



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

June 2, 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; Fionnuala Kofoed, City Recorder; Jeremy Cook, City Attorney; Elizabeth Fewkes, Recording Secretary; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Pete Kane, Long-Range Planning Manager; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Jessa Porter, Planner; and Brad Hickman, Parks and Recreation Director.

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

City Recorder Fionnuala Kofoed explained the procedural adjustments due to the electronic meeting and the proposed interim adjustments to practices relating to Council Work Sessions and Policy Meetings.

Public meetings will be held electronically in accordance with Executive Order 2020-1 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. DISCUSSION – Eagle Mountain Municipal Code Amendments

1. Chapter 17.37 Business Park Zones

Community Development Director Steve Mumford stated that the Business Park Zone is being amended to include three zones: Light Manufacturing/Distribution, Medical/Educational Campus, and Office Professional. He explained the intended uses and the locations indicated on the Future Land Use Map for each zone.

Mr. Mumford explained the Planning Commission was heavily involved in the creation of Business Park Zones. A public hearing was held during the May 12, 2020 Planning Commission meeting and no public comments were made. The Planning Commission voted unanimously to recommend approval to City Council.

Discussion ensued regarding the acreage designated for zones on the Future Land Use Map and potentially permitting universities and university satellite locations in the Office Professional Zone.

2. Chapter 17.55 Warehouse Farming Overlay Zone

Mr. Mumford explained the purpose of Warehouse Farming Overlay Zone is to comply with Utah State Code to determine an area approved for cannabis production, otherwise production is allowed in all farming areas. He stated the same standards apply to agricultural areas.

The proposed overlay zone accomplishes State Code requirements if the overlay is approved for specific property within the City. An alternative option could include cannabis production as a permitted or special use in the industrial and agricultural zones. The proposal has been on hold since November awaiting feedback from the Utah Department of Agriculture and Food. The Industrial Hemp and Medical Cannabis Program Manager's suggestions included changes to the proposal to allow storage containers inside warehouses but prohibit temporary buildings and containers outside of warehouses and a minor change to sign restrictions.

The Planning Commission recommended approval of the Warehouse Farming Overlay Zone on November 12, 2019.

Mr. Mumford explained the five-story height maximum is the standard in the Industrial and Office Professional Zones. He stated the application of the Warehouse Farming Zone would not supersede the underlying zone requirements, clarified the purposes and uses for overlay zones, and explained industrial and agricultural areas would be most appropriate for application of the overlay due to the unpleasant odors associated with cannabis production.

1.B. DISCUSSION – Pole Canyon Extraction Permit

City Engineer Chris Trusty explained the City received a material processing permit request from DAI Land Development for the Pole Canyon area adjacent to Camp Eagle Mountain. The purpose of the extraction is to remove approximately a half million cubic yards of material from a 68-acre area, in 11-acre increments, in order to grade the site for home development. The extracted material would be used within the Pole Canyon development for the Tyson Foods site or other areas; the Pole Canyon Master Development Agreement does not permit the use or sale of extracted materials outside of the Pole Canyon area.

Mr. Trusty explained such applications are generally processed by staff; however, because of resident's concern regarding past extraction activity within the City, staff elected to present the information to the City Council for review and discussion. He said even though the project does not fall within the Extractive Industries Overlay Zone, the City has requested that the project adhere to the overlay guidelines. He stated, as City Engineer, he may deny permit applications if the extraction process is deemed to negatively impact neighboring properties and the City could require additional measures for adequate dust control.

Mayor Westmoreland and the City Council directed Engineering to address issues and expectations regarding blasting, truck routes, dust control, the realignment of 4000 North, the sale of extracted materials, infrastructure strain, implementing specific regulations defining the allowed activities and fines for noncompliance, location in relation to residents and water tanks, slope and ridgeline grading regulations, resident concerns and complaints regarding extractive activities, and material processing.

Applicant Nate Shipp with DAI said the truck routes would utilize existing roads that do not pass through residential areas. He explained that the plan to utilize the materials within the area results in a lower impact to infrastructure and neighboring properties than other residential developments that require the removal or addition of materials from external sources.

Applicant representative Steve Jackson with Jackson Engineering LLC stated the Tyson Foods infrastructure package includes the improvement and realignment of 4000 North in partnership with the Utah Department of Transportation. The materials in the area are suitable for extraction and will not require blasting, the project is within the allowable slope percentage to permit grading, and the erosion control plan includes dust control measures. The use of the material within the Pole Canyon area will limit the hauling of materials from other sources and result in less strain to infrastructure.

Mr. Jackson explained the raw material would be screened onsite to sort the material for specific uses and larger material would be crushed before being screened. He said the screening would include dust control and the material processing does produce industrial noise levels; however, the process will be located far from residential areas to mitigate noise and dust concerns.

Mr. Jackson explained the extraction activities are estimated to conclude by the end of 2020. Mr. Shipp clarified construction activity would continue for several years to develop the full 3,000 acres in the Pole Canyon area.

Mr. Jackson believed that improvement of the Camp Eagle Mountain access road to mitigate dust would be wasteful. The location of the road was not approved, and the contractor constructed the road across lots the applicant owns and intends to develop, requiring the relocation of the road. He indicated other options for and willingness to ensure dust control.

Mr. Trusty explained the regulations governing the material processing permit and that offsite use or the sale of the materials would require the application of the extractive industries overlay zone. He stated the City Council may request that the permit application return as an action item, if desired; otherwise, staff will move forward with approving the permit.

2. AGENDA REVIEW

10. CHANGE ORDERS

10.A. SilverLake Woodhaven Park Design Change Order #1 – Environmental Planning Group

Councilmember Curtis explained the geological features in the area necessitated additional work to install the park, resulting in the cost increase. He stated various sources of funding have been resourced to cover the expense.

12. ARRIVAL

12.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the Second Amendment to the Arrival Master Development Plan.

Mr. Mumford explained that shallow bedrock and unacceptable soils were found in this project area. The purpose of the redesign is to provide each lot with suitable soils for septic drain fields based on geotechnical explorations of the area. The State and County Health Departments now require two redundant drain field locations on each lot. The Planning Commission recommended denial with a 3:2 vote on May 12, 2020. The votes to recommend denial were due to reduced connectivity, an increase in 0.5-acre and 0.75-acre lots and a reduction in one-acre lots, septic systems on 0.5-acre lots, and the lots adjacent to Camp Williams and North Ranch not all being one-acre lots.

Items to consider include density and lot sizes, septic systems, connectivity, open space, and lot size transitioning. The proposed plan contains three fewer lots than the existing plan. The existing plan has 178 residential lots and one church parcel; the proposed plan has 175 residential lots and one church parcel. The number of lots over two acres in size increased from 6 to 9 lots; lots between 1 and 1.99 acres decreased from 137 lots to 119 lots, and lots between 0.5 and 0.99 acres increased from 36 lots to 48 lots.

Septic tanks are not permitted on lots smaller than one acre in size, unless they are in an existing subdivision designated specifically for septic system use on a recorded subdivision plat. There is no possibility of a sewer connection in this development. The area may be considered an “existing subdivision that is designated specifically for septic system use.” The proposed plan does not increase septic systems in the development.

The Arrival Master Development Plan was approved prior to City’s adoption of connectivity standards. The plan proposed to Planning Commission contained two long, loop roads without connectivity between them. The applicant has responded to the Planning Commissioners’ concerns by adding a road connection between the two loops.

The previous Residential zone did not require open space for projects with a density less than 0.8 units per acre. However, the developer chose to provide a 2.16-acre park, which fulfills the new residential zoning requirement for open space.

The applicant adjusted the plan to include lots larger than one acre in size adjacent to Camp Williams and the North Ranch subdivision, which fulfills lot size transitioning requirements.

Applicant Scot Hazard explained the trail system and stated the trails are for pedestrian and equestrian use. A trail along Tickville Wash between the Arrival and North Ranch subdivisions was not feasible due to the nonlinear edge of the wash and slope height and instability concerns.

Mr. Hazard explained the Church of Jesus Christ of Latter-day Saints requested the relocation of the church site. He stated the Arrival Master Development Agreement predated the reduction of lot count requirement due to church sites and requested leniency from the Council due to the voluntarily inclusion of parks and a trail system.

13. ORDINANCES

13.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.35 Commercial Zones.

Mr. Mumford presented the item and reviewed proposed amendments to address the concerns expressed by the City Council during the previous meeting.

Automobile Gas/Service Stations have been changed to a special use, as Municipal Code already contains special use standards. Auto Sales and/or Minor Services has been changed to a special use so size, parking locations, and other concerns can be regulated. No changes were made to childcare centers and preschools, as their use is similar to schools, which are special uses. The brewery section now includes “ancillary to a restaurant” verbiage. Religious/Cultural Meeting Halls are included as a permitted use in the Commercial Regional zone. Developments in the Commercial Regional zone must provide transitioning toward less intensive uses. The language was changed in zoning descriptions to give more direction for approval.

The Planning Commission was heavily involved in the creation of the proposal. The Planning Commission held a public hearing on April 28, 2020 and no public comments were made. The Planning Commission unanimously voted to recommend approval to the City Council.

Councilmember Love inquired if the draft includes restrictions concerning traffic safety around childcare and preschool locations. Mr. Mumford stated it does not include standards specific to childcare services and explained options to develop traffic safety standards.

Councilmember Curtis inquired about standards to piping natural washes in response to concerns raised by residents. Mr. Mumford indicated Municipal Code requires significant setbacks unless the piping of the wash has been approved and provides for utility corridors to be deeded to the City. He stated the wash may be piped in instances where roads cross over the wash. A proposal to pipe the wash near Ridley’s was withdrawn due to expense. He stated he will remove the wording which allows piping of the wash and add that natural washes shall be preserved and deeded to the City whenever possible for trails and open space.

Discussion ensued regarding the preservation of natural washes. Mr. Mumford stated the City is working with the Division of Wildlife Resources (DWR) to preserve a wildlife migratory corridor within the City. Shane Hill with DWR stated their role is to assist the City in identifying the wildlife corridor and obtaining funding; the DWR is not a regulatory agency.

13.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits.

Mr. Mumford explained the amendment adds a category for “official signs” in the Exempt Signs section of Municipal Code Chapter 17.80. The additional language clarifies that official signs which are owned and operated by the City and are used for informational or civic purposes are exempt from Chapter 17.80 regulations and do not require a permit. Official signs may include electronic message centers, reader boards, and other replaceable copy signs. Any official sign that doesn’t comply with Chapter 17.80 standards requires City Council approval.

The Planning Commission held a public hearing on April 28, 2020 and no public comments were made. The Planning Commission unanimously voted to recommend approval to the City Council. After additional research and consideration, staff recommends including verbiage that states, “Electronic Signs shall comply with EMMC 17.80.070(F)(5)(c) in relation to maximum nighttime brightness and illumination.”

Councilmember Curtis asked if his previous comments regarding limiting distracting content and prohibiting advertising had been taken into consideration. Mr. Mumford explained he focused the verbiage on the type of signs and illumination and other concerns could be addressed in the standards, if desired.

13.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Repealing the regulations in Chapter 17.45 Airpark Zone of the Eagle Mountain Municipal Code.

Mr. Mumford explained that the Planning Commission expressed concern regarding the Airpark Zone, specifically the permitted and conditional uses. The zone was created many years ago and was intended for a much more robust airpark than has been recently considered by landowners and applicants. There are no active applications for the Airpark zone at this time. While the City has reviewed several proposals for a residential airpark, the current zone allows for manufacturing, distribution, research and development, shopping centers, aircraft manufacturing, and much more. The City Council discussed this item at the last meeting and recommended that the title of the chapter remain, so it is clear that the City is still open to the possibility of an airpark in the future. Text has been added that indicates that the chapter is reserved for future regulations for airparks or airports.

The Planning Commission held a public hearing on April 28, 2020 and no public comments were made. The Planning Commission unanimously voted to recommend approval to City Council.

13.D. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Parks and Recreation Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

Fred Philpot, Lewis, Young, Robertson, and Burningham Vice President, explained that a public hearing for the Parks and Recreation Impact Fee was held on May 5, 2020 with a follow up meeting on May 19, 2020. The City received feedback and input, including from the Utah Valley Home Builders Association, and modified fees and documents accordingly. The updated evaluations include modified land-value assumptions, removed SID Buy-In but maintained the reimbursement agreement, removed unnecessary scenario analysis, and ensured consistency between the Impact Facility Facilities Plan (IFFP) and the Impact Fee Analysis (IFA).

IMPACT FEE PER HH	MID-VALLEY REGIONAL BUY-IN	FEE PER HH	TOTAL
Single Family	\$110	\$3,580	\$3,690
Multi Family	\$77	\$2,511	\$2,588

Discussion ensued regarding public concerns about the proposed impact fee, the option to permit a second public hearing, and the potential additional delays to the item.

Mr. Philpot explained the requirements regarding the frequency of updating master plans in relation to IFFP and IFA reassessment and the level of service and level investment correlations to the fees in response to concerns raised regarding the fee calculation. He expressed confidence in the validity of the IFA calculation.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:37 p.m.

7:00 P.M. POLICY 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; Fionnuala Kofoed, City Recorder; Jeremy Cook, City Attorney; Elizabeth Fewkes, Recording Secretary; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Pete Kane, Long-Range Planning Manager; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Jessa Porter, Planner; and Brad Hickman, Parks and Recreation Director.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:12 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Westmoreland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

Seniors Meal Pick Up: Free meals for seniors are available for curbside pickup Monday through Thursday at the Senior Center. Visit the City website calendar for details.

Free Water Checks: Utah State University offers free irrigation system checks at residences in Eagle Mountain, which may help you save money on your water bill. Sign up at emcity.org/waterchecks.

2020 Census: Door-to-door census takers will be in Eagle Mountain for the next few months. Census takers will always present a badge with a U.S. Department of Commerce watermark and expiration date before collecting information. They will also have other Census-issued materials or items such as a bag or laptop and will never ask for banking or credit card information. If you would like to respond before Census takers visit your home, you can quickly and securely respond online at my2020census.gov.

Business After Hours: Eagle Mountain Chamber of Commerce will hold a Business After Hours event at Mountain View Nursery on June 11, 2020 from 5:30 p.m. to 7:00 p.m. Register at eaglemountainchamber.com.

COVID-19 Yellow Phase: For guidelines in the yellow phase of COVID-19 response, please visit coronavirus.utah.gov.

Mayor Westmoreland stated the City is working to open the splash pads within safety guideline standards and more information will be forthcoming.

7. PUBLIC COMMENTS

City Recorder Fionnuala Kofoed stated a public comment had been received from Landon Duckworth expressing support for the Arrival Master Development Plan amendment. Ms. Kofoed explained that public comments may be submitted to recorder@emcity.org, to the phone line at 801.789.6611, submitted online at <https://eaglemountaincity.com/city-recorder/city-meetings-portal/#meetingdocs>, or made in person at City Hall.

City Attorney Jeremy Cook suggested allowing the public to comment on items, even if the item is not scheduled for a public hearing. Ms. Kofoed stated she had made accommodations for Deann Huish with the Utah Valley Home Builders Association to comment on the Parks and Recreation Impact Fee. Mayor Westmoreland stated resident Bettina Cameron was at City Hall to make a public comment on an item scheduled for the meeting.

8. CITY COUNCIL/MAYOR'S ITEMS

Mayor Westmoreland

Mayor Westmoreland spoke concerning the current difficulties impacting the world and expressed the desire for citizens to work together. He requested unity in efforts to assist, lift, and protect one another and to stand as an example. He stated COVID-19 response efforts to maintain City operations has promoted ingenuity, fiscal frugality, and efficiency. He called for local government to be above reproach and to use conscientious and creative approaches to transparently fulfill

leadership responsibilities and to avoid all appearances of impropriety in Councilmember communications.

Councilmember Curtis

Councilmember Curtis thanked everyone for participating in the remote meeting and for their patience with the Council during difficult times. He thanked staff for their patience and expressed gratitude for their work and stated that the City cares about the citizens.

Councilmember Gray

Councilmember Gray stated the Eagle Mountain Rodeo will be held on June 11, 12 and 13 with two performances on Saturday. Limited seating is available to adhere to social distancing requirements and the events will be broadcast. He expressed sadness for current difficulties and advocated for peaceful and lawful protests and expressions of frustration.

Councilmember Love

Councilmember Love expressed concern regarding the current troubles and the difficulty in determining the most appropriate response, especially considering COVID-19 restrictions. She thanked residents for their increased efforts in order to remain involved with City meetings.

Councilmember Clark

Councilmember Clark expressed concern regarding current events around the country. She encouraged residents to continue appropriate communication with the City Council and staff to increase understanding of resident concerns.

Councilmember Burnham

Councilmember Burnham expressed concern and frustration regarding the events occurring around the country and advocated for increased understanding regarding racial issues, empathy in discussions, and a desire for solutions.

CONSENT AGENDA

9. BID AWARDS

- 9.A Construction Management for the Facebook West Access Road and Waterline Project – Project Engineering Consultants
- 9.B Facebook West Access Road and Waterline Project – Skip Dunn and Sons Excavating
- 9.C Wastewater Treatment Plant Expansion – FX Construction

10. CHANGE ORDERS

- 10.A. SilverLake Woodhaven Park Design Change Order #1 – Environmental Planning Group EPG Contract Modifications

11. MINUTES

11.A. May 19, 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, and Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

12. ARRIVAL

12.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the Second Amendment to the Arrival Master Development Plan.

Community Development Director Mumford reviewed the information presented during the work session. He verified the plan changes reduced the block length and addressed the concerns discussed during the Planning Commission meeting.

Councilmember Gray inquired if the amended plan adheres to the terms of the original master development agreement.

Mr. Mumford stated the master development agreement did not require a specific percentage of larger lots. He explained an amended plan could be determined to not meet the intent of the original agreement, if it increased the infrastructure demands; as the total number of lots has decreased, the amended plan would not increase the strain on infrastructure. The overall original 0.8 units per acre density has reduced slightly due to the removal of three lots.

Applicant Scot Hazard stated the addition of the road to address connectivity concerns resulted in the removal of two lots from the project. He explained his efforts to adjust the property lines to create lots with sufficient space for outbuildings, as construction on redundant drainage fields is prohibited. He stated resident Landon Duckworth's lot is the only sold lot impacted by the reduction of an adjacent lot. Mr. Hazard spoke with Mr. Duckworth prior to the meeting to confirm Mr. Duckworth did not have concerns with the adjacent lot adjustment from one acre to $\frac{3}{4}$ acre. He stated the 500, 600, and 800 lots series have not yet been sold or developed.

Mayor Westmoreland opened the public hearing at 8:26 p.m.

Mr. Duckworth and Diane Bradshaw submitted email comments to voice support for the amended Arrival Master Development Plan.

Mayor Westmoreland closed the public hearing at 8:27 p.m.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah, approving the second amendment to the Arrival Master Development Plan. 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.*

12.B. MOTION – Arrival Phase B Preliminary Plat Amendment

Mr. Mumford stated staff examined the lot frontages, lot sizes, roads, and Municipal Code and the Phase B preliminary plat amendment complies with the standards, except for the prohibition of septic systems on half acre lots; however, due to the sewers not being available in the subdivision, a septic system exemption may be granted.

Councilmember Gray stated when he had previously discussed the relocation of the church site and the density impact, he had neglected to mention that the park, voluntarily provided by the developer, resulted in the loss of three lots. He stated appreciation for the applicant adhering to the intent of the agreement and providing a desirable product.

MOTION: *Councilmember Clark moved to approve the Arrival Phase B preliminary plat amendment. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, and Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

13. ORDINANCES

13.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.35 Commercial Zones.

Mr. Mumford reviewed the information presented during the work session.

Mayor Westmoreland opened the public hearing at 8:36 p.m.

Bettina Cameron served as spokesperson in behalf of the Eagle Mountain Wildlife Group, whose members include Marian Burningham, Kevin Burningham, Shon Reed, Mike Kieffer, Craig Whiting, and Trista Torson. She stated the group was formed to assist the City in the preservation of wildlife corridors. Ms. Camerson suggested prohibiting the piping of natural washes and expressed concern that the setback requirement verbiage was vague. She stated Shane Hill at the Department of Wildlife Resources (DWR) recommended a minimum of a fifty-foot setback from the washes. A fifty-foot setback would provide space for deer migration and allow for a connection to the Camp Williams and Herriman trail systems. She stated the setback requirement would assist with land preservation until the location of the wildlife corridor is finalized.

Councilmember Gray inquired how normal setbacks compare to the guidelines for significant setbacks. Mr. Mumford stated Municipal Code requires a slope stability study for washes or hillsides with a 25 percent or steeper grade within 200 feet of a development, and the setbacks are

determined accordingly. He expressed a preference to allow for some flexibility due to natural terrain variations.

Councilmember Clark inquired if the setback distance is calculated from the center or edge of a wash.

Ms. Cameron clarified that the suggested setbacks from the DWR were measured from the outermost edge of the wash.

Mayor Westmoreland closed the public hearing at 8:45 p.m.

Mr. Cook stated river setbacks are measured from the top of bank. Councilmember Clark verified the determined setback should be significant enough to account for potential erosion or expansion of the wash.

Councilmember Clark asked if setbacks are unbuildable land or a deeded right-of-way. Mr. Cook stated generally the area would be dedicated in residential areas and the area could be required to be dedicated to the City; however, the City would then be responsible for land maintenance.

Mr. Mumford explained permanent structures include anything requiring a building permit and excludes sheds and fences, and ideally the land included in the wildlife corridor would need to be deeded to the City to prevent obstructions.

Discussion ensued regarding natural wash setback standard specifications to ensure wildlife corridor preservation and resident safety.

MOTION: *Councilmember Curtis moved to approve an ordinance amending Eagle Mountain Municipal Code Chapter 17.35 Commercial Zones, creating the Commercial Regional Zone as discussed. 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.*

Mayor Westmoreland recessed the meeting from 9:05 p.m. to 9:13 p.m.

13.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits.

Mr. Mumford reviewed the item information presented during the work session. He explained staff suggested verbiage removing the time period restriction to turn off electronic signs between the hours of 11:00 p.m. and 6:00 a.m. suggested by the Planning Commission to prevent City signs from having standards not imposed upon non-civic signage, and replaced the time limitation with the standard brightness restriction regulations. Mr. Mumford stated the time limitation suggested by the Planning Commission was due to concerns regarding the nighttime brightness levels of school electronic signs.

Councilmember Curtis inquired about the need for the City's electronic signs to function at night and voiced support for the Planning Commission's suggested time limitation. He expressed concern regarding compliance issues with the dark sky ordinance and stated he did not perceive a benefit to allow the electronic signs at night. He expressed concern regarding the potential future use of municipal electronic signage for political or in-kind commercial advertisement.

Councilmember Gray stated due to the location of the City electronic signs, nighttime dimming of the signs should be sufficient to mitigate light pollution and dark sky ordinance compliance concerns. He requested clarification regarding the potential advertisement usage of the signs.

Mr. Cook stated a condition of the easement agreement with the landowner for the electronic sign located near the Ranches Golf Course restricts commercial advertisement and the current intent of the City is to prohibit commercial advertisement on the electronic signs. He stated the City Council could create standards, if desired, or wait to address issues should any arise.

Ms. Kofoed stated the allowance of commercial advertising would be unlikely due to the resulting issues such partnerships would cause. She stated emergency situations may require the use of electronic signs and the mobile electronic signs currently used by the City run through the night.

Councilmember Burnham stated her preference for staff's suggested verbiage to allow nighttime electronic signage to provide information to residents traveling at night due to nonstandard work hours.

Mr. Mumford stated that during the Planning Commission meeting, Commissioner Pengra used the Frontier Middle School sign's brightness concerns as an example of potential issues regarding electronic signs and a time restriction would hold the City accountable regarding light pollution concerns, should any arise.

Councilmember Gray verified the Frontier Middle School sign did not dim at night and suggested amending the signage time restriction to 12:00 a.m. to 5:00 a.m.

Mayor Westmoreland stated the mobile electronic signs currently used by the City provide residents with information regarding road construction and other nonemergency, important information that may be missed by some residents if the signs are turned off at night.

Councilmember Curtis stated his desire to protect and preserve dark sky standards, even as the City expands, as one of Eagle Mountain City's unique and beneficial features.

Councilmember Clark suggested beginning with more restrictive standards as it is easier to reduce than to increase restrictions.

Councilmembers Curtis and Love suggested amending the verbiage to allow necessary communication in addition to emergency communication.

Discussion ensued regarding permitting staff to determine nighttime communication exemptions and electronic signage time restrictions and dimming.

Mayor Westmoreland opened the public hearing 9:41 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, amending the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits amending the verbiage to "Electronic signs should be turned off between the hours of 12:00 a.m. and 5:00 a.m., except in the case of necessary communications. Electronic signs shall comply with EMMC 17.80.070(F)(5)(c) in relation to maximum nighttime brightness and illumination." 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.*

13.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Repealing the Regulations in Chapter 17.45 Airpark Zone of the Eagle Mountain Municipal Code.

Mr. Mumford reviewed the information presented during the work session.

Councilmember Love stated she would be in favor of approving an airport or an airpark within the City, should the opportunity arise.

Mayor Westmoreland opened the public hearing at 9:45 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, repealing the regulations in Eagle Mountain Municipal Code Chapter 17.45 Airpark Zone. 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.*

13.D. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Parks and Recreation Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

City Engineer Chris Trusty stated the item has been presented to the City Council previously and adjustments have been made to the Impact Fee Analysis (IFA) and Impact Fee Facilities Plan (IFFP) to address public concerns expressed during the previous meetings.

Fred Philpot, Lewis, Young, Robertson, and Burningham Vice President, reviewed the information presented during the work session.

Mayor Westmoreland explained, because of the circumstances, he would allow time for public comment, although a public hearing was not required or scheduled.

Mayor Westmoreland opened public comment at 9:52 p.m.

Deann Huish with Utah Valley Home Builders Association expressed appreciation for the accommodation to allow public comment, as the IFFP had changed. She stated the Utah Valley Home Builders Association hired Arthur C. Nelson, Professor of Urban Planning and Real Estate Development at the University of Arizona, as a consultant to review the Parks and Recreation Impact Fee. She expressed concern with the new IFFP and with the short amount of time permitted to review the documents. She said the May 2020 IFFP and IFA are inconsistent with the level of service (LOS) of policy established in the adopted the 2009 Parks and Recreation Master Plan; the documents show that the City has sufficient regional and community parks to meet the established LOS by the year 2030 with the adopted 2009 Parks Master Plan. The LOS of dollars per unit of the impact fee is inconsistent with the act, because the impact being mitigated is on facilities not dollars, and three identified regional parks state some funds are used for revitalization which are ineligible for impact fee projects. She suggested that future impact fee calculations follow the pattern of a master plan revision and then the IFFP and IFA.

Ms. Huish clarified the Utah Valley Home Builders Association did not express concerns regarding the IFFP calculation by Horrocks Engineers, because it was in accordance with the 2009 Parks and Recreation Master Plan. She said their request had been for corrections on the IFA; however, the IFFP also changed including the addition of parks and trails that were not included in the summary of projects to be completed. She stated the original IFFP correlated to the 2009 Parks and Recreation master plan but not the IFA; the IFFP and IFA recalculations correlate with each other, but neither is in accordance with the 2009 Parks and Recreation Master Plan. Ms. Huish stated Mr. Philpot is correct that the IFFP and IFA do not need to correlate with the 2009 Parks and Recreation Master Plan. She stated she wanted the City Council and the Mayor to know the IFFP and IFA do not match the master plan and asked why the master plan was not updated before the IFFP and IFA were changed, especially considering the fact that the master plan is eleven years old.

Mr. Philpot stated the level of investment was reviewed by the State Ombudsman Office in 2015 and 2018 and was deemed an acceptable standard to determine LOS; the act does not articulate how to determine LOS. He explained determining the LOS for parks requires more flexibility due to the variety of potential amenities, and the Ombudsman Office determined the LOS calculation approach used to be reasonable. He explained the revitalization inclusion in the impact fee included the expansion of installed parks, not the repair and maintenance of areas within existing parks. He stated the calculations were to maintain the current LOS within the City.

Councilmember Curtis inquired if Ms. Huish had the opportunity to discuss her concerns with staff. Ms. Huish stated she has met with staff twice, once before the May 5, 2020 meeting and the morning of May 11, 2020. She stated if the numbers are correct, the word “revitalization” should be removed to prevent confusion.

Councilmember Clark asked if the City met the statutory notification requirements and expressed concern that members of the public had received the documentation on Tuesday and the City Council did not receive the documentation until Thursday. Ms. Kofoed stated all the required notifications had been met and one of the reasons for tabling the item at the May 5, 2020 meeting had been because the documentation had been received by the Recorder's Office on a Monday instead of the previous Friday. She explained as the changes to the document had been made based upon the conversation during the public hearing for the item on May 5, 2020, a second public hearing had not been scheduled. She stated a second public hearing may be held, if the documentation changes significantly, to provide an opportunity to allow the public to comment on the changes. She had not reviewed the documents closely enough to determine if the changes were sufficient enough to merit an additional public hearing; however, staff determined to permit additional public comment.

Mr. Cook stated he believed all public notification requirements have been met. He said the item has been on the agenda three times and the only entity that responded was the Utah Valley Home Builders Association, and staff has discussed the impact fee with that organization twice. He stated if the City staff, consultants, and Council have had sufficient time to review and address the Utah Valley Home Boulderers Associations comments and concerns and are comfortable to move forward with a vote, they can do so; the legal requirements have been met.

Parks and Recreation Director Brad Hickman verified impact fees have never been used for a repair and replacement program, clarified the term "revitalization" in the impact fee calculation indicates expansion and competition of the parks in accordance with growth, and stated the use of the term represents a misuse or misinterpretation of the verbiage.

Mayor Westmoreland closed public hearing at 10:17 p.m.

Discussion ensued regarding concerns with the inclusion of the word "revitalization" and verification that noneligible projects were not included in the impact fee calculation.

MOTION: *Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah adopting an updated impact fee enactment for the Parks and Recreation Impact Fee, removing the word "revitalization" from the verbiage in the report. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

14. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Clark

Councilmember Clark reminded residents the Eagle Mountain Rodeo will be held on June 11, 12 and 13 and inquired if there would be a dignitary wagon.

Councilmember Burnham

None.

Councilmember Love

Councilmember Love expressed appreciation of Councilmember Gray's efforts in assisting to provide rodeo events while maintaining social distancing safety standards.

Councilmember Curtis

None.

Councilmember Gray

None.

Mayor Westmoreland

Mayor Westmoreland clarified his earlier statement that it is appropriate for staff to communicate with and provide information to the Mayor and City Council during the City Council meetings; however, it is inappropriate for Councilmembers to engage in private electronic communications during public meetings. He stated he had received information from staff that the splash pads would open on Saturday, June 6, 2020.

15. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Curtis

Councilmember Curtis stated the Eagle Mountain Arts Alliance requested to discuss their renewal agreement and affiliate organizations with the City. He thanked Councilmember Burnham for attending a Chamber of Commerce meeting on his behalf.

Councilmember Burnham

Councilmember Burnham stated she enjoyed the event she attended on Councilmember Curtis' behalf. The Eagle Mountain Chamber of Commerce awarded two technical scholarships at the meeting; she had the opportunity to speak with the recipients and discuss their plans for the future.

Councilmember Gray

Councilmember Gray stated due to social distancing restrictions, a dignitary wagon was not planned for the rodeo.

Councilmember Clark

None.

Councilmember Love

None.

16. COMMUNICATION ITEMS

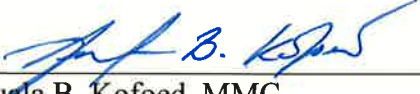
16.A. Upcoming Agenda Items

MOTION: *Councilmember Clark moved to adjourn the meeting at 10:32 p.m. 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.

The meeting was adjourned at 10:32 p.m.

Approved by the City Council on June 16, 2020.



Fionnuala B. Kofoed, MMC
City Recorder

