



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

August 20, 2019, 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 Tom Westmoreland, Councilmembers Colby Curtis, Benjamin Reaves, Donna Burnham, Melissa Clark, and Stephanie Gricius.

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; Aaron Sanborn, Economic Development Director; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Facilities Operations Director; Brad Hickman, Parks and Recreation Director; Linda Peterson, Communications Director; Evan Berrett, Management Analyst; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

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

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. PRESENTATION - Bureau of Land Management Project Briefing

Allison Ginn, Bureau of Land Management (BLM) Assistant Field Manager for Non-renewable Resources, stated the BLM is preparing an environmental assessment to analyze a proposed sand and gravel quarry located approximately five miles south of Eagle Mountain. The Ames Construction Lake Mountain Quarry would include the non-competitive sale and subsequent mining and use of federal sand and gravel mineral materials. The BLM is soliciting feedback from the public and from interested parties. The proposal is open through August 30.

The proposal includes the mining of sand and gravel material and bedrock, and standard sand and gravel mining equipment would be used for mining such as dozers, loaders, screens, crushers, cone plants, trucks, and a scale house. Ingress and egress to and from the site would be along an existing unpaved road, which would be widened to a 22-foot running surface to the quarry area. A gate and fence would be installed around the operations area, and public access would be preserved to the surrounding public lands.

After the completion of mining, the proposed action identifies that reclamation would consist of regrading slopes to approximate original contour, scarifying and seeding. Benches (areas where bedrock has been mined) that are present would be left in place with berms at either end, and the flat surfaces will be scarified and seeded. A berm along the top of the pit would be left in place for public safety. The reclamation plan is a living document that is adjusted as issues that need to be addressed arise.

Ms. Ginn stated the BLM performed a view shed analysis and found that the project will not be visible to the residents of Fairfield or Eagle Mountain City. The estimation of the life of the mine is approximately twenty years; the initial proposal is for five years to support the Facebook construction project. Todd Marks, BLM Salt Lake Field Office Geologist, stated the proposed initial five-year contract is for 40,000 cubic yards. The contract can be renewed annually.

Ms. Ginn explained the approval authority is the Field Manager, Matt Preston. The process of reviewing the proposal begins with obtaining input from interested parties to identify issues. They have contacted Fairfield, Eagle Mountain, and other entities, and they have posted the proposal on the BLM website. They will review the proposal to ensure it complies with the National Environmental Policy Act and will develop an environmental assessment to determine if the impacts are what the Federal government deems significant. Utah's Division of Oil, Gas and Mining will also have oversight of the project. They will monitor the air quality and will enforce air quality standards.

Councilmember Curtis stated Ames Construction requested approval of a mining operation within City limits and was denied. He expressed concerns regarding the truck traffic on City streets and potential damage gravel on the streets would cause to City infrastructure and resident vehicles. He stated if the materials are used for the I-15 project, as well as the Facebook project, trucks would be driving through the City. He also expressed concern that there is not a sunset date on the mining operations.

Councilmember Clark asked how often the mining operation will be inspected. Ms. Ginn said compliance monitoring is conducted during construction and annually once operations have begun. BLM field staff will be in the area on a semi-regular basis. If the Council is informed of issues from residents, Ms. Ginn requested that they contact the BLM to address the concerns.

Councilmember Clark asked the BLM to consider a restriction that the materials are only used in the vicinity of the operations. Ms. Ginn explained that once the material leaves Federal lands, the BLM has limited regulatory oversight; however, they will take this concern into account when assessing the proposal.

Councilmember Gricius requested that if trucks will be traveling on City roads, the loads are covered and the loose gravel is removed from the trucks before leaving the quarry to ensure gravel does not fall on City streets.

Councilmember Burnham stated she would prefer current gravel pits be utilized before a new quarry is opened, and expressed concern regarding potential blasting.

Ms. Ginn recommended the Councilmembers and residents submit their concerns in writing through the BLM's eplanning website (eplanning.blm.gov; select the project on the homepage map) and said the comments are helpful in identifying the level of public interest and help the BLM determine how to coordinate with municipalities once the draft document is published for public review. She will inform the City once the draft is published.

Ms. Ginn stated they also have an application for an overhead collector line in the same geographical area of the proposed mine. The line will run from a solar farm to the Facebook site. Once they are at the stage where the BLM is soliciting public input, they will return to the City.

1.B. PRESENTATION - UDOT Redwood Road Bike Box Project

Matt Parker, Program Manager for UDOT Region 3, presented information regarding the new bike boxes on Redwood Road. The bike boxes are green rectangles painted on the road that allow bikers to safely travel through high-traffic intersections. The bike lanes at the intersections of Redwood Road and Pioneer Crossing and Redwood Road and 2100 North are painted green, as are the bike boxes. He explained the process of using the bike boxes when turning right or left, or continuing straight.

Mr. Parker stated he will provide the Councilmembers with the ridership data they have available.

1.C. PRESENTATION - Public Arts Program

Management Analyst Evan Berrett explained he has prepared a draft public arts plan and stated he is soliciting feedback from the Councilmembers. Public art takes many forms and can express community values and enhance the environment around it. Numerous studies have been conducted that show the immense value the support of arts and culture has on cities and towns. It benefits economics, youth in the community, and resident quality of life.

Mr. Berrett stated the City's Arts Council was formed in 2000 and was disbanded in 2004 in order to allow the public sector to fill the need. Arts groups in the City have worked hard to establish an arts presence, but funding, locations, and opportunities have been consistent barriers. The public arts plan is a surer way of integrating and supporting the arts in the growth of the City. It creates a vision for arts and culture, actively incorporates art through the City's growth, and increases desirability and community identity.

To standardize the funding and maintain equitable arts distribution, a Percent for Arts method is used. This means that during the budgeting process for capital improvement construction projects, 1% of the total construction cost is calculated and added to the total budget. This 1% must go to add art to the capital improvement project in some way.

A Public Art Fund would also be created to accept donations, proceeds of sales, and funds from qualifying capital improvement projects that are not a good fit for inclusion of public art. These funds would be used to provide annual grants to artists or would be saved for a larger project. The grants would be utilized to create balance of art throughout the City.

Requests for proposals would be issued for each project to collect proposals from artists. Eligible proposals are then brought to the City Council for review, instead of to an arts council. If a project that qualifies for art inclusion is not actually a good fit for public art, the funds would be allocated to the public arts fund.

Mr. Berrett explained the process of art incorporation into a capital improvement project. If a new park project is approved with a budget of \$250,000 and is identified as qualifying for the Percent for Arts allocation, \$2,500 is added to the project budget. The project manager would issue a request for proposal, to include art in the new park. The City Council would review the proposals and would select one for approval.

Mr. Berrett also described an example of the use of the public art fund. If a public works project to add a detached vehicle enclosure is budgeted for \$65,000, \$650 is added to the budget as a percent for arts addition. The project manager would then request the City Council approve the allocation of the \$650 to the public art fund, as the project area is not a safe or highly visible public space for public art. The funds are then made available to artists via grants so that public art is still created, but elsewhere in the City.

Mr. Berrett explained the overall intent of the public arts program is to enable the growth of the arts without a large financial burden on the City. It does not take the place of local arts groups, but empowers them. It also provides an opportunity to include art in the growth of the City to reap lasting long-term benefits.

Councilmember Curtis asked if instead of adding 1% to the project budget, the construction costs be reduced by 1% and that amount be utilized for public art.

Councilmember Reaves stated the plan is a good idea for the City. He said he is having a difficult time visualizing where the art will be displayed, as Eagle Mountain does not have a center to display public art.

Councilmember Clark explained that all projects in the proposal are visual art, but arts encompass more than just visual art. She asked if Mr. Berrett considered performing arts, and stated grants and donations can be utilized, as performing arts projects can be costly. She stated she does not know what the government's role is in providing public art.

Councilmember Curtis expressed concern that the City would subsidize public art, as the private sector is currently providing it. He stated he would prefer park project budgets dedicate a certain percentage to provide art, instead of having a public art fund. He also expressed concern that the art may not fit the City's vision.

Councilmember Burnham stated she sees value to public art, and explained the Library and the Senior Center currently display public art.

Councilmember Gricius stated her concern regarding protecting the public art from vandalism.

2. AGENDA REVIEW

10. BID AWARDS

10.A. Design & Engineering Professional Services Agreement for the 2019 Pole Canyon Water Line Extension.

Councilmember Curtis asked what the funding mechanism is for the project and if this extension is to benefit the Tyson Foods project.

City Engineer Chris Trusty explained the White Hills water system is separate from the rest of the City's water system. This will connect the two systems. It was budgeted for and the Water Fund will be utilized to pay for the design. He explained the reason that Jackson Engineering's bid was significantly lower is due to the fact that they are currently designing the sewer line from White Hills to City Center, so they have already completed surveys of the area. Bids are evaluated without the costs to obtain the top three proposals. They are then evaluated on cost.

14. ORDINANCE/PUBLIC HEARING

14.A. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 17.25 Residential Zone and Chapter 17.30 Residential Zone Bonus Density Entitlements.

This item was discussed after item 15.A. during the agenda review.

Community Development Director Steve Mumford explained changes made to the draft ordinance. The architectural standards were changed from requiring three building materials to requiring variation in exterior materials and/or colors and additional architectural detailing on all front and side facades that face a public road. The restrictions on stucco and vinyl siding were removed.

The table with restrictions of projections into setbacks is being updated to match the name changes and the removal of one MF zone. A maximum density of ten units per acre was added to MF1, and twenty units per acre to MF2.

The buildable square footage requirement on lots over one acre was changed to at least 20,000 square feet. This allows enough space for a home, two outbuildings, and a horse corral. Detached accessory apartments are now permitted on lots greater than or equal to 8,000 square feet.

The minimum average lot size now includes a note that it will be calculated across an entire preliminary plat or large neighborhood. If a preliminary plat exceeds eighty acres, the average lot size may be required in smaller neighborhoods or plats. Each final plat does not have to comply, but shall include some variation of lot sizes. Outlier lots that are substantially larger than the others will not be counted in the average lot size calculation.

The draft does not restrict one-bedroom units, but does require 500 square feet of open space per unit and the one-bedroom units must be at least 650 square feet in size.

Mr. Mumford explained the intent of requiring minimum dwelling sizes is to preserve property values by reducing the possibility of tiny or small homes next door to standard sized homes in a neighborhood. The required sizes include unfinished basement area, but exclude the garage area. All single-family zones have a minimum dwelling size of 1,000 square feet, and multifamily zones have a minimum dwelling size of 650 square feet.

Councilmember Clark asked what other cities have for minimum dwelling sizes. Mr. Mumford said some cities do not have a required minimum. Saratoga Springs has a requirement of 1,200 square feet and it increases throughout their zones.

Mr. Mumford explained the garage size requirement was increased to 22 feet by 22 feet, or 400 square feet of usable space, which excludes stairs, cantilevers, or other projections.

Mr. Mumford said the hot tub requirement was removed, and the lowest density zone names were changed for clarity. RA1 (rural agriculture) requires five-acre lots, RA2 requires 2.5 acre lots, RD1 (rural density) requires one-acre lots, and RD2 requires ½-acre lots.

Councilmember Burnham stated she appreciates that the minimum dwelling size includes basement area, but expressed concern that some homes will not have basements, so the 1,000-square foot requirement will be too high.

Councilmember Gricius stated if the garage size is increased, there is no need for the option of 400 square feet of usable space.

Councilmember Clark expressed concern that the draft lowers the required open space for one- and two-bedroom units. She said she would understand lower requirements in a transit-oriented zone. She said she would prefer to keep the building height limit at thirty-five feet, but consider higher structures in a transit-oriented zone.

Councilmember Reaves stated he would prefer open space not step down for multifamily units.

Councilmember Burnham said she would prefer half-acre lots only require 15,000 square feet of buildable open space. She stated she understands the reasoning behind lowering the required open space in multifamily units, but would compromise by requiring 750 square feet of open space for one- and two-bedroom units. She would like the City to be planning for a transit-oriented zone.

Councilmember Curtis stated he does not want to increase the allowed building height and would like the required space between buildings be twenty feet. Additionally, he requested staff create a transit-oriented zone. Mr. Mumford explained American Fork hired a consultant to write their transit-oriented zone ordinance, and it is thirty to forty pages long.

15. RESOLUTIONS

15.A. RESOLUTION - A Resolution of Eagle Mountain City, Utah Approving the First Amendment to the Amended and Restated Master Development Agreement for the Overland Development and Pony Express Parcel.

This item was discussed after item 10.A. during the agenda review.

Mr. Mumford explained the original master development agreement required a four-acre park and Club Ivory in Village One be completed by the recording of a plat containing the 150th building permit or within three years of the date of the master development agreement. It was amended through unofficial channels when Ivory Homes and SITLA agreed to deed property to the City for the widening of Aviator Avenue. This extended the requirement to the 200th building permit. The current proposal would extend the timeframe to the 350th building permit.

Byron Prince with Ivory Homes explained they have redesigned the clubhouse from a standard 1,800--square foot clubhouse to an upgraded 6,000-square foot clubhouse. They also increased the size of the park and the pool. They will begin construction in December of this year with the plan to open the pool by Memorial Day and the building by June 30, 2020. In exchange for the extension, they plan on planting 100 trees in the median on Pony Express Parkway from Lake Mountain Road to Bobby Wren Boulevard. They will work with Parks and Recreation Director Brad Hickman to select approved trees and plant at the appropriate time.

Mr. Hickman explained there are design plans to improve the median on Pony Express Parkway. This will assist in completion of this project, as the intent was to plant 180 to 190 trees in the median.

Councilmember Curtis asked Mr. Prince what the justification for allowing the extension is. Mr. Prince explained they have increased the clubhouse from an 1,800-square foot standard clubhouse to a 6,000-square foot event center with improved design and features. It will take additional time to design and program the facility.

Councilmember Clark stated she values the improved clubhouse and the offer of trees in the median, but she has received complaints from residents that it is not in place currently. She asked what the consequence is for not meeting the new timeline.

Mr. Mumford explained there are 190 recorded lots with 35 that are ready to be recorded. Phase C Plat 1 will begin next year. If construction of the clubhouse and park has not commenced by December 15, the City will stop recording plats until construction begins.

Councilmember Curtis asked if Ivory Homes would be willing to add “at Eagle Mountain” to the Overland sign. Mr. Prince said they have gone through different versions and now have a design they intend to use.

Discussion ensued regarding the design of the sign. Mr. Prince committed to meeting with the Councilmembers at the sign site to confirm the final design.

3. **ADJOURN TO A CLOSED EXECUTIVE SESSION**

No closed session was held. Mayor Westmoreland recessed the meeting at 6:17 p.m.

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

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

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; Aaron Sanborn, Economic Development Director; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Linda Peterson, Communications Director; Evan Berrett, Management Analyst; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

4. **CALL TO ORDER**

Mayor Westmoreland called the meeting to order at 7:10 p.m.

5. **PLEDGE OF ALLEGIANCE**

Councilmember Curtis led the Pledge of Allegiance.

6. **INFORMATION ITEMS/UPCOMING EVENTS**

- Farmer’s Market – The Eagle Mountain Farmers Market is held each Saturday from 9:00 a.m. to 1:00 p.m. at Wride Memorial Park. Information and vendor or entertainer applications are available at eaglemountainfarmersmarket.org.
- Landscape Workshop – Utah State University, the Center for Water Efficient Landscaping, and Eagle Mountain City are offering a free walking workshop about common landscape issues on Saturday, August 24 from 10:00 a.m. to 12:00 p.m. Participants will meet outside of The Ranches Academy. No registration necessary.
- End of Summer Dance Party – Eagle Mountain City will hold its End of Summer Dance Party on Saturday, August 24. There will be glow sticks (while supplies last), lots of prizes, food trucks, and great music! This is for all ages.

- City Offices & Library Closed – The City offices and Library will be closed Monday, September 2 in observance of the Labor Day holiday. The Library will also be closed Saturday, August 31.
- City Notifications – We encourage residents to sign up for City notifications to be aware of public safety emergencies and stay informed about road construction projects, City news and events. Register at www.emcity.org/notifyme. Notifications can be received by email and/or text.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:14 p.m. As there were no comments, he closed public comments.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Gricius

Councilmember Gricius thanked those in attendance and recognized the first responders.

Councilmember Clark

Councilmember Clark thanked those in attendance and those watching the live stream. She said the Council can be reached at council@emcity.org.

Councilmember Reaves

Councilmember Reaves thanked those in attendance.

Councilmember Burnham

Councilmember Burnham expressed gratitude to her fellow Councilmembers.

Councilmember Curtis

Councilmember Curtis thanked those in attendance and said he will be playing guitar and singing this weekend at the Eagle Mountain Farmers Market.

Mayor Westmoreland

Mayor Westmoreland welcomed those in attendance and requested that residents not text the Councilmembers during the meeting. Comments should be made during public comment or public hearing times, as this is an open meeting.

9. PRESENTATION

9.A. PRESENTATION - Limitless Car Show

Robert Shelton with Limitless introduced Jared Perry, Executive Director of Make a Wish Utah, Cougar and Analee Elfervig with Cars for Kids, and Annabel Thompson. Mr. Shelton showed the Council a video of this year's Limitless Car Show.

Jared Perry with Make a Wish Utah thanked the City for partnering with them and explained that it takes collaboration to grant wishes.

Mr. Shelton presented a Make a Wish Book to each Councilmember that shows photographs of children as their wishes were granted. He thanked the Utah County Sheriff's Office, Unified Fire Authority, and City staff for the collaboration on this year's Limitless Car Show.

CONSENT AGENDA

10. BID AWARDS

10.A. Design & Engineering Professional Services Agreement for the 2019 Pole Canyon Water Line Extension.

10.B. Design & Engineering Professional Services Agreement for the SilverLake Woodhaven Park.

11. BOND RELEASES

11.A. SilverLake Plat 19 - Into Warranty

12. CHANGE ORDER

12.A. Pony Express Widening Project - Porters Crossing to Redwood Road.

13. MINUTES

13.A. August 6, 2019 Minutes - Regular City Council Meeting

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

SCHEDULED ITEMS

14. ORDINANCE/PUBLIC HEARING

14.A. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 17.25 Residential Zone and Chapter 17.30 Residential Zone Bonus Density Entitlements.

Community Development Director Steve Mumford explained he has been in contact with the Utah Homebuilders Association and feels that the current draft addresses many of their concerns. He explained the impetus behind the update is to implement the 2018 General Plan key initiatives, community vision and guiding principles.

Updates were made to the architectural standards, maximum densities in multifamily zones, buildable square footage of large lots, and minimum lot size average calculations. The updated draft also addresses accessory apartments, one-bedroom units, minimum dwelling sizes, minimum garage sizes, and removes the requirement of a hot tub with required pools. It also has new names for the rural residential zones for clarification.

Mr. Mumford presented examples of three- and four-story apartment buildings that are taller than 35 feet.

Councilmember Burnham asked if the architectural standard requirement of variation in exterior materials and/or colors & additional architectural detailing on all front and side facades that face a public road means that homes must meet both standards, or just one. She said the "and" in the "and/or" could mean that both are required. Mr. Mumford said homes can be broken up with colors, instead of with materials. The language leaves it open, so the Council could require both.

Councilmember Curtis asked if elevation designs could be addressed in master development agreements, and if the Council would approve proposed elevations. Mr. Mumford asked if the Council wants to see examples of elevations with preliminary plats and final plats, or if they would like to leave the approval of elevations up to City staff. He stated that currently, the Council does not see home elevations for single-family developments.

Councilmember Curtis stated that as long as staff understands that the Council wants a variety of elevations, they do not need to be presented to the Council. Mr. Mumford said elevations can be required with master development agreements, and stated with the next single-family development, staff can send elevation drawings to the Council to ensure they are as required.

Mayor Westmoreland opened the public hearing at 7:41 p.m.

Karen Scott asked what the zone will be north of Lake Mountain Road. Mayor Westmoreland explained the item is a zoning ordinance. Mr. Mumford stated that this item does not rezone property, and Ms. Scott's property is Agriculture Rural Density 1 on the General Plan, which allows zones RA1 and RA2. He stated if this ordinance is approved, her rezone application will be placed on the Planning Commission agenda for review. It will need to be amended to match the approved zoning ordinance.

Discussion ensued regarding Ms. Scott's property and potential rezone applications.

Crystal Travis with D.R. Horton expressed concerns regarding multifamily housing requiring pools and clubhouses, regardless of the number of units. D.R. Horton prides themselves on building affordable townhomes and homeowner associations are not sustainable for developments with fewer than 150 units. The proposed draft also requires an entryway monument sign for all subdivisions, which requires a homeowner association. She also expressed concern that the ordinance requires five elevation options for each floorplan.

Mr. Mumford said the current Municipal Code requires entryway monument signs with all subdivisions. He explained that currently pools are required in developments with 150 units or more, and clubhouses are required for all multifamily projects; the proposed draft does require pools for all multifamily projects.

Deann Huish with Utah Valley Homebuilders Association asked if local builders gave input to the City regarding the draft and asked if the City has the staff time available to monitor all of the requirements listed in the draft ordinance. She said the Utah League of Cities and Towns have expressed frustration when governments dictate styles, exclusionary zoning, and onerous restrictions on housing. She stated the proposed building requirements will only add to the cost of homes.

Councilmember Burnham stated there are a few small townhome developments in City Center with only ten to twelve units, and asked if those projects would be required to build a pool or clubhouse.

Mr. Mumford explained that the proposed draft requires all multifamily projects to provide a clubhouse and pool, or provide an alternate plan to the approval authority that is comparable in cost and value to residents.

Councilmember Curtis expressed concern that if the requirement is changed to projects with 150 units, developers will build projects with 149 units to avoid the pool and clubhouse requirement.

Mayor Westmoreland closed the public hearing at 7:58 p.m.

Mr. Mumford explained that he thought he had emailed the draft ordinance to Ms. Huish on Thursday, but realized this morning that it was not sent. He apologized to her for the delayed update and stated more builders would likely be in attendance to state similar concerns if they had received the draft on Thursday. It was not his intent to provide the information at the last minute.

Councilmember Gricius stated the draft in its current form requires five elevations for each floorplan, but the standard is only three. She explained that she misunderstood the previous conversation regarding elevations and floorplans. She stated she believed that the draft was requiring five floorplans for each development, not five elevations per floorplan. The same elevation can be built with limitless colors, which provides the variation Councilmember Curtis desires. She would prefer the ordinance require three elevations, not five; five floorplans is excessive and that many requirements constitute overregulation.

Councilmember Curtis asked how many elevations are currently required and stated he would approve of the current requirement. Mr. Mumford said currently three elevations are required for each floorplan. He said he wants the ordinance to require five elevations. It is not about affordability and does not cause the builders to spend more money. The requirement will only affect large builders.

Councilmember Reaves asked if the reason builders do not want five elevations is due to the cost, and stated an additional two elevations might limit affordability but won't cause people to not purchase homes.

Councilmember Clark explained that elevations can be differentiated by the two- versus three-car garages, large single windows versus two smaller windows, or similar changes.

Councilmember Burnham stated she agreed with Councilmember Gricius and said that just because a government can do something, it should not necessarily do it. They should not legislate preference. Councilmember Clark said the Council should not dictate colors, but it is appropriate to require additional elevations and options.

Mayor Westmoreland explained the more variety in materials and design, the higher the cost is to the end buyer; cost will be impacted as there are different labor groups for different building materials.

Councilmember Curtis stated builders do business in Eagle Mountain due to the lack of regulations and allowed cheap materials, and asked if the Council wants Eagle Mountain to be the Walmart of home markets.

Councilmember Burnham asked Mr. Mumford if a change in window size would be considered an additional elevation. Mr. Mumford said adding a porch, offering craftsman-style versus a modern style, or other similar changes would be considered different elevations. He explained that there is a difference between developments having five different styles of one floorplan and five different floorplans.

Councilmember Clark asked Councilmember Curtis if he felt enough variety is provided if the ordinance requires five floorplans with three elevations each, as well as the variation in exterior materials and colors. He said it would provide the desired variety. He said he will approve of three elevations if the garage requirement is increased to 22 feet by 22 feet, with the 400 square feet of usable space removed from the language.

Mayor Westmoreland asked the Council for their opinions on the required entry monuments. Councilmember Burnham stated her community has an entry monument and they do not have a homeowners association. Councilmember Clark stated most communities desire entry monuments.

Councilmember Burnham requested RA1 and RA2 be required to have 20,000 square feet of buildable space, and RD1 require 15,000 square feet of buildable space. Councilmember Clark stated that is a fair requirement.

Councilmember Gricius stated she likes Councilmember Burnham's compromise of 750 square feet of required open space for one- and two-bedroom units in multifamily projects. Councilmember Clark agreed. Councilmember Curtis stated he does not love that idea, but would approve of the compromise.

Councilmember Curtis stated he would prefer a requirement of twenty feet between multifamily buildings. Mayor Westmoreland explained that the space between multifamily units, whether is it ten or twenty feet, is not really usable. Councilmember Clark said if the buildings are too close, the sun does not hit in between the units.

Councilmember Burnham stated the minimum dwelling size in R2 is too large. Councilmember Curtis said the smallest home in a development he previously lived in was 1,600 square feet. Councilmember Burnham said she lived in a home in American Fork that was 750 square feet.

Councilmember Clark stated a requirement of 1,000 square feet is much smaller than other similar cities. Mr. Mumford said language can be clarified to designate different minimum dwelling sizes for one- or two-story homes; he explained that Saratoga Springs has a minimum dwelling size of 1,000 square feet on 6,000-square foot lots, and the minimum dwelling size increases as lot sizes increase.

Councilmember Burnham explained that not everyone has stairs; she would prefer a smaller required footprint, particularly for one-story homes with no basements.

Mr. Mumford stated he does not have a strong opinion on the subject; the requirement was included to protect home values and ensure similar sized homes are built in neighborhoods. The perceived value may go down if a tiny home is built next to a large home. He said a standard should be included, but he is not aware of homes being built that are less than 2,000 square feet, including the basement. They can include the garage in the square footage, which allows a 600-square foot home. The City previously required a minimum square footage, but that requirement was removed from Municipal Code after staff discussed the issue with local builders.

Discussion ensued regarding home values and how real estate agents obtain comparable property prices.

Councilmember Gricius stated she would approve lowering the minimum square footage to 750 square feet. Councilmembers Curtis and Reaves stated they do not want to allow less than 1,000 square feet for a minimum dwelling size.

Discussion ensued regarding resale value of 1,000-square foot homes and what is currently being built in the City.

Councilmember Curtis stated any lower limits set by the ordinance will be the standard the developers will build to. He said the lowest he would approve would be 900 square feet. Councilmembers Reaves, Clark, and Gricius agreed that 800 square feet would be acceptable.

Regarding building height, Councilmember Curtis said he would approve 45-foot tall buildings in a transit-oriented zone. Mr. Mumford said he will work on the transit-oriented zone to present to the Council before the end of the year.

Mr. Mumford requested the motion include an allowance for staff to update charts in the amendment.

MOTION:

Councilmember Gricius moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Chapter 17.25 Residential Zone and Chapter 17.30 Residential Zone Bonus Density Entitlements with the following conditions:

- 1. Stairs are removed from garage measurements;***
- 2. 750 square feet of open space is required for one- and two-bedroom units;***
- 3. Three elevations are required for each floorplan;***
- 4. The required buildable area is 20,000 square feet in RA1 and RA2, and 15,000 square feet in RD1;***
- 5. The minimum dwelling size in R2, R3 and RC is 800 square feet;***
- 6. Allow staff to update projection into setbacks chart; and***
- 7. The maximum building height permitted is 35 feet.***

Councilmember Curtis seconded the motion.

Councilmember Clark asked if the ordinance can be passed with the included conditions with the expectation that pool requirements will be addressed in the near future. Councilmember Gricius stated she is willing to do that as long as it returns with or before the transit-oriented zone.

City Jeremy Cook confirmed with the Council that they would like the amended pool requirement to correlate with the number of units in a project; a 12-unit project would not require the same size pool as a 150-unit project.

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

15. RESOLUTIONS

15.A. RESOLUTION - A Resolution of Eagle Mountain City, Utah Approving the First Amendment to the Amended and Restated Master Development Agreement for the Overland Development and Pony Express Parcel.

Mr. Mumford said the original master development agreement for Overland required a four-acre park and Club Ivory by the recording of a plat containing the 150th building permit in Village One. The requirement was increased to 200 building permits based on a trade for property for the widening of Aviator Avenue near the high school. Ivory Homes has proposed to build a larger improved clubhouse and park area if they are able to begin construction by December 15, with building construction complete by June 30, 2020, or when the 350th lot is recorded in Village One. They have also agreed to pay for and install 100 trees in the Pony Express Parkway median between Lake Mountain and Bobby Wren by November 30 of this year. The estimated cost is \$450 per tree, so the value provided is estimated to be \$45,000. Ivory Homes will work with the Parks and Recreation Director to provide appropriate tree species.

Councilmember Curtis stated that he wanted to outline the consequences for not meeting the start date and completion date deadlines.

Mr. Cook said if deadlines are not met, subdivision plats will not be recorded. He said the only risk that he sees is the possibility of Ivory Homes recording plats before June 30, knowing that they will not meet the deadline.

Byron Prince with Ivory Homes said they have proposed hard deadlines that are more aggressive than the recording process. Building that many units before June 30, 2020 is not likely to happen. He stated another deadline can be placed between the beginning of construction and the completion date.

Councilmember Curtis stated his concern is that even if they cannot record additional plats, they can still build homes on the previously recorded plats.

City Recorder Fionnuala Kofoed stated she can provide notice to the Council of plat recordings as they happen. Mr. Mumford explained that building permits are issued directly after plat recordings; it is easier to stop recording plats than to stop building permits.

Regarding the Overland monument sign, Mr. Prince said he will coordinate with Mr. Mumford to schedule a time to meet with staff and the Council at the sign to discuss options for adding the City name.

MOTION: *Councilmember Curtis moved to approve a resolution of Eagle Mountain City, Utah approving the first amendment to the Amended and Restated Master Development Agreement for the Overland Development and Pony Express Parcel. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

15.B. RESOLUTION - A Resolution of Eagle Mountain City, Utah Amending the Policies and Procedures Manual for Live Chat.

Management Analyst Evan Berrett stated the City can offer Live Chat with the updated website. The purpose of Live Chat is the ability to resolve issues quickly through the website; they intend to pilot the program with the Utility Billing Department, as they receive questions that can be quickly answered over Live Chat. Staff felt it was important to draft guidelines before its implementation.

Councilmember Curtis stated Councilmembers will not use Live Chat. Councilmember Clark explained that it is beneficial to include the Council in the policy in case Councilmembers utilize the program in the future.

MOTION: *Councilmember Reaves moved to approve a resolution of Eagle Mountain City, Utah amending the Policies and Procedures Manual for Live Chat. Councilmember Clark seconded the motion. Those voting aye: Colby*

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

16. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Gricius

None.

Councilmember Clark

Councilmember Clark said the Back to School Safety night was well attended and is excited for the event to continue annually.

Councilmember Reaves

See the board liaison report.

Councilmember Burnham

See the board liaison report.

Councilmember Curtis

See the board liaison report.

Mayor Westmoreland

None.

17. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Clark

Councilmember Clark said she is looking forward to the upcoming Military and Veterans Board appointments.

Councilmember Reaves

Councilmember Reaves said he met with Library Director Michele Graves and she is putting a report together that shows the number of registered card holders and how often cards are used.

Councilmember Burnham

Councilmember Burnham said the Planning Commission is going to meet at 6:00 p.m. on Wednesday, August 28, as the joint Eagle Mountain and Saratoga Springs City Council meeting is scheduled for the previously scheduled Planning Commission date of Tuesday, August 27.

Councilmember Curtis

Councilmember Curtis stated he is looking forward to the upcoming Parks and Recreation Board appointments.

18. COMMUNICATION ITEMS

18.A. Upcoming Agenda Items

Mayor Westmoreland said the election canvass will be held on August 27. A joint meeting with Saratoga Springs is scheduled for directly after the canvass. On the September 3 City Council meeting, the Council will review a Municipal Code amendment for the Regional Technology and Industry Overlay zone.

Councilmember Curtis asked if the amendment will allow animal slaughter at the Tyson Foods facility. Mr. Mumford said they have drafted the amendment to ensure that the killing of live animals is not permitted.

Mayor Westmoreland said additional upcoming agenda items include a Municipal Code amendment for the Master Transportation Plan, a preliminary plat for SilverLake South, and a rezone for Cedar Farms.

Mr. Mumford said the SilverLake South preliminary plat will return as soon as the applicant has updated the plans with the Planning Commission's recommendations. He expects that item to return to the Planning Commission on September 10.

Mr. Mumford explained the Stratton Estates and Oquirrh Mountain Ranch projects are on hold. The Oquirrh Mountain Ranch applicant submitted a change to the preliminary plat and is attempting to sell portions of the property.

Mayor Westmoreland said the City is working with the Department of Natural Resources on an open space preservation plan.

18.B. Financial Report

19. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 9:27 p.m. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

The meeting was adjourned at 9:27 p.m.

Approved by the City Council on September 3, 2019.


Fionnuala B. Kofoed, MMC
City Recorder