EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

May 16, 2023, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

EAGLE
MOUNTAIN

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Colby Curtis, Jared Gray, Carolyn Love, and Brett Wright.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Cliff Strachan, Director of Legislative Affairs; Kimberly Ruesch, Finance Director; Angela Valenzuela, Human Resource Manager; Jed Shum, Planner; Lianne Pengra, Chief Deputy Recorder; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities/Operations Director; Brad Hickman, Parks and Recreation Director; Terrence Dela Pena, Finance/Management Analyst; Natalie Winterton, Grants Coordinator/Management Analyst; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Tyler Maffitt, Communications Manager; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Michele Graves, Library Director; and Embret Fossum, Unified Fire Authority Battalion Chief.

Mayor Westmoreland called the meeting to order at 4:02 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

Parks, Recreation, Events, and Cemetery

- Staff is in the process of having building plans reviewed for the Walden Park Observatory and is working on an in-kind donation of concrete for this project.
- The Parks and Streets Departments have coordinated work to get an asphalt overlay installed on the trail system along both sides of Ranches Parkway. The proposed project will take a couple of weeks to complete.
- The contractor has started to set up the Storm Water Pollution Prevention Plan (SWPPP) this week for Smith Ranch Park and construction of the park will begin sometime next week. Updates on this project will be given throughout construction.
- Staff has continued working on a project with interns to map and digitize all trails, sidewalks, and off-street trails in the community. It is anticipated that staff will have an update at a City Council meeting in June.

Streets and Storm Water

- Eagle Mountain Boulevard has been re-striped and re-aligned at the north end of the road widening project to provide a smoother transition where the two-lane and four-lane sections meet. There are still some crosswalks and arrow messages that need to be painted. It is expected to be completed by the end of the week.

Public Utilities

- Well #5 has been pulled from use due to issues with the bearings and column pipe. Staff will need to replace the parts and is currently looking at all options, including the future upgrade to the well.
- The current water total dissolved solids (TDS) level is averaging 340, which is very good.
- Well #3 is operational and currently in a backup mode as our demand has been met by Central Utah Water Conservancy District (CUWCD) water.
- Well # 1 is also active and backing Well #3.
- Staff is currently in the process of reading meters in the City.

Engineering

- Well 8 – Drilling is down to 620 feet of the 800-foot well depth. The driller has encountered a lot of water which is slowing progress but is a positive sign for well production.
- The booster stations should be functional by mid-June.
- The Mid Valley Road design for an extension to Eagle Mountain Boulevard is about 75% complete. The City should be able to get legal descriptions and order appraisals within the next two weeks.
- Additional survey work has been completed for both Old Airport Road and the Ranches Parkway High T Intersection

Community Development

- So far in May, the City issued 33 new residential permits—22 single-family and 11 multifamily—and issued one tenant improvement commercial permit for Eagle Mountain Therapy.
- The City held a media event for the deer crossing system on Wride Memorial Highway recently. The south side is up and running and camera equipment still needs to be installed on the north side.

Facilities, Fleet, and Emergency Management

- Upgrades to the Sewer Building are about 85% complete.
- Sheriff's and Recorder's office remodel – Walls have been framed and the contractor will start sheet rocking this week.

1.B. DISCUSSION – Tract/TripleTrail Letter of Support

Applicant representative Jessica Bennett with Tract explained they build fiber networks and own, develop, and operate data centers. Their vision is to master plan data center campuses on large parcels of land, not adjacent to residential uses, and develop the infrastructure and road networks to drive economic development to certain areas and attract businesses. Their request is to extend the Regional Technological Industry Overlay to two properties adjacent to areas with that zoning. Over a 20-year build-out cycle, they estimate their partners will invest 7 billion dollars in real property and 62 billion dollars in personal property. They plan to preemptively mitigate water usage, traffic impact, and aesthetical concerns for the TripleTail Project and will have multiple users on the sites. Construction is scheduled to begin in about three years and the project will have a 10-to-15-year build cycle for the 668 total acres.

Councilmember Burnham requested comparison data between other types of users and the proposed water usage of 1/10 of an acre-foot per acre of land.

Councilmember Curtis expressed concern with dark sky light pollution compliance during construction, especially considering the construction timeframe.

2. AGENDA REVIEW

CONSENT AGENDA

10. AGREEMENTS

10.A. Ladder Sign Concession Agreement Amendment – Eagle Mountain Chamber of Commerce

Eagle Mountain Chamber of Commerce President Melissa Clark presented three design options for the Chamber logo.

The majority of the Councilmembers expressed a preference for Chamber sign option one.

Councilmember Curtis stated his preference for the City logo to be displayed on one side of the signs because of concerns with the message only having the Chamber's logo might convey. The Mayor and other Councilmembers were amenable to having the Chamber logo on both sides of the ladder sign headers.

Councilmember Wright suggested, in consideration of the City possibly rebranding and recognizing the importance of representing the City on the signs, to place the Chamber logo on both sides of the signs and consider updating the signs with the new City logo in the future at the City's expense.

11. BID AWARDS

11.A. 2023 Eagle Mountain Spray Applied Seal Coat Project – Morgan Pavement

Staff clarified that Morgan Pavement is a different company than Morgan Asphalt.

Streets and Storm Drain Manager Zac Hilton explained that this item is a two-part contract. This year's approval is specific to roads the City is already maintaining. The renewable contract allows the City to predict and add future expenses to the consolidated fee schedule that will apply to new development. The contract is annually renewable and can be adjusted to match market cost fluctuations.

11.B. Smith Ranch Park Skatepark – Spohn Ranch Inc.

Parks and Recreation Director Brad Hickman explained that due to the intricacies of a skate park, they opted to go with the specialist that designed the park rather than opening the bid to general concrete companies.

12. MINUTES

12.A. May 2, 2023 Minutes – Regular City Council Meeting

Councilmember Wright requested a change on page two to clarify the City is soliciting bids for a handrail for the sidewalk at the Senior Center.

13. PRELIMINARY PLATS & SITE PLANS

13.A. PRELIMINARY PLAT AND SITE PLAN – Mountain America Credit Union

Councilmember Gray expressed concern with the use of native backfill and the lack of subbase indicated in the civil plans on page 8 in the standard asphalt section.

13.B. SITE PLAN – Applebee's

The applicant's presentation of this item occurred following item 1.B.

Applebee's representative Stanton Crosby reviewed his history with Applebee's restaurants. They plan to employ 60 to 75 employees at the Eagle Mountain location. They received the 2020 Franchise Partner of the Year from Applebee's and their award-winning General Manager and her assistant manager are Eagle Mountain residents and will manage this location. As franchisees, this will be their tenth restaurant in Utah. They have a community focus and programs. The restaurant is 1,000 square feet larger than a typical building in anticipation of higher-than-average patronage. At the request of the Planning Commission, they have added design elements to the south elevation that faces Pony Express Parkway and provided two options for Council consideration. Construction is scheduled to begin in July and operation in January. The side elevation facing the parking lot will have a ground-level sign on the corner but he would be in favor of building signage if permitted. The restaurant will have LED strip lighting that can change color for different occasions and a firepit with seating in the waiting area.

The remaining discussion of this item occurred during the agenda review following item 13.A.

The Council opted to approve Alternative 1 with additional windows for the south elevation.

Councilmember Gray raised concerns about using inspected native materials or properly prepared natural subgrade soils as indicated in the concrete paving section of the civil drawings.

City Engineer Chris Trusty stated that he has not approved the drawings and will ensure the proposals meet City standards.

Discussion ensued regarding requirements for public and private business infrastructure construction, liability, and the inability to enforce standards not in Municipal Code or changes to Municipal Code standards retroactively.

Councilmember Gray requested to add commercial road standards to the list of future Municipal Code amendments.

Applicant representative Brian Haskell said they intend to own the entire site for a long time and will build it to high standards to reduce future maintenance and repair costs.

Senior Planner David Stroud stated that the applicant would like to change the tan areas on the elevations to gray.

Discussion ensued regarding the requested LED strip lighting and concerns with dark sky compliance and whether to create standards to govern their usage by businesses and residents to reduce impacts.

The Council agreed to allow the requests by the applicant and staff to remove some of the trees from the corner of Ranches Parkway and Pony Express Parkway due to impeded visibility and interference with the sensor for the traffic light and replace the trees with shrubs and native landscaping with native seed.

Staff explained that areas with native seed grass have struggled in some locations in the City due to damaged irrigation lines and have thrived in areas with proper watering.

13.C. SITE PLAN – Gateway Park AT&T Cell Tower

Deputy City Administrator/Community Development Director Steve Mumford confirmed that a 12-foot paved access road is planned for the site.

Discussion ensued regarding whether this approval would impact future residential uses on surrounding properties and the City's preference for commercial and industrial uses in this area.

Mr. Stroud explained that allowing a taller tower will increase the viability of the colocation of equipment by other companies.

City Attorney Marcus Draper stated that applicants are entitled to 60-foot towers in City standards with the discretion for the City to approve up to 120-foot towers.

Councilmember Wright requested an amendment to Municipal Code to allow or require backup generators rather than granting exceptions to cell tower approvals.

14. RESOLUTIONS

14.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Declaring Surplus Property.

Fleet and Facilities/Operations Director Jeff Weber explained the International 7400 vehicle is a six-wheel plow truck with a dump and spreader body that has already been replaced with another Bobtail.

Discussion considered whether to reimburse employees for personal vehicle usage or to retain seldom used vehicles as the City is able to purchase them at below market price and resale them on the retail market and recuperate the cost.

SCHEDULED ITEMS

16. PORTER'S CROSSING TOWN CENTER

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the Future Land Use Map of the General Plan, Rezoning Certain Lands Known as Porter's Crossing Town Center, and Approving the Fourth Amendment to the Porter's Crossing Town Center Master Development Plan.

16.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Third Amendment to the Porter's Crossing Town Center Master Development Agreement.

Items 16.A. and 16.B. were presented and discussed concurrently.

Presented by Deputy City Administrator/Community Development Director Steve Mumford. The proposed ordinance amends the Porter's Crossing Town Center Master Development Plan and the City's Future Land Use Map of the General Plan and rezones the undeveloped portions of the project. The development is located north of Pony Express Parkway and along Porter's Crossing on Utah County Parcels 58:034:0658, 58:034:0661, 58:034:0756, and 58:034:0757.

Significant changes to the plan since the last Council:
- Moved the apartments back to Pod 9, committing to all commercial uses in Pod 2.
- Designated additional open space, trails, and amenities in the utility corridor.
- Designated an area for a dog park.
- Made slight modifications to the road layout and building layout.
- Placed more parking stalls within Pod 9, near the residential units.

The Proposed Amended Master Plan includes the following:
- Pods 1 and 2 – Commercial development, including retail, office, and a possible hotel.
- Pod 9a and 9b) – 192 apartments and 25 townhomes.
- Pod 10 – 33 townhomes.
- Pods 15a and 15b – open space, public road, amenities, trails (including a regional trail), parking, and storm detention/retention.

- A 32-foot-wide road from St. Andrews Drive to the northern portion of the property, providing access to the Rocky Mountain Power substation and a second access to the project in addition to Porter's Crossing.

The Planning Commission reviewed this plan several times and provided feedback to the applicant. On September 13, 2022, the Planning Commission held a public hearing for the previous version of the proposal. There were no comments in the public hearing other than those by the applicant. The Commission ultimately recommended approval, with a vote of 5 to 0, of the three applications to the City Council as presented in the Zoning Summary 3rd Amendment with the condition that the uses in the utility corridor (Pod 15) shall be restricted to nursery or RV storage.

Councilmember Gray stated that he is in favor of disposing of the property in the southwest corner of the development in trade to fund the applicant connecting the road to the northwest.

Councilmember Wright expressed appreciation to Khosrow Semnani for the time the applicant has spent working with him on the project. He verified with staff and Mr. Semnani that the project uses 53-foot rights-of-way. He inquired about and expressed concern about what happens with the agreement at the time of expiration if the project has not been completed as he is against reverting to the entitlements in the current agreement.

City Attorney Marcus Draper stated the new agreement stipulates that it would revert to the current agreement at expiration and he shares Councilmember Wright's concerns with the clause.

Mr. Semnani stated that he is amenable at expiration for only the zoning entitlements to remain in force.

Mr. Mumford explained that some of the funds from the fee-in-lieu paid by the developer for the recreation center that will no longer be built will be used for improvements to Smith Ranch Park located near this development to benefit this neighborhood.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the work session at 6:15 p.m.

7:00 P.M. POLICY SESSION

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Colby Curtis, Jared Gray, Carolyn Love, and Brett Wright.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Cliff Strachan, Director of Legislative Affairs; Angela Valenzuela, Human Resource Manager; Jed Shum, Planner; Lianne Pengra, Chief Deputy Recorder; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Zac Hilton, Streets and Storm Drain Manager; Brad Hickman, Parks and Recreation Director; Terrence Dela Pena, Finance/Management Analyst and Natalie Winterton, Grants Coordinator/Management Analyst.

CITY STAFF PRESENT ELECTRONICALLY: Tyler Maffitt, Communications Manager; Kimberly Ruesch, Finance Director; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; and Embret Fossum, Unified Fire Authority Battalion Chief.

4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:09 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Curtis led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Pony Express Days will take place May 31 – June 3. Tickets are now available on Eagle Mountain City social media.
- Sandbag resources are being provided through Eagle Mountain City until flooding risks subside in the community. Interested residents can retrieve as many as 30 sandbags per household at City Hall or the Community Development building. Sand is available at White Hills Park, the Rodeo Grounds, North Ranch Park, and Silverlake Park.
- Residents who do not use social media to stay in touch with the City are encouraged to sign up for the City's text notification system. Weekly, the City sends updates on news, important information, and sign-ups for recreational sports. Learn more at eaglemountaincity.com.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:11 p.m.

Jerry Lee requested that the City designate a location for semi-truck drivers to be able to legally park their vehicles when they return home.

Kalleen Pratt stated the cement in her neighborhood was installed improperly impacting the lateral sewer lines and alleged that Bach Homes is in violation of several standards. She requested the City's assistance in holding the developer accountable.

Jeff Ruth verified with the City Council that they approve of the Be the One Banners proposed for installation at a baseball field in the City for suicide prevention efforts.

Preston Egbert, Noah Nelson, Sean Peterson from the Utah Skate Park Advocacy Group, Isaac Miles, Elliot Miles, and Nicole Miles spoke about the benefits of skateboarding and in favor of the skate park planned for Smith Ranch Park.

Mayor Westmoreland closed public comment at 7:32 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Gray

Councilmember Gray said he appreciates the residents' participation and comments. He urged the community to keep an eye out and prepare for flooding. He is grateful the City can provide a variety of recreational opportunities for various communities such as the skate park and rodeo grounds and requested for the individuals using the parks to watch for and report graffiti or other issues.

Councilmember Burnham

Councilmember Burnham thanked the meeting participants. She is impressed by the youths' comments and sharing their beliefs and their parents encouraging them to speak up and speak out. She apologized for not being responsive to email communications while she was caring for her ill mother. She expressed sadness for the contention during the previous meeting and encouraged the Councilmembers, including herself, to remember the importance of how you treat people and to strive to do better.

Councilmember Love

Councilmember Love echoed the appreciation to the residents for attending and commenting during the meeting. She is excited to be a part of the great things happening in the City.

Councilmember Wright

Councilmember Wright welcomed the meeting participants and concurred with the appreciation expressed to the residents and youth. He explained that the skate park is a part of the consent agenda and will be approved with it rather than with a separate vote.

Councilmember Curtis

Councilmember Curtis thanked Councilmember Burnham for her thoughtful words and apologized for his part and temper. He committed to being better. He appreciates the hard work on the skate park and requested for the skaters to be kind to rollerbladers also using the venues.

9. INTRODUCTIONS

9.A. 2023 Pony Express Rodeo Royalty

Councilmember Curtis turned time over to the 2023 Pony Express Rodeo Royalty to introduce themselves: Queen Addisen McMullin, 2nd Attendant Aubrie Christensen, Princess 1st Attendant Brooklyn Brown, and Princess 2nd Attendant Nikki Hetzel. 1st Attendant Lydia Knapp and Princess Hadlee Warnick were unable to attend the meeting.

Ms. McMullin announced that the Pony Express Days Rodeo will be held June 8th to 10th and the derby will be held June 3rd and invited the public to attend.

Councilmember Gray explained that the rodeo partners with the Mascot Miracles Foundation which works with terminally ill children. He brought thyroid cancer awareness bracelets in support of former rodeo royalty Kaycee Goodwin's battle.

Ms. McMullin presented Ms. Goodwin with a "Pony Express Rodeo. No Queens Fight Alone" bracelet.

CONSENT AGENDA

10. AGREEMENTS

    10.A. Ladder Sign Concession Agreement Amendment – Eagle Mountain Chamber of Commerce

11. BID AWARDS

    11.A. 2023 Eagle Mountain Spray Applied Seal Coat Project – Morgan Pavement

    11.B. Smith Ranch Park Skatepark – Spohn Ranch Inc.

    11.C. Smith Ranch Park Restroom – CXT Inc.

12. MINUTES

    12.A. May 2, 2023 Minutes – Regular City Council Meeting

13. PRELIMINARY PLATS & SITE PLANS

    13.A. PRELIMINARY PLAT AND SITE PLAN – Mountain America Credit Union

    13.B. SITE PLAN – Applebee's

    13.C. SITE PLAN – Gateway Park AT&T Cell Tower

14. RESOLUTIONS

    14.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Declaring Surplus Property.

MOTION: ***Councilmember Wright moved to approve the consent agenda with the following changes:***

- ***Item 10.A. – the Eagle Mountain Chamber of Commerce logo option 1 shall be allowed to be utilized on both sides of the ladder sign headers with an option to add the new City logo to one side of the signs after the rebranding exercise at the City's expense, should the City choose to do so;***

- ***The third bullet point under the Facilities, Fleet, and Emergency Management heading on page two of the minutes, item 12.A., shall be amended to "The City is soliciting bids to place a* handrail *along the sidewalk at the Senior Center; and***
- ***Item 13.B. is approved with design alternate one with additional windows.***

Councilmember Gray seconded the motion.

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

SCHEDULED ITEMS

15. POLE CANYON / FIREFLY

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the First Amendment to the Pole Canyon Master Development Plan, Now Known as Firefly.

This item was removed from the agenda at the request of the applicant and was not presented or discussed during the meeting.

15.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Pole Canyon Amended and Restated Master Development Agreement, Now Known as Firefly.

This item was removed from the agenda at the request of the applicant and was not presented or discussed during the meeting.

16. PORTER'S CROSSING TOWN CENTER

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the Future Land Use Map of the General Plan, Rezoning Certain Lands Known as Porter's Crossing Town Center, and Approving the Fourth Amendment to the Porter's Crossing Town Center Master Development Plan.

Items 16.A. and 16.B. were presented and discussed concurrently.

Deputy City Administrator/Community Development Director Steve Mumford reviewed the item as presented during work session. He recommended that should the Council elect to approve the plan, the exhibit be modified so that it is clear that the portions of 15.A. and 15.B. within the power corridor will be dedicated to the City and zoned parks and open space, except for the private parking areas. Signage will be installed to distinguish between public park parking and private parking. At expiration, should the project not be completed, the land would retain zoning but development would need to comply with current Municipal Code requirements rather than reverting to the terms of the original agreement.

Applicant Khosrow Semnani said he is amenable to working with staff to determine which areas will be dedicated to the City once more detailed drawings are available.

Councilmember Love said she prefers parking rather than the previously proposed RV storage in the power corridor and relocating the parking closer to the homes. However, she is concerned that the uses are not in harmony with what the City contemplated for the area and with the proposed multifamily units and density. She feels 150 assisted living units would be less impactful than 150 apartments. She suggested reducing the density by removing a building and limiting the apartment buildings to three stories. Standards do not allow the open space under the utility corridors to count towards the requirement and she would like the amenities to be located elsewhere.

Mr. Semnani clarified that the apartments in the current agreement were designated for senior living rather than assisted living. The new agreement reduces the total number of residential units overall and has been adapted to market changes of decreased sales of single-family homes. They have worked to put together an agreement with compromises on both sides to provide more commercial area for the City and are agreeable to the construction timeline.

Councilmember Gray reiterated that he would like the project to connect to the road to the north in exchange for the City-owned parcel in the southwest corner.

Mayor Westmoreland opened the public hearing at 8:18 p.m. As there were no comments, he closed the hearing.

Councilmember Wright stated that although he would deny a new project with this request, he recognizes that Mr. Semnani had entitlements for his property including a five-story senior living facility with 150 or more units adjacent to single-family and 180 ERUs in Pod 2 in five-story buildings. Although he shares Councilmember Love's concerns and recognizes that it is likely to cause resident frustration, in order to have the commercial uses adjacent to Pony Express Parkway and in light of what could be built on the property, he is in favor of this item as he feels it is a better outcome and provides more economic value than what is already approved. The applicant is entitled to 363 units but has agreed to build no more than 250 units spread over the original area and five acres of additional property. Councilmember Gray concurred.

Councilmember Curtis noted that the exhibit is labeled, "this is conceptual only." He expressed concern about vesting a set number of units resulting in decreased standards should those units not fit in the area contemplated in the concept plan and the impacts, including traffic, of locating a high number of multifamily units in the proposed location.

Mr. Semnani clarified that the agreement also requires adherence to Municipal Code standards in addition to unit counts and the plan accounts for the buildable envelope. He is willing to remove the conceptual label from the documents. This plan represents their best efforts to compromise with the City. He said he has been in contact with the utility companies and was told that they will allow the parks and parking lots to be located within the power corridor.

City Attorney Marcus Draper said his interpretation is that the agreement does not guarantee density. Development standards, including for parking and amenities, still need to be followed should the applicant be unable to obtain easement permissions from Rocky Mountain Power and Kerns River Gas.

Councilmember Burnham recognized that the plan is the result of a negotiation rather than an ideal development and represents a 31% decrease in units and more commercial space with tax revenue benefits.

Discussion ensued regarding the following:

- The density calculation and vesting in the agreement;
- Commercial interest in the site;
- The need for this type of product due to housing affordability barriers; and
- Concerns with building unit counts and impacts.

MOTION: ***Councilmember Gray moved to approve an ordinance of Eagle Mountain City, approving an amendment to the Future Land Use Map of the General Plan, rezoning certain lands known as Porter's Crossing Town Center, and approving the Fourth Amendment to the Porter's Crossing Town Center Master Development Plan amending item 5.B. to dedicate Pod 15.B. to the City. Councilmember Burnham seconded the motion.***

AMENDED MOTION: ***Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, approving an amendment to the Future Land Use Map of the General Plan, rezoning certain lands known as Porter's Crossing Town Center, and approving the Fourth Amendment to the Porter's Crossing Town Center Master Development Plan. Councilmember Burnham seconded the motion.***

Discussion clarified that the commercial layout is allowed to be conceptual and considered whether to include zoning the open space areas in the powerline corridor to OS-I or OS-N rather than multifamily in the rezone in addition to the master development agreement stipulating those areas be used as open space.

AMENDED MOTION: ***Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, approving an amendment to the Future Land Use Map of the General Plan, rezoning certain lands known as Porter's Crossing Town Center, and approving the Fourth Amendment to the Porter's Crossing Town Center Master Development Plan removing, "this is conceptual only," from***

the general layout for the residential portion of the development and rezoning Pod 15.A. as OS-I, excluding the parking, and Pod 15.B. as OS-N. Councilmember Burnham seconded the motion.

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☐ ***Colby Curtis***	☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☐ ***Carolyn Love***	☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a vote of 3:2.

16.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Third Amendment to the Porter's Crossing Town Center Master Development Agreement.

MOTION: ***Councilmember Gray moved to approve a resolution of Eagle Mountain City, Utah, approving the Third Amendment to the Porter's Crossing Town Center Master Development Agreement amending item 5.B. which dedicates Pod 15.B. to the City and amending the zoning map in the exhibit in accordance with the approved rezone. Councilmember Burnham seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☐ ***Colby Curtis***	☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☐ ***Carolyn Love***	☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a vote of 3:2.

MOTION: ***Councilmember Gray moved to recess the meeting at 9:21 p.m. Councilmember Curtis seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

The meeting was recessed from 9:21 p.m. to 9:39 p.m.

17. ORDINANCES/PUBLIC HEARINGS

17.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the General Plan Future Land Use Map and Rezoning Certain Land Known as Eagle Mountain Benches.

Planning Manager Robert Hobbs presented and reviewed the history of the item for a request for a General Plan Future Land Use Amendment from Agricultural/Rural Density 1 to Agricultural/Rural Density 2 and an associated rezone from RA2 and AG Residential, as per the City Council minutes from July 17, 2018, to RD1; pertaining to 47.517 acres of land across Utah County Parcel Numbers: 59:006:0055, 59:006:0054, 59:006:0047, 59:006:0046, and 59:006:0042 east of the Rocky Mountain Power powerlines in anticipation of potential, future single-family residential development. The applicants propose to change the requirement that lots east of the powerline corridor within the area shown for rezoning on the maps that follow be allowed to be one acre in size – rather than 2.5 acres, to allow a portion of the lot to reside within the Rocky Mountain Power easement with a 12-foot height cap for underlying improvements, and reduction or elimination of the 150-foot open space buffer requirement imposed in 2018 along the south of their land. He reviewed the surrounding zoning and buffering requirements. The development will likely be required to connect to the sewer line as septic tanks would conflict with the potential well site.

Discussion reviewed the possible reasons for the 150-foot buffer being required in 2018, current zone transition requirements, and the applicant's road installation responsibilities.

Mr. Mumford stated that an option would be for the development to connect to a road to the west in Eagle Quest to route to Pony Express Parkway now that the development has been designed; however, the timing of the infrastructure installation has yet to be determined.

Discussion ensued regarding buffering and infrastructure requirements.

Mr. Mumford cited the requirements for new or existing homes to connect to the sewer line if their septic system is polluting the surrounding area or could potentially pollute culinary wells or if their septic system is within water protection zones, is not functioning, or is emitting odors.

Applicant representative Dan Landon speaking on behalf of the property owners, Jeff and Karen Scott, said the Scott's 10.7-acre property is being included in the plan to assist with making adjustments to comply with the utility corridor requirements. The Scotts surveyed the owners of the surrounding properties, some recently and some in 2018, and the majority of the residents were in favor of the road and the rezone.

Mayor Westmoreland opened the public hearing at 10:07 p.m.

Kristie Barns, Randy Peck, and Tylon Rankin spoke in favor of approval of the item.

The following residents submitted emails in support of the item: Calvin Kesler, Dean Kesler, Laura Kesler, Doug Sutton, Heidi Morton, Julie Helquist, Natee Orton, Randy Peck, Steve Hood, Tammy Morrill, Warren Benincosa, David Curneal, and Pamela Dallon.

Mayor Westmoreland closed the public hearing at 10:15 p.m.

Mr. Hobbs explained that the parcel was zoned Residential under the previous tier system in 2018 with the following conditions:

1. The area east of the powerline corridor shall have a minimum lot size of 2.5 acres, with the lots to be served by septic systems.
2. The area west of the powerline corridor shall have a minimum lot size of one acre, without a stipulation in this motion as to whether septic systems would be permitted west of the corridor.
3. The main powerline corridor shall be preserved as open space for a possible future regional trail.
4. A 150-foot-wide buffer shall be required along the south side of the property.
5. The applicant shall install raptor nesting boxes on the property, in consultation with Hawk Watch and the Eagle Mountain Kestrel Project.
6. Each lot shall have a minimum of a 1/2 acre building envelope.
7. A note shall be recorded against the plat stating that there are agricultural uses in the area.

Councilmember Burnham stated that she feels requiring the dedication of the entire width of the land under the power corridor to be excessive especially where other lots have been allowed within the power corridor. She noted that the concept plan is conceptual and a developer will devise a different layout. Where the City now has buffering standards and the adjacent property is undeveloped, the 150-foot-wide buffer could be removed.

Councilmember Wright recognized the need for a variety of unit types in the City and one-acre lots are desirable to many people. However, where there are few areas in the City designated for lots above 2 ½-acres, he is concerned with allowing this area to be developed as one-acre lots even though larger lots would be less affordable. Councilmember Gray concurred and said he had fought to retain areas in the City for larger lots when he was a Planning Commissioner.

Councilmember Burnham noted that the applicant has had the property for sale for eight years with the current approval and no one has purchased the land demonstrating that there is not a large market for those parcel sizes in this area. She would rather see the land developed as one-acre parcels now than wait and potentially have even smaller lots developed in the future. Additionally, the power corridor will require several of the lots to be over one acre to accommodate sufficient buildable envelopes for homes and outbuildings.

Discussion ensued regarding building envelopes, which of the previous conditions of approval should be removed, and the sizes of the adjacent lots and buffering considerations.

Councilmember Love suggested allowing a mix of one-acre and larger lots.

Mr. Hobbs suggested requiring a minimum average lot size.

Councilmembers Burnham and Gray stated they were amenable to placing an average lot size over the full property including the area approved with one-acre lots.

The applicants agreed to consider a lot size average for both parcels, recognizing rezoning the other portion of their property in conjunction with the land included in this request would require the item to be amended and reviewed by the Planning Commission and City Council in future meetings.

Discussion clarified the process and noticing requirements to rezone the entire property with a lot size average.

The applicants explained financial difficulties with funding the infrastructure with fewer larger lots even with rural road standards. Connecting a shorter road to Eagle Quest would reduce costs and make the project more feasible.

The applicants and Council considered design options for the project and the resulting lot number, zoning, and lot size average.

Councilmember Curtis expressed concern about setting a number of lots without seeing a design layout, building envelope disclosures to buyers, and buffering. He desires 2 ½-acre lots on this site; nevertheless, he is willing to consider other solutions.

MOTION: ***Councilmember Gray moved to remand an ordinance of Eagle Mountain City, Utah, approving an amendment to the General Plan Future Land Use Map and Rezoning Certain Land Known as Eagle Mountain Benches to the Planning Commission for consideration of an average lot size including the entire Scott property. Councilmember Burnham seconded the motion.***

Those Voting Yes	***Those Voting No***	***Those Abstaining***	***Those Absent***
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

Councilmember Curtis stated that he is unsure of the impact of the action due to Municipal Code lacking a building envelope requirement and in retrospect, he would have voted no on the motion.

Councilmember Love suggested directing the Planning Commission to propose a building envelope requirement for the lots. The Council concurred.

17.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Section 17.70.030, Accessory Dwelling Unit Standards.

Senior Planner David Stroud presented the item. The proposed ordinance includes a resident-proposed amendment to EMMC Section 17.70.030, Accessory Dwelling Unit Standards, to remove the maximum allowed area of 50% of the primary home's square footage for detached accessory dwelling units (ADUs). The amended code retains the detached ADU permitted size of between 400 and 1,200 square feet. A cursory look at homes in the City found that although many have a footprint greater than 2,400 square feet, several do not. The current 50% limit will not apply to those greater than 2,400 square feet. It can generally be accepted that smaller homes will be located on smaller lots. Removing the 50% limitation could affect detached ADU size but very few detached ADUs are built overall in the City and smaller lots will be hindered by lot size and available area in the rear yard to build a detached ADU. Detached accessory structure standards will also limit the potential size of a detached ADU or accessory structure.

Mayor Westmoreland opened the public hearing at 11:15 p.m.

Rob Carlson spoke in favor of the amendment as he is negatively impacted by the current standards based on his two-story home's square footage rather than his lot size.

Mayor Westmoreland closed the public hearing at 11:18 p.m.

Mr. Stroud confirmed that the amendment would still limit all properties to an ADU square footage maximum of 1,200 and that only one ADU is allowed per lot.

MOTION: ***Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Section 17.70.030, Accessory Dwelling Unit Standards. Councilmember Burnham seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

17.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Section 17.05.200 Tables Relating to Application Expirations.

Mr. Stroud presented the proposed ordinance to add a table to Section 17.05.200 to identify when zoning applications expire due to inactivity. Current Municipal Code standards do not have an expiration of applications after a time period of inactivity. The current direction is to keep applications open and progress to approval at the time of any resubmittal. This may keep the application open for several years with some likely forgotten by the applicant and/or staff. Expiration of applications is a common policy implemented by many municipalities.

Discussion clarified the criteria of an active versus an inactive application.

Mayor Westmoreland opened the public hearing at 11:27 p.m. As there were no comments, he closed the hearing.

MOTION: ***Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Section 17.05.200 Tables Relating to Application Expirations. Councilmember Gray seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

17.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Sections 17.55.080 Landscaping in Parking Areas and 17.100.050 Site Plan Development Standards.

Mr. Stroud presented the item. The proposed ordinance includes an amendment to EMMC Section 17.55.080 Landscaping in Parking Areas to clarify on-site landscaping is required adjacent to parking and drive lanes, and an amendment to 17.100.050 Site Plan Development Standards to define where measurements are taken between driveways and rights-of-way.

Mayor Westmoreland opened the public hearing at 11:29 p.m. As there were no comments, he closed the hearing.

Mr. Stroud confirmed that landscaping includes all plants in addition to grasses.

MOTION: ***Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Sections 17.55.080 Landscaping in Parking Areas and 17.100.050 Site Plan Development Standards. Councilmember Love seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***

☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

18. ORDINANCES

18.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 12.30 Public Assemblies.

Councilmember Love reminded the Council that she had requested a couple of changes to the verbiage from the City Council to the Mayor or his/her designee for consistency in the designated approval authority.

Councilmember Wright requested that the record reflect his statement that the Communications Manager Tyler Maffitt had done a better job at drafting the standards than he could have.

MOTION: ***Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 12.30 Public Assemblies with the following changes:***

1. ***12.30.040(Q) – "As such, back-to-back events shall be approved in special circumstances where the applicant can demonstrate to the*** **Mayor or his/her designee** ***that such assemblies will not be injurious to the health, safety, and general welfare of residents of the area; and***
2. ***12.30.130(A) – "Where an applicant has a history of complaints of noncompliance with large public assemblies license conditions, the*** **Mayor or his/her designee** ***may, but is not required to, hire an independent monitor, at the expense of the applicant, to ensure that license requirements are met during the public assembly."***

Councilmember Wright seconded the motion.

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

19. LEGISLATIVE ITEMS

19.A. UPDATE – 2023 State Legislation Impacting the City

Staff presented, explained, and discussed with the City Council necessary amendments to Municipal Code to come into compliance with recent State Legislative actions changes or clarifications including SB 174, HB 364, HB 406, SB 199, HB 265, HB 512, SB 118, and SB 171.

19.B. MOTION – Legislative Priorities List

Director of Legislative Affairs Cliff Strachan presented the Legislative Priorities List.

MOTION: ***Councilmember Curtis moved to approve the Legislative Priorities List. Councilmember Wright seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

20. CITY COUNCIL/MAYOR'S BUSINESS

21. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Burnham
Councilmember Burnham announced the election of Youth Council Mayor Ericson Ansah-Antwi.

Councilmember Curtis
None.

Councilmember Gray
None.

Councilmember Love
None.

Councilmember Wright
Councilmember Wright stated that he will be unable to attend Pony Express Days due to a family conflict.

22. COMMUNICATION ITEMS

22.A. Financial Report

22.B. Upcoming Agenda Items

23. ADJOURNMENT

MOTION: ***Councilmember Love moved to adjourn at 12:12 a.m. Councilmember Curtis seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

The meeting was adjourned at 12:13 a.m.

Approved by the City Council on June 6, 2023.

Fionnuala B. Kofoed, MMC
City Recorder

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