EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

April 7, 2020, 6:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

6:00 P.M. WORK SESSION – Electronic Meeting Via Lifesize

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

CITY STAFF PRESENT ELECTRONICALLY: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Fionnuala Kofoed, City Recorder; Jeremy Cook, City Attorney; Elizabeth Fewkes, Recording Secretary; Lianne Pengra; Deputy Recorder; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; and Brad Hickman, Parks and Recreation Director.

Mayor Westmoreland called the Work Session to order at 6:04 p.m.

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

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

1. CITY ADMINISTRATOR INFORMATION ITEMS

2. AGENDA REVIEW

9. AGREEMENTS

9.A. Professional Service Agreement for Cory B. Wride Memorial Park Phase 2 – Civil Solutions Group

City staff has been working with a design group to master plan the remaining portion of Cory B. Wride Memorial Park. Through this process, staff has outlined a phased approach to completing the park and would like to work with engineers and architects to complete the construction documents for Phase 2 of the park. Phase 2 consists of improvements to the corner monument area, farmers market, and festival field. It creates several additional recreational fields, a restroom facility, lighting for existing sports courts and other minor improvements throughout the park. The agreement also includes construction administration in response to changes and modifications to plan sets and quality control through the completion of the project.

10. BID AWARDS

10.A. Lone Tree Parkway Traffic Signal Design – Horrocks Engineers

City Engineer Chris Trusty explained that after looking at the warrants for this intersection, it was determined that it meets at least two of the three required warrants. Rather than conducting additional traffic counts, this is enough to begin the process of installing a traffic signal. The City requested proposals from Horrocks Engineers, R&B, and CRS. R&B was unable to provide a proposal in time. The City received a proposal from Horrocks Engineers for $10,300, and from CRS for $11,610.

Councilmember Curtis asked if this expense would impact the 2020 budget. City Engineer Chris Trusty explained the project will be included in the FY 2021 budget.

10.B. Pony Express Parkway Median Improvement Project – RBI, Inc.

City staff has been working on a plan and design to complete the landscape medians along Pony Express Parkway from Lone Tree Parkway to Bobby Wren Boulevard. This bid award is for a portion of the full project and would include the landscape medians from Lone Tree Parkway to Midvalley Road. The medians to be completed are those where the existing road has been widened to two lanes in each direction. The project includes removing existing large stones, preparing the medians for rock mulch, irrigation work, and tree and shrub planting. The project had an engineer's estimate of approximately $330,000, and the lowest bid was $199,018.25.

12. CHANGE ORDERS

12.A. Valley View Restroom Project Change Order #1 – CT Davis Excavation

Parks and Recreation Director Brad Hickman explained CT Davis Excavation was hired through the bidding process to install the necessary sewer and water lines to complete the Valley View Park restroom. This process included installing a 10-inch water main 200 feet to the south to allow for the restroom to be installed in the park. Through the original bidding process, the underground plumbing for the CXT restroom was missed and is part of this change order. Also, there are charges for modifications that needed to be made in regard to the installation of the sewer main; additional concrete was needed to cover the lateral line that feeds into the park. Because of weather, a temporary asphalt patch was needed on the roadway. As soon as weather permits, the road and trail will be completed as will all other items associated with this project.

Mr. Hickman explained the Valley View Restroom Project was the only Parks and Recreation project that has gone over budget this fiscal year and the resulting surplus in the capital projects fund from other under-budget projects should be enough to cover the change order expense.

14. PRELIMINARY PLATS & SITE PLANS

14.A. Ranches Golf Course Event Barn – Site Plan

Planning Manager Mike Hadley presented the item. The Ranches Estates preliminary plat was approved October 2, 2018. Ranches Estates consists of 27 residential units in five development pods around The Ranches Golf Course. The approval of the preliminary plat included the requirement of an event barn and approximately 27,000 square feet of improved open space with 62 amenity points. The public putting green is intended to fulfill the open space requirement. The purpose of developing Ranches Estates was to provide the money needed to build the event barn and putting green adjacent to the existing clubhouse.

Mr. Hadley said public concerns expressed during the Planning Commission public hearing held March 10, 2020 included the following: the size of the event area was not as large as previously presented, the putting course was excluded from the proposal, the kitchen was a "preparation kitchen" only instead of a fine dining restaurant, the parking appeared inadequate, and the indication that a portion of the office space was to be leased.

Following discussion and public comment, the Planning Commission moved to recommend approval of the Ranches Event Barn site plan to the City Council with the following condition: a full set of engineering plans shall be submitted to staff, which includes drainage, a detailed design for the putting green, and no less than ten additional parking stalls (as many as can reasonably fit in the existing parking lot). The Commission also encouraged the applicant to review the October 2, 2018 City Council meeting minutes and make adjustments to their proposal to comply with expectations.

In response to the Planning Commission recommendations, the applicant has added seven parking stalls, increasing the total to 154 stalls, and increased the size of the building. Mr. Hadley stated architecture design standards requiring a clearly identifiable entry feature at the main entrance have not been met.

Staff recommends the Council approve the Ranches Event Barn site plan with the following conditions: a full set of engineering plans shall be submitted to staff, which includes drainage and a detailed design for the putting green; and the elevations shall be revised to include a clearly identifiable entrance outside of the lobby including a porch, stoop, awning, arcade, or portico. If the Council is considering tabling the proposal, staff recommends that, instead, the Council approve the proposed site plan for the building and add a timing element and specific recommendations for the putting green to come back to the City Council for approval at a future date.

Councilmember Burnham stated she had heard concerns the size of the event barn was smaller than the rendering on the preliminary plat approved on October 2, 2018. She said the event barn rendering on this site plan appeared to be larger and requested clarification of the ballroom portion of the building size compared to the previously approved event barn, which did not include a fitness center. She also asked for clarification regarding the putting green design.

Applicant representative Jeff Harbertson with GreatLIFE Golf and Fitness explained the original plan submitted to the Planning Commission was smaller than anticipated. Mr. Harbertson said the overall footprint of the building is larger than the original event barn. To address concerns regarding the ballroom size, they added a dining room area with two removeable walls, allowing the ballroom and dining room to be used separately for two concurrent events, or to be combined into a single event area able to accommodate up to 200 guests. He explained the intent of the design alterations were to meet the Council's event capacity requirements while still meeting GreatLIFE's business model and to increase functionality by providing the ability to host events of various sizes.

Councilmember Love expressed concern that the removal of the cart path to the south of the new putting green may increase the potential for debris damage to the homes below the putting green and asked if a retaining wall will be installed. She stated the neighbors to the north of the putting green do not have a wrought iron fence barrier like the other perimeter houses and asked if the plan included the installation of fencing.

Mr. Harbertson explained the purpose of the revised plan was to level and tier the putting green into a course to better meet the original design approved with the preliminary plat, and to reduce the need for and/or the size of a retaining wall between the homes and putting green. He said had not spoken with the residents to the north, was not aware of the need for fencing, and expressed a willingness to allow the HOA to install fencing, as the HOA owns the fencing.

Mayor Westmoreland suggested the addition of landscaping as a buffer. Mr. Harbertson agreed to add a landscaping barrier to the north of the putting green, if the Council desires.

Councilmember Curtis said he thought the preliminary plat included the installation of a miniature golf course.

Applicant representative Mark Whetzel stated the negotiation on October 2, 2018 included the discussion of an eighteen-hole putting golf course that would be open to the public; although similar to a miniature golf course, the intent was to install grass, not artificial turf. He said the natural, green space would enhance the aesthetics of the club house and event barn.

Councilmember Curtis stated that was not his understanding during the previous discussion and requested a copy of the minutes for the October 2, 2018 City Council meeting for clarification.

Mr. Whetzel stated he had not calculated the cost for an artificial turf putting course and had always intended to install a grass putting green to enhance the ambiance of the event barn, which would not be accomplished by a traditional, artificial turf miniature golf course. He said artificial turf would likely cost less than grass and expressed a willingness to install artificial turf, if the Council desires that change.

Councilmember Clark expressed concern that the design alterations of the putting green fail to meet the open space requirements as understood and allowed in the preliminary plat conditions of approval. She requested the square footage totals for the areas in the proposed building, as the numbers were not legible on the renderings.

Mr. Harbertson said the ballroom is 2,467 square feet, the dining room is 1,168 square feet, and the fitness room is 2,683 square feet; when combined, the square footage of the ballroom and dining area is larger than the original building's event area.

Councilmember Gray requested the applicant provide additional background to explain the fitness center addition.

Mr. Harbertson presented his history with the company and its success in the Midwest. GreatLIFE Golf and Fitness' model combines golf and fitness centers in order to help golf courses become profitable in order to stay in business, and to introduce people to golf. They partnered with The Ranches Golf Course about a year ago and made the course GreatLIFE's flagship property in Utah. He said the fitness center is necessary to make the model work, and they have received positive feedback from the community. GreatLIFE's goal is to bring families together through golf and fitness.

Councilmember Gray expressed concern regarding the large size of the fitness center and the its proximity to the event center; the attire of the fitness center patrons could distract from the atmosphere of upscale events

Mr. Harbertson explained the fitness center is considered a boutique-sized gym and must be that size or larger in order to accommodate enough equipment for basic operation. He explained most country clubs host upscale events in addition to housing a fitness center, and the fitness center and event areas have separate entrances.

Councilmember Gray inquired about the applicant's plans for the existing clubhouse and if the fitness center could be located there. Mr. Harbertson explained the clubhouse consists of five trailers and the cost of reinforcement to accommodate a fitness center could cost as much as fully rebuilding it. He said when they eventually rebuild the clubhouse, the fitness center could potentially be moved there, if merited by usage.

Mr. Whetzel stated the event center and fitness center combination is a standard model for most country clubs and golf centers.

Councilmember Burnham expressed concerns regarding noise pollution from the fitness center during events, especially due to weights. Mr. Harbertson said he shared her concern and has ensured that the plans include proper soundproofing and rubber floor mats, as well as the use of lower-noise, commercial-grade fitness equipment.

Councilmember Curtis requested a closed session to review and discuss the requirements of the previous agreement to check for a breach of contract to see if a lien for the golf course homes should be issued.

City Attorney Jeremy Cook stated the City Council could examine a breach of contract claim and requested clarification of Councilmember Curtis' concerns.

Councilmember Curtis stated the Council allowed the additional residential units in accordance with expectations outlined in the original motion for specific amenities to benefit those residents in place of the fee-in-lieu, and he expressed concern the changes in the plan do not align with the terms of the original agreement.

Councilmember Burnham stated although different, the new plan increases amenities through the inclusion of a fitness center as well as an event center equivalent in size to the one in the original agreement. She said she understood the preliminary plat agreement included the requirement of a grass putting green, not a miniature golf course. Mayor Westmoreland concurred and stated he did not recall the preliminary plat discussion including obstacles and other aspects associated with a miniature golf.

Councilmember Love inquired about the timeline of the putting green installation. Mr. Harbertson explained the grading for the putting green will be completed in concurrence with the construction of the event center, and the putting green will likely be completed before the event center is finished. He said the new putting course will be more level and accessible to non-golfers than the existing putting green and explained the ballroom will be 700 square feet larger than the original design.

Councilmember Clark asked if the Council could revoke the amenity points awarded for the putting green and collect a fee-in-lieu to install park amenities in another area for the residents.

Councilmember Gray said Councilmembers Curtis and Clark had valid concerns that could best be discussed in a closed session to determine that contractual obligations are adequately addressed.

Ms. Kofoed explained that statute does not allow for a closed session for this purpose.

Mr. Cook suggested tabling the item to allow the Councilmembers time to discuss their concerns to confer with City staff. He stated the misunderstanding regarding the putting green may have arisen due to unfamiliarity with golf courses and golfing jargon, and as a golfer, he understood the original agreement included an eighteen-hole putting green, not a miniature golf course.

Councilmember Curtis stated the installation of a putting green is simply cutting holes in sod and expressed concern the cost would be significantly less than the $101,000 allocated for the project. Mr. Harbertson explained the installation cost also includes items such as excavating, retention work, materials, and running lines.

Mayor Westmoreland explained the item will be moved to the scheduled items for further discussion.

15. RESOLUTION

15.A. A Resolution of Eagle Mountain City, Utah, Amending and Adopting a Water Conservation and Management Plan for Eagle Mountain City

Public Utility Manager Mack Straw explained the resolution is to adopt the water conservation and management plan. The State requires that the City update its Water Conservation Plan every five years. The plan is an overview of the City's water system and includes the steps the City can take to conserve water.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held.

7:00 P.M. POLICY SESSION – Electronic Meeting via Lifesize

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

CITY STAFF PRESENT ELECTRONICALLY: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Fionnuala Kofoed, City Recorder; Jeremy Cook, City Attorney; Elizabeth Fewkes, Recording Secretary; Lianne Pengra; Deputy Recorder; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; and Brad Hickman, Parks and Recreation Director.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

None.

7. PUBLIC COMMENTS

No public comments were submitted online at https://eaglemountaincity.com/city-recorder/city-meetings-portal/#meetingdocs, emailed to recorder@emcity.org, or left as a voicemail at 801.789.6611.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis
None.

Councilmember Burnham
None.

Councilmember Love
None.

Councilmember Clark
None.

Councilmember Gray
None.

Mayor Westmoreland
Mayor Westmoreland expressed appreciation to City residents and staff efforts for working together and searching for innovative solutions during the current troubled times.

CONSENT AGENDA

9. AGREEMENTS

9.A. Professional Service Agreement for Cory B. Wride Memorial Park Phase 2 – Civil Solutions Group

10. BID AWARDS

10.A. Lone Tree Parkway Traffic Signal Design – Horrocks Engineers

10.B. Pony Express Parkway Median Improvement Project – RBI, Inc.

11. BOND RELEASES

11.A. Overland Phase B, Plat 1 – Into Warranty

11.B. Overland Phase B, Plat 2 – Into Warranty

12. CHANGE ORDERS

12.A. Valley View Restroom Project Change Order #1 – CT Davis Excavation

13. MINUTES

13.A. March 17, 2020 Minutes

14. PRELIMINARY PLATS & SITE PLANS

14.A. Ranches Golf Course Event Barn – Site Plan

15. RESOLUTION

15.A. A Resolution of Eagle Mountain City, Utah, Amending and Adopting a Water Conservation and Management Plan for Eagle Mountain City

MOTION: ***Councilmember Burnham moved to approve the consent agenda, removing item 14.A. and placing it as a scheduled item for further discussion. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

14. PRELIMINARY PLATS & SITE PLANS

14.A. Ranches Golf Course Event Barn – Site Plan

Mayor Westmoreland explained the Council had diverse interpretations of the terms of the preliminary plat approval on October 2, 2018 and stated the site plan could be tabled to allow the Council to research and resolve their concerns.

Planning Manager Mike Hadley explained the City Council approved an agreement that allowed The Ranches Golf Course to build 27 residential units, using the proceeds from the residential unit sales to fund an event center at the golf course. He presented renderings of the project and explained the revised parking area, as well as the increased size of the event center.

Councilmember Curtis inquired why staff recommended approval of a portion of the project in lieu of tabling the item.

Community Development Director Steve Mumford explained Planning Department staff and City Administrator Ifo Pili discussed the project and determined the building site plan meets and exceeds the requirements of the previously approved preliminary plat. They recommend the approval of the building to allow the applicant to move forward on that portion of the project, should other areas of concern require time to be satisfactorily resolved with the Council.

Councilmember Clark asked when the construction of the event barn would be complete. Applicant representative Jeff Harbertson with GreatLIFE Golf and Fitness explained the event barn will hopefully be completed by the end of the year. He said a construction area is unappealing for both the golf course and the neighboring residents; finishing the event barn before winter would create revenue sources through event hosting, fitness center memberships, and golf and combination membership promotion during the golf off season.

Councilmember Gray asked what would be located in the office space. Mr. Harbertson explained the office space will include a bride's room and a groom's room, as well as space for their corporate headquarters.

Councilmember Love expressed concern regarding the steep grade from the putting green area to the residents' yards and fences to the south, and recommended including a condition requiring retaining walls, should the slope exceed Municipal Code standards.

Mr. Harbertson explained the putting green area will be leveled and tiered and retaining walls will be installed in accordance with engineering standards. Native grasses will be replanted to prevent runoff.

Councilmember Love verified the applicant plans to remove debris currently located adjacent to properties south of the putting green area.

At Mayor Westmoreland's request, Mr. Hadley and City Engineer Chris Trusty explained staff oversite procedures for the final project.

Councilmember Burnham stated the proposed building exceeds the original requirements and suggested the Council require the applicant to verify the cost of the putting green installation and reallocate surplus funds to other areas of the project.

Councilmember Curtis stated his only concern with the building was the potential leasing of office space to other companies and expressed concern the relocation of the putting green would require the majority of the approved funds be used for earthwork preparation, resulting in an inferior finished project to the one originally presented and approved.

Councilmember Gray stated he had no concerns with the building or permitting GreatLIFE to lease office space and that individual companies, not the government, should direct free enterprise. He said additional lots were exchanged for amenities, but the putting green is an amenity for the golf course, not the community. He expressed concern over partial approval due to the possibility of future negotiations causing issues or disputes impacting the project as a whole and stated a preference to table if necessary.

Councilmember Love stated her approval of the new building design.

Councilmember Clark said the new building design is an improvement over the original design and is a benefit to the City. She concurred with Councilmember Gray's preference to table the item, rather than partially approve it. She expressed concern that the area has insufficient park space and amenities and stated the Council should explore park and open space options for the area in addition to the putting green amenity.

Mr. Mumford explained additional options in the area for parks and open space and stated residents have expressed approval of and desire for the putting green.

Mayor Westmoreland verified with staff that amenity points had been awarded for the putting green, as it is free for resident use.

Applicant representative Mark Whetzel explained the original concept drawing for the putting green included grass and artificial blue turf to indicate water hazards. Councilmember Clark stated the applicant should be required to install a putting green in kind to the one originally presented and submit a detailed plan to staff for approval.

Councilmember Love said the original location for the putting green appears to be available. Mr. Whetzel said she was correct and expressed a willingness to research options to revise plans to better meet Council expectations.

Discussing ensued regarding the timetable for the project and options for tabling or approving the item with conditions.

Mr. Pili explained the staff recommendation to approve the event barn, the applicant's willingness to amend the open space plan per Council direction, and staff preference to allow the project to move forward.

Councilmember Clark expressed frustration the applicants did not provide a full set of engineered plans.

Mr. Pili reiterated the importance to the City to allow the project to move forward for the golf course to become profitable and remain viable.

Discussion ensued regarding the requirements and fund allotment for the putting green and options for approving or tabling the site plan.

Mr. Pili stated, for the record, staff had requested the applicant present the design for the park, and the lack of plans complicates and potentially delays action by the Council.

Discussion ensued regarding the timeframe for the applicants to provide a detailed landscaping plan and options for the location of the putting green.

Mr. Mumford explained options that allow the Council's expectations to be met include withholding building permits, the certificate of occupancy, or the four-way inspection.

Discussion ensued regarding the conditions to include in the motion, the implications of relocating the putting green including flooding prevention, and zoning allowance of leasing office space.

Mr. Mumford explained the location is designated as Golf Course Open Space in the General Plan and the Municipal Code is vague as far as commercial space allowance. He said the clubhouse currently includes leased office space. He advised that if the office space was intended for GreatLIFE's use, no condition would be required. A rezone or zone amendment would be necessary to lease the office space in the future.

MOTION: ***Councilmember Burnham moved to approve The Ranches Golf Course Event Barn site plan with the following conditions:***

1. ***A full set of engineered plans shall be submitted to staff, which include drainage and a detailed design for the putting green;***
2. ***The elevations shall be revised to include a clearly identifiable entrance outside of the lobby, including a porch, stoop, awning, arcade, or portico;***
3. ***The applicant shall not receive the four-way inspection for the event barn until the park plan has been approved; and***
4. ***The applicant shall not receive a certificate of occupancy for the event barn until the park is complete.***

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

16. ORDINANCE/PUBLIC HEARING

16.A. An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.35 Commercial Zone

Mr. Mumford presented the item. The proposed ordinance amends Eagle Mountain Municipal Code 17.35 Commercial Zone, replacing the existing zone with two new commercial zones, to implement the goals of the General Plan. The proposed amendment includes permitted and special land uses and development standards. The new zones are most appropriately used within areas designated as Community Commercial on the General Plan map; these zones may also be appropriate in other areas at the discretion of the Planning Commission and City Council.

Mr. Mumford explained the land use table and differences between permitted, prohibited, and special uses and how they are identified in Municipal Code. The Planning Commission held a discussion and public hearing on March 10, 2020 for the proposed amendment. The Planning Commission made changes to the land use table and recommended approval to City Council. At the meeting, no comments were provided at the public hearing. Mr. Mumford presented the setback requirements for the zones and conditional uses.

Councilmember Love requested clarification for the proposed location of these zones on the General Plan and in relation to major intersections and subdivisions.

Mr. Mumford clarified potential locations for the Commercial Neighborhood and Commercial Community zones and explained the Council may grant rezone approvals regardless of the area's existing Future Land Use designation, as long as the zoning adheres to the intent of the General Plan.

Councilmember Curtis requested to change the permitted use of indoor, climate-controlled storage units to a prohibited use in the Commercial Community zone, in addition to the traditional, outdoor storage units already prohibited, and limit all storage unit construction to industrial areas.

Councilmember Clark stated that commercial storage has been a frequently debated issue within the City and concurred with Councilmember Curtis' opinion to isolate all types of storage units to industrial areas but expressed a willingness to entertain other opinions or considerations.

Councilmember Burnham clarified the designation for tattoo parlors and asked about the difference between the indoor and outdoor storage facilities.

Mr. Mumford said the intent of the Planning Commission was not to allow the traditional, garage-door-style, outdoor storage units. He explained the indoor units are generally designed with office building facades or glass exteriors and include elevators and smaller, closet-like storage spaces. A developer suggested the inclusion due to the increasing popularity of indoor facilities and trends to locate indoor storage facilities near condominiums and apartments to provide additional storage for multi-housing units.

Councilmember Curtis stated his preference for the zone uses to be restrictive and grant approval on a case-to-case basis. Councilmember Clark stated her uncertainty regarding the permittance of indoor storage facilities due to insufficient available data to determine community impact.

Councilmember Curtis asked Mr. Mumford if any of the other permitted uses had been suggested by developers.

Mr. Mumford said the Planning Commission had rejected a commercial developer's request to amend the zones to permit vertical commercial/residential mixed-use zoning in order for the Commission and Council to be able to consider each request individually. A developer also indicated recent inclusion of state liquor stores in strip malls instead of requiring a separate building, and the Planning Commission determined to allow state liquor stores as a permitted use in the Commercial Community zone.

Councilmember Love stated storage facilities are industrial looking and concurred with Councilmember Curtis to prohibit all storage facilities.

Councilmember Gray requested clarification on conditional uses. Mr. Mumford explained all the special and permitted uses are allowed uses within the zone and the special use designation indicated the uses must comply with additional standards as stipulated in Chapter 17.75 of Municipal Code.

Councilmember Curtis asked if the Council needed to set the requirements for special uses. Mr. Mumford explained staff is working on special uses and will present the uses to the Council once available and any impacted applications will be put on hold until the standards requirements are approved. Councilmember Curtis suggested prohibiting all uses until staff completes the special uses standards revisions.

Councilmember Love discussed the size of permitted grocery stores in the Commercial Neighborhood and Commercial Community zones with Mr. Mumford and suggested the inclusion of size restrictions.

Councilmember Burnham stated appreciation for the intentions of Councilmember Curtis' suggestion but expressed concern regarding the temporary removal all permitted uses due to the protected status of certain land uses for civic institutions, healthcare facilities, etc. Councilmember Curtis agreed and said he had not considered the legal ramifications of the suggestion.

Mayor Westmoreland opened the public hearing at 8:57 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.

Councilmember Clark asked if the other Councilmembers desired to table the item to allow time to discuss the changes with business owners to ensure no pertinent issues are overlooked.

Councilmember Curtis asked if the Eagle Mountain Chamber of Commerce had reviewed the amendments. Mr. Mumford stated staff did not request feedback from any businesses but received feedback from one developer with a current application. Should the Council determine to table the item, Mr. Mumford requested feedback from the Council regarding any concerns and indicated staff could confer with local business owners, if desired.

Councilmember Gray stated conditional uses were his only concern and felt the Council had sufficiently deliberated the item.

Councilmember Love suggested the inclusion of a condition to define the square footage requirements for grocery stores in each of the zones. Discussion ensued regarding the appropriate square footage limitations for each zone. The Council directed staff to research and quantify grocery store sizing requirements.

Councilmember Curtis suggested conditioning the prohibition of all special uses, except for residential and civic purposes, until the special use standards are finalized and implemented. Discussion ensued regarding permitted use standards and restriction options.

MOTION: ***Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.35 Commercial Zone with the following conditions:***

1. ***A footnote shall be added to prohibit all special uses, except civic and residential, until special use standards are developed and adopted by the Council;***
2. ***Staff shall define the square footage requirements for small, medium, and large grocery store sizes and include small-sized grocery stores, as defined, as a permitted use in the Commercial Neighborhood Zone***

and medium-sized grocery stores, as defined, as a permitted use in the Commercial Community Zone; and

3. ***Storage units (indoor, climate-controlled) shall be removed as a permitted use in the Commercial Community Zone.***

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

17. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Clark

Councilmember Clark commended Communication Director Linda Peterson for her communication with City residents and other staff efforts.

Councilmember Burnham

See Board Liaison report.

Councilmember Love

Councilmember Love suggested local restaurants and other businesses communicate how residents can support their businesses.

Councilmember Gray

See Board Liaison report.

Councilmember Curtis

See Board Liaison report.

Mayor Westmoreland

None.

18. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Clark

Councilmember Clark stated she will be hosting an online Q&A with Be Ready Eagle Mountain on April 23rd.

Councilmember Burnham

Councilmember Burnham stated during the Council of Governments transportation meeting held April 7, 2020, the attendees were impressed that Eagle Mountain City had already conducted a transportation survey. As the survey focused on alternative uses instead of general transit concerns, the Utah Transit Authority (UTA) will assess the survey questions and evaluate if a follow up survey is necessary. UTA representatives were supportive of Saratoga Springs and Eagle Mountain City's joint concerns. They recognized the insufficient public transportation for our City size, and expressed the willingness to work together to find solutions.

Councilmember Love
None.

Councilmember Gray
Councilmember Gray stated he has been working with Ms. Peterson regarding the upcoming Pony Express Days. They have discussed moving the event further into the summer. Councilmember Clark asked how this would affect the rodeo circuit. Councilmember Gray stated moving the rodeo is easier than adjusting the dates for the carnival or demolition derby. Councilmember Love recommended scheduling the event for a weekend in July or August.

Councilmember Curtis
Councilmember Curtis said the Eagle Mountain Chamber of Commerce has cancelled the after-hours event and is looking into ways to assist local businesses during the current economic climate. Mayor Westmoreland expressed concern regarding the social distancing directives impact on local businesses and the desire to determine and support creative ways for the City to assist them. Councilmember Clark suggested partnering with the Chamber of Commerce. Mayor Westmoreland directed Councilmember Curtis and Economic Development Director Aaron Sanborn to work with the Chamber of Commerce to determine needs and to explore solutions. Councilmember Curtis said he was contacted by the Eagle Mountain Art Alliance with a request to confer with City staff regarding a project. Ms. Kofoed directed Councilmember Curtis to provide her with the information following the meeting.

19. ADJOURNMENT

MOTION: ***Councilmember Gray moved to adjourn the meeting at 9:35 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 9:36 p.m.

Approved by the City Council on April 21, 2020.

Fionnuala B. Kofoed, MMC
City Recorder

CORPORATE SEAL
EAGLE MOUNTAIN
EST. 1996
STATE OF UTAH