EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

January 21, 2020, 3:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

3:00 P.M. CITY COUNCIL OATH OF OFFICE – CITY COUNCIL CHAMBERS

City Recorder Fionnuala Kofoed administered the oath of office to newly elected Councilmembers Colby Curtis, Jared Gray, and Carolyn Love.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Fionnuala Kofoed, City Recorder; Lianne Pengra, Deputy Recorder; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Chris Trusty, City Engineer; Linda Peterson, Communications Director; Aaron Sanborn, Economic Development Director; Evan Berrett, Senior Management Analyst; Jeff Weber, Fleet and Facilities Operations Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Brad Hickman, Parks and Recreation Director; Maria Loza, Utility Billing Supervisor; Robert Ballif, Engineering Assistant; Ross Fowlks, Fire Chief, and Eric McDowell, Deputy Sheriff.

Mayor Westmoreland called the meeting to order at 4:04 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. RECOGNITION - Volunteer Awards from the Lt. Governor's Office in Partnership with the Utah Commission on Service and Volunteerism.

Mayor Westmoreland presented volunteer awards from the Lt. Governor's Office in partnership with the Utah Commission on Service and Volunteerism to Dave Becar, HAM and Radio Coordinator, Anjanel Larsen, Be Ready Eagle Mountain Program Coordinator, Bill Lindsay, CERT Coordinator, and Joye Roberts, Senior Citizen Advisory Council Chair. The awards were received for volunteering over one hundred hours to community programs, with the exception of Ms. Roberts, who has volunteered over one thousand hours as the Senior Citizen Advisory Council Chair.

1.B. PRESENTATION - Eagle Mountain Arts Alliance Update

City Administrator Ifo Pili introduced Kayla Young, Eagle Mountain Arts Alliance Executive Director.

Ms. Young thanked the City Council for their support of the Eagle Mountain Arts Alliance. She informed the Council of the businesses and organizations the Arts Alliance has worked with over the last year and discussed the events the Arts Alliance produced in 2019 as well as the planned events for 2020.

1.C. PRESENTATION - Eagle Mountain Chamber of Commerce Update

Mr. Pili introduced Holly Harward, Eagle Mountain Chamber of Commerce Director.

Ms. Harward said the Chamber has 63 more members than existed in July 2019. The Chamber now has a tiered membership program, instead of membership based on the business's number of employees. A $10,000 grant, sponsored by Facebook, is available through the Chamber for a small business member, and the Chamber has a new scholarship for local high school students. The Chamber provides bags, which include items from members for new residents.

Ms. Harward said the Chamber will host a luncheon Thursday at Garden near the Green, and stated she is working with Economic Development Director Aaron Sanborn to take over the ladder sign program.

2. CONCEPT PLAN

2.A. Ault Farms Concept Plan

Applicant Bronson Tatton explained this project covers 750 acres and is located across Pony Express Parkway from the City's Community Development Building. He presented other projects throughout the state with a 750-acre overlay to display the overall size of the project and explained how the concept plan aligns with the City's General Plan. He stated the concept plan has been broken into five residential villages and one technology village.

Applicant Pete Evans stated their intent is to provide connectivity within the project, as well as to other areas of the City, with multi-use trails. He said the Planning Commission expressed a desire that the higher density be more spread out, and explained the applicants want to work with the Council and the Planning Commission to include amenities and features the City desires.

Councilmember Gray asked if the master development agreement for this project has been approved. Mr. Evans explained they provided a draft master development agreement, as this project covers such a large piece of property.

Councilmember Gray stated his preference that the concept plan align better with the General Plan, specifically with the Business Park/Light Industry designation.

Councilmember Clark agreed that the plan needs to align with designations in the General Plan. She stated 7.3 units per acre is a higher density then she would like in this area of the City, as the road infrastructure is not in place for that level of density. She expressed concern with the proposed exchange of school district or church property for allowed density, as well as the proposed option that property reverts to the Residential zone after a determined period of time, if not developed. She commended the design of unit elevations and variety of homes the applicant presented.

Councilmember Love stated she liked the location of the commercial area and stated it makes sense to have a clustered townhome section near commercial or industrial areas. She expressed concern that the plan removes industrial area, as well as the proposed option that property will revert to the Residential zone if not developed after a certain point in development. She stated the General Plan does not allow the proposed number of townhomes.

Councilmember Burnham stated she appreciates the variety presented, but agreed that there are too many townhomes in this project. She stated the plan should align better with the City's General Plan's Business Park/Light Industry designation and didn't agreed with the proposed unit trade for school and church property. She said she does like the commercial plan and would approve of property reverting to the Residential zone if the commercial area is increased.

Councilmember Curtis said the plan needs to meet the intent of the City's Municipal Code and General Plan. He stated he would not approve of the land reverting to the Residential zone, as the City does not need additional residential property. He expressed concern that the zones included in the proposed plan are custom zones the applicant created, and are not included in the City's Municipal Code. He stated similar concerns regarding the proposed park requirements. Councilmember Curtis requested that a copy of his prepared notes be included with the minutes (see attached).

3. AGENDA REVIEW

13. CHANGE ORDER

13.A. Pony Express Parkway Widening Project Change Order #2 - Kenny Seng Construction

City Engineer Chris Trusty explained the first change order included an increase of $2,000,000 as an estimate for the extension of the Pony Express Parkway widening project. The final total is approximately $220,000 over the original change order. This change order will cover the additional cost of the widening project, as well as work needed on a waterline trench.

15. PRELIMINARY PLAT

15.A. Overland Phase D - Preliminary Plat

Councilmember Curtis expressed concern that the approved agreement allows for 71 cluster lots with reduced requirements, but the proposed preliminary plat has 85 cluster lots.

Community Development Director Steve Mumford explained the approved plan lists a maximum number of units, which this plan complies with. He stated he will research the approved master development agreement and present information during the policy session. He stated Bryon Prince with Ivory Homes will attend the policy session and can address concerns at that time, if the item is placed as a scheduled item.

Councilmember Gray asked if a final design of Airport Road has been determined, as it will affect lots in this preliminary plat.

Mr. Mumford explained staff recently received the design for Airport Road's future alignment and Mr. Prince has committed to working with the City regarding the three or four lots affected by the alignment. This portion of the plan will be the final area developed.

Councilmember Curtis requested this item be removed from the consent agenda and placed as a scheduled item for further discussion.

16. ORDINANCES/PUBLIC HEARINGS

16.A. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the Third Amendment to the Fiscal Year 2019-2020 Budget.

Assistant City Administrator/Finance Director Paul Jerome explained the amendment to the General Fund includes $3,000 for a needed operating system upgrade, and an increase of $40,000 for a Digital Media Specialist; this increase covers salary and benefits for the remainder of the current fiscal year.

Mr. Jerome explained the proposed changes in the Capital Projects Fund include the change order discussed previously, $60,000 for the design of Airport Road, and Facebook infrastructure. This item has been carried over from the previous fiscal year and will be reimbursed by Facebook.

Councilmember Gray asked what the Digital Media Specialist job duties will be and who has been performing these duties. Communications Director Linda Peterson explained the duties include videography, graphic design, and digital communication; this individual who fills this position will create and develop the visual representation of City communication. She and Management Analyst Evan Berrett have been performing these duties; however, the growth of the City has prompted the need for additional staff.

Mayor Westmoreland explained the City wants to utilize all form of media, and the video component is missing from the City's communications. The position will be somewhat journalistic in nature.

Councilmember Clark stated she would like City Council meeting videos to include the documents under discussion, and asked if this position could facilitate this.

Ms. Kofoed explained that can be put in place with the proper software and hardware. She stated the individual who fills this position may have knowledge of that type of program, but likely would not manage the recording process. She said the initial request from the Council was to livestream

City Council meetings, which Granicus provides. If the Council desires more features, additional equipment, programs, and staffing will be necessary.

Councilmember Clark said City staff work in multiple departments and positions; she asked if the individual who fills this role can attend City Council meetings to facilitate updated software and hardware to provide the video she is describing.

Ms. Kofoed stated the current City Council recording program cannot provide more than is currently in use; staff can look into costs of updated software and hardware for future fiscal year budgets.

Mr. Pili explained staff has been exploring options for this position for over a year, and the City has worked with consultants to determine the best option to provide the needed services. Hiring or contracting with an individual simply to produce and manage the City's podcasts would cost at least $100,000. He explained Mr. Berrett spends half of his time on these duties, which is not the best use of his talents.

Councilmember Curtis explained many residents simply do not know what is happening with the City and people receive information though many forms of media. The City's communication lacks a video component; this will provide communication options to a large group of residents who do not obtain information through the current channels.

Councilmember Gray stated the City has done a great job communicating with residents; however, he would prefer $40,000 be used for transportation infrastructure instead of for communication regarding transportation.

Ms. Peterson explained the scope of the position is greater than may be understood. She and Mr. Berrett create content on a daily basis. They work to create proactive, not reactionary content. Her position is 24 hours a day, and the City has grown to the point where she needs support. She is not able to perform her duties, as well as create all of the City's graphic design, videography, and photography. This position will benefit all City departments, not only the Communications Department.

Councilmember Gray stated his desire is to ensure this position is needed for the City, and not simply one staff wants. Councilmember Curtis stated proactive communication is essential.

Mr. Pili explained if the Council's expectations of Ms. Peterson's department are that it remains as it currently operates, the position is not needed; however, if the Council desires to see the City's communication become more robust, this position is a necessity.

Councilmember Gray asked if the City has the funds for this position and asked if it is right for the City to use funds for this position. Mr. Pili said the City does have the funds for the position and explained the budgeted amount for a full-time employee is far less than the cost to contract out for the duties this position encompasses.

16.B. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits.

Planning Manager Mike Hadley explained the applicant-proposed amendment to Municipal Code allows for temporary inflatable signs for advertising business openings or other special events for fifteen days each calendar quarter. It was presented to the City Council in December and was tabled to allow staff to amend the language.

Councilmember Love stated the changes made to right-of-way and on-premise signs include language that was not discussed in previous Council meetings, and expressed concern regarding allowing signs for sixty consecutive days. Councilmember Curtis asked if the applicant requested changes other than to the inflatable special event signs.

Applicant Isaac Patterson stated he did not request additional changes and explained the signs that are allowed to be posted for sixty days would be for grand opening events, which are one-time events.

Councilmember Love stated right-of-way special events signs are smaller than 32 square feet and typically, multiple signs are posted. She stated many restrictions in the previous Municipal Code are no longer included.

Councilmember Clark said she agreed with Councilmember Love and stated she would prefer the item be tabled for further adjustments.

17. PARKWAY CROSSROADS/PUBLIC HEARING

17.A. MOTION - Disposal of Significant Real Property - Identified as a Portion of Utah County Parcel Number 58:040:0191.

Ms. Kofoed explained the applicant has submitted a proposal to obtain just under 40,000 square feet of City property. The City Council must hold a public hearing and determine if they want to dispose of the property. The details of the disposal will be discussed in a closed session following the work session.

Ms. Kofoed explained the land is considered significant property and disposal requires noticing and a public hearing. The Council had discussed the possibility of disposing the property at a previous meeting and a potential land swap for right-of-way along Pony Express Parkway.

Councilmember Clark confirmed with the applicant that he intends to construct a shade structure on the property. Applicant Scot Hazard explained he has gone through an approval process with Rocky Mountain Power, and the shade structure is within the restrictions placed on structures within the easement.

Councilmember Clark asked if approving this application would require the Council to approve other structures in the powerline corridor in the future. Mayor Westmoreland explained there are existing shade structures in the powerline corridor.

Mr. Hazard said he and City Attorney Jeremy Cook have discussed options regarding this property. He explained he is deeding property to the City that is needed for future transportation expansion. The only improvements he is making in the utility easement are park-related amenities. He said the Planning Commission requested the property in front of the road, including the property he is deeding to the City, be irrigated and landscaped, which he will install and maintain until the City expands Pony Express Parkway.

Councilmember Gray expressed concern that the improved open space will be private property and not open to the public. Councilmember Curtis stated the improved area will be used by the public; there are many benefits to allowing this disposal.

17.B. SITE PLAN - Parkway Crossroads

Discussion ensued regarding improved open space for the project.

Councilmember Curtis asked why the outdoor deck on the provided elevations was listed as optional. Mr. Hazard explained they will construct the deck and will provide Trager grills on the deck for residents.

18. RESOLUTION/PUBLIC HEARING

18.A. RESOLUTION/PUBLIC HEARING - A Resolution of Eagle Mountain City, Utah, Approving a Sole Source Procurement of a Sensus by Xylem Advance Metering Infrastructure Network through Mountainland Supply Company.

Public Utility Manager Mack Straw explained this is a budgeted project and all noticing requirements for the sole source bid had been met. Once all phases of this project are implemented, all units will be able to be read remotely. The annual fee will not be assessed until one year after installation.

Councilmember Curtis asked if the towers are placed strategically to encompass future growth. Mr. Straw explained the proposed tower locations cover all existing meters.

Councilmember Clark asked if the cost of equipment will be covered by impact fees. Mr. Straw said they will.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: ***Councilmember Burnham moved to adjourn to a closed session for the purpose of discussing reasonably imminent litigation, the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code,***

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

The meeting was adjourned at 6:20 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Fionnuala Kofoed, City Recorder; Lianne Pengra, Deputy Recorder; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Chris Trusty, City Engineer; Linda Peterson, Communications Director; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

5. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:16 p.m.

6. PLEDGE OF ALLEGIANCE

Councilmember Love led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Chamber of Commerce Luncheon: Thursday, January 23 from 11:45 a.m. to 1:00 p.m. at Garden near the Green, featuring information about the 2020 Census.
- Be Ready Eagle Mountain City: Free classes in emergency preparation are offered the second Thursday of each month at City Hall.
- Seniors Exercise Class: Starting February 5, a free Stepping On exercise class will be held at the Senior Center each Wednesday from 1:30 p.m. to 3:00 p.m. for seven weeks.

For details about these and other upcoming events, please visit the City website at emcity.org/events. To receive City notifications, sign up at emcity.org/notifyme.

8. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:20 p.m.

Bruno Hunsaker thanked the City for completing the entrance for the White Hills subdivision. He expressed concern that more than 100 trucks are traveling, daily to the Tyson Foods facility and requested a main road be completed to reduce traffic and mud on Wride Memorial Highway.

Councilmember Curtis stated Tyson Foods had communicated to the City that thirty trucks will travel to the facility and asked if Pole Canyon Boulevard will be improved to Eagle Mountain Boulevard.

Mr. Trusty explained a paved road will be completed from Wride Memorial Highway to just north of the Public Works building.

Mr. Pili explained the Tyson Foods facility will employ 1,200 people; he stated staff will need to review what was presented to the City regarding the number of daily trips. Eagle Mountain Boulevard has 10,000 daily trips.

Mike Johnson expressed appreciation to Unified Fire Authority for their response to his daughter's car accident.

Jeff Ruth requested the Council not allow variances to the approved General Plan.

Utah State Senator Jacob Anderegg stated he is the Co-chair of the Utah Affordable Housing Commission. The Senate determined city zoning policies needed to include three of twenty-five policies that relate to affordable housing. The Community Reinvestment Agency (CRA) contains funds collected from development that cities can draw from for community reinvestments; however, cities can only draw from funds that have come from development within their city limits. Proposed policy will allow multiple jurisdictions to share funds. He discussed the increase in population in Utah County in previous years and stated the growth will continue.

Councilmember Curtis stated Eagle Mountain's growth will double in ten years and stated the City's growth will not fully fund the services and infrastructure needed. He expressed appreciation to Senator Anderegg for his help in determining options to help growing cities.

Councilmember Clark requested Senator Anderegg research a telecommuting incentive bill that encourages employers to offer telecommuting options. Senator Anderegg explained there is nothing prohibiting the private sector from offering these options; bills presented by State government would likely apply to State employees.

Senator Anderegg discussed tax reform and funding for transportation, education, and services.

Mayor Westmoreland closed public comment at 7:57 p.m.

9. CITY COUNCIL/MAYOR'S ITEMS

This item was discussed after item 11B.

Councilmember Curtis

Councilmember Curtis welcomed newly elected Councilmembers Gray and Love.

Councilmember Burnham
Councilmember Burnham also welcomed the newly elected Councilmembers.

Councilmember Love
Councilmember Love said she was excited to represent the City and work with City staff and residents on City boards and committees.

Councilmember Clark
Councilmember Clark stated she is excited to work with Councilmembers Gray and Love and thanked the residents appointed to City boards. She asked the Planning Commissioners to consider conflicts of interest in the newly adopted rules of procedure. She also asked the Commissioners to review how items are added to Planning Commission agendas and stated if the Planning Director requests an item be added to the agenda, it should be added.

Councilmember Gray
Councilmember Gray expressed appreciation for the opportunity to serve the City as a City Councilmember, and thanked current elected and appointed officials, as well as those who have served previously.

Mayor Westmoreland
Mayor Westmoreland stated he is excited for the upcoming year.

10. APPOINTMENTS

This item was discussed after item 8.

10.A. Cemetery Advisory Board

MOTION: ***Councilmember Gray moved to appoint Brian Lambert to the Cemetery Advisory Board for a four-year term. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Gray moved to appoint Marianne Smith to the Cemetery Advisory Board for a four-year term. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Gray moved to appoint Corbett Douglass to the Cemetery Advisory Board for a four-year term. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

10.B. Deputy Recorder

MOTION: ***Councilmember Clark moved to appoint Lianne Pengra as Deputy Recorder. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

10.C. Military and Veterans Advisory Board

MOTION: ***Councilmember Clark moved to appoint Summer Montgomery to the Military and Veterans Advisory Board for a three-year term. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Clark moved to appoint Ben Reaves to the Military and Veterans Advisory Board for a three-year term. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

10.D. Parks and Recreation Advisory Board

MOTION: ***Councilmember Gray moved to appoint Rod Hess to the Parks and Recreation Advisory Board for a three-year term. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Gray moved to appoint Liz Evans to the Parks and Recreation Advisory Board for a three-year term. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Gray moved to appoint Devyn Smith to the Parks and Recreation Advisory Board for a three-year term. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Gray moved to appoint Zac Summers to the Parks and Recreation Advisory Board for a three-year term. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

10.E. Planning Commission

MOTION: ***Councilmember Love moved to appoint Erin Wells to the Planning Commission for a three-year term. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Love moved to appoint Chris Pengra to the Planning Commission for a one-year term. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

10.F. Senior Citizen Advisory Council

MOTION: ***Councilmember Gray moved to appoint Annette Arndt to the Senior Citizen Advisory Council for a four-year term. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

City Recorder Fionnuala Kofoed administered the oath of office to the appointed individuals in attendance.

11. RECOGNITION

This item was discussed after item 10F.

11.A. City Council

Mayor Westmoreland presented former City Councilmember Stephanie Gricius with a plaque recognizing her service to the City.

11.B. Planning Commission

Mayor Westmoreland presented former Planning Commissioner and current City Councilmember Jared Gray with a plaque recognizing his service to the City.

CONSENT AGENDA

12. BOND RELEASES

12.A. Arrival Phase B, Plat 4 - Into Warranty

12.B. Arrival Phase B, Plat 6 - Into Warranty

12.C. Brandon Park Phase A, Plat 3 Into Warranty

12.D. Cedar Corners Phase A, Plat 4 - Into Warranty

12.E. Hidden Hollow Phase A, Plat 2 - Out of Warranty

12.F. Sage Park Phase A, Plat 2 - Into Warranty

12.G. Spring Run Phase B, Plat 3 - Into Warranty

12.H. Spring Run Phase D, Plat 1 - Into Warranty

12.I. Sunset Ridge Phase A, Plat 6 - Into Warranty

13. CHANGE ORDER

13.A. Pony Express Parkway Widening Project Change Order #2 - Kenny Seng Construction

14. MINUTES

14.A. December 3, 2019 Minutes

15. PRELIMINARY PLAT

15.A. Overland Phase D - Preliminary Plat

MOTION: ***Councilmember Curtis moved to approve the consent agenda, removing item 15A from the consent agenda and placing it as a scheduled item. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

15. PRELIMINARY PLAT

15.A. Overland Phase D - Preliminary Plat

Planning Manager Mike Hadley explained this is the final preliminary plat in Overland Village 1. It includes 174 lots on 58.22 acres. There are 89 single-family lots and 85 garden/senior living lots. Village 1 is allowed between 431 and 647 units. Phase D brings the total number of units to 605; Phase A contains 80 units, Phase B contains 162 units, and Phase C contains 189 units. The Planning Commission recommended approval of the preliminary plat with the following conditions:

1. The trails shall be displayed on the plans showing connectivity with master planned trails;

2. A detailed landscaping plan for the park and open space shall be submitted for review to the Parks Director and Planning Director, to be approved prior to recording any final plats within this phase;
3. Applicant shall work with the City to implement the Transportation Master Plan, including the removal of Lot D25 and other minor modifications to the plan. The applicant and City shall reach an agreement on this subject prior to recording the first final plat in this phase; and
4. In compliance with EMMC 16.30.090, a stub road connection shall be added to the west at either Dugway Ridge or Greeley Hill Drive, and a trail connection shall be added either to Airport Road or through the Senior Housing area from Greeley Hill Drive.

Bryon Prince with Ivory Development explained all of the units are single-family homes; in the senior living area, the yards will be maintained by the homeowners association.

Councilmember Curtis said section 6.4 of the Overland Master Development Agreement (MDA) allows 71 units in the senior living area, but this plan includes 85 units. Mr. Prince stated he does not believe there is language in the agreement that limits the homes to 71 units. The picture included in the MDA is the concept vision, not exactly how the plan will be developed; all of Village 1 has been changed from the concept drawing. The drawing was provided at the City's request before any engineering had been done. Councilmember Curtis expressed frustration that the concept plan contains fewer units than are being proposed in the preliminary plat.

Councilmember Clark read from the MDA and stated the picture is listed as a detailed plan, not a concept drawing.

Councilmember Gray expressed concern that the units will not be deed restricted and are just additional small lots. Mr. Prince explained the senior living homes are age-targeted units; there are many age-targeted developments that are not deed restricted. They are offering a small-lot product in Overland, which will appeal to those who want smaller yards, as described by Councilmember Gray. The HOA assessment in the senior living area will be much higher than other units in Village 1; this area will not be a more affordable option within Overland.

Mr. Prince explained if the product is deed-restricted, managing and tracking the units becomes more complicated, and ten percent of the units must be offered to those outside of the deed-restricted aspect. Ivory Development has experience in marketing to age-targeted groups with amenities specifically designated for these units, one-story floor plans, and maintenance offerings. The floorplans will be one-story units between 1,500 and 2,000 square feet. They will be one- and two-bedroom homes and likely will not be desirable to large, young families.

Councilmember Gray expressed concern that the amenities Mr. Prince is describing will not be installed. Mr. Prince explained the amenities proposed are over the City's requirement, and if the Council is concerned that they will not be built, he can confirm the installation in writing. He asked what the Council's concern is regarding the units not being deed restricted.

Councilmember Gray said the concern is that these are simply more small lots. Mr. Prince said a small lot in and of itself is not marketable to buyers over 55 years of age.

Regarding Councilmember Curtis' concern, Mr. Prince stated in Village 2, they intend to present the vision Ivory Development has for the development, but it will not include the maximize allowed units. Presenting a plan with the maximum allowed units, not the vision for the area, is bad planning. In Village 1, they have included fifty units fewer than they have approval for.

Councilmember Clark stated the City's master development agreement process needs to be changed in order to clarify applicant and Councilmember intentions. Items are approved with the understanding that staff will make changes to implement the Council's desires.

Ms. Kofoed explained if the Council does not require items to return to the Council for final approval, desires may not be implemented, as they are subject to interpretation.

Discussion ensued regarding the process in which the Council approves master development agreements.

Mr. Prince explained they are not proposing this preliminary plat to maximize density. Ivory Development does not own the land; SITLA does. They spent a year working with staff to develop this MDA, and it was their opinion that including 42 fewer lots than they have approval for in Village 1 is best for the development. The MDA does not allow unused units to be transferred to other Villages. Councilmember Curtis said he would prefer the concept plan include the maximum density allowed.

Councilmember Gray asked what will happen to lots affected by the realignment of Airport Road. Mr. Prince explained the right-of-way is already dedicated. He stated he has committed to working with staff to accommodate the road design if staff desires to adjust the right-of-way. This is one of the last areas of the plat to be developed. Councilmember Gray expressed concern that, if approved at this meeting, the plan is not necessarily what will be developed due to possible changes surrounding Airport Road. Mr. Prince explained that they are willing to work with the City regarding the right-of-way alignment, although they are not required to do so.

Councilmember Love confirmed with Mr. Prince that Ivory Development and SITLA have agreed to work with the City to accommodate the road design. He stated they have enjoyed working with City staff and expressed appreciation for the work they have done thus far.

Mr. Mumford explained the MDA was under discussion for much longer than one year. He stated the agreement for Village 1 noted the City Council has the right to request changes to the concept plans, provided the requested changes do not materially impact the developer's ability to obtain the allowed densities, significantly alter the types or locations of commercial or residential uses, significantly alter proposed lot sizes, or provide unreasonable additional development costs. He said the previous plats had minor changes to the concept plan and were presented to the Planning Commission and City Council. However, the minimum and maximum unit restrictions are not negotiable. He said requiring developers to present concept plans that include the maximum number of units available incentivizes developers to require concessions of the City to reduce density.

Mr. Pili stated the minimum unit requirement is in place to require the units to be dispersed evenly throughout a project. The City wanted to have a general idea of what would be developed within Overland, so the concept plan was required of Ivory Development.

Mr. Prince said if the Council feels the additional fourteen units in the age-targeted area are an overreach, they can be removed and relocated throughout Village 1. The downside to this option is an unequal variety throughout the Village. This age-targeted product will be one- to two-bedroom homes that will cost approximately $400,000.

Councilmember Burnham stated future items that require changes need to return to Council for final approval; she was present for the previous meeting when the MDA was discussed, and she came to a different understanding than Councilmember Curtis did.

MOTION: ***Councilmember Gray moved to approve the Overland Phase D Preliminary Plat with the following conditions:***

1. ***The trails shall be displayed on the plans showing connectivity with the master planned trails;***
2. ***A detailed landscaping plan for the park and open space shall be submitted for review to the Parks Director and Planning Director, to be approved prior to recording any final plats within this phase;***
3. ***Applicant shall work with the City to implement the Transportation Master Plan, including the removal of Lot D25 and other minor modifications to the plan. The applicant and City shall reach an agreement on this subject prior to recording the first final plat in this phase;***
4. ***In compliance with EMMC 16.30.090, a stub road connection shall be added to the west at either Dugway Ridge or Greeley Hill Drive, and a trail connection shall be added either to Airport Road or through the senior housing area from Greeley Hill Drive; and***
5. ***No construction can begin north of Greeley Avenue before a final plat is presented to and approved by the Planning Commission and City Council.***

Motion not seconded; motion failed.

Discussion ensued regarding the wording of condition number five.

MOTION: ***Councilmember Curtis moved to approve the Overland Phase D Preliminary Plat with the following conditions:***

1. ***The trails shall be displayed on the plans showing connectivity with the master planned trails;***
2. ***A detailed landscaping plan for the park and open space shall be submitted for review to the Parks Director and Planning Director, to be approved prior to recording any final plats within this phase;***
3. ***Applicant shall work with the City to implement the Transportation Master Plan, including the removal of Lot D25 and other minor modifications to the plan. The applicant and City shall reach an***

agreement on this subject prior to recording the first final plat in this phase;

4. ***In compliance with EMMC 16.30.090, a stub road connection shall be added to the west at either Dugway Ridge or Greeley Hill Drive, and a trail connection shall be added either to Airport Road or through the senior housing area from Greeley Hill Drive; and***
5. ***No final plat will be approved for any lots north of Greeley Avenue until the Airport Road alignment is resolved with staff and applicant.***

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

Councilmember Clark confirmed with staff that the Council will not review the final plat; that will be approved at staff level.

Mr. Prince explained to Councilmember Curtis that he will work with City Attorney Jeremy Cook and City staff to ensure the presentation of Village 2 concept plan is very clear. He expressed the desire that the Council understands that he is not trying to gain more than is allowed in the MDA or Municipal Code.

Councilmember Curtis stated the applicant should estimate high when presenting future Villages to set realistic expectations. Mr. Prince said they will present a design showing the maximum units, as well as one showing what they intend to develop.

Regarding the Overland entrance sign, Councilmember Burnham confirmed with Mr. Prince that the "at Eagle Mountain" on the sign will be lit similarly to "Overland."

16. ORDINANCES/PUBLIC HEARINGS

16.A. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the Third Amendment to the Fiscal Year 2019-2020 Budget.

Assistant City Administrator/Finance Director Paul Jerome explained the increases in the General Fund include an operating system upgrade and funding for a Digital Media Specialist. The Capital Projects Fund includes increases for the design of Airport Road, the change order discussed during the work session, and infrastructure for Facebook. The infrastructure line item is carried over from Fiscal Year 2018-2019 and will be reimbursed by Facebook.

Councilmember Curtis asked for the state of the City's rainy day fund. Mr. Jerome stated the rainy day fund is fully funded at 25%.

Councilmember Gray stated the $40,000 allocated to the Digital Media Specialist will only fund the position through June, and asked if the salary will be $90,000 annually. Mr. Pili explained the annual cost of the Digital Media Specialist position will be approximately $40,000 to $45,000 in salary, plus the cost of benefits.

Mayor Westmoreland opened the public hearing at 9:43 p.m. As there were no comments, he closed the hearing.

MOTION: ***Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, approving the third amendment to the Fiscal Year 2019-2020 budget. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. Those voting nay: Jared Gray. The motion passed with a vote of 4:1.***

16.B. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits.

Mayor Westmoreland opened the public hearing at 9:44 p.m. As there were no comments, he closed the hearing.

Councilmember Love stated she would prefer the item be tabled for additional changes.

Councilmember Burnham requested Councilmembers send their desired changes to staff.

MOTION: ***Councilmember Love moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

17. PARKWAY CROSSROADS/PUBLIC HEARING

17.A. MOTION - Disposal of Significant Real Property - Identified as a Portion of Utah County Parcel Number 58:040:0191.

This item was discussed after item 18A.

Ms. Kofoed reiterated the purpose of this item is to determine if the Council desires to dispose of the property.

Mayor Westmoreland opened the public hearing at 9:58 p.m. As there were no comments, he closed the hearing.

MOTION: ***Councilmember Burnham moved to approve the disposal of significant real property, identified as a portion of Utah County Parcel Number 58:040:0191, and authorized City Administrator Ifo Pili to negotiate the sale of the property. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

17.B. SITE PLAN - Parkway Crossroads

MOTION: ***Councilmember Clark moved to approve the Parkway Crossroads site plan with the following conditions:***

1. ***Applicant shall provide approval notification from the utility agencies in the utility corridor prior to submitting for a building permit or doing any work on site;***
2. ***Mailbox location(s) shall be submitted for approval to the Planning Director;***
3. ***A one-lot final plat shall be required to dedicate the right-of-way property to the City and combine lots 3 and 4.***
4. ***The approval is contingent upon the disposal and sale of significant real property, identified as a portion of Utah County Parcel Number 58:040:0191.***

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

18. RESOLUTION/PUBLIC HEARING

18.A. RESOLUTION/PUBLIC HEARING - A Resolution of Eagle Mountain City, Utah, Approving a Sole Source Procurement of a Sensus by Xylem Advance Metering Infrastructure Network through Mountainland Supply Company.

This item was discussed after item 16B.

Mayor Westmoreland opened the public hearing at 9:49 p.m. As there were no comments, he closed the hearing.

MOTION: ***Councilmember Clark moved to approve a resolution of Eagle Mountain City, Utah, approving a sole source procurement of a Sensus by Xylem Advance Metering Infrastructure Network through Mountainland Supply Company. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Burnham moved to adjourn into a closed executive session for the purpose of discussing the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 9:51 p.m.

Mayor Westmoreland called the meeting to order at 9:57 p.m.

19. MOTION

19.A. MOTION - Appointment of a City Councilmember as Mayor Pro Tempore.

This item was discussed after item 17B.

Mayor Westmoreland recommended appointing Councilmember Burnham as Mayor Pro Tempore.

MOTION: ***Councilmember Clark moved to appoint Councilmember Donna Burnham as Mayor Pro Tempore for 2020. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

Councilmember Gray said the State statute notes the Council will discuss the Mayor Pro Tempore and questioned why Mayor Westmoreland proposed the individual to be appointed.

Ms. Kofoed explained the State statute designates authority to the Mayor to make appointments. Historically, the mayor has brought forth names for appointments, with the advice and consent of the Council.

Councilmember Gray asked if that can be codified, as there is nothing in Municipal Code regarding the Mayor Pro Tempore. Ms. Kofoed stated the Municipal Code does include language regarding the Mayor Pro Tempore, and the Mayor and Council have the authority to bring forward proposed amendments to Municipal Code. She explained the State statute notes the Council may appoint a Mayor Pro Tempore, but it is not required to happen prior to the need for a Mayor Pro Tempore. The City proactively appoints the Mayor Pro Tempore at the beginning of every year.

Councilmember Burnham stated this process is beneficial as it negates the need for an emergency City Council meeting in which a Mayor Pro Tempore is selected.

Councilmember Gray expressed concern that conflicts of interest might exist if the sitting mayor and mayor pro tempore are running against each other in an election. Ms. Kofoed explained that the Mayor Pro Tempore only acts in the Mayor's absence. The Mayor appoints an individual that he or she is confident and comfortable with.

Councilmember Burnham stated the Mayor Pro Tempore only acts in the Mayor's place for up to thirty days; it is not a long-term appointment.

Councilmember Gray asked why some boards and commissions have three-year terms, and some have four-year terms. Ms. Kofoed said the Planning Commission has a statutory requirement of a three-year term. Councilmember Gray stated he has not read that in State or Municipal Code and would research the requirement.

20. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Burnham
None.

Councilmember Clark
Councilmember Clark said Alpine School District is meeting with City staff on April 13. They plan to meet quarterly. She stated she would like the City to schedule a joint work session with Saratoga Springs, Lehi, Fairfield, and Cedar Fort to discuss issues that affect these entities.

Councilmember Curtis
None.

Councilmember Gray
None.

Councilmember Love
None.

21. CITY COUNCIL BOARD LIAISON REPORTS

Mayor Westmoreland noted the following liaison assignments:

> Councilmember Curtis: Economic Development Board and Eagle Mountain Arts Alliance.
>
> Councilmember Burnham: Military and Veterans Advisory Board and Library Board; she will also attend Mountainland Association of Government meetings in Mayor Westmoreland's place, if he is unable to attend.
>
> Councilmember Love: Planning Commission and Youth Council.
>
> Councilmember Clark: Pony Express Events and Cemetery Board. Councilmember Clark will also continue on her special assignment over the City's emergency preparedness programs.
>
> Councilmember Gray: Parks and Recreation Advisory Board and Senior Council Advisory Council

Councilmember Clark asked that if a Councilmember cannot attend a board meeting, he/she contact another Councilmember to attend in his/her place.

Councilmember Gray asked which Councilmember served as the liaison to public safety. Mayor Westmoreland explained that he sits on the Unified Fire Authority board; therefore, the City has representation at those meetings.

22. COMMUNICATION ITEMS

22.A. Financial Report

22.B. Upcoming Agenda Items

23. ADJOURNMENT

MOTION: ***Councilmember Clark moved to adjourn the meeting at 10:18 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 10:18 p.m.

Approved by the City Council on February 4, 2020.

Fionnuala B. Kofoed, MMC
City Recorder

AULT FARMS CONCEPT FEEDBACK

Colby Curtis

1. **Tech Campus Area** – Must contain 240 acres of Tech Campus/Commercial
2. **Zoning Reversion** – No reverting of any of those 240 acres to residential...on any time frame
3. **General Plan** – The proposal comes nowhere near the ballpark of the GP, which contemplates 2-4 units/ac, with the zones R1, R2, R3, and FR.
4. **Density** – Too high at 7.31 units/ac and removes nearly half of the tech campus. I expect to see 2-4 units/ac as the overall density across ~420 acres of residential.
5. **Zoning Expectations/Guidelines** – The designation for the area is largely NR1, which contains the R1, R2, and R3 zones, with a smaller portion designated FR, which contains only the FR zone
    a. The majority (50%) of the proposal should be R1
    b. R2 and R3 should be the next highest percentages (with R3 being no more than 25%)
    c. I am willing to negotiate up to 10% RC and a handful of MF2 units (<10 building of 12 units/building) to serve as a buffer between the residential and tech campus along Pony Express.
        i. RC is the most abundant unit type we have in the city, which is why I have the responsibility to limit it
    d. The area east of the power corridor should be zoned entirely Foothill Residential to preserve those prime lots on the bench
6. **Alternate Code and Exceptions** - Absolutely no special or custom codes. They must all be to the city code and new Residential Development Standards (RDS). This list is not comprehensive:
    a. Setbacks
    b. Frontages
    c. Lot size minimums – No lot may be smaller than this number, even if you add larger lots.
    d. Lot size averages – The average lot size must meet or be larger than this number. In order to get more lots at the lot size minimum, you must add additional larger lots to appease the lot size average
    e. Connectivity code
    f. All of page 8 in the proposal
        i. Custom equivalent unit calculations for civic uses
            1. Allows selling of land to achieve higher densities
        ii. Custom park requirements altered from the RDS
            1. The "per lot or unit deviation from the RDS creates a loophole...allowing a condo to use the "per lot" calculation for improved open space
        iii. No custom rights-of-way
7. **Custom Zoning/Density Buckets**
    a. No custom defined zones (such as: RC-A, RC-B) that outline their own special requirements. Use standard zones from our new RDS
    b. No buckets – All zones should be laid out on the map in finite areas – e.g. you could lay out a very small portion of MF2, next to the Tech Center on Pony Express. Placing a handful of designations into on "Village" isn't acceptable