EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

November 7, 2023, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Cliff Strachan, Director of Legislative Affairs; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Angela Valenzuela, Human Resource Manager; Natalie Winterton, Grants Coordinator/Management Analyst; Terrence Dela Pena, Finance/Management Analyst; Brandon Larsen, Planning Director; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Jody Bates, Chief Deputy Recorder; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager/Parks and Recreation Manager; Jeff Weber, Fleet and Facilities/Operations Director; Bailey Ensign; Digital Communications Specialist; Embret Fossum, Unified Fire Authority Battalion Chief; B.J. Eccles; Sergeant; and Melissa Yates, Purchasing Agent; and Jordan Nielson, Water Resource Supervisor.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary; and Brad Hickman, Public Works Director.

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

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

Communications

- A bid award for a new City website will be coming to the City Council at the December 5th meeting. Staff will meet with Councilmembers well in advance of that meeting to explain the reasoning behind the bid recommendation. The recommended firm is a major player in the web development market, having completed the official websites for The American Red Cross, the National League of Cities, and The White House, among many others.
- The Implementation Plan for the proposed new City branding will also be discussed at the December 5th City Council meeting, pending approval of new branding at tonight's meeting. These plans will outline in detail the prioritization and expense associated with a changeover in branding, as well as timelines for implementation in key target areas.

Engineering

- Mid Valley Road has been paved. There are still some striping issues to be corrected. The City will perform a final walkthrough this week.
- Grimshaw continues drilling operations at Well 7. They added sound walls and mud to the well over the last couple of weeks prior to recommencing drilling and have drilled down to about 112 feet.
- The Pony Express and Corey Wride booster pumps have completed the start-up operations.
- Well 8 is complete and is expected to be capable of pumping up to 4500 gpm. The design of the well house is underway.
- New streetlights have been energized at Woodhaven Boulevard, Majors Street, and Stonebridge Lane. The City has asked the contractor for pricing for advanced warning lights for the Stonebridge Lane signal.
- City staff are reviewing 90% of the completion drawings for the Old Airport Road.
- City staff conducted a pre-con with the contractors for the Alpine School District on the offsite sewer connection for the new middle school.
- The Cedar Pass waterline has had issues passing bacteria tests. It was re-chlorinated yesterday and flushed today. Testing will take place on Thursday and Friday this week.
- An updated Transportation Master Plan was presented to the Planning Commission showing the revised alignment and road classification of the Mid Valley Road from Pony Express into Saratoga Springs. This update will be presented to the City Council at the December 5th City Council meeting.

Facilities, Fleet, and Emergency Management

- Dave Ulibarri is teaching a CERT training course for high school students.
- The City completed the last HAM radio class and exam for the year. The class had 42 applicants and 56 exams were given bringing the total number of licenses for 2023 to 141 new licenses and upgrades for the year.
- The Sewer Office Building shingle replacement is complete.
- Facilities parking lots will be crack-sealed on Friday, November 10th.

Public Works

Public Services

- Smith Ranch Community Park is continuing to move forward; all the concrete sidewalks and asphalt trails have been completed. Also, one of the multipurpose fields has been installed along with most of the xeriscape landscaping throughout the edges of the park.
- Black & McDonald is scheduled to begin working this week on installing power conduit and streetlight bases on the Pony Express Streetlight Project. The work will begin on the north end of the project by Lake Mountain Road and work towards Eagle Mountain Boulevard. This project will be done in sections to provide as-builts for Rocky Mountain Power to reduce the wait time between streetlight installation and the energizing of the lights.
- The Storm Water Department is working on a detention pond in Arrival to make improvements that will reduce and mitigate the risk of flooding. The pond will have

adjustments made to the inlet and outflow from the pond and adjust the pond to function appropriately.

- There is a request for proposals (RFP) out to select a firm to help with a Community Forest Tree Master Plan. The RFP submissions will be due November 14th. It is anticipated that an award for a firm will be on the December 5th City Council meeting agenda.

Public Utilities

- Last Thursday, November 2nd staff responded to a water break on Silver Creek Way. It was a significant fracture to the mainline and staff worked through the day to get water restored to the residents. Cleanup is underway and there will be a large patch to the asphalt from the damage caused by the leak.
- Staff will be adjusting to the Central Utah Water Conservancy District (CUWCD) takedown schedule this week. As part of this take-down schedule, staff will monitor and adjust other sources that will not be needed during the winter season.
- The wastewater headworks project will start receiving flows this Thursday. Staff anticipates a walkthrough for this project on Monday, November 13th.

Community Development

- In October, 53 new single-family, residential permits were issued and 52 additional applications are currently in for review.
- The Zoning Map Plan will be presented to the Planning Commission on November 24th for recommendation of approval, followed by presentation to the City Council on December 5th for approval/adoption of the official zoning map. Staff will provide drafts beforehand for review and feedback.
- Upcoming Municipal Code amendments: fencing amendments; historical zoning; church height and multifamily height; Wildlife Overlay Zone amendments; Industrial, Agriculture, and Commercial Storage Zone amendments; and final amendments to comply with State Legislation.

1.B. DISCUSSION – Timpanogos Special Service District – Rate Increase

Timpanogos Special Service District (TSSD) Board Chairman Sullivan Love, Attorney Mark Bell with Hayes, Godfrey, and Bell, TSSD Board Member David Bunker

Sullivan Love, Board Chairman presented information regarding the Timpanogos Special Service District rate increase.

1.C. DISCUSSION – Comcast

Applicant representative, Jeff Harbertson explained that the request is for the City to relinquish reversionary interests on a parcel of Ranches Golf Course property to enable them to sell the parcel to Comcast for the installation of equipment to provide services. Comcast has indicated it is a preferable, central location that will have less installation impacts than other areas.

Discussion ensued regarding the following:

- The multiple requests by the Ranches Golf Course ownership to convert land to other uses including housing;

- The failure of the developers to provide the required amenities for the neighboring properties and whether the planned putting green meets the same purpose as the previously planned miniature golf course;
- Possibly requiring the building of an additional amenity, such as a playground area, should the City agree to the land purchase; and
- The proposed layout, building, and fencing for the property.

1.D. DISCUSSION – Water Supply Agreement

Grants Coordinator/Management Analyst Natalie Winterton, Finance/Management Analyst Terrence Dela Pena, and Water Resource Supervisor Jordan Nielson explained the history of the issue, the updated definition of total landscaped area, staff attempts to negotiate with the Central Utah Water Conservancy District (CUWCD), and the option for the City Council to accept the terms as stipulated by the CUWCD or to reject the contract and the resulting impacts of each option.

Discussion clarified the following:

- CUWCD requirements would apply to the area installed by the developer up to where a fence would be installed on the side of the properties;
- The CUWCD rejecting all City proposals because other cities interested in purchasing the water have already adopted CUWCD requirements;
- The consequences of potential water shortages and the unlikelihood of additional water sources being available in the future;
- CUWCD plans to reduce turf maximums to 20% for industrial, commercial, and institutional uses and discussions to further reduce industrial and commercial landscaping to offset allowing additional residential turf; and
- Additional cement required by the City for a two-car garage being allowed to be counted toward the total landscaped area.

1.E. DISCUSSION – Multi-Family Building Height and Religious or Cultural Meeting Halls Building Height

Senior Planner David Stroud explained that staff moved forward as directed by the City Council with a Municipal Code amendment consideration to increase multifamily building height standards from 35 feet to 45 feet to allow for steeper roofs and additional architectural features. Also, under consideration is permitting flat roofs with amenities as have been developed in other areas in the State. Church heights in residential zones are limited to 35 feet with leeway for ancillary structures such as a steeple to be an additional 10 feet above the structure. The steeples in the community are much higher than permitted. A current application has a 71-foot-tall steeple on a 32.9-foot-tall structure. A height standard specific to steeples for religious structures in the City could be set through the reintroduction of special uses for churches.

Discussion evaluated the heights of steeples currently in the City, methods to bring current churches into compliance without increasing the allowance for steeple heights, and Councilmember endorsement of increasing multifamily height standards to improve aesthetics for structures while still retaining the three-story height maximum.

Councilmember Wright stated that although he is amenable to permitting rooftop amenities, he objects to allowing them to count towards amenity requirements to protect against the reduction of publicly accessible, ground-level open space.

Councilmember Curtis concurred with Councilmember Wright and stated an additional consequence of allowing rooftop space to count towards amenity requirements could be an increase in the building footprint or number of units.

2. AGENDA REVIEW

9. AGREEMENTS

9.A. White Hills Well Upgrade Agreement – White Hills Water Company Inc.

City Attorney Marcus Draper explained that the agreement substitutes the party from Oquirrh Wood Ranch, LLC to White Hills Water Company and adds a limitation on the assignability of the contract.

Applicant representative Chase Andrizzi explained that the purpose of the change is to spread out the responsibility for the various parties and White Hills Water Company will be the party performing the work. White Hills Water Company has assets and vested interests in the project. The contract has safeguards to protect against defaults.

9.B. Water Tank Reimbursement Agreement – White Hills Water Company Inc.

10. MINUTES

10.A. October 17, 2023 Minutes – Regular City Council Meeting

Councilmember Wright requested typo corrections on the last paragraph on page two.

Councilmember Love requested to amend the applicable sentence on Page 17 to, "Councilmember Love recommended requiring items in the large purchase category to be approved by the City Council *through* July 1, 2024," to accurately reflect her intention.

11. WAIVER

11.A. Approval of Extended Construction Hours as per EMMC 8.15.080(G) for the Construction of Well #7

Councilmember Burnham verified with staff that the extended drilling hours could be revoked should issues arise or the City receive complaints from residents.

Assistant City Administrator/City Recorder Fionnuala Kofoed stated that she spoke with residents in the area and their greatest concern was with the noise from the trucks. The residents have not had issues with the current construction activities. She asked that the residents contact her with any issues or concerns and recommended noting the ability of the City to rescind the extended hours in the motion for the item.

City Engineer Chris Trusty confirmed that the construction company has agreed to bring in a rig with different lighting or to point lighting downwards to prevent light from shining into traffic and to reduce temporary light pollution. The trucks have the ability to turn off the reverse signal alarm; however, the Occupational Safety and Health Administration (OSHA) requires an individual to be onsite to assist with backing up the vehicles. He has no objections to conditioning the approval on turning off the back-up alarms. The bid amount was based upon the assumption that they would be allowed to drill 24 hours a day which would shorten the drill time from four to six months to two to three months.

Councilmember Curtis requested for staff to add language to construction application documents to clarify construction hour limitations.

12. PRELIMINARY PLATS & SITE PLANS

12.A. SITE PLAN AMENDMENT – Eagle Mountain Pet Care

Discussion verified that the amendment would relocate the site access from the requested location by the City Council to the originally proposed location to align with the site access already installed by the master developer. The change should have minimal impact on the amount of parking available.

13. RESOLUTIONS

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting an Official City Logo, Icon, Tagline, Colors, and Type Faces.

Mayor Westmoreland requested that the item be removed from the consent agenda and placed as a regularly scheduled item.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: ***Councilmember Burnham moved to adjourn to a closed session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, annotated. Councilmember Gray seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

The meeting was adjourned at 6:09 p.m.

7:00 P.M. POLICY SESSION

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Cliff Strachan, Director of Legislative Affairs; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Angela Valenzuela, Human Resource Manager; Natalie Winterton, Grants Coordinator/Management Analyst; Brandon Larsen, Planning Director; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Jody Bates, Chief Deputy Recorder; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager/Parks and Recreation Manager; Bailey Ensign; Digital Communications Specialist; and Melissa Yates, Purchasing Agent.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary; Mack Straw, Public Utilities Manager; and Brad Hickman, Public Works Director.

4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:14 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Gray led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Join Eagle Mountain City for the annual Turkey Trot 5k. It takes place on Thursday, November 23rd starting at 8:00 a.m. Those interested in participating can register on the City's social media. Run now, gobble later at the Turkey Trot.
- The City's Storm Water Department is once again offering residents free bags for our annual Bag the Leaf program. Residents with leaves to dispose of on their property can pick up leaf bags at Eagle Mountain City Hall now through December 8th. Set the bags on the park strip of your property and they will be retrieved by the City. For questions, email Larry Diamond
- Election Day is November 21st. Registered voters may begin participating in the State's early voting period from November 13th to 20th. A drop box for your ballot is available on the north side of Eagle Mountain City Hall.

- Residents who do not use social media to stay in touch with the City are encouraged to sign up for the City's text notification system. Weekly, the City sends updates on news, important information, and sign-ups for recreational sports. Learn more at eaglemountaincity.com.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:16 p.m. As there were no comments, he closed public comments.

8. CITY COUNCIL/MAYOR'S ITEMS

<u>Councilmember Gray</u>
Councilmember Gray thanked the residents for attending and encouraged them to vote.

<u>Councilmember Burnham</u>
Councilmember Burnham said that residents who are unsure who to vote for can listen to the recording of the candidate debate. She explained that she recently suffered a fall resulting in injuries to her face and is still healing but suffered no permanent harm.

<u>Councilmember Love</u>
Councilmember Love welcomed the meeting participants and reminded them to turn in their ballots for the City Council election.

<u>Councilmember Wright</u>
Councilmember Wright expressed gratitude for the meeting participants. He wished everyone an early Happy Thanksgiving. The Senior Citizen Advisory Council is putting together Thanksgiving baskets for residents in need. Information is available on the Eagle Mountain City Facebook page on how to nominate recipients.

<u>Councilmember Curtis</u>
Councilmember Curtis announced that the Veteran's Breakfast will be held on Saturday, November 11th at the Overland Barn. Breakfast will be served beginning at 7:00 a.m. The event will conclude at 11:00 a.m. Pony Express Events and Eagle Mountain City received a Professional Rodeo Cowboys Association (PRCA) award for Best Medium Rodeo of the Year.

<u>CONSENT AGENDA</u>

9. AGREEMENTS

    9.A. White Hills Well Upgrade Agreement – White Hills Water Company Inc.

    9.B. Water Tank Reimbursement Agreement – White Hills Water Company Inc.

10. MINUTES

10.A. October 17, 2023 Minutes – Regular City Council Meeting

11. WAIVER

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12. PRELIMINARY PLATS & SITE PLANS

12.A. SITE PLAN AMENDMENT – Eagle Mountain Pet Care

13. RESOLUTIONS

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting an Official City Logo, Icon, Tagline, Colors, and Type Faces.

MOTION: ***Councilmember Curtis moved to approve the consent agenda removing item 13 and placing it as a regularly scheduled item. Councilmember Wright seconded the motion.***

AMENDED MOTION: ***Councilmember Curtis moved to approve the consent agenda removing item 13 and placing it as a regularly scheduled item and adding that the City Council reserves the right to modify the hours of operation being approved in item 11.A. and the back-up alarms shall be disabled on the construction vehicles during nighttime hours and perhaps during daytime. Councilmember Wright seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

SCHEDULED ITEMS

13. RESOLUTIONS

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting an Official City Logo, Icon, Tagline, Colors, and Type Faces.

Communications Manager Tyler Maffitt introduced the item and thanked the individuals who went above and beyond while working on the project.

Rushford Lee, Redkor Brand Marketing Chief Executive Officer, presented the Eagle Mountain City Brand and Marketing Playbook containing the research report, brand foundation, messaging strategy, brand style guide, marketing strategy, and brand visualization used to create the new Eagle Mountain City logo, icon, tagline, colors, and typeface and presented examples for implementation of their use.

Councilmembers expressed appreciation to staff and Redkor for their excellent work on the project and voiced approval of the logo.

Discussion ensued regarding the following:

- The use of colors in the logo, flags, and merchandise;
- Verification that the Marketing Playbook and style guide are excluded from the approval of the item and will return to the City Council for approval;
- Concerns with and support of using the word ascend in the tagline;
- Planned usage of the tagline including business attraction, community events, and City signage; and
- Concerns with the tagline Ascend Together being lessened when viewing it as a complementary companion to the logo, an association with the actions of an eagle, and as an indication of intrinsic growth and unity of the City rather than growth through population increase.

MOTION: ***Councilmember Wright moved to approve a resolution of Eagle Mountain City, Utah, adopting an Official City Logo, Icon, Tagline, Colors, and Type Faces. Councilmember Curtis seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

MOTION: ***Councilmember Gray moved to recess the meeting at 8:15 p.m. Councilmember Burnham seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***

☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

The meeting was recessed from 8:15 p.m. to 8:30 p.m.

14. BRYLEE NORTH

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning certain lands known as Brylee North Commercial from Mixed Use Commercial to Commercial Regional.

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

Presented by Senior Planner David Stroud. The subject is currently zoned Mixed Commercial, a zone that is no longer contained in Eagle Mountain Municipal Code Title 17. The applicant requests the property be rezoned to the Commercial Regional Zone. The proposal also consists of a master site plan and preliminary plat approval. The subject property, located adjacent to Eagle Mountain Boulevard, meets the criteria for the Commercial Regional Zone. The 71.26-acre property would be divided into twelve lots ranging in size from 1.26 acres to 2.34 acres with an average lot size of 1.26 acres.

The Planning Commission recommends that the City Council approve the rezone, master site plan, and preliminary plat.

Mr. Stroud explained that although the adopting ordinance specified Mixed Commercial zoning, he was unable to find a corresponding zone or uses in previous City standards. One reason for the applicant desiring the Commercial Regional Zone is due to the 10-to-25-foot setback requirement in the Commercial Community Zone which could be difficult to achieve on a structure with a double drive-through.

Deputy City Administrator/Community Development Director Steve Mumford stated that he believes that the property was zoned Commercial and the exhibit to the ordinance was erroneously labeled Mixed Commercial based upon the General Plan designation of Mixed Use Commercial.

Desert Willow Drive is planned to continue to the west but has not been developed at this time and will be built to a 59-foot right-of-way residential standard. The indication of the street being constructed as 53 feet in the staff report cover page was incorrect. Desert Willow Drive will be constructed to a 72-foot-wide standard to the east of Eagle Mountain Boulevard and the two sections of the road do not need to be the same width. Desert Willow Drive will not connect to the future freeway to the west.

Discussion ensued regarding the following:

- Concerns with Desert Willow Drive narrowing from a 72-foot to a 59-foot right-of-way and not connecting to the future freeway;

- Planned connections from Eagle Mountain Boulevard to the future freeway;
- The inability of the City to require the developer to widen the road or to use impact fees for the City to pay for the expansion as it is not included in the Transportation Master Plan (TMP) and Impact Fees Facility Plan (IFFP) as a 72-foot right-of-way; and
- Whether to amend the TMP and IFFP to include the wider right-of-way with consideration of other east-to-west connections from Eagle Mountain Boulevard to the future freeway.

Mayor Westmoreland opened the public hearing at 8:50 p.m. As there were no comments, he closed the hearing.

Applicant representative Randy Smith said that businesses have indicated that they would be interested in the development once the infrastructure is complete. They feel the Commercial Regional Zone is appropriate due to the location being adjacent to a major arterial road and the future freeway and as it is the only zone with setbacks that allow putting in a two-lane drive-through with adequate stacking lengths. The lots are deeper than the standard lot size to provide for the drive-through and still meet the parking requirements. They will be selling rather than leasing the lots and are creating a Commercial Owner's Association to help maintain the common areas. A medical office user has expressed interest in the five back lots. Desert Willow Drive is inaccessible to the townhomes to the south. The townhome roads connect directly to Eagle Mountain Boulevard and the south through the single-family homes. He explained the accesses and traffic flow for the site. The Desert Willow Drive and Eagle Mountain Boulevard intersection will have three lanes – a lane turning into the site and two exit lanes, a straight/right turn lane, and a left turn lane.

Staff clarified shared parking requirements and the approval process.

Councilmember Gray advocated for the City to update the TMP and IFFP and purchase land for a wider right-of-way for Desert Willow Drive.

Mr. Smith noted the arbitrariness of determining a wider road is needed when only evaluating a single project. He voiced concerns about being required to solve a theoretical traffic issue that does not currently exist. Adding additional right-of-way width would require him to reengineer the plat and the construction document which could result in the loss of the medical office user who has the option to cancel the contract if the approval is not secured by the end of the month.

Discussion ensued regarding roads and connections planned for this area of the City.

Councilmember Curtis stated that although he has some concerns with granting Commercial Regional rather than Commercial Community, in his perspective Commercial Regional is preferable to the current zoning or multifamily housing.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, rezoning certain lands known as Brylee North Commercial from Mixed Use Commercial to Commercial Regional. Councilmember Curtis seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a vote of 4 to 1.

Councilmember Gray clarified that his intention was to vote against the master site plan and preliminary plat. He has no objection to the rezone.

As the motion passed, the body opted to not call for a revote.

14.B. SITE PLAN/PRELIMINARY PLAT – Brylee North Commercial Master Site Plan and Preliminary Plat.

Councilmember Gray requested that the turn lanes for the intersection of Desert Willow Drive and Eagle Mountain Boulevard be striped to prevent motorists from turning into the wrong lane due to issues with similar intersections in the City.

Discussion ensued regarding the conditions they felt were necessary to include in the motion.

MOTION: ***Councilmember Curtis moved to approve the master site plan and preliminary plat for Brylee North Commercial with the condition that there is sufficient asphalt to accommodate one incoming and two outgoing lanes. Councilmember Burnham seconded the motion.***

Councilmember Gray expressed concern about delivery truck access to the site.

City Attorney Marcus Draper stated that he has no concerns with the application adhering to City ordinances and that access concerns can be addressed during the site plan review.

Discussion ensued regarding the concerns and ability of the City to require changes.

AMENDED MOTION: ***Councilmember Curtis moved to approve the master site plan and preliminary plat for Brylee North Commercial with the following conditions:***

1. ***There is sufficient asphalt to accommodate two outgoing and one incoming lane; and***
2. ***The private road meets Municipal Code standards.***

Councilmember Burnham seconded the motion.

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***

☐ ***Jared Gray***	☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a vote of 4 to 1.

15. PUBLIC HEARING/MOTION

15.A. PUBLIC HEARING/MOTION – Cedar Pass Ranch Plat F Amended Lot 85

Planning Manager Robert Hobbs presented the item stating when Cedar Pass Ranch was annexed into Eagle Mountain City it was zoned RA5. Applicants began constructing a house earlier this year. It was discovered after commencement that the house was situated too close to the street and the front property line. As the proposed 35-foot setback cannot be sanctioned through a variance process, a plat amendment application has been submitted for review and approval. There are no formal criteria found in the plat amendment section of EMMC 16.55; accordingly, the City may freely approve, approve with conditions, or deny the applicants' petition.

Cedar Pass Ranch was originally approved in Utah County. During its entitlement, a 50-foot circuitous building setback was imposed and memorialized by the plat. While interest in being allowed reduced setbacks for primary and accessory structures has been expressed by a few Cedar Pass Ranch residents, no formal allowance has been approved by the City which now controls development in the subdivision post-annexation. Most lots in the whole of Cedar Pass Ranch are built out and presumably positioned in compliance with the plat's required setbacks. The placement of the applicant's house was approved based on the plan depiction of a 50-foot front setback. Unfortunately, the actual placement of the home on the applicant's property was done in error. The house foundation and exterior shell framing are now in and set 35 feet from the front property line. Construction has been delayed pending the outcome of the proposed plat amendment. There appears to not be any real topographical hardship that would hinder having the building moved back another 15 feet from the front property line.

Discussion ensued regarding clarification of the locations of the correct measurement for the setback and where the incorrect setback was identified in relation to the road on the exhibit submitted to the City by the applicant.

Applicant representative Danielle Peterson with Empress Homes, the general contractor for the project, explained that the architect for the project completed the plan that was submitted to the City for approval. The error had been overlooked until a neighbor reported the error after being denied a setback exemption for their property. She has a voice recording of the homeowner's association (HOA) president, Pat Dempsey, in response to the letter they received from the neighbor.

Discussion ensued regarding City inspections having been measured in accordance with the plan's erroneous denotation of the property line.

Mayor Westmoreland opened the public hearing at 9:41 p.m.

Geoff Phillips submitted an email against the plat amendment.

Bettina Cameron requested for Municipal Code to be updated to have a comment clarifying that Cedar Pass Ranch requires a 50-foot setback to prevent reoccurrences of setback confusion.

Mayor Westmoreland closed the public hearing at 9:44 p.m.

Ms. Peterson verified that a survey had been conducted but the markers were no longer there when she began on the project.

Councilmember Wright stated that the letter regarding concerns with the setbacks was sent to the two representatives of the HOA and the management company on March 13, 2023. During the Planning Commission review of the item, Commissioner Brent Strong stated that he was a member of the Cedar Pass Ranch HOA Board of Trustees. He read a transcription of Commissioner Strong's comments indicating that the homeowner had been informed of the issues two days after the footings were placed.

Applicant Rebecca Jewkes, the homeowner, said she received a phone call from the HOA but no formal notification in writing about the issue and she told the member of the HOA she would need time to investigate the matter. Commissioner Strong initiated a conversation with her in a manner that made her feel uncomfortable. She was then contacted by Mr. Dempsey and was told that the HOA would allow the project to move forward because they had reviewed and approved the records. She reviewed City standards which stated that the setback requirement was 35 feet and she could not find a reference for 50-foot setbacks in Cedar Pass Ranch in Municipal Code. If the plat amendment is denied, she will be bankrupt and need to sell the property and move out of the state to a less expensive area.

Ms. Peterson stated that she petitioned the subdivision and has signatures from them in addition to the voicemail. The first time she was aware of the issue was when the subcontractor on site received a stop work order from the City. The homeowner had informed her that the HOA had said that the setbacks were incorrect but allowed the project to continue. The City had inspected and approved the project on several occasions. The project could have easily been relocated before the footings had been poured. The building is now over 80% complete and they are $400,000 into the project. She played the March 13, 2023voicemail from Mr. Dempsey in which he said that as the committee had signed off on the project, the HOA was not going to require any changes.

MOTION: ***Councilmember Love moved to approve the plat amendment for Cedar Pass Ranch Plat F Lot 85. Councilmember Curtis seconded the motion.***

Councilmember Burnham requested an amendment to the motion requiring any future buildings on the property to adhere to the 50-foot setback.

Mr. Hobbs suggested having a planning review to prevent a recurrence of such issues and to require the applicant to provide the City with a copy of the survey.

Councilmembers Curtis and Love stated that they are willing to consider an exception due to the failure of multiple parties to recognize the setback error.

Councilmember Gray stated that in his experiences as an excavator, the verification of setbacks is never the responsibility of the city.

Mr. Mumford verified that the inspector will generally only check the setback if a visual inspection indicates there could be an issue.

Discussion ensued regarding road track outs and Cedar Pass Ranch roads lacking curb and gutter adding to the confusion about where to measure the setback.

AMENDED MOTION: ***Councilmember Love moved to approve the plat amendment for Cedar Pass Ranch Plat F Lot 85 with the condition that all other structures constructed on the lot shall be required to meet the proper setback distances. Councilmember Curtis seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☐ ***Carolyn Love***	☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☐ ***Brett Wright***	☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion failed with a vote of 3:2.

MOTION: ***Councilmember Wright moved to deny the plat amendment for Cedar Pass Ranch Plat F Lot 85. Councilmember Gray seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☐ ***Donna Burnham***	☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a vote of 4:1.

Councilmember Gray said that he is sympathetic to the homeowner's situation and desires to find a way to resolve the issue but also believes in adhering to the rules.

Councilmember Curtis explained that his vote was in solidarity with the other Councilmembers.

Councilmember Burnham said that her reason for voting against denial was due to the applicant being reassured by the HOA that she could move forward with the project.

Ms. Peterson explained that Precision Point had surveyed and staked the property and they used the plan with incorrectly marked setbacks.

MOTION: ***Councilmember Loved moved to reconsider. Councilmember Curtis seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a vote of 4:1.

MOTION: ***Councilmember Love moved to approve the plat amendment for Cedar Pass Ranch Plat F Lot 85 with the condition that all other structures constructed on the lot shall be required to meet the proper setback distances. Councilmember Curtis seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☐ ***Brett Wright***	☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a vote of 3:2.

Mr. Mumford explained that the Building Department has made changes to site plan requirements and setback verification.

Councilmember Gray advocated for clarifying the setback requirements for primary residences and accessory buildings in Cedar Pass Ranch.

Discussion ensued regarding setback requirements in Cedar Pass Ranch and methods to clarify standards and resolve issues.

16. LEGISLATIVE ITEMS

16.A. UPDATE – Legislative Priorities List

Director of Legislative Affairs Cliff Strachan updated the City Council regarding additions to and progress made on the Legislative Priorities List. In January, the continuing and newly elected City Council will review and rank the priorities list.

17. CITY COUNCIL/MAYOR'S BUSINESS

18. CITY COUNCIL BOARD LIAISON REPORTS

19. COMMUNICATION ITEMS

20. ADJOURNMENT

MOTION: ***Councilmember Curtis moved to adjourn at 10:45 p.m. Councilmember Gray seconded the motion.***

Those Voting Yes	***Those Voting No***	***Those Abstaining***	***Those Absent***
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

The meeting was adjourned at 10:45 p.m.

Approved by the City Council on December 5, 2023.

Fionnuala B. Kofoed, MMC
City Recorder

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