EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

December 7, 2021, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

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

STATE ELECTED OFFICIALS PRESENT: Utah State Senator Daniel Thatcher

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Robert Hobbs, Planning Manager; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Jeremy Cook, City Attorney; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Tyler Maffitt, Communications Manager; Angela Valenzuela, Human Resource Manager; David Ulibarri, Emergency Coordinator; Embret Fossum, UFA Battalion Chief; Eric McDowell, Chief Deputy Sheriff; and Robert Ballif, Engineering Assistant.

CITY STAFF PRESENT ELECTRONICALLY: Aaron Sanborn, Economic Development Director.

Mayor Westmoreland called the meeting to order at 4:15 p.m.

Utah State Senator Daniel Thatcher introduced himself to the Council. He recently became an Eagle Mountain representative due to redistricting.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

General

- Water Rate Study – The progress on the study will be presented to the Council in January regardless of the completion of the Water Impact Fees Facility Plan. The City plans to frequently revisit utility rates every two to three years.

Community Development

- Residential Building Permits – the City issued 115 new permits in November, an increase of 47 from 2020. During 2021, 38% of permits have been in the northern portion of the City, 63% have been in the southern portion of the City, 84% (1,164) have single-family, and 16% (220) have multifamily.

- New Commercial Permits issued in November: Elevate Gymnastics, Redemption Hill Church, The Place at Parkway, Serenity Studios, and 7-Eleven revisions.
- Municipal Code amendments in process include private road standards and intersection standards, water-wise landscaping; commercial and multifamily design standards, overlay zone for the protection of washes and other natural areas, landscaping timing requirements, Industrial Zone updates, Community District Node Overlay, approval authority and appeal authority, hillside development standards, and short-term rentals.
- Citywide rezoning: Staff is in the process of rezoning existing neighborhoods and properties within expired master development areas. The first rezone is coming soon.
- The Wildlife Corridor Overlay Zone will be on the agenda of an upcoming meeting.

Economic Development

- The City is reviewing requests for proposals for an Economic Development Master Plan update/rewrite and an Affordable Housing Plan in the near future.

Water

- Repair work will begin on Tank #5, which is not currently in operation.
- The City was able to obtain 175 water meters despite the supply chain issues.

Wastewater

- A groundwater detection pipe was installed at ponds to monitor the leaching of water.
- Sewer lateral repair is being made at the Sewer Treatment Plant.

Engineering

- The installation of the Bobby Wren traffic light is anticipated by the end of January.
- Pony Express Parkway Widening: Rocky Mountain Power finished installing lines on the west side of Pony Express Parkway to relocate the electrical boxes impeding construction. The City will be able to make some temporary improvements to the trailhead; however, weather conditions will likely delay the completion of the project until spring.
- The Airport Road traffic light is operational and now in service.

Streets

- The Storm Water Department is improving the detention pond in the Arrival subdivision which will increase capacity as well as improve downstream outlets for high and low water levels from storms.
- The City is prepared for snow removal for the forecasted precipitation this week.
- The asphalt millings on Lake Mountain Road will be removed to increase the ability for grading to take place.

Discussion ensued regarding traffic light installation scheduling and procedures, supply chain delays, and possible methods to expedite the process with Rocky Mountain Power to mitigate delays on projects going forward. The Council and staff also discussed the possibility of renaming the newly constructed road, currently known as Airport Road, to Old Airport Road, to preserve the history of Cedar Valley.

2. DISCUSSION ITEMS

2.A. DISCUSSION – Eagle Mountain Municipal Code Chapter 2.27 Board Appointment Process

Councilmembers Curtis and Gray requested a discussion item to clarify the five-day noticing period and the intent and procedures for the appointment process due to confusion regarding City appointments.

Director of Administrative Services/City Recorder Fionnuala Kofoed apologized for misinterpreting the notification period as being five days prior to the meeting and explained that a requirement of five days before the agenda is published would fall on the weekend. She noted the logistical obstacles in providing the names of appointees to the Council five days prior to the public notification via the meeting agenda and packet because at times the information is not available to staff within the required time frame. Staff had intended to follow the new procedure and failed to do so due to an oversite and going forward will strive to fulfill the clarified process desired by the Council.

Discussion ensued regarding potentially amending EMMC 2.27 to indicate a more precise date to clarify or alter the five-day timeframe for the notification to the City Council of possible appointee names prior to public noticing so that date does not fall on the weekend or to leave the five-day period because noticing can occur prior to the deadline, whether to have different standards for new appointments and reappointments, requiring applications or resumes for new or all potential appointees, the current process to determine vacancies and to select appointees, the desire to increase Council involvement in the process, the intent and meaning of the Council's role of advice and consent, the desire of the Council to be able to raise concerns with potential appointees privately rather than in a public meeting, and whether the Council should receive notification regarding all potential appointees or only the appointees the Council will vote upon.

Ms. Kofoed expressed concern with codifying the process. She said a list of anticipated board vacancies can be provided to the Council in October and the current process can be followed going forward, now that the expectations have been clarified. However, the Council requesting the information prior to public notification for some appointments could be viewed as crossing the line between administrative and legislative responsibilities, and subjecting potential employees to that level of scrutiny could be intrusive and onerous and may politicize hiring. She expressed that she did not feel the process was flawed, only misunderstood.

Discussion ensued regarding amending the process to allow the Council to become familiar with applicants and to evaluate applicants' qualifications before voting to approve candidates.

Councilmember Curtis quoted a portion of the minutes from the January 5, 2021 City Council meeting regarding amendments to the Board Appointment Process to illustrate that the Council intended for the advisory board notification standards to apply to the Planning Commission. He inquired if the standards in EMMC 2.27 could be amended to apply to all appointments including Planning Commission.

City Attorney Jeremy Cook clarified that although the Council had intended to amend the Planning Commission appointment process, the applicable section of Municipal Code was not amended and the statute under discussion does not apply to Planning Commission appointments. Currently as drafted, Municipal Code standards exclude the five-day notification requirement for Planning Commission appointments. EMMC 17.15.030(C) regarding Planning Commission vacancies and appointments can be amended to clarify the notification desires expressed by the City Council. As the Planning Commission is a State-mandated board, the standards should be separate from other advisory boards.

Councilmember Love requested an item be added to an upcoming agenda with the following amendments to Municipal Code: EMMC 2.27.020 to include notification to the Planning Commission; EMMC 2.27.030 to require a resume for all new potential appointees, Council notification of possible appointments and reappointments, including the Planning Commission and staff-level appointments that require Council approval; and to add the required Council notification timeframe to EMMC 17.15.030(C).

Councilmember Burnham advocated for redacting private information from the applications to protect the privacy of the applicants.

Ms. Kofoed stated members of the public have GRAMA requested applications and noted that some applicants have been reluctant to include private information or are unaware that the application is a public record.

Discussion ensued regarding the information on the applications and redacted information.

Mayor Westmoreland noted the importance of the separation of powers. He said that he finds staff accommodating and that they provide quality work. He requested Council consider the burden placed upon staff and the work environment impacts of requiring additional accommodations such as a dual deadline system for notifications of appointees, especially in consideration of the workload created by a fast-growing City and lower salary compensations compared to private sector employment.

Discussion ensued regarding whether the notification to the Council should go through staff or be provided to the Council directly by the Mayor.

3. AGENDA REVIEW

12. AGREEMENTS

12.A. First Addendum to an Agreement between Eagle Mountain City and Paul Jerome for City Administrator Services

Councilmember Curtis asked if a closed session could be held on the item.

Ms. Kofoed verified that a closed session could be held on the grounds of discussing the competency of an individual.

12.B. Silver Lake Internet, LLC Franchise Agreement

Councilmember Curtis noted that the agreement had a five-year term with a five-year renewal and inquired regarding the purpose of the preapproved renewal rather than a ten-year term. He suggested considering amending the agreement to a ten-year term to remove the burden of staff processing the renewal.

Mr. Cook explained that Municipal Code requires a five-year minimum term for such agreements and the Council could alter the agreement to a ten-year term. He recommended approving a five-year term without an approved renewal to allow amendments to the terms of the agreement after five years if changes were deemed necessary or desirable.

13. BID AWARDS

13.A. Dump Bed and Plow Equipment – Semi Service (State Contract)

Fleet and Facilities Operations Director Jeff Weber clarified that the bid is to replace a truck used for snow removal. The City will sell the existing truck to offset some of the cost of the new vehicle. The dump bed will be utilized by the Streets Department in several service capacities. The City purchased two additional snow removal vehicles last year to compensate for City growth service demands.

13.B. Wastewater Headworks Equipment: Grit Classifier – Hydro International

City Engineer Chris Trusty verified that the expense for the equipment is a part of the budget for the new Headworks Building. The cost is subject to change; however, securing the submittal for the equipment will assist with guaranteeing a fixed cost.

15. CHANGE ORDERS

15.A. 2021 New Well Design Change Order #1 – Jones and DeMille

Mr. Trusty clarified that this change order is unrelated to the amendment on this agenda to the Facebook agreement. However, Facebook has agreed to further update the agreement with additional pledged funds for the construction of this pump station. The pump needs to be completed prior to the City utilizing reuse water this spring.

15.B. 2021 White Hills Well Upgrades Change Order #1 – Bowen Collins and Associates

Councilmember Gray suggested approving and performing all necessary upgrades and improvements to the well in one approval, rather than as several separate items, to bring the well to full functionality.

Mr. Trusty clarified that the White Hills Well currently meets City standards. The necessary infrastructure is now in place to perform additional upgrades and a topographical study is being conducted in preparation of landscape and parking lot installation. This upgrade will allow the well to operate simultaneously with the adjacent well, more than doubling the capacity; currently only one well can operate at a time.

15.C. Smith Ranch Community Park Design Services Change Order #1 – MHTN Architects

Discussion ensued regarding the impact of sound mitigation and buffering on visibility and concerns that the City could spend money on the design for the skatepark then later determine that the plan is too expensive or that the noise nuisance would be onerous and disruptive to the neighborhood and/or wildlife and decide not to move forward with the project.

Assistant City Administrator/Community Development Director Steve Mumford explained the proposal was brought forward after staff received direction from the Council to determine the cost of a skatepark plan for Smith Ranch Community Park. He suggested moving forward with the design to better identify issues and potential solutions. Although the City could spend money for a park that may not be completed, the design would provide the Council with the requested details and information necessary to make an informed decision.

16. MINUTES

16.A. November 16, 2021 – Regular City Council Meeting

Councilmember Clark requested the direction provided by the Council to the Parks and Recreation Board during the work session discussion item be added to the minutes.

17. PRELIMINARY PLATS & SITE PLANS

17.B. SITE PLAN – Big O Tires

Discussion ensued regarding concerns with the proposed exterior, particularly the north elevation facing Pony Express Parkway, whether to require the front of the building to face north or to require increased architectural details and signage on the north façade equivalent to those on the south façade, and the color scheme for the building.

Mr. Mumford noted that Municipal Code stipulates that the primary entrance of a commercial building should be oriented towards the street and sidewalk. Buildings oriented towards a parking lot are required to have increased architectural features on the road-facing façade similar to the front of a building such as display windows, awning, entrances, and increased landscaping. It is the Council’s purview to determine the sufficient number of architectural features to require on the north elevation.

Senior Planner Tayler Jensen stated the applicant will be in attendance at the policy session with samples of the colors and materials planned for the building.

18. RESOLUTIONS

18.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Policies and Procedures Manual, Adding two Federal Holidays to the 2022 Municipal Calendar.

Councilmember Curtis suggested adding two floating holidays in lieu of two additional set holidays.

Mr. Jerome explained that when the City had vacation time rather than a paid time off system, full-time employees had two personal days. Human Resources Manager Angela Valenzuela conducted a study that determined the City has fewer paid holidays than other cities. Offering floating holidays can make it more difficult for staff members to take the day off because the City is open and requires personnel to provide services.

Ms. Valenzuela explained that the intention of the amendment is to provide Eagle Mountain City employees the same number of holidays as other cities. She confirmed that employees frequently lose days off because it is difficult for them to take time off when the City offices are open; closing services for the day assists employees with utilizing holiday leave.

Discussion ensued regarding whether to approve two floating holidays rather than adding specific holidays.

18.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Emergency Operations Plan.

Councilmember Curtis expressed concern that the Council did not have adequate time to review the latest rendition of the plan and felt that the rationale for declaring a State of Emergency listed in Section 3:4:1 could be interpreted to allow a declaration for non-emergent situations.

Councilmember Clark clarified that the power to declare a State of Emergency is defined in National, State, and Municipal Code.

Fleet and Facilities/Operations Director Jeff Weber explained the plan had been amended to incorporate the City partnering with Unified Fire Authority and Federal Emergency Management Agency protocol recommendations. The Council recommendations made during their previous review of the plan have also been added.

Emergency Manger David Ulibarri explained that he made a verbiage change to the wildfire hazard summary and updated the trauma rating for medical center capabilities. The document will be reviewed annually and action reports after emergencies will evaluate the efficacy of the plan with recommended adjustments if merited. The Emergency Plan addresses access to resources and funding during an emergency declaration rather than the power to proclaim a State of Emergency.

18.C. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Water and Sewer Agreement Between Eagle Mountain City, Utah, and Stadion, LLC.

Mr. Cook clarified that the totals are the same in the amended agreement. The agreement has been altered to divide the final five phases into four phases, resulting in a total of nine phases rather than the ten phases anticipated in the original agreement for the project.

Mr. Trusty clarified that these alterations will not adversely impact the City's system. Facebook water usage was included in water modeling and the City's impact fee facility plan update.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: ***Councilmember Burnham moved to adjourn to a closed session for the purpose of discussing the professional competence of an individual pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 6:37 p.m.

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Robert Hobbs, Planning Manager; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Jeremy Cook, City Attorney; Zac Hilton, Streets and Storm Drain Manager; Angela Valenzuela, Human Resource Manager; Embret Fossum, UFA Battalion Chief; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Jeff Weber, Fleet and Facilities Operations Director; and Tyler Maffitt, Communications Manager.

5. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:16 p.m.

6. PLEDGE OF ALLEGIANCE

Councilmember Burnham led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Eagle Mountain's Silent Santa program will take place on Saturday, December 11th from 11:00 a.m. to 6:00 p.m. at Eagle Mountain City Hall. This award-winning program provides a quiet opportunity for those with sensory sensitivities to interact with Santa around the holidays.
- Residents are encouraged to check out the new Rumor Stop feature of our City website. This is a great way for residents to get an answer to some of those persistent rumors swirling the community. Submit rumors you have heard and receive a timely response. You can find Rumor Stop by visiting eaglemountaincity.com/rumor.

To receive City notifications, including emergency info, news events, and traffic alerts, sign up at emcity.org/notifyme.

8. PUBLIC COMMENTS

Mayor Westmoreland open public comment at 7:19 p.m.

Dayna Koch said she had brought up concerns regarding the Tickville Wash around Thanksgiving due to the concrete and dirt pushed into the wash. She had been under the impression that the public would be informed regarding the permit and status regarding the wash. She put out a petition that gained 500 signatures promoting wash protections and asked if any penalties were brought to the developer. She is concerned with the magnitude of the alteration to the wash. She advocated for the creation of a Wash Protection Overlay Zone and a City conservation board.

Bettina Cameron asked the City Council to review the email she sent regarding the residential livestock standards and to amend the Municipal Code standards to address her concerns regarding the number of animals permitted, and the impact of the setback standards on neighbors. She agrees with sentiments expressed by Ms. Koch including holding Flagship accountable for alteration of the wash before obtaining a permit. She expressed her thanks to Councilmember Clark for her service and presented her with a gift on behalf of the Eagle Mountain Nature and Wildlife Alliance.

Zac Huish said he lives in Sage Valley and Wride Memorial Highway is the only egress and ingress from the Sage Valley neighborhood. His daughter was injured in an accident and other residents have had severe accidents. A turn lane for their subdivision was removed when another subdivision was developed. He has been working with the Utah Department of Transportation (UDOT) and was able to get the speed limit reduced. He was told it will be eight to ten years until improvements will be made to Wride Memorial Highway. He hopes to be able to work with the City to explore an alternative route via the Airport Road expansion and to continue working with UDOT to provide improved, safe alternative routes. He thanked Councilmember Clark for her service.

City Administrator Paul Jerome, City Engineer Chris Trusty, and Assistant City Administrator/Community Development Director Steve Mumford explained the City's infrastructure plans, Municipal Code amendments in process, and possible staffing increases to assist with addressing concerns expressed by residents and obstacles and challenges to those efforts.

Mayor Westmoreland closed public comment at 7:50 p.m.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis
Councilmember Curtis commended School Board Representative Julie King for acting against her best interests in order for Eagle Mountain to remain within the current district boundaries. He encouraged residents to become familiar with Ms. King and her efforts. He said farewell to Councilmember Clark and thanked her for her advocacy and service.

Councilmember Burnham
Councilmember Burnham thanked staff for the Christmas Village event and the Angel Garden event on behalf of residents that have experienced losing a child. She is grateful to be a part of a City that holds such meaningful events. She admires Councilmember Clark's tenacity to achieve her goals.

Councilmember Love
Councilmember Love echoed the thanks to staff for the Santa Parade and Christmas Village. She expressed appreciation to Councilmember Clark for her responsiveness to residents and relentless in finding solutions and thanked her for her assistance during their service together.

Councilmember Gray
Councilmember Gray welcomed the people in attendance. He expressed appreciation for the efforts involved in the Christmas Village and Angel Garden Event. He thanked Councilmember Clark for frequently counseling with him several times a week regarding City issues and for helping to mediate between differences between Councilmembers.

Councilmember Clark
Councilmember Clark reminisced about her path to becoming a Councilmember and expressed gratitude for all of those she has served with, staff, and the residents. She thanked everyone for this opportunity and said it has been an honor to serve. She encouraged residents to take an active role in their City and to disagree better.

10. RECOGNITION

Treasurer for the Utah City/County Management Association Owen Jackson recognized City Administrator Paul Jerome as one of 22 City Managers and Administrators in Utah to receive the International County Management Association Certified Manager Certification and presented him with a gift.

Mayor Westmoreland recognized and thanked Councilmember Clark for her service and presented her with a challenge coin, flowers, and plaque on behalf of the City.

11. APPOINTMENTS

Councilmembers determined to table the advisory board appointments due to the applicants' names not being presented to the Council consistent with the outlined timetable in Municipal Code.

11.A. Cemetery Advisory Board

MOTION: ***Councilmember Gray moved to table the appointment of Steve Conger to the Cemetery Advisory Board for a four-year term. Councilmember Curtis seconded the motion. Those voting aye: Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. Those voting nay: Donna Burnham. The motion carried with a vote of 4:1.***

MOTION: ***Councilmember Gray moved to table the appointment of Corbin Wade to the Cemetery Advisory Board for a four-year term. Councilmember Curtis seconded the motion. Those voting aye: Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. Those voting nay: Donna Burnham. The motion carried with a vote of 4:1.***

11.B. City Treasurer

MOTION: ***Councilmember Gray moved to appoint Tara Freeman as City Treasurer. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

11.C. Planning Commission

MOTION: ***Councilmember Burnham moved to appoint Jason Allen to the Planning Commission for a one-year term. The motion failed for lack of a second.***

MOTION: ***Councilmember Gray moved to table the appointment of Jason Allen to the Planning Commission for a one-year term. Councilmember Curtis seconded the motion. Those voting aye: Melissa Clark, Colby Curtis, and Jared Gray, Carolyn Love. Those voting nay: Donna Burnham. The motion carried with a vote of 4:1.***

11.D. Senior Citizens Advisory Board

MOTION: ***Councilmember Burnham moved to appoint Joye Roberts to the Senior Citizens Advisory Board for a four-year term. The motion failed for lack of a section.***

MOTION: ***Councilmember Gray moved to table the appointment of Joye Roberts to the Planning Commission for a one-year term. Councilmember Curtis seconded the motion. Those voting aye: Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. Those voting nay: Donna Burnham. The motion carried with a vote of 4:1.***

Mayor Westmoreland recessed the meeting from 8:27 to 8:36 p.m.

CONSENT AGENDA

12. AGREEMENTS

    12.A. First Addendum to an Agreement between Eagle Mountain City and Paul Jerome for City Administrator Services

    12.B. Silver Lake Internet, LLC Franchise Agreement

13. BID AWARDS

    13.A. Dump Bed and Plow Equipment – Semi Service (State Contract)

    13.B. Wastewater Headworks Equipment: Grit Classifier – Hydro International

    13.C. Wastewater Headworks Equipment: Grit Classifier/Washer Equipment and Screening Equipment – Huber Technologies

14. BOND RELEASES

    14.A. Brandon Park Phase A, Plat 7 – Out of Warranty

    14.B. Brandon Park Phase A, Plat 10 – Out of Warranty

15. CHANGE ORDERS

    15.A. 2021 New Well Design Change Order #1 – Jones and DeMille

    15.B. 2021 White Hills Well Upgrades Change Order #1 - Bowen Collins and Associates

    15.C. Smith Ranch Community Park Design Services Change Order #1 – MHTN Architects

16. MINUTES

    16.A. November 16, 2021 – Regular City Council Meeting

17. PRELIMINARY PLATS & SITE PLANS

    17.A. SITE PLAN – Marketplace at Eagle Mountain Town Center Lot 8 Pad A

    17.B. SITE PLAN – Big O Tires

18. RESOLUTIONS

18.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Policies and Procedures Manual, Adding two Federal Holidays to the 2022 Municipal Calendar.

18.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Emergency Operations Plan.

18.C. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Water and Sewer Agreement Between Eagle Mountain City, Utah, and Stadion, LLC.

19. 2022 MEETING SCHEDULE

19.A. City Council Meeting Schedule

MOTION: ***Councilmember Gray moved to approve the consent agenda removing items 12.A., 12.B., 15.C., 17.B., and 18.A. and placing them as scheduled items and approving the minutes as amended. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

12.A. First Addendum to an Agreement between Eagle Mountain City and Paul Jerome for City Administrator Services

MOTION: ***Councilmember Gray moved to approve the first addendum to an agreement between Eagle Mountain City and Paul Jerome for City Administrator Services amending the salary increase to $150,000. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

Councilmember Clark explained that the proposed salary was based upon a compensation study conducted by the Human Resources Department and the increase is within the median pay range for the position. She noted and applauded Mr. Jerome's foresight and efforts prior to and during the pandemic to adapt to conditions in order for the City to retain functionality and provide services.

Mayor Westmore stated that Paul Jerome had been hired at the low range for the position with the intent of raising his salary after one year.

Councilmember Gray mentioned that he had insisted on reducing Paul Jerome's salary when Mr. Jerome was hired as the City Administrator with the intent of raising it after one year in accordance with Mr. Jerome's level of performance. He voted against Mr. Jerome's appointment due to the salary; however, Mr. Jerome has more than proven himself and has saved Eagle Mountain City millions of dollars.

12.B. Silver Lake Internet, LLC Franchise Agreement

Director of Administrative Services/City Recorder Fionnuala Kofoed stated the applicant contacted her and expressed concern with the Council possibly altering the term of the contract as discussed during work session.

Applicant representative Brett Mansfield clarified that he is amenable to a five-year term and requested for the other terms of the contract to remain as drafted.

City Attorney Jeremy Cook explained that the terms of this contract and similar agreements can include a stipulation that the automatic renewal will be void if the party is in breach of the terms of the agreement. A purpose of the renewal is to schedule and initiate a staff review of the agreement to determine if changes are merited.

MOTION: ***Councilmember Clark moved to approve the Silver Lake Internet, LLC Franchise Agreement. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

15.C. Smith Ranch Community Park Design Services Change Order #1 – MHTN Architects

Assistant City Administrator/Community Development Director Steve Mumford presented the item. During the concept plan approval for Smith Ranch Community Park, the City Council advised staff to consider exploring the design and cost for a skatepark to be installed. Staff has worked with MHTN Architects to get a proposal from Spohn Ranch Inc. for design services and construction documents. This change order will allow staff to begin the process of design and implementation into construction documents.

The estimated costs for a concrete skatepark were $450,000 for a 7,000-square-foot park and $926,000 for a 12,000-square-foot park. The pickleball courts included in the original plan were estimated at $173,000, excluding lighting. The Council directed staff to explore plans for the larger skate park. The noise levels produced by a concrete skatepark range from 64 to 78 decibels, wooden skate parks range from 75 to 85 decibels, and steel skateparks range from 75 to 95 decibels. Heavy traffic registers at 80 to 89 decibels and a vacuum or average radio produce about 75 decibels. The distance from the proposed skate park to the existing kestrel box is 650 feet. The box is located approximately 280 feet from Pony Express Parkway and 100 to 200 feet from the commercial area. The skate park would be about 160 feet from the closet homes.

Discussion ensued regarding the possible size and cost of the amenity options for the park in comparison to other City parks, resident concerns regarding the foul language used at the other skate park, sound mitigation options possibly reducing visibility, and resident requests for a skatepark.

Mr. Cook noted that Municipal Code prohibits threatening, profane, and indecent language at a public park.

Mr. Mumford clarified that the approval is for the design of a 12,000-square-foot skatepark.

Councilmember Clark recommended directing staff and MHTN Architects to research sound nuisance impacts and potential mitigation measures to address concerns.

MOTION: ***Councilmember Love moved to approve the Smith Ranch Community Park Design Services change order #1 with MHTN Architects directing staff to work with MHTN Architects to explore possible sound mitigation measures and best practices to reduce impact to the homes and wildlife. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

17.B. SITE PLAN – Big O Tires

Applicant representative Trevor Sharp presented elevation renderings and material samples to the Council.

Councilmember Clark expressed concern with the gray color palette and said the sample color was too similar to cinderblock.

Councilmember Burnham asked if the applicant would be amenable to adding a parapet to the street-facing side of the building.

Mr. Sharp stated that Municipal Code does not prohibit him from using the colors suggested. The plan includes nine different design features; six are required. He expressed frustration with the conflicting feedback provided and felt that the changes asked for by the Council that exceed Municipal Code requirements are overreaching, especially in comparison to other approved buildings in the area, and the time and expense he incurs with each alteration. The purpose for one side of the building to have the additional parapet design features is to designate the entrance.

Councilmember Gray clarified that he personally has no objection to the proposed gray color scheme.

Councilmember Love explained that the Council's concerns regarding the color and other features are due to resident complaints regarding the Cascade Collision building near the location of the Big O Tires.

Mr. Sharp noted that the resident complaints are regarding a building that is still under construction and that other materials, colors, and articulation will be added to the cinderblock structure altering the appearance. He feels it is unfair to require multiple reiterations of an upcoming project in response to those complaints. He has reviewed Municipal Code meticulously with the project engineer and staff but continues to receive additional complaints and conflicting feedback from the Council. The block size will be the same size as cinderblock but the cinderblock base will be covered with additional materials. He clarified that the building never included white, it only appeared white on the black and white rendering.

Councilmember Clark clarified that the item had not been tabled during the previous meeting due to concerns with the design and colors but due to the elevations being mislabeled which caused confusion. She said the Council is trying to do their best to balance Municipal Code, resident concerns, and developer rights and that they are not picking on the applicant.

Councilmember Love stated where the entrance is not oriented towards the street, as required by Municipal Code, the Council is attempting to determine the adequate adjustments for the building to meet the intention of the standards regarding the street-facing façade. The Council is allowing the orientation due to the nature of the business not being likely to generate foot traffic.

Councilmember Gray expressed his support for the proposed design. As a compromise, he asked if the applicant would add the parapet as requested by Councilmember Burnham to the side of the building facing Pony Express Parkway for the architectural elements on the northeast and southwest corner to match.

Discussion ensued and the Council determined to allow an exception to permit the 30-foot setback due to the requirements of the use and the necessary turn radius for larger vehicles exiting the service bays.

MOTION: ***Councilmember Burnham moved to approve the site plan for Big O Tires with the following conditions:***

1. ***A parapet wall similar to the southwest corner shall be added to the northwest corner; and***
2. ***The applicant shall ensure that the lighting complies with dark sky standards including full cutoff lights, no overspill, no more than 100,000 lumens per acre, and all parking lot lights shall be under 17 feet in height.***

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

18.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Policies and Procedures Manual, Adding two Federal Holidays to the 2022 Municipal Calendar.

MOTION: ***Councilmember Clark moved to approve a resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Policies and Procedures Manual, adding two floating holidays to the Municipal Calendar. Councilmember Curtis seconded the motion.***

Councilmember Gray asked staff if approving two floating holidays would cause issues for employees due to the reasons discussed during work session.

Councilmember Clark stated that the City could make an executive decision whether to close the offices. She thinks it would be good for each individual employee to be able to make decisions about which things are important to them due to the political capital associated with certain holidays.

Councilmember Burnham expressed frustration that the Council felt it was political to celebrate the true freedom of slaves. She personally thinks that Juneteenth is important and should be recognized.

Mr. Jerome explained that setting a specific holiday makes it easier to administrate and for employees to take the day off work.

Discussion ensued regarding which holidays to recognize and the political and religious significance and challenges arising in declaring specific days as holidays.

Councilmember Love suggested adding Veterans Day as a set holiday in addition to one floating holiday.

Human Resource Manager Angela Valenzuela said that the City is currently closed on the day after Thanksgiving but it is not a paid holiday for employees. She recommended adding Veterans Day and the Friday after Thanksgiving as the two paid holidays to bring Eagle Mountain City even in the number of paid holidays for full-time staff members as other cities. An additional benefit would be that the City offices will only close for one more day a year rather than two days.

AMENDED MOTION: ***Councilmember Clark moved to approve a resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Policies and Procedures Manual, adding two Federal Holidays to the Municipal Calendar – Veterans Day and the Friday after Thanksgiving. Councilmember Gray seconded the motion. Those voting aye: Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. Those voting nay: Donna Burnham. The motion carried with a vote of 4:1.***

SCHEDULED ITEMS

20. TAGG-N-GO CARWASH

Items 20.A. and 20.B. were presented and discussed concurrently.

Mr. Jensen presented the item. The proposed site plan is located directly south of Maverick, and directly north of the recently approved Stonebridge Montessori School along Ranches Parkway. The approval for the Stonebridge Montessori School required a connection to the north. This is addressed in the site plan by providing a full drive access, 26-feet from curb to curb, to Stonebridge

Lane, moving the entire drive access off the school's site. The parcel is shown as Community Commercial on the City's Future Land Use Plan, and the applicant is proposing a rezone to the Commercial Community (CC) zone, which is appropriate within the Community Commercial land use designation.

The applicant is proposing several Compact Burning Bush plants between the drive aisle and Ranches Parkway, to serve as a headlight screen. The Parks and Recreation Director indicated that he felt a compact burning bush would be an appropriate headlight screen, but some members of the Planning Commission felt that it may not be appropriate during the winter when the foliage was lost. Only a small corner of the property would require headlight screening and the hours of operation conclude soon after dark. The Planning Commission did not recommend any changes to the proposed elevations. The applicant has provided a traffic study which was completed after the applicant changed the site orientation, the new connection to Stonebridge was added, and the traffic study at Campus Drive was completed. With the mitigation recommendation of adding a new connection to Stonebridge, the level of service (LOS) for each of the study intersections remains consistent with current conditions. The study indicated seven additional trips generated during the morning peak hours and 29 additional trips during the evening peak hours.

Discussion ensued regarding the data provided in the traffic study.

Applicant Conner Atkin said the use typically captures existing traffic and the location is anticipated to service approximately 440 to 500 cars per day. Most of the vehicles will be from existing traffic in the area rather than generating new trips to the location. Other locations average 30 to 50 cars per hour.

Mayor Westmoreland opened the public hearing at 9:48 p.m.

Matthew Hicks expressed concern with the Commercial Community zoning at the entrance to the City and the use. He feels that the application is in violation of the dark sky ordinance, quiet hour standards, style code, and traffic generation and that it does not meet the criteria for rezoning. He believes that the traffic study is a farce and thinks the traffic delays will be far greater than indicated. He thinks the use will create safety hazards and that the City will be liable for any resulting injuries. He alleged that the company that conducted the traffic study also owns the development company.

Michelle Blackburn said the traffic study is difficult to understand. Her concern is the connection to Stonebridge Lane, increased traffic routing onto Stonebridge Lane, safety concerns, and the traffic light installed not anticipated until 2025. She desires for a use that would be more appropriate next to a school and at the entrance to a neighborhood.

The following individuals submitted emails against the proposal: Matthew Hicks, Bryan Campbell, Margo Campbell, Carrie Koka, Ed Blackburn, Emily Johnson, John Mason, Katie Stoddart, Leon Spencer, Cindy Spencer, Margo Campbell, McKay Smith, Melissa Smith, Michelle Williamson, and Rachel Tehvand.

Mayor Westmoreland closed public comment at 9:55 p.m.

Mr. Jerome explained that although residents might have valid concerns regarding an application, if the proposal adheres to Municipal Code requirements, the Council is constrained to approve the item, or the City could be subject to litigation by the landowner and developer. The Council can work with the applicant to mitigate resident concerns as much as possible.

Discussion ensued regarding the use differences between Commercial Community and Commercial Neighborhood zoning.

Mr. Mumford explained that the property was zoned as Commercial prior to the expiration of The Ranches Master Development Agreement. The applicant could argue regarding their vested commercial rights due to the expired approval. Commercial Community was proposed as the most appropriate zoning due to the location of the property adjacent to a major arterial road. Commercial Neighborhood is generally more appropriate in a lower traffic area closer to homes. The business traffic generally will not be passing through the neighborhood.

Mr. Jensen verified that in January 2008, the Planning Commission recommended approval of a carwash at this site that was not completed at the time due to the recession.

Councilmember Curtis noted that the site is appropriate for commercial uses and should the City approve Commercial Neighborhood zoning, as desired by some residents, a permitted CN use could be developed that resulted in greater traffic than the carwash and other negative impacts.

Discussion ensued regarding methods for the City to mitigate resident concerns and clarifying that as the LOS D at Ranches Parkway and Wride Memorial Highway existed prior to this project and the level of service will not lower because of the project, the applicant cannot be required to resolve traffic issues.

Mr. Mumford verified that the City has employed a traffic engineer to study potential traffic mitigations and solutions for the Ranches Parkway intersections.

City Engineer Chris Trusty explained that the ability of City mitigation measures to be enacted prior to the opening of the carwash would largely depend on securing funding and a bid for the work, which is difficult due to current market conditions.

Mr. Hicks was recognized to speak to clarify his statement alleging a conflict of interest. He stated that the LLCs for Hunt Engineering and the developer for the project are owned by the same entity.

Mr. Atkin confirmed that Hunt Engineering performed the traffic study; however, he clarified that they are neither organizationally nor financially linked to the engineering firm.

Mr. Cook clarified that the City could reject the validity of the traffic study should a conflict of interest exist. The City Engineer might be able to verify the accuracy of the data. Also, the failing intersection is at Wride Memorial Highway, not the Stonebridge Lane intersection, which appears to be the greatest concern of the residents.

Discussion ensued regarding whether to table the item due to the alleged conflict of interest potentially skewing the data.

Mr. Cook confirmed that the City would have legal grounds to withdraw the approval should investigation determine a conflict of interest bringing the validity of the findings of the traffic study into question.

Discussion ensued regarding resident concerns with quiet hours and dark sky ordinance compliance and whether to require different hours than allowed for the Quick Quack carwash due to the proposed carwash being closer to homes.

Mr. Mumford stated that the Quick Quack is about 700 feet from the closet homes and the Tagg-N-Go will be approximately 500 feet from the closest homes.

Mr. Cook verified that residents would have recourse via Code Enforcement should the decibel levels generated by the carwash measured at their homes exceed the allowed levels during quiet hours.

Mr. Jensen clarified that the proposal for the project is in compliance with the dark sky ordinance. He indicated the location of the headlight screening s set back from the road and in a location that would not impede traffic visibility.

20.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Rezone to the Commercial Community Zone for the Tagg-N-Go Carwash.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving a rezone for parcel 66:403:0102 to the Commercial Community Zone. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

20.B. MOTION – Tagg-N-Go Carwash Site Plan

MOTION: ***Councilmember Burnham moved to approve the site plan for the Tagg-N-Go Carwash with the condition that the applicant shall comply with the traffic mitigation strategies recommended in the traffic impact study. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

21. ORDINANCES/PUBLIC HEARINGS

21.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits.

MOTION: ***Councilmember Burnham moved to table an ordinance of Eagle Mountain City, Utah, approving an amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits. Councilmember Clark seconded the motion. The motion was withdrawn.***

Applicant Bill Gaskill explained the desired sign size increase and the purpose for those changes and his request to provide signage for all businesses without street frontage. The copy space available on the signs would remain the same but would be reoriented to improve readability. Their sign company requested to remove the requirement for masonry; however, they are amenable to any material.

Discussion ensued whether to address the request through a Municipal Code amendment or by granting an exemption to City standards.

Councilmember Love suggested making the size of the sign contingent upon and proportional to the height of surrounding buildings.

MOTION: ***Councilmember Clark moved to table an ordinance of Eagle Mountain City, Utah, approving an amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

Councilmember Curtis requested that changes to sign standards be separate from flagpole standards when the items return at a future meeting.

21.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Repealing Eagle Mountain Municipal Code Chapter 17.70 Accessory Apartments and Replacing it with Chapter 17.70 Accessory Dwelling Units, and Amending References to Accessory Apartments in Chapters 17.05, 17.10, 17.20, and 17.95.

Mr. Mumford explained that he altered the accessory dwelling unit setback requirements to be consistent with the primary dwelling as requested.

Councilmember Curtis stated he is in favor of beginning with stricter standards and the Council could alter the setbacks at a future date should the requirements prove onerous.

Mayor Westmoreland opened the public hearing at 10:46 p.m. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: ***Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, repealing Eagle Mountain Municipal Code Chapter 17.70 Accessory Apartments and replacing it with Chapter 17.70 Accessory Dwelling Units, and amending references to accessory apartments in***

Chapters 17.05, 17.10, 17.20, and 17.95. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

21.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.75 Standards for Special Uses, 17.20 Agriculture Zone, 17.35 Commercial Zone, 17.37 Business Park Zone, 17.40 Industrial Zone, and 17.23 Open Space Zones, Relating to Indoor and Outdoor Shooting Ranges.

Mayor Westmoreland opened the public hearing at 10:53 p.m.

Jim Smith submitted the following email, "I apologize for not being present tonight. I am out of town, enjoying the NFR with family. I would like to express appreciation to the staff and the Planning and Zoning for their work on this ordinance. I'm sure that additional opportunities will present themselves to fine tune this important ordinance, but I feel that it is a good first effort. The establishment of carefully controlled and monitored shooting ranges is an important element of any community. This enables people to be trained, and practice a basic right allowed constitutionally. This ordinance will do much to provide a safe environment for citizens to discharge firearms. This will also be a tremendous help for the prevention of wildfires that result from uncontrolled shooting. I certainly appreciate the consideration of the Mayor and Council concerning this important issue."

Mayor Westmoreland closed the public hearing at 10:54 p.m.

Councilmember Love expressed concern with exempting the buildings from design standards and allowing shooting ranges near the wildlife corridor.

Mr. Jensen stated that outdoor shooting ranges are restricted to Agriculture and Open-Space Natural zones and indoor ranges are permitted in the CC, CR, and LMD zones. As written, a shooting range would be permitted on a residential lot over five acres, if zoned as Agriculture. The intent for reduced design standards is to permit shooting shelters not in compliance with commercial building standards. Clubhouses would be required to meet design standards.

Councilmember Clark recommended amending the language to "shooting amenities" rather than ranges.

Mr. Mumford recommended adding language to clarify that offices or other buildings are required to meet commercial design standards.

Discussion ensued regarding concerns with permitting outdoor shooting ranges a quarter-mile from the wildlife corridor, the impact of a distance requirement to the wildlife corridor standard impacting an existing shooting range should the land be annexed into the City, and possibly creating a shooting range overlay rather than a special use.

Councilmember Clark stated that an existing range that is near wildlife areas has not caused problems; however, she conceded that issues could arise with other users. She advised the Council to ensure that the requirements in EMMC 17.75.073(B)(4) not unintentionally prevent food trucks or other vendors from selling goods during shooting competitions and events.

Discussion ensued regarding whether or not to recommend approval of the item due to the difficulty of the Council to make decisions at a late hour, and with consideration of the time invested by a resident being in attendance at the meeting for the purpose of this agenda item.

MOTION: ***Councilmember Burnham moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.75 Standards for Special Uses, 17.20 Agriculture Zone, 17.35 Commercial Zone, 17.37 Business Park Zone, 17.40 Industrial Zone, and 17.23 Open Space Zones, relating to indoor and outdoor shooting ranges. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. Those voting nay: Jared Gray. The motion carried with a vote of 4:1.***

22. MASTER SITE PLANS

22.A. MOTION – Ranches Crossing Master Site Plan

Applicant representative Brian Haskell offered to have the item tabled until a future meeting in consideration of time.

Mayor Westmoreland recognized resident Pat Quinney to speak. Mr. Quinney stated that ingress and egress issues will be exacerbated by this project. Impacted residents are in favor of a buffering wall along the border between the residential and business area including Ruby Lane. He discussed installing gates on Ruby Lane with the fire chief to allow emergency access while preventing through traffic.

Alysha Milligan also submitted a written comment speaking against the project.

MOTION: ***Councilmember Love moved to table the site plan for Ranches Crossing. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

22.B. MOTION – Eagle Crest Phase A Master Site Plan

Mr. Jensen presented the item. Eagle Crest is located within the commercial portion of the Sage Park development. Sage Park was originally an entirely residential project, but on November 19, 2019, the City Council rezoned approximately 20 acres to Business Park, and granted Light Manufacturing as a conditional use, the Council also allowed for up to nine acres of self-storage in the northern portion of the project along Eagle Mountain Boulevard. The application is in compliance with the Sage Park Development and Use Agreement.

The Planning Commission voted 4 to 1, with one absentee, to recommend approval of the Eagle Crest Business Park Master Site Plan with the following conditions:

1. The amount of parking required for the storage facility as determined per EMMC 17.55.120(C) shall be provided; and
2. Headlight screening shall be required between the parking areas and the public rights-of-way.

Staff recommends the additional condition:

3. The north-south road to the east of Building C should be increased in size to a 77-foot minor collector right-of-way.

Applicant representative Isaac Patterson said he would be amenable to installing a 65-foot road as industrial land designers have told him that width would be critical to the infrastructure needs for the project. He feels a 77-foot width may be unnecessary, but he would be willing to revisit the width of the road with staff later to determine the appropriate right-of-way width. He would prefer to disallow street parking to allow the streets to remain as open as possible; he noted the lots are designed to accommodate parking needs. Their plan provides more parking than another storage facility in the City. The Council will approve the individual site plans for the project and will have the opportunity to evaluate if the concerns have been resolved.

Mr. Jensen said that the City Engineer had indicated he would be willing to explore a right-of-way width standard for industrial areas greater than 53-feet but narrower than a standard collector road as industrial areas would likely not require as much space for pedestrians. He clarified that the reduction between a 65-foot and a 77-foot right-of-way would be in the park strips rather than the driving lanes and Municipal Code indicates the amount of visitor parking required for storage unit facilities is at the direction of the Planning Commission. The plan currently provides 13 visitor parking stalls.

Councilmember Burnham stated that she is not concerned with the amount of visitor parking provided due to patrons generally only using the visitor parking when signing up for services.

Discussion ensued regarding the differences between the staff-proposed 77-foot right-of-way and the applicant requested 65-foot right-of-way with the preference to reduce the width of the sidewalk and park strip rather than the drive lanes and street parking areas.

MOTION: ***Councilmember Burnham moved to approve the master site plan for Eagle Crest Phase A with the following conditions:***

1. ***The north-to-south road east of Building C shall be built to a 65-foot right of way standards with five-foot park strips and five-foot sidewalks; and***
2. ***Headlight screening shall be required between parking areas and the public rights-of-way.***

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

23. RESOLUTIONS

23.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving a Master Development Agreement for Ault Farms

Mr. Mumford presented the item. The Ault Farms Master Development Plan, General Plan Amendment, and rezone were approved by the City Council on July 20, 2021. Although quite large, this master development agreement is fairly simple, as the development of the various areas of the property must simply comply with the City's development standards in relation to each zoning district. The developer will provide property to the City for a new City well to be located adjacent to the power line corridor and in close proximity to the City's existing well. The City will pay $130,000 per acre for the well site. The one to two-acre well site is located in a land designation indicated for R1 zoning and units.

Applicant representative Pete Evans clarified that the development agreement allows for the purchase of up to two acres of land for the well site. In addition to the half-an-acre of land for the well site, the agreement provides a one-and-a-half-acre access easement during construction, so the City is not required to purchase additional land to access the site. The well protection zone will have some use restrictions but most are related to commercial uses that will not impact adjacent residents. The City determined the location of the well and desires the relocation of a current City well due to Rocky Mountain Power prohibiting machinery from servicing a well located within the power corridor.

Mr. Cook said that locating the new well within 300 feet of the existing well allows the City to utilize most of the existing infrastructure.

Mr. Trusty explained that Rocky Mountain Power had previously deactivated the lines whenever the City needed to service the well but they are no longer able to due to the new substation.

Discussion ensued regarding the value of the property being sold to the City in comparison to the cost of the well property.

Mr. Cook explained that the well project will be impact fee reimbursable and the reason for including the price of the land is comparable to similar parcels and the cost is included in the agreement due to disputes regarding land value in the past.

MOTION: ***Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, approving a master development agreement for Ault Farms. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

24. CITY COUNCIL/MAYOR'S BUSINESS

25. CITY COUNCIL BOARD LIAISON REPORTS

<u>Councilmember Burnham</u>

Councilmember Burnham said that the Senior Citizen Center internet is having issues. They would like signage on Eagle Mountain Boulevard or on the building to help residents identify the center. The Senior Citizen Advisory Council has two vacancies, including the spot tabled at tonight's meeting.

Councilmember Love
Councilmember Love acknowledged the passing of Marianne Smith, a member of the Cemetery Board, and expressed the love and respect felt by those who had served with her. She thanked the Cemetery Board and staff for the Angel Remembrance event and lantern launch.

Councilmember Clark
Councilmember Clark said Be Ready Eagle Mountain has a new member and is working on the schedule for next year including Ham radio hand-on classes and licensing events. The Parks and Recreation Advisory Board is working on rules for the dog park and has a board vacancy.

Councilmember Gray
Councilmember Gray commended the Youth Council for their efforts and involvement in community service projects.

Councilmember Curtis
Councilmember Curtis stated the Library Board is accepting applications for a vacancy.

26. COMMUNICATION ITEMS

26.A. Upcoming Agenda Items

27. ADJOURNMENT

MOTION: ***Councilmember Clark moved to adjourn the meeting at 11:44 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 11:44 p.m.

Approved by the City Council on January 18, 2022.

Fionnuala B. Kofoed, MMC
Director of Administrative Services/City Recorder

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