



# EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

February 15, 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, Jared Gray, Carolyn Love, and Brett Wright.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Colby Curtis.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Robert Hobbs, Planning Manager; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; 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; Tyler Maffitt, Communications Manager; Angela Valenzuela, Human Resource Manager; Michele Graves, Library Director; Embret Fossum, UFA Battalion Chief; Eric McDowell, Chief Deputy Sheriff; Chas Glenn, Administrative Assistant; Evan Berrett, Assistant to the City Administrator; and Robert Ballif, Engineering Assistant.

CITY STAFF PRESENT ELECTRONICALLY: Tayler Jensen, Senior Planner; Aaron Sanborn, Economic Development Director; Angela Valenzuela, Human Resource Manager; and Chas Glenn, Administrative Assistant.

Mayor Westmoreland called the meeting to order at 4:07 p.m.

### 1. CITY ADMINISTRATOR INFORMATION ITEMS

#### 1.A. UPDATE – City Administrator Items

##### General

- A resident of Cedar Pass Ranch expressed concern about water rights being exacted from residents of the area in order to connect to our water system. This is no different from any other development in our City. In order to draw water out of the ground and provide it to residences, the City is required to have ownership of the water rights. Otherwise, the water rights could be sold or expire and those rights could be passed on to someone else.
- It was also expressed that residents in Cedar Pass Ranch who do not have curb and gutter should not have to pay a storm drain fee. Our Stormwater department has to maintain all of the natural waterways in the City that benefit areas such as Cedar Pass Ranch. In fact, maintenance of natural areas is often more costly to the overall operations of the department than are neighborhoods with curb and gutter.

### Water

- The materials for Well #1 are at Widdison Turbine and the City is waiting on an install date.
- Meter reads for the month are underway.
- The City is currently working on the pressure reducing valves that feed the Tyson pressure zone to assist with fire suppression and pressure issues.
- The Water Department is working to get the City's wells ready for spring and summer use including work on Well #5.

### Wastewater

- Staff has replaced the #2 clarifier wipers.
- Staff is still working towards a resolution for the issue with the organisms that break down the organic material at the treatment plant.
- The City received a new composite sampler and staff is working on the plumbing to connect it.
- The fan press is anticipated to be delivered the first week in May.
- Both floats have been replaced at the Steeplechase and Lone Tree lift stations.

### Parks

- Landscape Maintenance Contract: Council should be aware that the landscape maintenance contract is up for rebid. Staff will post and solicit requests for proposals from landscape firms. The Council can expect an agreement to be on the agenda for the March 1, 2022 City Council meeting.
- Walden Park Observatory: Staff is working on receiving a memorandum of understanding (MOU) from Utah Valley University to donate funding for the building portion of an observatory in Walden Park. Along with the funding for the observatory structure, they will be donating the use of a couple of telescopes. Once the MOU is approved by both parties, staff will move forward with construction documents to build the structure and completion of this amenity in the community.
- Pioneer Park – Disc Golf Course: Staff has received an order for supplies to offer an 18-hole disc golf course in Pioneer Park. Staff will be working with local volunteers to help install the disc course.
- Smith Ranch Community Park: Staff has been working with MHTN Architects on finalizing construction documents for the park. Design efforts for the skatepark will begin next week. Once the construction documents are complete, the City will be able to distribute them for bids and start construction and development of this park.

### Engineering

- Bobby Wren traffic signal: The City was informed by the Utah Department of Transportation last week that the materials for the traffic light are delayed and the completion timeline for the project has now been extended until the end of March.
- Well #7: The City will be awarding a bid package for site work at the next City Council meeting. The City will also award a drilling bid at the same meeting. The site will be prepped with drilling to occur in late summer.
- The power cabinets at Trailhead Road and Pony Express Parkway should be relocated within the next week. Paving can occur as soon as temperatures allow.

- Hales Engineering should have a memo prepared to be presented to the City Council by next week concerning the options for the Campus Drive and Stonebridge Drive area on Ranches Parkway.
- The draft concept reports for the funding for Airport Road and the Ranches Corridor Trail were submitted last week. Staff will meet with Mountainland Association of Government next week and the final reports are due March 17<sup>th</sup>.

### Community Development

- Commercial Design Standards: The City is preparing a request for proposals for an architect or architectural firm to assist the City with updating the commercial design standards and provide plan review services for conformity to those standards. This may require a budget amendment in the near future. The Mayor will likely make assignments to Councilmembers to be involved in this process.
- Road Standards: Staff is working on a Municipal Code amendment addressing local road and private road standards. The Mayor will likely make assignments to Councilmembers to be involved with the amendment.
- Tickville Wash Slopes: A major safety hazard (fracture) was identified along the top of the south side of the wash in SilverLake, along the large cliff face. The City was planning to preserve some of that area for bird habitat, but that area will completely collapse if not remediated, further stressing the importance of the slope mitigation project that will resume soon to provide for the safety of the residents. Three owl nesting boxes have been installed along the wash as well.
- Pre-construction meetings were held or are being held recently for The Place at Parkway (a mixed-use building near Village Pizza), O'Reilly Auto Parts, and Tagg n Go Carwash.
- January Building Permits: 142 new residential permits, 4 commercial permits, 30 solar permits, and 21 other permits.

### Economic Development

- Staff is working on getting agreements signed for the Economic Development Master Plan update and the Affordable Housing Plan.
- The City is finalizing requests for proposal documents to post for the Farmer's Market for new management and operation of the market.

## 2. AGENDA REVIEW

### 9. BID AWARDS

#### 9.A. Eagle Mountain Boulevard Widening Pre-Construction – WW Clyde

City Engineer Chris Trusty explained the bid award will result in expediting the project without awarding the construction bid to a specific contractor. The City may obtain and award bids to any contractor at any stage during the project. The purpose of this method is to be able to identify the necessary materials and to phase the project into smaller portions that can be completed in a timelier manner.

### 12. PRELIMINARY PLATS & SITE PLANS

#### 12.A. PRELIMINARY PLAT – Parkway Fields Phase A (Previously known as Founders Square and Ault Farms)

Discussion ensued regarding the number and location of lots with frontage widths smaller than Municipal Code requires.

Applicant representative Bronson Tatton explained that the open space parcel at the southwest corner of Freedom Boulevard is for a gateway landscape area and a subdivision sign that will be owned and maintained by the homeowner's association.

#### 12.B. SITE PLAN – Marketplace at Eagle Mountain Town Center (Lot 11 Pad A)

Councilmember Love expressed approval of the proposed crosswalk location and would like the City to provide additional crosswalks in the area to offer safe, walkable trails to and from the adjacent neighborhoods. She agrees with the Planning Commission regarding the need for additional architectural details on the east elevation.

Mr. Trusty said he assumed the master development plans include sidewalks and pedestrian travel routes. The City can work with the developer to install walkways earlier in the project with the first developments to facilitate pedestrian travel.

Mr. Jensen presented updated elevations with increased awnings and other architectural details in response to the Planning Commission recommendations. He verified that the vertical columns protrude from the building 6 to 9 inches.

#### 12.C. SITE PLAN – Wendy's at Marketplace (Lot 7)

Discussion ensued regarding concerns with the coloring of the building including the tan stucco and the red in relation to the Municipal Code requirement for new commercial buildings to be similar to existing significant buildings in the area.

Councilmember Gray requested increased articulation on the rear elevation of the building including roofline height variation or an awning above the rear door of the building.

Applicant Eric Malmberg explained that adding an awning would call attention to the door which is problematic for building security and employee safety; however, other features could be added to the rear elevations and the stucco color can be changed.

Angelina Talamantes, the architect for the project, stated the tan stucco could be changed to a light gray and the red on the top of the rear elevation could also be changed to light gray; however, the red blade on the front of the building is needed for branding and a change to the color or removal of the blade on the front elevation would require Wendy's corporate approval.

Discussion ensued regarding potential color and architectural changes to the building. The Council expressed support of excluding an awning over the rear door due to security concerns but requested

a reduction of the red and roofline height variation on the rear elevation similar to the front elevation and adjusting the signage accordingly.

Mr. Mumford stated that staff will provide the updated elevations with the requested changes to the City Council, once they are submitted by the applicant.

### 13. RESOLUTION

#### 13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah Authorizing the Finance Director and Treasurer to Make Changes to the Eagle Mountain City's Public Treasurer's Investment Fund (PTIF) Accounts.

Mr. Jerome explained the funds are governed by the Public Treasurer's Investment Fund and the State Treasurer. The fund is reviewed by multiple individuals and internal and external protocols are in place to prevent fraud.

### 14. EAGLE MOUNTAIN DATA CAMPUS

#### 14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands known as Eagle Mountain Data Campus.

#### 14.B. DISCUSSION – Eagle Mountain Data Campus Concept Plan

*Items 14.A. and 14.B. were presented and discussed concurrently.*

Mr. Hobbs presented the item. The property is currently zoned Agricultural and is located within a Business Park/Light Industry land use per the City's adopted General Plan Future Land Use Map. The applicant proposes that the property be assigned the Regional Technology and Industry (RTI) Overlay Zone to facilitate development of a data center on the property. He explained that the Planning Commission review included discussion regarding the appropriateness of the parking provided and the viability of the project due to its proximity to the Rocky Mountain Power substation.

Councilmember Burnham asked whether the rezone application should be tabled and postponed until the review and potential amendment of the RTI Overlay Zone.

Councilmember Gray agreed with Councilmember Burnham and expressed concern regarding the water and power usage of the data center. Although he is not against the rezone, he does not want to imply that a data center will automatically be approved without addressing concerns.

Economic Development Director Aaron Sanborn explained that some data centers use ambient air rather than water to cool the servers. The City has opportunities to find data center providers that use other methods that will not impact water.

Councilmember Curtis expressed concern with the City Council not being able to evaluate the impact on City services and traffic generation during the RTI Overlay approval process. He suggested including contingencies on the approval based upon the future changes to the terms of the RTI Overlay amendment or other preventative measures to ensure that the rezone approval would not have an adverse impact on City systems.

City Administrator Paul Jerome confirmed that discussions with Rocky Mountain Power resulted in providing sufficient power for the current data centers as well as additional capacity for future industrial partners without detrimental impacts to residents.

Discussion ensued clarifying that the building permit and site plan would be reviewed under the current Municipal Code standards; however, an agreement for the project could likely not be completed prior to the expiration of the current RTI Overlay as development agreement negotiations usually require several months.

Mr. Mumford verified that a site plan application could not be denied due to high water usage; nevertheless, large project negotiations and development agreements would address water usage.

Mr. Cook explained that users requiring a large amount of water would have a separate water usage agreement with the City.

Mr. Jerome stated that there is a possibility that an entity could purchase a large amount of water without the City knowing who they are until after the purchase if the company purchased the water rights through the open market rather than through Central Utah Water. However, due to the possibility of the City not approving the project, most companies would not assume the risk of purchasing large amounts of water prior to discussions with the City. The City and the entity negotiate many aspects such the tax increment financing, the development agreement, and sewer in addition to water.

Mr. Mumford stated that he has been working with Councilmembers Burnham and Wright on language for an amendment to the RTI standards and a draft should be ready in about a week.

Mr. Hobbs noted that the applicant is aware of potential changes to the RTI Overlay and the automatic repeal date in May 2022. They are willing to apply for the overlay in its present form knowing that potential changes are forthcoming.

## 17. RESOLUTIONS

- 17.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Authorizing the Issuance and Sale of Not More Than \$20,000,000 Aggregate Principal Amount of Sales Tax Revenue Bonds, Series 2022; Fixing the Maximum Aggregate Principal Amount of the Bonds; The Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount From Par at Which the Bonds May be Sold; Providing for the Publication of a Notice of Public Hearing and Bonds to be Issued; Providing for the Running of a Contest Period;

[Authorizing the Execution by the City of a General and Supplemental Indenture of Trust, and Other Documents Necessary for the Issuance of the Series 2022 Bonds; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transaction Contemplated by this Resolution; and Related Matters.](#)

Laura Lewis with Lewis, Young, Robertson, and Burningham presented the item. She explained that sale tax revenue will be used to secure the bond, and per State requirements, a general vote is not required unless pledging the full taxing power of the City. This action adopts the parameters resolution, sets forth the maximums for the par amount of the bond not to exceed \$20,000,000, the interest rate not to exceed 5%, length to maturity not to exceed 31 years, and the discount at which the bonds can be sold not to exceed 3%. Bonds are priced at a premium to attract investors and to get the lowest rates, which lower the principal amount of the bonds. Under the true interest rate for the bond, the amount will result in closer to a 2.5% interest rate rather than the 5%. The resolution will also appoint the designated officers, allowing two of the following four individuals, the Mayor, the Mayor Pro Tempore, the City Administrator, and/or the Finance Director, to approve the agreement as long as the stipulated parameters are retained. The designees will also participate in the bond pricing call. A public hearing is required to be held and a notification of the March 15, 2022 hearing will be posted. She recommends setting the bond amount higher than anticipated to allow for additional funding if necessary. The proceeds could be used for any road project; however, the terms would need to be amended to be used for a different type of project such as a park.

Mr. Jerome explained the funds will be used to widen Eagle Mountain Boulevard from two lanes to four lanes from Pony Express Parkway to just past Aviator Avenue and to install medians and landscaping within the widening project area. A sewer trunk line will be installed beneath Eagle Mountain Boulevard for the length of the widening project. Funds will also be used to remove the roundabout at the intersection of Eagle Mountain Boulevard and Pony Express Parkway and install a traffic signal in its place. Two lanes will be added to Mid Valley Road from the existing end of pavement west of Frontier Middle School to Eagle Mountain Boulevard, and two lanes will be added to Old Airport Road from the existing end of the first phase to Wride Memorial Highway. The projects are impact fee-eligible, and the City is working with Mountainland Association of Government (MAG) to secure additional funding.

Discussion ensued regarding the estimated cost of the projects at approximately \$16,000,000 and the intention to bond for \$20,000,000 to cover unanticipated costs. Should the costs exceed the amount of the bond, funding from other sources would be needed to complete the projects.

Ms. Lewis explained that the maximum amount of the bond could be increased and that the City is not required to utilize the full amount available, but they cannot receive more than the fixed maximum amount. Should the projects exceed the bond amount, the City could either not finish the projects or secure additional bonds; however, the administrative costs and fees make bonds for smaller amounts less cost-effective.

Mr. Trusty verified that the water lines have already been upsized in the areas planned for road expansion and the installation of the trunk line is included in the bond amount to prevent needing to remove and replace portions of the road for future utility expansion.

Ms. Lewis clarified that repayment of the bond is anticipated for 20 years and the 31-year period is to allow additional time should more funds be utilized. The terms prevent the bond from being paid off in fewer than ten years. The bond can be structured to allow for early payment with increased interest rates for a portion of the funding, such as the projects with potential MAG funding.

### **3. ADJOURN TO A CLOSED EXECUTIVE SESSION**

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:13 p.m.

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Robert Hobbs, Planning Manager; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Tayler Jensen, Senior Planner; Senior Planner; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Tyler Maffitt, Communications Manager; and Embret Fossum, UFA Battalion Chief.

### **4. CALL TO ORDER**

Mayor Westmoreland called the meeting to order at 7:08 p.m.

### **5. PLEDGE OF ALLEGIANCE**

Councilmember Burnham led the Pledge of Allegiance.

### **6. INFORMATION ITEMS/UPCOMING EVENTS**

- Eagle Mountain residents interested in learning more about road projects, new businesses, and residential development are encouraged to visit the Resident Portal at [eaglemountaincity.com](http://eaglemountaincity.com) tomorrow morning. The new “What’s Happening?” button will help residents identify what’s coming, and better assess when each project will be completed.

- Eagle Mountain City is now providing information on its City website pertaining to proposed changes to water rates, sewer rates, and stormwater rates. Residents can learn more by visiting [eaglemountaincity.com/rate-change-information](http://eaglemountaincity.com/rate-change-information).
- Residents should be aware of Free Fare February. The Utah Transit Authority (UTA) is offering free service on their Bus, TRAX, FrontRunner, S-Line Streetcar, Ski Bus, and UTA On Demand services.

To receive City notifications, including emergency info, news events, and traffic alerts, sign up at [emcity.org/notifyme](http://emcity.org/notifyme).

## 7. PUBLIC COMMENTS

*Mayor Westmoreland opened public comment at 7:15 p.m.*

The following individuals made comment and/or submitted an email regarding the proposed animal code ordinance changes John Hubbard, Bettina Cameron, David Corneal, Kelli Riem, Curtis Kotter, Patricia Adams, Michelle Jowett, Chris Peterson, Jason House, Danielle Manis, Colton Scott, Jaclyn Weist, Stephen Briles, Jeff Woolums, Cameron Maddox, Kayla Wilkins, Randy Patten, Dennis Fox, and Misty Day.

Paul Kelsch inquired regarding the projects planned to be funded with the bond on the meeting's agenda.

*Mayor Westmoreland closed public comment at 7:26 p.m.*

## 8. CITY COUNCIL/MAYOR'S ITEMS

### Councilmember Gray

Councilmember Gray stated he appreciates the public participation and ensured residents he reads the emails he receives regarding the items on the agenda.

### Councilmember Wright

Councilmember Wright welcomed the public, thanked them for their passion, and asked for their patience as the Council works through evaluations. A Community Emergency Response Team online course will be held on April 23<sup>rd</sup> and 30<sup>th</sup> from 8:00 a.m. to 5:00 p.m., more information is available on the Be Ready Eagle Mountain Facebook page. A Parks and Recreation survey regarding sports programs in the City will be forthcoming.

### Councilmember Love

Councilmember Love thanked everyone for being at the meeting and their diligence in supporting causes important to them.

### Councilmember Burnham

Councilmember Burnham expressed her gratitude to the public for their participation and interest in the City bonds and animal rights. She supports animal rights as a part of the City's identity. She appreciates citizen efforts and attendance to learn the truth about City actions because the things

posted on the internet are often inaccurate. She encourages and appreciates residents reaching out to Councilmembers with questions to verify the accuracy of the things they hear and to share their concerns.

#### Mayor Westmoreland

Mayor Westmoreland expressed appreciation to Councilmember Love as Mayor Pro Tempore and others for their assistance and patience as he continues to recover from illness catch up on his workload.

### **CONSENT AGENDA**

#### **9. BID AWARDS**

9.A. Eagle Mountain Boulevard Widening Pre-Construction – WW Clyde

#### **10. BOND RELEASES**

10.A. Brandon Park Phase A, Plat 15 – Into Warranty

10.B. Cedar Farm – Into Warranty

10.C. Harmony Phase A, Plat 3 – Into Warranty

10.D. Brandon Park Phase A, Plat 8 – Out of Warranty

10.E. Brandon Park Phase A, Plat 9 – Out of Warranty

10.F. Scenic Mountain Phase A, Plat 4 – Out of Warranty

#### **11. MINUTES**

11.A. February 1, 2022 – Regular City Council Meeting

#### **12. PRELIMINARY PLATS & SITE PLANS**

12.A. PRELIMINARY PLAT – Parkway Fields Phase A (Previously known as Founders Square and Ault Farms)

12.B. SITE PLAN – Marketplace at Eagle Mountain Town Center (Lot 11 Pad A)

12.C. SITE PLAN – Wendy's at Marketplace (Lot 7)

#### **13. RESOLUTION**

- 13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah Authorizing the Finance Director and Treasurer to Make Changes to the Eagle Mountain City's Public Treasurer's Investment Fund (PTIF) Accounts.

**MOTION:** *Councilmember Burnham moved to approve the consent agenda, approving item 12.B. with the new elevations presented to the Council during the meeting and approving item 12.C., removing the requirement for an awning over the back door, changing the tan stucco to a light gray, and changing the red on the back to a red blade taller than the roofline, similar to the blade on the front elevation. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

## **SCHEDULED ITEMS**

### **14. EAGLE MOUNTAIN DATA CAMPUS**

- 14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands known as Eagle Mountain Data Campus.

- 14.B. DISCUSSION – Eagle Mountain Data Campus Concept Plan

*Items 14.A. and 14.B. were presented and discussed after item 16.A.*

Planning Manager Robert Hobbs reviewed the item as presented during work session.

Discussion ensued regarding the impact of the rezone on the taxable income on the land, clarifying that if the land is currently classified as greenbelt the property taxes would remain the same.

*Mayor Westmoreland opened the public hearing at 7:54 p.m. As there were no comments, he closed the hearing.*

Discussion ensued regarding concerns with approving the rezone prior to the pending amendments to the Regional Technology and Industry (RTI) Overlay Zone.

Applicant representative Corey Berg explained that two groups are actively pursuing projects. One group desires to close on 1 ½ acres of land and begin developing soon; should the rezone not be approved tonight, they would potentially lose the interested buyer. He believes that the group intends to build a data center and they are aware of the water use concerns. The remainder of the property will remain as greenbelt and be utilized as a sod farm until developed.

Councilmember Gray stated after consideration, he would be in favor of retaining an amended RTI Overlay rather than repealing the zone.

Councilmember Love inquired if traffic, water, and buffering concerns could be addressed as conditions of this approval.

Assistant City Administrator/Community Development Director Steve Mumford explained that specific concerns and the offsetting of the impact to the City infrastructure and resources would be addressed in a development agreement or with site plan approvals. The provision of any incentives would require a development agreement.

Councilmember Wright stated he would prefer to table the application until the RTI Overlay amendment is finalized.

Mr. Mumford clarified that the approval of the rezone would place the RTI Overlay zone on the property, allowing applicants to submit a site plan or request an agreement to allow the standards permitted in the RTI Zone.

Mr. Berg stated the site plan application is not anticipated until the end of April. The buyer is considering properties outside of Eagle Mountain. Should the rezone not be approved, the buyer might choose a different city.

Councilmember Wright said that due to the time constraints with the project, he would be willing to consider approval of the rezone.

**MOTION:** *Councilmember Gray moved to approve an ordinance of Eagle Mountain, City, Utah rezoning certain lands known as Eagle Mountain Data Campus as presented. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

## 15. RUSH CREEK

### 15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands known as Rush Creek.

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

Mr. Hobbs presented the item. In July of 2021, a General Plan amendment changed the designation of the 38.80-acre property from Employment Center/Campus to Business Park/Light Industry. The applicant has now applied for a rezone from Agriculture/Rural Density to Light Manufacturing/Distribution (LMD) and preliminary plat approval for a 15-lot industrial subdivision.

The Planning Commission recommended approval of the rezone and preliminary plat during the January 25, 2022 meeting with following conditions:

1. The project shall provide a 20-foot-wide buffer at its eastern end in lieu of the 15-feet buffer shown on the plat;
2. The 20-foot wide north-south trail buffer on the eastern side of the property shall be zoned OS-N; and

3. The project shall comply with any requirements from the City Engineer, including submittal of a traffic analysis prior to applying for a final plat approval.

Mr. Hobbs verified that Parcel A is a retention pond area and the cul-de-sac would accommodate industrial vehicle traffic.

Discussion ensued regarding the following items:

- Transition standards for industrial and residential properties;
- Providing only the OS-N Zone as compatible buffering between the zones;
- Whether to consider the collector road as a buffer; and
- The benefits, potential issues, and usability of a 20-foot OS-N buffer.

Mr. Hobbs noted that Municipal Code does not include width requirements for buffer zones.

Applicant representative Dan Ford said they felt the masonry wall and a 15-foot open space area would be a sufficient buffer.

Councilmember Gray stated that he is in favor of the project as he feels that there are insufficient spaces available for this type of product in the State. He expressed concern with the proposed trail and wall due to safety and maintenance problems. He would rather have the burden of buffering fall on the residentially zoned property that will be building after this project.

*Mayor Westmoreland opened the public hearing at 8:25 p.m. As there were no comments, he closed the hearing.*

Mr. Ford explained that their intention is to connect the open space buffer to the School and Institutional Trust Lands Administration regional trail system.

Discussion ensued regarding the possible plans for the trail system in the area and concerns regarding trails adjacent to industrial uses.

**MOTION:** *Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, rezoning certain lands known as Rush Creek to the LMD Zone. Councilmember Wright seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

#### 15.B. MOTION – Rush Creek Preliminary Plat

**MOTION:** *Councilmember Gray moved to approve the Rush Creek preliminary plat with the condition that the project shall comply with any requirements from the City Engineer, including submittal of a traffic analysis prior to applying for final plat approval. Councilmember Wright seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

Staff's recommended conditions one and two, regarding the trail and buffer, were removed from the approval.

## 16. ORDINANCE

### 16.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 6.10 Animal Zoning Regulations.

*This item was presented and discussed prior to item 14.A.*

Senior Planner Tayler Jensen summarized the changes made to the language since the last review of the item on February 1, 2022, and explained the reasonable person standard.

- Changes to Table 6.10.090:
  - Removal of the setback from residence or periodically inhabited buildings column
  - Clarification of the language to say “3 or more acres”
  - Reduction of the fenced area required for horse/mule and buffalo from 22,000 square feet for 1 to 4 animals to 2,500 square feet per animal
  - Restoration of minimums for pigs and buffalo
- The addition of a reasonable person standard on what constitutes half an animal for either miniature breeds or offspring
- Clarification that pigs do not count towards the maximum animal points until they are weaned

Mr. Jensen noted that other changes include the removal of references to the Airpark Zone resulting in the renumbering of sections, and clarification that chickens, ducks, and similar fowl are exempted from these regulations and are allowed per the EMMC 17.25.030 Residential Lane Use Table.

Councilmember Love verified that the two pigs are allowed on ½ to .99 acres, four on 1 to 1.99 acres, six on 2 to 2.99 acres, and eight on more than 3 acres; the minimum lot size pigs are allowed on is a ½ acre, and the minimum lot size buffalo are allowed on is 1 acre.

Councilmember Burnham said that residents have expressed concern regarding offspring counts and recommended not counting any offspring until they are weaned.

The Council determined to exclude counting offspring until they are weaned and to retain counting offspring as a half unit until they reach a size of greater than half the size of an average adult for that animal type.

**MOTION:** *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Chapter 6.10 Animal Zoning Regulations with the following changes:*

1. *EMMC Table 6.10.090 shall be amended to allow two pigs on ½ to 0.99 acres, four on 1 to 1.99 acres, six on 2 to 2.99 acres, and eight on*

*more than three acres; pigs shall be allowed on is a minimum of a ½ acre; and buffalo shall be allowed on a minimum of 1 acre; and*

**2. Any animal that a reasonable person would define as ½ size (or smaller) of an average adult animal shall count as a ½ unit including offspring and miniature animals. Offspring shall not count towards maximum numbers until weaned offspring do not count until weaned.**

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

## 17. RESOLUTIONS

### 17.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Second Amended and Restated Oquirrh Mountain Master Development Agreement.

Mr. Mumford presented the item. The second amendment to the Oquirrh Mountain Master Development Plan and rezone were approved by the City Council on October 19, 2021. Paragraph 7.2 of the master development agreement (MDA) details the park improvement timing and park escrow. The petroglyph park and hillside park are required to be completed prior to the recording of a plat containing the 130<sup>th</sup> residential lot. Language was added to allow for partial release of park escrow upon completion of park areas. The project is divided into two phases. The hillsides are part of the wildlife corridor overlay zone and must comply with the standards in EMMC 17.49. The zoning map has been updated to reflect the correct frontage and setback zoning standards.

Mr. Mumford stated that the Pony Express Regional Trailhead has an existing parking lot in the area. Previous plans intended for a park south of the existing church in the completed subdivision east of the project. The petroglyph park will have parking and sidewalks connecting the parking to the trail system. Signage for the other parking area can direct residents to the petroglyph park. Plans for the future park can be amended to serve as trailhead parking if additional parking is needed for buses and larger vehicles.

Councilmember Gray said that as the neighborhood is close to regional parks, he would prefer additional parking for the unique natural and historical aspects of the area rather than playground equipment.

Councilmember Love said although she agrees with Councilmember Gray's sentiments, playgrounds are needed for toddlers in closer proximity to their homes.

Mr. Mumford clarified that the MDA sets the timing for the park amenities; the design and amenities will be determined during plat approvals. Park escrows have been allowed in the past. However, developers were requesting partial releases of funds as portions of the parks were completed, and the inspecting and processing burden to staff became onerous and unsustainable. The City now requires full completion or substantial progress for escrow releases and retains 10% of the project cost in escrow for the warranty period.

Discussion ensued regarding previous and current City practices regarding the release of park escrow funds and options for developers.

Applicant representative Nick Mason explained that they build their parks and amenities prior to selling homes.

Mr. Mumford clarified that the developer has expressed concern with completing the parks for Phase 1 with the City holding the escrow for those improvements until the completion of the full project. He recommended retaining at least a warranty or partial amount of the escrow until all park improvements are completed.

Discussion ensued regarding the partial park escrow fund releases and potential compromises.

Mr. Mason stated they would be amenable to one partial park escrow release and requested that any amendment excludes the requirement for an additional approval by City Council.

Mr. Cook stated that the language requires 100% completion of the park prior to any release of escrow funds and the MDA has the additional protection that all park projects must be completed prior to the recording of the plat with the 130<sup>th</sup> lot.

**MOTION:** *Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, approving the second amended and restated Oquirrh Mountain Master Development Agreement with the following changes:*

- 1. Language shall be added to allow for one pro-rata park escrow reduction; and*
- 2. The zoning map exhibit that is attached to the master development agreement shall be amended to match the approved development standards for the RC units including the five-foot side and ten-foot garage side setbacks and any other necessary clarifications.*

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

- 17.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Authorizing the Issuance and Sale of Not More Than \$20,000,000 Aggregate Principal Amount of Sales Tax Revenue Bonds, Series 2022; Fixing the Maximum Aggregate Principal Amount of the Bonds; The Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount From Par at Which the Bonds May be Sold; Providing for the Publication of a Notice of Public Hearing and Bonds to be Issued; Providing for the Running of a Contest Period; Authorizing the Execution by the City of a General and Supplemental Indenture of Trust, and Other Documents Necessary for the Issuance of the Series 2022 Bonds; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transaction Contemplated by this Resolution; and Related Matters.

Mr. Jerome reviewed the projects to be funded by the bond discussed during work session and reminded the body that the bond will not result in a tax increase. The parameters could be extended to repair a waterline in Cedar Pass Ranch; however, the waterline is not impact fee-eligible. Although issues have caused road damage, repairs would not require the removal of the road. Another option would be to space out the repairs over several years resulting in less of an impact on the City budget. The estimated cost of the repairs would be \$1,000,000 to \$2,000,000. The interest rate on the bond is estimated at 2.5% which historically is lower than inflation.

Director of Administrative Services/City Recorder Fionnuala Kofoed explained the history of the waterline. The installation was completed in the early days of the City during a period when inspectors were changed, and the waterline was completed and buried prior to inspection. The line has been problematic and a plan needs to be put in place for the City to be insurable.

Councilmember Gray stated his support to add the waterline due to the impact of utilities on the health, safety, and welfare of residents, and providing sound infrastructure is one of the primary responsibilities of the City.

Mayor Westmoreland noted that construction costs are likely to increase and bonding, especially at low-interest rates, might not be an option in the future.

The Council discussed options and the scope of the planned projects resulting in the decision to set the maximum aggregate principal amount of the sale tax revenue bond at \$22,000,000 with the intention to use a lesser amount of the bond once the cost of the included projects is determined.

Councilmember Gray disclosed that he has worked with WW Clyde in the past and there is a possibility he could be hired for a project associated with the bond funds.

**MOTION:**        ***Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, authorizing the issuance and sale of not more than \$22,000,000 aggregate principal amount of sales tax revenue bonds, series 2022; fixing the maximum aggregate principal amount of the bonds; the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; providing for the publication of a notice of public hearing and bonds to be issued; providing for the running of a contest period; authorizing the execution by the City of a general and supplemental indenture of trust, and other documents necessary for the issuance of the series 2022 bonds; authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution; and related matters setting a public hearing for March 15, 2022; and changing paragraph 2 on page 2 to “finance road, water, and sewer system, improvements.” Councilmember Gray seconded the motion.***

Discussion ensued regarding increasing the aggregate principal amount of sales tax revenue bonds to \$25,000,000 and the impact on the length of the term of the bond and the interest cost should the full amount be borrowed.

**AMENDED MOTION:** *Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, authorizing the issuance and sale of not more than \$25,000,000 aggregate principal amount of sales tax revenue bonds, series 2022; fixing the maximum aggregate principal amount of the bonds; the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; providing for the publication of a notice of public hearing and bonds to be issued; providing for the running of a contest period; authorizing the execution by the City of a general and supplemental indenture of trust, and other documents necessary for the issuance of the series 2022 bonds; authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution; and related matters setting a public hearing for March 15, 2022; and changing paragraph 2 on page 2 to “finance road, water, and sewer system improvements.” Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

#### 18. CITY COUNCIL/MAYOR'S BUSINESS

None.

#### 19. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Wright

Councilmember Wright asked if a resident will soon be appointed to the Parks and Recreation Advisory Board.

Councilmember Love

None.

Councilmember Burnham

Councilmember Burnham stated that the Senior Citizen Advisory Council has a vacancy.

Councilmember Gray

None.

#### 20. COMMUNICATION ITEMS

##### 20.A. Upcoming Planning Items

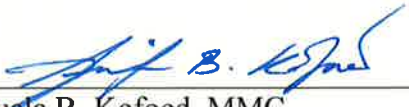
#### 21. ADJOURNMENT

**MOTION:** *Councilmember Gray moved to adjourn the meeting at 9:38 p.m. Councilmember Wright seconded the motion. Those voting aye: Donna*

***Burnham, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

The meeting was adjourned at 9:38 p.m.

Approved by the City Council on March 1, 2022.

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

