EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

April 20, 2021, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – VIA LIFESIZE ELECTRONIC MEETING

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

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Kimberly Ruesch, Finance Director; Pete Kane, Planning Manager; Tayler Jensen, Senior Planner; Jessa Porter, Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Angela Valenzuela, Human Resource Manager; and Chas Glenn, Administrative Assistant.

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

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATES – City Administrator Items

Active Projects

- Lone Tree Traffic Signal – anticipated completion date is June 30, 2021.
- Pony Express Parkway Widening Project – awarded March 16, 2021; anticipated completion date is Oct. 31, 2021.
- Airport Road – will be awarded May 2021; anticipated completion date is Oct. 31, 2021.
- Sewer Treatment Plant – awaiting a second appraisal for the land; negotiations will follow; City is working with Lewis, Young, Robertson, and Burningham regarding bond options.
- Pole Canyon Lift Station – delayed due to both Texas storms and electrical issue; new completion date is early May.
- Facebook West Access Road – final lift was delayed last year due to temperatures; failures will be corrected in May along with the final lift.
- Water and Sewer Administration Building – bid award is anticipated in May with a completion in May 2022.
- Wastewater Plant Expansion – anticipated completion date is July 31, 2021, the City has not received any letters from the State regarding effluent deficiency.
- White Hills Well – upgrade needed before watering season begins.
- Sewer Treatment Plan – the City will rent and possibly purchase a plant aerator for the sewer treatment system.

Water – The Water Department will conduct a sanitary survey beginning May 19, 2021. Staff is actively working on a drought mitigation plan and public outreach and a Risk Assessment and Emergency Response Plan. The City recently completed the Division of Drinking Water Sizing Requirements.

Engineering – The City is in discussions with Lewis, Young, Robertson, and Burningham about bonding for road projects and an analysis on balancing impact fees for projects regarding further expansion of Airport Road and Eagle Mountain Boulevard.

Community Development – The City received a Utah Department of Transportation Technical Planning Assistance Award of $45,000 for an update to the Bike and Pedestrian Master Plan.

Upcoming Code Amendments – Residential Zone Livestock Requirements amending the number of animals allowed on larger residential properties, Zoning Transition Table, Community Mailboxes, Community District Node Overlay Zone, Flagpoles, Multi-family Design Standards updates, and Legislative updates.

1.B. UPDATE – Overland Village Two Phase A Preliminary Plat & Master Site Plan

Planning Manager Pete Kane presented the preliminary plat and master site plan request for Phase A of Overland Village Two. The lot and unit layouts comply with the approved Village Two concept plan. The City's development review committee, along with the United Fire Authority Fire Marshal, have reviewed the plans and the applicant has made several changes in order to comply with the requested changes.

The roads, including mid-block pedestrian trails, comply with EMMC 16.30.090. The project includes left-turn lanes and right-turn deceleration lanes at each entrance on Pony Express Parkway. A road connection has been added between lots 298 and 299 to connect to Oquirrh Mountain Ranch to the north. This phase connects to Airport Road across the street from the Village One intersection. The plan complies with parking requirements listed in EMMC 17.55.120(C).

The Overland MDA vests the development with rights in effect at the time the MDA was executed. The updates the City has made recently, such as to lot widths and setbacks, are not applicable. Most of the lots comply with the City's current lot width standards; some of the smaller lots have lot frontages of 55 feet. The previous minimum was 55 feet; the current minimum is 58 feet. The typical building setbacks are also in compliance with the standards at the time of the MDA signing including 22-foot front; 20-foot rear; and 5-foot side, 10-foot garage side, and 15-feet street side for a corner lot.

The townhomes comply with the architectural and design standards of EMMC 17.72. . The townhomes are all designed with rear-access garages. Most of the townhomes contain three or four units to a building, with some five-plex buildings. The designs comply by providing a minimum of two materials on all faces per EMMC 17.72.040(F)(1). Each building includes a mix of colors and there are several color schemes proposed. The applicant should develop plans/details for cluster mailboxes to reflect the design of buildings as required per Mailbox Structure (EMMC

17.72.040(J)). The plans should be updated to indicate mailbox locations and include pullouts or temporary parking areas.

Consistent privacy fencing is required along Pony Express Parkway and Airport Road. Staff expects and recommends that fencing be consistent with the masonry wall and fencing installed in Overland Village One. Due to the level of detail provided in the master site plan for the townhomes, staff believes that individual site plans are unnecessary in this case and have included a recommended condition of approval to that effect.

Twelve-foot-wide asphalt trails have been incorporated into the plans linking open space areas, the trail along Pony Express Parkway, Oquirrh Mountain Ranch to the north, and along some of the main roads. Small entry monuments, anticipated to be similar to the small monument at Overland Village One, are proposed at each entrance along Pony Express Parkway. All open space areas will be owned and maintained by the homeowner's association. To reduce water use and ongoing maintenance, the plans call for enhanced native landscaping such as grasses, wildflowers, trees, and shrubs. Areas directly around the townhomes will be improved with additional plantings and small areas of sod. The MDA requires a medium park in Village Two; this park will be in a later phase of this village.

The Planning Commission held a public hearing on the requests on April 13, 2021. The Commission voted unanimously, 4 to 0, with one absentee, to recommend approval of the Overland Village Two Phase A Preliminary Plat and Master Site Plan with the following conditions:

1. Individual site plans are not required for the townhomes in this plat;
2. The applicant shall submit plans for mailbox locations, including pullouts or temporary parking areas to improve traffic flow;
3. Privacy fencing, in compliance with EMMC 17.60.110, shall be installed along Pony Express Parkway and Airport Road; and
4. The plans shall comply with the Eagle Mountain Dark Sky Ordinance (EMMC 17.56).

The Commission also noted that the applicant stated they plan to continue the masonry wall from Village One with this portion of the project along the east and south.

Councilmembers Love, Clark, and resident communications expressed concern with the concept plan's proposal to locate native landscaping between and at the fronts and sides of the townhomes due to the lack of play areas for children near their homes and issues with maintenance and the attractiveness of other areas with natural landscaping in the City often depleted of the native vegetation. Councilmember Clark requested the applicant balance water conservation efforts with livability for residents and to consider traffic flow impediments for the future elementary school site pick up and drop off areas.

Applicant representative Bryon Prince with Ivory Homes said sod is planned for the areas adjacent to the public rights-of-way. The major open space corridors with the trail system will have berms with wildflowers, grasses, trees, and shrubs watered with a drip system. The installation cost is similar to sod but uses less water overall. Due to the 12 acres of open space in the development, they are trying to be judicious of water usage, especially in consideration of the cost and burden to future residents. The village has specified park spaces and private amenities that have not been determined at this stage of the project.

Councilmember Curtis inquired if the proposal meets the light vegetation requirements. Although not opposed to native landscaping, he expressed concern with the longevity of upgraded natural landscape and the burden to the City should the homeowner's associate cease and the upkeep fall to the City.

Parks and Recreation Director Brad Hickman explained the landscape proposal is for manicured, native xeriscape with additional plant materials and rocks which differs from other areas of the City with the unenhanced, remnants of preexisting plant life. He welcomes the concept in consideration of the water needs of the City and believes it meets the City's requirements.

Councilmember Gray inquired if the clubhouse size is sufficient for the number of residents it serves and if it meets the distance requirements. He expressed concern regarding the accessibility to the front of the townhomes from the parking areas.

Assistant City Administrator/Community Development Director Steve Mumford said the terms of approval of the MDA were finalized before updates to the residential zoning requirements. The existing clubhouse meets the clubhouse requirements for the project. He believes the quarter-mile requirement postdates this development; previous requirements were for a centrally located clubhouse. Staff has not conducted a detailed analysis of the proposed plant life for the native landscape to determine if it meets percentage requirements. He concurs with the maintenance concerns for the natural landscape areas and the grass play areas. The school and park play areas are close by but not adjacent to the units.

Mr. Prince explained plan layout and access will be clarified during the review of the more detailed phases of the project. The design consolidates areas to provide adequate parking with two-car garages and full-length driveways to increase livability during inclement weather. He will provide examples of the house product during the next review. The vision is to have a diverse mix of housing stock that provides residents move-up options within the same neighborhood which increases the overall value of the area. It is cost neutral to add additional sod and said he will look at opportunities to increase the sod areas to achieve the requested balance. The development agreement defined the location of the parks. He requested the Council provide direction regarding their preferred version and elements of current Municipal Code standards that differ from the MDA vested requirements.

Mr. Mumford clarified that the final plats will be staff-level approvals. The Council will have the opportunity to provide feedback and direction during the upcoming site plan review. The parks comply with the MDA requirements and are separate from this approval.

Councilmember Love noted that Municipal Code requires 50% turf for multifamily areas and requested the site plan review include turf calculations for the project.

Councilmember Love was excused from the meeting from 4:49 p.m. to 4:57 p.m.

1.C. PRESENTATION – FY 2021-2022 Budget

Finance Director Kimberley Ruesch presented the item. A capital budget covers projects greater than $50,000 and the budget follows the project across fiscal years. An operating budget covers the maintenance needs, and funding approval is limited to the fiscal year. The tentative budget that will be presented in May includes a five-year overview of the capital budget. The next step is the review and ranking by the Councilmembers of the budget priorities for the upcoming fiscal year. The tentative budget will be presented during the May 4, 2021 City Council Meeting and will be amended per Council requests and presented during the June 15, 2021 City Council meeting for a public hearing and vote. The budget will go into effect on the first day of the fiscal year, July 1, 2021.

2. AGENDA REVIEW

9. AGREEMENTS

9.A. Insurance Renewal Agreement – MotivHealth

Human Resource Manager Angela Valenzuela explained the Employee Assistance Program rates were raised by $0.25 per employee, including part-time employees, per month equaling a total increase of approximately $400 per month. The rate increase was not included in the packet materials.

9.B. Safe Routes to School Cooperative Agreement

Mr. Mumford explained the project has two fund sources. This agreement is for the eight-foot asphalt trail along Eagle Mountain Boulevard and flashing, pedestrian crossing signs to be placed at Lehi-Fairfield Road.

Mr. Hickman explained the Council had previously approved a Tourism, Recreation, Culture, and Convention (TRCC) grant that has a completion deadline of April 30, 2021. The Safe Routes to School and TRCC grants are reimbursable. Application for reimbursement for the Safe Routes to School cannot be submitted until fiscal year 2023. The trail will connect Brandon Park to Major Street and will facilitate pedestrian traffic along Eagle Mountain Boulevard. Staff received approval to use grant money for flashing beacons at Lehi-Fairfield Road and the turn lane on Eagle Mountain Boulevard. Additional landscaping is planned for the area near the cemetery.

10. BOND RELEASES

10.A. Skyline Ridge Phase 2, Plat 3 – Into Warranty

Councilmember Clark expressed concern with releasing the bond for Plat 3 until Plat 4 has been completed and the issues in the development adequately resolved. Engineering Assistant Robert Ballif verified a bond is in place for Skyline Ridge Plat 4. Mr. Mumford confirmed that no building permits have been issued for Plat 4 and will not be until the developer has completed the infrastructure. Mr. Mumford and Mr. Ballif stated that staff has been inspecting the project frequently. Mr. Ballif explained that the bond is specific to improvements in Plat 3 and the developer has completed all the requirements in Plat 3 for the bond to be released.

11. CHANGE ORDER

11.A. Cory B. Wride Memorial Park Phase 2 Project Change Order #2 – Kenny Seng

Councilmember Gray requested clarification regarding the funding obligation division assumed by the City and Facebook for the change order. City Engineer Chris Trusty clarified that Facebook has agreed to pay for the change order and has already paid to design the system. The Council will need to approve an amended agreement in association with the project at a future meeting. Without the filtration system, the City will be unable to use any of the secondary water from Facebook for City parks. Mr. Hickman explained that last year, algae clogged the secondary waterline, valves, and sprinkler heads. Staff is working to resolve potential pressure issues that may arise from pumping the water uphill from Facebook to the park. Facebook also agreed to fund an onsite filter.

12. MINUTES

12.A. April 6, 2021 Minutes – Regular City Council Meeting

Councilmember Gray requested clarification regarding the intention of the verbiage in the minutes regarding the request by Councilmember Love and himself for flagpole height standards to be included as a discussion item at a future meeting in relation to "the Council authorized staff to approve the future flagpole application following the flagpole height Municipal Code standards to be determined by the City Council" on page 23. Mr. Mumford said staff added a condition to the notice of decision on the approval of the site plan for Macey's at Market Place that the flagpole will be required to comply with the future standards, as determined by the City Council. He clarified that staff approval will be based upon the amended standards as directed by the Council and not determined by staff.

Councilmember Love requested a correction to the second paragraph on page five amending "the northern area of the property" to "the *southern* area of the property," and clarification on the sixth paragraph on page 17 amending "a foot difference between the drive aisle and the wall between the homes" to "a foot difference between the drive aisle and the *top of the* wall between the homes."

SCHEDULED ITEMS

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 17.25 Residential Zones.

Mr. Kane presented the item. Recent development project proposals have brought to light some potential revisions to EMMC 17.25 Residential Zones. EMMC 17.25 establishes a number of residential districts that are primarily either single-family or multifamily. The MF1 zone allows for "twin homes, duplexes, triplexes, and townhomes with no more than six units per building," as well as "footprint" single-family dwellings. This amendment recommends the removal of single-family dwellings as a permitted use in the MF1 zone, resulting in the RC zone becoming the densest single-family residential district, allowing a minimum lot size of 4,500 square feet and an average lot size of 6,000 square feet. EMMC 17.25 also establishes development standards for all the residential districts including minimum lot size, minimum lot frontage, maximum building heights, and setbacks. Just over half of the single-family zoning districts include both a minimum and average lot size. This amendment recommends adding a minimum average lot size of three-quarter acres for the RD2 zone.

The amendment removes "for 'footprint' single-family homes (not on fee simple lots; sometimes defined as patio homes" from EMMC 17.25.020(E)(2), single-family dwellings as a permitted use in the MF1 column on the 17.25.030 land use table, and single-family detached from the Type of Housing row and MF1 column on the 17.25.040 residential development standards table. The amendment adds "and a minimum average lot size of three-quarter-acre (32,670 square feet) is required" to EMMC 17.25.020(B)(2) and "3/4 Acre (32,670 sq ft)" to the RD2 column of the Minimum Average Lot Size row on the 17.25.040 residential development standards table. The amendment acknowledges that the recommendations remove a table footnote resulting in a numbering change to the remaining footnotes.

Mr. Kane clarified the proposal of the amendment is due to concerns that a developer could propose a single-family detached product and receive approval for MF1 zoning then, should the development not move forward but the zoning remained intact, a proposal could come forward for attached product. The MF1 and MF2 zones would be reserved for multifamily. The RC zone can be requested for smaller single-family product and includes frontage requirements and minimum and average lot sizes not set in the MF1 and MF2 zone standards.

14.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan and Rezoning Certain Lands Known as Sweetwater Industrial Park.

Mr. Kane presented the item. The subject property is about 126.61 acres located west of Pony Express Parkway and south of Tiffany Lane. On July 21, 2020, the applicant requested the subject property to be rezoned to Industrial with the Sweetwater Industrial Overlay Zone. The City Council approved the LMD and Sweetwater Industrial Overlay zones on lot 1 but tabled the remainder of the request to allow the applicant to review the new LMD zoning standards and consider them for use within the industrial park. The rezone requests approximately 50.14 acres to Industrial with the Sweetwater Industrial Overlay, approximately 34.6 acres to CC, and approximately 41.87 acres to LMD. The current General Plan designation is Business Park/Light Industry on 104.36 acres and Neighborhood Residential One on 22.25 acres. The applicant is seeking an amendment to the General Plan that would result in Business Park/Light Industry on 92.51 acres and Community Commercial on 34.1 acres. The property was zoned Industrial in the Eagle Mountain Properties Master Development Plan, which has expired.

Most of the uses that are permitted or conditional in the Industrial zone are now permitted as special uses in the LMD zone. The Sweetwater Industrial Overlay allows for metal buildings that are not specifically permitted in the LMD zone.

The City's Transportation Master Plan includes several primary roads which will service the subject property – Tiffany Lane, running along the northern property edge, is a major arterial; Pony Express Parkway, running along the eastern property edge, is a minor arterial; and 1020 East, running north-south through the center and along the western edge of the property, is a collector. While the exhibits show the other interior roads within the project to be 77-feet wide, they would not need to be built to the collector road standards and instead are proposed at this width to better serve large vehicles and turning in and out of properties.

Mr. Kane reviewed Municipal Code requirements for the Sweetwater Overlay Zone. The Planning Commission held a public hearing on the requests on March 23, 2021, and unanimously voted to recommend approval of the General Plan amendment. The Commission unanimously voted to recommend approval of the rezone as requested by the applicant with the following conditions applied to the land zoned Industrial with the Sweetwater Industrial Overlay:

1. Automobile sales and/or service shall be a permitted use;
2. Convenience stores shall be a permitted use;
3. Electronic data management businesses shall be a permitted use;
4. Laundry and dry-cleaning establishments shall be prohibited;
5. Manufactured homes developments shall be prohibited;
6. Motels and hotels shall be prohibited;
7. Other manufacturing businesses shall be a permitted use; and
8. Restaurants and banks (with drive-through service facilities) shall be prohibited.

Councilmember Clark voiced apprehension in allowing self-storage or mini-storage units due to concerns that the approval of the overlay on this property would increase pressure on the Council to reduce the standards for the approved Available Self-Storage Boat and RV southeast of the property, especially in consideration of the housing development to the east. Mr. Kane clarified the moving and storage facilities and businesses use allows vehicle rental; self-storage is strictly storage units and possibly RV storage. The Council may remove undesired uses from the approval. The Planning Commission recommended applying the same use changes to this portion of the property as were approved for lot 1. Councilmember Love promoted enforcing stricter standards for Available Storage because the property fronts Pony Express Parkway, while the parcels requested for the Sweetwater Industrial overlay are not located along major roadways.

Councilmember Gray said towing yards should be a permitted use in an industrial area and some of the uses identified in the overlay would be more appropriate next to commercial uses than LMD uses. Mr. Kane verified the permitted industrial uses are light industrial uses; however, some more intensive uses are categorized as conditional uses requiring Planning Commission approval. Heavy industrial uses are not specifically identified in the standards. The primary difference between the LMD zone and industrial overlay is the reduced design standards, such as metal buildings and gravel parking lots behind buildings, which reduces development costs. The LMD zone has expanded uses and newer standards than the industrial zone.

Councilmember Curtis said they are not raising the standards on the applicant. The overlay is a holdover from the Eagle Mountain's Properties MDA. He would prefer approving the LMD zone due to the increase in uses and the higher development standards. Councilmember Clark said approving the overlay increases the potential for the land around the sewer treatment plant to be developable. Councilmember Curtis said that due to the houses being developed east of the treatment plant, he thinks the land is valuable enough to attract higher standards. Councilmember Burnham said home prices near a sewer treatment plant are generally significantly lower than housing in other areas in the City and there will not be a market for expensive homes in this area.

Councilmember Curtis inquired if the Sweetwater Industrial overlay can be repealed from Municipal Code if the reduced standards could be allowed in another zone. Mr. Kane explained that the repeal of the standards would result in existing development being considered non-compliant but grandfathered. Any changes to existing buildings or new construction would be required to meet the new standards. Councilmember Curtis requested for the body to consider the long-term implications of the overlay.

15. ORDINANCES

15.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code by Repealing Section 3.10.080 Reimbursement for Certain Users.

City Attorney Jeremy Cook explained that the reimbursement of certain municipal energy sales and use tax, that is paid or remitted to Eagle Mountain City on behalf of a person or entity, was adopted for the Facebook project. Staff has determined that this reimbursement is not suitable for all businesses and is recommending that this section of the Municipal Code be repealed.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 5:58 p.m.

7:00 P.M. POLICY SESSION – VIA LIFESIZE ELECTRONIC MEETING

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

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Kimberly Ruesch, Finance Director; Pete Kane, Planning Manager; Tayler Jensen, Senior Planner; Jessa Porter, Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Angela Valenzuela, Human Resource Manager; and Chas Glenn, Administrative Assistant.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:02 p.m.

5. PLEDGE OF ALLEGIANCE

Director of Administrative Services/City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Pony Express Days will be held June 2 to 5. Events will include a carnival, parade, fireworks, and movie in the park. Details to be announced soon. The Pony Express Events Demolition Derby will be held on June 5, 2021, and the Professional Rodeo Cowboys Association rodeo will be held June 10 to 12.

- You may sign up for text or email alerts from the Utah County Health Department regarding COVID-19 vaccine availability by texting UCHEALTH to 888777 to receive notification of when appointments are available and who is eligible. If you have a question or need help registering for your appointment, call the COVID-19 hotline at 1-800-456-7707. The hotline has language and translation services in more than 100 languages, including Spanish.

To receive City notifications, including emergency info, news, events, and traffic alerts, sign up at emcity.org/notifyme.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:04 p.m.

Oak Hollow resident Brian Alexander commented on the developer proposal of a vinyl fence attachment to the masonry fence between the O'Reilly's Auto Parts store and the residential development. He said the option is precarious due to the winds in the City, and expressed stability and aesthetic concerns. He sees the option as a temporary, quick fix.

Tyler Anderson submitted the following comment: "I live in Oak Hollow in one of the homes bordering the commercial property. I do not like or approve of the proposal to add fence extenders to the top of the wall. It is not aesthetically pleasing. If vinyl were used, white would be blinding in the sunlight and beige/tan would look tacky. Other colors or materials would likely not align with the look and feel that has been set forth for our neighborhood. I also do not want the posts to be attached on our side of the wall and suddenly have white posts sticking halfway down our wall (see image 1 on page 136 of the agenda packet). I also have concerns with how well this proposed solution will hold up to the wind and gusts we receive. While my preferred solution would be a full wall extension, I understand the limitations faced with the size of the footings. If that is an impossible solution, I feel that an effective wall of evergreens is the next best solution that has been proposed."

Trevor Burton Murri submitted the following comment: "The construction of many more homes in the area has led to an increase in the amount of waste accumulated. Due to weather and recent windstorms, much of the garbage has blown into fields and nearby plots of land. My proposal is to hire a few young men (primarily me), to spend time to pick up the trash in fields and clean the city up. A prime example is in the fields directly opposite Ridley's Family Market. The Utah minimum wage is $7.25 an hour - a fitting wage for young men doing manual labor. Please contact me at [REDACTED] prior to the meeting if any questions arise."

Cameron Moon submitted the following comment: "I live directly behind the area where the dollar store and future O'Reilly auto store will be and would like to comment that a vinyl wall extension would not look good at all. I also don't feel that it would be stable enough for the winds. I am ok with trees staggered close together that are mature enough to create privacy within 1-2 years as they grow. But we need commitment that they will be maintained and properly cared for or replaced if needed. Or they need to replace our section of the wall with a taller wall."

Elinor Bake submitted a written comment requesting the City slow building activities until more roads are provided to facilitate emergency evacuations.

Oak Hollow resident Diana Anderson said she and her neighbors dislike the extension option. Their preference is to increase the height of the existing wall due to the safety and permanence provided by the wall; however, as the developer has indicated the option is not feasible, of the options presented, evergreen trees are an agreeable solution. She desires assurance that the trees will be high and full enough to provide adequate screening and that they will be replaced if needed. They are also concerned with the aesthetics of a partial wall and advocate for a visually appealing solution.

Discussion ensued regarding potential tree species that would be appropriate and would provide adequate screening, the screening preferences of the Oak Hollow residents, and the feasibility of the screening options.

Rich Wood submitted the following comment: "I want to make comment on the way meetings are communicated to the public as we come to the end of the state mandates for Covid-19. There has been a huge benefit to the public as well as both the planning commission and city council to use the Lifesize program. A few of the major benefits are the most obvious. The agenda being visible and downloadable during the broadcast is a great asset to the citizens participation in the meetings. Secondly, the individual cameras on all meeting participants, eliminated members from zoning out or having side conversations. Lastly, all pertinent presentations that are shared from a presenter can be seen by the public in a much more useful manner to the public not in city hall. It's my hope that as council and planning commission come back to the building that we will also continue to use the Lifesize technology to the benefit of the public and their continued involvement in municipal government and their decisions."

Mayor Westmoreland closed public comment at 7:21 p.m.

Ms. Kofoed explained the City intends to continue using the Lifesize program and to implement a hybrid in-person and electronic meeting. The City strives to improve the current system and to accommodate the citizens as much as possible.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Gray

Councilmember Gray expressed appreciation for citizen involvement and congratulated Ms. Kofoed for being awarded the City Safety Award for the month of April. The Youth Council and the Eagle Mountain Art Alliance (EMAA) are participating in the Neon Nights event at Frontier Middle School on May 7, 2021, from 7:00 to 10:00 p.m. that will include performances, bounce houses, an obstacle course, and food trucks.

Councilmember Clark

Councilmember Clark stated the Be Ready Eagle Mountain group held a notification system drill and scavenger hunt utilizing the new Community Emergency Response Team trailer the previous Saturday. The next Ham radio examination will be held on June 19, 2021, prior to a Ham radio Field Day at Cory Wride Memorial Park on June 19, 2021, from 12:00 p.m. to 8:00 p.m. She thanked everyone for their participation in the drills in association with the Great Utah ShakeOut.

Councilmember Love

Councilmember Love advocated for water conservation. The majority of the water use in the City is for landscaping. The entire State is in drought or extreme drought conditions. She encouraged residents to visit https://water.utah.gov/water-data/drought for information regarding the drought and https://conservewater.utah.gov/guide.html for information about proper watering amounts and frequency for the county as overwatering is an issue. The watering recommendations are frequently updated and take into account weather conditions which will help residents save money on their water bill in addition to helping with conservation efforts.

Councilmember Curtis

Councilmember Curtis beseeched residents to not water during the heat of the day. Daytime watering evaporates and watering during the appropriate time conserves water and improves your lawn. Self-governance is preferable to legislation or executive orders to reduce water over-usage. He thanked the residents for their comments and passion.

Councilmember Burnham

Councilmember Burnham thanked the Oak Hollow residents for working towards a solution to the screening issues impacting their neighborhood.

Recognition

Councilmember Burnham presented Chief Deputy Recorder Lianne Pengra with a challenge coin in recognition for her service, sacrifice, and contributions to the City.

CONSENT AGENDA

9. AGREEMENTS

9.A. Insurance Renewal Agreement – MotivHealth

9.B. Safe Routes to School Cooperative Agreement

10. BOND RELEASES

10.A. Skyline Ridge Phase 2, Plat 3 – Into Warranty

11. CHANGE ORDER

11.A. Cory B. Wride Memorial Park Phase 2 Project Change Order #2 – Kenny Seng

12. MINUTES

12.A. April 6, 2021 Minutes – Regular City Council Meeting

13. PRELIMINARY PLATS & SITE PLANS

13.A. O'Reilly Auto Parts – Site Plan

MOTION: ***Councilmember Clark moved to approve the consent agenda including the requested changes to the minutes and insurance renewal agreement as discussed during work session and removing item 13.A. and placing it as a scheduled item. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

13. PRELIMINARY PLATS & SITE PLANS

13.A. O'Reilly Auto Parts – Site Plan

This item was discussed after item 14.B.

Senior Planner Tayler Jensen presented the item. He said discussion during the previous meeting touched on the elevations and focused on the buffering concerns due to the elevation differences between the site and the Oak Hollow homes. The drive aisle is 1.5 higher than the back curb of the parking lot, and five feet higher than the bottom of the wall. The Council directed the applicant to provide an adequate buffering solution. The applicant submitted a proposal to add a vinyl extension to the top of the masonry wall and provided photos of examples.

Applicant representative Ryan Forsyth said he originally proposed landscaping, as he feels it provides the best solution. At the request of the Council, he explored other options that would not require excavation or installing retaining walls on the residential properties. He envisions installing the posts for the vinyl extension on the business side of the masonry wall for a cleaner look on the residential side. He spoke with Ms. Anderson and is open to using landscaping. He contacted a supplier in Oregon that can provide six-foot arborvitae trees which would increase the height provided by the masonry wall by an additional four feet for a total of ten feet of screening. He proposed planting approximately 200 feet of evergreen trees directly south of the peninsula at the southeastern corner of the Dollar Tree parking area and along the parking lot area between the Dollar Tree and O'Reilly's Auto Parts to shield the drive aisle for the four houses located adjacent to the lowest elevation of the masonry wall. The nursery recommended planting the trees every six to ten feet. Planting the trees every eight feet would require about 25 trees. He said they are still removing an additional 8,000 cubic feet of dirt which will result in a lower grade. This portion of the commercial area is the most impacted by grade changes.

Discussion ensued clarifying the location and elevation of the proposed landscaping and the resulting screening.

Councilmember Love expressed concern with the time required for the trees to fill in the space between the eight-foot planting distance. Mr. Forsyth said planting the trees closer than recommended could result in the area looking overgrown or be detrimental to the health of the trees.

Councilmember Gray said he feels that landscaping would be inadequate and will not fulfill the Municipal Code requirement for a six-foot masonry wall. Councilmember Love recommended installing a six-foot masonry wall along the curb of the commercial uses. Mr. Forsyth expressed concern that installing a masonry wall along the curb would impede the necessary turn radius for semi-trucks and trailers. He said he is not opposed to the option; however, he refuted the statement requiring a second six-foot wall, as the existing masonry wall along the property line fulfills the Municipal Code requirements and contended that the solution needs to meet the headlight screening requirements, not the six-foot wall buffering requirements; however, he would be willing to install a six-foot masonry wall along the 200 feet of the properties with inadequate screening.

Mr. Forsyth said that underground stormwater storage tanks for the Dollar Tree and the medical offices to the east are located at the lowest elevation points and spaced along the area between the masonry wall and the top back of curb. The water from the properties to the east drains onto their property. Their original proposal, opposed by the City Council, was to locate the stormwater drainage area on the Pony Express Parkway side of the businesses. Councilmember Gray expressed concern with storing water along the fence line near the homes and the masonry wall serving as a retention wall. City Engineer Chris Trusty explained that the storage tanks are contained and watertight and do not pose drainage or flooding risk to the homes, and the tanks discharge into the City storm drain on Porters Crossing then into the Tickville Wash to meet the allowable release rate into the system.

Discussion ensued regarding potential solutions and debating concerns with the suggestions. Solutions discussed include a staggered block wall, relocating the existing masonry wall, or attaching a taller fence to the existing masonry wall to prevent an alley between the fences.

Mr. Forsyth explained the masonry wall has two-foot columns place on top of five-foot footing placed three to five feet deep and has prefabricated six-foot panels making it difficult to increase the height of the fence. To bring the fence to grade, a four-foot-high retaining wall would need to be placed far enough on the residents' property to bury the five-foot footing. He explained some of the recommendations would require major alterations to the approved Dollar Tree site that has a completion deadline of June 1, 2021. He extended the existing masonry wall as requested prior to construction of the 7-Eleven at a cost of $20,000 for four panels. As the Oak Hollow residents have stated they are amenable to landscaping, he would like to move forward with that solution especially as Municipal Code does not specify a masonry wall above six feet high. He is willing to place a fence on his property but is concerned with the safety and maintenance concerns of creating a vacant space between two fences.

Councilmember Curtis requested clarification regarding the Municipal Code requirements for fencing between residential and commercial properties as his understanding is the purpose is to separate and provide buffering between incompatible uses. Based upon that understanding, he believes the existing masonry wall fails to meet the intention of the requirement.

Councilmember Burnham expressed her support of a combination of a 3.5-foot fence and trees and trusting staff to approve an applicant proposal that meets the Council's directives. Mr. Trusty assured the City Council that staff can work with the applicant to ensure the solution is sound, provides adequate headlight screening, and will not adversely impact the underground stormwater tanks. Mr. Hickman suggested utilizing a few species of the evergreens to increase pest resilience. Councilmembers Clark and Love stated they were not comfortable in passing a screening plan without personally evaluating the specifics of the proposal.

Mr. Forsyth suggested layering landscaping with hedges near the curb and trees placed farther south or planted in the backyards of the residence. The layered landscaping would alleviate concerns with potential issues due to placing footings for a block or masonry option above the stormwater tanks and the safety and privacy issues of two walls. Councilmember Curtis said the solution might be adequate, but he also would like to see the proposal first.

Mr. Forsyth respectfully requested for Council consideration of his time constraints and to allow a staff-level approval, as he feels staff understands the concerns of the Council, and because he has a $1,000 a day penalty if he fails to meet the June 1st Dollar Tree deadline. He agreed to install a three-foot vinyl fence or a hedge and the trees and is willing to continue to work with the impacted Oak Hollow residents and offered to donate an additional one to two trees per home. He is unsure how to present the requested proposal and would rather spend the money on the solution rather than an additional application.

MOTION: ***Councilmember Burnham moved to approve the site plan for the O'Reilly Auto Parts with the following conditions:***

1. ***The applicant shall increase the height of the wall anywhere necessary to provide effective screening;***
2. ***All parking lot lighting shall be no more than 17 feet above the pavement;***
3. ***That the dumpster enclosure shall be similar in material and colors to the building;***
4. ***Bicycle parking shall be provided in compliance with EMMC 17.35.050(K); and***
5. ***The applicant shall work with staff and the Oak Hollow residents to determine appropriate species of staggered evergreen trees and hedges or a vinyl fence to provide adequate screening.***

Motion failed for lack of a second.

Mayor Westmoreland suggested a requirement to decrease the elevation of the parking lot, to plant the trees at the minimum allowable, staggered distance, and a solid hedge for the length of the four residential properties at the lowest elevation. Discussion ensued regarding the grade of the site and the impact of decreasing the parking lot elevation.

MOTION: ***Councilmember Burnham moved to approve the site plan for the O'Reilly Auto Parts with the following conditions:***

1. ***The applicant shall increase the height of the wall anywhere necessary to provide effective screening;***
2. ***All parking lot lighting shall be no more than 17 feet above the pavement;***
3. ***That the dumpster enclosure shall be similar in material and colors to the building;***
4. ***Bicycle parking shall be provided in compliance with EMMC 17.35.050(K); and***
5. ***The applicant shall install staggered evergreen trees planted at the minimum recommended distance and a 3.5-foot hedge along 4233 E, 4243 E, 4253 E, and 4263 E Willow Oak Way at the lowest grade to provide adequate screening.***

Motion failed for lack of a second.

Councilmember Love recommended a faux-stone vinyl fence rather than a hedge due to concerns with gaps in the hedge. Mr. Forsyth agreed to install the faux-stone fence if desired.

MOTION: ***Councilmember Gray moved to table the site plan for the O'Reilly Auto Parts. Motion failed for lack of a second.***

Councilmember Burnham questioned what would be accomplished by tabling the item as she did not feel that a more ideal solution would be determined prior to the next meeting.

Councilmember Gray stated he thinks a masonry fence is required and a vinyl fence fails to meet Municipal Code. He reiterated his belief expressed at the previous meeting that the applicant is responsible for proposing a solution pleasing to the Council. He volunteered to join the applicant on-site to discuss options as he disapproves of the proposed options.

The Council discussed and clarified their concerns and preferences and the impact of delay and approval to the business and the residents.

Mr. Forsyth stated that as an attorney, his understanding is the Municipal Code requires a six-foot rock or masonry fence at the property line. He has property rights like the residents. He reiterated the Municipal Code requirement for a 3.5-foot headlight screen. He feels the Council is confusing the legal requirements with the ideal. The vinyl fence, or other options, would be for the screening requirement, as the buffering requirement is fulfilled with the existing masonry fence at the property line. He expressed sympathy for the residents while advocating to be able to move forward with a solution. He feels the requests by the Council place an unnecessary burden on him and the development to resolve a problem that is not his fault. He expressed discouragement that his property rights were not a consideration or under discussion. He intends to own the property for a long time and cares about the aesthetical appeal and no one has inquired if he approves of the proposed solution or considered the impact and maintenance of the option to his property and business.

Councilmember Clark requested an exception to meeting policies and procedures to allow an Oak Hollow resident to comment on the discussion.

Councilmember Burnham noted that the Council has previously approved hedges for headlight screening and felt it was unnecessary to allow additional public comment, as the residents have already commented on a landscaping solution. Discussion ensued regarding permitting a hedge for headlight screening.

Councilmember Clark inquired if Mayor Westmoreland would allow Ms. Anderson to call into the meeting. Mayor Westmoreland declined to allow additional public comment, said the body needed to move on to the next item, and called for a motion.

The Council resumed discussion regarding the landscaping screening options. Mayor Westmoreland repeated the call for a motion.

MOTION: ***Councilmember Love moved to approve the site plan for the O'Reilly Auto Parts with the following conditions:***

1. ***The applicant shall increase the height of the wall anywhere necessary to provide effective screening;***
2. ***All parking lot lighting shall be no more than 17 feet above the pavement;***
3. ***That the dumpster enclosure shall be similar in material and colors to the building;***
4. ***Bicycle parking shall be provided in compliance with EMMC 17.35.050(K);***
5. ***Using the site plan as outlined in the truck loading exhibit moving the parking from the south to the side of the building;***
6. ***The applicant shall install a 3.5-foot, solid hedge at the parking lot level to screen headlights and shall layer six-foot shrubs on the commercial property at the minimum distance for the length of the four houses along 4233 E, 4243 E, 4253 E, and 4263 E Willow Oak Way with the greatest elevation difference from the commercial site; and***
7. ***The City shall perform a test of the screening efficiency of the landscaping prior to issuing a certificate of occupancy.***

Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham and Carolyn Love. Those voting nay: Colby Curtis, Melissa Clark, and Jared Gray. The motion failed with a vote of 2:3.

The Council determined to discuss the other agenda items and return to this item.

The meeting was recessed from 10:10 p.m. to 10:16 p.m.

The following portion of the discussion occurred after item 15.A.

MOTION: ***Councilmember Curtis moved to reconsider the site plan for O'Reilly's Auto Parts. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

Discussion resumed deliberating, expanding, and clarifying the merits, limitations of, requirements for, and concerns with the previously proposed screening solutions.

Councilmember Clark reiterated her request to allow a resident to speak on behalf of the Oak Hollow residents. Mayor Westmoreland noted the limitation of a single resident's ability to speak on behalf of the residents of Oak Hollow and if a single opinion would be helpful to the situation and inquired if Councilmember Clark had knowledge of the resident desiring to speak on something material to the discussion. Councilmember Clark said the evening's discussion has changed the situation and the City has previously errored on the side of permitting additional resident feedback. She said Ms. Anderson had reached out to her regarding the desire to speak. Mayor Westmoreland expressed concern with setting a precedence for additional comment; however, he allowed it if it enables material progress.

Ms. Anderson stated she appreciates the proposed solutions included in the motion. She clarified she would prefer exploring wall options due to the immediate, non-variable permanence and safety afforded by a wall, as a wall remains her preferred option, especially due to the growth variables of landscaping and the potential for root damage to the underground stormwater tanks. She said most of her neighbors concur. She was unaware of the spacing requirements for the evergreen trees when she had agreed to the option.

Councilmember Gray recommended the applicant seek damages from the residential developer and stated he believes Municipal Code requires a difficult to scale, six-foot wall from the elevation of the top back of curb. Councilmember Curtis stated as Municipal Code excludes a scalability requirement, he was not comfortable with requiring that standard. He clarified his main concerns are a vinyl fence, the variance of growth and fullness of hedges impact on screening, and not approving the final proposal.

Mr. Forsyth presented and discussed the project elevations. He said the final plan will meet all Municipal Code requirements and the height differences will not be as severe as assumed. He stated the residents are being allowed to dictate his property rights. Discussion ensued clarifying the height differences. Mr. Forsyth stated the requested changes are technically on the previously approved Dollar Tree application and he has agreed to help the neighbors even though he meets Municipal Code. It is not his responsibility to prevent crime or make the walls unscalable. He said the previous height measurements are based upon the grade before he removes 8,000 cubic yards of material from the site; the final elevation will be a foot-and-a-half lower than indicated, so that the trees are not necessary for screening. He has met all the landscaping requirements. The arguments discussed during the meeting are irrelevant to the Municipal Code requirements and are discriminatory against the uses he is developing in the City.

Councilmember Love stated that considering the new information provided on the grading plan, she is ready to make a motion and asked if the applicant was amenable to the conditions of her previous motion. Mr. Forsyth expressed concern with the condition regarding withholding a certificate of occupancy should the hedge not be sufficiently opaque, as he is unable to purchase a hedge at full growth and planting the hedges too close together decreases their health and longevity. Councilmember Clark conceded to the applicant's concerns and request the removal of the screening test condition.

MOTION: ***Councilmember Love moved to approve the site plan for the O'Reilly Auto Parts with the following conditions:***

1. ***All parking lot lighting shall be no more than 17 feet above the pavement;***
2. ***The dumpster enclosure shall be similar in material and colors to the building;***
3. ***Bicycle parking shall be provided in compliance with EMMC 17.35.050(K);***
4. ***The site plan shall be as outlined in the truck loading exhibit moving the parking from the south to the side of the building; and***
5. ***The applicant shall install a 3.5-foot hedge planted at the minimum recommended planting distance at the parking lot level to screen headlights, and shall layer staggered, six-foot trees on the commercial property at the minimum distance for the length of the four houses along 4233 E, 4243 E, 4253 E, and 4263 E Willow Oak Way with the greatest elevation difference from the commercial site.***

Councilmember Gray requested that Ms. Anderson to be allowed to voice her opinion on the motion.

Ms. Anderson repeated that her preference is for a taller wall, but as that appears not to be feasible, she appreciates the screening provided by the hedge and the privacy afforded by the trees, as long as they are mature enough to be adequate.

Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. Those voting nay: Jared Gray. The motion carried with a vote of 4:1.

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 17.25 Residential Zones.

This item was presented following the initial discussion on item 13.A.

Mr. Kane reviewed the item as presented during work session. The Planning Commission held a public hearing on the request on April 13, 2021, and unanimously voted, 4 to 0 with one absentee, to recommend approval to the City Council of the Municipal Code amendment.

Councilmember Gray repeated his previous request for the standards to require a minimum lot size of 1.25 acres for the RD1 zone due to concerns that an acre lot is insufficient for agricultural use and animal rights. Councilmember Curtis stated that due to the infrequency of the development of 1.25-acre lots, he feels that the requirement of a lot size average in the RD1 zone would discourage the request for the zone and for larger lot development in the City. He suggested a footnote for a less onerous larger lot requirement. Councilmember Burnham recommended having average lot sizes for the RD1 zone to return to a future meeting as she had not prepared for a discussion on average lot sizes.

Mayor Westmoreland opened the public hearing at 10:28 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.

MOTION: ***Councilmember Gray moved to approve an Ordinance of Eagle Mountain City, Utah Amending the Eagle Mountain Municipal Code, Chapter 17.25 Residential Zones. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

14. ORDINANCES/PUBLIC HEARINGS

14.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan and Rezoning Certain Lands Known as Sweetwater Industrial Park.

This item was discussed prior to item 13.A.

Mr. Kane reviewed the item as presented during work session.

Applicant representative Scot Hazard said that the businesses he is working with include a fitness equipment maintenance and restoration facility. He has had inquiries from other businesses not amenable to the higher design standards and the application of the overlay zone would allow them to court those businesses.

Councilmember Curtis said he supports storage facilities and metal buildings but not storage facilities with metal buildings and suggested removing storage facilities as a permitted use as a condition of approval. He feels storage facilities are more appropriate in other areas in the City. He desires to reserve this area for more specific uses. Mr. Hazard said that some of the uses would need storage as a part of their business operations, but he was agreeable to removing storage facilities as a permitted use and is amenable to the Planning Commission's recommended conditions that were also applied to the approval of the overlay on lot 1.

Councilmember Gray asked why the Planning Commission recommendation prohibited laundry and dry-cleaning establishments and said this would be the most appropriate area in the City for a laundry establishment. Mr. Kane said that dry cleaners are usually prohibited within a certain distance from residences and certain businesses. The use was determined not appropriate for the application on lot 1. Councilmember Curtis said he was not opposed to dry-cleaning in this area. Councilmember Love said she would prefer to table the item to do additional research if the Council desires to include dry-cleaning facilities as a permitted use in the approval.

Assistant City Administrator/Community Development Director Steve Mumford said staff intends to prepare an amendment to update or remove the standards for the Sweetwater Industrial Overlay Zone. Councilmember Burnham expressed her support of the project as the overlay zone was created for this specific area and reason. In consideration of property rights, the proposal should be approved as requested.

Mayor Westmoreland opened the public hearing at 8:19 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: ***Councilmember Burnham moved to approve an Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan and Rezoning Certain Land known as Sweetwater Industrial Park with the following conditions:***

1. ***Automobile sales and/or service shall be a permitted use;***
2. ***Convenience stores shall be a permitted use;***
3. ***Electronic data management businesses shall be a permitted use;***
4. ***Laundry and dry-cleaning establishments shall be prohibited;***
5. ***Manufactured homes developments shall be prohibited;***
6. ***Motels and hotels shall be prohibited;***
7. ***Other manufacturing businesses shall be a permitted use;***
8. ***Restaurants and banks (with drive-through service facilities) shall be prohibited; and***
9. ***Storage facilities shall be prohibited.***

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

15. ORDINANCES

15.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code by Repealing Section 3.10.080 Reimbursement for Certain Users.

City Attorney Jeremy Cook reviewed the item as presented during the work session.

MOTION: ***Councilmember Curtis moved to approve an Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code by Repealing***

Section 3.10.080 Reimbursement for Certain Users. Donna Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, Carolyn Love. The motion passed with a unanimous vote.

16. CITY COUNCIL/MAYOR'S BUSINESS

Mr. Kane announced that he has accepted another employment opportunity. Staff, the Mayor, and Council thanked Mr. Kane and expressed appreciation to him for his service to the City.

17. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Clark

Councilmember Clark said the Parks and Recreation Advisory Board requested to review the definitions of open space, levels of improvement, and the designations and definitions in EMMC 17.49 in order to make recommendations for amendments. She suggested having a board member presentation during a work session to outline their concerns and to receive direction from Council. The board requested clarification and guidance regarding the board's annual report per EMMC 2.30.090 and the expectation of the due date and format of the report. The board also would like to review the City's recreation programs and provide suggestions.

Mayor Westmoreland requested that Councilmember Clark send him an email with the details regarding the Parks and Recreation Advisory Board's request to review and make recommendations to amend Municipal Code. He said the City will accommodate a date for the report that allows the board sufficient time to prepare a report in the format and scope of their choosing and in order to provide additional feedback.

Councilmember Curtis

Councilmember Curtis said the Military and Veterans Advisory Board had to cancel their meeting due to not having a quorum. The board has requested to partner with the American Legion in order to increase membership. He stated there is a current opening on the advisory board, and he asked if current members can be dismissed for lack of attendance. Mayor Westmoreland encouraged the Council to submit recommendations for appointees.

Councilmember Love

Councilmember Love said the Cemetery Advisory Board will hold a Memorial Day program at Pony Express Memorial Cemetery on May 31, 2021, at 10:00 a.m., following safety requirements for large gatherings. The Eagle Mountain Chamber of Commerce had an after-hours Costco tour and have a luncheon at Thanksgiving Point planned on June 8, 2021, at 11:30 a.m. Governor Cox will be attending and speaking. The Mayor and Council are invited to the luncheon.

Councilmember Gray

Councilmember Gray requested Ms. Kofoed contact the Youth Council Advisors Tyler and Jennifer Shimakonis regarding any required adaptations for the upcoming elections. He reminded residents that the Youth Council and the EMAA are participating in the Neon Nights at Frontier Middle School on May 7, 2021, from 7:00 to 10:00 p.m. The event will include performances, bounce houses, an obstacle course, and food trucks, and the middle school has requested to use the

City stage. Pony Express Days will include Thursday night team roping jackpots for the rodeo contestants. Mexican Rodeo events hosted by the Hispanic community will be held throughout the summer.

Ms. Kofoed asked Councilmember Gray to have the Youth Council Advisors contact her and she will assist them with adapting the Youth Council elections. The agreement with the EMAA requires groups to partner with the Arts Alliance for approval to use City resources. Mr. Hickman stated that significant employee time is required to assemble and strike the stage and requested that staff time be a consideration of approval.

Councilmember Burnham

Councilmember Burnham stated the Planning Commission is working hard. She asked if there was any progress on finding an additional Senior Council board member.

Ms. Kofoed stated that the City has not received any applications and will continue to advertise the vacancy.

18. COMMUNICATION ITEMS

18.A. Financial Report

18.B. Upcoming Agenda Items

19. ADJOURNMENT

Mayor Westmoreland announced that the Redevelopment Agency Meeting scheduled following the City Council meeting has been postponed until May 4, 2021.

MOTION: ***Councilmember Gray moved to adjourn the meeting at 11:51 p.m. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 11:51 p.m.

Approved by the City Council on May 4, 2021

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

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