



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

August 3, 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 Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Eric McDowell, Chief Deputy Sheriff; Tyler Maffitt, Communications Manager; Evan Berrett, Assistant to the City Administrator; Robert Ballif, Engineering Assistant; Julie West, Code Enforcement; and Dwight Payne, Environmental Compliance Officer.

CITY STAFF PRESENT ELECTRONICALLY: Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Jeff Weber, Fleet and Facilities Operations Director; Embret Fossum, UFA Battalion Chief; and Angela Valenzuela, Human Resource Manager.

Mayor Westmoreland called the meeting to order at 4:10 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

General

- Progress on the utility rate study was slowed down by the necessity of resolving a Central Utah Water Conservatory District annual maintenance fee issue as well as potential bonding for wastewater projects. The City is moving forward with the study before those issues are completed as staff feels that we have enough information to complete it accurately. The goal is for the increase in the water rate to take place in the winter months to lessen the initial impact.
- The City is working to close on property to expand the sewer treatment plant; funding is in place without the need to bond.
- Airport Road – The first phase, adjacent to the Overland development, is under construction. The right-of-way up to Wride Memorial Highway for the second phase is being secured with the design to begin soon. Lewis, Young, Robertson, and Burningham, Inc. is working on bonding. Construction of the second phase will occur April through September of 2022.

Community Development

- July permits – 95 new residential, 35 basements, and 39 other permits were issued.
- A new Neighborhood Improvement Officer will be joining the team in a couple of weeks.
- The first Code Enforcement hearing will be held on Friday, August 6, 2021.

Water

- Tank 4 is back in service. Tank 5 is still out of service and the City is securing a contractor to make the repairs.

Wastewater

- The wastewater plant expansion is scheduled for completion on August 9, 2021.
- The City is irrigating on 12 acres of land as a part of the upgrade plan and to bring Tyson online.

Events

- The Summer Bash and Laser Show was a success.

Engineering

- Pony Express Parkway – Detoured traffic patterns continue through this week and likely through the end of next week as crews upsize the sewer main. The temporary line is running over the road under a dirt mound.
- The road base has been laid for the trail between Bobby Wren Boulevard and Mid Valley Road. The trail will be open for students to travel on to and from school, but the pavement will not be placed until the week of August 23.
- The widening of Mid Valley Road will be added to the budget but may not occur until next construction season.
- The traffic signal at Lone Tree Parkway and Pony Express Parkway is operational.

Streets

- The spray-applied surface treatments have been completed and the lines have been repainted on Pony Express Parkway.

1.B. DISCUSSION – Small Cell Wireless Facilities (5G)

Assistant to the City Administrator Evan Berrett presented the item. The next generation of wireless communications technology, 5G, operates at a higher frequency using millimeter waves instead of microwaves. These millimeter waves are transmitted by smaller, low-power cells in small-cell communication facilities.

The Federal Government is supporting the roll-out of 5G technology to increase internet options in rural areas as a major step towards future technologies including smart cities and autonomous vehicles and to facilitate the necessary communication companies to handle the increased load on networks. Utah Code 54-21 was established in 2008 to provide general limitations on the deployment of small wireless facilities and to provide certain rights to cities. State law permits cities to establish design standards; enforce permitting and zoning/land use controls; require written consent before new poles are installed; establish fees for applications, colocations, and right-of-way use; require repair/replacement for damaged poles or right-of-way; and request relocation of a small wireless facility at no cost to the City. State law prevents cities from prohibiting the deployment of small cell wireless facilities, prohibiting certain communications companies/providers, establishing fees beyond what is permitted, and/or requiring

communications providers construct or provide anything beyond the scope of small cell wireless facilities.

The City should prepare for an influx of permits that must meet federal timelines and ensure optimal placement and aesthetics. Eagle Mountain City cannot prohibit on basis of health concerns per the Telecommunications Act of 1996, but with an adequate understanding of the technology, the City has some ability to mitigate possible effects. Staff has researched 5G including potential health impacts and the science behind those potential health impacts. The City has received some public opinion and more outreach is needed. A Q&A event was held in the fall of 2017 with regional representatives from AT&T, Verizon, Crown Castle, and Black & McDonald, and other cities were invited to attend. A draft code has been written based upon what staff has learned from evaluation of the code of several other cities, public feedback, and conversations with industry experts.

Councilmember Curtis expressed concern with the visual impact of tall poles, depending upon the width of the towers, and/or having poles over 200 feet. He inquired regarding options to minimize the number of poles such as clusters rather than spacing out the poles.

Mr. Berrett said allowing taller poles could encourage collocation as the lowest unit needs to be placed at a minimum of 35 feet high. The term small cell wireless facilities encompass several different types of small cell facilities with varying equipment depending upon the function and type of area served.

Councilmember Clark said that the City has received resident concerns and prefers to have additional information regarding potential health effects prior to making a decision. She advocated for allowing adequate time to properly train first responders to adapt to the technology before implementation. She agrees with concerns regarding the visual impacts including a potential preference to allow taller poles to reduce the number of poles depending on the scope of the imprint and visual appearance of the poles.

Mr. Berrett explained that the best tool the City has to mitigate impact is to predetermine the desired location for the poles. He verified that a clause in the agreement requires the removal of unused poles under certain conditions and those conditions could be clarified and expanded upon.

Councilmember Love expressed concern with the height, location, and the number of poles resulting from individual provider's refusal to collocate and inquired regarding other poles or facilities in the City where the 5G equipment could be placed.

Mr. Berrett said that companies have been willing to install the equipment on light poles and decorative poles in accordance with the willingness of the municipality to allow the equipment to be placed in those locations. The equipment can also be placed on the top and side of commercial buildings. The City can recommend but cannot require collocation.

Councilmember Burnham suggested offering an incentive to promote collocation.

Councilmember Curtis requested information regarding the differing health impacts of equipment near a residence versus equipment placed farther away.

Councilmember Gray advocated for allowing equal competition opportunities for all companies.

1.C. DISCUSSION – EMMC 6.10 Animal Zoning Regulations

Senior Planner Tayler Jensen presented the item. On July 13, 2020, staff took a proposed Municipal Code amendment to the Planning Commission that would allow two horses per half-acre on residential lots in the City and would remove the references to animals in the Airpark Zone. After significant discussion and many comments from the public, the Planning Commission recommended with a vote of 3 to 2 to remove the references to animals in the Airpark Zone and to make no changes to the number of animals allowed, as code permits individuals to apply for a conditional use permit under an alternative animal management plan.

Mr. Jensen presented animal municipal code regulations for other cities for comparison and said he would research to determine which types of animals were classified as medium-sized animals in other cities. The proposed standards are for residential, not agriculturally-zoned properties. The research focused upon equestrian uses, as previous discussions focused on horses and the cumulative impact of a combination of animal types and numbers.

Councilmember Love introduced a point system utilized by some cities to determine the number of animals permitted based upon the combination of animal types in relation to acreage. She noted the difficulty in devising a code that will please all residents. She explained she desires to clarify and resolve ambiguity in the existing standards, specifically regarding the interpretation of the cumulative number of allowed animals, which is currently regulated through the fenced area requirements. She expressed disfavor of the current standards as they lack scalability. Her preference would be to implement unit-based animal standards similar to Payson and South Jordan. Each type of animal is assigned a number of animals allowed per unit and properties are allowed a total number of units based upon acreage. She presented two alternative tables utilizing a unit system and expressed her preference for the proposal that allows more animals.

Councilmember Gray clarified that the current standards allow a mix of animal types if the required amount of fenced area is provided; the fenced area requirements limit the total number of animals allowed on a lot.

Discussion ensued regarding the ambiguity and limitations of the fencing requirements in determining the total number of animals allowed, the differences in total animals allowed in the proposals, the appropriate number of animals to allow should a unit system be adopted, whether to count baby animals before they are weaned, cumulative considerations, resident complaints regarding the number of animals and animal nuisances, and allowances for rural areas in the City compared to more suburban areas.

Councilmember Curtis advocated for transparency regarding the genesis of the proposed amendment. He disclosed to the public that the review of the code was at the request of Councilmember Gray because of resident complaints that Councilmember Gray was not in

compliance with the current animal zoning regulations. He expressed concern with the potential perception that the City is reviewing or changing standards to bring a Councilmember into compliance, especially in light of resident conflicts regarding animal rights in the Cedar Pass Ranch neighborhood. He said residents who have contacted him in support of allowing more animals generally operate animal-related businesses on their property.

Councilmember Gray stated that he believes he is in compliance with animals zoning regulations. He said the current code was written based upon the tier system, which has been removed from Municipal Code, and is not equitable for varying lot sizes. He believes the current standards should be updated and improved and not just for the benefit of the Cedar Pass Ranch neighborhood. Developers have communicated a desire to develop a large lot residential community in Pole Canyon with agricultural-type activities. The current standards would not allow the number of animals required to support the lifestyle they desire for their development.

Mayor Westmoreland clarified that the Mayor's office has always sponsored Councilmember-requested code reviews and has never vetoed such a request. These items are added to the agenda and reviewed by staff as permitted by the meeting schedule.

Councilmember Burnham stated her support of Proposal #2 with some adjustments. She expressed concern with the Planning Commission recommendation to retain the existing standards, using conditional use permits to allow exemptions. This concern is due to the potential resident conflicts regarding approved conditional uses and the increased burden to staff to regulate, respond to complaints, and resolve issues with conditional uses. She prefers to have standards that reduce the number of conditional use permits issued by the City.

Councilmember Gray said that nuisance issues do not have a direct correlation with the number of animals permitted and clarified that he desires to review the entire animal ordinance. His main concern is in the inequity in the code, as the current groupings do not scale the number of animals permitted in accordance with lot size.

Councilmember Clark advocated for clarifying the standards with consideration to staff enforcement of standards, while separating nuisances from allowed numbers of animals. The table under review only addresses the number of animals; staff should review animal nuisance standards, as well.

Discussion ensued regarding government transparency and perceived non-compliance and the difficulty in measuring and defining nuisance.

Councilmember Clark advocated for clarity in both the animal standards and zoning of properties as either residential or agricultural.

Councilmember Love stated that the unit-based system would be scalable for lots above six acres; however, the intention is for the system to apply to only residential, not agricultural, zoned properties.

Mr. Jensen verified that Table 6.10.090 only applies to residentially zoned properties.

Discussion ensued regarding the zoning of property developed prior to the City's incorporation, whether to have the Planning Commission review the suggested changes and/or other potential amendments regarding animal regulations, preference for the proposed unit system in consideration of the needs of the future Pole Canyon development, identifying animal types based on size, and potentially retaining the ability to apply for conditional use permits for animal types not identified in the standards.

Assistant City Administrator/Community Development Director Steve Mumford said staff will review Councilmember Love's proposals in comparison to other standards and return with amendment options for Council consideration including cumulative allowances. The standards determined by the Council may or may not apply to Cedar Pass Ranch depending upon the zoning of those properties. Considerations for amendments to this section of Municipal Code should include whether the standards will or will not apply to Cedar Pass Ranch and other such areas in the City.

Councilmember Love suggested retaining fencing requirements while including other requirements to determine the number of permitted animals.

Councilmember Curtis advocated for clarifying the standards without increasing the number of animals currently permitted per the fencing requirements.

Mayor Westmoreland recessed the meeting from 5:51 to 5:57 p.m.

1.D. DISCUSSION – Ranches Crossing

Mr. Jensen presented the item. The subject property is approximately 3.74 acres located on the northeast corner of the intersection of Ranches Parkway and Pony Express Parkway. The Future Land Use Plan designates the parcel as Community Commercial. The project is subject to EMMC 17.72 Commercial Design Standards.

Applicant representative Brian Haskell said they have received interest from restaurants desiring to locate in the development depending upon their ability to meet the needs of their establishment such as drive-through or pickup windows or curbside pickup dedicated parking. Access onto Ranches Parkway, traffic circulation, and visibility concerns need to be resolved.

Discussion ensued regarding traffic concerns that could possibly be addressed by installing a traffic light at Ranches Parkway and Rock Creek Road, whether to allow right-in, right-out access in the middle of the development onto Ranches Parkway or to access the development via Rock Creek Road and Clear Rock Road, connecting the drive aisle for the condos along Pony Express Parkway to Clear Rock Road and connecting Clear Rock Road to Pony Express Parkway, fencing to buffer between the condos, pool, and clubhouse and the commercial uses, whether to require fencing between the commercial property and the southern portion of Clear Rock Road, and headlight screening for the condos along Pony Express Parkway.

City Administrator Paul Jerome explained that the Utah Department of Transportation (UDOT) requires a half-mile of spacing between traffic lights; however, as Ranches Parkway is unlikely to become a UDOT-controlled road the City is not required to follow UDOT spacing standards.

Mr. Mumford stated that Clear Rock Road is intended to be completed and connected to Pony Express Parkway, the use of the subject property has always been intended as commercial, and headlight screening would be required for the condos along Pony Express Parkway.

Mr. Haskell said the intent is to complete Clear Rock Road and he is willing to provide headlight screening and to place curbing to prevent left-hand turns into the southern access on Clear Creek Road or place right-in, right-out access at the desired locations. They have been marketing the property and plan to develop it as quickly as possible.

2. AGENDA REVIEW

12. PRELIMINARY PLATS & SITE PLANS

12.A. SITE PLAN – SilverLake Plat 31

Mr. Jensen verified that approving the site plan with the consent agenda would not include the staff recommendation to increase the width of the roads and sidewalks because the changes to the road were not included in the Planning Commission recommended conditions of approval.

Discussion clarified that the roads as proposed by the applicant have been approved as private roads in the other multifamily developments. Municipal Code currently excludes private road requirements and staff is in the process of drafting private road standards for Council consideration.

Councilmembers Love, Clark, and Curtis requested to remove the item from the consent and agenda.

13. RESOLUTIONS

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving an Interlocal Agreement between Eagle Mountain City, the City of Saratoga Springs, and Utah County for Substance Misuse Prevention Services and Communities That Care Prevention Model.

Councilmember Love expressed her support of the program and requested a discussion regarding the program to be placed on a future agenda due to the need to fulfill terms of the contract. She desires increased involvement to maximize program benefits.

Director of Administrative Services/City Recorder Fionnuala Kofoed stated she would contact program representatives to schedule a discussion with the Council.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn to a closed session for the purpose of discussing 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, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:17 p.m.

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Embret Fossum, UFA Battalion Chief; Zac Hilton, Streets and Storm Drain Manager; and Tyler Maffitt, Communications Manager.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:20 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Burnham led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Shopfest will be held August 7, 2021, at Cory Wride Memorial Park. More than 225 small businesses will be available for residents to shop. Be sure to take advantage of the shopping, food trucks, and live music.
- The Events Department would like to thank all the residents who attended the Summer Bash and Laser Show. We appreciate all the participation in the activities and the cleanliness of Nolen Park after the event. The Events Department enjoyed seeing everyone out with their families having fun.
- On August 13, 2021, the City will be throwing it way back for the movie in the park – showing “A Goofy Movie.” This event will be held at Wride Park on the Festival Field. Food trucks will be on-site for purchase. Please bring chairs, blankets, and your favorite snacks to enjoy. The movie will start at 9:00 p.m.
- A water line break in Cedar Pass Ranch is impacting residents.

- Safe routes to school are being addressed. Trails are prepped and useable and will be paved as soon as possible.

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

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:28 p.m.

Ms. Kofoed acknowledged that Mike Bode sent an email regarding the animal code which will be entered into the record.

Susan Mairangi said she has 20 cows and four are cows with calves. She requested the Council consider animal births for livestock breeders in animal number allowances and stated she is against the unit system proposal and prefers the current code or standards with set numbers.

Mayor Westmoreland closed public comment at 7:33 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham thanked City staff for their efforts and the success of the Summer Bash and Laser Show. She recognized Alpine School District School Board Member Julie King for her service and efforts to support and advocate for the needs of Eagle Mountain's growing community and presented her with a challenge coin.

Mayor Westmoreland

Mayor Westmoreland expressed gratitude to Julie King for representing the unique aspects of our City and thanked the Alpine School District for their assistance in addressing their joint challenges facing the community. He appreciates the high standards displayed with the Summer Bash and Laser Show event and noted the positive feedback received from residents.

Councilmember Love

Councilmember Love expressed appreciation to staff for the Summer Bash and Laser Show event. She suggested it become an annual tradition for the City. She requested a review of multifamily driveway standards.

Councilmember Clark

Councilmember Clark thanked Julie King for her representation of Eagle Mountain children, parents, teachers, and taxpayers. She expressed concern with multiple homeowner associations (HOAs) fining and enacting punitive measures against residents following City, County, and State watering guidelines and suggested the City pass a temporary code amendment to prevent HOA penalizing water-wise practices. She requested updates regarding construction around Tickville Wash, a wash protection code amendment, the removal of boulders on the privately owned section of Airport Road, and a traffic signal at Woodhaven Boulevard and Pony Express Parkway.

Assistant City Administrator/Community Development Director Steve Mumford stated the City met with resident Shon Reed and Flagship Homes last week regarding the impact of the construction activities on wildlife and bird habitats. Construction will focus on the required crossing of the wash needed to develop the western area south of the wash. The stream alteration permit is still in process. The plan is to perform the safety slope stability improvements outside of the nesting season. At the request of the City, the developer hired an environmental consultant to perform an environmental survey of the area. The developer is working with Shon Reed to provide another habitat for the impacted birds. The wash protection is included on the list of requested code reviews.

Mr. Jerome stated that the first phase of the Airport Road project has begun; however, due to weather limitations, much of the construction will be delayed until next year once asphalt plants open, and the area is dry enough for road installation. The road will be a collector width initially with plans to expand to a major arterial during future phases. The City is unable to require residents to remove boulders from private property or to provide public access to the land. The request for a traffic light at Woodhaven Boulevard and Pony Express Parkway is on the agenda for discussion during the upcoming joint monthly meeting with Saratoga Springs.

Streets and Storm Drain Manager Zac Hilton explained the private dirt road now ends in backyards and would no longer be a viable emergency access route.

Mr. Mumford further explained that a portion of the previously unpaved Airport Road is a part of the Overland project that has now been developed. Another unpaved connection to the completed portions of Airport Road could be created to create emergency egress.

Councilmember Gray

Councilmember Gray stated his appreciation for the Summer Bash and Laser Show event. He also expressed appreciation for Ms. King, and the meeting participants for voicing their opinions.

Councilmember Curtis

Councilmember Curtis expressed his appreciation for Ms. King.

CONSENT AGENDA

9. AGREEMENTS

9.A. Real Estate Purchase Agreement – Farm Land Holding, LLC

10. BOND RELEASES

10.A. Brandon Park Phase A, Plat 13 – Into Warranty

10.B. Spring Run Phase C, Plat 2 – Into Warranty

10.C. Arrival Phase B, Plat 6 – Out of Warranty

11. MINUTES

11.A. July 20, 2021 Minutes – Regular City Council Meeting

12. PRELIMINARY PLATS & SITE PLANS

12.A. SITE PLAN – SilverLake Plat 31

12.B. SITE PLAN – Just Chillin

13. RESOLUTIONS

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving an Interlocal Agreement between Eagle Mountain City, the City of Saratoga Springs, and Utah County for Substance Misuse Prevention Services and Communities That Care Prevention Model.

13.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving a Ground Lease Agreement with Unified Fire Service Area for Fire Station 253.

MOTION: *Councilmember Gray moved to approve the consent agenda removing item 12.A. and placing it as a scheduled item and permitting staff to continue negotiations on item 9.A. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

Councilmember Burnham inquired when Just Chillin would be reopening and expressed her support of local businesses.

Just Chillin owner Austin Heaps said he will contact his contractors to relocate the business and he hopes to reopen within approximately a week.

SCHEDULED ITEMS

12.A. SITE PLAN – SilverLake Plat 31

Senior Planner Tayler Jensen presented the item. He explained the applicant is proposing a 40-foot-wide private right-of-way throughout the project that includes 27 feet of pavement and 4-foot sidewalks. During the Planning Commission meeting staff recommended that the right-of-way be increased to 43 feet and include 28 feet of pavement and 5-foot sidewalks, which would bring it to the local right-of-way standard minus 10 feet of park strips. The roads can then be public or private. After discussion, the item was recommended for approval excluding the staff-recommended requirement of the increased right-of-way.

Mr. Mumford said although Municipal Code excludes private roads standards, the exclusion of the standards does not automatically allow developers to construct roads to any standards. The City may enact requirements for safety reasons or other considerations.

Councilmember Curtis suggested requiring the wider road while allowing four-foot sidewalks.

Discussion ensued regarding the sidewalk widths in other portions of the SilverLake development and portions of the development that occurred prior to the increased road and sidewalk width requirements, issues that arise when the City assumes responsibility for private roads not built to City standards, potentially prohibiting private roads in the City, the option for the Council to deny private roads as the exclusion from the standards does not automatically require approval, and concerns regarding existing private roads in the City.

Mr. Jensen explained that the City has previously allowed private roads and usually prohibits parking along one or both sides of the road. Approvals typically include Unified Fire Authority private road requirements.

Councilmember Love recommended approving the road with the staff recommendations due to the site plan being located within a development with previous approvals for the reduced standards.

Councilmember Gray advocated against allowing reduced standards regardless of the progress of the development and preferred to require a full public right-of-way compliant with public street standards unless required by a master development agreement.

Mr. Mumford stated the project has an approved preliminary plat which includes private roads at the proposed width. In general, private roads in multifamily communities are standard practice throughout Utah and the nation. However, that practice could be determined as inappropriate for the City. The additional width would result in the same asphalt width as a public road; however, the exclusion of park strips places the sidewalk directly adjacent to the road causing potential safety issues for children and causes snow removal to obstruct the sidewalks; his preference is to require park strips. Nevertheless, the other multifamily areas in this development all have private roads and this phase is the last portion of the multifamily area.

Councilmember Love advocated for requiring the additional width due to the lack of parking adjacent to some of the six-plex units as she feels the guest parking throughout the development is likely inadequate for the parking requirements for the development.

Councilmember Gray said he is less concerned whether the road is public or private as long as the road meets the public right-of-way development standards, especially considering the potential for the City to assume road ownership and the higher road use due to the increased number of trips per day for multifamily communities. He believes the approval of the preliminary plat vested the number of units and the location of the road but not necessarily the width of the road.

Councilmember Curtis concurred with the preference to either prohibit private roads or to require private roads to meet the same standards as public roads; however, his understanding is the road was approved as proposed with the preliminary plat.

Councilmember Love expressed her preference to provide developers with notice regarding changing standards, especially considering the precedence of the City approving private roads.

Mr. Mumford clarified that this portion of the development has been divided into Plat 31 and Plat 32. He recommended collecting the landscape escrow with Plat 31 for these lots and requiring the amenities points for Phase 31 with the parks and landscape plan for Plat 32. The inclusion or exclusion of the gravel road as open space and the nature trail requirement can be addressed with the approval of Plat 32.

MOTION: *Councilmember Love moved to approve the site plan for SilverLake Plat 31 with the following conditions:*

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

Councilmember Curtis seconded the motion. Those voting aye: Melissa Clark, Colby Curtis, and Carolyn Love. Those voting nay: Donna Burnham, and Jared Gray. The motion carried with a vote of 3:2.

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving White Hills Country Estates Plat A, Amended Plat and Rezoning the Amended Area to RD1.

Mr. Jensen presented the item. The proposal is for a rezone and recorded plat amendment to split parcel 55:320:0004. The parcel is in the Pole Canyon area, although it is not part of or subject to the Pole Canyon Master Development Agreement. The property is still identified as the Utah County zone designation Residential Agricultural Zone (RA-5). The Future Land Use Map identifies this property as Agricultural/Rural Density Two. The requested rezone to RD1 is an appropriate zone for this land use designation.

Per EMMC 16.35.060(A), “Utilities shall be installed and stubbed.” The Planning Commission recommended approval of the rezone and lot split with a unanimous vote with the condition that the applicant shall stub water by splitting the most northwestern portion of the property for access to lot 2.

Mr. Jensen verified that the property is included within the area annexed into the City.

Discussion ensued clarifying that the Agricultural/Rural Density Two land use designation allows for the RD1 and RD2 zones. The RD1 zone has a minimum lot size of one acre and the RD2 has a minimum lot size of a half-acre. The proposal does not request or require a General Plan amendment. The requested lot size meets the minimum lot frontage and exceeds the minimum lot size requirements.

Mayor Westmoreland opened the public hearing at 8:26 p.m. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving the amended plat for White Hills County Estates Plat A and rezoning the amended area to RD1. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

14.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 15.60 Street Improvements.

City Engineer Chris Trusty presented the item. With the continued growth of the City and in an effort to maintain current standards for facilities being constructed within the City, staff has begun the process to review and implement changes to the Construction Standards which set the minimum criteria to be used for construction within the City. Because of the extent of the City's standards, staff will be bringing updates to the City Council in phases, starting with the higher priority changes.

These changes refer to street improvement and asphalt and street cross-sections requirements. The City worked with PEPG Consulting to provide recommendations for these updates. Tim Biel with PEPG has over 20 years in the asphalt pavement industry with the Utah Department of Transportation (UDOT) and PEPG. Mr. Biel was instrumental in the recent updates to the American Public Works Association Utah Chapter Standard Plans which is the industry standard enacted by most municipalities in the State. The recommended update largely reflects the standards found in that document.

Mr. Trusty stated that he sent the City Recorder an updated document earlier in the day. Changes to the document that differ from the documents in the packet material include alterations to the Minimum Pavement Sections table in Section 15.60.20 Pavement Design increasing the untreated base from 6 inches to 9 inches and the subbase from 12 inches to 18 inches for a total of 32 inches for arterial roads; increasing the untreated base from 6 inches to 9 inches and the subbase from 9 inches to 12 inches for a total of 25 inches for collector roads; and increasing the untreated base from 9 inches to 12 inches for commercial parking lots for a total of 24 inches. Additional verbiage changes in the section include “All asphalt will be placed in a maximum of three-inch lifts and base with a maximum of 5-inch lifts and subbase in 9-inch lifts maximum,” and “Spline (Main

Access) roads for new subdivisions or locals streets within industrial or commercial zones must meet Collector minimum section.”

Mr. Trusty stated the Commercial Parking Lot column could be removed from the table as the City is not responsible for maintaining private commercial parking lots. He clarified the standards were included at the advice of the consultant.

Councilmembers Gray and Curtis agreed with the recommendation to remove the commercial parking lot standards.

Mr. Trusty explained that staff plans to bring additional Municipal Code amendments to the Council for consideration that will address other design standards such as collar specifications for manholes and valve boxes.

Mr. Trusty stated that the updated standards reduce the amount of recycled asphalt product that can be used from 20% to 15% due to issues with quality control. Most of the standards have been or will be adopted by other municipalities in the State and are in line with quality expectations.

Councilmember Love inquired regarding the risk to the City to allow the provision that “work with sub-standard thickness may be accepted at reduced price if the appropriate pay factor for the lowest tested thickness is applied to all of the substandard work.”

Mr. Trusty explained that the consultant had suggested the provision. He feels it would be preferable to exclude the option; however, he agrees that the verbiage allowing the City to still require the standards offers protection as he feels the City would be unlikely to approve an exemption in most cases.

Mayor Westmoreland opened the public hearing at 8:48 p.m. As there were no comments, Mayor Westmoreland closed the hearing.

Discussion ensued whether to include or remove the commercial parking lot standards and whether residential parking lot and street standards will be required for mixed-use areas.

Mr. Trusty said that areas used as roads within commercial parking lot areas are built to the same cross-section as the rest of the parking lot with at least the residential road standards or to a greater thickness, especially for heavy vehicle accesses. Commercial uses generally employ increased standards as a more cost-effective option than repairing inferior product.

MOTION: ***Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 15.60 Street Improvements based upon the updated information in the email sent by City Engineer Chris Trusty, correcting the numbering error to the Street Sign section to 16.60.070, and removing the Commercial Parking Lot column from the table in 15.60.020 Pavement Design. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark,***

Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

15. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Curtis

Councilmember Curtis said the Library finished the summer reading program and awarded the participants teddy bears. An ice cream social for veterans will be held on August 14, 2021, at 7:00 p.m. at the Seniors Center.

Councilmember Burnham

Councilmember Burnham said the Senior Council is doing well. She encouraged seniors to participate in the free meal program. The food calendar is available online and offers an alternate meal choice. The Planning Commission will not be meeting on August 10, 2021, due to the Primary Election.

Councilmember Love

Councilmember Love reminded the public that ShopFest will be held on Saturday, August 7, 2021. The Eagle Mountain Chambers of Commerce will hold an after-hours event at Eagle Vision on August 12, 2021, at 5:30 p.m.

Councilmember Clark

Councilmember Clark said Be Ready Eagle Mountain will participate in the National Day of Service in commemoration of the 20th anniversary of September 11th with several events held September 9th to 11th including a CERT drill in partnership with other entities, a hero parade, care packages for military and first responders, a blood drive, a marching band program, breakfast, and service projects. The following week will be the City's clean-up days service project. A class on suicide awareness and prevention will be held at City Hall on Thursday, August 12, 2021, at 7:00 p.m. and the Parks and Recreation Advisory Board will participate in a discussion item at an upcoming City Council meeting.

Councilmember Gray

Councilmember Gray said the Eagle Mountain Arts Alliance is assisting with ShopFest. The Farmer's Market has been amazing this year and will be running in conjunction with ShopFest. The Youth Council and other youth participants have been assisting and participating with other City volunteer programs. He expresses appreciation to Alpine School District Board Member Julie King for speaking at the next Youth Council meeting.

16. CITY COUNCIL BOARD LIAISON REPORTS

17. COMMUNICATION ITEMS

17.A. Upcoming Agenda Items

18. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn the meeting at 9:09 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

The meeting was adjourned at 9:09 p.m.

Approved by the City Council on August 17, 2021.



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

