EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

October 15, 2019, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

3:30 P.M. FIELD TRIP – OVERLAND SIGN

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. Councilmember Stephanie Gricius was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Jessa Porter, Planner; Chris Trusty, City Engineer; Linda Peterson, Communications Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Brad Hickman, Parks and Recreation Director; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

Mayor Westmoreland called the meeting to order at 4:11 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. PRESENTATION – Eagle Mountain City Citizen Survey Results Review

Management Analyst Evan Berrett presented the results from the Citizen Survey that was completed earlier this year. The City received 741 responses with the majority of responders being females between 25 and 44 years old. The results showed residents enjoy the small, rural feel of the City, and 93% of responses rated the overall quality of life in the City as good or very good, and stated the City is a good or very good place to raise children. Seventy-three percent of responders noted they agree or strongly agree with the statement that they are optimistic about the City's future.

Regarding the responders' perceived effectiveness of government, the majority were neutral or satisfied with the effectiveness in making positive changes within the community, involvement of citizens in decisions, and responsiveness to problems. Mr. Berrett explained that a large number of responses showed staff that there is a lack of understanding of departmental functions in the City. He stated this can be improved through education of residents.

Mr. Berrett presented the overall satisfaction of responders with the financial management of the City; forty-eight percent of responses were neutral and 35% were satisfied with financial management. Last year, 60% of responders rated financial transparency as moderate to very good. This year, that number increased to 75%.

Mr. Berrett explained the budget document includes more detailed information regarding specific answers to the survey questions.

2. CONCEPT PLANS

2.A. Eagle Quest Concept Plan

Community Development Director Steve Mumford stated the project is located northeast of City Center and is approximately 160 acres. Mr. Mumford noted the lot sizes range from 4,200 square feet to one-quarter acre, and showed the locations for the improved open space in the plan. The property is designated Residential One on the Future Land Use and Transportation Map. A power utility corridor is directly east of this project with larger 0.5-acre to 1-acre lots, as well as 2.5-acre and larger lots adjacent to the corridor. Property to the north, south, and west of the project is designated Neighborhood Residential One, with a small section of Neighborhood Residential Two to the northwest. The proposed plan shifts the major arterial road to the east of the project. The applicant has proposed including the amount of dedicated right-of-way acreage in the calculation of the lot sizes of the smaller cottage lots, which increases the minimum and average lot square footage. This exception also allows for an increase in the number of lots in the project.

Eagle Quest Owner Kurt Ostler stated the master development agreement for Sunset Flats requires the developer to complete half of Aviator Avenue, which was 26.5 feet of right-of-way at the time the agreement was signed. The updated Future Land Use and Transportation Map now designates this road as a minor collector, which has a 77-foot right-of-way. Mr. Ostler stated they are working to include the additional twelve feet of right-of-way on their property to accommodate the increased width.

Mr. Ostler stated they are proposing to straighten the major arterial road to allow for safer intersections with the minor arterial and collector roads, as these will likely be lighted intersections. This alignment also complies with the Utah Department of Transportation spacing requirements for lighted intersections. This will be a seven-lane road with trails on both sides; they propose to dedicate the entire required 200 feet of right-of-way. In exchange for these road dedications, he requested the dedicated right-of-way square footage be included in the lot size calculations to comply with the City's minimum lot size requirement. Mr. Ostler stated the nearest home to the east is 683 feet from this project and requested this distance be considered as a portion of the required transitioning.

Councilmember Burnham stated the plan does not meet transitioning requirements, minimum lot size requirements, or density allowances. The project requests too many exceptions to the Municipal Code.

Councilmember Clark explained transitioning requirements are in place to protect compatible uses.

Councilmember Curtis said the applicant is requesting multiple exceptions in exchange for the right-of-way dedication. The plan contains hundreds more lots than allowed in the highest density in Municipal Code. The plan does not meet minimum lot size requirements, average lot size requirements, buffering or transitioning requirements, or density allowances. This is not a comparable value exchange.

Councilmember Reaves stated the transitioning requirements must be met, as well as density requirements.

Discussion ensued regarding the applicant's proposed transitioning, as well as possible zones for the property.

The Council agreed that the plan should be amended to comply completely with the City's Municipal Code. Once that plan has been drafted, the Council can discuss potential exchanges for the dedication of right-of-way.

3. AGENDA REVIEW

11. AGREEMENTS

11.A. AGREEMENT – An Agreement between Eagle Mountain City, Utah, and Utah State University Water Conservation Strategies Collaborative Research Project, Phase II.

Mr. Berrett explained this item is a continuation of the existing agreement with Utah State University.

12. BID AWARDS

12.C. Well #6 Well House (Facebook) – VanCon, Inc.

City Engineer Chris Trusty stated Facebook is funding this well development. Staff is concerned about possible arsenic and lead levels and may not complete this well. He explained he is considering testing the Ault well, which may be a better water source. He requested the item be removed from the consent agenda and placed as a scheduled item.

12.D. Well #6 Water Quality Testing (Facebook) – Rhino Pumps

Mr. Trusty explained this item relates to item 12.C. He stated staff may not move forward with the water quality testing and requested this item be removed from the consent agenda and placed as a scheduled item.

13. BOND RELEASES

Regarding bond releases, Engineering Assistant Robert Ballif explained some bonds are held for the full warranty period to ensure any damage to improvements is repaired.

Councilmember Clark asked staff to inspect damage due to rocks from construction vehicles traveling from Penny Lane to Porters Crossing.

13.D. SilverLake Plat 15 - Out of Warranty

Councilmember Curtis asked about repairs to the sidewalks along Woodhaven Boulevard in this area which were washed out due to lack of landscaping. Mr. Trusty requested the item be placed as a scheduled item in order to place a condition of approval that the bond is released once all repairs have been made.

14. CHANGE ORDERS

14.B. Change Order #1 Steeplechase Offsite Improvements (Facebook) – Reynolds Brothers Construction

Mr. Trusty explained this item is related to projects at the Facebook site.

16. PRELIMINARY PLATS & SITE PLANS

16.A. John Walden Clubhouse – Site Plan

Mr. Mumford stated the applicant has requested this item be placed on the November 19 City Council meeting as a scheduled item.

17. ORDINANCES/PUBLIC HEARINGS

17.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City General Plan.

Planning Manager Michael Hadley explained this property is approximately 162 acres located west of the Brylee Estates development and north of the Brandon Park development. The land is currently zoned Agricultural. The current General Plan designation is a combination of Employment Center/Campus and Neighborhood Residential One. The applicant is proposing to keep a portion of the property as Neighborhood Residential One, and change the Employment Center/Campus designation to Agricultural Rural Density Two, Neighborhood Residential Three, and Commercial.

The Future Land Use and Transportation Map shows a freeway located through this property. The Council should consider if commercial and multifamily development in this area is consistent with good planning practices, and if the proposed change is consistent with approved development surrounding the property that is currently under construction.

Councilmember Clark stated the City went through an extensive process to update the General Plan and asked if the Council will evaluate every General Plan amendment application. She said multiple changes diminish the strength of the plan.

Mayor Westmoreland stated the Council needs a compelling reason that benefits the City to consider a possible amendment to the General Plan.

Councilmember Reaves stated the Council should schedule regular reviews of the General Plan, consistent with the City's rate of growth; reviews should not be based upon developers' requests. Multiple reviews and amendments to the General Plan set a bad precedent.

Councilmember Curtis expressed concern with proposals that change Commercial land uses to Residential land uses.

17.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving an Enterprise Fund Transfer.

Assistant City Administrator/Finance Director Paul Jerome explained the proposed transfer includes $235,000 from the Solid Waste Fund to the Transportation Impact Fee Fund for the City's loan payment to the Transportation Infrastructure Bank, which provided the funding for the Pony Express Parkway expansion. Also included in the transfer is $200,000 from the Solid Waste Fund to the Capital Projects Fund for construction of a traffic signal at Aviator Avenue and Eagle Mountain Boulevard. The Solid Waste Fund is at 36% of anticipated revenues and will have a 15% fund balance if the transfer is approved. The project is impact fee-eligible, so funds can be reimbursed to the Solid Waste Fund in the future.

Councilmember Burnham asked if a traffic study was completed for the traffic signal at Aviator Avenue. Mr. Jerome explained staff performed an in-house study; the study showed there are just fewer than 10,000 average daily trips on Eagle Mountain Boulevard. Staff has determined a signal at this intersection is prudent due to increased traffic to the new high school and to the data center. The signal will also ensure pedestrian safety for students traveling to and from school across Eagle Mountain Boulevard.

Councilmember Curtis asked why the traffic signal cannot wait for the next budget cycle. Mr. Jerome said Alpine School District applies safe routes to school for elementary school students, but not for middle and high schools. With the increase of average daily trips and resident concerns, it is wise to begin the process now. If they wait for the next fiscal year budget approval, the signal will likely not be complete before the start of the 2020-2021 school year.

Councilmember Curtis stated he does not like interfund transfers; residents pay into this fund for solid waste service and the money should be used for that purpose.

Councilmember Clark asked what other fund could be used in place of an Enterprise Fund transfer. Mr. Jerome said the projects are impact fee-eligible, so the Transportation Impact Fee fund can be utilized. Staff wants to ensure the Transportation Impact Fee

Fund contains the money needed for the completion of the Pony Express Parkway expansion if the City does not obtain another Transportation Infrastructure Bank loan. Currently, the Transportation Impact Fee Fund contains enough to expand Pony Express Parkway from Bobby Wren Boulevard to Frontier Middle School. If used for the traffic signal and loan payment, the fund will be depleted.

Councilmember Clark asked what fund the City will use for future payments of the Transportation Infrastructure Bank loan. Mr. Jerome stated the Transportation Impact Fee Fund will be utilized.

17.C. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Second Amendment to the Fiscal Year 2019-2020 Budget.

Mr. Jerome stated the amendment includes the following increases to the General Fund budget: $1,500 for a defibrillator for the Senior Center, $3,500 to remove the wrap from the senior bus, $10,000 for traffic studies on Pony Express Parkway at the intersections of Lone Tree Parkway and Bobby Wren Boulevard, and $2,000 for a Youth Council scholarship. The proposed amendment for electric vehicle charging stations has been removed to allow staff to obtain additional information regarding the stations. Staff is considering locating charging stations at City Hall, Wride Memorial Park, and potentially Smith Ranch Park. Once staff has final details, the item will be included in a future budget amendment request.

The changes associated with the Enterprise Fund transfer are included in this amendment, as are two projects from the 2018-2019 fiscal year budget that were not completed before the end of the fiscal year.

Changes to the Capital Projects Fund include the traffic signal described earlier, as well as a $25,000 reimbursement for landscape improvements made by the developer on City-owned property at the corner of Pony Express Parkway and Ranches Parkway. The increase of $20,000 for SilverLake trees is due to the City collecting $52,000 but only expending $32,000 thus far. An increase of $29,000 is included to install a card access system at City Hall which links to the same system as is in the Community Development Building.

The budget originally included funds for a Water Impact Fee Analysis (IFA) and a Water Impact Fee Facilities Plan (IFFP); however, the actual costs are higher than anticipated. The budgeted cost of the IFFP was increased by $13,000, and the IFA was increased by $25,000.

18. MOTION – AVAILABLE STORAGE

18.A. Available Storage – Conditional Use Permit Appeal

Mr. Hadley explained the project is on a seven-acre lot in the Sweetwater Industrial Park. The proposal is to build the storage units in phases. The Planning Commission approved the conditional use permit with conditions on September 24. The Commission was concerned that if the project began construction and later stalled, only one phase would contain screening. The applicant is requesting an appeal to the condition requiring the entire project be screened, as it is not fiscally possible to do so in the first phase. Typically when storage facilities are constructed, the facility is built in phases and the individual storage units act as the exterior wall.

Councilmember Clark asked how far away the homes to the north are from this project. Mr. Hadley explained the storage site is surrounded by industrial land uses. He said Tiffany Way is the north boundary to the Sweetwater Industrial Park and presented the elevations for the north side of the buildings.

Councilmember Burnham explained at the Planning Commission meeting, the applicant expressed concern that building all of the perimeter units would impede on an existing "handshake easement" the former property owner has with an adjacent property owner to access Arrow Engineering. She stated this project is not similar to storage facilities in residential areas and should not be held to the same standard.

Councilmember Clark stated a phasing plan could address the Planning Commission's concerns while allowing the applicant to move forward with construction.

Mr. Mumford explained some reduced standards were allowed with the approval of the Sweetwater Industrial Park site plan. An example he gave of a reduced standard is only requiring paving of front parking lots, versus both the front and rear lots.

Applicant representative Ken Menlove explained they have submitted a phasing plan. He stated they typically do not have a set timeline for each phase, but once the first phase is at fifty to sixty percent capacity, the second phase begins. Storage facilities typically begin to make money around the time the second phase is completed. Mr. Menlove said the backs of the storage units are the perimeter walls and are aesthetically pleasing from all sides of the project. It would not make sense financially to build all of the perimeter units in the first phase. Once they construct phase three, the business owner using the southern end of the applicant's property as an access to his property will be able to use another road that is scheduled to be completed in the future. Phase two will likely be built three years after phase one begins, with phase three construction beginning two years after that. He asked if a solid wall is required in this zone, as chain link fence exists in other areas near this site.

Owner Dustin Aldridge said another storage facility in the area began construction of phase two within one year, but allowing this project two years until phase two begins will ensure they can meet the timeline.

Councilmember Curtis stated his concerns regarding unfinished projects and chain link fence. Mr. Mumford said the phasing plan can include specific details regarding location of buildings and timelines. City Attorney Jeremy Cook expressed concern regarding enforcement of a timeline. He said the last phase of construction will complete the wall between City property and this project; the first two phases will include screening between all other property owners.

Councilmember Clark stated the Council must be comfortable with chain link fencing until the phases are complete and asked if this approval will cause the Council to be forced to approve a future storage facility in an undesirable area or with reduced screening requirements. Mr. Mumford explained both of the storage units on Wride Memorial Highway were built in phases and had chain link fencing.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 5:58 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. Councilmember Stephanie Gricius was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Chris Trusty, City Engineer; Linda Peterson, Communications Director; Brad Hickman, Parks and Recreation Director; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

Councilmember Reaves led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Farmers Market – The Eagle Mountain Farmers Market is held each Saturday from 9:00 a.m. to 1:00 p.m. at Wride Memorial Park through the end of this month, weather permitting. Information and vendor or entertainer applications are available at eaglemountainfarmersmarket.org.

- Halloween Town – Eagle Mountain City's traditional Halloween event, Halloween Town, will be held Saturday, October 26 from 11:00 a.m. to 2:00 p.m. at Nolen Park. Businesses and organizations are invited to register for a free informational booth. Visit emcity.org/events and click on the Halloween Town link to register. Bring the kids in costume for trick-or-treating, a free car show, and a dog costume contest. Food trucks will be on site with food for purchase.

- Christmas Village Vendors – Eagle Mountain City is accepting applications for holiday gift and craft vendors for the Christmas Village Boutique on December 7. Please visit emcity.org/events and click on the Christmas Village link on the calendar.

- Bag the Leaf – Eagle Mountain City is offering our annual free bagged leaf pickup and disposal service from October 22 to November 22. Information is available on the City website, News section.

- Veterans Breakfast – The Eagle Mountain Military and Veterans Advisory Board will host a free pancake breakfast for military veterans and their families on Saturday, November 9 from 8:00 a.m. to 10:00 a.m. at The Ranches Academy.

- Veterans Day Concert – The Eagle Mountain Symphony Orchestra will perform a Salute to Veterans on November 11 at 7:00 p.m. at Cedar Valley High School.

- Turkey Trot – Eagle Mountain City's annual Turkey Trot fun run/walk will be held on Thanksgiving morning, November 28 at Wride Memorial Park. This event is free with prizes, refreshments, and giveaways. Register at emcity.org/turkey.

8. PUBLIC COMMENTS

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

Alpine School District School Board Member Julie King thanked the City for funding street expansion and traffic light installations for local schools.

Mayor Westmoreland closed public comment at 7:10 p.m.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis
Councilmember Curtis thanked Ms. King for the support she provides to the community on the School Board.

Councilmember Burnham
Councilmember Burnham also thanked Ms. King for her service to the City and expressed appreciation to residents for their involvement with the City.

Councilmember Reaves
Councilmember Reaves stated his appreciation for Ms. King and thanked residents for communicating with the City Council.

Councilmember Clark

Councilmember Clark also expressed appreciation to Ms. King and City residents, and said City staff is the best in the state. She encouraged residents to vote in the upcoming election.

10. PROCLAMATION

10.A. Type I Diabetes Awareness Week

Mayor Westmoreland read the following proclamation, proclaiming November 10 through November 16, 2019 as Type 1 Diabetes Awareness Week:

> Whereas, Type 1 Diabetes (T1D) affects three million people in the United States; and
>
> Whereas, 40,000 young children and adults are diagnosed with this disease every year in the United States; and
>
> Whereas, there is no way to prevent T1D, there is no cure, and it causes dependence on injected insulin for the rest of one's life; and
>
> Whereas, living with T1D is a constant challenge, requiring daily care and putting patients at risk for dangerous complications; and
>
> Whereas, people with T1D are continually raising awareness about T1D and advocating for research dollars, as evidenced by Sydney Glass, the founder of The Glass Sneakers; and
>
> Whereas, an increase in community awareness will create a better future for people with T1D through support, research, diagnosis and treatment;
>
> Now, therefore, be it resolved that I, Tom Westmoreland, Mayor of Eagle Mountain City, and the Eagle Mountain City Council proclaim November 10 through November 16, 2019 Type 1 Diabetes Awareness Week in Eagle Mountain City and encourage all citizens to help fight this disease and its deadly complications, and provide support to those suffering from Type 1 Diabetes.

City Recorder Fionnuala Kofoed explained the City will have blue lights at City Hall in recognition of Type 1 Diabetes Awareness Week and stated information will be included on the City's website.

MOTION: ***Councilmember Curtis moved to proclaim November 10 through November 16, 2019 as Type 1 Diabetes Awareness Week. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

CONSENT AGENDA

11. AGREEMENTS

11.A. AGREEMENT – An Agreement between Eagle Mountain City, Utah, and Utah State University Water Conservation Strategies Collaborative Research Project, Phase II.

12. BID AWARDS

12.A. Airport Road Alignment and Design Bid Award – Civil Science

12.B. Valley View Sewer Line Extension & Water Service – CT Davis Excavation

12.C. Well #6 Wellhouse (Facebook) – VanCon, Inc

12.D. Well #6 Water Quality Testing (Facebook) – Rhino Pumps

13. BOND RELEASES

13.A. Evans Ranch Plat E-1 -- Into Warranty

13.B. Evans Ranch Plat J-1 -- Into Warranty

13.C. Oak Hollow Phase A, Plat 4 – Out of Warranty

13.D. SilverLake Plat 15 – Out of Warranty

14. CHANGE ORDERS

14.A. Change Order #1 Well #6 (Facebook) – Widdison Turbine

14.B. Change Order #1 Steeplechase Offsite Improvements (Facebook) – Reynolds Brothers Construction

15. MINUTES

15.A. October 1, 2019 Meeting Minutes

16. PRELIMINARY PLATS & SITE PLANS

16.A. John Walden Clubhouse – Site Plan

MOTION: ***Councilmember Clark moved to approve the consent agenda, moving items 12.C., 12.D., and 13.D. to the scheduled items and excluding item 16 from the agenda. Councilmember Curtis seconded the motion. Those voting aye:***

Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.

12. BID AWARDS

12.C. Well #6 Well House (Facebook) – VanCon, Inc.

City Engineer Chris Trusty explained staff has concerns with this well and may need to abandon this location for a new site. He stated he had hoped the well would produce 2,000 to 3,000 gallons per minute, but it is only producing 600 gallons per minute. Staff is also concerned about possible contamination. He explained staff is working with a property owner who is interested in selling an irrigation well, which would be a better water source. As Facebook is funding the well, staff will continue consulting with them regarding future steps.

MOTION: ***Councilmember Curtis moved to approve the Well #6 well house bid award to VanCon, Inc. with the condition that if, after consulting with Facebook, the City Engineer determines Well #6 will not be developed at this location, the City can choose not to award the bid. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

12.D. Well #6 Water Quality Testing (Facebook) – Rhino Pumps

Mr. Trusty requested this item contain the same condition of approval as the well house bid award.

MOTION: ***Councilmember Curtis moved to approve the Well #6 water quality testing bid award to Rhino Pumps with the condition that if, after consulting with Facebook, the City Engineer determines Well #6 will not be developed at this location, the City can choose not to award the bid. Councilmember Clark seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

13. BOND RELEASES

13.D. SilverLake Plat 15 – Out of Warranty

Mayor Westmoreland stated the Council expressed a concern during the work session regarding a sidewalk in this plat. He stated the item was removed from the consent agenda to allow the motion of approval to resolve the concern.

MOTION: ***Councilmember Curtis moved to approve the bond release for SilverLake Plat 15 – out of warranty, with the condition that staff confirms any erosion damage to the sidewalk adjacent to the townhomes that face Woodhaven***

Boulevard near the traffic circle has been repaired. Councilmember Clark seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.

17. ORDINANCES/PUBLIC HEARINGS

17.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City General Plan.

Planning Manager Michael Hadley explained the 162-acre property is zoned Agricultural and is designated Employment Center/Campus on two thirds of the property, with the remainder designated Neighborhood Residential One. The applicant-proposed amendment is to keep the Neighborhood Residential One and include Agricultural Rural Two, Neighborhood Residential Three and Commercial. He presented a proposed concept plan of the property. The City's Future Land Use and Transportation Map shows a freeway corridor through the property. The applicant would like to adjust the freeway alignment to lessen the impact on this property.

Mayor Westmoreland opened the public hearing at 7:28 p.m. As there were no comments, he closed the hearing.

Applicant representative Andrew Flamm explained they have worked to align this plan with the adjacent approved plans that currently are being developed. They want to ensure the proposed uses are compatible with surrounding land uses, and stated they are no longer requesting to adjust the freeway alignment. He stated the only feedback he received from the Planning Commission was that the commercial zones are being updated and they did not want to approve any commercial development; however, this is not a commercial rezone application.

Councilmember Burnham expressed concerns regarding Tier 1 abutting Tier 3 with no buffering. She asked what the City will gain by making an exception to the zoning requirements.

Mr. Flamm explained a project he previously worked on was between Mountain View Corridor and Bangerter Highway, where Salt Lake Community College has planned a future campus. This project has been in process for many years and there is still no campus at the site. Allowing this amendment will ensure the land does not remain vacant while waiting for potential businesses to develop. The amendment allows Tier 3 development adjacent to commercial development, which will buffer the residential areas from the freeway.

Councilmember Burnham stated there is not much Commercial or Employment Center/Campus area designated in the City.

Councilmember Curtis stated the City should not replace Commercial zoning with more residential area.

Councilmember Clark stated the freeway location is a valid reason for the land to remain designated as a commercial use. Councilmember Curtis said if residential development is allowed at this location, eminent domain may need to be used for the development of the freeway.

Mr. Flamm explained the property owner wants to ensure the project is feasible, but there is not a large demand for commercial development at this time. He stated they would be willing to develop commercial property once the demand increases. The commercial use is better suited near the freeway.

Councilmember Curtis said no property owner rezones from residential to commercial; in Eagle Mountain, developers simply build the highest density permitted.

Mr. Flamm confirmed with the Council that they do not want to remove any of the Employment Center/Campus land designation at this time.

Councilmember Clark stated if the City does not set aside land for commercial use, it will not be developed as commercial. She recommended the applicant look at employment centers in the region for examples of what the Council is asking for.

Mr. Flamm asked that the item be tabled, rather than denied, and stated the application was for a General Plan amendment and a rezone. Councilmember Curtis said they can table the General Plan amendment, but stated he is against increasing Residential zoning in the City.

Ms. Kofoed explained the agenda item was noticed as a General Plan amendment, not as a rezone. City Attorney Jeremy Cook stated if the Planning Commission did not consider the item as a rezone, the application should be presented to Planning Commission as a rezone.

Mr. Hadley asked if the Council would consider allowing the residential area of this property to be squared off, changing a small portion of commercial to residential.

Councilmember Burnham said if homes are built in that area, residents will be upset when commercial development begins. Councilmember Curtis said commercial must be adjacent to the freeway; the General Plan should remain unchanged.

MOTION: ***Councilmember Curtis moved to deny an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain City General Plan. Councilmember Reaves seconded the motion.***

The applicant requested the item be tabled, rather than denied. The Council declined the request.

Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.

17.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving an Enterprise Fund Transfer.

Assistant City Administrator/Finance Director Paul Jerome explained the proposed transfer is from the Solid Waste Fund to the Transportation Impact Fee and General Fund Capital Projects Funds. The transfer includes $230,000 for the first of ten payments for the Transportation Infrastructure Bank loan the City received from the Utah Department of Transportation to expand Pony Express Parkway. The remaining $200,000 in the transfer would be used to install a traffic signal at Aviator Avenue and Eagle Mountain Boulevard. The Solid Waste Fund has a 35% fund balance; if the transfer is approved, the fund balance would be lowered to 15%. This fund has seen savings due to favorable contract negotiations for waste disposal.

Councilmember Curtis asked what the City's reserve balance would be if the General Fund was used for these projects. Mr. Jerome stated the reserve fund would be approximately 22%. This item was noticed thirty days in advance, as required for an Enterprise Fund transfer; if the Council would prefer to use the General Fund for these items, the budget amendment does not have the same noticing requirements.

Councilmember Clark stated the Council prefers to use the General Fund for these items, instead of an Enterprise Fund transfer.

Mr. Jerome explained the Council can direct staff to use the Transportation Impact Fee Fund for these items; if the City cannot obtain another loan for the remaining Pony Express Parkway expansion, the General Fund can be used at that time.

Discussion ensued regarding using Enterprise Funds for projects not related to the designated fund.

Mayor Westmoreland clarified that the funds were received through contract negotiation; this is not a hidden tax. He explained if Council de-incentivizes staff from renegotiating contracts to a more favorable rate, the result is bloated government.

Councilmember Clark stated the Solid Waste Fund could be used to implement programs related to solid waste, such as a green waste program.

Mayor Westmoreland opened the public hearing at 7:49 p.m.

Roman Backs said it appears the intersection at Eagle Mountain Boulevard and Aviator Avenue is already under construction for the traffic signal. He stated the Solid Waste Fund should be utilized for solid waste projects such as plumbing, and said many neighbors did not receive notification of the agenda item.

Mr. Jerome explained the noticing procedures and stated that solid waste relates to garbage and recycling.

Mayor Westmoreland closed the public hearing at 8:02 p.m.

Councilmember Reaves asked if there are limitations regarding how long the City can retain a reserve balance.

Mr. Jerome explained that there is no time limit on the General Fund, but impact fees have to be paid within six years of receipt, which the City complies with. If the State Legislature does not fund the Utah Department of Transportation as anticipated, the City will not have the option of using the Transportation Infrastructure Bank for future expansion of Pony Express Parkway. Depending on reimbursement agreements, the balance in the Transportation Impact Fee Fund may not cover the future expansion. The City also has the option to bond for the expansion project.

Councilmember Clark asked the Council if they would prefer to use the Transportation Impact Fee Fund or the General Fund for these two projects. Mr. Jerome recommended using the Transportation Impact Fee Fund.

MOTION: ***Councilmember Burnham moved to deny an ordinance of Eagle Mountain City, Utah, approving an Enterprise Fund Transfer. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

17.C. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Second Amendment to the Fiscal Year 2019-2020 Budget.

Mr. Jerome stated the General Fund budget amendments include a defibrillator for the Senior Center, removal of the senior bus wrap, a traffic study on Pony Express Parkway at the intersections of Bobby Wren Boulevard and Lone Tree Parkway, a Youth Council scholarship, and electric vehicle charging stations. He explained he has removed the line item for charging stations until staff obtains more information.

The Enterprise Fund transfers from the Solid Waste Fund will be removed, and the other two budget amendment items in the Enterprise Funds relate to projects that were budgeted in the 2018-2019 fiscal year, but were not completed.

The amendments listed in the Capital Projects Fund include the traffic signal at Aviator Avenue and Eagle Mountain Boulevard, a reimbursement to a developer for landscape improvements made on City property at the corner of Pony Express Parkway and Ranches Parkway, trees in the SilverLake subdivision, and a card access security system at City Hall. The Transportation Impact Fee Fund will be used for the traffic signal, and the other items presented will be funded through the General Fund.

The two amendments listed in the Water Impact Fee Fund are due to higher costs for the Water Impact Fee Analysis and the Impact Fee Facilities Plan than were originally budgeted.

Mayor Westmoreland opened the public hearing at 8:10 p.m. As there were no comments, he closed the hearing.

MOTION: ***Councilmember Clark moved to approve an ordinance of Eagle Mountain City, Utah, approving the second amendment to the Fiscal Year 2019-2020 budget, as presented. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

18. MOTION – AVAILABLE STORAGE

18.A. Available Storage – Conditional Use Permit Appeal

Mr. Hadley stated this project is located in the Sweetwater Industrial Park, which was approved by the City Council in 2015. The Planning Commission approved a conditional use permit for Available Storage with a condition that a screening wall or fence is constructed around the entire property with the completion of the first phase of development. The Commissioners expressed concern that the project may stall after the first phase, resulting in a lack of screening. The applicant is concerned that the condition imposed by the Planning Commission is not financially feasible, as the storage units are the perimeter wall; they do not construct additional masonry walls. He presented elevations of the storage and office units, and the proposed site plan.

Councilmember Curtis confirmed with staff that the Municipal Code does not allow the Council to require a perimeter wall around the entire property, as the structural walls of the storage units act as the fence.

Discussion ensued regarding appropriate language of the City Council's motion and potential issues with enforcement.

Mr. Cook asked if the perimeter fencing outside of the retention basin will be chain link. Applicant representative Ken Menlove stated the retention basin will be included on the west side of the property and chain link fence will surround this for safety purposes. A temporary chain link fence will be placed around the property to secure the site, which will be replaced as the phases are completed.

Discussion ensued regarding the Planning Commission's conditions of approval of the conditional use permit.

MOTION: ***Councilmember Curtis moved to uphold the Planning Commission's approval of the conditional use permit for Available Storage with the following modification to condition of approval number three:***

1. ***The full length of the perimeter wall is built with each phase before the certificate of occupancy is issued.***

Councilmember Clark seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.

18.B. Available Storage – Site Plan

MOTION: ***Councilmember Curtis moved to approve the Available Storage site plan with the following conditions:***

1. ***Applicant shall submit a phasing plan;***
2. ***Applicant shall submit a specification sheet for lighting that complies with the City's dark sky ordinance; and***
3. ***A second access shall be provided with the appropriate phase, to be approved by the Fire Marshal.***

Councilmember Clark seconded the motion. Those voting aye: Colby Curtis, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.

19. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Clark
Councilmember Clark suggested a Soar Award program be implemented in the City for Councilmembers to nominate one resident a month for recognition.

Councilmember Reaves
None.

Councilmember Burnham
See Board Liaison Report.

Councilmember Curtis
Councilmember Curtis apologized to Economic Development Director Aaron Sanborn for mistakes made at the previous City Council meeting. He stated he appreciates Mr. Sanborn and the Eagle Mountain Chamber of Commerce.

Mayor Westmoreland
Mayor Westmoreland explained the Unified Fire Authority is updating the interlocal agreement they have with the municipalities they serve. They hope to have the contract finalized and approved by the end of the year.

20. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Clark
Councilmember Clark stated the City's HAM radio training is currently underway and residents can still attend. Residents can also study the material online and take the test with the class. A Volunteer Coordination Center will be held in November to allow volunteers to familiarize themselves with emergency response practices. The Youth Council will meet on October 30, and the Military and Veterans Advisory Board will meet on October 24.

Councilmember Burnham
Councilmember Burnham clarified that although the City Council did not agree with the Planning Commission's decision regarding the Available Storage conditional use permit, they appreciate and respect the Commissioners and the work they do for the City. The Eagle

Mountain Chamber of Commerce has set a goal to obtain more business members by the end of December.

21. COMMUNICATION ITEMS

21.A. Financial Report

21.B. Upcoming Agenda Items.

22. ADJOURNMENT

MOTION: ***Colby Curtis moved to adjourn the meeting at 8:35 p.m. Melissa Clark seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, Melissa Clark. The motion passed with a unanimous vote.***

The meeting was adjourned at 8:35 p.m.

Approved by the City Council on November 19, 2019.

Fionnuala B. Kofoed, MMC
City Recorder