EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

April 5, 2022, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Robert Hobbs, Planning Manager; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Jeremy Cook, City Attorney; Kimberly Ruesch, Finance Director; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Tyler Maffitt, Communications Manager; Embret Fossum, UFA Battalion Chief; Eric McDowell, Chief Deputy Sheriff; Evan Berrett, Assistant to the City Administrator; and Robert Ballif, Engineering Assistant.

CITY STAFF PRESENT ELECTRONICALLY: Aaron Sanborn, Economic Development Director; Jeff Weber, Fleet and Facilities/Operations Director; Michele Graves, Library Director; and Chas Glenn, Administrative Assistant.

Mayor Westmoreland called the meeting to order at 4:06 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

General

- The City has received preliminary acceptance status to issue passports. Additional personnel will be required to provide the service. Initial analysis indicates that the revenues would exceed the expenditures.
- The review of proposals for information technology services has concluded. Staff has determined to remain with Executech as the cost is significantly less than other providers, and they offer a superior level of expertise with municipal knowledge depth and 24-hour helpdesk services.

Community Development

- Commercial projects for the Marketplace at Eagle Mountain Town Center include Little Caesars Pizza, Chipotle, Gamers Inn, Noodles and Company, Taco Bell, Wendy's, Swig, America First Credit Union, Deluxe Nail Bar, Subway, Maverik, Arby's, Great Clips, Tropical Smoothie Café, and Crumbl Cookies.

Water

- Repairs are complete on Well 5, and Well 1 is undergoing repairs. The installation of the new pump will begin tomorrow.
- The City is currently drawing water from the Central Utah Water Conservatory District at a rate of 4,500 gallons per minute.
- A contractor is evaluating the rehabilitation of the golf course well.

Wastewater

- The wipers need to be replaced on Clarifier 2, and staff is aware of issues with Clarifier 1.
- Staff is completing the dust control measure that uses effluent rather than culinary water.

Streets

- The crack seal project has been delayed due to weather.
- The Pony Express Parkway widening project will be completed by the end of April.
- The turn pockets on Bobby Wren Boulevard and Solo Street will be completed in the near future.
- The project to lengthen the left-hand turn lane from eastbound Pony Express Parkway onto Ranches Parkway and the first segment of widening Mid Valley Road will commence soon.
- The areas surrounding Old Airport Road will be seeded within the next two weeks.
- Airport Road signage will be replaced with Old Airport Road signs.
- The City is addressing power issues impacting the Bobby Wren Boulevard traffic light.

Councilmember Wright suggested placing temporary construction traffic signals on Bobby Wren Boulevard to mitigate safety issues until the traffic light is functional.

Mayor Westmoreland recognized Streets and Storm Drain Manger Zac Hilton and the Eagle Mountain City Streets Department for receiving the Friend of Industry Award from the Utah Asphalt Pavement Association at the Utah Asphalt Conference in February.

1.B. UPDATE – Budget

Finance Director Kimberly Ruesch stated an update will be included on City Council agendas until the budget adoption to allow the Council to make inquiries regarding the tentative budget. She explained that the budget committee will review the department proposals for additional personnel and make recommendations to approve, amend, or deny requests to be ratified or altered by the Council during the adoption process.

2. AGENDA REVIEW

10. AUDIT

10.A. Acceptance of the 2021 Fiscal Year Audit – Ron Stewart

Ron Stewart with Gilbert and Stewart CPAs explained his organization was contracted to perform the audit for the 2021 fiscal year. The results of the audit include the following items:

- The financial statements are materially correct.

- The internal controls contained a significant deficiency in the timeliness of the reconciliations due to staffing issues caused in part by the pandemic. Existing controls and additional staffing have resolved the deficiency.
- The City is out of compliance with State requirements due to areas of the General Fund being over budget and the fund balance being too large. State statute requires surplus funds be moved to the Capital Project Fund and assigned to a specific project. Plans are in place to transfer and allocate the excess funds.
- The audit of federal funding expenditures is ongoing.

Mr. Stewart explained that the audit of federal funding will be completed within the next two months.

City Administrator Paul Jerome explained the difficulty in predicting funds required and process to resolve excess or deficient funds.

Discussion ensued regarding plans to resolve fund excesses and deficiencies, impacts of City growth on fund balances, and sales tax revenue.

11. BID AWARDS

11.D. Well #7 Booster Pump & Cory Wride Memorial Park Reuse Pump Station Electrical – Royal Wholesale Electric

Councilmember Love expressed concern about paying a fee for timely delivery, which is not guaranteed.

City Engineer Chris Trusty stated the City will benefit from paying for expedited service. The provider currently has a 48-week lead time for pumps, but they anticipate supply chain improvements and have set the tentative delivery date for 44 weeks. However, due to the volitivity of the market, they are unwilling to guarantee a timeframe or include liquidated damages in the contract. Waiting 61 weeks for delivery could delay the project and impact meeting capacity requirements for summer water usage. Staff is considering a change order to procure additional transformers for future upgrades to the White Hills Well.

Discussion ensued regarding the following:

- Impacts of the pandemic resulting in unprecedented delays in materials and parts deliveries;
- Potential additional delays should the City opt to select a different bid or not pay the expedited fee;
- Upsizing sourcing capacity on existing wells;
- Plans for additional City wells;
- Purchasing surplus transformers for future use or reusing transformers;
- Transformer usage limitations due to variance in sizing;
- Balancing City needs, risks, financial stewardship, and fiscal responsibility;
- Strategies to meet State capacity requirements; and

- Water supply redundancies and excessive capacity goals.

14. PRELIMINARY PLATS & SITE PLANS

14.A. SITE PLAN – Marketplace at Eagle Mountain Town Center Lot 6 Pad C2

Senior Planner Tayler Jensen noted that the developer provided updated elevations with the addition of the awning, as requested. He clarified that the Planning Commission recommended removing the requirement for a pedestrian access across the drive-through queue.

Councilmember Love requested the developer add several sidewalk or trail accesses between the individual pad sites to connect the development to the trail along Pony Express Parkway. She also requested the pedestrian accesses not cross drive-through lanes when possible.

Mr. Jensen explained that staff had recommended a trail connection between the properties. Because the properties are owned by different individuals, the connection was determined unfeasible. The applicant for this pad site is also the master developer.

Discussion ensued regarding enforcement options for pedestrian connectivity standards for the pad sites per EMMC 17.72.030(A) as the master site approval excluded pedestrian access consideration.

Councilmember Love requested the item be removed from the consent agenda and placed as a scheduled item.

15. ORDINANCE/PUBLIC HEARING

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands Known as Saddle Junction.

Mr. Jensen presented the item. The application is for a rezone of approximately 1.5 acres to the CC Zone. Both the CN and CC zones are appropriate under the Future Land Use Plan designation of Community Commercial. The applicant has requested the CC Zone, but the CN Zone may provide better transitioning between residential and commercial uses.

The Planning Commission recommended approval of the Saddle Junction rezone with a vote of 3 to 1 to the CN Zone with a condition that a development agreement be written to allow a maximum of 50-foot-high structures, with all other commercial development standards of the CN zone to apply.

City Attorney Jeremy Cook confirmed that the land adjacent to this parcel on the south of Stonebridge Lane has vested rights for the previous Commercial Zone.

Councilmember Wright requested staff provide the Council with information regarding the rezoning of the property to the south.

16. EAGLE QUEST EAST

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands and Approving a Master Development Plan for Eagle Quest East.

16.B. MOTION – Eagle Quest East Preliminary Plat

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

Mr. Jensen presented the item. The application is for an approximately 163-acre parcel to be rezoned to a mix of R1, R2, R3, RD1, and RD2; a master development plan; and a 407-unit preliminary plat. Although RD1 and RD2 are found within the Agriculture/Rural Density General Plan designation, they are appropriate to comply with lot size transition standards.

The application was tabled during the January 18, 2022 meeting with the following feedback:

- A preference to redesign the project and keep Old Airport Road where it is currently shown on the Future Land Use and Transportation Map.
- That the conditions from the Planning Commission (below) should be adhered to:
    1. Including a row of RD2 lots between RD1 and R1 units;
    2. That the number of R1, R2, and R3 units shall be adjusted so each represents approximately one-third of the Neighborhood Residential One units;
    3. Park and Open Space be recalculated to ensure minimum standards are being met;
    4. That at least one church site be identified; and
    5. A community mailbox location be included in Phase 1 of the development.
- The desire for varied unit type.
- Depending on the overall density of the project and animal rights conflicts that the 152-foot right-of-way of Old Airport Road may be allowed to count as one or two transition steps between the lots on the east and west of the project.

The proposal includes three parks: a 3.30-acre southwest park, a 2.22-acre central park, and a 3.13-acre east park. Staff recommends that the east park be replaced with R1 lots, the ten lots adjacent to the central park be replaced with open space and most of the amenities planned for the east park, and three lots north of the southwest park be removed to add additional neighborhood-focused amenities to the park. If the staff recommendations are followed, overall park space will increase by 1,717 square feet. While this proposal would remove 13 lots, it is anticipated that the applicant could recover 12 R1 lots by replacing the east park with 10,890-square foot R1 lots, reducing the project lot count by a single unit. A block length in the southeast corner of the project exceeds the maximum of 800 feet and requires a mid-block pedestrian connection.

Applicant representative Kurt Ostler said they are amenable to amending the park plan as recommended by staff and adding the pedestrian connection. One of the purposes of the east park is to provide additional trails and walkability.

Councilmember Love said that she is in favor of removing the houses adjacent to the central park to provide access from all four sides of the park.

Councilmember Curtis thanked the applicant for adjusting the number of R1, R2, and R3 units as requested. He expressed concern with park timing in relation to housing development and inflation devaluing escrow funds. His preference is for parks to be installed as soon as possible and requested a clear understanding regarding what the City will reimburse for right-of-way installation.

Mr. Jensen said an additional consideration that influenced the staff recommendations was the inclusion of the southwest park in Phase 1 and the east park in Phase 8 of the project. The proposed changes would result in the completion of the parks during an earlier stage of the development.

Mr. Ostler stated that the right-of-way reimbursement will be addressed during the development agreement.

Discussion ensued regarding the right-of-way dedication and reimbursement agreement with relationship to the density in the project, the timing of Old Airport Road installation, and the balance and percentages of larger and smaller lots in the project.

Councilmember Gray stated that he is evaluating the project based upon the number of units rather than the acreage of unit type and his preference would be to not allow R2 or R3 products.

Mr. Ostler stated he felt he had met the Council's requests by adding quarter-acre lots to transition from adjacent projects, providing an average lot size of over a quarter acre, and increasing the number of large lots in the project. He requested fair treatment and consistency as he has received conflicting feedback during each review and requests that differ from what is asked of other developers with similar projects.

Councilmembers Gray and Curtis stated that they have been consistent in requesting the development be lower in density.

Councilmember Gray was excused from the meeting at 5:58 p.m.

17. ORDINANCE

17.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Enacting Eagle Mountain Municipal Code Chapter 5.30 Rental Dwelling Business Licensing.

Assistant to the City Administrator Evan Berrett presented the item. City Municipal Code was recently updated to require utility accounts to be in the property owner's name and updated the applications and application process. Code Enforcement has access to the property owner's contact information through utility billing. Benefits of implementing a licensing program include promoting rental standards and improvement to utility billing data and processes. He reviewed the elements of the proposed incentive-based landlord licensing program.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: ***Councilmember Burnham moved to adjourn a closed session for the purpose of discussing the lease of real property pursuant to Section 52-4-205(1) of the Utah Code, annotated. Councilmember Wright seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

The meeting was adjourned at 6:13 p.m.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Robert Hobbs, Planning Manager; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Jeremy Cook, City Attorney; Mack Straw, Public Utilities Manager; Embret Fossum, UFA Battalion Chief; Eric McDowell, Chief Deputy Sheriff; and Evan Berrett, Assistant to the City Administrator.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities/Operations Director; Tyler Maffitt, Communications Manager; and Brad Hickman, Parks and Recreation Director.

4. CALL TO ORDER

Mayor Westmoreland called policy session to order at 7:13 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Wright led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The City's Easter Egg Hunt will be held this Saturday, April 9th, at Cory Wride Park. The activities will start at 11:00 a.m. Photos with the bunny will take place at the event. We hope to see you there.
- Eagle Mountain City recently introduced a new Wildlife and Conservation web page. This website is designed to educate residents about the wildlife that call the area home and provide resources to help residents learn more. Find it through the Eagle Mountain City website.
- Eagle Mountain residents are encouraged to ride their ATVs and OHVs responsibly. The City has provided plenty of resources describing the City's laws and State requirements for properly riding these vehicles. We want to encourage safe riding practices throughout the spring and summer months.

- The State of Utah remains in a drought. The City is asking residents to wait to water their lawns until April 15th and to educate themselves to avoid overwatering their grass.
- Eagle Mountain's Community Cleanup will be held April 23rd. We are seeking volunteers in the community to help with cleanup projects. For more information on events happening in the City, please check the City website or follow us on social media.
- A Ham radio class will be held on April 7th at 7:00 p.m. at Eagle Mountain City Hall. This will be the second class in a five-week course. A Ham radio exam will be held on Saturday, June 19th from 10:00 a.m. to 1:00 p.m.

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 7:18 p.m.

Steven Andersen inquired regarding property line confusion on Six-Mile Cutoff Road, formerly Airport Road, between the Eagle Quest and Overland subdivision boundaries. ATVs are using the area behind his home, part of which is located on his property, as a road and he is concerned about his family's safety. He requested the area be barricaded to prevent access. Additionally, he asked that flashing lights be placed at the pedestrian crossing for Frontier Middle School.

Director of Administrative Services/City Recorder Fionnuala Kofoed said that she has been in communications with the residents and that confusion has arisen due to the Utah County parcel map. Former Airport Road will be removed from the maps. Current residents can fence the area within their property markers. Erroneous gaps or overlaps between the Eagle Quest fence and properties in the Overland subdivision boundaries will be addressed when the adjacent property is platted and developed.

City Administrator Paul Jerome said that the City will work with the property owners to obtain permission to place a blockade on private land to assist with fostering safety.

Jeff Ruth advocated for the Council to repeal the allowance for OHVs on City roads to access trails due to abuse by motorists using roadways for recreation, and he requested all vehicles to be street-legal. He is in favor of approving the landlord licensing program.

Jeff Marshall said he recently received a notice of violation for a trailer that has been stored in his backyard since 2002 prior to Municipal Code standards prohibitions and requested a grandfathered status exemption.

City Attorney Jeremy Cook explained that Mr. Marshall could submit a form to make a formal request for an exemption.

Mr. Jensen clarified that the Code Enforcement notice was due to concerns regarding home business license standards because multiple trailers are stored on his property for a fee.

Katie Ratzlaff expressed concerns regarding safety due to balls being kicked into traffic from the Mid Valley Park soccer fields and children playing near the road. She recommended a partial fence be installed to keep children and balls from entering the road.

Mr. Jerome expressed appreciation for Ms. Ratzlaff's suggestion. He said the area will eventually be converted to other uses and the City will explore mitigation strategies to address safety concerns in the interim.

Alyvia Timothy with Creative Signs and Graphics advocated for amending EMMC 17.80 Sign Regulations and Sign Permits to allow electronic reader boards for commercial uses. She cited studies and listed benefits to the business community.

Josh Stevenson requested that flashing lights and school zone signage be installed at Frontier Middle School.

Mr. Jerome explained that middle schools have different requirements than elementary schools, and the City is widening the road to address traffic issues which will improve visibility and help mitigate safety concerns.

Mayor Westmoreland acknowledged and expressed appreciation to the Lakeview Academy students that submitted letters to the City Council.

Mayor Westmoreland closed public comment at 7:53 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Wright
Councilmember Wright welcomed those in attendance and thanked the residents for their involvement. He recognized the Youth Council members in attendance and thanked them for their service. He expressed appreciation to Public Utilities Manager Mack Straw and his department for their efforts in repairing Well 5.

Councilmember Burnham
Councilmember Burnham thanked the residents for attending to express their concerns and offering solutions as their input is important and assists the City Council with fulfilling their duties. She congratulated the Streets Department for receiving the Friend of Industry Award from the Utah Asphalt Pavement Association.

Councilmember Curtis
Councilmember Curtis stated he will strive to improve his responsiveness to resident emails. He recognized and expressed appreciation to the youth in attendance.

Councilmember Love
Councilmember Love thanked the residents that donated blood during the American Legion Blood Drive. The Legion is planning another blood drive tentatively scheduled for June 10th. She

recognized Tyler and Jennifer Shimakonis for their community service including on City boards and as Youth Council Advisors and presented them with City coins.

Councilmember Gray
None.

9. RECOGNITION

9.A. Brody Kinder – Rural Water Association of Utah Wastewater Operator of the Year

City Administrator Paul Jerome recognized Wastewater Supervisor Brody Kinder as the Rural Water Association of Utah Wastewater Operator of the Year and presented him with a plaque.

CONSENT AGENDA

10. AUDIT

10.A. Acceptance of the 2021 Fiscal Year Audit – Ron Stewart

11. BID AWARDS

11.A. 2022 Eagle Mountain Slurry Seal Project – M&M Asphalt Services

11.B. 2022 Mid Valley Road Extension Design – Civil Science, LLC

11.C. Well #7 Booster Pump & Cory Wride Memorial Park Reuse Pumps – Nickerson Inc

11.D. Well #7 Booster Pump & Cory Wride Memorial Park Reuse Pump Station Electrical – Royal Wholesale Electric

12. BOND RELEASES

12.A. Arrival Phase B, Plat 7 – Into Warranty

12.B. Arrival Phase B, Plat 8 – Into Warranty

12.C. Eagle Point Phase G, Plat 2 – Into Warranty

12.D. Ranches Estates Plat A – Into Warranty

12.E. Ranches Estates Plat C – Into Warranty

12.F. SilverLake Plat 30 – Into Warranty

12.G. Brylee Farms Phase A, Plat 2 – Out of Warranty

12.H. Eagle Heights Village Plat 1 – Out of Warranty

12.I. J & J Ranches – Out of Warranty

12.J. Ranches Estates Plat B – Out of Warranty

13. MINUTES

13.A. March 15, 2022 – Regular City Council Meeting

14. PRELIMINARY PLATS & SITE PLANS

14.A. SITE PLAN – Marketplace at Eagle Mountain Town Center Lot 6 Pad C2

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

SCHEDULED ITEMS

14. PRELIMINARY PLATS & SITE PLANS

14.A. SITE PLAN – Marketplace at Eagle Mountain Town Center Lot 6 Pad C2

Senior Planner Tayler Jensen presented the item. The application is for commercial pad building located on lot 6 of the Eagle Mountain Town Center Development. EMMC 17.72.030(A) requires pedestrian connections to the front of a building. Staff recommends an access along the border between this property and the adjacent pad site. The Planning Commission felt the shown pedestrian access to the internal portion of the project was sufficient to meet the requirement. The applicant provided updated elevations with the addition of the awning requested by the Planning Commission.

Councilmember Love said she would prefer connections to the trail along Pony Express Parkway be placed between every other building throughout the Marketplace project, avoiding passing through drive-through lanes.

MOTION: ***Councilmember Love moved to approve the site plan for Marketplace at Eagle Mountain Town Center Lot 6 Pad C2 with the following conditions:***

1. ***The applicant shall work with staff to provide a pedestrian connection from the main building entrance to the improved trail along Pony Express Parkway; and***
2. ***The updated elevations with the addition of the awning requested by the Planning Commission are approved.***

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

15. ORDINANCE/PUBLIC HEARING

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands Known as Saddle Junction.

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

Applicant representative Conner Atkin explained that a group has expressed interest in the area to construct an office building. They desire the flexibility for a multiple story building as they are unsure of the building height anticipated by the potential buyer. They would prefer the additional use options available in the CC Zone but are amenable to CN zoning.

Councilmember Love expressed her support for the CN Zone with the existing height restrictions as she feels a taller building would not be in harmony with the location and would increase traffic in an already congested area.

Mayor Westmoreland opened the public hearing at 8:27 p.m.

Robert Black expressed concerns regarding a building taller than one story not being congruent with the area, negative impact on property values, increased traffic, and safety issues.

Camille Gardner expressed concern with the height recommendation by the Planning Commission not being in harmony with the area and the increased traffic and parking needs of a taller building. She recommended implementing commercial districts in the City.

Matt Hicks, Alexis Hicks, and David Black submitted emails expressing concerns about commercial development of the area.

Mayor Westmoreland closed the public hearing at 8:35 p.m.

Mr. Jensen said that this area has been zoned or designated for commercial uses for many years and the development of property generally increases rather than decreases property values.

Councilmember Curtis stated that although unfortunate, residents do not own the right to the view from their property.

Councilmember Gray stated he feels that CN would be the appropriate zoning designation, including the 35-foot height maximum.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah rezoning certain lands known as Saddle Junction to the CN Zone. Councilmember Curtis seconded the motion.***

Discussion clarified that the motion excludes the Planning Commission recommendation to allow structures up to 50 feet tall.

Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.

16. EAGLE QUEST EAST

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands and Approving a Master Development Plan for Eagle Quest East.

16.B. MOTION – Eagle Quest East Preliminary Plat

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

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

Mayor Westmoreland opened the public hearing at 8:48 p.m.

David Shippen said he represents the owners of the property to the north. They appreciate the City requiring the road on the east side of the project to retain the General Plan alignment. They are concerned with the northwestern road creating a one- to two-acre orphaned segment of developable land between two roads and would prefer the road along the north of the project extend to Old Airport Road.

Mayor Westmoreland closed the public hearing at 8:53 p.m.

Councilmember Burnham expressed her support for staff's park recommendations and the changes to the project to add more large lots, the average lot size of the development, and the variety of lot sizes offered.

Mr. Jensen verified that the proposed density for the project is 2.49 units per acre. The Neighborhood Residential One General Plan designation calls for 2 to 4 units per acre.

Discussion ensued regarding the preference for church sites to reduce the number of R2 or R3 lots, rather than the number of larger lots in the development.

Applicant representative Kurt Ostler said he is amenable to locating a church in an R2 or R3 zoned area. He noted that removing the park as requested would decrease the R2 and increase the R1 units and acreage, bringing the division of the R1, R2, and R3 unit types closer to one-third each.

Discussion ensued regarding the right-of-way dedication of land and road reimbursement and the average density of the project.

Councilmember Curtis said this project offers a better balance of product type and has a lower density average than other developments the Council has reviewed.

Councilmember Gray expressed frustration that road acreages are included in the density calculation. Mr. Ostler stated the roads are included because the developer assumes the burden of being unable to develop buildable land required for right-of-way dedication.

Mr. Jensen confirmed the standard method of calculating the density of projects includes right-of-way acreage.

Councilmember Gray clarified that his intention with requesting a third of each of the R1, R2, and R3 zones was for a balanced number in unit count, not acreage. He advocated for more specific standards to require lower project density. He would prefer the Council interpret the Neighborhood Residential One General Plan designation to require all R1 zoning and units in this area as he feels the City has an abundance of R2 and R3 units. It is the purview of the Council to require any of the three zones included in the land designation.

Councilmember Burnham noted that the project exceeds all minimum and average lot size requirements for the proposed zoning. Where the Council had indicated that they would entertain R1, R2, and R3 unit types for the project during previous meetings, it would be unfair to the developer to now require only R1 units at this stage.

Councilmember Love acknowledged the Council had not specified unit count or acreage when requesting one-third of each unit type within the Neighborhood Residential One designation.

Councilmember Wright acknowledged Councilmember Gray's concerns; however, when an applicant responds in a positive manner to Council requests, he feels the body should be responsive. As such, he is uncomfortable altering the direction given to the applicant.

Discussion ensued regarding product density acreage calculations with consideration of the ambiguity in previous feedback, and fairness to the applicant.

Councilmember Curtis expressed concern that removing the east park would result in the road serving as the buffer between the large lots to the east and the R1 units. However, placing the east park along a major roadway causes safety hazards, and the location and layout limit the useability of the space.

Councilmember Wright requested the east park be replaced with half-acre lots, recognizing the above and beyond efforts by the applicant to provide larger lots in the northeast of the project and the road burden and limitations.

Mr. Ostler noted that a fence would be placed between the park and Old Airport Road. He would prefer to retain and utilize the east park as a transition step rather than half-acre lots.

Mr. Jensen reminded the Council that the previous discussion contemplated allowing the 152-foot Old Airport Road right-of-way to be counted as one or two transitioning steps to buffer away from the larger lots east of the project.

Councilmember Curtis acknowledged concerns regarding fairness to the applicant, but also agrees with the request for half-acre lots in place of the east park. One-third acre or smaller lots would not meet transition standards.

Councilmember Burnham said she was agreeable with either leaving the park or replacing the area with half-acre lots.

Councilmember Love concurred and noted that allowing half-acre lots and counting Old Airport Road as two transition steps would meet transition standards.

Discussion ensued regarding removing or retaining the park.

Mr. Ostler requested to keep one of the lots north of the southwest park that had been recommended to be converted into open space in exchange for replacing the east park with half-acre lots. He noted that the half-acre lots would require fewer amenity points than the R2 lots being removed to relocate park space.

Mr. Jensen confirmed that as the project already exceeds the open space requirement, the project should likely still meet the required amenity points if one of the lots north of the southwest park is retained.

MOTION: ***Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, rezoning certain lands and approving a master development plan for Eagle Quest East with the following conditions:***

1. ***The two R2 lots located along the north edge of the property be zoned R3;***
2. ***A 20-foot wide, mid-block pedestrian connection, with an 8-foot pedestrian path, be provided through the R1 block located in the southeast corner of the project;***
3. ***A community mailbox location in compliance with EMMC 16.35.150 shall be provided in the first phase of development, and subsequent locations shall be placed so no home is more than 1,320 feet from the nearest community mailbox location;***
4. ***The master development agreement shall include language that prohibits the transfer of density for any acreage included in a school or church site;***
5. ***The east park shall be replaced with half-acre lots and be zoned RD2;***
6. ***The ten lots adjacent to the central park shall be replaced with open space and the bulk of the amenities from the east park;***
7. ***Two lots north of the southwest park shall be replaced with open space and additional neighborhood-focused/scaled amenities be added to this park;***
8. ***This approval is conditional upon the approval of a master development agreement; and***

9. ***A future church site shall reduce the number of R2 or R3 lots and shall not reduce the number of larger lots in the development.***

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

MOTION: ***Councilmember Gray moved to table the preliminary plat for Eagle Quest East to allow the applicant to make the requested amendments to the plat. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

17. ORDINANCE

17.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Enacting Eagle Mountain Municipal Code Chapter 5.30 Rental Dwelling Business Licensing.

Discussion ensued regarding concerns about the unintended consequences of implementing the program, being punitive to responsible landlords and renters, the impact on City resources to execute the program, and the enforceability of the proposed rules and processes. The Council decided to utilize Code Enforcement to address and mitigate rental property infractions and to revisit and reconsider the rental dwelling business licensing program in the future to determine if additional regulations would assist with conflict resolutions should additional measures prove necessary.

Councilmember Curtis stated that Councilmember Gray suggested scheduling a discussion to better understand the existing issues and difficulties with enforcement to evaluate measures and Municipal Code standards to provide tools to support Code Enforcement Officers.

Councilmember Wright said although he recognizes the burden to landlords such as himself, noting that none of his rental properties are located within Eagle Mountain City, he thinks the Council made the correct decision in requiring the utilities to be in the landlord's name to open gateways to communication with property owners and to create financial accountability to recuperate lost revenues for the City.

Mr. Jerome acknowledged the limitations in gathering data due to variance in situations of different cities when determining the best method to resolve issues.

Councilmember Love noted that the City now has an administrative law judge to assist with the enforceability of Municipal Code and prefers focusing on resolving enforcement issues rather than licensing.

Assistant to the City Administrator Evan Berrett explained that the City is in need of additional staffing support, such as a dedicated clerk and coordinator, for the administrative law judge to make the system more effective and less burdensome to Code Enforcement.

MOTION: ***Councilmember Burnham moved to table an ordinance of Eagle Mountain City, Utah enacting Eagle Mountain Municipal Code Chapter 5.30 Rental Dwelling Business Licensing for approximately six months to allow staff to determine if the item should be reviewed and revisited. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

18. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Gray
Councilmember Gray expressed concern with plastic boxes being installed in the right-of-way for fiber optic cables and requested for traffic-grade boxes to be required to protect against vehicular collisions with the boxes. He requested a review of the General Plan and clarification regarding the plans for a Pony Express Trail park and trail.

Discussion ensued regarding examination and enforcement of policies to ensure the materials of utility boxes are appropriate for their location.

Mr. Jerome stated that he believed a review of the General Plan is already underway and he will confirm the status of the project with the Assistant City Administrator/Community Development Director Steve Mumford.

Discussion ensued regarding road alignment on the Future Land Use and Transportation Map in the General Plan, the cost of reviewing the General Plan, and the Planning Commission's General Plan duties and responsibilities.

19. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Burnham
Councilmember Burnham congratulated Jenny Humes for being named the Eagle Mountain Chamber of Commerce Director of Special Events and Melissa Clark for being named the Chamber Director. She thanked former Chamber Director Holly Harwood for her service.

Councilmember Love
Councilmember Love requested an update regarding the signage for the Senior Citizen's Center.

Staff verified that they are in the process of obtaining a building sign as well as directional signage.

Councilmember Wright
Councilmember Wright announced that the City is still in need of Youth Council Advisors. The Parks and Recreation Advisory Board has a vacancy.

Councilmember Gray
Councilmember Gray suggested appointing the members of the Eagle Mountain Nature and Wildlife Alliance to the proposed City Wildlife Advisory Board.

Councilmember Curtis
Councilmember Curtis stated that the Senior Citizens Advisory Board has a recommendation for an individual to fill the board vacancy and inquired if more of their activities could be included in the Eagle View.

20. COMMUNICATION ITEMS

20.A. Upcoming Agenda Items

21. ADJOURNMENT

MOTION: ***Councilmember Wright moved to adjourn the meeting at 10:21 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

The meeting was adjourned at 10:21 p.m.

Approved by the City Council on April 19, 2022.

CORPORATE SEAL EAGLE MOUNTAIN EST. 1996 UTAH

Fionnuala B. Kofoed, MMC
City Recorder