EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

November 16, 2021, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmembers Melissa Clark and Jared Gray.

CITY STAFF PRESENT: 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; 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; Tyler Maffitt, Communications Manager; Embret Fossum, UFA Battalion Chief; Eric McDowell, Chief Deputy Sheriff; and Robert Ballif, Engineering Assistant.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; City Engineer; Aaron Sanborn, Economic Development Director; Kimberly Ruesch, Finance Director; Angela Valenzuela, Human Resource Manager; Michele Graves, Library Director; and Chas Glenn, Administrative Assistant.

4:00 P.M. BOARD OF CANVASSERS – CITY COUNCIL CHAMBERS

1. CALL TO ORDER

Board Chair Westmoreland called the Board of Canvassers meeting to order at 4:06 p.m.

2. MOTION

2.A. MOTION – Approve the Results of the 2021 General Election

Director of Administrative Services/City Recorder Fionnuala Kofoed presented the item and reviewed the results of the canvas. The total number of ballots mailed were 20,241, and 5,039 ballots were returned, representing a 24.9% voter turnout. 134 ballots were returned and not counted due to missing signatures, signature not matching, or invalid postmarks. Mayoral Candidate Tom Westmoreland received 2,615 votes and Melissa Clark received 2,408 votes. City Council Candidate Brett Wright received 2,884 votes, Rich Wood received 2,389 votes, Donna Rivera Burnham received 2,423 votes, and Jason Allen received 1,698 votes.

The vote totals resulted in electing Tom Westmoreland to the office of Mayor and Brett Wright and Donna Rivera Burnham to four-year Councilmember terms.

MOTION: ***Board Member Love moved that the Board of Canvassers verify the results of the Eagle Mountain City General Election of November 2, 2021, by ratifying the results of the canvass; accepting the report of the Election Official and certifying the election results; and declaring mayor candidate Tom Westmoreland and City Council candidates Brett Wright and Donna Rivera Burnham elected. Board Member 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.***

3. ADJOURNMENT

MOTION: ***Board Member Gray moved to adjourn the Board meeting at 4:12 p.m. Board Member 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.***

The Board meeting was adjourned at 4:12 p.m.

WORK SESSION - CITY COUNCIL CHAMBERS

Mayor Westmoreland called work session to order at 4:12 p.m.

4. CITY ADMINISTRATOR INFORMATION ITEMS

4.A. UPDATE – City Administrator Items

General
- Eagle Mountain City Library was awarded the Impactful Library Services Award for their work to adapt and continue to provide services during the COVID-19 Pandemic.

Community Development
- The City issued 93 new residential building permits in October, an increase of 20 permits from September.

Water
- Staff is working on a solution to get the well head repaired at Well #5.
- Supply chain issues have resulted in a pending meter shortage. The City is making adaptions to prevent residents from going without services.

Wastewater
- The four new rapid infiltrations basins (RIBs) are completed and functioning. All ponds and the existing RIB are down several feet.
- Staff is completing the installation of fencing and gates for the RIBs.

Engineering

- The Pony Express Parkway project is completed and the City is waiting for Rocky Mountain Power to relocate power boxes due to supply delays. Left turn lanes will be installed in the spring.
- The City is waiting on Rocky Mountain Power to run the power to the traffic lights on Airport Road.
- The City is moving water rights for Well #7 and the booster pump prior to getting a drill card.
- The Water Impact Fee Analysis (IFA) meeting was held today. Once the IFA information is available, the City can complete the utility rate study.

Streets

- The Streets department completed the ADA ramps, painted the crosswalk, and installed the school zone signs in front of the Hidden Hollow Elementary School yesterday to increase safety for the students.

City Administrator Paul Jerome recognized and thanked the employees from the Wastewater, Streets, Stormwater, Engineering and Water Departments for undertaking the largest and most ambitious in-house construction project in the history of the City. With the expansion of the sewer treatment plant and additional industrial users, the State required the City to provide additional RIBs to store treated water. Due to current construction, labor, and material shortages and the time required to acquire the land, the timeframe was insufficient for the City to receive bids and contract out the work and meet the State's deadline. City employees retrofitted City equipment to construct four RIBs on 35 acres of land resulting in a savings of over a million dollars to the City.

4.B. UPDATE – Upcoming Planning Items

Senior Planner Tayler Jensen presented the item.

- Ranches Crossing Master Site Plan – five commercial pads on the northwest corner of Ranches Parkways and Pony Express Parkway.
- Shooting Range Ordinance – a staff-proposed amendment to add shooting range standards due to the mention of shooting ranges in Municipal Code.
- Eagle Crest A Master Site Plan – the first phase in an area formally known as Sage Park for storage units and flex units.
- Tagg N Go Site Plan and Rezone – a carwash on Ranches Parkway south of Maverik. The rezone is required due to the expiration of The Ranches Master Development and the associated vested zoning for the property.
- Sign Code Amendment – an applicant-proposed amendment to the signage code to allow taller monument and individual signs. The Planning Commission recommended approval of the request for the changes to individual monument signs and denial of the request to allow 20-foot-tall monument signs.
- Ault Farms Master Development Agreement – the Planning Commission recommended approval of the agreement. Staff is working with the applicant's attorneys to finalize the terms prior to the presentation to Council.

Mr. Mumford verified that the area for the proposed Tagg N Go Carwash has always been zoned or intended for commercial uses, and a carwash had been proposed for the site previously several years ago.

4.C. DISCUSSION – Parks and Recreation Advisory Board

Parks and Recreation Advisory Board Chair Michael Johnson presented an overview of board activities including conducting an inventory of City parks, park inspections, recreation needs, open space, the new dog park, and rules for the dog park. He said the Board discussed the progress of City recreation programs with Recreation Manager Jason Hall, and Eagle Mountain Nature and Wildlife Alliance member Shon Reed gave a presentation to the Board during a meeting regarding the wildlife corridor suggested areas to preserve as open space.

Parks and Recreation Advisory Board Vice Chair Rod Hess requested feedback from the Mayor and Council regarding their desires for the maintenance of the various types of open space in the City.

The Mayor and Council offered feedback and suggestions for board assistance with open space and trail planning as the City expands; definitions and level of service for open space; vegetation enhancement and restoration to reduce fire hazards and for the benefit of wildlife; trail signage and terrain needs; trail, parks, and open space connectivity; identifying potential desired trail uses; obtaining an easement for the portion of the Jake the Snake trail located on private property; resolving trail system congestion and conflicting uses; signage to identify trails and to clarify appropriate trail usage; exploring the possibility of a wildlife education nature trail along the Tickville Wash; wash protection standards; e-bike and e-scooter trail usage; reviewing the match grant program; auditing existing recreational programs and resolving issues; compiling a list of additional desired programs; increasing advertising and communication regarding City recreation programs; recreation facilities and contracting; and embankments or other mitigation measures to prevent flooding of the yard for homes adjacent to the mountain bike park due to the removal of native vegetation.

5. AGENDA REVIEW

17. PRELIMINARY PLATS & SITE PLANS

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

Mr. Jensen explained that drive through traffic from the adjacent Macey's will be traveling in the opposite direction from the drive through lane for Pad A, the reverse of typical traffic patterns. Staff requested the road indicated on the original plans be removed and for a median to be added as a buffer between the two queue lanes.

Discussion ensued regarding concerns with the drive through, the queue direction and length, vehicles attempting to cross the drive through queues to access the parking lot, drive through queues blocking parking stalls, and potential mitigations or solutions such as extending the border between the queues.

Mr. Jensen clarified that the parking lot adjacent to the ordering window will be for staff parking.

Councilmember Clark requested the City review queue stacking Municipal Code standards.

17.C. SITE PLAN – Big O Tires

Councilmember Curtis expressed concern with the appearance of the elevations facing Pony Express Parkway.

Mr. Jensen clarified that the north and south elevations were mislabeled in the materials submitted by the applicant. The applicant is unable to reorient the building due to the grading and slope of the site.

Councilmember Love stated she believes that using the south elevation as the north side of the building facing Pony Express Parkway would be problematic and desires the applicant submit updated north and south elevations with additional design features.

Mr. Jensen explained that the Planning Commission recommended a condition of approval to increase the design features on all façades. The architect for the project is working on updated elevations but was unable to complete the changes prior to the meeting.

Councilmembers Love, Clark, and Curtis expressed the desire to table the item until the applicant can provide updated elevations to evaluate prior to approving the item.

Councilmember Curtis stated that a mostly white façade does not meet the character of the area.

15. CHANGE ORDERS

15.A. Cory B. Wride Memorial Park, Phase 2 Project Change Order #3 – Kenny Seng Construction

Mr. Hickman clarified that the majority of the work has already been performed. He explained that contingencies were not included in the total amount of this project. Even with the change orders, this project has been under the typical 10% increase and is about a 5% over initial budget; some of the costs will be reimbursed by Facebook. This change order addresses onsite drainage and water needs and connecting the electrical work performed by two different contractors.

18. ORDINANCES/PUBLIC HEARINGS

18.A. 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 presented the item and reviewed the following changes made since the October 19, 2021, City Council meeting: restricting detached accessory dwelling apartments (ADUs) to lots with a minimum street frontage of 70 feet; a maximum height of 35 feet for a stand-alone detached ADU; a minimum of 400 square feet and not larger than 50% of the primary home's footprint (including garage), up to a max of 1,200 square feet; the removal of the "tiny home" section and applicable language added to 17.70.030(4)(c)(ii); the rear setback for detached ADUs changed from 8 to 10 feet; added "If the ADU is above a detached garage, the architectural style, building materials, and colors of the ADU must match those of the garage;" added "Municipal," requiring that all municipal utilities be in the property owner's name; removed the requirement for a notarized letter and instead require the owner to sign the application, agreeing to occupy the primary dwelling except for bona fide temporary absences, and agreeing to comply with the standards in this chapter; and permitting internal ADUs in all single-family zones and detached ADUs on all lots larger than 8,000 square feet.

Mr. Mumford said that the two-bedroom limit is for affordability considerations and to ensure the ADU is a secondary use to the main dwelling unit. The State has reduced the architectural designs standard that the City can require for single-family homes and the style of garages is not regulated. Lots are required to meet both the 8,000-square-foot size and 70-foot frontage minimums to qualify for an external ADU.

Councilmember Gray suggested allowing more than two bedrooms in external ADUs and advocated for the setbacks minimums to be the same as for the primary dwelling.

Discussion ensued regarding concern that increasing the number of bedrooms allowed in external ADUs could increase parking demands and rent costs or result in the subdivision of lots, whether to allow reduced setbacks for ADUs, and allowing accessory buildings built prior to the current setback standards to be grandfathered under the previous requirements in order to allow external ADUs above noncompliant existing detached garages.

Mr. Mumford explained that building standards require a minimum distance of six feet from the primary dwelling or firewalls on both structures. The side and rear property lines are to provide space between neighbors and to provide yard space.

6. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:13 p.m.

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

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

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmembers Melissa Clark and Jared Gray.

CITY STAFF PRESENT: 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; Brad Hickman, Parks and Recreation Director; Embret Fossum, UFA Battalion Chief; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; City Engineer; Aaron Sanborn, Economic Development Director; Tyler Maffitt, Communications Director; Chris Trusty, City Engineer; Zac Hilton, Streets and Storm Drain Manager; and Mack Straw, Public Utilities Manager.

7. CALL TO ORDER

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

8. PLEDGE OF ALLEGIANCE

Councilmember Burnham led the Pledge of Allegiance.

9. INFORMATION ITEMS/UPCOMING EVENTS

- Join us for the annual Eagle Mountain Turkey Trot. It will take place Thanksgiving Day. Participants are encouraged to register beforehand. More information can be found at eaglemountaincity.com.
- Silent Santa is coming up on December 11th. This award-winning program allows for individuals with sensory sensitivities to interact with Santa. Sign-up through the link on the Eagle Mountain City Facebook Page.
- As we near the Thanksgiving holiday, residents may be thinking of those in need. If you or someone you know is in need of assistance to provide a meal this Thanksgiving, nominate them to receive a Thanksgiving basket, courtesy of the Eagle Mountain Senior Citizens Advisory Council and Facebook/Mortensen Construction.

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

10. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:11 p.m.

Elsie Marrott presented a plan for a Healing Park Garden in the City to provide a peaceful area surrounded by nature for people struggling with mental or physical health issues. She made recommendations for physical features, landscape, location, funding, and prohibited items and activities to preserve the tranquility of the park.

Jeff Ruth thanked the individuals and entities that contributed to and assisted with the Veteran's Breakfast, specifically Director of Administrative Services/City Recorder Fionnuala Kofoed for her efforts that enabled the breakfast to be successful; he presented her with a gift.

Mayor Westmoreland closed public comment at 7:23 p.m.

11. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis

Councilmember Curtis thanked the Eagle Mountain Nature and Wildlife Alliance, the Kestrel project, and other participants for assisting with planting native plants in the wildlife corridor and Jeff Ruth for his work with the Military and Veterans Advisory Board. He received a request to add reflectors for the turn from Eagle Mountain Boulevard to the Seniors Center to increase visibility and safety.

Councilmember Burnham

Councilmember Burnham said she appreciates Jeff Ruth for his efforts organizing the Veteran's Breakfast. She felt privileged to assist with the breakfast because her father served in the military. She thanked the people that voted for her for their support.

Councilmember Love

Councilmember Love welcomed the public and appreciates their attendance and participation.

Councilmember Clark

Councilmember Clark apologized for not being able to attend in-person due to illness but is grateful to participate virtually. She thanked the public participants and is grateful for Veterans and the rights we have because of their sacrifices. She thanked Jeff Ruth, the Military and Veterans Advisory Board, and the American Legion. She thanked and recognized staff members for their Herculean feat in expanding the City's rapid infiltration basins.

Councilmember Gray

Councilmember Gray expressed appreciation for the Veterans and the election participates. He advocated for Airport Road to retain its name for historical significance.

Recognition

Youth Councilmember Kayson Welch congratulated Presley Devey on scoring 131 soccer goals during her three years at Cedar Valley High School and presented her with a City Challenge Coin.

12. APPOINTMENT

12.A. City Treasurer – Kim Julian

MOTION: ***Councilmember Curtis moved to appoint Kim Julian as City Treasurer. 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.***

Ms. Kofoed administered the oath of office to City Treasurer Kim Julian.

13. PROCLAMATION

13.A. World Pancreatic Cancer Day – November 18, 2021

Mayor Westmoreland read a proclamation recognizing November 18, 2021, as World Pancreatic Cancer Day in Eagle Mountain City and encouraged residents to support the commemoration.

MOTION: ***Councilmember Gray moved proclaim November 18, 2021 as World Pancreatic Cancer Day. 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.***

CONSENT AGENDA

14. BOND RELEASES

14.A. Brylee Farms Phase A, Plat 1 – Out of Warranty

14.B. Sage Park Phase A, Plat 4 – Out of Warranty

15. CHANGE ORDERS

15.A. Cory B. Wride Memorial Park, Phase 2 Project Change Order #3 – Kenny Seng Construction

16. MINUTES

16.A. October 19, 2021 Minutes – Regular City Council Meeting

17. PRELIMINARY PLATS & SITE PLANS

17.A. SITE PLAN – Eagle Mountain Medical Office Building

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

17.C. SITE PLAN – Big O Tires

MOTION: ***Councilmember Curtis moved to approve the consent agenda removing items 17.B. and 17.C. and placing them as scheduled items. 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.***

SCHEDULED ITEMS

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

MOTION: ***Councilmember Curtis moved to table the site plan for Marketplace at Eagle Mountain Town Center Lot 8 Pad A. 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.***

17.C. SITE PLAN – Big O Tires

Senior Planner Tayler Jensen presented the item. The application is a site plan for a Big O Tires located west of Cascade Collision on Pony Express Parkway. The elevations presented during the November 9, 2021 Planning Commission meeting showed the elevation with the fewest design elements facing Pony Express Parkway. The Planning Commission recommendation included a condition of approval to improve the elevations. Mr. Jensen presented updated elevations to the Council that had been submitted to the City after during the break before the policy session. Additional features have been added to all sides of the building to address the Planning Commission concerns, including wainscoting and awnings.

Councilmember Gray suggested providing direction to the applicant; however, due to receiving the elevations past the submission deadline and the public not being able to review the elevations prior to the meeting, he was in favor of tabling the item.

The Council provided direction to the applicant to address concerns with the building design such as utilization of a color palette in harmony with the other buildings in the area, increasing the horizontal and vertical articulation, adding contrasting brick on the south elevation to the north elevation, utilizing wood or paneling to tie into the designs of other buildings in the area, and additional design elements or color variation to add visual variety to the center section of the north and south elevations.

Applicant representative Trevor Sharp said the building's main body colors are shades of gray. They intend to use rock on both the north and south elevations to indicate and emphasize the main entrances and expressed willingness to address Council concerns regarding visual variety and appropriateness while maintaining the functionally of the business. The applicant requested the Council move the application forward with conditions of approval to prevent the delay of the project in consideration of the reduced number of City Council meetings in December and the holidays.

Discussion ensued regarding whether to approve the item with conditions or to table the application.

Councilmember Clark expressed concern with moving forward an incomplete application that was updated during the meeting. Although she is sympathetic to the applicant, she thinks the City should hold to existing standards.

MOTION: ***Councilmember Love moved to table a site plan for Big O Tires. 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.***

SCHEDULED ITEMS

18. ORDINANCES/PUBLIC HEARINGS

18.A. 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.

This item was discussed after item 20.A. and prior to item 19.A.

Discussion ensued regarding concerns with the setbacks and whether accessory dwelling unit (ADU) setbacks should be the same as the housing requirements especially considering the impact of the residential unit rear setbacks on ADUs.

Mayor Westmoreland opened the public hearing at 11:01 p.m.

Louise Innoccenti submitted the following email, "I believe references to "apartment" in the proposed Section 17.70.030 (2) should be changed to "accessory dwelling unit."

Mayor Westmoreland closed the public hearing at 11:02 p.m.

MOTION: ***Councilmember Clark moved to table 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 to a future meeting. 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.***

Councilmember Clark requested staff research and present the impact of retaining the residential rear setback requirements for ADUs when the Council revisits the item.

18.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the Eagle Mountain Municipal Code Chapter 6.10 Animal Zoning Regulations.

This item was discussed prior to item 18.A.

Senior Planner Tayler Jensen clarified that the proposed amendment excludes chicken, dogs, and cats; those animals are addressed in other areas in Municipal Code. The livestock standards under consideration only apply to residentially zoned properties and are presented in response to Council feedback from previous meetings to clarify and expand animal rights, rather than to reduce animal rights.

The Council determined to halt Mr. Jensen's presentation of the proposed amendment to allow discussion of an alternative proposal they had discussed and determined prior to the meeting.

Councilmember Love stated that although the new proposal has improvements over the current standards, it is difficult to create new standards that are comparable with existing standards. The Council discovered that the public is against change, and as such, she proposed retaining the current standards with a few small changes including clarification that chickens are excluded from this chapter. The conditional use permit process is intended to allow for situations not contemplated in the standards as it would be impossible to anticipate every circumstance.

Councilmember Curtis concurred with Councilmember Love and stated he desires to add standards specific to two-acre lots and adolescent and miniature animals. Residents would retain the option to apply for a conditional use permit for situations not accounted for in Municipal Code.

Councilmember Gray noted that he had requested Table 6.10.090 Residential Zone Livestock Requirements be examined to make the standard equitable for two-acre lots. He proposed dividing the 1- to-3-acre column into two columns. He desires to clarify the setbacks for structures versus fenced areas and to exclude fowl from the livestock requirements on the table.

Councilmember Clark stated that she supports resident agriculture rights and the self-sufficiency it provides for families. She supports excluding fowl from livestock standards. The conditional use permit application cost is minimal and covers the administrative costs and is not meant to be punitive.

Mayor Westmoreland opened public comment at 8:27 p.m.

Mike Boyd and John Hubbard spoke in favor of clarifying the cumulative number of animals permitted and requested a reduction in the total number of animals allowed per acre and for the City to address nuisance issues.

Brent Strong spoke in favor of the point system.

Alex Clark, Kristin Fluckiger, Trevor Hawkins, Manfred Riem, and David Corrington submitted emails expressing concerns that the proposed amendment would prohibit chickens on lots under a half-acre.

Bettina Cameron and Heather Beck submitted emails and spoke against the proposed point system and against counting miniature cattle as half a regular-size cow.

The following residents made comments and/or submitted emails against the proposed point system and in favor of animal rights: Craig Whiting, Ben Keele, Daniel Walker, David Curneal, Scot Parker, Meg McInnes, Lacey Lewis, Matthew Endicott, Jody Hooley, Louise Innocenti, Mike Innocenti, Nicholas Jessen, Jacob Camp, Chad Krupa, Kelli Riem, and Sean Hammond.

Michael Robinson stated that his property has a fruit orchard, and the U.S. Government classifies his property as agricultural.

Liz Smith inquired if the changes impacted quarter-acre lots.

Bart Johnson requested clarification regarding the allowance of horses on his property.

Councilmember Curtis clarified that the City does not currently limit the number of animals on five-acre agricultural lots and that the standards in this amendment only impact residentially-zoned properties. He explained his intention is to clarify and increase the consistency of the residential livestock standards rather than increasing or decreasing animal rights.

Councilmember Burnham explained that the Equine Overlay permits horses on lots greater than a half-acre.

Mayor Westmoreland closed the public hearing at 9:36 p.m.

MOTION: ***Councilmember Love moved to deny an ordinance of Eagle Mountain City, Utah, approving an amendment to the Eagle Mountain Municipal Code Chapter 6.10 Animal Zoning Regulations, substituting the ordinance with the following changes to Chapter 6.10 Animal Zoning Regulations:***

1. ***A two-acre column shall be added to the Max. Number Allowed on Lots columns on Table 6.10.090 permitting twice the animals allowed in the one-acre column;***
2. ***Miniature and adolescent animals count for half the number of a full-sized, adult animal excluding cattle; and***
3. ***Verbiage shall be added that clarifies that fowls shall be excluded from the livestock standards in Chapter 6.10.***

Councilmember Curtis seconded the motion.

Councilmember Gray requested to include miniature cattle as a half count of full-sized cattle and to address concerns with the setback requirements regarding inconsistency and ambiguity regarding animal fencing and recommended to change the wording to animal structure.

Discussion ensued regarding whether to count miniature cattle as a full-sized animal.

Councilmember Love stated that she was unwilling to amend the motion to alter setback standards language as she believed additional research would be necessary to determine the appropriate standards prior to amending the current verbiage.

AMENDED MOTION: ***Councilmember Love moved to deny an ordinance of Eagle Mountain City, Utah, approving an amendment to the Eagle Mountain Municipal Code***

Chapter 6.10 Animal Zoning Regulations, substituting the ordinance with the following changes to Chapter 6.10 Animal Zoning Regulations:

1. ***The Maximum Number Allowed on Lots columns on Table 6.10.090 shall be changed from ½ to 1 Acre to ½ to .99 Acres and 1 to 3 Acres to 1 to 1.99 Acres and a column shall be added for 2 to 2.99 Acres permitting the following number of animals in the appropriate row: horse/mule 8, buffalo 4, cattle 8, donkey 8, lama 8, emu/ostrich 12, sheep/goat 12, and pig (all kinds) 6;***
2. ***Miniature and adolescent animals count for half of a full-sized, adult animal;***
3. ***Fowls shall be excluded from the livestock standards in Chapter 6.10; and***
4. ***Section 6.10.060 General animal regulations for the airpark zone shall be removed and the numbering of the chapter shall be adjusted accordingly.***

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.

Mayor Westmoreland recessed the meeting from 9:56 p.m. to 10:06 p.m.

19. RESOLUTION/PUBLIC HEARING

19.A. RESOLUTION/PUBLIC HEARING – A Resolution of Eagle Mountain City, Utah, Approving a Sole Source Bid Award to Prime Solution, Inc., for a Bio Solids Fan Press.

This item was discussed after item 18.A.

Public Utilities Manager Mack Straw presented the item. Staff recommends that the City Council approve a sole source bid award to Prime Solutions., Inc, for the purchase and installation of a bio solids fan press in the amount of $79,103. This will be installed on the same skid that currently houses the fan press. This unit is required as part of the recent plant expansion to handle the extra biosolids. The original budget for the fan press was $70,000. In compliance with the requirements for sole source bid awards, the City posted a 10-day notice to advertise the procurement. This is a sole source purchase. This unit will attach to our existing fan press.

Ms. Kofoed explained that sole source bid awards require public notification and hearings to provide other entities opportunities to bid on the item. In the case of this item, the bid was awarded to the only business in the area that sells and installs bio solids fan presses.

Mr. Straw explained that the press removes the water from the waste prior to disposal. The current skid has locations for four fan presses. This will be the second fan with two available spots to add additional fan presses as the City grows.

Councilmember Clark suggested purchasing two bio solid fan presses instead of waiting to purchase additional fans when the price will likely have increased.

Mr. Straw noted that the price of the fan has increased $9,103 in less than a year and purchasing a second fan would likely save the City money. An additional fan is scheduled to be purchased in next year's budget.

Mayor Westmoreland opened the public hearing at 11:13 p.m. As there were no comments, he closed the hearing.

Mr. Jerome stated the second fan could be funded through sewer impact fees and/or the sewer fund. He had no objection to purchasing two fans in consideration of necessary infrastructure expansions.

Discussion ensued and the Council determined to purchase two bio solid fan presses.

MOTION: ***Councilmember Curtis moved to approve a resolution of Eagle Mountain City, Utah, approving a sole source bid award to Prime Solution, Inc. for two bio solid fan presses in the amount of $158,206. 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.***

20. RESOLUTION

20.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving a Master Development Agreement for The Pinnacles.

This item was discussed after item 18.B. and prior to item 18.A.

Mr. Mumford presented the item. The Pinnacles Master Development Plan (MDA), General Plan Amendment, and Rezone were approved by the City Council on April 6, 2021. Those approvals are contingent upon the approval of an MDA, as described in EMMC 16.10. The master development agreement was drafted by the City Attorney and the developer's attorney and negotiated between the parties.

The Planning Commission recommended approval of the MDA on November 9, 2021 with a vote of 4 to 0, with one absentee, and recommended that the language in Section 3.3 and 3.4 be removed that identifies the maximum number of units (sections 3.3 and 3.4); and removing the single-family detached cluster units in the MF1 zone contained in Section 3.3, Second paragraph (page 5). The Commission felt that listing the maximum number of units for each zone in the agreement is not necessary, because the developer will be required to comply with the Municipal Code in order to develop each of those areas, and the density or number of units developed will simply be based on the standards in those zones. They were also concerned about allowing the developer to propose single-family detached cluster units in the MF1 zone when those types of units had been specifically removed from the code.

Some minor modifications to the project layout have been made, consisting mainly of the moving of the neighborhood park to the southeast due to stormwater retention needs. The City Attorney recommended that these changes be approved as part of the MDA and the modified plans be included as exhibits to the MDA or exhibits to the staff report. The business campus area (north of the residential property) is zoned Agriculture and is subject to a future rezone. The agreement requires that the area be developed with commercial uses consistent with the Employment Center Campus designation in the General Plan. Without waiving the right to seek compensation for dedication of the land for the future freeway, the developer acknowledges and agrees to work with the City and/or the Utah Department of Transportation to preserve the freeway right-of-way for future freeway development.

Paragraph 3.4, which was included at the developer's request, allows the developer to propose a single-family detached product (cluster units) in the MF1 area as an alternative to townhomes or other attached products. The approval authority may consider these detached units and may approve the specific setbacks and layouts with the associated site plan and preliminary plat. The residential parcel shall be developed in accordance with Chapter 17.25 of the current code (the vested laws). The lot configuration and road location within the RC, R3, and R2 areas shall be consistent with the configuration on the concept plan. The maximum number of residential dwelling units within the residential parcel is contingent upon developer complying with the City's vested laws, and City does not guarantee that developer can construct the maximum number of units.

The developer shall dedicate to the City, by plat map, 38.5 feet along the south edge of the project in conjunction with the recording of the first plat for the project, and the developer shall construct improvements to complete Aviator Avenue to the City's standard 77-foot right-of-way as follows Aviator Avenue east of the eastern access road shall be completed prior to the first plat in the residential parcel or the developer shall provide completion assurance in accordance with Chapter 16.30 of the City's vested laws and Aviator Avenue between the eastern access road and the western property line shall be completed prior to the western access road but not later than the first plat in the RC, MF1, or MF2 zones, or the developer shall provide completion assurance in accordance with Chapter 16.30 of the City's vested laws.

A detailed park plan that complies with Municipal Code is required to be submitted for staff level approval prior to approval of the first preliminary plat. The park will be dedicated to the City. The park must be completed prior to the City recording a final plat that includes more than 85% of the single-family units within RC, R3, and R2 areas. The developer will pay the required park escrow (per Section 16.35.105(A)(10)) along with each final plat recording.

The agreement expires six years from the date of the agreement, or upon project buildout, whichever occurs first. The agreement requires that the first preliminary plat or site plan for the project is submitted within one year of the date of the agreement and the site work for that plat or site plan shall commence within two years of the date of the agreement.

Councilmember Curtis advocated for due diligence with ensuring the timing requirements are adhered to, specifically regarding the park, as the project will be sold to different entities.

Mr. Mumford stated that the Council will generally review a park plan with a preliminary plat or site plan. The timing of the park has been discussed with the applicant and his attorney. Municipal

Code has changed requiring an escrow to incentivize developers to improve parks earlier in the project rather than tracking project progress to determine the amenity deadlines, as the escrow process is less onerous and easier to divide responsibility among several contractors working on the same project. The timing element of 85% was included as the last resort to ensure the park is developed; however, the City would have the escrow funds to develop the park should the developer fail to construct the park.

Councilmember Curtis expressed the concerns that due to the current inflation rates, a developer might intentionally default on park construction because forfeiting the escrow funds would cost less than constructing the park at future material and labor rates. As such, he would prefer to require the construction of the park after a lower number of units than the proposed 85%.

City Attorney Jeremy Cook clarified that the multifamily amenity points might contribute to the completion of the park, especially if the number of units is reduced due to the feasibility of meeting the construction and setback requirements. He concurred with concerns regarding the escrow funds being insufficient to cover the cost of the park, depending upon market conditions.

Applicant representative Andy Flamm stated that they are selling the entire residential portion of the development to a builder. The landowner is retaining the southern commercial and the northern business campus areas. They are exploring a smaller, detached product to replace the multifamily units and methods to resolve the Council's parking concerns.

Councilmember Curtis advocated for any detached, single-family product to adhere to all RC Zone requirements.

Discussion ensued regarding the request to allow cluster lot single-family product in the multifamily zones due to parking, lot frontage, and design standard concerns.

Councilmember Burnham suggested excluding the cluster lots from the agreement as the builder could propose those units during a future application and the Council could make a decision regarding the units once more information was available and determine if parking and other concerns had been addressed.

Mr. Cook explained the cluster lots had been included in the agreement due to the builder's plan to propose the units in the near future; however, the builder can still propose the units even if the language is removed from the agreement.

Mr. Mumford estimated that the neighborhood park is less than a quarter mile from the multifamily units. The agreement requires the park design to be included in the first preliminary plat. The applicant can either utilize all amenity points for the neighborhood park or divide the points between the neighborhood park and multifamily park amenities. A pool and clubhouse will still be required for the multifamily units.

Councilmember Curtis suggested changing the park to be developed after 50% of the units have been constructed, rather than 85% of the units.

Councilmember Clark recommended requiring the development of the park after 50% of the single-family homes are developed with a clause permitting an extension if weather conditions or other variables impede park installation. The developer benefits from completing the park early in the development to increase the marketability of the development.

Mr. Flamm said the multifamily would require two points of access prior to developing the units. With this project it is unlikely that the multifamily will develop first due to infrastructure locations, requirements, and constraints.

Discussion ensued regarding the park amenities and park development timing and concerns that including a unit count could lead to arguments that the developer was vested with that unit count.

MOTION: ***Councilmember Curtis moved to approve a resolution of Eagle Mountain City, Utah, approving a master development agreement for The Pinnacles with the following conditions:***

1. ***Language identifying the maximum number of units shall be removed from Sections 3.3 and 3.4;***
2. ***The single-family, detached cluster units in the MF1 Zone shall be removed from the second paragraph of Section 3.3 on page five, and***
3. ***Section 8.2 shall be amended to require the park to be completed prior to the City recording the final plat that includes more than 50% of the single-family homes with the option for the applicant to apply for an extension due to weather delays.***

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. CITY COUNCIL/MAYOR'S BUSINESS

22. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Clark

Councilmember Clark recommended the Parks and Recreation Advisory Board present to the Council once or twice a year. The Be Ready Eagle Mountain held a CERT training and volunteer appreciation dinner. She appreciates their efforts and growth. She's excited that the City filled the Emergency Management position.

Councilmember Gray

None.

Councilmember Curtis

None.

Councilmember Burnham

Councilmember Burnham announced that the Senior Citizen Advisory Council has a vacancy.

Councilmember Love

Councilmember Love noted that resident Mike Kiefer published a blog post regarding the number of accidents at the intersection of Ranches Parkway and Pony Express Parkway. She requested the City conduct a study to quantify if visibility issues are contributing to collisions and potential mitigation or corrective measures to increase safety.

Mayor Westmoreland

Mayor Westmoreland stated that the City plans to extend the eastbound turn lane from Pony Express Parkway onto Ranches Parkway and the alignment of the intersection could be researched in conjunction with the expansion.

23. COMMUNICATION ITEMS

23.A. Financial Report

23.B. Upcoming Agenda Items

24. ADJOURNMENT

MOTION: ***Councilmember Curtis moved to adjourn the meeting at 11:23 p.m. 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 11:23 p.m.

Approved by the City Council December 7, 2021.

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

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