material if needed. City staff felt that would be allowable, as long as the City has complete discretion over whether to allow or deny the application.

Paragraph 5.1 was expanded to clarify that Hidden Valley Parkway is to connect to Airport Road. A connection to Lake Mountain Road will only be allowed at the City's discretion. The wording



on eminent domain was changed to indicate that the City will consider the use of eminent domain, entirely at its own discretion.

Paragraph 35 states that the developer must begin installing the backbone improvements within fifteen years. If not, the City may give written notice to complete a significant portion of the backbone improvements within five years. If the developers fail to do so, the City may terminate the agreement.

Paragraph 36 clarifies that this project is vested with the current Municipal Code, with specific exceptions spelled out.

Exhibit K specifies that the City is not obligated to issue assessment area bonds, and describes the process to be followed if it does so.

Councilmember Ireland wanted the wording referring to eminent domain removed from the document. Future City Councils would still have the option to use eminent domain. He felt including the wording implies that this Council supports using it for this project.

He asked Mr. Cook about the assessment area language. Mr. Cook said there was a lot of discussion over several years about how to use an assessment area when SITLA wasn't allowed to participate. The language addresses that, without committing the City to create one. This project will be hard to develop without an assessment area, due to the amount of improvements that need to be made and the number of developer groups involved. The language binds the developers to a process without binding the City to use it.

Mayor Pengra stated this project will never be completed without an assessment area. It would require massive developer funding for infrastructure.

Councilmember Bradley asked if there were any staff concerns that weren't resolved. Mr. Mumford said the termination clause is indefinite. The developers could complete part of the infrastructure and then leave it unfinished. If it was deeded to the City, the City would have to maintain it.

Mr. Cook said the biggest risk is that they're vested with the current Code. If the developers wait too long to build the project, this vesting may be incompatible with the future Code. The time frame in the draft agreement is a compromise worked out at length between the developers' and Eagle Mountain's time frames.

Mayor Pengra said this property is one of the most beautiful and valuable in Eagle Mountain. At this point, the landowners are in agreement as to what a cohesive framework for development will be. Approving this master development agreement will ensure that it remains so, which will be a huge asset to the community.

Councilmember Ireland mentioned one of the public comments suggested only allowing 10% density transfers and only between adjacent pods. He asked what Mr. Mumford thought of that. Mr. Mumford felt a 10% density transfer between adjacent pods, with a staff-level approval, would be reasonable.

Ryan Bybee, one of the applicants, said the density transfer as discussed would be fine.



**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Upper Hidden Valley Master Development Agreement, with the following changes: in section 2.2, transfer densities not to exceed 10% and only between adjacent Land Use Pods; section 5.1, delete the reference to eminent domain; and include the redlines in Exhibit K. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Those voting no: Adam Bradley. The motion passed with a vote of 4:1.*

24. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Pole Canyon Annexation and Master Development Agreement.

This item was presented by City Administrator Ifo Pili and City Attorney Jeremy Cook. The amendment primarily addresses revisions to the required regional park facility contained in Section 8.2 of the Annexation and Master Development Agreement and revisions to the White Hills Water Company Transition Agreement for funding, construction and payment of additional improvements to the White Hills water system.

City Administrator Ifo Pili briefly reviewed the Pole Canyon annexation. One requirement of the annexation agreement was the construction of a twenty-acre regional park. The developers have agreed to donate 100 acres to the Boy Scout organization for camp ground instead of building the park. A wake park may be located next to the camp.

Mr. Pili noted that the only recourse Eagle Mountain has to be sure the developers meet their obligations is not to issue building permits until the obligations are met. No permits have been issued, which indicates the Council is making sure the agreement is being fulfilled. The amendments are intended to make the Pole Canyon area more attractive for development. Unless the area is viable for development, the developers won't continue to improve it.

Mayor Pengra pointed out that the second amendment to the agreement includes a master trail system, including a publicly-accessible trailhead and other regional recreational uses which must be agreed upon by both the developers and the City. Any regional park is unlikely to be built sooner than 30 years from now. The Boy Scouts of America has the capital to develop a camp much sooner.

Discussion ensued on whether a private Boy Scout camp would be an acceptable alternative to a public regional park. Councilmember Bradley asked if some of the 100 acres could be open to the public, rather than limited to the Boy Scout camp. Nathan Shipp, one of the developers, said that could be a consideration, but he wasn't prepared to commit to it at this meeting. There will be public parks throughout the development project.

The other issue involved in the amendment was the White Hills water system. Mr. Cook stated that the City committed to take over the system, conditioned on the system being brought up to City standards. The agreed-upon improvements were made, but additional deficiencies were discovered. Because these deficiencies were not anticipated in the original agreement, the developers didn't believe they should pay the entire cost of the improvements. The City agreed to pay \$9.25/month per water connection towards the debt service. By comparison, other Eagle Mountain residents pay \$20/month for debt service for the City's water system. White Hills residents will still pay a water rate comparable to that of other residents in the City.

Councilmember Ireland explained that the solution provided by the amendment will allow Eagle Mountain to take ownership of the water system right away and have the improvements completed within six months. He asked if the Water Department would need to hire any additional staff to operate the White Hills water system. Mr. Pili said the work will be absorbed by existing staff.

Mr. Cook pointed out that the agreement allows the developers to use some of the excess capacity of the wells, but only at Eagle Mountain's discretion, and only by paying the City's culinary water rate.

Peggy Hunziker asked if the park and water issues were connected or if one could pass without the other. Mayor Pengra explained that they're both part of the amendment. He said the City has looked at every possibility for solving the problems with the water company. This is the only solution that prevents the residents of White Hills from paying for all of the remaining improvements themselves. It allows the City to bring the water system up to an acceptable standard, including the issues that weren't discovered until after the transition agreement was signed.

Bruno Hunziker asked how much the White Hills water rate would be if the amendment passes. Mayor Pengra said the City will absorb some of White Hills' costs to keep their rates equivalent to those of other Eagle Mountain residents. Approving this amendment will release State funds to improve the water system. It will also satisfy the developer's responsibility to provide a regional park. There will be quite a few additional steps before the water system is ready to be part of Eagle Mountain's water system. At that point, the City will own the entire system and both of the wells.

James Crandall wanted the Mayor, Council and staff to know that the residents of White Hills appreciate their work. They just want to be treated fairly.

Julie Myers, a resident of White Hills, said the amendment states the residents of White Hills will pay back most of the loan. Mayor Pengra assured her that he, Mr. Pili and Mr. Cook have been working for the White Hills' residents best interests and the developers have cooperated with them. Mr. Pili stated that the State funding is half loan and half grant. The residents are paying back 68% of the loan, not the grant, and the City will absorb enough of the cost to keep the residents' rate similar to the other residents of Eagle Mountain.

Corbett Douglas also asked if the votes on the water and the park could be separated. He said Scouts leave their camps dirty. He didn't want the City stuck with cleaning up after them. Mayor Pengra said the Boy Scout organization will be responsible for cleaning up.

Mr. Cook requested a correction if the amendment is approved, to say the approval reflects the water amount calculated by the City Engineer.

**MOTION:** *Councilmember Bradley moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Second Amendment to the Pole Canyon Annexation and Master Development Agreement, conditioned on section 8.2 being amended to say "not less than 100 acres," requiring the Boy Scouts of America to set aside no less than five acres for public use, and subject to the City Engineer's final verification of the water amounts in section 4.10. Councilmember Burnham seconded the motion.*

After additional discussion, Councilmember Bradley amended the motion.

**AMENDED MOTION:** *Councilmember Bradley moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Second Amendment to the Pole Canyon Annexation and Master Development Agreement, conditioned on section 8.2 being amended to say “not less than 100 acres,” requiring the Boy Scouts of America to allow some sort of public access to the 100 acres for Eagle Mountain residents, and subject to the City Engineer’s final verification of the water amounts in section 4.10. Councilmember Burnham accepted the amendment. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

25. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 15 of the Municipal Code for Construction Standards.

This item was presented by City Engineer Chris Trusty. This proposed revision to Chapter 15.10 of the Municipal Code would require that landscape areas are graded appropriately to drain away from roadways and not onto road sections. It states that, where possible, roadways should be built above the existing terrain to prevent the roadways from becoming the low spot for the area. Drainage away from the roadways should extend the life of the asphalt and prevent traffic issues that might occur from flooding events.

The amendment to Chapter 15.60 would require that paving be done only when the temperature is at least 50 degrees and expected to remain so long enough to complete a reasonable amount of paving.

Councilmember Ireland thanked Mr. Trusty for making these revisions as he requested, and doing so before the end of the year so he could make the motion and vote on it.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 15 of the Municipal Code for construction standards. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

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

None.

27. 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.

None.

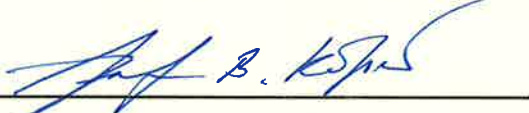
28. COMMUNICATION ITEMS

A. Upcoming Agenda Items

29. ADJOURNMENT

**MOTION:**        *Councilmember Ireland moved to adjourn the meeting at 11:17 p.m.  
Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley,  
Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The  
motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JANUARY 5, 2016.



Fionnuala B. Kofoed, MMC  
City Recorder