EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

July 20, 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, and Carolyn Love.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Zac Hilton, Streets and Storm Drain Manager; Embret Fossum, UFA Battalion Chief; Eric McDowell, Chief Deputy Sheriff; Tyler Maffitt, Communications Manager; Robert Ballif, Engineering Assistant; Michele Graves, Library Director; and Kristin Allred; Library Assistant Director.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Kimberly Ruesch, Finance Director; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Angela Valenzuela, Human Resource Manager; and Chas Glenn; Administrative Assistant.

Councilmember Gray was present electronically for a portion of the work session.

Mayor Westmoreland called the meeting to order at 4:08 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

Community Development

- The Macey's grocery store building plans are approved. They will receive their permit and start construction soon.
- The City issued 135 residential building permits in June. The Planning Department will send out a fiscal year building summary soon.
- The City issued 1609 new construction building permits in Fiscal Year 2021.

Water

- Tank 4 has been repaired and is back in service.
- The City is 90% complete on pressure reducing valve inspections and repairs.
- New altitude valves have been installed and staff is currently fine-tuning for optimal use for tank storage on 2 and 3.
- Tank 5 requires maintenance and the City is searching for a contractor to make the repairs.

Wastewater

- Temporary fencing has been installed around all the ponds at the plant per State recommendation.
- Discussions with Facebook are underway regarding using treated effluent for construction dust control.
- The plant expansion continues, and the outer oxidation ditch ring is full and the equipment is being tested.
- The dirt pile has been removed and irrigation on the 12-acres of land should commence by the end of the day tomorrow.

Parks

- Cory B. Wride Memorial Park Phase 2 construction work continues. All of the sport court poles with the lighting have been installed and are waiting on Rocky Mountain Power to service some of the power needs to get them up and running. The pickleball courts will be painted soon. Substantial completion is expected by August a, 2021.

Events

- Summer Bash and Laser Show will be held July 31, 2021 and will include a laser light show to offer an alternative to fireworks.

Engineering

- Pony Express Parkway – traffic has been shifted to the completed northbound lanes while the southbound lanes are being completed. The City plans to add the widening of Mid Valley Road to the Pony Express Parkway expansion project contract with Kenny Sang depending upon securing asphalt.
- Lone Tree Signal – if the meter was set by Rocky Mountain Power as scheduled, Pine Top should be able to program the light between Friday and Tuesday of next week.
- Airport Road Phase 1 – the project has been delayed but construction should begin shortly.

Streets

- The spray-applied project is complete. The City expressed appreciation to the residents that experienced additional inconvenience due to equipment issues.
- The micro surface project on the Eagle Mountain section of Pony Express Parkway is finished and the remainder should be completed today on the Saratoga Springs portion; then Aviator Ave will be serviced.

1.B. DISCUSSION – UFA Fire Station 253

City Administrator Paul Jerome assured residents that noise nuisances will be mitigated as sirens will not be used until the fire apparatuses reach Pony Express Parkway.

AJC Architects Director of Design Steve Simmons presented a concept plan and building design for a 1.5-acre property south of Mid Valley Road and east of Six-Mile Cutoff Road. The apparatus bay would be set back 50 to 60 feet from the road to provide adequate sightlines to promote safety. The plan includes ten sleeping quarters, a dayroom, and an exterior courtyard for exercise. Once the agreement for the land is finalized, construction could begin in the spring or summer of 2022.

Assistant City Administrator/Community Development Director Steve Mumford expressed concern with the proposed location in relation to the intersection to the north and suggested moving the station farther to the south to align access points. Mr. Mumford and Mr. Simmons agreed to meet with the City Engineer to address alignment concerns.

Unified Fire Authority Assistant Chief Dominic Burchett said a survey indicated most municipalities preferred not to include a community room. They could entertain adding a community room; however, it would increase the cost.

Councilmember Clark advocated for the inclusion of a community room for joint meetings between fire stations and to provide a space for community representatives and resident use.

Assistant Chief Burchett explained a survey was conducted several years ago that concluded that the community rooms in other stations were underutilized. Due to the lack of use, the board determined to move away from including community rooms in consideration of the additional cost. He stated they could evaluate the cost increase to add a community room to the plan.

Councilmember Love supported the need for a community room and said the reason for the underutilization of the community room in fire stations might be due to the public being unaware that the space is available.

Councilmember Clark said Eagle Mountain has a unique need for community rooms because the City lacks a recreation center or a large library with public space. She suggested providing a community room that can accommodate 40 to 50 people.

1.C. DISCUSSION – Smith Ranch Park Design

MHTN Architects Senior Landscape Architect Vince Olcott and Landscape Architect Alison Lewis presented the item. The vision for the project includes providing a variety of native and manicured landscapes to support active and passive uses while providing space for both people and wildlife. The leading design principle for Smith Ranch Community Park is neighborhood meets nature. The project goals are to establish a series of paths and trails that connect the community to open space, clean up the existing native open space areas, create a variety of gathering spaces, provide new play areas and programming of spaces, and extend and update the field space for games and practices. An online survey with 575 responses and community outreach efforts during Pony Express Days resulted in high rankings for playgrounds, walking trails, and an obstacle course. Other suggestions included shaded areas with many trees, pickleball courts, and ziplines. An off-leash dog park and splash pads also received high rankings; however, it was determined that this park is not the appropriate place for those uses. The natural open space was also prioritized.

The Tickville Wash and a kestrel box are located in the area. They intend to not disturb the wash or the box and to minimize the impact of the park on the wildlife. A programing element is to include council rings, low circular benches, as places for gathering and other forms of passive recreation and interpretative educational elements about the wildlife in the park. The natural areas have been disturbed by members of the community and a potential retention basin is located in the park area. The sloped areas near the wash above a 20% grade will be excluded from improvement with a 150-foot setback from the center of the wash to remain open space with enhanced natural vegetation not intended for public use. The southwest neighborhood portion of the park could potentially include an obstacle course, sports fields, play areas divided into age groups, and paths. The existing pavilion will remain and be incorporated into the plan. The buffer zone along the wash will incorporate additional restrooms, soft-surface trails, additional trees, gathering spaces for students, small council rings, a zipline, nature play, a shaded pavilion, and additional parking on the east side with up to 30 parking stalls. The neighborhood park could include swing benches and poles for residents to attach their own slacklines and/or hammocks.

Councilmember Curtis advocated for an amenity other than a pickleball court due to the number of courts already in the City, as well as the high ranking of a volleyball court in the resident feedback. He appreciated the well-thought-out plan that incorporates the neighborhood and nature elements.

Mr. Olcott indicated that the type of sports court could be changed to the type desired by the Council.

Councilmember Burnham expressed support of the plan and Councilmember Curtis' suggestion to providing an amenity other than pickleball to increase variety. City representatives had expressed the desire for the park to be a location of learning for elementary students; she appreciates the inclusion of educational components.

Councilmember Love stated she desires to have the wash as an element that the community can enjoy, and the incorporation of the natural elements in the area exceeded her expectations. She would support pickleball courts in the park due to the lack of them in this area of the City.

Councilmember Clark said she loves the plan and the balance of the implementation of the requests by residents and the education and nature elements. Residents in this area have requested a skate park component. She feels the active play area would be an appropriate location for a skate park.

Discussion ensued regarding costs, Council and resident preferences, and concerns with potential amenities for the park including volleyball courts, pickleball courts, and/or a skate park.

Parks and Recreation Director Brad Hickman said that the cost to include a skate park could be significant. A skate park element could potentially be delayed until a later phase of construction for the park rather than diverting funds from other areas of the park to pay for the skate park during initial construction. The City has a few other potential areas for a skate park in the City; however, he would prefer including a skate park within a larger park rather than incorporating one in a smaller neighborhood park.

Mayor Westmoreland commended the design of the park especially considering the challenges with the area and expressed his support of the plan.

Mr. Olcott explained the next steps are to finalize the design of the overall concept plan, evaluate costs, determine construction phasing, and prepare a construction document.

The Mayor and Council directed staff and the consultants to research costs of a skate park compared to other potential amenities.

2. AGENDA REVIEW

12. ORDINANCE/PUBLIC HEARING

12.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the First Amendment to the Fiscal Year 2021-2022 Budget.

Finance Director Kimberly Ruesch presented the item.

The total budget increase of $5,539,250 includes:

- Summer Bash and Laser Show $25,000 – This special event is being proposed to provide an opportunity for residents to come together as a community as a result of the ban on fireworks. This event is an item that was not originally proposed with the budget.
- iWorkQ Software $2,250 – The City needs to upgrade this software to add tools that are needed for the Administrative Code Enforcement Court.
- Library Grant $12,000 – The library has received ARPA (American Rescue Plan Act) funds from the Utah State Library to be used for collection development. There is no match required for this grant.
- Well #1 Relocation $1,500,000 – Well #1 needs to be relocated. This is a critical well for providing water throughout the City. This well sits underneath a power line which limits the ability for maintenance. In its current location, the City may not be able to gain access to make needed repairs.
- Drill Well #7 $2,000,000 – In order to meet the ongoing needs of the community, a new well needs to be drilled. The location has not yet been determined.
- New Water Storage Tank $2,000,000 – Construction of a four-million-gallon water storage tank is being proposed in Pole Canyon.

Ms. Ruesch clarified that the majority of the funding for drilling the new well and the new storage tank will be covered by impact fees. The approximately $1,500,000 cost to relocate the well will be financed with the City's approximately $3,600,000 water fund reserves.

Mr. Jerome explained that American Rescue Plan funds can be used for water and wastewater projects. State grants could potentially cover the cost of the land purchase for the wastewater treatment plant expansion and the relocation of Well #1.

13. AULT FARMS

13.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan for Certain Lands Known as Ault Farms.

13.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Master Development Plan and Rezone for Ault Farms.

Items 13.A. and 13.B. were presented and discussed concurrently.

Mr. Mumford presented the item. On July 13, 2021, The Planning Commission voted 4 to 1 to recommend approval of the General Plan amendment as proposed, and to recommend approval of the master development plan (MDP) and rezone with the following conditions:

1. The development shall be divided into four master development plan areas and Area A shall be increased in size to incorporate a portion of Area B, at the discretion of the applicant, to bring Area A within the 200-acre size limitation; and
2. The row of R2 units directly west of the FR zone in Phases A4 and B6 shall be zoned as R1; and
3. The remaining zoning shall remain as presented in the zoning map exhibit.

The subject parcel consists of 752 acres is located on the east side of Pony Express Parkway at approximately 3000 North. The area is currently zoned Agriculture and is identified in the Future Land Use Map as Foothill Residential, Neighborhood Residential One, Parks and Open Space, and Business Park/Light Industry. Input from previous concept plan reviews at the Planning Commission and City Council in 2019 and 2020 include a focus on General Plan compliance with zone requests that exist within current Municipal Code. An updated MDP has been submitted with reduced densities and includes a mix of residential zones.

The rezone request contains a mix of FR, R1, R2, R3, RC, MF1, and CN zones as well as open space and a future business park area. The road network proposal includes three accesses onto Pony Express Parkway, Tiffany Lane as a minor arterial, and north and south collectors. The applicant is proposing changes to the Master Transportation Plan by adding a south collector, reducing Tiffany Land to a minor arterial, and reducing Airport Road to a minor arterial.

The master development plan application was received during the public hearing process of the code amendment to EMMC 16.10. Based upon the filing date, the application should be subject to the new Municipal Code standards. The applicant has submitted a waiver request from the requirements of EMMC 16.10 as allowed by EMMC 16.10.050. The applicant is seeking a waiver from the code requirement allowing a maximum land area of 200 acres for a master development plan. The request states the applicant would like to move forward with the over 550-acre residential component of the development. The applicant notes that comprehensive planning and cohesive design, timing, and amenity offering should be considered with the waiver request.

The application included an exhibit with four separated areas for potential master plan divisions with Area A of approximately 131 acres, Area B of approximately 243 acres, Area C of approximately 162 acres, and Area D of approximately 214 acres. The phasing map identifies the annual anticipated phase construction beginning in 2022 and ending in 2028.

To approve a waiver, the City Council must find one of the following to be true:

- The project's concept plan review, pursuant to EMMC 16.15, received feedback from the Planning Commission and/or City Council in regards to reduced master development application requirements.
- The project will not require modification or additions to existing conditions such as zoning designations, land use designations, and roadways.
- The project involves limited developments requirements for infrastructure.
- The strict application of this chapter would result in peculiar or exceptional difficulties, exceptional and undue hardship, or the buildable area of the property is significantly reduced by topography or preexisting easement restrictions.

No designation for public facilities such as churches or schools is included in the plan. Any rezone to commercial or residential zoning would allow these uses as either permitted or special uses. A possible ten-acre elementary school site should be included in the plan, to be reviewed by Alpine School District prior to the approval of the master development agreement (MDA).

The southern 214 acres identified as Tech Campus/Light Industry will be handled with a future MDP. The applicant has provided a master plan tabulations document that includes land use by area.

The CN zone is proposed to the north and south of Tiffany Lane along Pony Express Parkway. The multifamily areas were reduced to two areas around Tiffany Lane. All other multifamily housing has been replaced by RC and R3. Per transition code standards, R3 is not appropriate adjacent to MF1. In general, the zoning exhibit does not meet the zoning transitions required in EMMC 17.60.160.

An additional affordable housing element could be considered near the commercial properties. The northwest corner should be modified to utilize the road along the north property line in the Eagle Village project. The R3 areas adjacent to the MF1 could be modified to be compatible with EMMC 17.60.160 zone transitions. R2 units could be considered along the northern property line rather than R1 units, and the R1 units in the area could be moved elsewhere in the project.

The parks plan shall be submitted including potential park improvements and example linear park improvements to be approved as an exhibit to the MDA. The Council could consider adding additional acreage to the neighborhood parks to create more useable area, shrinking some of the linear parks slightly, and/or removing the improved open space along the utility corridor. Some of the improved open space from the power corridor could be shifted to the property along the northern boundary of the project and the area could be improved with a trail and water-wise landscaping.

Mr. Mumford verified that the Planning Commission recommendation to change the R2 on the east of Phases A4 and B6 to R1 would not be compliant with Municipal Code transitioning requirements. The MF1 adjacent to R3 is noncompliant with transitioning requirements and the R1 along the north of the project would abut a noncompatible R3 product in the neighboring subdivision. The FR adjacent to a duplex product to the north also fails to meet the transition code. However, the Council has the purview to request and approve exemptions to the standards.

Councilmember Clark noted the provision included on the phasing map that states, "Phasing may change at the discretion of the developer." Mr. Mumford advocated for allowing some flexibility in the phasing requirements to allow the developer to adjust to market fluctuations and utility installation.

Discussion ensued regarding the Planning Commission excluding Phase B7 in their recommendation to rezone the suggested R2 on the east to R1. The Council noted the RC product along the south of Phase B7 as the probable reason.

Councilmember Curtis advocated for encouraging Alpine School District to select an elementary school location as soon as possible to be able to adapt the plan to mitigate traffic issues experienced at other schools in the City. Mr. Mumford said a possible location could be included in the plan; however, the school district could select a different location.

Mr. Mumford confirmed that the Council could approve three separate MDPs for the residential portion of the project to be developed concurrently if desired. The desire to jointly develop various parts of the proposed MDP area is one of the reasons the applicant is requesting a waiver to allow a single MDP for the entire residential portion of the project. Considerations for deciding whether to grant the waiver include timing of the roadways, determining which MDPs to assign the roads and the parks, and complications of assessing infrastructure and amenity responsibilities should a portion of the development be sold to a different developer.

Councilmember Love noted that applying individual master development agreements at different times would extend the development timeframe.

City Attorney Jeremy Cook said that from a drafting standpoint, he would prefer a single agreement rather than three separate simultaneous MDAs, as it would be easier to address elements such as impact fees and major road projects in one agreement. The MDA could include timing for three development areas. Separate agreements would require referencing and contingencies linked to the other MDAs. The plan could include provisions favorable to the City at the expiration of the MDA should the project fail to be completed within the six-year time limit, which is likely due to the size of the development.

Councilmember Curtis expressed concern with dividing the plan as the purpose of the 200-acre maximum is due to the difficulty in determining densities, parks and open space, homeowners' association ownership (HOA), and other issues for large land parcels. He hesitates to grant property rights and density vesting for more than six years due to the significant changes in the City in that amount of time. He prefered to move forward with smaller agreements. He advocated placing rezoning restrictions by limiting density through requiring strict compliance to the development standards and for stipulating that phasing changes must be approved by the City Council.

Mr. Cook stated that the developer could opt to have a master HOA for the entire area independent of MDP size or phasing. HOA considerations would be easier to address in a single agreement. Density transfers and other known issues in older agreements can be safeguarded against in future agreements. He advocated against City involvement with HOA issues because they are private land issues. Master HOAs assist with costs of swimming pools, large amenities, and monuments shared between single-family and multifamily units; nevertheless, the Council could opt to deny the proposed rezone request for the project to address concerns with master HOAs.

Discussion ensued regarding concerns with the rights granted in MDAs that might not be appropriate for the City in the future, requirements to prevent density maximization and transfer, legal protections for the City, renegotiation obstacles, and including a process for the two-year extension allowance due to the projected 2028 build-out completion estimate exceeding the six-year window.

Councilmember Curtis expressed concern regarding zoning approvals being retained at the expiration of the MDA.

Discussion ensued regarding protections to include in the agreement and/or a clause to revert undeveloped land to the previous zoning at the expiration of the MDA, possibly dividing the project into two MDPs combining Areas A and B into one agreement, benefits of permitting a single MDP, preventing long-term agreements that are inappropriate for the City in the future, and the specificity of current City zoning limiting density transfer due to product, lot size, and set back requirements.

Councilmember Curtis suggested including a requirement in the MDA that the maximum density is contingent upon the strict adherence to the residential development standards of the respective zone and clarified his intent is to prevent units from being built smaller than the minimum lot size due to vested unit counts. He expressed concern that the MDP supersedes current Municipal Code standards.

Mr. Cook explained that the MDP would need to adhere to current Municipal Code standards unless specific exemptions were included in the agreement.

Councilmember Clark requested Mr. Cook draft language to include in the agreement clarifying that the units need to meet residential code standards rather than granting a number of units.

Discussion ensued regarding the benefits and potential issues with approving a unit count.

Mr. Cook stated that issues such as unit counts, lot sizes, frontages, and setbacks are generally addressed with the MDA and the rezone approval could be contingent upon the approval of the MDA. The concerns of the Council will be recorded in the minutes and should be included in the motion to assist the Council with remembering the concerns they wish to address with the MDA approval.

Councilmember Curtis stated that he had been in favor of the three Planning Commission recommended conditions of approval, but after the discussion was now unsure regarding requiring the division of the plan into multiple MDPs.

Discussion ensued regarding concerns and benefits of dividing the project into two or three MDPs, the impact of dividing the project to the proposed phasing plan, and whether to approve multiple smaller MDPs simultaneously.

Councilmember Clark expressed concern with usurping the recently-passed MDP requirements with the first MDP approval subject to the requirements.

Councilmember Curtis listed the concerns he desired to be addressed or implemented with the MDP including his previously mentioned questions as to whether the rezone conditions provide adequate protection, removing the language allowing phasing to change at the discretion of the developer while permitting an amendment process and minor changes, avoiding vesting unit counts with the master plan tabulation that would not fit within a zone if the product adhered to the residential design standards, prohibiting Area D from being rezoned as residential, adjusting the northwest corner to incorporate the road as suggested by staff, and requiring more details to be provided for the parks plan.

Councilmember Love said she believes the parks plan is a part of the MDA approval and requested clarification regarding what should be required in the MDP versus the MDA.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:24 p.m.

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

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

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Kimberly Ruesch, Finance Director; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Embret Fossum, UFA Battalion Chief; Eric McDowell, Chief Deputy Sheriff; Robert Ballif, Engineering Assistant; Michele Graves, Library Director; and Kristin Allred; Library Assistant Director.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Zac Hilton, Streets and Storm Drain Manager; and Tyler Maffitt, Communications Manager.

Councilmember Gray was present electronically for a portion of the policy session but did not vote on any of the items as he was absent during those portions of the meeting.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Councilmember Love 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 hot air balloon rides, food trucks, and live music.
- The Summer Bash and Laser Show will take place Saturday, July 31, 2021. Be sure to participate in the kids' patriotic parade and the pie-eating contest. Later in the evening, Trash Panda drum group will perform followed by a laser show.
- Just a friendly reminder that the ignition of fireworks in Eagle Mountain has been prohibited. Drought conditions persist in Utah, increasing the risk for wildfires in the State. Please find alternative forms of entertainment to help keep Eagle Mountain safe.
- The City added a residential portal to the website to assist residents with accessing information and to facilitate resident communications with City staff and officials.
- Thursday, July 22, 2021, at 10:00 a.m. at Walden Park the City has a special announcement. Residents are invited to attend.

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 7:15 p.m.

Kelly Gee expressed concern regarding traffic and speeding on Tiffany Lane and requested the Utah County Sheriff's Office patrol the area.

Mayor Westmoreland noted that the City received emails from Dee Adamsen regarding parking issues in the Heatherwood on the Green subdivision.

Eagle Mountain Performing Arts Collation representative Jennifer Kelly introduced her organization to the City Council and said their vision is to provide camps, productions, and concerts for individuals to express themselves and to develop their skills. They commit to representing the City in a positive manner and desire for the organization to be recognized by the City in order for the symphony and performing arts groups to receive the City discount when renting from the schools and to be able to use City stages and equipment for performances to help assist with production expenses. Mayor Westmoreland requested Ms. Kelly send an email to schedule a meeting to further discuss the item.

Jeff Ruth announced that the American Legion will be holding an ice cream social at the Senior Center on August 14, 2021, at 7:00 p.m. He invited all veterans and active military and the Mayor City Council, City Council candidates, and first responders to attend.

Camrie Campos sent a letter thanking the Mayor and City Council for the opportunity to serve on the Youth City Council and for the Youth City Council scholarship.

The City received the following email prior to the meeting, "My name is Angela Gewondjan and I am a boarder at Cedar Valley Stables. I run an equine therapy program for special needs children daily. Tiffany Lane runs right up to the property of the barn and has become a major safety hazard for us. Travelers from all directions and various vehicles do not keep to the speed limit. With the new construction, there are a lot of diesel trucks that do not slow down around our property. We have had many incidents where our horses and children have become spooked and we are putting them in danger. We are unable to use the outdoor arena for lessons because of this. The new stop sign is not helping either. Drivers do not stop and go through at excessive speeds. It would be very appreciated if we can come up with a solution to keep the speed limit and stop at the stop sign!! Thank you so much for your time and attention on this matter."

Mayor Westmoreland closed public comment at 7:29 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham
Councilmember Burnham welcomed the meeting participants.

Councilmember Love
Councilmember Love said it was good to see the people attending the meeting.

Councilmember Clark
Councilmember Clark recognized and thanked Unified Fire Authority Captain Steve Conger and his crew, Captain Dave Terrion, Paramedic Brandon McDonnell, and Engineer Chance Fivas, for their service and other contributions to the City and presented them with a challenge coin.

Councilmember Curtis
Councilmember Curtis thanked the meeting participants for their attendance. He noted that three members of the City Council had received an email from Jody Hooley suggesting the City place a moratorium on new construction until the end of the drought.

City Attorney Jeremy Cook verified that the Council could consider issuing a six-month moratorium on building permits or subdivision plat approvals, per Utah Code Title 10-9a-504, should they feel current drought conditions met the qualifications to merit such as action, although a few master development agreements would be excluded per the terms of those agreements.

Mayor Westmoreland directed staff to research measurable, identifiable, and quantifiable water supply metrics to determine the levels under which the City should contemplate enacting a building moratorium.

City Administrator Paul Jerome reassured residents that there is no indication that the water supply is in jeopardy of meeting City demands. The City is currently discouraging developers from installing landscaping due to the high-water requirement to establish sod during the heat of the summer. Changes to development standards to address water usage more effectively are under consideration.

Discussion ensued clarifying that the City has sufficient water for existing and approved housing, the greater impact of landscaping on water usage compared to construction use, and that City water conservation efforts are precautionary and preemptive to protect against a water shortage crisis.

9. APPOINTMENTS

9.A. Youth Council Advisors

MOTION: ***Councilmember Clark moved to appoint Jennifer Shimakonis as a Youth Council Advisors for a one-year term. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Clark moved to appoint Tyler Shimakonis as a Youth Council Advisors for a one-year term. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.***

Tyler Shimakonis encouraged all youth to attend the Youth Council meetings on the second Wednesday of each month and to participate in events the Youth Council is assisting with such as Shopfest and the Summer Bash and Laser Show.

CONSENT AGENDA

10. BOND RELEASES

10.A. Sunset Ridge Phase A, Plat 7 – Into Warranty

11. MINUTES

11.A. July 6, 2021 Minutes – Regular City Council Meeting

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

SCHEDULED ITEMS

12. ORDINANCE/PUBLIC HEARING

12.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the First Amendment to the Fiscal Year 2021-2022 Budget.

Finance Director Kimberly Ruesch reviewed the item as presented during work session. She explained that the cost of the software for the Administrative Law Judge court is included in the General Fund under the legal services division of the budget. A judicial branch fund is usually only implemented after the establishment of a judicial court within a municipality.

Mayor Westmoreland opened the public hearing at 7:49 p.m. As there were no comments, he closed the hearing.

MOTION: ***Councilmember Clark moved to approve an ordinance of Eagle Mountain City, Utah, approving the first amendment to the Fiscal Year 2021-2022 budget. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.***

13. AULT FARMS

13.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan for Certain Lands Known as Ault Farms.

Item 13.A. and 13.B. were presented and discussed concurrently.

Assistant City Administrator/Community Development Director Steve Mumford reviewed the item as presented during work session.

Two neighborhood parks are designed for the north and south halves of Ault Farms. These parks will be programmed with active and passive recreation features and amenities. These parks are located within a ten-minute walk for residents within a half-mile radius. Amenities in the neighborhood parks may include play space, neighborhood gardens, pathways, bike facilities, fire pits, open lawn for unstructured play, pavilions, Bocce ball courts, and/or sports courts. Seven local parks have been designed into the master development plan (MDP). Some of these parks are more linear in nature and provide green space connections into the Eagle Point neighborhood to the north. Others are more rectangular fitting the surrounding subdivision development pattern. Local parks serve residents within a quarter-mile radius and are held privately and maintained by the homeowners' association (HOA). Amenities in the local parks may include improved landscaping, trails and/or pathways, seating, shade structures, BBQ grills, fire pits, play spaces, and/or open lawn for unstructured play.

Trails throughout Ault Farms provide circulation for both pedestrians and bicyclists to move freely around the neighborhood to access parks and the commercial node and to exercise. Two north-to-south regional trails along Pony Express Parkway and Lake Mountain Boulevard are received from the north and built through the Ault Farm development to the south. The trail network planned for the community is approximately seven miles in length. Trails are planned to be the standard City width of eight feet. Depending on their context, the material may be asphalt, concrete, or road base. Conceptual design of the open space located under the Rocky Mountain Power transmission lines facilitates the Lake Mountain Boulevard regional trail, a trailhead, nodes of manicured landscape at major intersections, and natural vegetation. A mountain bike course or pump track could be a suitable use in this open space area. The developer may also find private uses for the power corridor such as equestrian facilities or other animal-related recreational uses.

Key areas around the master-planned community called gateway landscapes are designed to create a distinct aesthetic of Ault Farms and to communicate a sense of arrival and welcoming. Signage may be included in these open spaces as well. Though not shown in the master development plans, common open space in multifamily areas will be designed and submitted with the site plan applications. The plans will include amenities consistent with neighborhood and local parks in the multifamily common open space areas. In addition, these common open spaces may include pools, clubhouses, spas, or sports courts.

Applicant representative Pete Evans explained they desire a single MDP in considerations of the infrastructure cost in the development and for coordination and cohesion. The exception in the code is for unique circumstances and they believe the project qualifies due to the location of minor arterial roads on the east and west and three major roadways—one minor arterial and two minor collectors—running east to west through the development. It would be difficult to divide the cost between several MDPs as they assume the City will want the full road constructed once any part of the development connects with the applicable road. One MDP would assist with the cost of the infrastructure and cohesive open space improvement. Master development surveys indicate the number one desired and year-round utilized amenities are linear parks and walking trails that appeal to multiple types of users. They removed all the product that did not comply with the existing Municipal Code standards from the MDP. He understood that previous issues with agreements were due to allowing products unique to the agreement whereas their plan contemplates product and design standards found within the zoning code.

Mr. Evans said he did not feel the homes backing onto the powerline corridor are amenable to an R1 lot and thinks the R1 lots are better suited in the locations proposed on the zoning map. Previously, they had placed RC lots along the corridor and included R2 units as a compromise based upon Council requests for larger lots in the location. The geographical features provide a natural buffer to transition to the FR homes. He proposed deepening the lots into the powerline corridor and implementing use restrictions on the area within the corridor should the Council require R1 lots in the location.

Councilmember Clark said that she thinks including the powerline corridor in the lots is a benefit due to the market calling for larger lots. She beseeched the applicant to increase the lot size in the areas requested by the Planning Commission from R2 to R1.

Mr. Evans requested an exception to the R1 zone 85-foot lot frontage requirement to maintain the R2 80-foot frontage for the lots the Council would like changed to R1 along the powerline corridor.

He noted that the number of lots will likely be reduced to accommodate a new City well site. Councilmember Curtis spoke against allowing an exemption to the lot frontage standards.

Councilmember Clark stated she believes that the size of previous MDPs caused things to be overlooked that resulted in issues and undesired outcomes and is one of the reasons for requiring agreements with smaller acreages.

Mr. Evans requested the Council allow the width of the frontage to be measured at the building setback line to allow for curvilinear streets; measuring from the street imposes gridded streets. He explained their lots will be designed differently than those in Evans Ranch. Councilmember Curtis expressed concern regarding the unintended consequences of allowing the frontage to be measured at the building setback.

Discussion ensued regarding potential requirements to mitigate creating wedge lots that fail to meet the intent of the frontage standards; changes in previous projects resulted in developments that differ significantly from the map exhibits presented during the approval process.

Mr. Mumford explained that the frontage standard considerations would be a condition of approval of the MDA and he will research the issue prior to the presentation of the MDA to Council.

Councilmember Clark challenged that the applicant was able to incorporate infrastructure development considerations with the adjacent developments which she believes demonstrates that multiple MDPs can be coordinated together. Mr. Evans clarified that the sewer line is the only joint infrastructure project with Scarlett Ridge.

Councilmember Clark requested staff calculate the differences between the desired lot frontages at the building setback line and the standard requirements when the item returns. She spoke against allowing a width difference as great as permitted in the cul-de-sac setback exemption standards.

Mr. Mumford verified the rear setback requirements are 25 feet for the R1 zone and 20 feet for the R2 zone.

Mr. Evans noted that the houses could not be set back farther than the rear width setback requirement and their designs meet all design standards. They are willing to change the R1 lots on the north end of the project as suggested by staff, if desired by the Council. He feels the road would be a sufficient buffer between the adjacent RC lots as the lots will not be facing each other.

Discussion ensued supporting allowing noncompatible lot adjacency transitioning due to the similar land uses for the product types, the onerous burden to request a different product type and requiring the developer to provide additional transitioning due to the impact to the plan, people purchasing lots next to smaller properties being aware of the size of the smaller adjacent lots, and the unlikelihood of existing residents objecting to the development of larger lots next to their homes.

Councilmember Burnham inquired regarding the purpose of dividing the plan into three MDPs if they intend to approve all three to be completed simultaneously.

Discussion ensued regarding whether to approve part or all of the development with consideration of the major roadway running between Areas B and C, the total acreage of each area, park installation, tying the rezoning of the development to individual phases due to concerns with the rights granted with the rezone, and the uncertainty of the future housing market.

Mr. Cook explained that separate MDPs would complicate the master development agreements because it would divide roads and other infrastructure contingent upon the other MDPs. The agreements would need to reference the other agreements and include parts of roads with timing for each section. If the Council elects to approve the full development, it would be preferable to include the full plan in a single agreement. Should the Council decide to only approve part of the development, multiple agreements would become necessary.

Councilmember Clark advocated for approving the 550-acre residential portion in separate MDPs as recommended by the Planning Commission and in accordance with Municipal Code rather than approving various portions of the project individually at separate times or granting the waiver to code standards recently approved by the current body.

Councilmember Burnham said when she voted to approve the changes to MDP requirements, she had not considered an applicant requesting multiple, simultaneous MDPs. Although she understands Councilmember Clark's reasons for desiring to adhere to the approved standards, she does not see the benefit of dividing the plan into multiple MDPs. This would complicate the project and increase the burden on staff.

Councilmember Gray said that the full infrastructure would need to be installed with the first MDP, other than perhaps part of a road where houses are located. He is not in favor of approving an agreement until the lot sizes are increased to further reduce the density in the development.

Discussion ensued regarding the impact of the required infrastructure development and phasing benchmarks on a single or multiple MDPs, potential infrastructure divisions to include within in separate MDPs and the resulting obstacles with dividing the roads and infrastructure, and benchmark timing requirements and impacts to one or multiple agreements.

Councilmember Gray stated that increasing the R1 product on the northeast of the project as suggested by the Planning Commission would be an insufficient density reduction. He objects to the inclusion of RC and MF1 in the plan because the zones are not compatible with the General Plan Neighborhood Residential One land use designation for the area. He advocated for developers bringing uses not already abundantly available in the City.

Discussion ensued clarifying the gross density calculation for the project at 3.25 units per acre and the RC and MF1 land uses representing 28.7% of the total area including the open space with the FR, R1, R2, and R3 General Plan compatible units representing 56.7% of the land uses.

Mr. Evans stated they feel the proposed variety of uses are appropriate for the area. Of the undeveloped residential property remaining in the City, 92% of the land has the Neighborhood Residential One General Plan land use designation, the remaining 8% is designated as

Neighborhood Residential Two, and none of the land is designated at Neighborhood Residential Three. When factoring in buffering requirements, they feel they have met the intent of the Neighborhood Residential One land use designation.

Councilmember Curtis stated that the residential land use designations match his vision for the City.

Discussion ensued regarding concerns with granting maximum unit counts and requirements to adhere to the lot size and setback standards in the master development agreement compared with previous agreements granting minimum units counts.

Mr. Evans clarified that the plan excludes the requested flexibility with the location where the frontage is calculated, and the numbers provided anticipate following current Municipal Code standards exactly. The new zoning code is based upon lot sizes and setbacks rather than unit counts and densities and prohibits increasing the numbers due to lot efficiencies or density transfers from land lost to public facilities sales.

Mayor Westmoreland opened the public hearing at 9:16 p.m. As there were no comments, he closed the hearing.

Councilmember Curtis stated that while he would prefer lower density as requested by Councilmember Gray, he did not oppose the plan on that basis.

When asked, none of the other Councilmembers raised objections to the plan based upon the proposed density, especially in consideration of the applicant agreeing to convert some of the R2 lots to R1.

Councilmember Clark stated that increasing the size of the lots near the powerline corridor would allow the applicant to sell them for a premium. Councilmember Burnham disagreed due to noise and other concerns of living adjacent to powerlines.

Councilmember Burnham concurred with Councilmember Curtis' concerns about granting vested unit counts based upon a table and suggested clarifying in the agreement that all units are required to adhere to lot size and setback standards regardless of the number of lots listed in the master plan tabulations.

Discussion ensued regarding the conditions and language to include in the motion to ensure the design standards are met and to prevent density transfers from public facilities land purchases, whether to include the unit counts in the master plan tabulations in the MDP due to issues with unit count vesting in prior agreements, and whether current lot and setback standards are sufficient to mitigate potential density transfer concerns.

Mr. Evans said they would prefer not to redesign the plan for the northwest corner of the project to accommodate a road in Eagle Village but are willing to if required. The original plans they were given and designed according to did not include the road. They later received an updated plan for Eagle Village that included the road.

Mr. Mumford clarified that the approved road to the northwest is located within the Eagle Village project and not partially located on the subject property. The full residential road, which will be maintained by the City, would only access lots on one side. The open space area is to the east and west of the road. Should the applicant not be required to utilize the road, staff recommends the applicant at least connect to the north-to-south neighborhood roads. He explained the purpose of the Eagle Village redesign was to provide access to the south. Although excluding the connection might be the preference for design cohesion in the Ault Farm development, increased connectivity is preferable to create access to Pony Express Parkway for both neighborhoods.

Discussion ensued clarifying the location of the roadways and the connectivity between the Eagle Village and Ault Farms projects.

Councilmember Clark expressed concern with R1- and R3-zoned homes from separate subdivisions fronting on the same road.

Mr. Mumford verified that the concern with the road was efficiency, not safety. The cost to the City to maintain the road with houses along one side is the same as if houses were along both sides. Incorporating the road would result in a cost reduction to Ault Farms; however, if the applicant prefers to assume the cost of installing a full road south of the north units, it is the purview of the Council to approve the design as requested as long as access and connection to the Eagle Village is provided.

Discussion ensued regarding whether to allow the design of the northern roads as presented and regarding the trail connectivity within the development.

Mr. Evans expressed his willingness to incorporate the open space along the northern boundary of the project into the open space and trails plan.

Mr. Mumford said he will contact ASD representatives regarding a school site. The placement of a school within a master-developed community will be less impacted by the variance of land prices and hopefully be less problematic.

Discussion ensued regarding potential school and church locations and concerns regarding the impact of the reduced unit counts from various zones, particularly R1 units.

Mr. Evans said the City Council could review and approve the school site; however, the developer has little control regarding the placement of the school.

Mr. Mumford explained that the new MDP process follows Municipal Code more strictly than previous agreements. Park designs are required during the preliminary plat approval. His purpose in including the information regarding the park in the staff report was due to concerns regarding the design, visual appeal, and useability of the linear parks. Changes to the park plan to address concerns can occur with the approval of the MDA.

Councilmember Burnham requested the applicant include park examples with the MDA.

Councilmember Love requested the applicant include examples for the commercial area in the MDA to ensure the acreage provided is viable for applicable business uses and does not need to be modified.

Discussion ensued regarding City involvement with homeowner's association (HOA) covenants, conditions, and restrictions (CC&Rs).

Mr. Cook explained that the City no longer approves CC&Rs other than ensuring that mechanisms are included to collect funds to maintain private amenities.

Councilmember Curtis expressed concern with the potential for HOAs to become predatory or to contain CC&Rs that are a disservice to residents. His greatest concern is the length of time prior to turning the HOA over to the residents.

Mr. Cook clarified that the City could stipulate to include or exclude some elements from HOA CC&Rs. As the size of a development grows, changing the terms of the CC&Rs becomes increasingly difficult due to the percentage of homeowners required to approve changes. He suggested further discussion of Councilmember Curtis' concerns outside of the meeting to decide the appropriate course of action.

Discussion ensued clarifying that the inclusion of the number of units in the approval would be based upon a maximum unit count per zone product type rather than the maximum total unit count of combined product types. The Council also discussed concerns with approving the rezone and granting the associated land uses should the MDP expire prior to the full buildout of the project.

Mr. Cook stated he would devise a formula to determine the appropriate unit count reduction for land acquired for public facilities. He will also explore if rezoning of the property could occur when the plat is recorded as suggested by Councilmember Curtis to protect against rezoning concerns.

Mr. Evans noted that the higher density RC and MF1 units, not contemplated in the Neighborhood Residential One land use, are located along major roadways which is a requirement of and compliant with Municipal Code buffering and transitioning requirements.

MOTION: ***Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, amending the Future Land Use Map of the General Plan for certain lands known as Ault Farms. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.***

13.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Master Development Plan and Rezone for Ault Farms.

Mayor Westmoreland opened the public hearing at 10:06 p.m. As there were no comments, he closed the hearing.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving a master development plan and rezone for Ault Farms with the following conditions:***

1. ***The row of R2 units directly west of the FR zone in Phases A4 and B6 shall be zoned as R1;***
2. ***The remaining zoning shall remain as presented in the zoning map exhibit;***
3. ***No density transfers shall be allowed for schools or churches;***
4. ***Unit counts shall not exceed the number listed on the master plan tabulations per each zone designation and all units shall comply with Eagle Mountain Municipal Code design standards;***
5. ***The southern 214 acres to the south are excluded from the approval and require a separate agreement;***
6. ***A parks plan with detailed conceptual designs shall be included in the master development agreement and submitted prior to the approval of the master development agreement;***
7. ***The approval of the master development plan shall be contingent upon the approval of the master development agreement;***
8. ***The applicant shall work with the City to improve the open space to the north of the development;***
9. ***The applicant shall provide Commercial Neighborhood concept plans prior to the approval of the master development agreement; and***
10. ***Phasing shall occur as indicated on the phasing map and only slight modifications to the phasing schedule shall be permitted.***

Councilmember Clark requested Councilmember Burnham include the Planning Commission recommendation to divide the MDP into four master development plan areas. She confirmed with staff that the benchmark requirements will be included in the MDA.

Councilmember Burnham declined Councilmember Clark's request.

Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, and Carolyn Love. Those voting nay: Colby Curtis. The motion carried with a vote of 3:1.

Councilmember Clark explained that she does not desire to vote against a plan that implements many of the elements included in the General Plan. She understands the applicant's request for the exemption and is relying on the recent residential code changes to compensate for her concerns with the MDP.

Councilmember Curtis stated that he appreciates the work put into the item but is hesitant to approve the plan as presented. He feels it needs additional work and would prefer the plan be divided into multiple MDPs.

14. CITY COUNCIL/MAYOR'S BUSINESS

None.

15. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Curtis

Councilmember Curtis reminded the public about the Military and Veterans ice cream social at the Senior Center on August 14, 2021, at 7:00 p.m.

Councilmember Burnham

Councilmember Burnham said the Senior Citizen Advisory Board is holding a meet the candidate event for on July 26, 2021, at 5:00 p.m.

Councilmember Love

Councilmember Love noted that ShopFest is coming up on August 7, 2021.

Councilmember Clark

Councilmember Clark inquired regarding the Parks and Recreation Advisory Board's request for direction and to report on their observations on unimproved, improved, and natural open space and their directive to assist with the Flip the Strip program.

Mayor Westmoreland directed staff to include a Parks and Recreation Advisory Board discussion item on the August 17, 2021 City Council work session agenda.

16. COMMUNICATION ITEMS

16.A. Financial Report

16.B. Upcoming Agenda Items

17. ADJOURNMENT

MOTION: ***Councilmember Clark moved to adjourn the meeting at 10:22 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 10:22 p.m.

Approved by the City Council on August 3, 2021.

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

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