EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

EAGLE
MOUNTAIN

November 17, 2020, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION - VIA LIFESIZE ELECTRONIC MEETING

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

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Kimberly Ruesch, Finance Director; Pete Kane, Long-Range Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Ross Fowlks, Fire Chief; Eric McDowell, Deputy Sheriff; Evan Berrett, Senior Management Analyst; and Robert Ballif, Engineering Assistant.

Public meetings will be held electronically in accordance with Executive Order 2020-1 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 54-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020.

Mayor Westmoreland called the meeting to order at 4:08 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. DISCUSSION – Brylee Farms Open Space Amenities and Preliminary Plat Amendment

Long-Range Planning Manager Pete Kane presented the item. The Brylee Farms residential development includes Phase A consisting of single-family homes and Phase B consisting of townhomes. The preliminary plats for these phases were approved in 2018 and 2019, respectively . Phase A is being developed by Fieldstone Homes, and Phase B is being developed by Concord Homes. The developers desire to merge the homeowners' associations (HOAs) that will oversee the open space and amenities in the developments into one master HOA.

This application requests amendments to the preliminary plat for the two phases with regards to the open space and amenities. The proposed amendment changes the park space in Phase A from a playground to a swimming pool, clubhouse, active lawn space, and parking areas. The proposed amendment in Phase B would relocate the tot lot to the large park area, improve the original tot lot location as open space, remove the sport court above the underground retention area to leave the land as improved park space for informal sport activities, and expand amenities at the primary amenity area with pickleball courts, a large playground, a pavilion, and parking areas. Based on the proposed open space and amenities amendment, the new plan would achieve 1,003 points in total between the two phases where 737 points are required.

The number of lots, density, and right-of-way configurations remain unchanged in the amendment. Multifamily projects are required to include a clubhouse and swimming pool. These elements are excluded from the amenity points total as they are required for this development type. The proposed 2,000-square foot pool exceeds the size required for the number of multifamily units in the project. The proposed pool and clubhouse meet the size requirement of the Phase B development but will be located within Phase A. The amenity area within Phase A will be located within a quarter-mile from all residences in both phases except for the twelve townhomes in the northwest corner of the development. The amenity area within Phase B will be located within a quarter-mile of all residences in both phases except for the six single-family properties in the southwest corner of the development. Per the approved preliminary plat for Phase B, a pedestrian crossing will be located between the main amenity area and the trail to the west.

The Planning Commission held a public hearing on November 10, 2020, to review the preliminary plat amendment application. The Commission voted 4 to 0, with one absence, to recommend approval of the preliminary plat amendment with the condition that the parking area on the west side of the primary amenity area in Phase B remove two spaces in the center of the row in order to incorporate a landscape island and pedestrian crossing.

Mr. Kane explained that the amenity point calculations exclude the pool and clubhouse, as they are required for multifamily developments, and the project complies with amenity point requirements.

Councilmember Clark expressed concern regarding the location of the pool and clubhouse near the single-family homes and the resulting distance standard infraction for several of the townhome units, as the pool and clubhouse are a requirement for the townhome development.

Councilmember Curtis concurred with Councilmember Clark's concern that 12 of the townhome units exceed the quarter-mile distance from the pool requirement.

Mr. Kane explained if the single-family homes were included in the total unit count, the pool size would exceed the size requirements; however, the clubhouse would not meet the size requirements. As single-family homes do not have a clubhouse requirement, the clubhouse size is in compliance based upon the number of multifamily units.

Councilmember Love noted that during the Planning Commission meeting, the applicants felt the tot lot would be more utilized by the multifamily residents than the single-family residents, and the amenities fit better on the locations presented.

Mr. Kane stated that the applicants' reason for supposing greater utilization of the tot lot by the townhome residents is due to the higher unit density correlating with a greater number of children, assuming a similar family size average for both the townhomes and single-family homes.

Councilmember Curtis stated his desire to remain consistent with the requirements and recommended imposing the same size standards as required for a similar project in SilverLake. He said it would be preferable to locate the pool and clubhouse within a quarter-mile of all the townhome units.

Councilmember Clark expressed concern in setting precedence in approving a location that does not meet the standard requirements and requested the Council consider the purpose of the requirements in making their decisions.

1.B. DISCUSSION – Silver Fox Cascade Master Site Plan

Planner Jessa Porter presented the item. This proposal is for a master site plan serving as a preliminary plat for 6.3 acres of land located on the southwest corner of Porters Crossing Parkway and Pony Express Parkway. A Cascade Collision Auto Repair is proposed for Lot 1. The master site plan was reviewed by the Planning Commission on November 10, 2020. The Planning Commission discussed traffic concerns, lighting, impacts to Tickville Wash, and screening material of the enclosed parking area, and unanimously recommended approval to the City Council with several conditions.

Ms. Porter stated that the applicant submitted the requested traffic study for review by the City Engineer. The application proposes the installation of an eight-foot fence around the enclosed parking area as recommended by the Planning Commission. Staff recommends that a section of the property to the southwest of the project be deeded to the City in addition to the property encompassing the wash as proposed.

Applicant representative Garrett Macklin explained they surveyed the area to determine the shoulder of the wash and to establish a minimum setback of 15 feet from the wash, a snow push zone for snow removal, and to designate a retaining area in the southeast corner of the property. He clarified that the fence and retaining wall along the southern border of the property are a minimum of five feet north of the 15-foot minimum setback for a total distance of at least 20 feet from the top edge of Tickville Wash.

City Attorney Jeremy Cook stated that the Municipal Code requirement for a significant setback from the edge of the wash to any structure was intended to be adaptable depending on the size of the wash and the type of structure to be installed near the wash; the determination of compliance was left to the discretion of the Council.

Councilmember Love expressed concern regarding the slope from the upper parking lot to the lower parking lot towards the wash and inquired if the applicants intended to level the site.

Applicant representative Trevor Sharp stated the engineer for the project discussed the master site plan with the City Engineer Chris Trusty regarding the slope, and Mr. Trusty did not express concerns regarding the slope of the project.

Applicant representative John Heiner explained that the retention basin will contain water runoff and a raised retention wall will mitigate runoff into the wash by diverting runoff to the retention basin. Mr. Heiner stated that the wash will not be disturbed.

1.C. DISCUSSION – Code Amendment to Remove References to Tier and Bonus Density

Mr. Kane presented the item. The City Council approved Municipal Code amendments in 2019 which included the repeal of EMMC 17.30. Other standards reference "tier" and "base/bonus density" in relation to the Residential Bonus Density chapter. This amendment identifies all references to these terms and proposed amendments to remove or revise the language to better relate to current standards. He said the Planning Commission recommended a verbiage modification in Section 17.65.060(N)(1) from "2 acres" to "2.5 acres" to be consistent with updated lot size minimums in the standards.

1.D. DISCUSSION – Landscaping Encroachment

Assistant City Administrator/Community Development Director Steve Mumford presented the item. He explained that Neighborhood Improvement Officers noted homeowners encroaching onto City-owned land within the Spring Run area. He investigated the issue throughout the City and identified areas of encroachment via landscaping, irrigation, gardens, fencing, patios, gazeboes, and/or retaining walls. Landscaping could be viewed as an improvement to the area.

Mr. Mumford presented potential solutions including license agreements for encroachment that would allow some improvements such as grass, plants, and removable benches or chairs, but would prohibit more permanent alterations such as fences, rock walls, retaining walls, sprinkler systems, parking pads, trampolines, swimming pools, hot tubs, pergolas, gazebos, sheds, buildings, playhouses, swing sets, or ponds. He requested the City Council consider the desired process to request additional/different improvements, designate certain areas and/or provide for size limitations, authority to approve the encroachment agreement and improvements, approval criteria, application fees, neighbor notification, enforcement, and compliance timeframe requirements.

Councilmember Clark recommended taking into consideration the location of the property and potentially developing different requirements for properties abutting trails and roadways versus mountains or areas unlikely to be utilized by the City.

Mr. Cook clarified that squatter rights do not apply to government property.

Councilmember Burnham expressed concern regarding residents installing fences and other permanent structures that prevent resident access and use of City-owned property near trails.

Councilmember Curtis suggested reconsidering City practices regarding unimproved space along trails through possibly requiring developers to improve the area up to the property line or adjusting property lines to prevent unsightly or problematic natural open space. He advocated for permitting significant time to allow residents to adjust fencing.

Councilmember Clark expressed concern regarding the burden to residents to remedy encroachment especially in cases where the current resident was not responsible for the violation.

Councilmember Love agreed with Councilmember Curtis' statement. Her property is adjacent to a trail along improved public space. However, natural landscape adjacent to homes can be problematic and burdensome for residents.

Councilmember Burnham concurred with Councilmembers Curtis and Love. She recognized Councilmember Clark's concerns; however, City liability needs to also be considered. For example, a resident had installed playground equipment on City property that was required to be removed in part due to injury liability concerns.

Councilmember Curtis suggested adding a liability waiver in the license agreements.

Mr. Mumford stated a liability waiver could be included in the agreement; however, permitting permanent structures is not ideal due to other considerations.

Councilmember Clark clarified she agrees with the concerns of the other Councilmembers. She said that reclamation needs to be included in the agreement considerations.

1.E. PRESENTATION – Wasatch Wing and Clay

Craig Rundell with Wasatch Wing and Clay stated that they desire to open a rifle range on private property that abuts Bureau of Land Management land. They desire to provide a safe location for residents to go shooting and would operate under State Code Title 77-3-101 Shooting Ranges which permits the operation of a range within City limits. Cedar Valley Rifle Range would be located behind the White Hills neighborhood. There are no recreation trails in the area and the location is two ridges away from the Five Mile Pass area. The height of the natural topography would prevent errant bullet hazards and targets would be limited within a set area. A certified range safety officer would be onsite during hours of operation and strict range safety guidelines would be implemented. The proposed range site is located approximately a mile from the nearest homes. The hours of operating hours would adhere to the City noise ordinance.

Mr. Mumford stated the proposed location for the rifle range is designated as residential in the Pole Canyon Master Development Plan and approved for 645 housing units.

Wasatch Wing and Clay representative Jim Smith stated that the range is not intended to be permanent and would close when deemed necessary due to development of the area.

Councilmember Love stated she supports having a designated shooting area as it would mitigate safety and fire concerns.

Wasatch Wing and Clay representative Weston Berry stated the range would operate five to six days a week.

Mr. Cook stated that the City currently prohibits the discharging of guns within City limits, so a Municipal Code amendment and possibly a master development agreement would be necessary to allow the range.

Councilmember Clark advocated for consistent standards for any shooting ranges within the City.

2. AGENDA REVIEW

9. AGREEMENTS

9.A. Utah County Sheriffs Office Contract Renewal

City Administrator Paul Jerome explained the County Commission requested additional time to review the agreement and the item was included on the agenda to allow the Council to ask questions regarding the agreement.

Mayor Westmoreland stated the item will be removed from the agenda.

9.B. Sewer Trunk Line Reimbursement Agreement – Monte Vista Ranch, L.C.

Mr. Trusty confirmed to the City Council that the reimbursement is included in the Impact Fees Facility Plan.

10. BID AWARDS

10.D. Cory B. Wride Memorial Park, Phase 2 Park Equipment – Sonntag Recreation LLC

Councilmember Curtis requested the inclusion of a condition requiring the repayment of the funds not collected from impact fees to be reimbursed to the applicable fund.

Mr. Jerome verified that Councilmember Curtis indicated the add alternate for the ten-court pickleball complex. He stated that sufficient impact fee funds should be available to reimburse the add alternative six months into the 2021 fiscal year.

Councilmember Curtis suggested conditioning the repayment to be completed within one year.

13. APPEAL/PUBLIC HEARING

13.A. PUBLIC HEARING – La Petite Grooming Salon Business License Appeal

Councilmember Curtis inquired if the item included a closed session.

Mr. Cook advised the Council to discuss the item during the policy session to ensure all interested parties are present.

14. C JAY PROPERTIES BUILDING

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning a Portion of Land on Campus Drive to Commercial Community.

14.B. MOTION – C Jay Properties Building Site Plan

Mr. Kane stated the item was discussed during the work session of the previous City Council meeting and included a rezone and building site plan. The applicant modified the coloring of the building and added dormers to the rear of the roof to address Council feedback.

Councilmember Curtis inquired regarding golf netting to screen the building from the adjacent golf course.

Mr. Kane stated that the applicant had proposed golf nets for the building.

15. ORDINANCES/PUBLIC HEARINGS

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 16.35 Development Standards for Required Public Facilities and 17.60 Landscaping, Buffering, Fencing and Transitioning.

Mr. Kane stated the amendment proposes modification to standards for fencing along arterial and collect roadways regarding height and durability with alternative standard options for industrial areas.

Councilmember Clark suggested waiting for discussion of the item until policy session when Councilmember Gray will be in attendance, as he had requested the review of fencing standards.

15.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 16.10 Master Development Plans.

Mr. Kane presented the item. The Planning Commission and City Council have sought to revise and update the requirements for master development plans (MDPs) and master development agreements (MDAs) based on previous project proposals that have been submitted to the City. The proposed amendments resolve questions and process flow concerns. The amendment sets standards for all future master development agreements. The amendment underwent several Planning Commission reviews prior to being presented to the City Council.

Councilmember Clark inquired regarding wait period timeframes.

Councilmember Burnham cited Section 16.10.060(C)(2) "If the City Council denies the MDP, the applicant may apply for a master development on the property after one year from the date of denial," in response to Councilmember Clark's inquiry.

Councilmember Curtis verified the proposed standards included a timeframe exemption for MDAs with significant changes and expressed his appreciation for the clarification of the standards.

16. BUTTERFIELD ANNEXATION

16.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Butterfield Annexation Petition and Establishing Zoning Regulations for the Lands in the Butterfield Annexation Area.

16.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Butterfield Annexation Agreement.

City Recorder Fionnuala Kofoed explained the item had been tabled during a previous meeting to allow additional time to compile the agreement and establish an Open Space Zone. The annexation includes an ordinance to approve the annexation and establish Agricultural/Rural Density One General Plan land use designation for approximately 22 acres and Parks and Open Space General Plan land use designation for the remaining 182 acres. The applicants have been working with Camp Williams and have acquired funding for the conservation easement in the area and are ready to move forward with the annexation.

17. OVERLAND

17.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Amended and Restated Master Development Agreement for the Overland Development and Pony Express Parcel.

Mr. Mumford presented the item. He explained that staff worked with Ivory Homes to draft an amendment to resolve concerns as the amenity timing was impacted by the pandemic and requisite infrastructure installation. The current MDA requirements for the Clubhouse, Pool and Park stipulate "A Club Ivory and an approximately 4-acre park in Village 1 will begin construction by December 15, 2019, and will be completed prior to the earlier of the recording of a plat containing the 350th building permit or June 30th, 2020." The proposed amendment states "The Overland Clubhouse (Club Ivory) building will be completed by December 31, 2020. The pool and associated park and landscape improvements will be substantially completed by May 30, 2021."

The current MDA requirements for the Two-Acre park for Phase C state "An approximately 2-acre park or community amenity will be constructed in Village 1 the sooner of the recording of a plat containing the 300th building permit for Village 1 or within 5 years of the date of this MDA." The proposed amendment states "An approximately 2-acre park will be constructed in Village 1 in Phase C and shall be substantially completed by June 30, 2021."

The current MDA requirements for the Two-Acre Park for Phase D stipulate "An additional approximately 2-acre park or community amenity will be constructed in Village 1 the sooner of the recording of a plat containing the 450th building permit for Village 1 or within 7 years of the date of this MDA." The proposed amendment requires "An additional approximately 2-acre park or community amenity will be substantially complete in Village 1 (Phase D) by May 30, 2022."

In exchange for the time extension, the developer has offered a land dedication and an easement with the proposed MDA amendments:

1. "11.3.4 Developer will convey an easement to City to accommodate the need for a retention pond at the corner of Pony Express Parkway and Bobby Wren Boulevard, which is necessary due to planned widening of Pony Express Parkway to a five-lane cross-section. This transaction will occur in a timely manner so as to not delay the widening project. See Exhibit A for a possible retention pond location."
2. "11.3.5 Developer will deed property along the east side of Pony Express Parkway (small portion of parcel 59:033:0027) to City directly east of the southern parking lot entrance to Cory Wride Memorial Park to line up the intersection to improve safety. This transaction will occur in a timely manner so as to resolve safety concerns as soon as possible. See Exhibit B for the road widening plans in this area."

17.B. VILLAGE CONCEPT PLAN – Overland Village Two

Mr. Mumford stated the concept plan has not undergone significant changes since presented during the previous work session. The Planning Commission reviewed the item on April 14, 2020, and April 28, 2020, and recommended approval with several conditions; the item was placed on hold by the applicant.

The Overland MDA designates Village 2 with a minimum unit count of 540 units/lots and a maximum unit count of 743. The proposed Village 2 plan consists of 692 lots/units including 32% townhomes, 68% single-family detached units, and 5.5% active adult units. The concept plan also includes a 10-acre elementary school site that has already been purchased by Alpine School District.

The MDA requires a medium park to be improved in Village 2. The plan contains a 3-acre park, several smaller parks throughout development, and a 1.51-acre private amenity area. The planned trail system provides access throughout the development and to neighboring properties. The trail plan should be modified to ensure the red line indicating the trails includes 12-foot concrete trails along the roadways. The north-south road in the middle of development has been widened to include additional asphalt and a 12-foot trail along one side. Staff recommends a deceleration lane along Pony Express Parkway to mitigate potential traffic issues near the elementary school and is concerned that village traffic is being directed to two intersections along Pony Express Parkway. Several private road accesses and/or public intersections appear too close to each other or not aligned.

Section 6.4 of the MDA requires that a "Master Developer shall present to the Planning Commission and City Council a Village Concept Plan, and a traffic study based on the Village Concept Plan, before submitting any Development Application for any such Village. Each Village

Concept Plan shall generally illustrate the various types of housing, where density of Residential Dwelling Units within each village will be located, the location and size of parks and trail improvements, the location of roads and infrastructure improvements, and any potential locations for schools, churches, or other civic or community uses."

Mr. Kane explained that this concept plan is conceptual and subject to change. It is a preliminary plan meant to show the development plans and possibilities of the project. Increases in lot sizes, reductions in units, minor changes to road and lot configurations, changes from townhomes to cluster lots or other lots, and minor changes to trail locations and park locations are not considered major changes and would not require an amendment to this village concept plan. These changes can be proposed or made at the preliminary plat stage.

The Planning Commission reviewed the item on October 13, 2020, and recommended approval of the application with conditions.

18. ORDINANCE

18.A. An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 2.05 Employees and Personnel and 2.10 Mayor, and Enacting Chapters 2.16 City Administrator and 2.27 Board Appointment Process.

Mr. Cook presented the item. He stated the item is at the request of the City Council due to concerns regarding the process of hiring a City Administrator, board appointments, and the roles of the Mayor, City Council, and City Administrator. He explained the proposed amendments to Municipal Code. Sections 2.05 Employees and Personnel, including 2.05.010 and 2.05.020, were removed due to ambiguity; the information was incorporated and clarified in other sections to explain that personnel policies and procedures are reviewed and approved by the City Council, and then implemented by the Mayor and City Administrator.

Mr. Cook stated the addition of Section 2.10.010 Powers and Duties of Mayor delineates and clarifies the delegation of the Mayor's duties in accordance with State statutes. He verified that Subsection C designates items executed and signed by the Mayor including items requiring staff or mayoral approval, as well as items requiring City Council approval, and clarified that the changes do not grant authority to approve items requiring City Council approval.

Councilmember Clark inquired regarding Municipal Code standards that designate which items require City Council approval.

Mr. Cook stated the procurement policy designates items requiring City Council approval and includes items such as bond agreements, franchise agreements, significant land disposal, contracts, leases, and agreements that bind the City.

Ms. Kofoed said most items require City Council approval, based upon procurement, including grant applications, interlocal agreements, and expenses over $40,000.

Mr. Cook stated that Section 2.10.010(J) "Shall perform all duties prescribed by law, resolution, or ordinance," is intended to encompass mayoral duties assigned by State Statue not specifically prescribed in Municipal Code.

Councilmember Curtis stated that State Code stipulates any responsibilities not assigned to the mayor by default are assigned jointly to the mayor and City Council and expressed concern regarding Municipal Code standards that may conflict with State Code. He inquired if City visioning was included in mayoral, Council, or joint responsibilities.

Mr. Cook clarified that Section 2.10.010(J) recognized the duties delegated by State Statutes and Municipal Code and did not allot the mayor any additional duties.

Councilmember Love requested for Municipal Code to include a list of specific items requiring City Council approval and to indicate that mayoral recommendations regarding the City's Policies and Procedures require City Council approval.

Mr. Cook recommended rewording 2.10.010(C) to clarify the section includes items the mayor has the authority to sign and execute, rather than the City Administrator, and another section of Municipal Code could address approval authority. He explained that items F through N of Section 2.10.010 include language from the Municipal Code standards of other cities for Council consideration and can be included or excluded at the Council's discretion.

Mayor Westmoreland clarified that he did not offer any input regarding the proposed amendment.

Mr. Cook stated the amendments clarify that the City Council has the authority to determine the City's policies and procedures, and the Mayor and the City Administrator have the duty to follow and enact those policies and procedures. The Mayor does not have the authority to unilaterally make changes to policies and procedures especially regarding those that potentially impact the City budget.

Mr. Cook explained that Chapter 2.16 City Administrator creates, codifies the processes for hiring and removal, and outlines the duties of the position. The chapter uses the term "position" to distinguish that the City does not operate under the City Manager form of government and to address concerns expressed by the City Council to clarify the hiring process and City Council authority. He verified that the City Administrator may be removed with a simple majority vote by the City Council with the Mayor acting as a voting member. A full vote of the City Council is required when amending the duties of the Mayor. The proposed standards clarify the City Administrator serves under the direction of the Mayor and has supervisory authority over all City employees. Mayoral approval is required for the promotion, demotion, change in salary, or termination of an exempt employee such as department heads.

Councilmember Love stated that residents had expressed concern regarding the transparency of the hiring of the current City Administrator due to the position not being posted externally. She advocated for the inclusion of a requirement for the City Administrator position to be posted externally as it is less subjective than the proposed language for the mayor to recommend a hiring process to the City Council.

Councilmember Clark concurred with Councilmember Love and said she thinks that drama is created when processes change each time the position is hired. She suggested requiring a closed session to discuss the competency of all applicants.

Mr. Cook stated his desire to allow flexibility in the hiring process due to the unpredictability of future circumstances. He said he could include the requirement to post the position externally if desired by the Council.

Councilmember Love clarified that she desires for the job to be posted externally but is in favor of allowing flexibility in the hiring process.

Councilmember Burnham stated that requiring the job to be posted externally would not resolve the concerns expressed by residents and other Councilmembers and expressed her preference for the verbiage recommended by Mr. Cook, although she did not object to requiring the position to be posted externally.

Councilmember Love stated that she thinks that it is important to accept external applications even if the City hires the internal candidate to indicate due diligence by the City.

Councilmember Clark stated she desires to address resident concerns regarding the hiring process and to establish a set process without prescribing how the Mayor selects a candidate. She concurs that requiring the position to be posted externally will be sufficient to address concerns.

Councilmember Curtis stated that he did not feel like he was sufficiently aware of or involved in the hiring process, and external posting of the position would also codify the process of Councilmember responsibility. He requested a timeframe element be included in the standards to allow for a special session rather than waiting until the next scheduled City Council meeting, if necessary.

Councilmember Burnham stated she had no objection to the previous process. She clarified that she had misinterpreted the concerns expressed by and level of involvement in the hiring process desired by the other Councilmembers and reiterated she would support requiring the external posting of the position.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:36 p.m.

7:00 P.M. POLICY SESSION – VIA LIFESIZE ELECTRONIC MEETING

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

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Kimberly Ruesch, Finance Director; Pete Kane, Long-Range Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Ross Fowlks, Fire Chief; Eric McDowell, Deputy Sheriff; Evan Berrett, Senior Management Analyst; and Robert Ballif, Engineering Assistant.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:03 p.m.

5. PLEDGE OF ALLEGIANCE

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Activities at the Senior Center are temporarily suspended, including meal pick up service, through November 30, 2020, due to COVID-19.
- Free Naloxone kits are available for pickup at the Eagle Mountain Public Library. Naloxone is a medicine that reverses and stops an opioid overdose. It saves lives and is legal to use.
- The City's annual Turkey Trot fun run will be a virtual 5k this year from November 26 to 29, 2020. There will be prizes for participants. Visit the City website calendar for details.
- The military and veterans board are holding a drive for care packages to be sent to deployed service members from Eagle Mountain. A drop box is available through tomorrow, November 18, 2020, at The Ranches Academy between 9:00 a.m. and 2:00 p.m. Details on the City website, news section.
- To receive City notifications, including emergency info, news, events, and traffic alerts, sign up at emcity.org/notifyme.

Councilmember Curtis was temporarily excused from the meeting at 7:06 p.m.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:09 p.m.

Christian Rene Loraine, Jessica Nowers, Andrea Giovanini, Amanda Manscill, Nick Srogus, LaNova Platero, Mark Ludwig, Erin Ludwig, and Craig Weinheimer submitted email comments regarding safety concerns due to high traffic and speeds along Golden Eagle Road between Sparrow Hawk Way and Ranches Parkway and the desire for a stop sign at the intersections of Golden Eagle Road with Jacobs Way and James Street.

City Administrator Paul Jerome stated the City is aware of the concerns. Streets and Storm Drain Manager Zac Hilton conducted a traffic count study for the section of road. A speed test was performed when school was not in session and the speeds were just over the speed limit for the road. The width of Golden Eagle Road was designated for higher traffic and higher speeds allowing for two-way traffic with cars parked along both sides of the road. The section of Golden Eagle Road indicated is between Ranches Parkway and Tinamous Road, which are both 25 miles per hour (mph) collector roads. Twenty-five mph speed limit signs have been ordered for Golden Eagle Road. The signs were delayed and will be installed as soon as they arrive. The average 800 daily trip count recorded for the road is not considered high traffic. Stop sign installation requires similar trip counts for the intersecting roads or pedestrian safety concerns. Due to the small amount of vehicle and pedestrian traffic generated by Jacobs Way and James Street, the intersection does not qualify for a stop sign. When the Utah Department of Transportation (UDOT) indicated to residents that the intersection could be a candidate for a stop sign, UDOT did not have all of the information regarding the intersection. The City Engineer will conduct a traffic study when school is in session to determine if other safety measures should be implemented; the study will be peer-reviewed by Horrocks Engineering to eliminate the possibility of bias.

Tiffany Ulmer stated that during work session, the City Council discussed an encroachment agreement for unfinished public property. She has lived on a parcel abutting City property for 19 years. She expressed concern that allowing some residents to use City property will cause other residents to assume they can as well without an agreement, leading to unsightly and unkempt areas or safety concerns. She advocated for maintaining the properties under City maintenance and ownership to allow all residents use of the land.

Councilmember Curtis returned to the meeting at 7:11 p.m.

Mayor Westmoreland closed public comment at 7:18 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Love
Councilmember Love expressed her gratitude and said that gratitude helps people endure the current challenges in the world.

Councilmember Curtis
None.

Councilmember Clark
Councilmember Clark likewise expressed gratitude and encouraged people to care for and watch out for each other during these challenging times especially in consideration of mental health concerns. She said she was grateful for the high voter turnout.

Councilmember Burnham
Councilmember Burnham expressed her support of Councilmember Clark's statements. She was grateful to honor the veterans and for the great turnout for the drive-through Veteran's Breakfast event. She expressed appreciation to staff for their efforts, especially for the various events that help keep the community connected.

Councilmember Gray
Councilmember Gray requested that residents remember to be grateful and to focus on priorities without getting hung up on the smaller issues.

Mayor Westmoreland
Mayor Westmoreland stated the importance of the social aspects of our lives and noted the 400th anniversary of the Mayflower Compact. He advocated for residents to find grit and grace to endure and move forward.

CONSENT AGENDA

9. AGREEMENTS

9.A. Utah County Sheriffs Office Contract Renewal

9.B. Sewer Trunk Line Reimbursement Agreement – Monte Vista Ranch, L.C.

10. BID AWARDS

10.A. Cory B. Wride Memorial Park, Phase 2 General Contracting – Kenny Seng Construction

10.B. Cory B. Wride Memorial Park, Phase 2 Lighting – Codale Electric

10.C. Cory B. Wride Memorial Park, Phase 2 Amenities – Big T Recreation

10.D. Cory B. Wride Memorial Park, Phase 2 Park Equipment – Sonntag Recreation

10.E. Utility Billing Office Remodel – Onsite Development Inc.

11. BOND RELEASES

11.A. Eagle Point Phase J, Plat 1 – Into Warranty

11.B. Scenic Mountain Phase A, Plat 3 – Into Warranty

11.C. Scenic Mountain Phase B, Plat 1 – Into Warranty

11.D. SilverLake Plat 27 – Into Warranty

11.E. Spring Run Phase D, Plat 3 – Into Warranty

11.F. Brandon Park Phase A, Plat 2 – Out of Warranty

11.G. Sunset Ridge Phase A, Plat 5 – Out of Warranty

12. MINUTES

12.A. October 20, 2020 – Regular City Council Meeting

MOTION: ***Councilmember Curtis moved to approve the consent agenda, removing item 9.A. and placing it on the agenda for the next meeting, and approving items 10.A., 10.B., 10.C., 10.D., and 10.E. with the alternate bid added and the condition that any funds used above and beyond impact fees be reimbursed to the impact fee fund within a year. 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

13. APPEAL/PUBLIC HEARING

13.A. PUBLIC HEARING – La Petite Grooming Salon Business License Appeal

Ms. Kofoed presented the item. A Home Business License was issued to La Pettie Grooming Salon in April 2015 that permitted a maximum of four dogs at one time, no more than 12 clients per hour with a maximum of 24 clients a day, and two on-premise employees. The Recorder's Office notified the applicant in March 2020 that the business license would expire in April 2020. The Izzats did not contact the City until August 2020 after receiving another notice from the City.

In August 2016, the City received a complaint regarding the general condition of the property, odor, and the number of animals. A second complaint was received in December 2018 regarding the applicant not obtaining a building permit for the building being used for grooming, noise, employees not observing traffic rules, and 80 to 100 cars traveling to and from the business each day. The City followed up and observed 13 dogs on the premises and verified the salon building did not have a building permit. In January 2019, the Izzats expressed interest in a conditional use permit for overnight boarding and sought approval for more than four dogs on the property at one time. A site visit was conducted in October 2019 and determined wastewater from various stations from the facility was being improperly discharged into the wash.

Additional concerns include the following items. The current operation is not secondary to the primary residential use of the property, as required by EMMC 17.65, and is adversely impacting surrounding residents. The applicant failed to file a timely renewal of the business license. The City received additional nuisance complaints of noise and excessive traffic from the Cedar Pass HOA and residents. The home business is operating outside of conditions of approval limiting the number of dogs to four; several site visits revealed 30 to 50 dogs on the premises. Dogs have been boarded overnight and during the day without a pet sitting permit. City administration approved the increase of on-site employees to two, but the business employs more than two. The applicant-proposed sound barrier was not constructed. Home Business Standards stipulate that minor changes to 17.65.060 (A) through (F) may be approved administratively, if the exception does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood, or significantly increase traffic or demand on utilities. Any other exception requires approval by the Planning Commission *(EMMC 16.75.050)*.

Ms. Kofoed stated the City Council has been provided with resident communication for and against the business operation. The building permit issues have been resolved and the building passed the final inspection.

Mayor Westmoreland opened the public hearing at 7:39 p.m.

Keli Washburn submitted an email comment in support of the Izzats requesting for the City to grant additional time to relocate the business.

Heather and Shane Swanger, who live in close proximity to the business, and Larry Christensen, the adjacent property owner, submitted email comments against the business license renewal. Nichole Christensen submitted an email comment against the business. The Cedar Pass Homeowner's Association (HOA) submitted a letter against the renewal of the business license.

Jarrett Nichols submitted an email comment supporting the City finding a solution to the situation that both brings the business in compliance and supports the Izzats.

Tiffany Ulmer stated that since the Planning Commission meeting, the Izzats have turned away business and have ceased boarding and providing day care services for dogs, in accordance with the rules. Grooming services are completed as quickly as possible to remain under the maximum number of dogs allowed, instead of allowing the dogs to roam and play. The Izzats are in the process of securing a new location and have begun packing a container located on the property in preparation of relocating the business. She requested that the City allow the Izzats additional time to relocate their business, as 90 days is insufficient. She beseeched the City Council for leniency on behalf of the Izzats.

Applicant Michael Izzat said he and his wife Emma Izzat, the owners of La Petite Grooming Salon, have lived in Eagle Mountain for 13 years. They have experienced success that has caused their business to grow. He agrees that they have outgrown their current location. They have complied with the Planning Commission conditions of approval for the 90-day business license. They have found a potential location to move the business and have submitted an application for a conditional use permit for that location. They are working with developers to build on a property within Eagle Mountain City, as they were unable to find an existing facility on an agriculturally zoned property that will meet the needs of their business. He said it is not realistically feasible to relocate the business within the 90-day timeframe, as they need to construct a building for the business and a new home for their family on the new property. They do not desire to be a nuisance or a bad neighbor and try to have a positive impact on the community. The business was negatively impacted by the pandemic and needs to remain in operation at their current residence until they can relocate in order to provide for their and their employees' livelihood. He expressed his willingness to comply with City requirements if allowed to keep the business open and permitted sufficient time to make the necessary adjustments.

Mayor Westmoreland stated the City values home-based businesses and expressed his hope to be able to resolve the issues.

Mark Lindsay representing the Cedar Pass HOA Board stated he appreciates everyone's willingness to work together. He stated the HOA desires to work together with residents to comply with laws and regulations. He said that the HOA has worked for three years to assist the Izzats with coming into compliance with City regulations. Other residents worked with the Izzats on a proposed sound-proofing wall to mitigate sound nuisance issues and the project was never completed. He cited EMMC 6.05.330 "If the owner or custodian of any dog is convicted of any violation of this chapter on three or more different occasions during any 12-month period, the City may issue an order denying the right of the owner or custodian to maintain a dog in the City for a period of two years," and said the Izzats have had nine such violations. He said the HOA board desires to maintain a balance between the needs of all residents to resolve concerns. The HOA provided the City with a detailed chronology of the history of the issues and encouraged the City Council to include consideration of the materials in their decision.

Mayor Westmoreland closed the public hearing at 7:59 p.m.

Councilmember Gray requested for Mr. Lindsay to remain in the meeting to represent the residents of Cedar Pass Ranch should the City Council have additional questions as the Cedar Pass Ranch HOA Covenants, Conditions, and Restrictions (CCRs) may have bearing on the Council decision.

Councilmember Curtis stated that the CCRs are irrelevant to the City Council discussion and the business license approval or denial by the City. Councilmember Clark verified that Councilmember Curtis' comment was clarifying the CCRs are not enforceable by the City Council and did not disregard the HOA complaints.

City Attorney Jeremy Cook confirmed that the City Council does not have the authority to enforce the Cedar Pass Ranch CCRs.

Councilmember Gray clarified he desired for Mr. Lindsay to represent the concerns and perspective of the Cedar Pass Ranch residents.

Mr. Lindsay clarified that the letter sent to the City and the standards he cited earlier are violations of Municipal Code standards, not the HOA CCRs and the notated infractions include exceeding the number of allowable clients per day, dogs, and employees and generating commercial-level business traffic through the residential area.

Councilmember Burnham said that a resident comment stated that the City Council gave the Izzats preferred treatment due to personal relationships with the Councilmembers. She assured residents that staff maintains professional impartiality and the City Council does not have conflicts of interests. Although they have a mutual friend, she does not have a personal relationship with the Izzats.

Councilmember Curtis requested clarification regarding the level of continued operation being petitioned by the applicant and the timeframe necessary for relocating the business.

Mr. Izzat entreated the Council to allow the continuance of operation under the conditions of eight dogs and no boarding as stipulated by the Planning Commission. He said that once the permits are approved and the purchase of the new property is finalized, construction will take approximately four months.

Councilmember Clark stated that she toured the location two years ago when the complaints were first logged and at that time, Mr. Izzat had indicated soundproofing would be installed on the property and asked why the soundproof barrier has not been completed.

Mr. Izzat said that exterior soundproofing proved cost-prohibitive and that additional soundproofing of the interior of the structure had been completed during renovations the previous year. He cited State Code nuisance decibel levels and said that the noise level does not exceed the levels allowed by State statutes.

Councilmember Clark asked if they are able to keep all the dogs inside the building during grooming as they are no longer boarding dogs.

Mr. Izzat stated that their dog yards are used to allow dogs to use the bathroom. The yards have been almost empty over the past month.

Councilmember Love suggested temporarily relocating the business to a rental space that would permit dog boarding and operating at a higher capacity. She said she believes their clients would frequent a new, less convenient location if required.

Mr. Izzat stated that of the 30 existing facilities he toured, only one would meet their grooming salon needs and that none of them would function for dog boarding services. The only facility they found that allowed them to operate their business as desired is located in southern Utah County. The only immediately available location allows for two groomers and prohibits boarding. A temporary facility would limit the business to grooming services and increase operating costs due to rental fees. Remaining in their current location at reduced capacity is the less costly option and will allow the business to stay solvent until they can relocate.

Councilmember Curtis inquired if the potential locations did not meet the physical needs of the business, or if the locations were prohibitive due to code requirements.

Mr. Izzat stated that Eagle Mountain Municipal Code prohibits boarding and daycare facility in a commercial zone and is only allowed in an industrial location. Boarded animals require 24 hours a day supervision. Industrial properties prohibit them from living on location and staffing the facility 24-hours a day. Properties zoned Agriculture permit the land uses necessary for both home occupancy and business operation. They are in the process of purchasing a 20-acre parcel, and the closest neighbors would be a quarter mile away to prevent future issues for the business.

Councilmember Curtis stated that the City Council is sympathetic to both sides of the issue and his intention was to determine an appropriate compromise in the interest of all impacted residents, including the Izzats and the several neighbors that have registered complaints with the City. He said the Council does not desire to put La Petite out of business but is also charged with enforcing Municipal Code.

Mr. Izzat stated that neither Eagle Mountain nor Saratoga Springs have available properties that will meet their immediate needs. The closest available property with the necessary approved land uses is located in Pleasant Grove. All the locations would require remodeling; temporary occupancy lease agreements are difficult to obtain and are cost prohibitive.

Councilmember Burnham suggested upholding the decision of the Planning Commission with the additional condition that the temporary license would be extended if significant progress is being made towards relocating the business.

Councilmember Gray stated for transparency that he knows Tiffany Ulmer, has met the Izzats, and lives within the boundaries of the Cedar Pass HOA; however, he feels he can remain impartial in the decision. He expressed concern in conditioning a guaranteed extension and stated his preference for date-specific benchmarks as evidence of progress towards relocating the business. He stated that as the Planning Commission had approved the business license, an extension approval would be under the direction of the Planning Commission.

Councilmember Burnham clarified that her intention was to include set benchmarks as an approval requirement.

Councilmember Curtis said that based upon Councilmember Gray's comments, he assumed that Councilmember Gray was receiving text messages from a Planning Commissioner during the meeting regarding the item, which is inappropriate.

Mayor Westmoreland concurred that it is inappropriate for Planning Commissioners to communicate privately with City Councilmembers during public meetings, and that all discussion should be made openly.

Councilmember Gray said his comments were in response to Councilmember Burnham regarding his understanding of the purview of the Planning Commission. He said he took issue with the accusation that he was communicating privately with a Commissioner.

Councilmember Curtis apologized for and withdrew his comments alleging Councilmember Gray was in communication with a Commissioner during the meeting.

Mr. Cook explained that as the item is a de novo review by the City Council, their decision is independent of the Planning Commission ruling. He said that it is unusual to approve a business license based upon the relocation of the business; however, the City Council can include any desired conditions in their approval. He suggested approving the license for a year with restricted uses with an immediate revocation clause if the terms of approval are violated.

Councilmember Clark noted that Cedar Pass Ranch residents have expressed concern regarding traffic issues and residents have requested for the posting of signage within the business location encouraging patrons to adhere to traffic laws. She asked if the Izzats would consider a staggered schedule to reduce the number of on-premise employees and would adhere to a limit of eight dogs on the property, including their own dogs.

Mr. Izzat said they have signage on the property requesting that clients adhere to traffic regulations, but he cannot control the actions of the patrons once they leave the property. He expressed his willingness to post signage within the business to encourage adherence to traffic laws. He said they stagger client appointments and employee schedules to reduce traffic. They call clients about 30 minutes prior to grooming completion; however, they are unable to guarantee that the dogs will be picked up promptly. They own three dogs and one is quite elderly. They are willing to limit the number of dogs on the property to eight, including their own dogs, and only use soundproofed kennels to mitigate noise.

Councilmember Clark inquired regarding the reason the Izzats had not previously implemented these measures in order to comply with Municipal Code standards.

Mr. Izzat said that prior to the October 13, 2020, Planning Commission meeting, they had already discussed moving the business and had already received their financing and designed the new house and salon. He said they had delayed relocation due to sentimental attachment to their current home and location.

Councilmember Clark stated that the City Council is charged with protecting the rights of all individuals. She noted that the neighbors have been negatively impacted by the Izzats' success. The decision of the City Council will not be a personal reflection of the Councilmembers' feelings regarding the Izzats.

Ms. Kofoed clarified that a business license approval by the City Council would be effective from the current date. As the previous license has expired, a new application and approval are required separate from the previous license.

Mr. Cook stated that the business license could be conditioned to be backdated to the Planning Commission approval on October 13, 2020, if desired even though the review is de novo due to the business currently operating under the license approved by the Planning Commission at that meeting.

Councilmember Love stated that the City had issued a cease and desist order to the Izzats, and the Cedar Pass HOA has sent certified letters that have not been responded to and are in the process of fining the business. The neighbor complaints began four years ago. She noted that significant time has elapsed without concerns being adequately resolved. She asked Mr. Lindsay for the impact on residents of allowing the Izzats additional time to relocate their business.

Mr. Lindsay stated that he does not wish hardship for the Izzats but also desires for the relocation to occur as soon as possible. He said that they can reach out to the impacted neighbors to gauge the temperament of the neighbors regarding allowing additional time for the business to relocate.

MOTION: ***Councilmember Burnham moved to approve the La Petite Grooming Salon business license subject to strict compliance with the following conditions:***

1. ***The applicant shall have no more than eight dogs on the premises at any time, including personal dogs;***

2. ***Client dogs may only be on the premises between the hours of 7 a.m. and 7 p.m.;***
3. ***The applicant shall only operate as a dog grooming business, and shall not offer or provide pet sitting or dog day care services;***
4. ***Except for drop-off and pick-up when the owner of the client dog is present, the applicant shall allow only one client dog at a time to be outside of the enclosed building, and all other client dogs must remain inside the enclosed building. Client dogs shall only remain outside the enclosed building for a period of time that is reasonable to allow the dog to urinate;***
5. ***The applicant must allow Eagle Mountain City Code Enforcement Officers to inspect the premises at any time to verify compliance with the conditions of this business license approval;***
6. ***Any violations of the conditions of approval shall result in immediate revocation of the business license; and***
7. ***A sign should be posted within the building stating that clients shall obey the traffic rules.***
   Motion failed for lack of a second.

Councilmember Love verified that the business license approval would be for a period of one year beginning October 13, 2020.

Councilmember Curtis expressed concern regarding the lack of a timeframe in the motion. He felt 90 days was too short but, one year would be too long.

Mr. Izzat expressed his willingness to return to the City Council at a determined time to report on the progress with relocating the business.

Discussion ensued regarding the appropriate timeframe and the desired benchmarks for the business license, benchmark approval body, and if approval needed to take place in a public forum or could be approved by staff.

Mr. Cook stated that residents have the recourse to complain to City staff if they feel the conditions are not met, and Code Enforcement will evaluate compliance. If the imposed conditions are sufficient to mitigate resident concerns, allowing the business to operate for eleven months should not be onerous; the license will be revoked if the business does not comply and causes additional problems for neighboring residences.

Councilmember Burnham noted that she did not believe that barking complaints should revoke the license as there are noises generated from dogs and other animals on other properties.

Councilmember Curtis expressed reluctance to require staff to address adherence concerns and suggested requiring a six-month review of the application.

Mr. Cook stated that staff could be allowed to approve an extension of a six-month business license if the City has not received additional complaints; additional nuisance complaints would require a Planning Commission review.

Ms. Kofoed stated that staff visits to the property due to complaints have resulted in a variance of perceived violations occurring at the time of the visit. She expressed concern regarding the standard to determine infractions and requested direction on how staff should evaluate compliance.

Councilmember Love said that barking should not be an issue if the other conditions are met and that noncompliance with the conditions listed would cause the immediate revocation of the business license. She said that the benchmarks are not necessary as the business license expires in a year, and the business needs to move prior to that date in order to continue operation.

MOTION: ***Councilmember Burnham moved to approve the La Petite Grooming Salon business license subject to strict compliance with the following conditions:***

1. ***The applicant shall have no more than eight dogs on the premises at any time, including personal dogs;***
2. ***Client dogs may only be on the premises between the hours of 7:00 a.m. and 7:00 p.m.;***
3. ***The applicant shall only operate as a dog grooming business, and shall not offer or provide pet sitting or dog day care services;***
4. ***Except for drop-off and pick-up when the owner of the client dog is present, the applicant shall allow only one client dog at a time to be outside of the enclosed building, and all other client dogs must remain inside the enclosed building. Client dogs shall only remain outside the enclosed building for a period of time that is reasonable to allow the dog to urinate;***
5. ***The applicant must allow Eagle Mountain City Code Enforcement Officers to inspect the premises at any time to verify compliance with the conditions of this business license approval;***
6. ***A sign should be posted within the building stating that clients shall obey the traffic rules;***
7. ***Any violations of the conditions of approval shall result in immediate revocation of the business license; and***
8. ***The City Council instructs the City Attorney to issue a decision consistent with the motion.***

Councilmember Curtis seconded the motion.

Ms. Kofoed verified that, per the City Council's direction, the Recorder's Office understood that no further business licenses shall be issued to La Petite Grooming Salon at the current address.

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

14. C JAY PROPERTIES BUILDING

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning a Portion of Land on Campus Drive to Commercial Community.

14.B. MOTION – C Jay Properties Building Site Plan

Items 14.A. and 14.B. were presented and discussed concurrently.

Long-Range Planning Manager Pete Kane presented the item. The site plan is for a proposed professional office building on 0.81 acres on the south side of Campus Drive and includes details for an approximately 8,165-square foot building at the rear of the property and 32 new parking spaces, including 2 ADA-accessible stalls and three existing spaces within the property bounds. Per EMMC 17.55, this site plan would need a minimum of 28 spaces including two ADA-accessible stalls. Screening along the rear property line will protect the property from stray golf balls. The subject property is part of The Ranches and was identified for commercial use through the master development agreement (MDA) and master development plan (MDP). The MDA has since expired, and all vested rights no longer carry. The property is identified in the Future Land Use Map with the Community Commercial land use designation. Staff has identified this property for future rezoning to Commercial Community. At the City Council work session on October 20, 2020, the Council provided feedback about colors and roof dormers for the building. The applicant has submitted revised elevations based upon that feedback.

The request to rezone the property to Commercial Community (CC) is an appropriate zone for the particular land use designation (EMMC 17.60). Access to the property from Campus Drive utilizes an existing curb cut. Municipal Code recommends commercial buildings be similar in style to adjacent buildings. The plan calls for similar materials, but in a different color palette to adjacent buildings. The revised elevations have been submitted to update the color palette and architectural details. The plan includes vertical and horizontal articulation through a mix of materials and to emphasize entry points to the building. The proposed building is sited at the rear of the property with a parking lot located at the front; the applicant prefers the siting as demonstrated in the submitted plans. The outdoor patio space at the rear of the building includes decorative stretched fabric overhead and netting along the eastern side of the property due to proximity to the golf course. The Planning Commission held a public hearing on October 13, 2020, to review the application and unanimously voted to recommend approval of the rezone request to Commercial Community, with conditions.

Mayor Westmoreland was excused from 9:29 p.m. to 9:34 p.m. due to technical difficulties.

Mr. Kane verified that the building adhered to setback requirement standards.

Mayor Westmoreland opened the public hearing at 9:38 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: ***Councilmember Clark moved to approve an ordinance of Eagle Mountain City, Utah, rezoning a portion of land on Campus Drive to Commercial Community. 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.***

MOTION: ***Councilmember Burnham moved to approve the C Jay Properties Building site plan with the condition that the mechanical equipment shall be located or screened in a way that it is not viewable from the street. 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. ORDINANCES/PUBLIC HEARINGS

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 16.35 Development Standards for Required Public Facilities and 17.60 Landscaping, Buffering, Fencing and Transitioning.

Mr. Kane presented the item. Municipal Code includes development standards for fencing based on the type of use, as well as requirements for fencing along certain roadway types. The Planning Commission held a public hearing on this request on October 13, 2020. The request was tabled for minor edits to the amendment. Those edits include increasing the allowed fence height to eight feet for commercial fencing (EMMC 17.60.120(D)); requiring that chain link fencing for detached residential be screened with a solid fence or wall, so as not to be viewable from a street (EMMC 17.60.130(A)); and identifying a separate, less costly "durable quality" standard for industrial privacy fencing (EMMC 16.35.090). The Planning Commission finished their review and unanimously recommended approval of the amendment at their November 10, 2020, meeting.

Councilmember Love inquired regarding the exclusion of wood composite alternative materials.

Mr. Kane stated that the Planning Commission removed wood composite alternative materials due to the lack of oversight of industrial quality standards and concerns regarding the ability to replace damaged segments of fencing with the same material in the future.

Councilmember Curtis expressed concern regarding the ability to replace sections of wood composite fencing, favoring one brand over others in order to set a fencing standard, or requiring higher standards with more expensive materials.

Mr. Kane stated that molds and color options may not be available for all brands of fencing which makes standard implementations and replacements difficult.

Councilmember Gray expressed his approval of the standards proposed by the Planning Commission as the best option with the information available.

Mayor Westmoreland opened the public hearing at 9:52 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

Councilmember Curtis expressed concern that the proposed standards would allow for two styles of fencing for a single property if a portion of the property abuts collector roads and other portions abut minor roadways.

Councilmember Burnham stated that requiring the entire property to be one type of fencing could be problematic. She expressed concern prohibiting chain link fencing due to existing homes with chain-link fences.

Mr. Kane stated that homes with chain link fencing would be grandfathered into an alternative fencing allowance.

Councilmember Love stated that she did not have concerns regarding permitting two styles of fencing for properties partially adjacent to major roadways and permitting alternative fencing in residential areas, even for properties with adjacencies to both areas.

Councilmember Curtis said after consideration, he withdrew his concern regarding multiple fencing types for properties partially along collector roadways.

Councilmember Gray clarified that his main concern regarding fencing and his purpose in requesting a review of the standards was due to noise and safety concerns along major roadways and the resulting impact on residents.

MOTION: ***Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapters 16.35 Development Standards for Required Public Facilities and 17.60 Landscaping, Buffering, Fencing and Transitioning. 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.***

15.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 16.10 Master Development Plans.

Councilmember Burnham was excused from 10:01 p.m. to 10:06 p.m. due to technical difficulties.

Mr. Kane reviewed the item as presented during work session. The Planning Commission and City Council have sought to revise and update the requirements for master development plans (MDPs) and agreements (MDAs) based on previous project proposals that have been submitted to the City . The proposed amendments resolve questions and process flow concerns. The amendment sets standards for all future master development agreements. The proposed amendments addresses concerns regarding the current Municipal Code standards for MDAs and MDPs including reducing the size requirement for properties that would need a master development; requiring smaller master developments; setting a time limit, potentially five years for agreements; establishing development benchmarks; outlining phasing requirements and focusing development on portions of properties with existing roads prior to the development of areas needing new roadways, developing a process to handle changes for public uses such as schools, churches, and roads, or topographic or geologic challenges that were unknown prior to the agreement being finalized; and adding a requirement for compliance with Municipal Code.

The amendment underwent several Planning Commission reviews prior to being presented to the City Council. The Planning Commission held a public hearing at their September 22, 2020 meeting and unanimously recommends approval of the amendment to the City Council.

Mayor Westmoreland opened the public hearing at 10:03 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: ***Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 16.10 Master Development Plans. 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.***

16. BUTTERFIELD ANNEXATION

16.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Butterfield Annexation Petition and Establishing Zoning Regulations for the Lands in the Butterfield Annexation Area.

Items 16.A. and 16.B. were presented and discussed concurrently.

Ms. Kofoed reviewed the information presented during work session.

Ms. Kofoed explained that a rezone approval will be required to develop a density higher than allowed in the Agriculture zone.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving the Butterfield Annexation Petition and establishing zoning regulations for the lands in the Butterfield Annexation area. Councilmember Curtis seconded the motion.***

Ms. Kofoed stated that the applicant has not indicated if the septic system issues have been addressed and the development of the areas is contingent upon the infrastructure of the Arrival development. Terrain constraints would require septic systems for the development. She was unsure if the applicant has addressed percolation and septic system installation for the area.

Councilmember Curtis stated he would object to approval of one-acre lots should the septic system requirements prove problematic due to issues that have necessitated lot size adjustments to accommodate redundant drainage fields for other developments in the area.

Applicant representative Kim Rindlisbacher stated that they have not researched septic systems for this area but have built projects with septic systems previously. They do not expect to develop this project for several years, especially as it is dependent upon connectivity and infrastructure from the neighboring development.

Councilmember Gray expressed his support for adopting the annexation as agricultural land and expressed concern in granting vested rights for residential development for a density of 2.5 to 5 acre lots.

Councilmember Burnham noted that the applicant intends to request a rezone to a density of one-acre lots in the future.

Discussion ensued regarding the desired lot sizes for the area.

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.

16.B. RESOLUTION - A Resolution of Eagle Mountain City, Utah, Approving the Butterfield Annexation Agreement.

MOTION: ***Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, approving the Butterfield Annexation Agreement. 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.***

17. OVERLAND

17.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amendment to the Amended and Restated Master Development Agreement for the Overland Development and Pony Express Parcel.

Mr. Mumford reviewed the item as presented during work session. He stated that the School and Institutional Trust Lands Administration (SITLA) submitted minor changes during the meeting to clarify the Master Developer, Ivory Homes, will be responsible for the improvements and the landowner, SITLA, will convey or deed the land for the easement; the dedicated easement will allow for the alignment of the intersection to increase access to Cory Wride Memorial Park, in addition to improving safety.

MOTION: ***Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, approving the second amendment to the amended and restated master development agreement for the Overland Development and Pony Express Parcel. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Jared Gray, Carolyn Love. The motion passed with a unanimous vote.***

17.B. VILLAGE CONCEPT PLAN – Overland Village Two

Mr. Mumford reviewed the item as presented during the work session. He explained the Overland MDA requires concept plan approvals, which is not the Municipal Code standard for all MDAs. He explained that the transportation map will be updated to align with the roadways proposed in this project.

Mr. Mumford indicated that the deceleration lane requested by the Planning Commission would be near the elementary school area. The condition to work with the Alpine School District is a request and not a binding condition. Currently, there is no northern connectivity with the Oquirrh Mountain development. He said that the connectivity issues have been addressed with the Oquirrh Mountain developers and staff is in discussions for a potential amendment between the developments.

Councilmember Curtis recommended including a condition of approval to work with staff to provide adequate connectivity with Oquirrh Mountain.

MOTION: ***Councilmember Curtis moved to approve the Overland Village Two concept plan with the following conditions;***

1. ***The north-south road in the middle of the development shall include a minimum of 35 feet of asphalt or on-street parking shall be restricted along the roadway. Direct driveway access on the road should be limited as much as possible;***
2. ***The applicant shall improve access to the Alpine School District's future elementary school site off Pony Express Parkway by adding a deceleration/turn lane;***
3. ***The applicant shall work with the City Engineer to identify and agree upon an acceptable interval by which traffic study updates will be provided by the applicant to ensure appropriate development of Airport Road;***
4. ***Accesses and intersections shall be adjusted to be aligned or separated sufficiently according to the City's standards;***
5. ***The applicant shall include a raised crosswalk where the trail crosses the north-south collector road in the middle of the project;***
6. ***The applicant shall work with Alpine School District to utilize all of the streets surrounding the proposed elementary school for student drop off and pick up routes to mitigate traffic congestion and unsafe conditions;***
7. ***The applicant shall continue the collector road fencing along the two lots on the northeast corner of the project close to the Overland monument sign; and***
8. ***The applicant shall work with staff to determine a road connection to Oquirrh Mountain Ranch.***

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.

18. ORDINANCE

18.A. An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 2.05 Employees and Personnel and 2.10 Mayor, and Enacting Chapters 2.16 City Administrator and 2.27 Board Appointment Process.

Councilmember Clark recommended tabling the item due to the lateness of the hour.

MOTION: ***Councilmember Clark moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapters 2.05 Employees and Personnel and 2.10 Mayor, and enacting Chapters 2.16 City Administrator and 2.27 Board Appointment Process until a future meeting. Councilmember Curtis seconded the motion.***

Mr. Cook stated that when the item returns to a future meeting, he will differentiate between the original changes proposed with this amendment and the changes based upon Councilmember suggestions during work session of this meeting.

Councilmember Curtis requested for Mr. Cook to provide the changes to the Councilmembers for review and feedback prior to the item returning at a future meeting.

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

19. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Curtis
Councilmember Curtis requested for nonurgent or non-time-sensitive items to be removed from the December 1, 2020 meeting to reduce meeting length.

Mayor Westmoreland directed staff to remove items from the December 1, 2020 meeting that can be reasonably delayed until January.

Councilmember Clark
Councilmember Clark requested limiting the number of work session discussion items and noted that there were over 700 pages in the packet.

Councilmember Curtis
Councilmember Curtis advocated for including items in work sessions prior to including them on policy sessions and suggested postponing group presentations to the Council, when necessary.

Ms. Kofoed noted that several of the group presentations were postponed several meetings due to the number of development items on the agenda. She said she will work with staff to limit and balance the agenda as much as possible.

Councilmember Burnham
Councilmember Burnham stated she forgot to thank Ms. Kofoed and the Recorder's Office for their assistance with collecting donations and preparing for the Veteran's Day breakfast

Councilmember Gray
Councilmember Gray clarified that his dissenting vote to the Butterfield Annexation was due to concerns regarding granting vested rights and density for a project that will not be developed for several years.

20. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Gray
None.

Councilmember Clark
Councilmember Clark expressed her appreciation to Emergency Preparedness Manager Jeff Weber and the emergency preparedness group and communication team for the success of the November 7, 2020 Ham radio test and their efforts that have resulted in an increase from 50 licensed Ham radio operators in the City in 2019 to 99 in 2020.

Councilmember Burnham
Councilmember Burnham encouraged resident participation in the new transit survey.

Councilmember Love
Councilmember Love recognized the work and efforts of the Planning Commission to prepare items for the City Council.

21. COMMUNICATION ITEMS

21.A. Financial Report

21.B. Upcoming Agenda Items

22. ADJOURNMENT

MOTION: ***Councilmember Clark moved to adjourn the meeting at 10:56 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 10:56 p.m.

Approved by the City Council on January 5, 2021.

By: Lianne Pengra

For: Fionnuala B. Kofoed, MMC
City Recorder

CORPORATE SEAL
EAGLE MOUNTAIN
EST 1996
STATE OF UTAH