EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

October 20, 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, 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; Michael Hadley, 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; and Angela Valenzuela, Human Resource Manager.

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 4:10 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. DISCUSSION – Update from the Alpine School District with Rob Smith

Assistant Superintendent Rob Smith introduced the One Community, One Vision Alpine School District (ASD) Fall 2020 Update.

Schoolboard Member Julie King explained that ASD consists of 14 municipalities and has 92 schools with three additional schools under construction. The top priority of the ASD School Board is to recruit and retain the very best teachers. ASD was ranked as the best educational institution to work for in the State. ASD hired a total of 534 new teachers for the 2020-2021 school year constituting of 256 elementary/special education teachers, 127 junior high/special education teachers, and 151 high school/special education teachings.

The Return to Learn plan was implemented in response to the COVID-19 pandemic and offered students three learning options: learn at school, learn online which includes three subcategory options for secondary schools, or learn from parent. The online and parent options included district-developed curriculum and teacher support. Ms. King stated the high school students completing high school through the East Shore Online program will receive a regular diploma; however, the program is not currently accepted by the National Collegiate Athletic Association. They are in the process of resolving the issue.

Mr. Smith presented the COVID-19 dashboard on the ASD website which provides timely pandemic information, including current case number counts by school population, to keep parents and students informed while protecting student privacy. He explained secondary schools have moved to a modified schedule with online learning for all students on Wednesdays to allow for deep cleaning of the schools. Case counts have decreased since the modified schedule was implemented. ASD petitioned the State and received permission to shorten the 14-day quarantine period for students, teachers, and staff members exposed to COVID-19 to seven days if the individual tests negative and is not exhibiting symptoms.

Assistant Superintendent Dr. Shane Farnsworth stated that teachers are in the schools on Wednesday and attend meetings or perform other preparation duties and are not responsible for the deep cleaning. One of the reasons for adopting the modified schedule was to provide teachers with additional preparation and collaboration time due to their increased workload caused by online teaching and other pandemic-related impacts.

Dr. Farnsworth said the District Space Center is in the final stages of completion and houses a 40-foot planetarium done with a Digistar 7, and a 74-seat planetarium with four wheelchair-accessible locations. The simulator capacity increased by 50 percent offering six simulators with ability to accommodate 120 students.

Dr. Farnsworth noted that Silver Lake Elementary school opened this fall with an enrollment of 601 students for the 2020-2021 school year, which reduced the enrollment at Brookhaven Elementary. Eagle Mountain elementary school enrollment trends from the 2019-2020 to the 2020-2021 school year are as follows: Black Ridge decreased by 70 to 1070 students, Brookhaven decreased by 565 to 784 students, Cedar Valley Elementary, in Cedar Fort, decreased by 7 to 89 students, Eagle Valley increased by 1 to 754 students, Hidden Hollow increased by 8 to 996 students, Mountain Trails increased by 62 to 832 students, and Pony Express decreased by 49 to 916 students. Frontier Middle School enrollment increased by 116 to 1420 students, and Cedar Valley High School enrollment increased by 350 to 2312 students. The enrollment numbers include online students.

ASD is monitoring enrollment in high-growth areas to determine when and where additional schools are required. An additional middle school is planned for 2024 or 2025, which would result in transitioning the middle schools to junior high schools with seventh through ninth grade and removing ninth grade from Cedar Valley High School.

Recent capital projects in Eagle Mountain include three new schools: Brookhaven Elementary at \$18.7 million, Silver Lake Elementary at \$21.8 million, and Cedar Valley High School at \$17.8 million. Future capital projects include additional elementary and secondary schools and ongoing renovations and improvements. Due to the pandemic, a bond has been postponed until 2022 for voter consideration. Elementary school enrollment considerations include the possibility of moving sixth grade into middle schools, if required.

Mr. Smith presented a Business Service Report ASD complied to provide residents with summaries of district expenditures including a new teacher retention incentive not offered by any other Utah school district; this is funded primarily through the 2019 Teacher and Student Success Program allocation from the Utah Legislature. Teachers will receive an additional contribution to their 401k of $2,500 after five consecutive years, $5,000 after eight consecutive years, $10,000 after ten consecutive years, and $20,000 after 12 consecutive years of teaching with ASD.

Councilmember Love was excused from the meeting at 4:42 p.m.

Mr. Smith stated ASD is available and willing to resume quarterly meetings with the City Council at the City's convenience and in the manner desired.

1.B. DISCUSSION – Update from the American Legion Post 111 with Jimmy Allen

Post Commander Jimmy Allen with American Legion stated that Eagle Mountain Post 111 received their permanent charter in December 2019. They have approximately 50 members. Post activities include a motorcycle club and charitable functions such as sponsoring scout troops and Boys State attendees.

Post 111 has been unable to find an adequate facility for meetings. Locations large enough are either policy- or cost-prohibitive. He presented concept renderings for a potential lodge located on City property designated for the Smith Ranch Regional Park near Pony Express Elementary School including a community building, veterans memorial, outdoor recreation fitness area, and community garden. The community building would be a family-oriented facility available to rent for special uses, which would help offset the cost of the building.

Mr. Allen requested to install a flag retirement box at City Hall possibly in correlation with an Eagle Scout project for residents to donate flags to be retired.

Mayor Westmorland directed the applicant to work with City Administrator Paul Jerome regarding his proposed projects.

Mr. Jerome stated the City has limited land. Geographical limitations caused by the Tickville Wash may make Smith Ranch Regional Park a problematic location. He will explore other options for locations within the City with the applicant including a partnership with developers.

1.C. DISCUSSION – Proposed Code Amendment for Master Plan Developments and Agreements

Long-Range Planning Manager Pete Kane presented the item and explained this is a continuation of the discussion during the previous work session. 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 help to resolve some of the questions and process flow concerns that have been identified over the years and set standards for all MDAs going forward.

The proposed standards address concerns regarding the current standards by reducing the size requirement for properties that would require a master development agreement, creating smaller master development areas, setting a time limit for agreements, establishing development benchmarks, outlining phasing requirements, focusing development on portions of properties with existing roads prior to development of areas needing new roadways, creating ways to handle changes for public uses or topographic/geographic challenges that were unknown prior to the agreement being finalized, and adding a requirement for compliance with Municipal Code.

The Planning Commission held a public hearing at their September 22, 2020 meeting and unanimously recommended approval of the Municipal Code amendment to the City Council.

Mr. Kane explained that the concerns regarding the item were compiled by staff based upon Planning Commission discussions with Councilmembers.

1.D. DISCUSSION – C Jay Properties Building Site Plan & Rezone

Mr. Kane presented the item. The applicant is seeking to build an 8,165-square foot professional office building on 0.81 acres of undeveloped land on the south side of Campus Drive. Per EMMC 17.55, this proposed site plan would need a minimum of 28 parking stalls including two ADA stalls. The plan includes 32 new parking spaces with two ADA-accessible stalls and an additional three existing spaces within the property bounds. The property backs up to a golf course and the plans include screening along the rear property line. The property is a part of The Ranches and was identified for commercial use through the MDP and MDA, which has since expired and vested rights no longer carry. The property is designated as Community Commercial on the Future Land Use Map.

The application includes a request to rezone the property to Commercial Community which is an appropriate zone for this particular land use designation. The property is accessible from Campus Drive utilizing an existing curb cut. Municipal Code recommends that commercial buildings be similar in style to adjacent buildings. The plan calls for similar materials, but in a different color palette to adjacent buildings. 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 to emphasize entry points to the building. The proposed building is sited at the rear of the property with the parking lot located at the front. The applicant would prefer this orientation as demonstrated in the submitted plans. An outdoor patio space at the rear of the building includes a decorative stretched fabric overhead and netting along the eastern side of the property due to the proximity to the golf course.

Mr. Kane reviewed the renderings that illustrated the applicant's concerns regarding potential building orientations including access and increased golf ball hazards to explain their request to locate the building to the south of the property.

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 and unanimously voted to recommend approval of the site plan with the following conditions:

1. The building elevations shall be modified to better relate the building with adjacent commercial buildings in color;
2. The mechanical equipment shall be located or screened in a way that is not viewable from the street; and
3. The applicant shall work with staff to address compliance regarding roof design, building articulation, and architectural detailing elements.

Applicant Darren Gillespie clarified that the color in the renderings that appears to be white will be gray rock.

Councilmember Curtis stated that gray is preferable and more appropriate for the overall aesthetics of the City.

Mr. Kane verified that the applicant addressed Planning Commission concerns regarding the roof with the updated elevations for the front of the building and inquired if the City Council has concerns regarding the rear elevation roofing. Staff recommends that the building be sited on the west side of the property to meet standards, should the City Council determine not to grant an exemption to the location standard. The Planning Commission supported the applicant's preferred location at the rear of the property. He stated the location of the golf course and the orientation of the neighboring building to the rear of the property justifies approving an exception.

Councilmember Clark stated her preference to require increased articulation on the rear of the roof as well as the rear of the property facing the golf course.

Mr. Gillespie expressed his willingness to add dormers to the rear roof. He stated that the netting along the south side of the property would not protect the parking area from golf balls from the east if the building were located on the west side of the property.

Mayor Westmoreland supported allowing the building to be located at the rear of the property.

Councilmember Curtis and Councilmember Clark expressed support in allowing the building in the rear of the property.

Councilmember Burnham concurred with permitting the rear orientation and requiring dormers on both sides of the roof.

1.E. DISCUSSION – Overland Village 2 Village Concept Plan

Mr. Mumford presented the item. The Planning Commission reviewed the concept plan on April 14, 2020 and April 28, 2020 and made recommendations with conditions. The latest proposal includes the Village 2 master plan and the trails and open space plan. The Overland Master Development Plan designates Village 2 with the minimum unit count of 540 units/lots and a maximum unit count of 743. The Village 2 concept plan contains 692 lots/units consisting of 32 percent townhomes, 5.5 percent active adult units, 21 percent small lots, 29 medium lots, 13 percent large lots, and a ten-acre elementary school site already purchased by Alpine School District.

The MDA requires a medium park to be improved in Village 2. The plan contains a three-acre park, smaller park areas scattered through the development, and a 1.51-acre undefined private amenity area. A planned trail system provides access throughout the development and to neighboring properties. The trails plan should be modified to make sure the red line indicating trails includes a 12-foot concrete trail along roadways as well. The north-south road in the middle of the development has been widened to include additional asphalt and a 12-foot trail on one side. Without a deceleration lane along Pony Express Parkway, potential traffic issues may arise near the elementary school. Village traffic being directed to two intersections along Pony Express Parkway may also cause traffic issues. Several private road accesses and/or public intersections appear to be too close to each other or not to be aligned.

Mr. Mumford explained the Future Land Use and Transportation Map will be amended and the major roadways in the concept plan approximately align with the proposed location for Airport Road and a collector road, rather than the previously proposed location for an Airport Road expansion. He stated the applicant is willing to work with staff to resolve road alignment concerns with the City and Utah Department of Transportation.

Councilmember Clark inquired about the planned amenities for the City park and expressed concern regarding the lack of parking indicated in the concept plan. She appreciated the location of the townhomes in relation to the park.

Mr. Mumford stated the applicant determined the location for the required park and the trail connections; however, at this stage of the project, he is unaware of any specific plan regarding amenities.

Applicant representative Bryon Prince explained the plan focused on community planning elements and implementing items they learned developing Village 1. They desire to avoid housing segregation and to provide products that offer options to meet the varying housing needs of residents throughout their lifetime. Village 2 includes townhomes and smaller homes not offered in Village 1. A key element of the design is the open space and trail connectivity from Pony Express Parkway, Airport Road, park spaces, private and public open space, the elementary school, and the housing development to the north. He is working with Parks and Recreation Director Brad Hickman to provide creative, unique amenities at the City park due to the park's proximity to Wride Memorial Regional Park. The park will have parking on the east and west sides. The passive and active open space indicated on the plan will be maintained and owned by the HOA. The City park will be dedicated and maintained by the City. A privacy wall will be installed along Airport Road and Pony Express Parkway as required in the MDA. The Planning Commission requested that privacy fencing also be installed along the northeast corner of Village 2 near the trail system and the Overland monument sign.

Councilmember Clark expressed appreciation for the consideration for safe pedestrian routes to the elementary school included in the plan and the variety of housing types provided.

Mr. Prince said the Planning Commission discussed traffic concerns regarding the elementary school which will be addressed during the preliminary plat and hopefully in conjunction with

Alpine School District. The townhomes in the southeast corner are located near the existing clubhouse.

Mr. Prince explained all the active adult homes will be deed-restricted to attract the desired buyer and to mitigate issues and concerns. A private amenity will also be provided specifically for the active adult community in the northwest portion of the Village. The type of amenity will be determined based upon resident feedback.

Councilmember Gray expressed concern regarding road length and connectivity.

Mr. Mumford stated that connection concerns will be evaluated and addressed with the preliminary plat.

Mr. Mumford explained the Village 2 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 concept plan. These changes can be proposed and made at the preliminary plat stage.

The Planning Commission reviewed the item on October 13th
and recommended approval of the application 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/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; and
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.

Mr. Mumford noted the MDA terms regarding construction of amenities required the Club Ivory clubhouse to begin construction on December 15, 2019, and to be completed prior to the earlier of the recording of a plat containing the 350th building permit or June 30, 2020. The building is not completed.

Mr. Prince presented photos taken on October 20, 2020 to demonstrate the progress on the clubhouse construction. The exterior finish is completed and has a barn-like wood exterior appearance. The pandemic has delayed the construction due to delays in the supply chain for custom-made construction materials for the building. They have fulfilled the agreement to plant 100 trees in the Pony Express Parkway median and have extended their best effort to fulfill their commitments. Phases C3 and C4 of Village 1 have been paved and the plats are ready to be recorded. The clubhouse will be ready to receive a certificate of occupancy at the end of November or December 2020. He requested that the City Council to allow Ivory Homes to proceed with the recordation of phases C3 and C4 before the competition of the clubhouse.

Ms. Kofoed stated her records show that 333 units have been recorded.

Mr. Mumford said the City has issued 230 building permits as of the end of September 2020. He asked the City Council to provide feedback regarding the possibility of amending the terms of the MDA to allow phases C3 and C4 to move forward with construction prior to the completion of the clubhouse.

Mr. Prince offered to tour the clubhouse with the Councilmembers. The building is available to the public to rent for community events.

2. AGENDA REVIEW

9.A. 30" Sewer Cured In Place Pipe Lining Project, Phase 1 – Insituform Technologies

9.B. Sewer Manhole Rehabilitation Project – Advanced Lining

Public Utilities Manager Mack Straw explained that corrosive gases have deteriorated the concrete lining of the sewer infrastructure. They plan to perform additional, periodic camera assessments of the damage to the pipelining and make repairs as necessary. This project is the first phase of rehabilitation and will complete the majority of the necessary repairs. He is working to determine if the cost for the rehabilitation of the pipeline section from the flume to the Timpanogos Special Service District trunk line will be the sole, partial, or no responsibility of the City.

SCHEDULED ITEMS

12. ORDINANCE/PUBLIC HEARINGS

12.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the Second Amendment to the Fiscal Year 2020-2021 Budget.

Finance Director Kimberly Ruesch informed the City Council of an additional item for consideration for the public hearing during policy session. The City has $2,000,000 of debt issued with the Utah Transportation Commission in June 2019 to widen a section of Pony Express Parkway. Debt service payments began in December 2019 and a second payment is due in

December of 2020. The two debt service payments for 2019 and 2020 will result in a budget increase of $468,444 to the Fiscal Year 2021 budget as presented in the packet materials.

Mr. Jerome explained the City had not received the bill for the December 2019 payment in time to make a payment as scheduled. The Utah Department of Transportation recently notified the City of the outstanding 2019 payment. The payment had been allocated to be paid through impact fees funds in the previous year's budget. An amendment to the Fiscal Year 2020-2021 will allow the funds to be rolled into this budget to cover the debt service payments for both years.

Ms. Ruesch explained the other budget increases are to hire an engineer in training and a change order to the Facebook development agreement related to the 3.5 million-gallon water tank.

12.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Adding Chapter 17.23 Open Space Zones.

Mr. Kane explained that this public hearing item was discussed during the previous work session. The amendment will add an Open Space Zones chapter to Municipal Code to establish the regulations to control the development requirements and use limitations.

12.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Adding Chapter 17.31 Public Facilities Zone.

Mr. Kane said this amendment will add a chapter establishing the Public Facilities Zone which outlines the allowed uses and development standards. Staff will evaluate City property to identify appropriate zoning and rezone the applicable areas to the Public Facilities Zone, as well as assign the zone to future public facility developments.

13.A. MOTION – Brylee Farms Alternate Fencing Request

Mr. Mumford presented the item. EMMC 17.60.120(R) requires that property owners or developers build and maintain a wall or fence consistent with the standards in that chapter and standards in EMMC 16.35.090 for side and rear property line fencing along collector and arterial roadways. The standard fence required by current standards is The Ranches style cedar fencing.

Per EMMC 17.60.120(R)4, residential developers may propose alternative standards for arterial and collector road fencing within their project to be approved by the Eagle Mountain City Council. Any alternative standard fencing shall be of a durable quality fence/wall as defined by EMMC 16.35.090.

The Brylee Farms developer is proposing an alternative fence to be placed along Aviator Avenue and Eagle Mountain Boulevard. Their preferred option is a vinyl faux wood-grain fence. Their second option is a Bufftech Sherwood fence made with linear low-density polyethylene plastic, a wood-alternative composite material. Fencing similar to both options has been approved in other developments within the City.

A Municipal Code amendment intended to address the collector and arterial road fencing standards has been in discussion with the Planning Commission. The amendment currently proposes removing The Ranches style fencing as the required fencing type and allows for durable quality fencing, including stone, masonry, decorative concrete, and possibly wood-alternative composite material.

Mr. Mumford stated the applicant desires approval as they are ready to begin construction and prefers to have the fencing in place before residents occupy the homes. Staff felt it was prudent to move the item forward for a decision.

Councilmember Gray recommended delaying the decision on the alternative fencing request until the fencing standard amendments are finalized. He advocated for requiring masonry fencing along collector and arterial roadways.

Councilmember Curtis stated he believes that the approved vinyl alternative fencing for other projects was required to have steel reinforcement. He expressed concern regarding approving portions of fencing individually, especially considering the Municipal Code standards are under review.

Mr. Mumford stated that the Bufftech fencing is more expensive and a higher quality fencing than the vinyl option. He explained the City has been lenient with the requirement for fencing installation prior to issuing building permits, as the fencing has been delayed due to the standards being placed under review by the City and while the City determined the location for a traffic signal.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:26 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, and Jared Gray. Councilmember Carolyn Love 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; Michael Hadley, 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; and Angela Valenzuela, Human Resource Manager.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Utah County has extended the deadline for small business grants related to COVID-19 impact to October 30, 2020. Please visit the Eagle Mountain Chamber of Commerce Facebook page for details.
- Eagle Mountain City's stormwater department is offering a free bagged leaf collection service for residents through November 30, 2020. Details are available on the City website's news section.
- This year's Thanksgiving Day Turkey Trot Fun Run event will be a virtual 5K. Get creative and have a chance at some fun prizes. Details are available on the City website calendar.
- Junior Jazz basketball registration is open through November 3, 2020. Details are available on the recreation page of the City website.
- To receive City notifications, including emergency info, news, events, and traffic alerts, sign up at emcity.org/notifyme.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:08 p.m.

Layne Izatt submitted a written public comment "Just an observation, but it was evident in the Planning Commission's meeting with Michael and Emma that they had already decided what they were going to do. La Petite needs more than 90 days to move their business."

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

8. CITY COUNCIL/MAYOR'S ITEMS

<u>Councilmember Burnham</u>
Councilmember Burnham thanked the residents for being willing to be a part of the discussion regarding City issues. She asked for residents to remember that the Planning Commissioners are volunteers and that it is appropriate to disagree with their decisions, but not to attack their character. She requested that residents be civil in their discourse.

<u>Councilmember Curtis</u>
Councilmember Curtis concurred with Councilmember Burnham. He advocated for people to vote following their conscience and to be kind to others with different opinions.

<u>Councilmember Gray</u>

Councilmember Gray noted that there was a protest at City Hall and expressed appreciation to the participants for being respectful. He agreed with Councilmember Burnham and encouraged residents to exercise their right to vote.

Councilmember Clark
Councilmember Clark agreed with several of the comments expressed and encouraged residents to vote. She invited citizens to discuss the topics with people they know, rather than strangers on social media, including their children as current conditions might be scary for youth. She supports freedom of speech but asked for people to use it carefully and with kindness. She advocated for people to act in faith and service and expressed appreciation for the service of her fellow Councilmembers and City staff.

Mayor Westmoreland
Mayor Westmoreland welcomed the virtual participants. He stated it is exciting to see the City moving forward and making progress despite challenges.

CONSENT AGENDA

9. BID AWARDS

9.A. 30" Sewer Cured In Place Pipe Lining Project, Phase 1 – Insituform Technologies

9.B. Sewer Manhole Rehabilitation Project – Advanced Lining

10. BOND RELEASES

10.A. Ranches Estates Plat B – Into Warranty

10.B. Sunset Ridge Phase A, Plat 4 – Out of Warranty

11. MINUTES

11.A. October 6, 2020 – Regular City Council Meeting

MOTION: ***Councilmember Curtis moved to approve the consent agenda. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Jared Gray. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

12. ORDINANCE/PUBLIC HEARINGS

12.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the Second Amendment to the Fiscal Year 2020-2021 Budget.

Finance Director Kimberly Ruesch presented the item. This is the second budget amendment for this fiscal year and includes changes to the General Fund to hire an engineer in training, to the Enterprise Fund for an amendment to the a 3.5 million-gallon water tank for the Facebook project, and to the Transportation Impact Fee Fund to add two debt service payments on a loan with the State for the widening of Pony Express Parkway, resulting in an overall budget increase of $876,142.

Councilmember Gray requested that staff explain the purpose of hiring an engineer in training for, the benefit of the public.

City Administrator Paul Jerome explained that the City Engineer had included the cost of an additional employee in the budgeting process, but the expense had been unintentionally omitted from the final budget. Due to the uncertainty of the impact of the pandemic on City revenue, hiring has been temporarily frozen. The City experienced an increase in sales tax revenues and not a decrease and determined to move forward with hiring the position.

City Engineer Chris Trusty stated the engineering staff includes himself, an engineering assistant, a Blue Stakes technician, and two full-time public works inspectors. The City currently hires a consultant for water model maintenance, and this position will allow the City to maintain the water model with staff. The individual will also oversee some capital improvement project management and assist with public works inspections to help alleviate the workload on current staff.

Mayor Westmoreland opened public comment at 7:24 p.m. As there were no comments, he closed public comments.

Mr. Jerome explained the salary amount listed was for the remainder of the year and included benefits and total compensation costs.

MOTION: ***Councilmember Burnham moved to approve an Ordinance of Eagle Mountain City, Utah, Approving the Second Amendment of the Fiscal Year 2020-2021 Budget. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Jared Gray. The motion passed with a unanimous vote.***

12.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Adding Chapter 17.23 Open Space Zones.

Long-Range Planning Manager Pete Kane presented the item. Current Municipal Code standards include zoning districts for residential, commercial, agriculture, and industrial uses. There are other land uses that are currently permitted across each of these zones, rather than set as their own use. By creating a zone for open spaces, the City will establish the allowed uses and development requirements for this use. This will also provide a clearer picture of the actual land use in the City. The Planning Commission held a public hearing on September 22, 2020, and recommended approval with a unanimous vote.

Mayor Westmoreland opened public comment at 7:29 p.m. As there were no comments, he closed public comments.

MOTION: ***Councilmember Gray moved to approve an Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code adding Chapter 17.23 Open Space Zones. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Jared Gray. The motion passed with a unanimous vote.***

12.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Adding Chapter 17.31 Public Facilities Zone.

Mr. Kane presented the item and explained that creating a zone for public facilities allows the City to establish the allowed uses and development requirements for this use. The Planning Commission held a public hearing on September 22, 2020, and recommended approval with a 4 to 1 vote. The dissenting vote by Commissioner Wells was due to her belief that outdoor storage should be included in the standards as a special use.

Mr. Kane explained that the definition of outdoor storage includes storage of equipment outside of a structure; City screening requirement standards are still applicable. The Planning Commission expressed concern regarding equipment storage maintenance and Municipal Code enforcement and discussed a possible future amendment either to allow outdoor storage as a special use with improved standards, or as a subordinate use to an allowed use due to the potential need for outdoor storage for some public facility uses.

Discussion ensued regarding concerns with outdoor storage impact on surrounding areas and the proper timing and manner to address outdoor storage concerns and infractions.

Mr. Kane clarified the updated definition of outdoor storage is defined as "the storing of materials, products, and equipment incidental to an allowed use in an outdoor setting that is not accessible to public."

Councilmember Clark expressed concern regarding shipping containers being used for storage on public facilities adjacent to residential areas or similar unintended, undesirable allowances should outdoor storage be an approved use.

Mr. Kane explained that outdoor storage standards require a six-foot or greater masonry wall or solid, opaque fencing to screen all open storage areas from the view of the street, and items taller than the fence may not be stored within twenty feet of the fence. Storage containers would be required to be screened by appropriate fencing. He noted that if outdoor storage were an approved special use, an additional site plan approval would not be required for the addition of outdoor storage to an approved project; however, the outdoor storage would need to adhere to the approved regulations regarding use standards including fencing and screening.

Councilmember Clark expressed concern with allowing outdoor storage as a special use due to the lack of additional approvals or oversight to mitigate undesirable impacts on residents.

Councilmember Curtis stated homeowners have the right to install fencing on their property without the approval of impacted neighbors and shipping containers are not permitted.

Discussion ensued debating the difference between the impact and desired allowance of fencing installation on public and private land.

Councilmember Curtis stated the City could mitigate and regulate concerns through the terms and enforcement of lease agreements.

Mr. Kane clarified that shipping containers are only allowed as a special use in the Light Manufacturing/Distribution Zone and the Sweetwater Industrial Overlay. City parks and the rodeo grounds would be zoned as open space, which does not permit outdoor storage. However, a building installed adjacent to park property such as the American Legion community center proposed during work session would have Public Facility zoning.

Mayor Westmoreland opened public comment at 7:48 p.m. As there were no comments, he closed public comments.

Mr. Kane explained that the rezoning of properties is not automatic and that legal statutes require rezone applications and approval. He clarified the amendment under consideration does not include outdoor storage as a special use due to the Planning Commission's recommendation to remove it from the amendment.

Councilmember Gray stated that storage concerns could be addressed during the rezone approvals.

MOTION: ***Councilmember Gray moved to approve an Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code adding Chapter 17.31 Public Facilities Zone. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Jared Gray. The motion passed with a unanimous vote.***

13. MOTION

13.A. MOTION – Brylee Farms Alternate Fencing Request

Mr. Mumford reviewed the item as presented during work session.

Councilmember Gray inquired if the alternate fencing request was valid due to fencing standards having been placed under review. He requested clarification regarding the reference to the current standards requiring The Ranches-style fencing, as he believed those should be considered previous standards due to the related Municipal Code being under review.

Mr. Mumford stated that the City Council can deny or table proposals due to the review of fencing standards.

Mayor Westmoreland asked if the applicant would be able to install cedar fence, should the alternate fencing be denied.

Mr. Mumford stated he believed the applicant could install the cedar fencing despite the fencing standards being under review.

Councilmember Gray stated his preference to table the item until the fencing standards have been updated.

Councilmember Curtis verified that masonry fencing cannot be required by the City Council because it is not included as a requirement in Municipal Code fencing standards. If the City Council recommended that masonry fencing be installed, the applicant could decide to install cedar fencing instead due to existing standards.

Mr. Mumford clarified that the City Council has the ability to table or deny the alternate fencing request because the standards are under review. However, the applicant would be able to install cedar fencing, or residents may occupy the homes prior to the installation of the fencing should the item be tabled.

Councilmember Gray clarified he is in favor of issuing certificates of occupancy to the affected homes without the fencing. He reiterated his desire to delay the approval to ensure the fencing is in accordance with updated standards.

Mr. Mumford stated the City Council could approve the fencing if they feel the fencing option is appropriate for the area and that denying the request may result in the installation of cedar fencing, which he feels is inappropriate and undesirable for that area. He recommended either tabling the item or approving the Bufftech option.

Mayor Westmoreland stated the Bufftech meets the intention and desired product type of the proposed fencing standards under review. He is not in favor of the vinyl options.

Councilmember Curtis expressed concern regarding approving wood composite materials as he had heard they may deteriorate over time. He advocated for requiring a quality, durable product due to the location of the fencing along major roadways.

Mr. Mumford stated the Bufftech product is steel-reinforced, has a 15-year colorfast fade protection, and a limited lifetime warranty.

Applicant representative Matthew Loveland stated one homeowner is already living in a home within the Brylee Farms project and within the next 30 days, an additional ten homes will be occupied. He stated they began discussing fencing options in May and as the majority of the occupied homes will be along the major roadways, Fieldstone Homes needs to make a decision regarding fencing tonight. Otherwise, they will need to proceed with the currently vested fencing option. They desire for their housing community to be aesthetically consistent along Eagle Mountain Boulevard with the adjacent communities. The proposed vinyl fencing has vertical and horizontal steel reinforcement, is superior to other vinyl fencing, and is consistent with the existing fencing in other developments. The vinyl option has a wood grain, nontextured appearance, and has a thirty-year color fade manufacture guarantee, which is one of the reasons they believe it is a superior product. He desires to install fencing that will be economically feasible for the residents should repairs be required in the future.

He explained the reason for requesting a decision regarding the fencing prior to the standards update was due to the desire to provide a quality, completed product to the residents including fence installation.

Councilmember Gray reiterated his preference to table the application. He cited a section of State Code 10-9a-509 and stated his understanding is that as the standards are under review, no fencing types are approved, and the application should be tabled until the standards have been updated.

Councilmember Curtis asked when the alternate fencing request had been submitted by the applicant.

City Attorney Jeremy Cook concurred with Mr. Mumford that Municipal Code allows for the City Council to approve or deny the alternate fencing request. He stated the applicants are entitled to install cedar fencing; however, the fencing options proposed by the applicants are perhaps a better alternative than the cedar fencing.

Mr. Loveland stated that the final plat application had been submitted in 2018. He expressed his preference to install either of the proposed alternate fencing options rather than a cedar fence.

Mr. Mumford clarified that staff brought forward the alternate fencing application prior to the fencing standard amendments due to timing considerations for the project.

Councilmember Gray stated he believed that updated standards will require masonry fencing along major roadways; however, he did not object to allowing vinyl, steel-reinforced fencing options in other areas. He does not desire the cedar fencing. He inquired if the applicant would be willing to install masonry fencing.

Councilmember Curtis stated that although he concurred with Councilmember Gray regarding requiring masonry fencing along major roadways, should the City Council table the item, the applicant would likely install the undesired cedar fencing in order to meet the timing constraints for the project. Thus, tabling the application would not accomplish the desired installation of a masonry wall.

Councilmember Gray said he is unwilling to allow vinyl fencing along the busiest road in the City.

Mr. Loveland stated that the 30-year warranty on the vinyl fencing includes wind damage up to 110 miles per hour. He stated that consistency depends upon which corridor the City Council desires to match fencing with. The Sage Park development south of Brylee Farms along Eagle

Mountain Boulevard has fencing consistent with the grey, wood-grain option in their proposal; the Brandon Park development to the south across Aviator Avenue has different fencing.

Mr. Mumford noted that the Brandon Park development has faux-stone fencing.

Councilmember Curtis expressed the desire to require durable, long-lasting fencing along major roadways and noted the difficulties caused by inconsistency in the standards and differing fencing styles for the adjacent developments.

Councilmember Clark expressed concern regarding matching fencing when future repairs are required should the style no longer be available through the manufacturer.

Mr. Loveland stated that the financial impact on the homeowner to repair masonry fencing due to graffiti or other damage is significantly higher than repairs to other fencing alternatives; painting over graffiti on masonry is apparent and unappealing.

Applicant representative Brett Woodland stated that in the fifteen years he has worked for Fieldstone Homes, he does not recall having to repair fencing other than due to vehicular damage.

MOTION: ***Councilmember Burnham moved to approve the Brylee Farms alternate fencing request with the applicant's first choice vinyl fencing option. The motion failed for lack of a second.***

MOTION: ***Councilmember Burnham moved to approve the Brylee Farms alternate fencing request with the applicant's second Bufftech fencing option. Councilmember Curtis seconded the motion.***

Mr. Cook clarified that timing requirements are based upon the alternate fencing request application, not the final plat, in relation to when the Municipal Code amendment review went into effect. The City Council may consider the application or may table it until the alternate fencing options are finalized.

Councilmember Clark noted that should masonry fencing be determined to be the preferred fencing option for major roadways in the City, the City Council cannot require the existing developments along Eagle Mountain Boulevard to remove the existing wood composite fencing and install masonry fencing.

Councilmember Gray stated although the City Council had no recourse against previously installed fencing, he desires to prevent any additional installation of fencing along major roadways until the standards are updated. He does not approve of either cedar fencing or the proposed options. He said he does not believe that the applicants will install a cedar fence and the City has legal recourse under State statute should the applicant attempt to move forward with cedar fencing.

Councilmember Clark expressed concern regarding the impact on the home buyers due to an increased price to the project should masonry fencing be required.

Councilmember Gray stated that he agreed with her concern; however, land values and housing costs have increased since the applicant purchased the land. The developer should be able to incur the price increase of masonry fencing. Masonry fencing is the most desirable product for the homeowners and the City for safety and sound mitigation.

Councilmember Clark concurred with Councilmember Gray's concerns but disagreed that this development could be required to be held to updated standards.

Mr. Cook reiterated that the alternate fencing style can be denied because the standards were under review based upon the timing of the submission of the application. However, as cedar fencing had been the permitted standard, it would be difficult to legally justify that the applicant cannot install cedar fencing depending. He stated that many fences were installed in the City that matched the appearance of the cedar fencing but lacked the desired equivalent quality and durability. The fencing proposed by the applicant adheres to what has been previously required by developers and is superior to cedar fencing.

Discussion ensued regarding the desired fencing for major roadways and the uncertainty regarding the timing of the application to verify whether the applicant has a legal right to install cedar fencing.

Councilmember Clark inquired if Councilmember Burnham would consider withdrawing her motion to permit additional time to collect more information.

Councilmember Burnham determined not to withdraw her motion due to the other alternative fencing options previously installed adjacent to this development.

Those voting aye: Donna Burnham, Melissa Clark, and Colby Curtis. Those voting nay: Jared Gray. The motion carried with a vote of 3:1.

14. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Gray requested clarification regarding the mechanism for Councilmembers to place Municipal Code standards under review.

Discussion ensued regarding the ability for two Councilmembers to request items be added to the City Council agenda and the possibility of creating a codified mechanism for Councilmembers to be able to ensure items are included on Planning Commission agendas.

Mr. Mumford noted that when Councilmember Gray requested the fencing standards be placed under review, staff had 15 Municipal Code amendments in process. He requested clarification regarding timing and order priority of processing Councilmember requests.

Mr. Cook stated that two or more Councilmembers can jointly request an item to be placed on the Planning Commission agenda. A single Councilmember may also request that the mayor direct staff to add an item to the Planning Commission agenda.

Councilmember Burnham expressed concern regarding the delay in a request for an item to be on the agenda that was requested by Councilmembers the previous year.

Councilmember Carolyn Love joined the meeting at 9:18 p.m.

Mayor Westmoreland noted that prioritization may impact the timing of adding items to agendas. Staff must prepare the requested item before noticing the item and placing it on an agenda.

Mr. Mumford explained that staff began immediately on Councilmember Gray's request; however, the item was delayed due to other Municipal Code amendments already in process as well as additional requests made by the Planning Commission. He stated the request for a transit oriented zone made last year by the Councilmembers is a lengthy amendment and suggested that staff add future requested items to an agenda for discussion before preparing the Municipal Code amendments.

Councilmember Burnham expressed concern that the Planning Commission has the ability to stall or block items that are a priority to the City Council when Planning Commission priorities differ.

Discussion ensued regarding Planning Commission roles and responsibilities, potential conflicts, joint efforts, and processes.

Mayor Westmoreland stated he would confer with Mr. Mumford and Mr. Cook regarding formalizing the process for Councilmembers to place items under review.

Councilmember Clark requested to know the status regarding her request for a formal discussion about the City appointment and hiring process for department heads.

Mr. Cook said he has been working on her request and it will be included at the next meeting.

Councilmember Curtis clarified he did not intend to chastise the Planning Commission. He appreciates their efforts and only meant to imply that direction from the elected officials should be given priority.

Mayor Westmoreland requested that staff recommend an official process for Councilmember requests at the next meeting.

15. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Love
Councilmember Love said she will meet with the Planning Commissioners whose terms are expiring to determine if they desire to continue to serve. The Youth Council meeting was rescheduled; however, she was able to meet with the Youth Councilmembers individually.

Councilmember Curtis
None.

Councilmember Clark
Councilmember Clark commended the Eagle Mountain Be Ready emergency preparedness group volunteers and reminded residents that a Ham radio exam will be held on Saturday, November 7, 2020, from 10:00 a.m. to 2:00 p.m. at City Hall. To register, email dbecar@charter.net. Unified Fire Authority taught an Avoid, Deny, Defend active attacker defense class via live stream that is still available, and Boy Scout troops participated in a Stop the Bleed class.

Councilmember Gray
None.

Councilmember Burnham
Councilmember Burnham stated the Veterans Board will meet on October 21, 2020.

16. COMMUNICATION ITEMS

16.A. Financial Report

16.B. Upcoming Agenda Items

17. ADJOURNMENT

MOTION: ***Councilmember Gray moved to adjourn the meeting at 9:36 p.m. 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.***

The meeting was adjourned at 9:36 p.m.

Approved by the City Council on November 17, 2020.

Fionnuala B. Kofoed, MMC
City Recorder

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