EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

May 19, 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; 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; Jeff Weber, Fleet and Facilities Operations Director; Jessa Porter, Planner; and Michele Graves, Library Director.

Mayor Westmoreland called the work session to order at 4:10 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

City Administrator Ifo Pili explained staff is transitioning to present upcoming agenda items during the work session prior to the item being presented in a future policy session. This will allow the City Council time to discuss issues or concerns before the item returns to a future meeting.

Community Development Director Steve Mumford presented future agenda items that have been presented to the Planning Commission in previous meetings:

<u>Commercial Regional Zone</u>
Mr. Mumford identified the locations designated for the Commercial Regional Zone within the General Plan Future Land Use Map, the definition of the zone as appropriate for highway-oriented retail and service uses and regional shopping centers that serve community-wide and regional shopping needs, reviewed the permitted uses within the zone, and explained the Commercial Development Standards for the zone.

The City Council discussed commercial zone concerns regarding:

- The prohibition of blood and plasma centers in the Commercial Neighborhood and Commercial Community zones.
- Verbiage stating, "when necessary and appropriate, the development must provide transitioning toward less intensive uses neighboring the district" and the suggestion for the inclusion of specific criteria as to when transitioning is required for the various commercial zones.
- The allowance of religious or cultural meeting halls in the Commercial Regional Zone.
- Allowing microbreweries as an ancillary use to a restaurant and prohibiting full-sized breweries in the Commercial Community and Commercial Regional.
- Walking distances to daycare facilities within the Commercial Neighborhood Zone.
- Resident communication regarding the allowance of automobile service/gas stations.
- Defining commercial size standard limitations within the Land Use Table.
- Lighting levels and Municipal Code compliance involving car dealerships.

Sign Regulations and Sign Permits

Mr. Mumford explained an amendment to Municipal Code providing a permit exemption for electronic reader-board signs owned by the City and used for informational and civic purposes. The Planning Commission recommended an amendment limiting illumination between the hours of 11:00 p.m. and 6:00 a.m., except in the case of emergency communications.

Discussion ensued regarding conditioning sign illumination limitations due to the potential for manual programming inconvenience. Mr. Mumford stated Yesco indicated the monument sign may be programmed to dim automatically. Councilmember Love suggested amending the verbiage for the zone regarding signage illumination.

Councilmember Curtis expressed concern in exempting the City from Municipal Code regulations. He suggested the City approve signs individually, prohibit video signs due to traffic safety concerns, and preclude paid or in-kind advertising on City electronic signs. Councilmember Love suggested allowing video on signs located near stop signs or stoplights. Discussion ensued regarding safety concerns with video signage.

Airpark Zone

Mr. Mumford stated the Planning Commission discussed concerns regarding the permitted and conditional uses within the Airpark Zone. The General Plan does not designate an area for an airpark within the City. An applicant withdrew an Airpark rezone request, and there are no other active applications for the Airpark Zone. The Planning Commission recommended repealing the zone. Mr. Mumford explained zoning can be developed should an applicant express interest in developing an airpark within the City.

Discussion ensued regarding options to repeal the Airpark Zone until requested by an applicant, include an airpark as a special use within another zone, or retain an airpark designation within the Code with indication the zone uses and specifications would be defined when required.

2. AGENDA REVIEW

11. CHANGE ORDERS

11.A. Facebook 3.5 MG Tank Change Order #1 – Probuild Construction

Councilmember Clark verified Facebook would reimburse the City for the expense of the change order.

11.B. Pony Express Parkway Widening Design Change Order #4 – Horrocks Engineers

Councilmember Curtis requested clarification on the change order and if the City had experienced other difficulties with the contractor.

City Engineer Chris Trusty explained the scope of the project changed including the need to relocate and redesign a waterline. He stated due to lack of communication to obtain approval for project modifications resulting in cost increases, he negotiated a lower reimbursement from the City. Mr. Trusty stated this was the first time the City encountered communications issues with the contractor, and the individual involved in the miscommunication is no longer with Horrocks Engineers.

Mr. Trusty explained part of the project had been funded through the Mountainland Association of Governments, and the City may be able to obtain additional funding reimbursement to assist with the change order.

Discussion ensued regarding the payment of the change order and potential reimbursement funding.

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2020-2021 Budget.

Assistant City Administrator/Finance Director Paul Jerome presented updates to the General Fund, Enterprise Fund, and Capital Project Fund budgets that have been added since the budget was presented at the previous meeting, as more information has become available from the State.

Councilmember Clark requested additional information regarding the Lake Mountain Recreation Area - Utah Outdoor Recreation Grant. Mr. Mumford explained the grant will be used for pavement, fencing, and signage for the Hidden Valley trailhead.

Mr. Mumford verified the grant is available annually and will be applied to the Hidden Valley trailhead, as it was the grant-qualified project closest to installation. Mr. Mumford explained that Senior Management Analyst Evan Berrett had prepared and managed the grant proposal and the deadline had been delayed due to the pandemic.

Councilmember Clark requested that approved grant funding be included on the City Council as agenda items to discuss the allocation of the funds. Councilmember Curtis concurred.

Councilmember Love verified the funds were being used to complete a project the City Council had previously approved as part of the Hidden Hollow Phase B preliminary plat and site plan on March 17, 2020 with the direction to staff to pursue grant opportunities to assist with the project.

Councilmember Curtis requested to rename economic development areas to include the name of the project or locations. He expressed concerns regarding the miscellaneous budget and requested the budget items be as specific as possible.

14.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Fourth Amendment to the Fiscal Year 2019-2020 Budget.

This item was discussed after item 16.A.

Mr. Jerome presented the item. He stated amendments will be reviewed at the last meeting of the fiscal year on June 16, 2020 and explained most amendments are received at the end of the fiscal year.

15. RESOLUTION

15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Revised Sage Park Business Center Development Agreement.

Mr. Mumford stated the item had been tabled at the previous meeting. He explained the updated verbiage to the agreement and verified the City would reimburse the installation of a road width above 65 feet, should the City desire a wider road.

Councilmember Curtis expressed concern regarding the land value reimbursement evaluation and stated his opinion that the agreement still needed work before it is approved.

Councilmember Love expressed concern with the storage units fronting Eagle Mountain Boulevard on one of the concept plan renderings and inquired if this concept plan met the terms of the agreement.

16. ORDINANCES/IMPACT FEES

16.A. 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.

Councilmember Burnham inquired if staff had resolved the concerns expressed by Deann Huish with the Utah Valley Home Builders Association regarding the Parks and Recreation Impact Fee.

Mayor Westmoreland explained staff requested to remove item 16.A. from the agenda to allow time to address concerns.

Councilmember Curtis expressed concern that builders were exercising undue influence on the City consultant to alter the impact fee calculation.

Mr. Pili explained staff recommended removing the Parks and Recreation Impact Fee from the agenda to verify that the fee calculations are accurate. Mayor Westmoreland explained the review of the impact fee is to exercise an overabundance of caution to ensure the values are calculated correctly.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

Mayor Westmoreland adjourned the meeting at 6:13 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; 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; Jeff Weber, Fleet and Facilities Operations Director; Jessa Porter, Planner; and Michele Graves, Library Director.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:03 p.m.

5. PLEDGE OF ALLEGIANCE

City Recorder Fionnuala Kofoed 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 at eaglemountaincity.com/calendar for details.

Pony Express Days – At Home Edition: With Pony Express Days events cancelled due to the COVID-19 pandemic, residents may still celebrate the community spirit of Pony Express Days with activities at home and share on the City website or via email for the opportunity to win prizes. Visit emcity.org/PED2020 for information on activities scheduled for May 22 to 30 and prize announcements.

Park Reservations: Pavilion reservations at City parks will be accepted starting May 26 at 8:00 a.m. Visit the City website, Parks Department page to access the link for online reservations, including a list of park amenities and fees.

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.

COVID-19 Yellow Phase: For updates on City operations in the current yellow phase of response and recovery from COVID-19, please visit the City website at eaglemountaincity.com.

7. PUBLIC COMMENTS

Electronic public comments were received from Deann Huish and David Lewis IV regarding the Parks and Recreation Impact Fee.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham thanked Communications Director Linda Peterson and the Events Department staff for their efforts and creativity to adapt the Pony Express Days celebration.

Councilmember Clark

Councilmember Clark expressed appreciation for the residents participating in the meeting remotely. She thanked service men and women and their families for their service and sacrifice. The Eagle Mountain Ham Radio and the Emergency Communication Team will hold a parking lot licensure examination on Saturday, May 23, 2020 from 11:00 a.m. to 3:00 p.m. at Eagle Mountain City Hall. To register, email dbecar@charter.net.

Councilmember Curtis

None.

Councilmember Gray

Councilmember Gray said he is excited for the Pony Express Days at-home celebration and stated Pony Express Events has donated tickets prizes for future events yet be scheduled. The Memorial Day Cemetery program had been cancelled and information regarding an alternate observance is forth coming.

Councilmember Love
Councilmember Love said she was excited to see the installation of the City sign near the SilverLake Amphitheater and thanked Ms. Peterson and the communications staff for their efforts.

Mayor Westmoreland
Mayor Westmoreland explained the State of the City address had been postponed due to the COVID-19 pandemic. He expressed assurance in the fiscal stability of the City and stated appreciation for Council and staff efforts to prepare for and manage the crisis. He thanked the City and the residents for their efforts to assist one another and to care for their mental, emotional, and physical health. He expressed concern for the health of City residents while balancing economic needs and stated the City is doing well and expressed optimism regarding the future.

CONSENT AGENDA

9. BID AWARDS

9.A. Community Development Building Vehicle Wash Bay – Wasatch West Construction

9.B. Library Addition – Bailey Builders

9.C. Water Optimization Study – Barr Engineering

10. BOND RELEASES

10.A. Arrival Phase B, Plat 2 – Out of Warranty

10.B. Harmony Phase A, Plat 1 – Out of Warranty

11. CHANGE ORDERS

11.A. Facebook 3.5 MG Tank Change Order #1 – Probuild Construction

11.B. Pony Express Parkway Widening Design Change Order #4 – Horrocks Engineers

11.C. Wastewater Treatment Expansion Design Change Order #3 – Aqua Engineering

12. MINUTES

12.A. May 5, 2020 – Regular City Council Meeting

13. RESOLUTIONS

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Municipal Wastewater Planning Program, 2019 Annual Survey.

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

SCHEDULED ITEMS

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2020-2021 Budget.

Assistant City Administrator/Finance Director Paul Jerome reviewed the changes made to the tentative budget since the previous meeting. State statute requires that the City Council hold a public hearing on the tentative budget and that the budget be adopted by June 30. The tentative budget was accepted by the City Council on May 5, 2020. The final budget will be adopted on June 16, 2020 and will be the document that governs the expenditures for FY 2020-2021.

General Fund

- Reductions: Interest revenue by $175,000 due to market condition, Class B & C Road Funds, and allocations (gas tax),
- Increases: Sales tax by $200,000.
- Revenue Sources: $75,000 reduction.
- Expenditures: Reduction to paved road maintenance by $135,000, an increase in cost to account for salary and benefits for the addition of an employee to the Planning Department, a reduction to Public Safety due to changing a new-hire sergeant position to a victim advocate, special events requested $30,000 to be transferred from the FY 2019-2020 budget to the FY 2020-2021 budget to reschedule some of the cancelled Pony Express Events to the fall.

Enterprise Fund

- Expenditure Increase: Water line and road to be reimbursed by Facebook, and material services and supplies for the GIS fund.

Capital Projects:

- Expenditure Increase: $48,100 covered 50 percent by a grant from Utah Outdoor Recreation Division to improve the Hidden Valley trailhead.

Mayor Westmoreland opened the public hearing 7:28 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.

14.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Fourth Amendment to the Fiscal Year 2019-2020 Budget.

Mr. Jerome presented the item and reviewed the proposed increases to the Fiscal Year 2019-2020 Budget. State statute requires the City to amend its budget to appropriate funds for increased expenses. The proposed ordinance is the fourth budget amendment for Fiscal Year 2019-2020 and includes increases in the General Government, Enterprise, Capital Projects, Impact Fee and Debt Service funds.

Councilmember Gray verified the $25,000 spent in response to the COVID-19 pandemic was reimbursable through Federal funding. Mr. Jerome explained Federal funding would not be received until the 2020-2021 fiscal year.

Councilmember Curtis inquired regarding the building permit plan review and inspection fast-track fees. Mr. Jerome explained the fees represent an increased expense through overtime payments to City inspectors. Councilmember Curtis suggested prohibiting fast-track inspections.

Mr. Mumford explained developers pay a fast-track fee for plan reviews and inspections. The practice began several years ago as a benefit to the developers to decrease review timelines and to enable the inspectors to earn additional income. He expressed a willingness to discuss the allowance of fast-track reviews with the inspectors to determine if the practice should be ended.

Councilmember Curtis expressed concern that other residents' applications would experience additional delays. Mr. Mumford stated the fast-track permit processing occurs outside of business hours, does not delay other applications, and reduces the queue for standard permit applications. Mr. Mumford said the City has not employed outside contractors to assist with fast-track permits and the State Code requires all permits be processed within 14 business days.

Councilmember Clark verified the developer fast-track fees reimburse the expense to the General Fund.

Mayor Westmoreland was excused at 7:45 p.m. due to technical difficulties.

Mayor Pro Tempore Burnham opened the public hearing 7:46 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 Pro Tempore Burnham closed the hearing.

MOTION: ***Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, approving the Fourth Amendment to the Fiscal Year 2019-2020 Budget. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

Mayor Pro Tempore Burnham recessed the meeting at 7:47 p.m.

Mayor Westmoreland opened the meeting at 7:55 p.m.

15. RESOLUTION

15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Revised Sage Park Business Center Development Agreement.

Mr. Mumford reviewed the item. This applicant-proposed revision to the Sage Park Business Center Development Agreement addresses reimbursement of the collector road upsizing and access off Eagle Mountain Boulevard. The project is located on the north end of Sage Park, on the east side of Eagle Mountain Boulevard. This item was presented to the City Council on May 5, 2020 and was tabled to the May 19, 2020 meeting.

Mr. Mumford presented the two concept plan options provided and stated the applicant requested the property be valued as unimproved residential land instead of unimproved agricultural land, as the property has a preliminary plat approved. He explained the proposed changes to the agreement drafted by staff and the applicant:

> 3. Collector Road Dedication. The Property shall be developed in the general configuration as shown on the concept plan attached hereto and incorporated herein (the "Concept Plan"). In consideration for the City rezoning the Property, Developer shall construct and dedicate to the City up to a 94' wide Major Collector Road (which width shall be determined by the City) in accordance with the design standards in Eagle Mountain City Code Table 16.35.130(b) in the location shown on the Concept Plan (the "Collector Road"). Developer shall be reimbursed for upsizing cost for any portion of the Collector Road that is more than 65 feet wide, including the value of the land required to upsize the Collector Road to greater than 65 feet at unimproved agriculture land value. The 65-foot cross-section includes 40 feet of asphalt.
>
> 4. Commercial Storage Access Road. It is the understanding of the parties that the success of this project is somewhat dependent on having Developer may propose a right in / right out access into the Project to the North of the Collector Road, as shown on the attached concepts. The City agrees to allow an access in the general location shown on the concepts, shall considering the access in accordance with spacing standards in the then existing EMMC requirements.

Councilmember Gray asked if the City agreed to grant vested rights for a right-in, right-out access. Mr. Mumford explained the agreement allows for the right-in, right out access in accordance with the findings of a traffic study, spacing standards, and other Municipal Code requirements. Councilmember Gray stated a right-in, right-out access would require acceleration/deceleration lanes to address safety concerns.

City Engineer Chris Trusty stated the City would require acceleration/deceleration lanes should the access be granted, if merited.

Discussion ensued regarding if an acceleration/deceleration lane requirement should be included as a condition of approval.

Councilmember Love asked if Concept Plan One met the terms of the office space requirements in the agreement. Mr. Mumford stated the agreement included frontage limitations for the storage units along Eagle Mountain Boulevard.

Councilmember Burnham inquired if Concept Plan One was an option as her understanding was that Concept Plan Two had been approved as the preferred plan. Mr. Mumford stated the applicant requested to include both concept plans and Concept Plan Two had been designated the preferred plan due to previous Council feedback.

Councilmember Clark stated the approval had been based upon the Concept Plan Two design and the preferred plan should be the option moving forward.

City Attorney Jeremy Cook stated he had reviewed the developer's proposal and suggested verbiage to include in the agreement to require adherence to the desired design standards including acceleration/deceleration lanes. He suggested based upon the Council's comments, the addition of spacing and design standard guidelines for right-in, right-out accesses to Municipal Code.

Mr. Mumford clarified he had drafted the language in the agreement after discussions with the applicant.

Applicant Isaac Patterson with Patterson Construction stated he reviewed the footage from previous City Council meetings regarding this application. Wayne Patterson's statement during the November 11, 2019 City Council meeting had not intended to imply Patterson Construction would forgo the standard reimbursement for the road upsizing and recognized that some of the Councilmembers had construed the statement as an offer to fund the full installation. He said the traffic impact from the Sage Park Business Center Development alone would not merit a collector road width, and the specialists and industrial designers he consulted with recommended 40 feet of asphalt. Due to the misunderstanding, Patterson Construction agreed to fund the installation of 65 feet of asphalt.

Mr. Patterson stated Patterson Construction will adhere to Municipal Code specifications regarding the right-in, right-out access. He reiterated Patterson Construction's preference would be to withdraw the rezone application and construct only residential units.

Councilmembers Gray and Clark expressed concern vesting the right-in, right-out access without acceleration/deceleration lanes.

Councilmember Clark asked why Mr. Patterson returned to the Council with the application if his preference was to revert to residential zoning. Mr. Patterson stated he had agreed, at Councilmember Burnham's request, to work with staff towards a solution. Councilmember Clark requested the applicant clarify to the Council that he was choosing and not being forced to install commercial uses. Mr. Patterson responded she was asking a loaded question. Councilmember Clark expressed she felt the applicant was being unfair by threatening to revert to a residential use. Mr. Patterson stated he had adjusted the development to align with the City's updated General Plan that designates a collector road and commercial uses for the area. He did this in order to cooperate with the City, even though Patterson Construction's preference would be to develop residential uses.

Councilmember Burnham expressed appreciation to the applicant for his efforts to work with and cooperate with the City.

Councilmember Curtis stated he appreciated the applicant working with the City but felt the applicant should have agreed to pay for a 77-foot road width, as he had understood Wayne Patterson agreed to pay for the full installation during the November 11, 2019 meeting. Mr. Isaac Patterson stated in addition to the 65 feet of asphalt, Patterson Construction would also pay additional funds toward the road installation through impact fees.

Councilmember Gray stated he did not want to move forward with a motion unless the acceleration/declaration lanes were required. Mr. Trusty verified that Municipal Code requires acceleration/declaration lanes.

Discussion ensued regarding the conditions to include in the motion.

MOTION: ***Councilmember Love moved to approve a resolution of Eagle Mountain City, Utah, approving the revised Sage Park Business Center Development Agreement with the following conditions:***

1. ***Item three shall be changed from unimproved agriculture land value to unimproved residential land value;***
2. ***Item four shall be amended to include "as shown on the attached preferred concept plan" and "in accordance with spacing and design standards including acceleration/deceleration lanes in the existing EMMC."***

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

Councilmember Clark asked Mr. Cook if landowners can opt to revert to a previous zoning designation after an approved rezone application re-designated the area as different zone.

Mr. Cook stated the agreements are contingent upon the applicant's signature as an indication of agreement with the contingencies the Council has imposed. He explained that in the case of the Sage Park Business Center Development Agreement, a refusal to sign the new agreement could potentially vacate the prior preliminary plat approval due to the applicant requesting the rezone application. Mr. Cook advised against implementing coding to invalidate the terms of all previous plat approvals after a rezone approval, as applicants may hesitate to agree to rezoning applications which would benefit the City due to concerns regarding the annulment of previous rights.

Discussion ensued regarding concerns with applicants attempting to revert to previous plat approvals after the approval of rezone applications by declining to sign agreements and the contingency of the rezone application upon the signing of development agreement.

16. ORDINANCES/IMPACT FEES

16.A. 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.

This item was removed from the agenda.

16.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Storm Water 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, presented the item. The Storm Water Impact Fee Enactment adopts the Impact Fee Facilities Plan and Impact Fee Analysis and implements the impact fees recommended through ordinance. Once adopted, there is a 90-day waiting period before the revised impact fees can be assessed to new building permits. The IFA recommends the maximum reasonable impact fee that could be charged to new development based on provisions in the State Code. This item was presented at the May 5, 2020 City Council meeting and the public hearing was held; the item was tabled to the May 19, 2020 meeting.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, adopting an Updated Impact Fee Enactment for a Storm Water Impact Fee; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same and other related matters. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

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

Mr. Philpot presented the item and stated the only change was the verbiage from "CWP One-Time Development fee" to "CWP Infrastructure fee" to improve clarity. The Culinary Water Impact Fee Enactment adopts the IFA and implements the impact fees recommended through ordinance. Once adopted, there is a 90-day waiting period before the revised impact fees can be assessed to new building permits. The IFA recommends the maximum reasonable impact fee that could be charged to new development based on provisions in the State Code. This item was presented at the May 5, 2020 City Council meeting and the public hearing was held; the item was tabled to the May 19, 2020 meeting.

MOTION: ***Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, adopting an updated Impact Fee Enactment for a Culinary Water***

Impact Fee; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same and other related matters. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

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

Mr. Philpot presented the item and said the future facility component remained the same. He explained an adjustment had been made removing completed SID payments and reimbursement agreements resulting in a reduction to the impact fee. The Transportation Impact Fee Enactment adopts the IFA through ordinance. Once adopted, there is a 90-day waiting period before the revised impact fees can be assessed to new building permits. The IFA recommends the maximum reasonable impact fee that could be charged to new development based on provisions in the State Code. This item was presented at the May 5, 2020 City Council meeting and the public hearing was held; the item was tabled to the May 19, 2020 meeting.

Councilmember Gray expressed concern regarding the lowered impact fee due to the need for road improvements within the City and traffic load increases caused by new development.

Mr. Philpot explained the impact fees are calculated by considering the funding source of system improvements and the delineation between system improvements and project improvements. He stated repair, replacement, and other maintenance are not impact fee eligible.

Councilmember Clark asked if the City funding traffic projects from the General Fund reduces impact fee calculations. Mr. Philpot explained the calculation is based upon future facilities projections for upcoming projects and the impact fee will increase as more projects are scheduled.

Discussion ensued regarding the impact fee calculation process, the buy-in component, and how the circumstances of individual cities merit fee calculation variance.

Mr. Pili explained finished projects have been removed from the fee schedule, because the City cannot charge for projects that have been completed, except through the existing facilities buy-in. He stated the IFFP will be amended to include additional future projects once the necessary research has been completed.

Discussion ensued regarding concerns that all eligible projects were included in the impact fee schedule calculation, impact fee eligibility timeframes, the frequency of the IFFP updates and recalculations as dictated in accordance with City growth, City payment of impact fee-eligible expenses from the General Fund, addressing developer communications, new construction being charged the appropriate fees in accordance to growth impact on City transportation infrastructure, the possibility of requesting staff recalculation and verification of the impact fee calculation, and potential future infrastructure expansion.

MOTION: ***Councilmember Burnham moved to table an ordinance of Eagle Mountain City, Utah, adopting an Updated Impact Fee Enactment for a Transportation Impact Fee; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same and other related matters. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

17. CITY COUNCIL/MAYOR'S BUSINESS

None.

18. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Love
Councilmember Love stated the Youth Council elections had been held electronically through Cedar Valley High School on Tuesday, May 12, 2020 and congratulated Youth Council Mayor Sydney Williams and Youth Council Councilmembers Ashton Bernabeu, Salem Shimakonis, Kayson Welch, and Logan Welch.

19. COMMUNICATION ITEMS

19.A. Financial Report

19.B. Upcoming Agenda Items

20. ADJOURNMENT

MOTION: ***Councilmember Curtis moved to adjourn the meeting at 9:37 p.m. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 9:37 p.m.

Approved by the City Council on June 2, 2020.

Fionnuala B. Kofoed, MMC
City Recorder