EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

September 21, 2021, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Embret Fossum, UFA Battalion Chief; B.J. Eccles, Sergeant; Tyler Maffitt, Communications Manager; and Evan Berrett, Assistant to the City Administrator.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Jessa Porter, Planner; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Michele Graves, Library Director; and Chas Glenn Administrative Assistant.

Mayor Pro Tempore Clark called the meeting to order at 4:05 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

General

- The utility rate study is ongoing and nearing completion.
- Airport Road Phase 2 – The right-of-way is being secured, design will begin soon, and the anticipated completion date is September 2022.

Community Development

- The City issued 93 new residential building permits in August.
- There are 14 commercial projects currently undergoing building permit review, and 14 commercial projects in active construction.
- The new Planning Manager starts on October 4.
- A new Neighborhood Improvement Officer starts October 4, bringing the City total to three full-time Neighborhood Improvement Officers.

Water

- The City submitted water-related projects to the State's American Rescue Plan grant match program. The projects include a resolution to Well #1, transmission lines preventing work on pumps, and reuse system upgrades.

- The manual read process for resident utility bills began this week.
- Staff is installing water lines at the Wastewater Treatment Plant for the new land application and rapid infiltration basins.

<u>Wastewater</u>
- City Streets, Stormwater, Wastewater, and Water crews are installing four new rapid infiltration basins on the eastern portion of the recently purchased 80-acre parcel. The State granted a completion extension from October 4 to November 1.

<u>Parks</u>
- Cory B. Wride Memorial Park Phase 2 – Punch list items are being completed, and the grand opening is tentatively scheduled for October 12.
- SilverLake Woodhaven Park – The power should be completed and connected early next week.
- Smith Ranch Community Park – The construction documents for the park are complete.

<u>Events</u>
- The Ties and Tierras event was held at the Ivory Clubhouse to allow more than double the number of participants from previous years.
- The community cleanup event on September 18 had a low turnout due to inclement weather.
- The most recently scheduled Movie in the Park was canceled park due to weather. The event will not be rescheduled due to other upcoming Movie in the Park events.

<u>Engineering</u>
- Pony Express Parkway – The areas currently having storm drain pipe and compaction completed are scheduled to be paved on September 22 and 23.
- Airport Road Phase 1 – Construction continues. The traffic signal has been installed but will not be operational until the project is completed around the end of October.
- Bobby Wren Boulevard – the traffic signal has been installed and will be operational by the end of 2021.

<u>Streets</u>
- Resident requests for additional school crossings are carefully considered but may not always be implemented due to decreased safety with multiple crossing points and the unfeasibility of providing a crossing guard on every corner. Staff requests residents utilize the resident portal for requests including suggestions for additional school crossings.

Mayor Pro Tempore Clark stated School Board Member Julie King requested construction traffic delays be communicated to the Alpine School District transportation department in order to adapt plans to mitigate busing delay impacts.

1.B. DISCUSSION – Oquirrh Mountain Ranch

Senior Planner Tayler Jensen presented the item. The Oquirrh Mountain Ranch Master Development Plan (MDP) and Master Development Agreement (MDA) were approved in 2011 and cover a total of 120.4 acres with 417 units and 15.5 acres of open space. In 2016, the MDA was amended to reduce the maximum number of units to 346 units and require 5.5 acres of improved open space.

The applicant has provided two Amended Master Development Plan options for Council consideration. In Option A, the proposed lot sizes include 61 lots with 40-foot frontages, 109 lots with 45-foot frontages, and 59 lots with 50-foot frontages. Option B includes increased lot sizes with 58 lots with 45-foot frontages, 80 lots with 50-foot frontages, and 68 lots with 55-foot frontages. RC zone standards require a minimum lot size of 4,500 square feet, an average lot size of 6,000 square feet, a minimum frontage of 58 feet, a front setback of 15 feet, a garage set back of 22 feet, a rear setback of 20 feet, side setbacks of eight feet and 10 feet on the garage side, and a corner set back of 15 feet. Option A proposes modified standards to allow a minimum lot size of 4,000 square feet, an average lot size of 5,442 square feet, a minimum frontage of 40 feet, rear setbacks of 15 feet, and side setbacks of five feet. Option B's modified standards include a minimum 45-foot frontage, a 15-foot rear setback, and five-foot and ten feet on the garage-side side setbacks.

Oquirrh Mountain Ranch has a current density approval of 346 total units with up to an additional 292 units. The allowable density in unbuilt pods is 265 units; those units combined with the 54 built units result in an actual maximum density of 319 units. In contrast, if Option A were to be approved, the maximum full buildout would be 283 units. If Option B were to be approved, the maximum full buildout would be 260 units.

The Overland Village 2 development is adjacent to the south and has one-half to one-third acre lots along the northern border. The proposed lots in both options are smaller and do not meet the City's transition standards; however, the approved MDA has townhomes and apartments along the southern boundary, and the proposed lots would be a more appropriate transition than the vested units. The proposals also include a stub connection between Oquirrh Mountain Ranch and Overland Village 2.

Mr. Jensen verified that the side setbacks in the previous Tier II standards, which are the standards included in the current MDA, are five feet and ten feet on the garage side. Tier II standards include a 55-foot minimum frontage with a requirement for 20% of the project to have 60-foot frontages. He clarified the map for Overland Village 2 is intended to show the difference in the lot sizes and the roads were amended with the preliminary plat; the connections between the projects will be adjusted to align properly. The property to the west of the development will have a north-to-south collector road connecting to the Overland development. A stub road for a future connection will be provided on the west side of Oquirrh Mountain Ranch. The proposed north-to-south collector road may need to be relocated should terrain prove prohibitive. Construction phasing will begin with the eastern cul-de-sac and the western portion will be developed last. Any blasting required for the project would require Council approval and the walkout basements would not have windows on the sides of the units as the bedrooms will be placed towards the rear of the lots with windows on the back of the homes.

Discussion ensued regarding road connectivity and access to Airport Road for the development.

City Engineer Chris Trusty said the Overland development placed a stub for the north-to-south collector road in the proposed location as the terrain would not accommodate the road farther to the east, which would have been preferable.

Councilmember Curtis said that the minimum lot frontage he would consider is 50 feet; exchanging the frisbee golf course for the petroglyph park and wildlife corridor is acceptable.

Councilmember Burnham stated that the applicants gave up several lots on flat land and removed the frisbee golf course from the project due to concern with the impact of the course on wildlife. She credited the applicants for agreeing to dedicate both buildable and unbuildable land for the wildlife corridor, intermixing the lot sizes to provide variety, and their willingness to remove the 40-foot frontage lots. She said those reasons, as well as excluding window wells on the sides of the houses and increasing the grade for the runoff from the lots to drain to the front, are the reasons the Planning Commission determined to recommend approval of the project.

Mr. Jensen said the applicant has communicated that Option B, with 206 units, was the minimum number of units to make the plan financially viable. He noted there is a 20-foot open space buffer between Oquirrh Mountain Ranch and Overland Village 2. Should the lift station not be required, the applicant would have additional acreage to incorporate into the southern border lots.

Assistant City Administrator/Community Development Director Steve Mumford stated that a stipulation to increase the lot sizes along the southern border should the lift station not be required could be a part of the development agreement.

Councilmember Curtis said he would prefer a small area of multifamily housing for this area, rather than housing he views as poorly designed, to allow for some larger, more-usable lots. He recognizes sacrifices are necessary to accommodate the wildlife corridor; however, the 55-foot frontage lots in his neighborhood have a high transiency rate and he is concerned with the style of neighborhood being proposed.

Mayor Pro Tempore Clark expressed concern that introducing multifamily to the development and the associated amenity requirements would lead to failure to achieve the desired net result.

Councilmember Love stated that although the proposed lots are narrow, the greater depths and the ten-foot garage-side setbacks will help mitigate some of the issues experienced in other areas with small lot frontages.

Mr. Jensen confirmed that the average depth of the lot will be 117 feet compared to the 92- to 95-foot depths of the cluster lots in SilverLake.

Discussion ensued resulting in Council support of the Planning Commission recommendations noted in the staff report as well as additional conditions or changes to the project to address other concerns.

1.C. CONCEPT PLAN – Eagle Quest

Mr. Jensen presented the item. The applicant is seeking feedback on two parcels they own within the City; the eastern parcel is located west of Lake Mountain Road and the western parcel is located just north of the Rush Creek property and west of Overland. The applicant has included two different concepts for the eastern parcel. The first concept proposes 484 lots, dedicates arterial and collector roads to the City, and includes a mix of RC, R3, R2, R1 and half-acre lots for an average lot size of 9,050 square feet. The second concept plan proposes 428 lots and does not dedicate the full width of collector and arterial roads and includes a mix of lot sizes and zones for an average lot size of 10,477 square feet.

The current transportation plan indicates a curved road that bisects the northeast corner of the property. The applicant's preference is for a straight road to run along the east side of the project and the curve to connect to a road to the west to be placed entirely on the property to the north. The Sunset Flats development is located to the south and the Eagle Mountain Benches development is located to the east with two-and-a-half to five-acre lots.

Applicant representative Kurt Ostler said they are concerned with the road making their northwest corner an orphan parcel and their proposed alignment would provide sufficient traffic light distancing to meet the Utah Department of Transportation (UDOT) standards, even though the road is not a UDOT road. They feel changing the road would improve connectivity to Hoofbeats to Healing and the Eagle Mountain benches area and would create a 90-degree intersection. His understanding is that Aviator Avenue was planned as a 53-foot right-of-way when Sunset Flats was developed. They are willing to dedicate the additional 12 feet from their southern boundary over their requirement for the road expansion to a minor collector as now indicated in good faith in hopes the City would approve their road change proposal.
Mr. Ostler said the east concept land is designated as Neighborhood Residential One. The 428-unit plan proposes 83 R3 lots, 206 R2 lots, and 139 R1 lots resulting in an average lot size of 10,493 square feet or 0.24 acres. The property is bordered on all sides by collector roads and traffic studies indicate their development is not generating enough traffic to require the collector roads. The 484-unit plan proposal requests an additional 56 lots in exchange for the dedication of the 12.27 acres of land for road right-of-way. However, if the City determines it would prefer the lower lot count, a land purchase agreement for the additional right-of-way width could be negotiated.

Councilmember Curtis expressed concern that the 12.5 acres of land, currently zoned as Agriculture, would be equivalent to 2.5 lots, not 56 lots, and desires to evaluate the request for increased density to determine actual value gained to ensure the City trades an appropriate lot equivalent.

Discussion ensued regarding concerns with the proposed radii for the curves in the road and whether the curvature would be appropriate for the speed limit intended for the road.

City Engineer Chris Trusty said the applicant-proposed radii would meet the minimum 350-foot radius requirement for a 45 mile-per-hour arterial road, and either plan would work from a transportation standpoint. Staff's main concern is placing an undue burden on the property owner to the north. As the road is unlikely to be a UDOT roadway, meeting the traffic light distancing would be optional.

Discussion ensued regarding concerns that moving the road would give leverage for increasing the density in the Town/Center Mixed-Use area on the northern property, the preference for the 90-degree turn created by the applicant-proposed road, clarification that increasing the Town/Center Mixed-Use area would not automatically grant additional density, and the impact of the applicant-proposed road on the northern property.

Mr. Ostler stated they originally had half-acre lots along the eastern border but reduced the lots sizes to approximately one-third acre due to the concern expressed by a Planning Commissioner regarding potential animal rights conflicts between the half-acre lots and other lots in their development.

Discussion ensued regarding lot size transition requirements and concerns due to potential animal right conflicts, the impact of the proposed road alignments to lot size transitioning and buffering, whether the eastern road should be counted as a lot size transition step, the desired total density and unit count, the use of the road curvature as presented in the future transportation plan to divide lots with and without animal rights, and possibly trading larger lots for the applicant-proposed road alignment.

Mr. Jensen presented the concept for the second Eagle Quest west property for approximately 160 acres west of Overland and north of Rush Creek with a mix of MF1, MF2, CC, MEC, and OP zones. The concept rendering excludes the necessary connections with the Overland project and would need to be revised.

Mr. Ostler explained details of the west concept plan including the medical campus area, trails, and multifamily units. The residential units were added to follow the transition buffering requirements for the adjacent properties and RC zone. The hospital user has requested to exclude single-family homes from the project due to use conflicts they've experienced in other cities.

Mr. Mumford explained that the future freeway indicated on the west of the property would likely be placed along the border of the property line. He verified that the agreement could include development triggers to ensure the multifamily and other uses were developed at appropriate intervals.

Discussion ensued expressing support for the hospital and retail uses, suggesting reductions for the multifamily units, and regarding development triggers and agreement requirements that could be included to mitigate concerns the multifamily would be built years prior to the non-residential uses.

Mr. Ostler stated that the hospital user is working with UDOT to locate the future freeway outside of their property to obtain the desired acreage they need.

1.D. DISCUSSION – Fire Station 251 Color Scheme

Unified Fire Authority Assistant Chief of Support Services Dominic Burchett and Dan Gasser with AJC Architects introduced the item and presented renderings and examples employing a dark brick exterior with wood accents and glass to doors with views of the vehicles to assist with identifying the buildings as a fire station.

The Council expressed approval of the proposed color scheme, materials, articulation, size of the Eagle Mountain signage, and a preference for the midnight black brick option.

Councilmember Love expressed concern that the right side of the building looked flat and plain compared to the left and feels like it is missing an element. Mayor Pro Tempore Clark agreed.

2. AGENDA REVIEW

The Council determined to remove item 13.A. from the consent agenda.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: ***Councilmember Burnham moved to adjourn to a closed session for the purpose of discussing reasonably imminent litigation, the purchase, lease, or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.***

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Embret Fossum, UFA Battalion Chief; B.J. Eccles, Sergeant; and Evan Berrett, Assistant to the City Administrator.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Tyler Maffitt, Communications Manager; Zac Hilton, Streets and Storm Drain Manager; and Jeff Weber, Fleet and Facilities Operations Director.

4. CALL TO ORDER

Mayor Pro Tempore Clark called the meeting to order at 7:15 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Curtis led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The Events Department would like to thank all the residents who participated in the community cleanup. We appreciate you showing up to help keep our community clean. Thank you for being polite to staff who were working the dumpster shifts and for keeping the dumpster location clean and tidy. Thanks to all of the staff who helped with this event, we appreciate all of your hard work.
- There will be a double showing of Hocus-Pocus on October 1st and 2nd. This will be a drive-in-style event at Mid Valley Soccer Fields. To register for this event, please go to the city website: eaglemountaincity.com

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

7. PUBLIC COMMENTS

Mayor Pro Tempore Clark opened public comment at 7:18 p.m.

Johnathan Penberthy expressed concern that he is not allowed to park a vehicle with business advertising in front of his home because he operates a home business, but other residents are allowed to park commercial vehicles, with decals for non-home operated businesses, in front of their homes. The business signage on his trailer is his main available method for advertising his business when he performs services offsite.

Director of Administrative Services/City Recorder Fionnuala Kofoed stated that she is unaware of the City receiving or enforcing complaints regarding vehicles with home-based business decals; however, the issue was discussed as a part of a recent Administrative Law Judge hearing regarding a local business. It is under the purview of the Council to amend Municipal Code to allow for the parking of commercial vehicles with decals in the front of or in the driveway of home-based businesses. Business equipment is currently required to be screened. The business can request a waiver for the requirements if they feel the business is not impacting their neighbors.

Mayor Pro Tempore Clark closed public comment at 7:29 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Love
Councilmember Love said Communities That Care has put together a suicide prevention and mental health resources magnet that will be mailed to all households within the Alpine School District area. She is excited to participate in a hot air balloon activity for a youth resident that is battling childhood cancer, and she recognized Unified Fire Authority for going above and beyond to provide special experiences for children with cancer.

Councilmember Burnham

Councilmember Burnham thanked the residents for making Eagle Mountain an amazing place to live and for resident participation in the various Eagle Mountain Serves projects and activities including celebrating an early Christmas for a child battling cancer. She requested a discussion on the work vehicle signage standards to make the requirements more equitable.

Mayor Pro Tempore Clark

Mayor Pro Tempore Clark advocated for staff to collect data for a future Council discussion regarding City parking and road standards, particularly in multifamily neighborhoods. She appreciates the Events staff for their work during the projects and activities during the past few weeks. She thanked Jeff Weber, Julie Bencomo, and Greg Stone for facilitating a CERT practice event. She is grateful to the people that donated to Tabitha's Way; City residents donated over 8,000 lbs. of food.

Councilmember Curtis

Councilmember Curtis said that he is concerned with the ramifications of reducing home-based vehicle parking standards but is open to a discussion on the item. He agreed with the need to discuss parking standards and the impact of narrow frontages on parking availability.

9. RECOGNITION

9.A. 2020 Outstanding Special Event for Silent Santa – Presented by LeAnn Powell, URPA Executive Director

Utah Recreation Parks Association Executive Director LeAnn Powell explained the nomination and voting process and presented the Events Department staff with an award for the Silent Santa event and applauded their creativity to provide an inclusionary event for children with sensory challenges and special needs.

9.B. 2020 Outstanding Department – Presented by LeAnn Powell, URPA Executive Director

Ms. Powell presented the Parks and Recreation Department staff with an award for outstanding department with the consideration of the quality and quantity of work performed by a limited number of staff members.

CONSENT AGENDA

10. AGREEMENTS

10.A. AGREEMENT – Approving a Deed of Conservation Easement.

11. CHANGE ORDERS

11.A. Lone Tree Traffic Signal Change Order #1 – B Jackson Construction

12. MINUTES

12.A. September 7, 2021 Minutes – Regular City Council Meeting

13. PRELIMINARY PLATS & SITE PLANS

13.A. SITE PLAN – Silverlake 32

MOTION: ***Councilmember Burnham moved to approve the consent agenda, removing item 10.A. at the request of the applicant and removing item 13.A. and placing it as a scheduled item. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.***

13. PRELIMINARY PLATS & SITE PLANS

13.A. SITE PLAN – SilverLake 32

Senior Planner Tayler Jensen presented the item. The area is located within Area C of the SilverLake Master Development Plan and Agreement that was last amended in January 2013 and designated for single-family, patio, garden court, cluster, and multifamily development. The preliminary plat for SilverLake South was approved on October 1, 2019, and includes this area; however, multifamily developments require individual site plan approvals. The proposal includes a total of 91 lots located on approximately 9.92 acres with 33 cluster lots and 58 townhomes.
Although this approval is strictly for the SilverLake plat 32, many of the issues including parking, open space, and roads are shared with Plat 31 which was previously approved. With 91 units in plat 32, 31 guest parking stalls are required, and 27 guest parking stalls are provided, which is 4 stalls under this requirement. The total number of units in SilverLake 31 and 32 is 115 units which require 39 guest parking stalls; currently, 34 parking stalls are provided.

The proposed 40-foot-wide private right-of-way throughout the project, which includes 27 feet of pavement and 4 feet of sidewalks, would bring it to the local right-of-way standard minus ten feet of park strips. SilverLake 31 was approved with a 43-foot right-of-way which includes 5-foot sidewalks and 28 feet of pavement. The proposed total of 1.46 acres of open space to serve SilverLake 31 and 32 includes adding benches/picnic tables, 126 trees, a tot lot, and leaving property for the City to add a natural trail. Townhomes are subject to the design standards found in 17.72 of Eagle Mountain Municipal Code. Townhomes have been built throughout the SilverLake development utilizing identical elevations. The rear elevations do not include the same materials or features as front elevations and should be updated to include the same features as the front elevations since they are backing onto improved open space.

The Planning Commission recommended approval to the City Council of the SilverLake 32 site plan with the following conditions:

1. Collector road fencing consistent with existing collector road fencing in SilverLake shall be constructed along the rear and side lot lines of any unit that does or will abut Golden Eagle Road prior to issuance of a certificate of occupancy;
2. Four additional parking stalls shall be required for SilverLake 32 and/or five additional parking stalls shall be provided for SilverLake 31 and 32;
3. The amount of water-wise landscaping shall be increased by replacing the turf behind buildings, in park strips, and other areas that are not very useable as play areas;
4. Rear and side elevations shall include similar materials as the front elevations; and
5. The right-of-way shall be consistent with the 43-foot right-of-way requirements approved for Plat 31 including 5-foot sidewalks and 28 feet of pavement.

Mr. Jensen clarified that the guest parking is distributed throughout the multifamily units.

Councilmember Curtis requested the City verify that the required masonry wrapping from the front elevations to the sides of the units has been completed on the finished units as required per the terms of the master development agreement (MDA) and Municipal Code, as the townhome elevations presented had not been updated to include the masonry wrapping. He stated that he is frustrated that good faith has not been exercised by the developer through keeping the terms of the MDA resulting in the City being required to ensure the terms of the agreement are executed.

Assistant City Administrator/Community Development Director Steven Mumford explained that the SilverLake MDA includes example elevations with masonry wrapping; however, the language in the agreement does not address masonry wrapping. As such, he recommends including a condition in the motion to clarify that masonry wrapping is required for the units.

Discussion ensued regarding the masonry wrapping requirement for townhomes and single-family units in SilverLake, differences in the elevations in the MDA and the elevations of the developed units, and the desired requirement for masonry wrapping to include as a condition of approval.

Mr. Mumford explained that the open space amenity points requirement for SilverLake 32 was calculated based upon the entire SilverLake South development, and the full development exceeds the number of points required. The gravel trail will be for vehicular maintenance access rather than a part of the parks and open space amenities.

Councilmember Love expressed disappointment that this phase did not connect to the asphalt trail system but recognized the impact of the wash on trail connectivity.

Mr. Mumford stated that SilverLake Parkway will have eight-foot asphalt trails that will connect to Saratoga Springs. The road connections to Saratoga Springs are considered system improvements which will be completed by the City. Staff is drafting new policy for road reimbursements and payments to be presented to the Council.

City Attorney Jeremy Cook explained that the reimbursement agreement with the developer requires the dedication of the land for the roads but not improvement because the roads serve the system as a whole, rather than specifically this project. The City will develop the road once the proper width is determined and connectivity has been agreed upon with Saratoga Springs.

MOTION: ***Councilmember Love moved to approve the site plan for SilverLake 32 with the following conditions:***

1. ***Collector road fencing consistent with existing collector road fencing in SilverLake shall be constructed along the rear and side lot lines of any unit that does or will abut Golden Eagle Road prior to issuance of a certificate of occupancy;***
2. ***Four additional parking stalls shall be required for SilverLake 32 and/or five additional parking stalls shall be provided for SilverLake 31 and 32;***
3. ***The amount of water-wise landscaping shall be increased by replacing the turf behind buildings, in park strips, and other areas that are not very useable as play areas;***
4. ***Rear and side elevations shall include similar materials as the front elevations;***
5. ***The right-of-way shall be consistent with the 43-foot right-of-way requirements approved for Plat 31 including five-foot sidewalks and 28 feet of pavement; and***
6. ***Eighteen inches of masonry shall wrap around to the side of the units as required by the master development agreement.***

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

SCHEDULED ITEMS

14. ORDINANCE

14.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Section 13.20.050 Rates and Fees.

Assistant to the City Administrator Evan Berrett presented the item. The proposal adds "Accounts for utility services shall be in the name of the property owner," to EMMC 13.20.050 Rates and fees to facilitate the existing requirement that "each property connected to service shall be liable for the payment of all charges and each property owner accepts service on the terms required herein." The primary objectives of the amendment are to enable Utility Billing staff to work directly with landlords to increase communication, reduce temporary service disruptions, prevent issues with unpaid bills when renters move away, and to retain up-to-date landlord contact information to help Neighborhood Improvement officers resolve issues faster and help landlords be aware of issues with their tenants or property.

The change of account ownership will require some changes to how accounts are managed through the implementation of a new landlord utility service agreement. Landlords who still wish to have tenants pay utility bills directly will sign an agreement authorizing this arrangement. Utility applications will include questions asking if the applicant is a property owner or tenant. The answer will create paths of tasks or information requests as necessary. Staff will create a process to allow for landlords to receive the monthly bills in addition to the tenants.

The impacts for property owners and tenants will vary depending on preference. The property owners will be more involved in the billing of utilities, may need to provide or update contact information with the City, and/or will become liable for unpaid bills. Tenants may see landlords seeking to change rental contracts, see landlords taking ownership of utilities and increasing rent to compensate, and/or will not be able to start or stop services independently. The goal of the hybrid incentive method is to turn rental dwelling licensing into a system that landlords want to participate in. Billing in the landlord names solves issues with unpaid utility bills, greatly increasing general participation.

Mr. Berrett verified that the City would allow a six-month grace period to inform landlords and bring rental properties into compliance prior to full enactment of the requirements. The Planning Department staff has assisted with identifying rental properties to assist with notification efforts.

Councilmember Love expressed support of the program as the City should not be responsible for unpaid utilities and appreciates the plans for notification to the landlords when utilities go unpaid as the landlords have better mechanisms to collect the money.

Councilmember Curtis commended staff for their work and the program.

Mayor Pro Tempore Clark stated she is excited about the program and appreciates staff efforts; however, she expressed concern regarding the burden to renters that are unaware of the process when trying to sign up for utilities, resulting in residents going several days without water.
Mr. Berrett said that the City hopes for the nonstandard rental situations to improve; unfortunately, the City is unable to do much to intervene. The new online application process provides tenants information to assist them with navigating the process.

Discussion ensued regarding tenant responsibility in obtaining information regarding the City's utility process, the process eliminating more issues than it creates, and utilities potentially remaining active during the transition of tenants due to the utilities remaining in the landowner's name.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Section 13.50.050 Rates and Fees. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.***

15. CITY COUNCIL/MAYOR'S BUSINESS

<u>Councilmember Curtis</u>
Councilmember Curtis apologized if he sounded accusatory during the SilverLake 32 discussion.

16. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Curtis
Councilmember Curtis said he will be attending a meeting with the American Legion in October and he was unable to attend the Library Advisory Board meeting but will review the notes.

Councilmember Burnham
Councilmember Burnham said things are going well with both the Senior Citizens Advisory Board and Planning Commission.

Mayor Pro Tempore
Mayor Pro Tempore Clark stated a Ham radio licensing exam will take place on Saturday 25th at the Spanish Fork County Fairgrounds as a part of a radio field day event. She requested to receive notifications regarding Youth Council meetings and activities as the Secondary Liaison. The City Council will be meeting with the Alpine School District on Thursday, September 23, 2021, at 7:30 a.m.

Councilmember Love
Councilmember Love said the Cemetery Advisory Board will be meeting next week. The Limitless Car Show is scheduled for October 9th and more information will be forthcoming. The Eagle Mountain Chamber of Commerce has a business after-hours event at Mountainland Technical College on October 14th.

17. COMMUNICATION ITEMS

17.A. Financial Report

17.B. Upcoming Agenda Items

MOTION: ***Councilmember Burnham moved to adjourn to a closed session for the purpose of discussing reasonably imminent litigation, the purchase, lease, or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned to closed session at 8:39 p.m.

18. ADJOURNMENT

MOTION: ***Councilmember Curtis moved to adjourn at 9:22 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 9:19 p.m.

Approved by the City Council on October 5, 2021.

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

CORPORATE SEAL
EAGLE MOUNTAIN
EST. 1996
STATE OF UTAH