# EAGLE MOUNTAIN
# CITY COUNCIL MEETING MINUTES

July 21, 2020, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

## 4:00 P.M. WORK SESSION – ELECTRONIC MEETING VIA LIFESIZE

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

CITY STAFF PRESENT ELECTRONICALLY: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Long-Range Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Linda Peterson, Communications Director; and Angela Valenzuela, Human Resource Manager.

### 1. CITY ADMINISTRATOR INFORMATION ITEMS

Mayor Westmoreland called the work session to order at 4:05 p.m.

### 2. AGENDA REVIEW

#### 9. BOND RELEASES

9.A. Evans Ranch Plat F-1 - Out of Warranty

Councilmember Curtis stated the landscaping along Golden Eagle Road has not been completed and verified the landscaping is included in a separate bond.

City Engineer Chris Trusty stated staff was aware of the uncompleted landscaping.

Councilmember Clark verified the sidewalk damage repairs in this area have been completed.

#### 12. ORDINANCES/PUBLIC HEARINGS

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

Assistant Administrator/Finance Director Paul Jerome presented the item. The General Fund increases include $35,000 for human resources management software, which will lead to an overall reduction in spending due to automating human resources processes and payroll restructuring. The original budget included $30,000 for a partial year of the Accela Land Management software; the increase of $20,000 covers the full annual expense and user licenses and represents a timing reallocation of funds rather than an increase in the overall budget resulting in implementation savings.

The Enterprise Fund increases represent transfers from the Impact Fee Funds to the Enterprise Funds in the amount of $3,000,000 for a sewer plant expansion, $4,000,000 for the water/sewer building, and $13,000,000 Central Water Project (CWP) advance water share purchase. The sewer project will be funded through already budgeted impact fees and the budgeted amount includes infrastructure expansion and employee salaries. The City receives a 2.5 percent discount for purchasing two future years' worth of water shares in advance resulting in a $500,000 savings, which is a greater value than the interest the money would earn if retained in the water fund until needed. The CWP water shares are funded through developer advanced water rights purchases.

12.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning the Marketplace at Eagle Mountain Town Center Property to a Mix of Commercial Community, MF1, and MF2.

Assistant Administrator/Community Development Director Steve Mumford presented the item. The proposed project is located on approximately 39 acres at the northwest corner of Pony Express Parkway and Eagle Mountain Boulevard, and the property was zoned Commercial C-2 in the Eagle Mountain Properties Master Development Plan. The original master development agreement and the vesting of specific uses have expired.

The applicant has submitted a rezone request for the Commercial Community, Multifamily 1 (MF1), and Multifamily 2 (MF2) zones. The request considered by the Planning Commission on June 9, 2020 was to rezone the property to Commercial Community and MF2. The applicant has modified the proposal to change approximately 4.4 acres of the multifamily area to MF1. The concept master site plan includes a road connection on Raven Way and reduces the size of the multi-family areas from 11 acres to 9 acres.

Mr. Mumford stated that staff is drafting an open space zone, which may be appropriate for some of the City-owned areas in this project. The City-owned, stormwater retention area has been designed and intended for water runoff retention from the surrounding areas.

City Engineer Chris Trusty stated he understood the land had been dedicated to the City for that purpose prior to his tenure with the City. Mr. Mumford explained the area has always been intended for water retention, rather than park space.

Councilmember Gray expressed concerns regarding the detention area counting as open space, City compensation for providing water retention for the properties, and the ownership and maintenance of the stormwater parcel.

Mr. Mumford expressed favor for allowing the property to be used for water retention and said it will be beneficial to the City, as the area had been designed to retain the water for multiple developments and the City did not expect compensation from the developer. He explained the developer will not receive open space credit for improvement of the land or compensation from the City for the property.

Councilmember Gray expressed concern that the City was providing a service to the developer without compensation, due to developers usually being responsible to provide water retention for their properties.

City Recorder Fionnuala Kofoed explained the area had been deeded to the City when the Eagle Park subdivision was recorded. Mr. Mumford clarified all of the properties benefitting from the stormwater parcel were originally owned by the same landowner/developer, and the land had been deeded to the City to serve as water retention for all of the original landowner's surrounding properties; thus, no additional compensation was necessary.

Ms. Kofoed explained the developer planned for a commercial development with a grocery store anchor to begin construction in 1998; although the development has been significantly delayed, the intent and purpose for the land, including the drainage, has not changed.

Mr. Mumford resumed his presentation of the item. The General Plan land use designation is Community Commercial, and the requested zones are consistent with this designation. The proposed use is reasonably compatible with adjacent land uses, can be accommodated with public services, will not overburden the City's service capacity, and is not expected to have a significant negative impact on surrounding property values. The traffic generated by the proposed use is within the capabilities of the streets serving the property.

For informational and comparative purposes, Mr. Mumford presented examples of other multi-family communities within the City. Willow Springs contains 300 units on 17.2 acres with a density of 17 units per acre, The Cove at Rock Creek contains 84 units on 6 acres with a density of 14 units per acre, Village at Porter's Crossing contains 94 units on 6 acres with a density of 15 units per acre, Trailhead Townhomes contains 65 units on 5.15 acres with a density of 12.5 units per acre, and Evans Ranch Townhomes contains 110 units on 9.2 acres with a density of 12 units per acre.

During the public hearing at the Planning Commission meeting on June 9, 2020, residents expressed concerns regarding the development of multifamily housing in the area increasing traffic but were in favor of the commercial development. The Planning Commission expressed concerns related to the proposed density of the multifamily area and a desire to connect a road to the neighborhood to the northwest and discussed whether a multifamily area would be feasible for commercial use in the future. The Planning Commission voted 4 to 0 (one Commissioner was absent from the meeting) to recommend approval to the City Council to rezone the entire project to Community Commercial.

Mr. Mumford stated the City Council could make the rezone approval contingent upon the approval of a development agreement including specific density limitations and timing requirements of the development of the anchor grocery store prior to the residential development.

Applicant representative Bill Gaskill stated his willingness to delay the residential development until after the opening of the anchor grocery store. He expressed concern that the approval process will prevent the grocery store from beginning construction as soon as desired and stated he would like to begin the commercial development as soon as possible. He said the originally proposed residential density for the project was 12.2 townhome units per acre with approximately 115 total units. Discussions during the previous meeting caused him to reevaluate the design. He moved the retention pond to improve road connectivity and maximize the developable commercial acreage; however, the area behind the grocery store is not viable for commercial development. He included the maximum density count available in accordance with the density standards allowed per the new residential MF1 and MF2 zones; however, he plans to develop townhomes and not utilize the maximum allowable density.

Councilmember Curtis requested clarification regarding the total desired density and purpose for requesting the MF2 zone, as townhomes are permitted in MF1.

Mr. Gaskill explained the MF1 zone permits up to 10 units per acre and the MF2 zone permits up to 20 units per acre. He estimates a density of 14 to 15 units per acre for the project.

Councilmember Curtis expressed concern regarding allowing high-density housing without knowing specifics regarding unit counts and stated his disfavor for high-density townhome projects.

Mr. Gaskill explained he had not included a site plan due to the residential project being delayed until the construction of the grocery store and the potential need for a redesign due to changes in project needs or design trends. He expressed a willingness to delay the approval of the number of units until site plan approval.

Councilmember Curtis stated his preference to rezone the entire area to Community Commercial with the possibility of rezoning a portion of the property to a residential zone in the future, once the density and site plan are available. This preference is due to the fact that the project has already undergone a 22-year delay, as well as previous issues with other unfinished commercial properties in the City.

Councilmember Burnham requested information regarding the applicant's plan for lot size buffering.

Mr. Gaskill said a masonry fence would be installed between the commercial and residential developments and stated willingness to adhere to City buffering and setback requirements.

Councilmember Burnham discussed the possibility of allowing multifamily residential units in the area as an appropriate use; however, she expressed hesitancy that permitting too much density in the area may increase traffic; mechanisms should be included in the approval to limit density.

Mr. Gaskill expressed willingness to design the site plan following the unit density desired by the Council.

Councilmember Love stated favor for the commercial development, roads, and trails, but expressed reluctance to approve the MF2 zone as she does not feel it is appropriate for the area.

Mr. Gaskill stated he believes the MF2 zone would be appropriate for the area per Municipal Code standards and the Future Land Use Map designations.

Councilmember Clark requested staff assistance to create a legal protection of City interest in allowing mixed residential and commercial areas. She expressed favor to rezone the entire area to Community Commercial to allow the commercial development to move forward and rezone a portion of the property to residential once a site plan is available. She concurred with concerns regarding permitting the residential development to be completed before the commercial, due to previous issues with past developments within the City.

City Attorney Jeremy Cook explained timing requirements that could be included in the development agreement to condition the approval of the residential development upon the completion of the commercial development.

Discussion ensued clarifying traffic patterns and the trail system within the development.

Councilmember Gray expressed concern that the road between the proposed MF1 and MF2 residential developments, connecting Eagle Mountain Boulevard and Pony Express Parkway, will be insufficient to support the commercial development, existing residents, and the maximum allowed density of 130 units on 9 acres.

Mr. Mumford stated that the maximum allowable density is 134 units, and explained the applicant added the road connecting Eagle Mountain Boulevard and Pony Express Parkway due to traffic flow concerns expressed by the Planning Commission. He said he believes the road is planned to be a 53-foot public right-of-way. He explained the traffic redesign addressed concerns regarding increasing through-traffic to existing neighborhoods. His preference is to install the road along the stormwater parcel connecting Raven Way to the road between the MF1 and MF2 residential developments, as long as the multifamily units do not front on or have direct access to the potential roadway.

Discussion ensued regarding traffic safety and parking concerns within the City near multifamily housing, potential solutions to mitigate traffic safety concerns for this project, and the appropriate number of units desired for the project.

Councilmember Clark expressed concern regarding buffering and hesitancy to rezone commercial property to residential based upon current City demographics. She does not want to forfeit future commercial development due to the limited amount of commercial space available in this area of the City.

Councilmember Love verified that traffic concerns are typically addressed during a master site plan approval and did not need to be resolved during the approval of a rezone application.

Councilmember Gray clarified his purpose for noting road connectivity concerns was due to the potential traffic impact of the requested density and stated his preference for condominium/apartment units with augmented open space over townhomes with minimal, unimproved open space used as a buffer. Mr. Mumford stated the Council may request additional open space or specify open space improvement requirements within townhome developments.

Councilmember Burnham stated the adjacent subdivision included a trail and park system that was not completed due to the developer's bankruptcy and suggested the completion of the trail system could be counted towards open space credit for this project.

Councilmember Curtis stated due to residential tier system standards, the City has an abundance 8- and 12-unit townhomes, and a lack of twin home and fourplex units.

Mr. Gaskill stated he is limited by the depth of the property; due to recent market trends, the grocery store will be smaller than expected and will not fully utilize the property depth. He stated he is unaware of an effective manner to commercially develop the rear of the property, due to the shape of the property and limited roadway frontage. He does not have sufficient funds to fully develop the property as commercial and desires to reach a compromise that allows him to develop the entire property. He will be unable to move forward with the commercial development, should the residential rezone be denied.

Councilmember Clark inquired if the property could include both single-family and multifamily zoning with a timing requirement to ensure the completion of the commercial development.

Mr. Gaskill stated his willingness to adhere to a timing requirement for the commercial development or opening of the grocery store, if the agreement was not subject to changes by a future Council. Single-family units would be difficult to develop, due to financial and frontage concerns. He requested the approval of density on the interior of the property and stated the shape and size of the land parcels will not allow for the maximum MF2 density and expressed his willingness to adopt creative solutions to address Council and community concerns.

Councilmember Curtis expressed concern that should the City Council approve the residential rezone, future amendments could negate the existing Council's conditions of approval. He recommended approving a rezone to Community Commercial only, or approving a rezone to commercial and residential uses with a condition that the residential area will be rezoned once the commercial development is completed.

Mr. Cook recommended tabling the item to draft a development agreement that includes the specific criteria and conditions desired by the City Council, such as density limits, road width requirements, and trail connectivity; this is preferable to a timing requirement, which would not address all of the Council's concerns. He stated future amendment requests can be denied, regardless of what is approved at this juncture.

Discussion ensued regarding potential language to include in the development agreement and possible housing types such as mixed-use or cottages.

Councilmember Burnham stated residents in the area want a grocery store and advocated for a compromise to mitigate resident and Council concerns with high-density housing, to permit the project to move forward.

Mr. Mumford presented acreage statistical information regarding other commercial and high-density housing areas for comparison and context to the proposed 29 acres of commercial development for this project; the commercial development in Saratoga Springs south of Crossroads Boulevard and west Redwood Road is 22 acres, the commercial development in Saratoga Springs north of Crossroads Boulevard and west of Redwood Road is 23 acres, and the commercial development in Eagle Mountain north of Pony Express Parkway and east of Porter's Crossing Parkway is 16 acres. He explained this project, due to its location, will not draw as much traffic and patronage as the areas in Saratoga Springs.

### 12.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Designating Certain Areas of the Sweetwater Industrial Park Under the Sweetwater Industrial Overlay Zone.

Mr. Mumford presented the item. The application requests the Sweetwater Industrial Overlay Zone for the majority of the 201-acre property, excluding the portions along Pony Express Parkway and Tiffany Lane. The Sweetwater Industrial Overlay Zone was created in 2015 as an alternative to an applicant-proposed development agreement. The property had been previously zoned Industrial in the Eagle Mountain Properties Master Development Plan; that agreement and the accompanying vesting for specific uses have expired. Most of the property is currently designated as Business Park/Light Industry on the General Plan's Future Land Use Map, except for the northwestern area that is designated Neighborhood Residential. The Sweetwater Industrial Overlay Zone contains a separate land use table. The approval criteria for the overlay include compliance with the General Plan, compatibility, City services, traffic generation, and property value considerations.

During the June 9, 2020, Planning Commission meeting, the Commissioners expressed concerns regarding the area of the proposed overlay, permitted and conditional uses within the overlay, the desire to rezone the area to the Light Manufacturing/Distribution (LMD) Zone, the applicant's plan for commercial use on the north end of the project, the sunset clause on the rezone of the overlay, the need to amend the overlay zone, and the desire to encourage businesses to develop in this area of the City. Mr. Mumford explained the LMD Zone was approved in June. The Planning Commission recommended approval with a vote of 4 to 0 (a Commissioner was absent from the meeting) of the Sweetwater Industrial Overly Zone on lot 1, lot 2, the 32.32-acre development area, the 10.28-acre development area, and the 2.67-acre development area.

Mr. Mumford expressed concern regarding the possibility to rezone the property to the LMD Zone because the desired use for the property is currently a prohibited use in the LMD Zone until standards are created; as a result, an LMD rezone for the property will delay development. He suggested options to rezone the application that will permit the project to move forward without additional delays and verified staff recommendations for the City Council to approve the Sweetwater Industrial Zone overlay for Lot 1 of the project.

Councilmember Curtis inquired if the City Council could rezone the property to the LMD Zone and approve satellite communications as a permitted use.

Mr. Cook recommended granting the overlay zone for Lot 1 and approving the LMD rezone for the remainder of the property at a future meeting, after Municipal Code standards have been updated to include the zone, if amenable to the applicant. Mr. Cook expressed concern regarding approving a zone not requested in an application due to public notification requirements and potential resident concerns.

Councilmember Love expressed concerns regarding aesthetics of metal buildings and advocated for higher industrial design standards than those allowed in the Sweetwater Industrial Overlay Zone.

Councilmember Curtis concurred with Councilmember Love regarding the reduced standards permitted in the Sweetwater Industrial Overlay Zone. He asked what the zone designation of the remainder of the property would be, should the Council only approve the overlay for Lot 1. Mr. Cook stated the City could determine to rezone the property to the LMD Zone at a future meeting; the master development plan with zoning has expired.

Mr. Mumford noted the options presented by the Councilmembers have not been discussed with the applicant, who has not had the opportunity to review the newly created LMD Zone.

Applicant representative Scot Hazard stated as the LMD Zone is not currently available on the City website, he has been unable to review the permitted uses to determine if the zone would meet his needs or be desirable. He said the property is located next to a sewer treatment plant that is unlikely to be relocated or attract higher standard uses due to the accompanying odors. He explained the request for the Sweetwater Industrial Overlay Zone is due to the desire for the reduced standards and increasing those standards to prohibit metal buildings would be cost preventative for the project. He stated LBiSat has a sensitive timeline due to contractual deadlines and a delay in approval could cancel the project. From a developer's viewpoint, unclear uses and standards place impediments to City development, and the area is not likely to attract high-end users. He stated his willingness to condition the rezone to the site plan approval.

Discussion ensued regarding desired design standards and aesthetics of metal buildings.

Mr. Hazard noted that City standards permit metal outbuildings in residential areas and expressed confusion that similar structures may be prohibited in industrial areas.

Councilmember Love clarified she does not have concerns regarding the elevations for LBiSat, but is concerned the area may attracting only metal building developments.

Councilmember Curtis clarified he approves of the Sweetwater Industrial Overlay Zone for this project; however, he has concerns regarding approving the overlay for the entire area.

Mr. Hazard stated he desires zoning with reduced standards for all of the property, except the areas fronting along major roadways; these areas will provide buffering and screening for the interior industrial uses.

### 12.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 16.50 Lot Line Adjustments and Chapter 16.55 Plat Amendments.

Mr. Mumford presented the item and explained the minor amendments to Municipal Code include a requirement to provide a Mylar and permit staff to approve minor lot line adjustments to simplify the process and save time. He stated the requirement will only slightly increase the cost to applicants while being of great benefit to staff and the City.

## 13. MOTION

### 13.A. MASTER SITE PLAN AND PRELIMINARY PLAT – Sweetwater Industrial Park

Mr. Mumford stated this item is the master site plan and preliminary plat for the Sweetwater Industrial Park project presented with the overlay rezone request. He explained that Municipal Code allows for an industrial preliminary plat to serve as master site plans and allows staff to approve final plats. The Planning Commission and City Council will still approve the site plans for each lot. The Planning Commission recommended approval 4 to 1 and the nay vote was due to concerns regarding the removal of landscaping medians along the major roadways.

Councilmember Curtis inquired regarding potential ramifications should the City Council approve the master site plan and deny the Sweetwater Industrial Overlay rezone. Mr. Cook clarified the master site plan is not contingent upon the rezone.

Councilmember Gray stated less-desirable uses, discussed during the rezone application, vary from one person to another. Discussion ensued regarding less-desirable uses.

Councilmember Curtis reiterated his concerns regarding the Sweetwater Industrial Overlay Zone.

## 14. MOTION

### 14.A. SITE PLAN – LBISat

Mr. Mumford presented the item for a proposed satellite communication facility located on 10 acres in the Sweetwater Industrial Park with the intention of being under the Sweetwater Industrial Overlay Zone, which includes communication facilities and towers as a permitted use. The final approval of this site plan is contingent upon the approval of the rezone. The applicant provided revised renderings with the addition of colored banding and windows to address concerns expressed by the Planning Commission and no outdoor storage requiring screening was planned for the site. He explained that the industrial zone includes commercial design standards that are highly encouraged but not required.

The Planning Commission recommended approval to the City Council with the following conditions: the applicant shall submit a lighting plan that complies with the dark sky outdoor lighting standards; the west side and the front of the building shall include more articulation and an increased mixture of materials, the final site plan approval is contingent on the approval of the Sweetwater Industrial Overlay Zone rezone, all signage will require a sign application and permit, and the trash enclosure shall be screened from the public street and designed with the same architectural materials as the building.

Councilmember Gray verified that the chain link fence met standards for industrial areas and inquired if the roads adjacent to the property are considered major roadways that require increased standards.

Mr. Mumford stated the City Council may require other fencing for screening purposes, otherwise chain link without vinyl slats is permitted. The City is installing a collector road along the western frontage; however, industrial areas have reduced fencing standards and the standards cited only apply to residential areas.

Mayor Westmoreland verified the style of fencing requested was due to security concerns.

Discussion ensued regarding fencing standards, proposed fencing standard updates, and fencing requirement variance along major roadways in residential, commercial, and industrial areas.

Mr. Hazard explained the requested chain link fencing with barbed wire is due to security standard requirements and other possible fencing materials to satisfy the security requirements is cost-prohibitive.

## 3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. The meeting was adjourned at 6:36 p.m.

## 7:00 P.M. POLICY SESSION - CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT ELECTRONICALLY: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Long-Range Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Linda Peterson, Communications Director; and Angela Valenzuela, Human Resource Manager.

## 4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:08 p.m.

## 5. PLEDGE OF ALLEGIANCE

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

## 6. INFORMATION ITEMS/UPCOMING EVENTS

- Eagle Mountain City will host a free firework display for the public on Friday, July 24, 2020. Fireworks will be launched near Wride Memorial Park. Parking is available at Frontier Middle School, Cedar Valley High School, and Wride Park. Please do not park in brush areas due to wildfire danger or on Pony Express Parkway. Please do not gather outside of vehicles at the park. The display will start at 10:00 p.m. and last for 20 minutes. Fireworks restrictions are in place in many areas of Eagle Mountain City. To access details and the restrictions map, please visit the city website, news section.

- The City offices and library will be closed Friday, July 24, 2020, in observance of the Pioneer Day holiday.

- The annual Eagle Mountain Resident Satisfaction Survey is available until July 31, 2020. Take the survey via the link on the City website, home page banner.

- Congratulations to Sydney Glass, Miss Eagle Mountain 2020; Olivia Huish, Eagle Mountain's Outstanding Teen 2020; and Brenda Van Wagoner, Eagle Mountain Woman of the Year.

- 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 7:12 p.m.*

Resident Zac Huish requested an alternative exit route and increased connectivity for the Sage Valley neighborhood due to safety concerns during emergencies and road closures. The previous alternate route, Airport Road, is now a private road. He also asked for benches or other seating to be installed at Sage Valley Park.

Councilmember Clark requested that staff research Airport Road being taken as a private road, as she believed it had previously been maintained by the county and has been used for public use.

Councilmember Gray stated staff and the City Council are aware of the issues concerning Airport Road and remedying concerns is a priority. He suggested a prescriptive easement may apply to Airport Road to permit public access. He expressed appreciation for the use of parks by residents and requested that Parks and Recreation Director Brad Hickman explore options to fund the installation of benches at Sage Valley Park.

Administrative Assistant/Community Director Steve Mumford stated Airport Road was ranked last during the project idea stage with Mountainland Association of Governments (MAG) and due to the unlikelihood of the project being selected, it had not been included in the next funding selection stage in order to give priority to and increase the likelihood of obtaining funding for the expansion of Pony Express Parkway. The next round of MAG funding will be in a year and a half. The City can explore other funding options to expedite the project if desired.

Discussion ensued regarding funding options and opportunities for Airport Road improvement.

Assistant Administrator/Finance Director Paul Jerome stated the "regionally significant" factor may reduce the likelihood of receiving MAG funding for Airport Road and impact fees may need to be used to partially or fully fund projects like Airport Road and Eagle Mountain Boulevard installations or expansions.

*Mayor Westmoreland closed the public comment at 7:23 p.m.*

## 8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham thanked Mr. Huish for his comments and expressed appreciation for resident participation.

Councilmember Clark

Councilmember Clark expressed appreciation for Mr. Huish and thanked staff for their efforts during challenging circumstances.

Councilmember Love

Councilmember Love encouraged Eagle Mountain residents to follow firework safety guidelines to prevent fires and injury and to follow COVID-19 prevention and safety guidelines.

Councilmember Gray

Councilmember Gray thanked Mr. Huish for his email comments and public statement and expressed his willingness to respond to resident concerns. He congratulated the rodeo pageant participants, past and present, and other award winners and thanked first responders for their efforts to keep residents safe.

Councilmember Curtis

Councilmember Curtis advocated for residents to employ kindness and courtesy in their interactions, even when their opinion or beliefs differ regarding pandemic response and prevention. He stated his appreciation of and desire for unity within the community.

Mayor Westmoreland

Mayor Westmoreland expressed appreciation for the Councilmembers' comments and echoed the desire for residents to treat each other with kindness. He recognized the United Fire Authority (UFA) and the Utah County Sheriff's Office for their involvement and leadership when responding to fires in Eagle Mountain and surrounding areas. He appreciated UFA's ability to authorize air support and to quickly acquire and deploy other resources.

## CONSENT AGENDA

### 9. BOND RELEASES

### 10. CHANGE ORDERS

10.A. Digital Sign Change Order #1 – Yesco

### 11. MINUTES

11.A. July 7, 2020 – Appeals Board Meeting

11.B. July 7, 2020 – Regular City Council Meeting

**MOTION:** ***Councilmember Curtis moved to approve the consent agenda. 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.***

## SCHEDULED ITEMS

### 12. ORDINANCES/PUBLIC HEARINGS

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

Mr. Jerome reviewed the details presented during work session.

Councilmember Curtis requested clarification regarding the approval of the human resource software budget amendment.

Mr. Jerome explained when the budget amendment was added to the agenda, he believed the software contract was scheduled for this meeting. He was later informed the contract is still undergoing legal review, which delayed the inclusion of the item on the agenda for this meeting. Where the budget amount and basic terms of the contract are known by the City Council and staff desires to move forward with the project due to the myriad benefits of the software to employees, Mr. Jerome determined to retain the item in the budget amendment. He cited examples of the inclusion of items in the overall budgeting process before the finalization of contracts.

Ms. Kofoed explained the contract would usually not require Council approval since it was under $40,000; however, the item was brought forward because it had not been budgeted. She stated the contract does not need to return to the City Council for approval, but the Council may request to see it, if desired.

Councilmember Curtis inquired regarding the term of the contract. City Attorney Jeremy Cook verified the term of the contract is one year.

*Mayor Westmoreland opened the public hearing at 7:42 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.*

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

12.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning the Marketplace at Eagle Mountain Town Center Property to a Mix of Commercial Community, MF1, and MF2.

Councilmember Gray suggested reviewing the rezone once a site plan returns to the City Council.

Councilmember Clark stated that the council had discussed the possibility of a rezone with a commercial trigger and polled her fellow council members to see if they were willing to consider changing the requested residential to RC and MF1 to reduce density from what was requested by the applicant. Discussion ensued. She expressed concern regarding the difficulty in visualizing the density without a site plan.

Councilmember Burnham stated her preference to require a maximum unit number rather than a density limitation to allow some product type flexibility for the developer; however, she was unsure of the desired unit number to require.

Councilmember Love expressed her willingness to support either method to reduce the maximum allowable density and discussed number unit projections per the various zone density standards.

Councilmember Curtis expressed concern regarding requiring a number of units due to the potential for the geographical limitations of the property requiring setback and lot sizing adjustments to achieve the maximum number of permitted units. He advocated for stipulating a unit number and the desired zone designation.

Discussion ensued regarding the preferred zone designation, unit number limitations and product design standards permitted in the multifamily zones, commercial development completion triggers prior to permitting residential development, concerns reducing the density with zoning through limiting the number of units may result in a reduction in open space, concern regarding the high density allowed in the Multifamily 2 (MF2) Zone, and concern the applicant will maximize the allowable density permitted in the zone designation.

Mr. Cook stated a master development agreement (MDA) is necessary to include a developmental trigger requirement and requested direction to ensure the elements that are desired by the Council are included in the agreement.

The City Council directed staff to include a development trigger requirement, zone designation, maximum number of units, and an expiration date in the MDA. Mr. Cook recommended the inclusion of additional details in the development agreement such as conditioning housing types by location, if desired by the Council.

Councilmember Clark and Burnham recommended making the rezone approval contingent upon an approved MDA. Councilmember Burnham advocated for balancing the responsibility of the Council to ensure amenable terms in the contract with consideration of time constraints in order to move the project forward within the preferred construction window of the anchor grocery store.

Discussion ensued regarding average and maximum zone density allowances in relation to lot size requirements.

Councilmember Gray expressed concerns that the applicant may not be amenable to the terms desired by the Council. Discussion ensued regarding options to balance City and developer needs.

Councilmember Curtis expressed his preference to approve rezone and site plan applications independently.

Councilmember Clark asked if the rezone approval could be contingent upon the approval of the MDA and the site plan. Mr. Cook stated the MDA could include examples of housing substantially similar to the product desired by the Council.

Discussion ensued regarding product types permitted in the zone, desired and undesirable product types, and maximum density allowance.

Councilmember Gray expressed concern regarding the undeveloped land along the northern edge of the property. Councilmember Burnham stated the forty-foot wide buffer had been intended for trail and open space by the original developer. Mr. Mumford clarified the property is City-owned and the City could require the development of the land as part of the open space improvements.

The Councilmembers debated concerns regarding zone designation preferences in relation to maximum density and desired product types, and the potential for density transfer should a portion of the property be sold or donated. Councilmember Burnham recommended including a provision to prohibit density transfers in the MDA.

Applicant representative Bill Gaskill stated his preference to return to Council with a site plan and stated he cannot move forward with the commercial projects until an agreement is reached regarding the residential properties. He expressed his desire to produce a plan amenable to all parties and concurred a master site plan would be beneficial. He reiterated that the Planning Commission had tabled the master site plan until the City Council approved the rezone application and requested direction on how to best move forward, due to the City Council requesting to see the master site plan before approving the rezone application.

*Mayor Westmoreland opened the public hearing at 8:24 p.m. The following public comments were submitted via email and were read during the meeting.*

Verle Patterson: "Looking at the Master Site Plan I see a retail/commercial plot east of the Autumn Ridge Subdivision north of PAD "L" Tire store. Between plots 23 and 24 there is a City easement for drainage that runs directly into the proposed parking lots for the said Retail/commercial plot. It was my understanding that this easement was also to be used as an access to the trail system and access to future developments to the east. The Master site plan does not address this access. I am especially concerned because I own the plot directly north of this easement #24."

Mr. Gaskill stated he had been unaware the area was a trail easement until informed by staff. He stated he intended to preserve a storm drain line under the area and expressed his willingness to install a trail on the easement and connect the trail to the trail system. Mayor Westmoreland directed staff to include the trail installation with the master site plan and preliminary plat to be reviewed by the Planning Commission.

Kathy Bitter "The City currently has the parcel listed as Commercial. To hold to an expired MDA is not only wrong, it will cause problems in the future. With many other properties as well. Please respect the City and recognize that the rezone is required, not simply requested. I live in the Eagle Park subdivision, just north of the parcel. While having commercial close to home may be nice, I think having Multi-Family housing, especially of the listed densities, is a bad move. Our homes on Osprey have a field behind them. To develop is expected, but putting in 40 units is too much. Please keep the MF1 portion as single family homes, not high density. The MF2 portion is also too dense for our area. Adding approximately 80 more units in 4 acres, who will be using our streets for travel access, school access, park access, etc. will put a burden on the homes that live on the thoroughfares, like me. I think a gradual shift is warranted, but our homes are .2-.3 acre lots. If the MF1 area is made single family homes, with smaller lots, then the MF2 area, with the divider road is made MF1, with a limit to townhomes, not 3 story condos, it would be a nice shift, provide some residential, and create a buffer to the commercial areas."

*Mayor Westmoreland closed the public hearing at 8:30 p.m.*

Mr. Gaskill stated his preference to return to the City Council with a site plan rather than agreeing to rezone to a zone that will limit the product type for the development.

Mr. Mumford expressed concern regarding the recommendation for the applicant to return with a site plan prior to the City Council approving the rezone application due to the Planning Commission tabling the master site plan until the City Council approved the rezone application. He asked if the site plan could instead only return to the City Council as a concept plan as a part of the MDA for the rezone approval.

Mr. Cook stated the master development agreement could include an exhibit of the proposed multifamily development; however, a site plan needs to also go to the Planning Commission.

Discussion ensued regarding the approval process timeline, motion approval options, and granted rights with plan approvals.

Mr. Cook recommended tabling the item to allow time to work with the applicant and bring an updated plan back to the City Council. An updated site plan will return to the Planning Commission for review.

Mr. Gaskill reiterated he is unable to move forward on the commercial portion of the project until the residential development issues are resolved and concurred with tabling the item.

Discussion ensued regarding concerns with developers converting commercial development to residential in the past, but only completing the residential portion.

**MOTION:** ***Councilmember Love moved to table an Ordinance of Eagle Mountain City, Utah, rezoning the Marketplace at Eagle Mountain Town Center property to a mix of Commercial Community, Multifamily 1, and Multifamily 2 until a master development agreement, including an exhibit of a sample site plan of the residential portion of the development, is submitted to the City Council. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

12.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Designating Certain Areas of the Sweetwater Industrial Park Under the Sweetwater Industrial Overlay Zone.

Mr. Mumford reviewed the details presented during work session.

Councilmember Love verified that approving the Sweetwater Industrial Overlay Zone for Lot 1 only would permit the applicant to move forward with the LBiSat project.

Mr. Mumford explained the desired use for satellite communication towers is an allowed use in the Sweetwater Industrial Overlay Zone and is a special use in the LMD Zone; all special uses are designated as prohibited until use standards are developed and approved. The difficulty in rezoning the entire property to the LMD Zone is that the applicant has not requested the LMD Zone, nor has he been able to review the LMD Zone standards to determine if the zone was appropriate for his needs.

Mr. Cook advocated against rezoning the entire property to the LMD Zone, as the applicant has not had time to review the zone, and said if the Council does not wish to delay the application, the best course forward is to approve the LMD Zone and the Sweetwater Industrial Overlay for Lot 1 and to table the rest of the application. He explained the City Council may approve the master site plan and preliminary plat prior to the rezone application, as it is still subject to zoning and does not approve any uses.

*Mayor Westmoreland opened the public hearing at 8:56 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.*

Applicant representative Scot Hazard stated the approval of the Sweetwater Industrial Overlay on Lot 1 is beneficial and will allow the project to move forward. He said the LMD Zone appears to address his needs and requested to discuss it further with staff to ensure the zone allows his desired uses, once the standards are defined, before approving the LMD Zone for the remainder of the property.

Councilmember Curtis expressed his willingness to work with the applicant and to amend the new zone as needed to address the needs of desired uses and to meet City goals.

**MOTION:** ***Councilmember Curtis moved to approve an Ordinance of Eagle Mountain City, Utah, rezoning Lot 1 of the Sweetwater Industrial Park to Light Manufacturing/Distribution with the Sweetwater Industrial Overlay Zone for the LBiSat project, and to table the rezone for the remainder of the property until the applicant determines if the Light Manufacturing/Distribution Zone is amenable for the remaining property. The motion includes the following conditions:***

1. ***Automobile sales and/or services shall be a permitted use;***
2. ***Convenience stores shall be a permitted use;***
3. ***Electronic data management businesses shall be a permitted use;***
4. ***Laundry and dry-cleaning establishments shall be prohibited;***
5. ***Manufactured homes developments shall be prohibited;***
6. ***Motels and hotels shall be prohibited;***
7. ***Other manufacturing businesses shall be a permitted use; and***
8. ***Restaurants and banks (with drive-through service facilities) shall be prohibited.***

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

12.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 16.50 Lot Line Adjustments and Chapter 16.55 Plat Amendments.

*Mayor Westmoreland opened the public hearing at 9:07 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.*

**MOTION:** ***Councilmember Gray moved to approve an Ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 16.50 Lot***

***Line Adjustments and Chapter 16.55 Plat Amendments. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

## 13. MOTION

### 13.A. MASTER SITE PLAN AND PRELIMINARY PLAT – Sweetwater Industrial Park

Mr. Mumford reviewed the information presented during work session and explained the Future Land Use Map includes the following major roadways that impact this project: Pony Express Parkway, a 122-foot wide minor arterial road, on the east side; the road referred to as Tiffany Lane, a 152-foot wide major arterial road, on the north side; and a 77-foot or 94-foot north-south collector road through the project shown as 1020 East on the site plan. The master site plan indicates a dedication of 76 feet on the north, 61 feet on the east, and 77 feet along the collector road through the project.

The master site plan includes Lot 1 and Lot 2, as well as other development areas separated by roads. A preliminary utility plan has been included with the proposal that includes public utilities, streetlights, and fire hydrant locations. Storm drainpipes are included on the utility plan, and a grading and drainage plan has also been provided. All development areas are accessible from the planned roads, and a parcel is being provided for access to the Miller and Sanderson properties in the southeast corner of the project. A traffic impact study would be difficult to perform at this stage. The City Engineer will require a traffic impact study with each site plan application, where necessary. He explained a traffic study was not required at this time due to the variance in traffic impact depending upon the desired use and a traffic study could be required in the future.

**MOTION:** ***Councilmember Curtis moved to approve the Sweetwater Industrial Park master site plan and preliminary plat with the following conditions:***

1. ***An appropriate landscaping plan for the park strips throughout the development, including street trees and consistent landscaping, shall be submitted; medians are not required adjacent to the north on Tiffany Lane and the east on Pony Express Parkway; and***
2. ***A master development plan shall not be required (EMMC 16.10.030).***

***Councilmember Burnham 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. MOTION

### 14.A. SITE PLAN – LBISat

Mr. Mumford reviewed the item presented during work session.

Applicant Rodger M. Lyman described the appearance and planned layout for the satellite antennas and explained that larger antennas use less power and generate more revenue. The largest antennas will be approximately nine meters in diameter, are not high off the ground, and will face south to southwest.

Councilmember Love verified the satellite antennas are under the 50-foot maximum structure Sweetwater Industrial Overlay height standard.

Councilmember Clark asked if the satellites will interfere with Ham radios. Mr. Lyman stated the antennas are required to receive Federal Communications Commission (FCC) approval for all communication channel use.

**MOTION:** ***Councilmember Burnham moved to approve the LBiSat site plan with the following conditions:***

1. ***The applicant shall submit a lighting plan that complies with the dark sky lighting standards (EMMC 17.56);***
2. ***All signage shall require a sign application and permit;***
3. ***The trash enclosure shall be screened for the public street and designed with the same architectural materials as the building; and***
4. ***The building articulation design shall be in accordance with the updated renderings provided to the City Council.***

***Councilmember Love 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

None.

## 16. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Clark
Councilmember Clark stated that approximately 12 people attended the Be Ready Eagle Mountain meeting and discussed fire safety and prevention. She is looking forward to additional upcoming safety and prevention events.

Councilmember Gray
Councilmember Gray said he is working with staff on the Parks Master Plan and park needs. He said the seniors are actively holding lunches and are maintaining communications via email.

Councilmember Curtis
Councilmember Curtis stated the Eagle Mountain Arts Alliance is holding story walks on Wednesdays at Nolen Park from 9:00 a.m. to 8:00 p.m. starting on July 22, 2020 and ending August 12, 2020.

Councilmember Love
Councilmember Love expressed appreciation to the Planning Commission. She said the Youth Council is on a summer break and she looks forward to working with them in the fall.

Councilmember Burnham
Councilmember Burnham said that she and Senior Management Analyst Evan Berrett are working with the Utah Transit Authority and Mountainland Association of Governments on a traffic study consultant selection committee. She said the library expansion is underway.

## 17. COMMUNICATION ITEMS

### 17.A. Financial Report

### 17.B. Upcoming Agenda Items

## 18. ADJOURNMENT

**MOTION:** ***Councilmember Gray moved to adjourn the meeting at 9:33 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 9:33 p.m.

Approved by the City Council on August 4, 2020.

Fionnuala B. Kofoed, MMC
City Recorder

CORPORATE SEAL
EAGLE MOUNTAIN
EST. 1996
STATE OF UTAH