



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

May 21, 2019, 4:00 PM

Eagle Mountain City Council Chambers

1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Aaron Sanborn, Economic Development Director; Steve Mumford, Community Development Director; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Linda Peterson, Communications Director; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

Mayor Westmoreland called the meeting to order at 4:11 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. PRESENTATION

City Administrator Ifo Pili introduced Brent Oakeson with the Utah Local Governments Trust. Mr. Oakeson presented the 2018 Trust Accountability Program award to the City. The City also received a check for 5% of its liability insurance premium, which amounted to \$4,196.10. He stated that since the City has been a part of the Trust Accountability Program for four years, the City can receive up to 4.5% off of its workers compensation liability premium of each year.

SPLASH PAD DISCUSSION

Mayor Westmoreland explained the City desires to protect the health and safety of residents, and stated he understands the concerns regarding closing the splash pad at Cory Wride Memorial Park once a week.

Mr. Pili stated residents have requested the splash pad be open on Sundays; however, the manufacturer recommends it be closed one day a week. Staff determined Saturday would be the busiest day of the week, and Sunday would likely be the slowest. As such, they decided to close on Sundays. The splash pad in Nolen Park does not need to be closed once a week as it is not on a recycled water system. Two considerations regarding remaining open seven days a week are the cost of operations and the risk of operating the system without a rest period.

Parks and Recreation Director Brad Hickman explained staff needs to be present to monitor chemical levels and to flush the sand filters at least every two hours. The Utah County Department of Health tested the system this week and permitted the splash pad's use this summer. Mr. Hickman asked the representative about risks of operating the splash pad seven days a week. Mr. Hickman was told that other cities that operate seven days a week tend to have high levels of chlorine, which can lead to the splash pad being shut down. Adding an additional day would require staff to be onsite from 9:00 a.m. to 9:00 p.m. and would also require additional staff time during the week to ensure proper operations. The cost of wages would be approximately \$5,500 annually. There are six employees who are certified for pool operations.

Discussion ensued regarding the manufacturer recommendation that the splash pad be closed one day a week, and operational costs for opening an additional day.

Councilmember Curtis stated the decision to close on Sundays was not a religious decision; the splash pad needs to be closed after the busiest day of the week, which is Saturday.

2. CONCEPT PLANS

2.A. Gateway Park Phase 4 Concept Plan

Planner Tayler Jensen introduced applicant Isaac Patterson. Mr. Patterson explained they have incorporated feedback from the Planning Commission and staff into the plan. He stated the lack of apartments in the City may present challenges to some households in having a reasonable opportunity to locate to Eagle Mountain.

Applicant Dan Ford stated workforce housing will be important as businesses locate in Eagle Mountain and said Utah ranks fourth nationally in housing cost increases since 1991. He stated this project plans for the future by providing housing products consistent with generational influences, market conditions, and income-driven affordability options.

Applicant Scot Hazard explained the proposed area is zoned Industrial but contains slopes that are not conducive to industrial uses. They have designed the plan to help transition from the industrial uses to the single-family homes in Spring Run. He explained this type of product does not fit within any zones in Municipal Code. The buildings exceed height restrictions the number of parking stalls has been scaled according to the number of bedrooms in each unit. The plan provides an average of 1.65 parking stalls per unit, plus 0.25 stalls per unit for visitor parking. The plan includes over 11 acres of improved open space. The buildings will be centrally managed, and will not be managed by a homeowners association.

Councilmember Clark asked if the units could potentially be sold, causing the property to no longer be centrally managed. Mr. Hazard explained condominium construction standards are more stringent than rental standards; they are not including those building standards as it would be cost-prohibitive. He said they can include language in a development agreement that restricts that option.

Councilmember Gricius asked what transitioning will be in place. Mr. Hazard said Municipal Code requires townhomes be built between single-family homes and apartment-style projects; however, they have included a large open space adjacent to the single-family homes, as they felt that was a better transition than a fence and a row of townhomes.

Councilmember Burnham stated she feels this location is appropriate for affordable housing as it is close to transportation corridors and is near commercial areas.

Councilmember Clark expressed concerns with housing being developed next to mining operations, the limited amount of parking, and the height of the structures.

Councilmember Curtis stated he would not likely approve a rezone and believes this type of project will be appropriate in ten to fifteen years.

2.B. Sage Park Storage & Flex Space Concept Plan

Applicant Isaac Patterson explained this concept plan was presented to the Planning Commission a month ago and they responded favorably. Mr. Patterson said the land is zoned Residential and is part of the Employment Center in the General Plan. The storage facilities will be used by residents and the flex office space will add employment opportunities.

Councilmember Burnham asked what the office and warehouse structures will look like and asked how they will be buffered adjacent to homes. Mr. Patterson said the lots will have a continuous fence along the back, and the structures would look similar to the project at the entrance to the City on Wride Memorial Highway. He said the project will include landscaping and a berm along Eagle Mountain Boulevard.

Councilmember Clark asked what the overall plan is for the Sage Park development and expressed concerns regarding storage facilities adjacent to residences. Mr. Patterson said the City's General Plan designates this area and the property to the north as Employment Center. Everything to the south will remain zoned Residential.

Councilmember Curtis expressed concern regarding storage facilities in the Employment Center area.

Councilmember Burnham requested the applicant provide sufficient buffering between the commercial and residential areas.

Applicant Wayne Patterson explained they own the residential lots as well, and they believe the storage facility will not be detrimental to the residential development.

3. AGENDA REVIEW

11. ALTERNATE FENCING STANDARDS

11.A. Lake View Estates

Mr. Jensen explained Municipal Code requires cedar fencing, and the applicant is requesting approval to install vinyl fencing, similar to that in Westview Heights.

Councilmember Gricius asked if the fence has a wind rating. Councilmember Clark asked if the proposed fencing is the same type as the fencing in Westview Heights.

Applicant Steve Allred said his proposed fencing will match the adjacent fencing in Westview Heights. It is reinforced vinyl with 8-inch top and bottom rails, instead of the standard 6-inch rails. It is warranted for up to 100 mile-per-hour winds. Either white or tan fencing can be installed, depending on the Council's preference. He said the existing residents do not want cedar fences.

Councilmember Clark directed staff to work with Mr. Allred regarding the fence specifications, to include color.

13. CHANGE ORDERS

13.A. Steeplechase Offsite Improvements

Councilmember Curtis requested that future items relating to Steeplechase and Mockingbird reference the actual company name.

15. PRELIMINARY PLAT AND SITE PLAN

15.A. SilverLake South Clubhouse and Pool

Councilmember Clark asked that this item be removed from the consent agenda and placed as the first item under scheduled items.

16. EAGLE HEIGHTS VILLAGE

16.A. CONDITIONAL USE PERMIT APPEAL

16.B. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Approving the Eagle Heights Village Master Development Plan

16.C. SITE PLAN AND PRELIMINARY PLAT

Applicant Kirt Peterson explained they removed ten units from the plan, increased the side setbacks to twenty feet, added a trail, and added a lane of asphalt at the Eagle Mountain Boulevard intersection. He said they moved the location of a park, but did not change the amenities in the parks.

Councilmember Curtis asked if the Council can approve the project without a master parks plan. City Attorney Jeremy Cook said the master development agreement will address park details and clubhouse specifications.

Mr. Jensen explained the amenities in each park. Councilmember Clark asked if a trail will be included around the park in the basin, as one is required according to Municipal Code. Mr. Peterson said they will include an asphalt trail around the basin.

Councilmember Curtis expressed concern that the park space is not consolidated and stated there are no unique geographic constraints on the land such as slopes or drainage that would prohibit consolidation. Mr. Peterson said they feel this project is uniquely designed and is a beautiful affordable housing project. If the roads are designed to meander through the project, unusable space is created.

17. ORDINANCES/PUBLIC HEARINGS

17.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 6.05 Animal Control

Mr. Jensen stated this is the same proposed ordinance as previously presented to the Council with the change in the table for one- to forty-acre lots. This is now split into three rows: 1 to 10 acres, 10.1 to 20 acres, and over 20 acres. Councilmember Clark expressed concerns limiting the number of dogs on a 20-acre lot. Councilmember Gricius recommended the number of dogs allowed as pets be increased to six on 10.1- to 20-acre lots, and increased to eight on lots over 20 acres.

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

Mr. Jensen said this is an applicant-proposed change that allows model homes to have fifty-foot tall flagpoles. The Planning Commission recommended denial of the change. Currently the flagpole rule allows flags to be flown up to ten feet above the home, which would be forty-five feet tall at the most.

17.C. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2018-2019 Budget.

Assistant City Administrator Paul Jerome explained an analysis showed the City's wages for crossing guards were not competitive, so that line item in the General Fund budget has been increased. Another increase in the General Fund is for a comprehensive salary study for all paid City employees. The Impact Fee Fund budget has changed due to the City's growth; the more growth that happens, the more funds must be reimbursed to developers. Two impact fee studies have been added, as well. One is for transportation impact fees and the other is for sewer impact fees. The Debt Service Fund has adjustments to four SID equity buy-in reimbursements, which are paid from assessment revenue.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn into a closed executive session for the purpose of discussing the purchase, lease, or exchange of real property, and reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:11 p.m.

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

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

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Aaron Sanborn, Economic Development Director; Steve Mumford, Community Development Director; Chris Trusty, City Engineer; Linda Peterson, Communications Director; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

5. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:14 p.m.

6. PLEDGE OF ALLEGIANCE

Pony Express Rodeo Queen Second Attendant Jenessa Sullivan led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Military Welcome Procession** – The City will hold our traditional welcome procession tomorrow, May 22 starting at 11:00 a.m. for Specialist Austin Robinson, who has returned home following an 11-month deployment in Iraq. We invite the public to come out to the procession route to wave as the fire truck carrying Specialist Robinson passes. The route will be from Ranches Parkway to Pony Express Parkway, ending at City Hall.
- **Pony Express Days** – Pony Express Days will be held May 24 through June 1. Tickets are on sale for the carnival, rodeo, and demolition derby. Registrations are open for 5K participants and motorcycle adventure ride & campout participants. Visit emcity.org/ped for full schedule, details and registration links. Please be aware there is a change in the parade route this year. A map is posted on the website. Also be aware that the carnival will be located at Wride Memorial Park.

- **Memorial Day Program** – The City’s Memorial Day program will be held at Pony Express Memorial Cemetery on Monday, May 27 starting at 10:00 a.m. Program details are available on the City website calendar.
- **Arts in the Park** – Eagle Mountain Arts Alliance will be offering an Arts in the Park program this summer at Wride Memorial Park, recommended for children ages three to ten. Information and registration are available at www.eaglemountainarts.com.
- **4th of July Concert** – Pony Express Events presents a 4th of July concert and fireworks at the rodeo arena, featuring Brenn Hill and Charlie Jenkins. Tickets are on sale now at ponyexpressevents.com.
- **City Notifications** – We encourage residents to sign up for City notifications to be aware of public safety emergencies and stay informed about road construction projects, City news and events. Register at www.emcity.org/notifyme. Notifications can be received by email and/or text.

8. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:18 p.m.

Dean Vliet expressed concerns regarding trucks driving on Wride Memorial Highway with uncovered loads. He showed the Council a picture of tires on Barton Creek Drive and asked for them to be removed.

Jeff Ruth expressed appreciation to the Council for their efforts in bringing Tyson Foods to Eagle Mountain.

Mayor Westmoreland closed public comment at 7:24 p.m.

9. CITY COUNCIL/MAYOR’S ITEMS

Councilmember Gricius

Councilmember Gricius thanked those in attendance.

Councilmember Clark

Councilmember Clark thanked those in attendance and stated Pony Express Events puts on many great events. She attended a Scout Court of Honor and expressed appreciation for the work residents put into the City. Youth Council meets the second and fourth Wednesday of the month at City Hall.

Councilmember Reaves

Councilmember Reaves welcomed those in attendance. He expressed appreciation to the youth for being involved in the City.

Councilmember Burnham

Councilmember Burnham said DJ and Steve Conger are amazing people and stated they are a great choice for the Pony Express Days Parade Grand Marshals. She also thanked the Pony Express Rodeo Royalty for attending this meeting.

Councilmember Curtis

Councilmember Curtis said Steve Conger is a positive, uplifting resident and both Steve and DJ Conger are wonderful choices for the Pony Express Days Parade Grand Marshals. He asked residents to contact the Council if they have concerns regarding Tyson Foods. He explained Tyson Foods' water use is comparable to what would be used by homes if the 80-acre parcel were to be developed as a residential project.

Mayor Westmoreland

Mayor Westmoreland explained technical difficulties are preventing the meeting from being live streamed, but the video will be posted on the City's website.

10. INTRODUCTIONS

Pony Express Rodeo Princess Carissa Nostrom, First Attendant Peyton Anderson, and Second Attendant Morgan Ivie introduced themselves, as did Pony Express Rodeo Queen Bailey Whitehead and Second Attendant Janessa Sullivan. Ms. Whitehead listed the upcoming events Pony Express Events is hosting, and Ms. Sullivan presented rodeo tickets to the Council.

CONSENT AGENDA

11. ALTERNATIVE FENCING STANDARDS

11.A. Lake View Estates - Alternative Fencing Standards

12. BOND RELEASE

12.A. Spring Run Phase A Plat 3 - Out of Warranty

13. CHANGE ORDERS

13.A. Steeplechase Offsite Improvements - Reynolds Construction

14. MINUTES

14.A. May 7, 2019 Minutes - Regular City Council Meeting

15. PRELIMINARY PLAT & SITE PLAN

15.A. SilverLake South Clubhouse and Pool

MOTION: *Councilmember Gricius moved to approve the consent agenda, removing item 15 and placing it as a scheduled item for further discussion. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

15. PRELIMINARY PLAT & SITE PLAN

15.A. SilverLake South Clubhouse and Pool Site Plan

Planner Tayler Jensen explained the Council reviewed this proposal February 19, 2019. The applicant was asked to return with other options that include a larger pool. He said the applicant has provided two plans. Option one includes a 2,400-square foot pool and 4,225-square foot clubhouse, and option two includes a 3,200-square foot pool and a 3,212-square foot clubhouse.

Pete Evans with Flagship Homes explained the site plan was originally presented to the Council in January. The Council requested the clubhouse be redesigned to include a pop-out. That feature was added to the clubhouse design and the updated site plan was presented to the Council in February. During the February meeting, the Council requested the site plan be redesigned to include a larger pool. He explained they have designed two options that strike a balance between the pool size and other amenities.

Councilmember Curtis expressed concern that approving a pool smaller than the Municipal Code allows sets a bad precedent. He stated the developer's intent is that the pool will serve 1,200 units total, not only the multifamily units. Mr. Evans said the Municipal Code requires two 1,000-square foot pools and the smallest pool option is 2,400 square feet. Legally, they can open the pool up to those in the Tier III development and to residents outside of the Tier III development. He stated they have designed the amenities in such a way that the entire development will be well served.

Councilmember Clark stated when the Council approves a modified plan, future developers will request the same modifications. Discussion ensued regarding Councilmember Clark's statement and specific requirements in Municipal Code. Mr. Evans explained the 3,200-square foot pool will provide 12.12 square feet of pool space per unit in the Tier III development.

Councilmember Burnham stated she prefers option two with a 3,200-square foot pool and a 3,212-square foot clubhouse.

MOTION: *Councilmember Clark moved to approve the SilverLake South Clubhouse and Pool Site Plan Option Two. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

16. EAGLE HEIGHTS VILLAGE

16.A. CONDITIONAL USE PERMIT APPEAL

Mr. Jensen said on March 12, the Planning Commission approved a Conditional Use Permit for Eagle Heights Village with the condition that the eastern row of homes be changed to single-family homes. The applicant appealed the condition to the City Council, who remanded the item back to the Planning Commission to determine findings of fact and conclusions of law. The Planning Commission found that the findings of fact and conclusions of law supported the condition imposed. The applicant is now continuing the appeal process.

City Attorney Jeremy Cook stated the Council is now acting as the appeal authority and will determine if there is substantial evidence in the record that the anticipated detrimental impacts could be reasonably mitigated if the applicant constructs one row of single-family homes on the east side of the project.

MOTION: *Councilmember Gricius stated in reviewing the decision of the Planning Commission set forth in the Findings of Fact and Conclusions of Law, the issue before the City Council, acting as the appeal authority, is whether there is substantial evidence in the record that the anticipated detrimental impacts could be reasonably mitigated if Applicant constructs one row of single-family homes on the east side of the Project. The evidence in record supports the finding of the Planning Commission that the project does not comply with the General Plan, and therefore we recognize the concerns of the Planning Commission and support the desire of the Planning Commission to impose conditions to mitigate the potential detrimental impacts. However, we find that there is not substantial evidence in the record to support the conclusion that the specific condition imposed by the Planning Commission that a row of single-family homes on the east side of the Project would reasonably mitigate the detrimental impacts and therefore reverse the decision of the Planning Commission with respect to the imposed condition and find that the conditional use permit be approved without any conditions. Councilmember Clark seconded the motion.*

Councilmember Reaves asked how the Council determined that there is no evidence to support the conclusion that the condition would not mitigate detrimental impacts.

Councilmember Clark stated the decision is based on a review of the findings of fact and conclusions of law the Planning Commission submitted. While the Council recognizes the findings of the Planning Commission that the plan does not align with the General Plan, no evidence exists that the specific condition imposed by the Planning Commission would reasonably mitigate the detrimental effects caused by the conditional use permit.

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

16.B. ORDINANCE / PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the Eagle Heights Village Master Development Plan.

16.C. SITE PLAN & PRELIMINARY PLAT

Mayor Westmoreland asked if the ordinance, site plan, and preliminary plat could be discussed together. Mr. Cook stated they could be.

Mr. Jensen presented the Eagle Heights Village Site Plan, which consists of 284 units on 51.38 acres for a density of 5.53 dwelling units per acre. Alpine School District has indicated students in this development will be bussed to school. Rather than providing two 1,000-square foot pools, the applicant is proposing one 1,656-square foot pool, which provides over 5.8 square feet of pool space per unit. The applicant has relocated one park and has included twenty-foot side setbacks on all lots, according to the Council's feedback.

Mayor Westmoreland opened the public hearing at 8:11 p.m.

Jeff Ruth said Tier III homes should not be allowed to be developed along the hillsides. He stated the entrance from Eagle Mountain Boulevard should match other intersections along that road.

Mayor Westmoreland closed the public hearing at 8:13 p.m.

Councilmember Burnham stated since the Council is allowing a buy down that is not required to be approved, they would like a trail installed that connects Eagle Heights Village to the larger park in Eagle Point. She stated Mr. Peterson may be reimbursed as development is completed in the property not owned by Horizon Development.

Councilmember Clark stated a trail around the basin should be included, as should a trail to Eagle Point. Councilmember Burnham asked if a gravel path around the basin would be acceptable.

Applicant Kirt Peterson with Horizon Development stated they would prefer an asphalt trail instead of a gravel path. He asked how he would acquire access to the property to install a trail to Eagle Point. Mr. Cook said the City owns an easement through one property, and Mr. Peterson could likely obtain access from the other landowner. Mr. Peterson asked if a reimbursement agreement would be included in the master development agreement. He said he would be agreeable to installing the trail with the understanding that once development happens, the City work with that developer to reimburse him for the trail construction.

Councilmember Clark asked for clarification on the road design at the intersection of Eagle Mountain Boulevard and Lake Mountain Road. City Engineer Chris Trusty said the redesign the applicant has provided meets Municipal Code and he feels the applicant is working within the confines of the existing prescriptive easement.

Councilmember Curtis expressed frustration that the entrance design meets the letter of the law but does not meet the intent. Mr. Peterson explained his traffic engineers have worked with Mr. Trusty and they have not designed the intersection based on expense; it is based on traffic engineer

input and Municipal Code. Community Development Director Steve Mumford explained a similar design exists at the intersection of Major Street and Eagle Mountain Boulevard.

Councilmember Burnham asked staff how the intersection could be redesigned to match on both sides of Eagle Mountain Boulevard. Mr. Trusty stated the curb on the southwest side of the intersection could be moved to better align with the curb on the northwest side of the intersection. The easement concerns are on the east side of the road. Councilmember Burnham asked Mr. Peterson if he would be willing to adjust the curb as Mr. Trusty described.

Mr. Peterson said he would provide the width of asphalt discussed if the Council does not require an island and does not require a recalculation of open space. He asked that staff determine the appropriate design for the road.

Councilmember Burnham asked if the conditions proposed by the Planning Department have been met. Mr. Jensen explained some of the conditions have been met, but are still included for the record. Condition number three is included as the applicant has proposed a different fence than is required for collector roads in Municipal Code. He stated the Council should approve the applicant's proposed fence if they so desire. Mr. Peterson stated he agrees with all of the conditions presented by Planning staff.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving the Eagle Heights Village Master Development Plan, preliminary plat, and site plan with the following conditions:*

- 1. Rock/stone shall make up at least 30% of buildings and be used on all sides of the buildings;*
- 2. 5.5 feet of right-of-way along Eagle Mountain Boulevard shall be dedicated to the City at the time of plat recording;*
- 3. Collector road fencing shall be required adjacent to Eagle Mountain Boulevard, Lake Mountain Road, and future Airport Road;*
- 4. Applicant shall comply with any traffic mitigation required by the City Engineer;*
- 5. An eight-foot (8') trail stub shall be provided from park six (6) to the west to align with future trail connection;*
- 6. An asphalt trail shall be provided around Park 6;*
- 7. Applicant shall provide park plans that show that the amenities shown in previous park plans are still being provided in the same locations;*
- 8. The applicant shall work with the City Engineer to improve the entrance from Eagle Mountain Boulevard to provide better alignment of the intersection;*
- 9. An asphalt trail shall be provided from Eagle Heights Village to the west. Applicant shall work with staff to determine the width of the trail and possible reimbursement once that property is developed; and*
- 10. The approval is contingent upon approval of the master development agreement.*

Councilmember Gricius seconded the motion. Those voting aye: Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. Those voting no: Colby Curtis. The motion passed with a vote of 4:1.

17. ORDINANCES / PUBLIC HEARINGS

17.A. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 6.05 Animal Control.

Mr. Jensen explained staff changed Table 6.05.260 (a) to state the number of dogs allowed on ten to twenty acres is six, and the number of dogs allowed on over twenty acres is eight.

Ms. Kofoed informed the Council that this amendment does not address an application the Recorder's Office received that has been previously discussed.

Councilmember Clark stated the row in the table relating to one- to ten-acre lots should be split into two rows: 1 to 4.99 acres and 5 to 10 acres.

Councilmember Gricius stated residents on 1- to 10-acre lots should be allowed to request approval from the Planning Commission for additional dogs.

Mr. Mumford explained short-term dog sitting is allowed in 1- to 10-acre lots. Councilmember Gricius said with that clarification, a change to the short-term dog sitting allowance on 1- to 10-acre lots, allowing a homeowner to request additional dogs from the Planning Commission, would be sufficient.

Discussion ensued regarding changing the table in such a way that no lot sizes are excluded.

Mayor Westmoreland opened the public hearing at 8:54 p.m.

Brett Wright recommended the table be changed from 1 to ten acres to 1+ acre to 10 acres.

Mayor Westmoreland closed the public hearing at 8:55 p.m.

MOTION: ***Councilmember Gricius moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Chapter 6.05 Animal Control, as amended. Councilmember Clark seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.***

The discussed amended Table 6.05.260 (a) is as follows:

Maximum Permitted Number of Dogs by Lot Size					
Dog Size	Lot Size	Dogs allowed as pets (No License Required)	Hobby Breeder License*	Short-Term Dog Sitting*	Kennel
Small	Condos/Apartments or Townhomes	2	n/a	2	n/a
Large		2	n/a	2	n/a
Small	Under 5,500 SF	2	4	4	n/a
Large		2	3	3	n/a
Small	5,501 - 8,000 SF	3	4	4	n/a
Large		3	4	4	n/a
Small	8,001 - 21,780 SF	4	6	6	n/a
Large		4	5	5	n/a
Small	21,781 SF - 1 Acre	4	6	6	n/a
Large		4	6	6	n/a
Small	> 1 Acre to < 10 Acres	4	8	8**	n/a
Large		4	8	8**	n/a
Small	> 10 Acres to < 20 Acres	6	12**	12**	As approved by PC
Large		6	12**	12**	As approved by PC
Small	< 20 Acres	8	16**	16**	As approved by PC
Large		8	16**	16**	As approved by PC
* Total number of dogs allowed on property					
** Additional Dogs may be approved by the Planning Commission					

17.B. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 17.80 Sign Regulations and Sign Permits.

Mr. Jensen said the applicant-proposed Municipal Code change would allow model homes to have flagpoles up to fifty feet tall. It was discussed at a previous Planning Commission meeting and the Commission recommended denial.

Councilmember Curtis asked why the applicant has submitted this change. Jessica Eddington with Edge Homes stated they currently have a flagpole that meets Municipal Code in the Brandon Park subdivision. The flag currently stands below the home, and they feel the American Flag should fly above the home.

Councilmember Curtis asked if Municipal Code can be changed for all residential areas, not just for model homes.

Mr. Jensen said Municipal Code currently allows them to fly a flag ten feet above the home height. He stated a concern regarding the possibility of a resident purchasing a model home with a fifty-foot flagpole and potentially flying something other than the American flag.

Ms. Eddington said the current Code states model homes can only install twenty-foot flagpoles.

Mr. Mumford stated it would be beneficial to clarify the model home language, as the twenty-foot flagpole height restriction is for commercial flags, not the American flag. Mr. Jensen said the amendment can be edited to add that in addition to the twenty-foot commercial flagpoles, the American flag can be flown in such a way that meets residential flagpole restrictions.

Mr. Cook recommended the allowed flags be limited to the American flag, the Utah State flag, and the Eagle Mountain City flag, while prohibiting commercial flags.

Mayor Westmoreland opened the public hearing at 9:06 p.m. As there were no comments, he closed the public hearing.

MOTION: *Councilmember Burnham 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 language as discussed. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

The amendment to Chapter 17.80.120 Section L is as follows: In addition, a single flag pole that complies with the standards for ancillary structures defined in 17.25 may be constructed. Flags allowed on this flag pole include only the National, State, and Eagle Mountain Flags, no commercial flags shall be allowed on this flag pole. American flags shall not exceed 40 square feet in size.

17.C. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2018-2019 Budget.

Assistant City Administrator Paul Jerome explained the two General Fund increases are for an increase in crossing guard wages and for a comprehensive salary study for all paid City employees. The increases in the Impact Fee and Debt Service Funds are related to development. The amendment also includes two impact fee analysis studies; one is for sewer impact fees and one is for transportation impact fees.

Mayor Westmoreland opened the public hearing at 9:09 p.m. As there were no comments, he closed the public hearing.

MOTION: *Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, amending the fiscal year 2018-2019 budget. Councilmember Clark seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

17.D. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2019-2020 Budget. **This is not an action item; public hearing only.**

Mr. Jerome explained the differences in the Enterprise Fund and the Capital Projects Fund from the previous year are largely due to Facebook infrastructure. He explained the different funding sources for the City's budget and presented the proposed expenditures. Staff projects that the

City's expenditures will be approximately \$157,000 less than the revenues. This balance will be applied to the fund balance reserve.

Mr. Jerome explained the General Fund budget was changed to remove a third-party inspection service and add an in-house employee. The purchase of an emergency diesel fuel tank has been added to the budget, as well as the purchase of additional radios.

Mr. Jerome presented the proposed projects to be completed with the FY 2019-2020 Capital Projects Fund. Staff received a bid of \$400,000 to install two digital monument signs near the entrances to the City at Ranches Parkway and SilverLake Parkway. With this updated bid amount, the remaining projects on the Council's priority list may be completed with the remaining funds in the General Fund and Capital Projects Fund. He asked if the Council would like any of the unscheduled projects to be added to the FY 2019-2020 budget. He explained if a project is not able to be completed in FY 2019-2020, the funds would go back to the General Fund or Capital Projects Fund to be used the following year.

Mayor Westmoreland opened the public hearing at 9:23 p.m. As there were no comments, he closed the public hearing.

18. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Curtis

Councilmember Curtis asked staff for clarification regarding upcoming agenda items. Mr. Mumford explained Stratton Estates is still on hold, and Carson Crossing is a master site plan which acts as a preliminary plat for the commercial property along Pony Express Parkway near Oak Hollow.

Councilmember Burnham

None.

Councilmember Reaves

None.

Councilmember Clark

Councilmember Clark said a HAM radio training will take place next month and encouraged the Council to attend the training.

Councilmember Gricius

Councilmember Gricius reminded the Council she will not be in attendance at the next two City Council meetings.

Mayor Westmoreland

None.

19. CITY COUNCIL BOARD LIAISON REPORTS

None.

20. COMMUNICATION ITEMS

20.A. Upcoming Agenda Items

20.B. Financial Report

21. ADJOURNMENT

MOTION: *Councilmember Gricius moved to adjourn the meeting at 9:29 p.m. Councilmember Reaves seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

Approved by the City Council on June 18, 2019.



Fionnuala B. Kofoed, MMC
City Recorder