EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

April 6, 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, Jared Gray, and Carolyn Love. Councilmember Colby Curtis was excused.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Planning Manager; Tayler Jensen, Senior Planner; Jessa Porter, Planner; Fionnuala Kofoed, 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; Ross Fowlks, Fire Chief; Angela Valenzuela, Human Resource Manager; Evan Berrett, Assistant to the City Administrator; and Robert Ballif, Engineering Assistant.

Mayor Westmoreland called the meeting to order at 4:03 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. Updates – City Administrator Items

City Administrator Paul Jerome presented the following updates:

Engineering

- Pony Express Widening: A pre-construction meeting will be held on April 8, 2021, after which the City should have more information regarding timing of road closures. The project is expected to be complete October 2021.
- Lone Tree Traffic Light: The equipment has been ordered and is on the way. There was some concern with the location of the existing power source; staff will need to coordinate with Rocky Mountain Power. The estimated completion date is the end of June 2021.
- Airport Road Phase 1: Construction drawings should be ready to be sent out to bid by the end of the week with a May bid award. Construction expected to be completed by end of October 2021.
- Facebook West Access Road: Final lift expected to be completed by the end of April.
- Pole Canyon Lift Station: Expected completion is the end of April 2021.
- Water Re-Use Master Plan: Expected completion is the end of June 2021.
- Master Transportation Plan Update and Impact Fees Facility Plan: Expected by the end of May 2021.

Parks

- Cory B. Wride Memorial Park Phase 2: Currently finishing curb and gutter and will begin sidewalk installation soon. Irrigation work has started and will continue through the end of the project. The fence posts have been installed and the concrete has been poured for the pickleball courts on the north end of the project and sport court lighting is being installed. The restroom facility is vertical, and the roof structure is currently being placed.
- SilverLake Woodhaven Park: All the earthwork has been completed, and irrigation has been installed. Staff is working through an issue with the Welby Jacob Canal Company. Concrete and asphalt installation should begin soon, and topsoil will follow. The playground areas should be prepared and ready for installation soon.
- Smith Ranch Community Park: A kickoff design meeting for the park was held two weeks ago; it included discussion of items the City would like to see incorporated in the park. Staff will be meeting this week to discuss outreach to the community for feedback.
- Eagle Mountain Boulevard – Cemetery Trail: The right-of-way survey will be conducted this week to determine where to place the trail. The trail has a planned completion date before April 30, 2021 to meet the deadlines for the Tourism, Recreation, Culture, and Convention grant. A portion of the Safe Routes to School grant was utilized to purchase flashing beacons for the crossing on Lehi/Fairfield road and for vehicles turning off Eagle Mountain Boulevard to increase pedestrian safety. When the project is complete, the trail will be connected from the Brandon Park subdivision to Major Street in Overland Trails.

Public Utilities

- Sewer: The upgrade is still on schedule to be completed by August. The City installed the temporary aerators last week. The City should receive a letter from the State next week regarding deficiency with the City's effluent system that will be discussed and addressed.
- Water: Solar power is being installed on both advanced metering infrastructure antennas. It is expected to be completed and ready to use in July. Water consumption has increased, and the City anticipates turning on more wells by the end of the month.
- Streets: In May and June 2021, 1.5 million square feet of seal coat will be applied to newer residential roads to prolong the life of the asphalt.

Community Development

- Code Enforcement Hearing: The City will soon be bringing forward updates to City fines and Municipal Codes to make sure they are up to date and ready for the hearing process. Hearings are scheduled to begin in June.
- Rezoning of expired master development plan properties: Tentatively planning on bringing forward The Ranches properties to the Planning Commission in the next three to five weeks, with notices being sent to owners and surrounding properties. Properties within the Eagle Mountain Properties area to follow soon thereafter.
- Overland/Downtown Economic Area Plan: City staff are preparing Request for Proposal documents to send out in the near future.

Upcoming Code Amendments

- Residential Municipal Code changes including adding an average lot size to the RD2 zone and considering removal of single-family homes from the MF1 zone.

- Residential zone livestock requirements to amend the number of animals allowed on larger residential properties.
- Zoning Transition Table.
- Community District Node Overlay Zone and transit-oriented development-style zone.
- Community mailboxes.

Mr. Jerome explained that the residents that live along Golden Eagle Road have expressed concerns regarding vehicles exceeding the speed limit on the road and requested to have a stop sign installed at the intersection of Jacob's Way and Golden Eagle Road. The road is 37 feet wide and is designed as a collector road, as opposed to a 28-foot-wide residential road. The width allows for two-way traffic even with cars parked along both sides of the road. The posted speed is 25 mph with an average speed of approximately 31 mph. Golden Eagle Road has a low daily trip count due to its location. Stop signs are installed on intersections of roads with similar traffic usage. Stop signs are an inexpensive solution; however, various studies and a peer-review determined that a stop sign in not warranted on Golden Eagle Road due to the low number of daily trips and pedestrian crossings. Instead, the study suggested painting and signage to better indicate pedestrian crossings. Public safety will continue to monitor the area. Stop signs are not effective in reducing speed after stoppage and speed bumps pose safety risks for snowplows. Road improvements tend to further increase the speed of motorists. Salt Lake City has addressed speed issues in hilly areas by decreasing the speed limit to 10 to 15 mph. The majority of the homes along Golden Eagle do not have driveways fronting on the road, because it is a collector road. The road could accommodate higher speeds; however, the City has no intention of increasing the speed on the road. The City does not intend to reduce the parking on the road and street parking tends to reduce motorist speed. Stop signs increase safety of like volume road intersections with high volume pedestrian traffic. The City takes the concerns seriously; nonetheless, it has been determined that a stop sign is not the appropriate course of action to mitigate issues.

Mayor Westmoreland stated he has a meeting scheduled for next week with residents that live in the area to discuss concerns.

1.B. PRESENTATION – Recreation Tourism Study

Brigham Young University student Sarah Wright presented her Master of Public Administration capstone project: Eagle Mountain: A Future in Active Transportation.

Ms. Wright stated the main reasons that active transportation should be included in the future economic development of the City are identity, community, and opportunity. Eagle Mountain is a growing City with a young population and active transportation and amenities will be a draw for residents and employers. The City's community has a diversity of interests including hiking, mountain biking, and horseback riding. She suggested embracing the City's historical association with the Pony Express Trail to increase equestrian recreation. The location of the City, access, and climate affords the opportunity to invite tourism through hosting mountain biking competitions or recreational day trips. She suggested utilizing GIS data and investing in a trail plan to indicate potential mountain bike racecourses.

1.C. DISCUSSION – Sweetwater Industrial Park Rezone and General Plan Amendment

Planning Manager Pete Kane presented the item. The subject property is approximately 126.61 acres and is located west of Pony Express Parkway and south of Tiffany Lane. The property was zoned Industrial in the Eagle Mountain Properties Master Development Plan, which has expired The applicant previously requested rezoning of the property in the summer of 2020. On July 21, 2020, the City Council approved the LMD zone and the 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 to consider it 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 for the property is Business Park/Light Industry on 104.36 acres and Neighborhood Residential One on 22.25 acres. The proposed amendment requests Business Park/Light Industry on 92.51 acres and Community Commercial on 34.1 acres.

A large majority of the uses that are permitted or conditional in the Industrial zone are not permitted or are determined to be special uses in the LMD zone. The Sweetwater Industrial Overlay does allow for metal buildings which are not specifically allowed in the LMD.

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 be required to be built to the collector road standards. The applicant proposed this width to better serve large vehicles and turning into and out of the property.

Mr. Kane reviewed a comparison of the land uses allowed the LMD, Industrial, and Sweetwater Overlay zones.

The Planning Commission held a public hearing on the request on March 23. 2021. The Commission unanimously voted to recommend approval of the General Plan amendment and unanimously voted to recommend approval of the rezone as requested by the applicant with the following conditions to the land zoned Industrial with the Sweetwater Industrial Overlay:

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

Mr. Kane explained that the Planning Commission used the same list of prohibited and allowed uses for the area requesting the Sweetwater Industrial Overlay that the City had conditioned during the approval of the overlay on lot 1.

Councilmember Gary expressed his support of the request for commercial and the industrial uses in lieu of residential uses. He hopes the development attracts a variety of industrial uses for the area.

Councilmember Love stated that she feels the Sweetwater Overlay zone is appropriate for this area of the City and noted the reduced design standards in the overlay and that newer metal buildings are more aesthetically appealing than older styles of buildings. However, she is hesitant to apply the overlay on the entire area requested and suggested applying the overlay on only a portion of the southern area of the property and zoning the rest as LMD, especially in consideration of the uncertainty of future circumstances in the City.

Applicant representative Scot Hazard stated that few uses are appropriate for or desire to be located near the sewer treatment plant. He explained that their desire for the overlay is for the reduced development standards that allow for metal buildings. They have prospective users, such as a fitness equipment repair facility, that need the reduced standards due to the cost reduction. It is difficult to predict the number of businesses that will occupy the overlay area as acreage requirements vary drastically based upon individual business needs. Some businesses necessitate the reduced design standards and truck access afforded in the overlay but desire not to be located adjacent to the sewer treatment plant. The commercial uses will serve as a visual and physical buffer for the industrial area. Industrial uses are in demand and a diversity of product options increases marketability of the area. The current proposal requests approximately half of the area for the overlay that had been requested in the previous application. He explained the difficulty and associated costs for applicants to request a conditional use without knowing if conditions of approval will result in decreased interest in developing in the City, should the overlay not be approved.

Councilmember Love clarified that her concerns are regarding vesting approval of the lower design standards due to the timeframe for the project. The City might be able to attract uses with higher design standards in the future.

2. AGENDA REVIEW

9. AGREEMENTS

9.A. AGREEMENT – City Hall Lobby Display

9.B. AGREEMENT – City Council Chambers Lectern and On-screen Timer

Councilmember Gray inquired regarding the fiscal responsibility, need, price, and purpose of the display and lectern.

City Recorder Fionnuala Kofoed explained that as it is a State contract, she is confident on the price. The funds are being taken from available surplus due to other City expenses qualifying for the use of Coronavirus Aid, Relief, and Economic Security Act funds. This item would usually not come before the Council; however, because it had been mentioned during a previous meeting, she included it on the agenda. A majority of the expense is for the decoder and encoder to tie into the existing system. The main purpose of the upgrade is to provide a seamless transition for the public to connect to the City's system for applicant presentations. It provides more features including the option to add software to allow annotation that can be saved and included with the meeting record. If the City were to have a press conference, the media would have the option to tie into the City's audio system; this feature was added at no additional cost. The digital display in the lobby allows for an overflow area for meetings, should the City Chambers exceed seating capacity. The display also accommodates the posting of State-required public notices, which will be a huge return of investment by reducing staff time to physically post announcements, especially for staff located in other buildings. The system will also eliminate previous audio issues and also increases safety by eliminating trip hazards from cords required for the previous system.

Councilmember Gray thanked Ms. Kofoed for the information and said he supports purchasing necessary equipment for the City to function efficiently.

Councilmember Clark stated her support of the purchases due to the increased transparency offered by having an overflow area to allow the public to hear and view meetings, increased visibility of presentations to remote participants, and the increase in staff efficiency in notice postings.

14. PRELIMINARY PLATS & SITE PLANS

14.A. Pole Canyon NPA-11 Preliminary Plat

Councilmember Clark inquired regarding the status of the parts required to address the sewer system and the water pressure issues.

City Engineer Chris Trusty stated the sewer project should be completed within the next 30 days. The water pressure issues have not been recreated when staff conducts pressure tests, and the problems might be caused by internal issues in the residents' homes. They have discussed adding another tank to help mitigate pressure issues; the timeline for the implementation of the new tank is approximately one year. Staff conducts modeling, per State requirements, to determine that new construction will not have detrimental effects on existing homes.

Public Utilities Manager Mack Straw stated that they have not received any calls regarding water pressure problems and that most water pressure concerns are due to the internal plumping issues. They have tried to provide information to residents to assist with identifying and resolving pressure issues within their homes. Overall, the system has been running well.

Ms. Kofoed recommended removing the item from the consent agenda should the Council desire to further discuss and amend the terms of approval.

Councilmember Gray suggested removing items 14.A., 14.B., 14.C., and 14.D. from the consent agenda for individual discussion and approvals.

Councilmember Burnham requested for item 14.A. to be removed from the consent agenda to change the condition to withhold building permits until the completion of the sewer to withholding certificates of occupancy, unless the change can be made during the approval of the consent agenda.

Councilmembers Love and Clark concurred with removing items 14.A., 14.B., 14.C., and 14.D. from the consent agenda.

This portion of the discussion occurred after the discussion on item 17.A.

Councilmember Burnham clarified that the only change she desired was to withhold certificates of occupancy until the completion of the sewer system.

Councilmember Love concurred with Councilmember Burnham's recommendation to change the requirement from building permits to certificates of occupancy.

Mr. Kane explained that Municipal Code requires that the access road be compacted prior to the City issuing building permits, and it must be paved prior to the City issuing certificates of occupancy.

Assistant City Administrator/Community Development Director Steve Mumford explained that State Fire Code also requires pavement prior to occupancy. As such, the requirement does not need to be included in the motion; however, the Council can add the condition to emphasize the requirement if desired. State Code prohibits the City from withholding building permits until a road is paved. The access road can only be required to be improved sufficiently to be able to support the weight of fire apparatus.

14.C. Macey's at Market Place – Site Plan

This item was discussed after item 17.A.

Councilmember Burnham stated that the Planning Commission and City Council had previously expressed concerns regarding the drive throughs and requested a presentation focusing on the drive through plans during work session.

Councilmember Love requested clarification regarding the number of cars that can be accommodated at the drive throughs, and for concerns regarding flagpole height to be included in the work session discussion, although she was unsure if the flagpole height would need to be determined during this stage of the application process.

Mr. Jensen noted that location of the flagpole is not identified on the site plan rendering. The applicant desires feedback from the Council regarding their requested flagpole height of 80 feet. The flagpole at the roundabout on Eagle Mountain Boulevard is approximately 65 to 70 feet. He confirmed that the residential height limit for flagpoles is 35 feet for model homes using flags for advertising purposes.

Councilmember Gray suggested a height of around 50 feet to remain closer to residential flagpole height standards.

Councilmember Love stated that due to issues in other cities, she desires a thorough discussion and evaluation to determine the appropriate and desired commercial flagpole height for the City. She requested staff verify the height of the flagpole in the roundabout on Eagle Mountain Boulevard. She expressed concern that approving one tall flagpole could lead to additional requests for flagpoles of similar or taller heights.

Councilmember Clark requested the length of the drive through queues be included in the work session presentation in addition to the number of cars that can be accommodated. She expressed her support for tall flagpoles and feels they are appropriate for commercial areas.

Councilmember Burnham expressed her support of permitting a tall flagpole and a large flag. She said that the reason for the cap of flagpole heights in residential areas is due to the noise associated with the flags.

Councilmember Love clarified some of her hesitancy regarding flagpole height is due to the proximity to residential areas and noise concerns.

14.D. Request to Amend Condition of Approval – SilverLake South Preliminary Plat

Councilmember Clark stated her desire to remove this item from the consent agenda is to allow a presentation and discussion to be reflected on the record to increase resident understanding of the issue.

SCHEDULED ITEMS

15. THE PINNACLES

15.A. PUBLIC HEARING/ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan and Rezoning Certain Lands Known as The Pinnacles.

15.B. PUBLIC HEARING/ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Master Development Plan for The Pinnacles.

Items 15.A. and 15.B. were presented and discussed concurrently.

Mr. Kane presented the items. The subject property is approximately 161 acres of land on the north side of Aviator Avenue and west of Brylee Farms. It is currently zoned Agriculture and identified in the Future Land Use Map as Employment Center/Campus and Neighborhood Residential One. The applicant submitted a rezone and General Plan amendment request last summer, including a mix of single family, multifamily, and business park. The Planning Commission recommended using the CC zone along Aviator Avenue, noting that the zone was in conflict with the General Plan but would provide a buffer to residential uses.

The latest revised plan calls for a rezone to R2, R3, RC, MF1, MF2, CN, and OS-I. The General Plan amendment requests Neighborhood Residential One, Neighborhood Residential Two, Neighborhood Residential Three, and Community Commercial. The northern approximately 65 acres would remain Agriculture with an Employment Center/Campus designation.

The Planning Commission held a public hearing on the applications on February 23, 2021. The City Council reviewed the items and provided feedback during the work session on March 2, 2021. Feedback from that session included the desire to ensure the business campus portion is not reduced or changed in future amendments, a general reduction in residential density more in line with the current Neighborhood Residential One land use designation on the property (such as reducing the amount of MF1 and MF2), and support for the CN zone along Aviator Avenue. The plans presented tonight and included in the staff report are revisions submitted by the applicant based on the Council feedback.

The plan calls for three connections via Aviator Avenue, two connections into the northern Business Campus, a connection from the Business Campus to Brylee North at the northeast, and a potential connection under or over the future freeway to the property to the north.

The plan includes one large park within the single-family portion of the development. The park would be dedicated to the City and meets the two-acre minimum size for dedication. Each of the multifamily areas will be required to provide open space and amenities as part of their site plan and platting process.

The plan presented to the Planning Commission requested a General Plan amendment to Employment Center/Campus on 65.02 acres (40% of the total property), Neighborhood Residential One on 21.16 acres (13%), Neighborhood Residential Two on 31.7 acres (20%), Neighborhood Residential Three on 26.55 acres (17%) and Community Commercial 16.63 (10%). The current proposal requests a General Plan amendment to Employment Center/Campus on 65.02 acres (40% of the property), Neighborhood Residential One on 46.48 acres (29%), Neighborhood Residential Two on 27.03 acres (17%), Neighborhood Residential Three on 5.89 acres (4%) and Community Commercial 16.63 (10%). The proposed amendment would result in 64% of the currently designated Employment Center/Campus remaining unchanged, the remainder would change to Neighborhood Residential One, Neighborhood Residential Two, and Neighborhood Residential Three, as well as Community Commercial. The currently designated Neighborhood Residential One would remain 69% unchanged with the remaining changed to Neighborhood Residential Two and Community Commercial.

The rezone requests zoning for CN on 16.67 acres (10% of the total property), R2 on 11.79 acres (7%), R3 on 28.9 acres (18%), RC on 18.75 acres (12%), MF1 on 8.28 acres (5%), MF2 on 5.57 acres (3%), and OS-I on 4.9 acres (3%). When compared to the rezone request reviewed by the Planning Commission, the applicant has changed the same amount of land from CC to CN, reduced MF2 from 13.85 to 5.6 acres, reduced MF1 from 12.4 to 8.3 acres, reduced RC from 39 to 18.75 acres, increased R3 from 14 to 29 acres and added R2 on 11.5 acres.

The Planning Commission held a public hearing on the requests on February 23, 2021. The Commission unanimously voted to recommend approval of the rezone request with the following conditions:

1. The CC zone shall be changed to the CN zone;
2. The RC zone north of the CN zone and south of the OS-I zone shall be changed to the R3 zone; and
3. The RC zone outlined in the staff presentation shall be changed to the R3 zone with exception of properties adjacent to multifamily properties to the east and west.

The Planning Commission unanimously recommended approval of the General Plan amendments with the following conditions:

1. The areas to be zoned MF1 shall be amended to "Neighborhood Residential Two;"
2. The areas to be zoned R3 shall be amended to "Neighborhood Residential One;" and
3. Any requested changes to the proposed zoning districts shall be reflected in the appropriate request for land use designation.

The Planning Commission unanimously recommended approval of the master development plan request with the following conditions:

1. The concept plan should be updated to indicate proposed road widths;
2. That any conditions approved for rezoning and the General Plan amendment shall be revised within the plans;
3. The approximately one-acre parcel adjacent to the MF2 zone shall be identified for the future freeway be dedicated for the right-of-way; and
4. The northern approximately 65 acres of land shall either be noted as Future Development/Business Campus for a later amendment to the MDP or permitted to be applied for as a separate MDP.

Based on the Planning Commission recommendations and the revised plans, staff recommends approval of the rezone and General Plan amendment requests and approval of the master development plan with the following conditions:

1. The approximately one-acre parcel adjacent to the MF2 zone shall be identified for the future freeway be dedicated for the right-of-way;
2. The northern approximately 65 acres of land shall be noted as Future Development/Business Campus for a later amendment to the MDP; and
3. The future amendment to the MDP for the northern approximately 65 acres must be appropriate for the current Employment Center/Campus land use designation.

16. ORDINANCES/PUBLIC HEARINGS

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the Recorded Plat Amendment for the Eagle Mountain Business Campus.

Senior Planner Tayler Jensen presented the item. The current approval for the property occurred in 1999 and was recorded in 2002 for five lots with lot 5 designated for open space only. Of the two lots north of Campus Drive within the currently approved plat (lots 1 and 5), only lot 1 has access onto Campus Drive. The applicant-proposed amendment creates Parcel A, which includes The Ranches waterfall sign, and two lots with access onto Campus Drive. Eagle Mountain City will retain ownership of Parcel A.

The purpose of this request is to ensure that the improved open space is owned and maintained by Eagle Mountain City while creating two commercial lots of 1.279 acres with access onto Campus Drive. This request would add approximately 0.958 acres of commercial space to the development and would not remove any improved open space.

The future land use designation for the Eagle Mountain Business Campus is Community Commercial. The Eagle Mountain General Plan Framework Map anticipates a Community Node in this location.

The Planning Commission held a public hearing on the request on March 9, 2021, and unanimously voted to recommend approval of the recorded plan amendment with the following conditions: 1. The purchase of the City property must be finalized prior to the recording of the plat; and 2. The City shall be granted an easement through one of the lots to access the City-owned property.

16.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 15.60 Street Improvements.

Streets and Storm Water Manager Zac Hilton presented the item. The proposed ordinance adopts EMMC Section 15.60.080 Seal Coat, which requires the City to collect a fee prior to plat recordation to place a seal coat on all new asphalt pavement one year after final acceptance of improvements. Staff is proposing a fee based on the total cost of seal coat application at the time of installation. The City would apply the seal coat one year after installation, at the ideal time for application. Applying the seal coat during ongoing construction activities can result in damage and adherence issues.

The developer has the option to apply the seal coat; however, Mr. Hilton thinks developers are unlikely to request to apply the seal coat themselves as the City has a reduced cost due to the volume of seal coat the City applies. Additionally, developer-applied seal coat requires a two-year warranty.

Mr. Hilton clarified that the City currently carries the burden of applying the seal coat; however, the seal coat should be a requirement for the completion of the final product by the developer. Other cities that require developers to pay for the seal coat but provide the option of developer-applied seal coat have found that most developers prefer to pay the fee. Requiring developers to apply the seal coat would decrease staff burden but could result in less durability and quality due to the seal coat being applied at an inopportune time.

17. RESOLUTION

17.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule for Street Improvements.

Mr. Hilton explained that this resolution indicates where the fee would be implemented in the consolidated fee schedule.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

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

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

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

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Planning Manager; Tayler Jensen, Senior Planner; Jessa Porter, Planner; Fionnuala Kofoed, 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; Ross Fowlks, Fire Chief; Angela Valenzuela, Human Resource Manager; Evan Berrett, Assistant to the City Administrator; and Robert Ballif, Engineering Assistant.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

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 7:05 p.m.

Diana Anderson submitted the following comment:

> Esteemed City Council,
> This is Diana Anderson, the resident of Oak Hollow that previously expressed concerned regarding the safety and privacy of my home and neighborhood with the current grading and inadequate wall separating the O'Reilly's from the residential homes. I have spoken with many of you and am so grateful for your concern and effort on our neighborhood's behalf. Thank you for talking with me and for even visiting my home to assess the severity of the problem. I am also grateful for the developer's cooperation and willingness to find an amicable solution. I truly appreciate the effort that has been taken to ensure the safety and privacy of our residence.
>
> I would just like to reiterate our need for the city code to be upheld in order to properly protect our families and homes as well as to provide the much needed privacy from the upcoming roads, parking lots and store. We are sincerely concerned for the safety of our families with the grading as it currently is and how it currently renders the wall ineffective. We plead with the City Council to uphold code and require the developer to provide the "effective screening" require by the code.
>
> A prior discussion with the developer showed the difficulty involved with raising the wall. I believe that raising the wall would provide the most permanent and effective screening to protect us. That is absolutely still my first preference, but should it prove impossible, I plead with you to require thick enough and mature enough evergreen trees to screen our homes from the adjacent property. The use of immature or deciduous trees would simply not fill the "effective" requirement for city code. Please, I plead with you once more, to protect us and our families and homes from the roads and parking lots that will soon be built facing our homes.
>
> Again, thank you so much for your time and effort on our behalf.

Peggy Hunziker submitted the following comment: "The original agreement at the time White Hills was annexed was that there would be NO building permit issued until all the infrastructure was completed. THE SEWER IS NOT COMPLETE. We have been promised for years that it would be done by the next month and then the next month and now here we are four years later and it is still not hooked up to the subdivision. For all we know it could still be another four years. We are tired of the empty promises from this developer and the city. Perhaps we as citizens should ban together and sue the city to return the money we have paid in for a service we are not and have not been receiving. Maybe this will get your attention to stop treating us as the cities step child."

Mayor Westmoreland closed public comment at 7:09 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Gray
Councilmember Gray welcomed the meeting participants. He said he is excited for all the new businesses and ribbon cuttings in the City including the Overland clubhouse, Six Sisters Grill, and Jo'Land Fun and Games. He wished everyone a Happy Easter and thanked Planning Manager Pete Kane and other staff members for the thoroughness of their presentations.

Councilmember Burnham
Councilmember Burnham thanked the meeting participants. She thanked the residents for their public comments and said the Council takes their concerns seriously and will do their best to adequately address the headlight screening and sewer concerns.

Mayor Westmoreland clarified that millions of dollars are being invested in the sewer system for the benefit of and at no additional cost to the residents of White Hills.

Councilmember Love
Councilmember Love echoed Councilmember Burnham's commitment to rectify resident concerns. She is excited that the Overland clubhouse will be open to all residents. She noted that Eagle Mountain Counseling also had a ribbon cutting.

Councilmember Clark
Councilmember Clark expressed her support of the comments of the other Councilmembers and thanked residents for identifying problems and bringing the items to the awareness of the Council. April 15, 2021 the is the Great Shake Out in Utah earthquake preparedness drill. Be Ready Eagle Mountain will be holding an earthquake Community Emergency Response Team drill and scavenger hunt on Saturday, April 17 from 10 a.m. to 2 p.m. She appreciates the City's efforts to prepare volunteers to assist during the cases of an emergency. She encouraged residents to discuss plans for an earthquake with their families and neighbors.

Recognition
Mayor Westmoreland recognized Tiffany Walden for her critical contributions and passionate concern for the City of Eagle Mountain's economic development, including efforts with the Facebook datacenter. He stated her father was instrumental in establishing the roots of the City, and Ms. Walden is passionate about the City and its future. He appreciates her efforts to balance personal and City interests.

Ms. Walden thanked the Mayor and said that her efforts in the City come from the heart. Her goal and purpose are to finish what her father started. She said that many exciting projects are in the works.

The Councilmembers thanked Ms. Walden for her vision of service, heart, impact on the heritage of the City, and concern for the future of the City and future generations.

CONSENT AGENDA

9. AGREEMENTS

9.B. AGREEMENT – City Council Chambers Lectern and On-screen Timer

9.A. AGREEMENT – City Hall Lobby Display

10. BID AWARDS

10.A. Construction Management and Inspection Services for Pony Express Phase 5 Widening Project – PEPG Consulting

11. BOND RELEASES

11.A. Glenmar Ranches Phase B, Plat 4 – Into Warranty

12. CHANGE ORDERS

12.A. Facebook Water Tank Change Order #2 – Probuild

12.B. Water Model Rebuild Change Order #2 – Psomas

12.C. Software Agreement Change Order #1 – Accela

13. MINUTES

13.A. March 16, 2021 – Regular City Council Meeting

14. PRELIMINARY PLATS & SITE PLANS

14.A. Pole Canyon NPA-11 Preliminary Plat

14.B. O'Reilly Auto Parts – Site Plan

14.C. Macey's at Market Place – Site Plan

14.D. Request to Amend Condition of Approval – SilverLake South Preliminary Plat

MOTION: ***Councilmember Burnham moved to approve the consent agenda, amending item 14.A. condition #4 to, "that no certificates of occupancy shall be granted until the sewer is completed," and removing items 14.B., 14.C., and 14.D. from the consent agenda and placing them as scheduled items.***

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

SCHEDULED ITEMS

14.B. O'Reilly Auto Parts – Site Plan

Planning Manager Tayler Jensen presented the item. The site plan proposes an O'Reilly Auto Parts to be located at 4266 E Pony Express Parkway, southeast of Porters Crossing Parkway and Pony Express Parkway, located adjacent to the recently approved Dollar Tree. The property backs onto homes in the Oak Hollow subdivision.

Per EMMC 17.100.050(B), any commercial lot which abuts a residential use shall be effectively screened by a combination of a wall, fencing, and landscaping of acceptable design. EMMC 17.35.050(F) requires buffering or transitioning when building adjacent to residential uses, and EMMC 17.60.110(D) requires applicants to provide a headlight screen. While an existing wall exists, due to following the natural grade, additional buffering is required roughly adjacent to where the O'Reilly access aisle enters the project.

Per EMMC 17.72.030(A)(1), the primary entrance to the building should orient toward the street, and if not, the street-facing façade should include entrances, display windows, awnings, increased architectural elements, increased landscaping, and other pedestrian-oriented features. While the front entry does not face Pony Express Parkway, a pedestrian path is included that ties into the existing trail, and the Pony Express Parkway-facing façade includes additional features.

Per 17.72.040(A), buildings shall be similar in style to adjacent buildings. The proposed building is similar in appearance to the Dollar Tree, but the color palette is much lighter than both the Dollar Tree and Eagle Vision. Mr. Jensen clarified that the colors are a lighter sand color compared to the charcoal used on other buildings; the color palette does not include white. Per 17.72.040(C), the primary roof form of a structure should help reduce the perceived scale of a building. All commercial buildings shall contain either sloping roofs with overhanging eaves or a decorative parapet and multiple roof planes and heights. Per 17.72.040(E), buildings shall incorporate a majority of the following details: reveals, canopies, awnings, pop-outs, columns, decorative trim and moldings, architectural lighting, ornamental cornices, decorative masonry pattern, decorative doors and windows, exposed timbers and trellis. All sides of a building shall include the chosen details. Per 17.72.040(G), a building's color palette should be similar to that of significant neighboring structures.

Municipal Code requires 25 to 37 parking stalls, and 28 stalls are provided. EMMC 17.35.050(K) requires bicycle parking with all commercial locations; bicycle parking is not provided in the applicant's plan. Signage must follow standards found in EMMC 17.80.

The Planning Commission held a public hearing on the request on March 9, 2021 and voted 3 to 2 to recommend approval of the site plan 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. 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. At least three additional design elements designated in EMMC 17.72.040(E)(1) shall be added to all four elevations.

Commissioner Wells' dissenting vote was because she felt additional staff recommendation should have been included in the conditions of approval.

Commissioner Wright's dissenting vote was due to his opinion that other Municipal Code elements identified by staff should be encouraged of the developer, such as adjusting the roof line.

The staff recommendations excluded from the Planning Commission's recommendation of approval included the following conditions:
1. Elevations shall be updated to include stacked stone and materials similar in color to Dollar Tree and Eagle Vision;
2. Elevations shall be amended to include a tower or to increase the height of the parapet above the main entry and columns to give the appearance of different roof planes and heights.; and
3. The primary color of the building shall be similar to that used on Eagle Vision and Dollar Tree.

Mr. Jensen clarified that Municipal Code requires a 3.5-foot headlight screen and a six-foot wall between residential and commercial uses. The wall is six feet high; however, it does not provide six feet of buffering and whether the wall complies with Municipal Code standards is open to interpretation.

Councilmember Love said that headlights are 24 to 54 inches from the ground to the center of the headlight and a foot difference between the drive aisle and the top of the wall between the homes and the commercial property would not provide headlight screening for the residential properties. She said she feels the applicant should determine an adequate a solution.

Applicant representative Ryan Forsythe stated that his height calculations result with the wall providing 3.5 feet of screening at the lowest point on the fence, which is farther west than the drive aisle. He said the grading plan from the residential developer indicated a grade three feet higher than the final homes. He expressed sympathy to the impacted homes, but stated he feels they have met the headlight screening requirement and the six-foot wall requirement for the property. He said that he has discussed a greenery wall as a potential solution with the impacted homeowners. He does not desire to shirk his responsibility but expressed frustration with the situation caused by the residential developer not building the development in accordance with the approved plans.

Discussion ensued debating the measurement method and accuracy of the grade calculation differences between the staff report and the applicant's calculations.

City Attorney Jeremy Cook confirmed that applicant's grievances with the residential developer would be a civil issue. He noted that the property had been originally owned by one individual that sold the land to two different developers. Municipal Code places the responsibility on the commercial developer. It is the responsibility of the commercial developer to address his concerns with the adjacent developer.

Councilmember Gray stated that the screening concerns also include the privacy of the residential property as the lack of a six-foot privacy screen is invasive and intrusive to the residents.

Councilmember Clark agreed that the screening requirement is the obligation of the commercial development and that pursuing a civil complaint with the residential developer is the prerogative of the applicant. She feels the application is not ready for an approval without an adequate resolution to the screening requirement.

Councilmember Burnham concurred with the previous Councilmember's comments, especially considering the privacy concerns. The earthwork to reinstall the fence would negatively impact some properties and she agrees it is not the Council's responsibility to provide a solution.

City Engineer Chris Trusty recommended a topographical survey to better assess the grade difference of the final project. He is unsure if the residential grades on the approved Oak Hollow plans conflict with the final grade as alleged. He agrees it is the applicant's responsibility to demonstrate a solution.

Mr. Forsythe stated that he is also a real-estate attorney and desires to discuss options to determine an agreeable solution prior to preparing plans. He expressed concern with the screening solution retroactively impacting the June 1, 2021 deadline for the approved Dollar Tree project. He explained that retaining requirements to raise the height of the existing masonry wall would reduce the resident's yards and impact the drainage system for the Dollar Tree project. He proposed mounting decorative, ivy walls to the top of the residents' side of the existing fence. It would beautify their yards and increase the privacy more than installing landscaping or fencing on the commercial property. He said the homeowner seemed open to an ivy wall or landscaping on their side of the wall. Another solution would be a vinyl addition to the top of the existing wall. He beseeched the Council to consider his time constraints in their decision and the Municipal Code allowance for landscaping to be implemented as a screening material.

Mayor Westmoreland expressed sympathy and noted the City is aware that the applicant is burdened with providing a solution to a problem he was not responsible for creating.

Councilmember Burnham expressed concern with the recommendation to add something to the top of the wall due to wind durability concerns.

Mr. Forsythe said he would consult with an engineer to provide a durable solution such greenery or a chain link wall with privacy slats. He said he desires to work with the homeowners to determine an aesthetically appealing solution.

Councilmember Clark concurred with concerns regarding the strong winds in the City and the durability of the screening solution especially due to damage liability caused by wind forces breaking windows with fencing in other areas in the City.

Mr. Forsythe inquired if the Council decision would impact the Dollar Tree project and requested Council feedback regarding the proposed elevations in order to remedy concerns prior to the application's return with a solution to the screening issues.

Mr. Cook verified that the Dollar Tree development is required to meet the Municipal Code screening standards independent of the site plan approval.

Councilmember Gray said that the Council could move the project forward but withhold the certificate of occupancy until the screening concerns are rectified in order to not delay the project while ensuring the concerns are properly addressed.

Councilmember Love agreed with allowing the project to move forward but withholding the certificate of occupancy; however, she desires to review the screening solution to verify it adequately addresses the concerns.

Councilmember Clark said she is uncomfortable in moving the application forward. She expressed her preference to provide the applicant the requested feedback regarding the elevations to be sensitive to the time constraints and increase the likelihood of an approval when the application returns with a screening solution.

Mr. Forsythe clarified his concern was with being required to raise the existing masonry fence. He expressed his willingness to provide an appropriate, durable, aesthetically-beneficial screening solution. He said he raised the parapet walls and colors and added additional lighting elements at the request of the Planning Commission and will add a bike rack. He noted the architectural similarities between the approved Dollar Tree and O'Reilly's buildings. He explained that O'Reilly has requested the use of their prototypical colors for branding purposes.

Councilmember Burnham stated that as having an attractive building is in the applicant's best interest, she has no concerns with the proposed palette as long as the colors do not clash with the neighboring properties. She expressed her willingness to approve the project once the applicant provides an adequate screening solution.

Councilmember Gray concurred with Councilmember Burnham regarding the elevations, color palette, and the applicant's rights. Due to varying opinions on preferred aesthetics, he believes the purview of the Council is to ensure the appearance of buildings do not have a negative impact on surrounding properties while respecting the property owner's rights. He disagrees with requiring new construction to exactly match existing buildings in the area.

Councilmember Love concurred with the approval of the presented color palette and thanked the applicant for making the requested roof line adjustments. She asked the applicant to also include the other design elements in the Planning Commission's recommended conditions of approval.

Councilmember Clark commended the applicant for working with the homeowners to determine an amenable solution and requested he continue to involve the homeowners in the decision.

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

14.C. Macey's at Market Place – Site Plan

Mr. Jensen presented the item. The proposal is for a site plan for a Macey's grocery store located on 6.7 acres at the intersection of Pony Express Parkway and Eagle Mountain Boulevard within the Marketplace at Eagle Mountain Town Center Master Development Plan.

The Marketplace at Eagle Mountain Town Center master site plan and preliminary plat were approved on August 18, 2020. The Development Agreement was approved on December 1, 2020. The property is zoned CC, which allows grocery stores over 30,000 square feet. The proposed store is 58,854 square feet.

EMMC 17.56.060(A) requires parking lot lights to be no taller than 17 feet. The applicant will confirm compliance with the requirement. EMMC 17.100.040 requires all site plans of five acres or larger to complete a master site plan. A master site plan has been completed for this site. EMMC 17.100.050 requires building or landscaping on the entire lot and the application is in compliance with the standard.

The applicant has provided 10-foot pedestrian walkways as required per EMMC 17.55.090. The application proposes parking islands every 12 stalls as required per EMMC 17.55.080(C). EMMC 17.55.120(C) requires one parking stall per 200 square feet of building area. The proposed 58,854 square-foot building requires 295 stalls, and the application provides 301 stalls. EMMC 17.55.120(B) requires 8 ADA stalls; the applicant has provided 9 ADA stalls.

Paragraph 10 of the Marketplace at Eagle Mountain Development Agreement states, "building layout, and architecture (materials, colors, detailing, style) of commercial buildings shall be consistent throughout the project. Developer agrees, as much as possible to locate buildings near the front setback line with pedestrian access leading to the primary entrance and landscaping between the building and the street. Building elevations shall comply with EMMC Chapter 17.72 by adding Hardie board accents, architectural detailing, building material mixtures and additional vertical articulation/modulation."

EMMC 17.72.040(A) states, "Commercial buildings should be similar in style as significant adjacent buildings. All facades of commercial structures shall be designed with consistent detail, style and trim as main elevation." The proposed elevations differ significantly in color, appearance, and materials from the businesses located across Eagle Mountain Boulevard. The differences in elevations were discussed during the site plan and elevations were approved for the pad site buildings.

One of the key features of Macey's stores is tall flagpoles. Municipal Code excludes the maximum permitted flagpole heights in commercial zones. The applicant has indicated they would like an 80-foot-tall flagpole or as tall as permitted by the City.

Drive-throughs are required to have a 120-foot stacking lane. The site provides sixty feet of stacking by the window and 100-feet across the drive aisle for a total of 160 feet of stacking. The average car length is approximately 14.7 feet. Trucks can be up to 18 feet. Therefore, the stacking lane would accommodate 10 average vehicles or 8 large trucks.

The Planning Commission held a public hearing on the site plan request on March 23, 2021, and recommended approval with a 4 to 1 vote with the following conditions:

1. All parking lot lights shall be no more than 17-feet in height from grade;
2. Elevations shall be updated to use similar materials, and design elements as the approved pad site elevations and the Shops at City Center;
3. The north and west elevations should be amended to contain varied roof planes;
4. Additional articulation and material variation shall be provided for the north, west, and east elevations;
5. An additional three architectural detail features shall be used on all four sides of the structure; and
6. The drive-through on the east shall be mitigated and conform to EMMC 17.75.069(D).

Commissioner Pengra's dissenting vote was due to feeling too many conditions were required and would have removed conditions 2, 3, 4, and 5.

In response to the Planning Commission conditions, the applicant has ensured all parking lot lights are at 17 feet; added architectural elements to the front, back, and sides to add greater variation; added decorative light fixtures; added variation in masonry from split and honed block, additional roof planes, and extended the decorative lower block all the way around the building; amended the north elevation to have six different roof planes, with columns on the west taller than the rest of the wall; extended the loading dock on the north nearly 30-feet from the main building; added an awning/trellis over the door on the west elevation and over the window feature on the east elevation; and used architectural lighting, decorative windows, awnings/trellis structures, columns, pop-outs, decorative cornices, and reveals. Some features were not included on the north elevation because additional reveals or architectural elements could damage delivery trucks accessing the loading dock. The drive-through on the east has been mitigated as previously presented.

Councilmember Clark expressed concern regarding the split stacking lane impeding traffic, especially due to drive-through queues of 13 to 18 cars in other locations in the City.

Applicant representative Jared Mitchell stated that placing a pharmacy drive-through on the front of the building, although not ideal, has worked well at other store locations. They protect the drive aisle for the safety of the patrons and the ease of accessibility to the store. Other pharmacy locations have not experienced long queues at the pharmacy.

Councilmember Clark noted the long queues at the Saratoga Springs Smith's pharmacies at both the old and new location. The split drive-through at the new Smith's pharmacy has caused traffic impediments. She expressed concerns regarding safety issues and high usage of the drive-through due to the other grocery store pharmacy in the City not having a drive-through.

Applicant representative and engineer for the project Shaun Young said that the pharmacy drive-through can accommodate three cars, including the car at the window, depending upon the size of the vehicle. He noted that the 120-foot stacking requirement only applies to restaurants. Due to the location of the Ace Hardware and the restaurant, relocating the pharmacy drive-through to a side of the building is not a possibility; the only other option would be to remove the pharmacy drive-through.

Councilmember Love inquired if the window could be relocated to provide more stacking distance.

Councilmember Clark suggested providing a curbside delivery option to reduce queue length.

Mr. Mitchell stated they desire to provide safety and convenience for the patrons and employees, and they will consider the Council's suggestions.

Councilmember Burnham expressed her desire to find amenable solutions without delaying the application and felt the proposal could work well as it is functioning well in other locations. She noted that many people pick up their medications from grocery pharmacies while grocery shopping rather than using the drive-through.

Mr. Mitchell said they are working with Dairy Queen as the potential fast-food franchise restaurant for this location.

Councilmember Love stated that Saratoga Springs and Eagle Mountain experience drive-through issues that do not occur in other cities. She said that if used properly and well signed, the queue could be adequately managed.

Mr. Mitchell said that he had spoken with Mr. Jensen about the flagpole as the flagpole is a staple to the Macey's brand. Their standard flagpole has been reduced from 120-feet to 80-feet high. Even though the flagpole height does not need to be resolved during this phase of the application, they desired Council feedback.

Mr. Jensen requested for the City Council to provide direction regarding flagpole height standards as the flagpole could be a staff-level approval later in the process.

Mr. Mitchell identified the proposed location for the flagpole as the center of the parking lot and said the intention is to fly a 20-by-30-foot flag.

Councilmember Clark reiterated she is open to a tall flagpole in a commercial location to fly the American flag as opposed to residential model homes flying advertisement flags.

Councilmember Gray said although he is patriotic and supports flying the American flag, he is concerned that allowing a tall flagpole will cause issues with other requests. He is adamantly against the drive-through plans due to concerns of the unlikelihood of people utilizing them appropriately resulting in traffic impediments and safety hazards. He suggested accommodating additional stacking length along the side of the building.

MOTION: ***Councilmember Burnham moved to approve the site plan for Macey's at Market Place with the updated plans and elevations presented to the City Council and excluding the approval of the flagpole pending a review of Municipal Code flagpole height standards. Councilmember Love seconded the motion.***

Councilmembers Gray and Love requested that flagpole height standards be included as a discussion item at a future meeting.

The Council authorized staff to approve the future flagpole application in accordance with the flagpole height Municipal Code standards to be determined by the City Council.

Those voting aye: Donna Burnham, Melissa Clark, and Carolyn Love. Those voting nay: Jared Gray. The motion carried with a vote of 3:1.

14.D. Request to Amend Condition of Approval – SilverLake South Preliminary Plat

Mr. Kane presented the item. On October 1, 2019, the City Council conditionally approved the SilverLake South Preliminary Plat containing 791 units/lots. One of the conditions of approval included that the neighborhood park shall be installed prior to the recording of a plat containing the 300th lot in this project, in addition to the 278 already recorded in SilverLake Plats 16 through 20.

The applicant has recorded plats with 316 units at this time. The applicant has made efforts to construct the neighborhood park, but the park plan reviews by the City have been delayed by a combination of City staffing transitions, COVID-related changes and delays, and seasonal weather. The applicant anticipates the neighborhood park will be completed this summer, and has finished the final plat review and is ready to record three more plats within the project area: Plats 28 (74 units), 29 (77 units), and 30 (65 units).

The applicant is requesting an amendment to the conditions of approval by either removing or amending the condition so they may move forward with recording the next three plats while they also complete work on the neighborhood park.

Staff recommends that the City Council approve an amendment to the conditions of approval for the SilverLake South preliminary plat by replacing condition #8, "The neighborhood park shall be installed prior to the recording of a plat containing the 300th lot in this project, in addition to the 278 already recorded in Silverlake Plats 16 through 20," with, "The neighborhood park shall be installed by August 1, 2021. No building permits or recordings of plats may be granted or take place after this date unless the park has been completed."

Discussion ensued clarifying the number of recorded and remaining lots in the project.

Mr. Mumford stated that they had recommended a date requirement but would also be willing to consider a requirement based upon the number of approved lots, especially due to material delays caused by the pandemic.

Ms. Kofoed said that recording plats is a lengthy process that has been impacted and significantly delayed by the pandemic. Plat 28 is ready to record.

Councilmember Love expressed her support of date rather than a lot number requirement in order to allow the applicant the majority of the summer to work on the project due to weather impacts on construction.

Mr. Kane verified that a bond is in place for the park.

Ms. Kofoed said that the City is holding approximately 1.7 million dollars as cash bond for the park. Some of the money will be returned to the applicant due to the fulfillment of improvement obligations on the project.

Councilmember Clark stated that she desires to have an assurance that the park will be built. The bond alleviates her concerns regarding an extension of the deadline due to the mitigating circumstances. She supports the date deadline option.

Parks and Recreation Director Brad Hickman confirmed that the applicant has been working on the park and is almost finished with the clubhouse and the landscaping which will release some of the escrow funds, but the City will still have enough of a reserve to cover the park should the developer not fulfill the obligation.

Mr. Kane stated that the recording of the three plats will place an additional approximately $600,000 into the park escrow account.

MOTION: ***Councilmember Love moved to approve a request to amend the condition of approval for the preliminary plat for SilverLake South to, "The neighborhood park shall be installed by August 1, 2021. No building permits or recordings of plats may be granted or take place after this date unless the park has been completed." Councilmember Burnham seconded the motion.***

Mr. Kane explained that the application process requires several approvals over the course of several months and makes it unlikely that the applicant could record a large group of plats immediately prior to the deadline.

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

15. THE PINNACLES

15.A. PUBLIC HEARING/ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan and Rezoning Certain Lands Known as The Pinnacles.

Items 15.A. and 15.B. were presented and discussed concurrently.

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

Mayor Westmoreland opened the public hearing at 9:40 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 Gray stated his appreciation for the changes and progress on this project. He asked if the plan could accommodate additional R2 units south of the park which would be permitted by Municipal Code transitioning requirements.

Applicant representative Andy Flamm stated they desire to offer a variety of product and could consider additional R3 product; however, the variance in lots sizes of R2 units across from R3 units creates alignment challenges.

Mr. Kane noted that the rezone sets the zone, but the lot sizes will be approved with the preliminary plat. As the rezone sets the minimum lot size, he advised amending the zoning designation accordingly to ensure the larger lots are included on the preliminary plat if desired by the Council.

Mr. Flamm expressed hesitancy to make the change due to the delay of the project and the cost to redesign the zoning layout.

Councilmember Gray clarified his request is to rezone the three rows of homes south of the park.

Councilmember Clark expressed her appreciation to the applicant for his flexibility in the changes made due to newly implemented City requirements. She stated her support for Councilmember Gray's recommendation and suggested rezoning the proposed area with a condition of approval to allow the project to be approved and move forward without additional delays.

Discussion ensued regarding the feasibility of rezoning a section of the property to R2.

Mr. Flamm stated that due to aesthetical considerations and implementation challenges, altering two rows of homes, rather than three rows, would be the most viable due to the alignment of the lots. They desire to work with the Council especially in consideration of their other projects in the City. He explained that the one-acre parcel of land in the northwest corner of the project requested to be dedicated to the City will become an inaccessible island until the adjacent land is developed or the future freeway is installed. He said they would prefer to retain the land until the northern commercial portion of the project is developed. The one-acre parcel would remain contiguous to and be farmed with the 65 acres of farmland designated for future commercial development.

Discussion ensued regarding the appropriate terms for the motion.

Mr. Kane clarified that the dedication of the one-acre parcel would not occur until the platting process with Phase 8, the final phase of the residential portion of the development.

Mr. Cook stated the requirement of the land dedication and potential compensation could be determined during the plat recordation of the project. The motion could stipulate the one-acre parcel is included with the recording of Phase 8.

Councilmembers Gray and Love recommended including the one-acre parcel with the development of the northern portion of the property with the City leasing the land back to the applicant.

Mr. Flamm and Mr. Cook expressed their support of excluding the one-acre parcel of land from this approval and having the dedication of the parcel determined with the future commercial development of the property to the north of the residential portion of the development.

Councilmembers Burnham and Love confirmed their support of changing two rows of R3 to R2 zoning.

MOTION: ***Councilmember Gray 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 The Pinnacles, changing the two rows of homes fronting the street directly south of the park from the R3 to the R2 zone and all other changes as reflected in the corrected files in the staff report. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

15.B. PUBLIC HEARING/ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Master Development Plan for The Pinnacles.

Mayor Westmoreland opened the public hearing at 10:07 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 approving the master development plan for The Pinnacles with the following conditions:***

1. ***The approximately one-acre parcel adjacent to the MF2 zone identified for dedication for the future freeway right-of-way shall be removed from this approval and included with the future application for the development of the northern portion of the property;***
2. ***The northern approximately 65 acres of land shall be notes as "Future Development/Business Campus" for a later amendment to the master development plan; and***
3. ***A future amendment to the master development plan for the northern approximately 65 acres must be appropriate for the current "Employment Center/Campus" land use designation.***

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

16. ORDINANCES/PUBLIC HEARINGS

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the Recorded Plat Amendment for the Eagle Mountain Business Campus.

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

Ms. Kofoed explained that the intent is for lot 5 to retain the current entrance sign. This area is not a proposed location for the installation of future wayfinding signs.

Mr. Hickman said that the wayfinding signs will fit in the right-of-way and should not infringe upon these lots.

Mr. Cook said the sale of this property was approved several years ago and the agreement has had several extensions. The contract price has been adjusted and amended throughout the process.

Applicant representative Dan Ford stated an appraisal of the property was conducted a year ago and the current agreement is through June or July of 2021.

Councilmember Gray requested a condition in the agreement to ensure the price of the property reflects current market value.

Mr. Cook explained that the price has been slightly adjusted during the process. The agreement is a large benefit to the City to be able to attract development of the land and create a tax base for the City.

Councilmember Gray stated although he approves of the project as a benefit to the City, he expressed concern with selling the land below market value as a negotiating tactic.

Mr. Cook stated that due to the terms and extension of the current contract the City is bound to the agreed-upon price.

Mayor Westmoreland opened the public hearing at 10:17 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 approving the recorded plan amendment for the Eagle Mountain Business Campus with the following conditions:***

1. ***The purchase of the City property must be finalized prior to recording the plat; and***

2. ***The City shall be granted an easement through one of the lots to access the City-owned property.***

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

Mr. Cook explained that should the applicant desire another extension, the price could be renegotiated at that time. A staff evaluation of the project determined a new appraisal was not warranted due to an insufficient change in the value of the property.

Mr. Ford stated he believes the initial appraisal of the land was overvalued and the agreed-upon price is fair.

Mr. Cook said he feels the deal is beneficial to all involved parties.

Ms. Kofoed verified that an addendum had been approved by the Council in January 2021 to extend the agreement for six months.

16.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 15.60 Street Improvements.

Streets and Storm Drain Manager Zac Hilton reviewed the item as presented during work session. If approved, fee collection will be implemented on July 6, 2021.

Mayor Westmoreland opened the public hearing at 10:24 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 Clark moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Chapter 15.60 Street Improvements. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

17. RESOLUTION

17.A. RESOLUTION -- A Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule for Street Improvements.

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

MOTION: ***Councilmember Clark moved to approve a resolution of Eagle Mountain City, Utah, amending the consolidated fee schedule for street improvements. Councilmember Gray seconded the motion. Those voting aye: Donna***

Burnham, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

18. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Burnham

Councilmember Burnham requested the Council provide their input to her regarding the transit study results prior to her follow-up meeting on Thursday morning. She said she has mixed feelings about the study because the group that performed the study was unfamiliar with Eagle Mountain City. Their projections for 2030 will likely be reached by next year. She felt the recommendations were not justified as the data was based upon population numbers, which she felt were inaccurate for Eagle Mountain and Saratoga Springs and did not include Cedar Valley residents. The study will likely result in bus services from the City to the Lehi Trax Station. She recommended Councilmembers focus their review on the recommendations section of the report.

Councilmember Gray

Councilmember Gray stated that the previous consolidated fee schedule included renting City Hall although the City no longer rents the Council Chambers. He expressed concern the inclusion places staff in an uncomfortable position in turning down requests. He inquired why the language had not been removed.

Ms. Kofoed said allowing residents to rent the Council Chambers was codified and included in the consolidated fee schedule. Several years ago, concerns arose regarding renting the space for political events. It was determined not to rent the building but to retain the language in Municipal Code. Groups that are sponsored by the City are allowed to use the facilities. She recommended removing the language to prevent confusion by staff and residents regarding the rental policies.
Councilmember Burnham stated that it would be clearer to disallow the renting of the space for all groups.

Ms. Kofoed said that under normal circumstances, rooms and the Council Chambers are not available due to frequent City and board usage.

Councilmember Gray noted that the partnering groups are allowed to use the facilities without a fee and the removal of the rental language would not prevent use by City-sponsored groups.

Ms. Kofoed confirmed that a Municipal Code amendment to remove the language regarding the rental of the Council Chambers will be placed on an agenda due to the request of multiple Councilmembers. The fee schedule could also be amended as time permits.

Councilmember Love made a formal request for an amendment to determine a commercial flagpole height standard for the City.
Mayor Westmoreland directed staff to prepare an amendment for commercial flagpole height standards. He noted that of the 170 new residential building permits in March 2021, 148 were single-family homes and 22 were multifamily. He said that the City continues on a good trend balancing single-family and multifamily development. Mountainland Association of Governments expects the Utah Department of Transportation to move forward with the Mountain View Corridor

funding this year. Once the Mountain View Corridor is approved, the City will be able to lobby for Wride Memorial Highway funding.

Councilmember Clark
Councilmember Clark requested the City invite a State representative and senator to a City Council work session to report on items that impact the City. She reiterated her request to meet with neighboring cities.

Mayor Westmoreland said that neighboring city officials are amenable to a joint meeting. He will discuss and schedule meeting dates with city and state officials.

Mr. Mumford stated that the requested statistics of vested residential units within the City will hopefully be available within the next month or so; however, the data will not be as specific as desired due to flexibility in lot sizes and unit types permitted in master development plan approvals.

Ms. Kofoed said staff sent a link to a document with the Council approvals from 2019 on to enable to Council to research approvals from previous meetings. She verified the City Council meeting with the Alpine School District is scheduled at 7:30 a.m. on April 29, 2021.

19. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Burnham
Councilmember Burnham met with the Senior Citizen Advisory Council. They desire to meet in person as soon it is possible to meet safely. They have an activity scheduled for April and they provide meals to seniors with a single-meal pick-up on Wednesdays from 11:30 a.m. to 12:30 p.m. Two meals per person are available at the Thursday pick-up between 11:30 a.m. and 12:30 p.m. The Senior Citizen Advisory Council has a board member position open for a resident over 55 years of age.

Councilmember Love
Councilmember Love met with the Cemetery Advisory Board and said more details will be forthcoming regarding the Memorial Day commemoration.

Councilmember Clark
Councilmember Clark said a repeater station will be installed to increase the transmission capability of the Ham radios within the City. The City has over 200 licensed Ham radio operators. She is inspired by the passion and zeal of the Parks and Recreation Advisory Board and is excited about their plans and efforts.

Councilmember Gray
Councilmember Gray stated the Youth Council is doing well and participated in the City Easter Egg Drive-Up. He encouraged youth participation in Youth Council and their activities.

20. COMMUNICATION ITEMS

20.A. Upcoming Agenda Items

21. ADJOURNMENT

MOTION: ***Councilmember Gray moved to adjourn at 10:49 p.m. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 10:49 p.m.

Approved by the City Council on April 20, 2021.

Fionnuala B. Kofoed, MMC
City Recorder