EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

January 15, 2019
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, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Evan Berrett, Management Analyst; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, Planner; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Eric McDowell, Chief Deputy.

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

1. CITY ADMINISTRATOR INFORMATION ITEMS

2. AGENDA REVIEW

   10. FY 2018 AUDIT – Acceptance of the FY 2018 Financial Audit – Ron Stewart

   Ron Stewart with Gilbert and Stewart CPAs stated his firm performed the 2018 audit for Eagle Mountain City. The purpose of the audit is to ensure the City's financial statements are materially correct, financial controls in place are effective, and that financial procedures are in compliance with State regulations. The audit found the City's financial statements to be materially correct and accurate, and in accordance with generally accepted accounting principles. Mr. Stewart stated the opinion of the firm is considered an unmodified opinion, and is the best opinion that can be received.

   To obtain that opinion, the firm tested different areas of the City's finances. Confirmations were sent to the City's banking institution to ensure cash balances on City records match those of the bank. Confirmations were also sent to confirm the City's records of property and sales taxes match County and State records. The firm also inspected invoices to ensure proper approvals and codings were in place, and that capital assets were purchased and received.

   The CPA firm also interviewed staff and walked through a selection of invoices from the point of order to when the information was entered into the financial record. This process ensured internal controls are in place to safeguard the City's assets, and checks for material weaknesses and significant deficiencies. The audit did not find either of those errors.

A State compliance review finding showed the General Fund and some special revenue funds exceeded their budgets. The auditors considered the findings immaterial, and advised the City to continue to monitor the funds and make budget amendments, as needed.

14. PRELIMINARY PLAT & SITE PLAN
    A. Scenic Mountain Preliminary Plat & Site Plan

Councilmember Curtis asked if the Council approves the consent agenda as originally proposed, if the Planning Commission's recommendation of 35 units would be included in the Scenic Mountain preliminary plat and site plan approval, or if the applicant's proposal of 40 units would be approved. City Recorder Fionnuala Kofoed said the Council can discuss the item and if their decision differs from the Planning Commission's recommendations, the item should be removed from the consent agenda to be discussed as a scheduled item.

Councilmember Curtis stated there are differences of opinion regarding what the master development agreement allows, as far as changes to density and numbers of units. He said he would like to approve the item with the Planning Commissioners' recommendation of limiting the units to 35, instead of 40. Community Development Director Steve Mumford expressed concerns regarding approving the item without allowing the applicant to discuss the final number of units. He recommended removing the item from the consent agenda to allow for further discussion.

    B. Arctic Circle Site Plan

Planner Tayler Jensen explained staff's understanding of the wall requirement for the dental office is that the dental office completed the wall as directed in the conditions of approval for their applications. Councilmember Curtis said he understood the wall was to be built across the entire property. He asked for options for completion of the wall, as no master site plan is in place, which would typically state such requirements.

Planning Manager Michael Hadley said that once the piece of property that abuts the residential area is developed, the property owner of the commercial lot will be required to complete the wall. Councilmember Burnham asked if the City can require the current property owner to build the wall now. Councilmember Curtis said the land owner is selling the lots individually, versus developing the area with a master development plan. This places Council in a difficult position, as Council does not want to require businesses such as Arctic Circle to install infrastructure that they did not know would be required of them.

Councilmember Clark asked how the development under discussion had begun without a master site plan in place. Mr. Hadley explained even without a master site plan, developers are required to install lighting, fencing, and other improvements when commercial property abuts residential areas. When the dental office was approved, Planning staff was attempting to work with the land owner to institute a master site plan.

Councilmember Curtis said when the dental office was approved, Council directed staff to ensure a master site plan be put in place. He explained he was hesitant to approve the Arctic Circle site plan, as it will continue to add to the problems caused due to development without a master site plan.

Mr. Mumford explained that staff's understanding is that the dental office was required to build the wall on their property, but not along the entire development. He said staff could not have required the dental office to build the wall along the entire property because the development contains property not owned by them. He confirmed that staff is working with other commercial projects to ensure master site plans are in place. He stated Arctic Circle has agreed to build a sidewalk along Ira Hodges Scenic Parkway, and the Planning Department is working with applicants to install streetlights along Eagle Mountain Boulevard. He said staff can record a notice on the property adjacent to existing homes that a wall is required with the next development, or work with the property owner to install the wall now.

Councilmember Curtis said previous approvals stated no new development will happen unless the wall is built, but he does not want to hold up Arctic Circle, as it is not their fault that the wall has not been completed. City Attorney Jeremy Cook explained he was unaware of the issue and can offer guidance once he has reviewed the information.

Council agreed to remove the item from the consent agenda for further discussion.

15. ALTERNATIVE FENCING PROPOSAL
    A. Lake View Estates

Councilmember Curtis stated his concern that if Council grants the exception based on the future freeway location, and removes the requirement to install a fence, it could be many years before the freeway is built.

Steve Allred, Principal of RCA 68 LC, the developer of Lake View Estates, said the property in question is a 65-lot subdivision west of the Maverik gas station. He said a condition of approval for Lake View Estates Phase 2 was to install fence on the north boundary abutting Wride Memorial Highway. That boundary is 2,285 feet long. He explained that since the approval of Phase 2, UDOT has stated they are no longer planning to install a sound wall along Wride Memorial Highway. This change is due to the anticipated elevation change of 50 to 100 feet between the homes and the highway. He expressed his belief that the significant elevation change negates the need for a fence. He stated an additional reason a fence should not be required is that no arterial or collector roads are planned for this location.

Mr. Allred explained the Municipal Code requires a cedar post fence, which does not align with the CC&R requirement of wrought iron or white vinyl fences. He stated that a fence would block homeowner views, but if the Council determines that one is required, he requests approval to install a white vinyl fence.

Discussion ensued regarding fencing maintenance and view obstruction. Mr. Allred stated his primary concern relates to the need for a fence, and reiterated his opinion that one is not required due to the fact that no arterial or collector roads are planned for the area.

Mr. Jensen explained a collector road has a right-of-way of 77 feet, which is smaller than the right-of-way requirement for highways. He stated the City requires privacy fencing along arterial or collector roads, and vinyl fencing is not an approved material. Staff and Council discussed the reasoning for the fence requirement, which includes aesthetics and safety.

Councilmember Gricius said the elevation change is significant in the area, and will be greater once the highway is expanded. Mr. Allred explained the fence would be located at the top of the hill, not the bottom at the highway, and would not serve the purpose of safety. He said the land will slope towards the highway, versus a drop off from the homes to the road. Councilmember

Reaves expressed his belief that a fence would be a needed barrier between the residents and the highway, and would not obstruct views.

Mayor Westmoreland asked Mr. Cook if the City could legally grant the exception and allow the individual homeowners to install fencing, if they so desire. Councilmember Clark asked if the City would assume liability if the waiver is granted, and if the Municipal Code would need to be amended if the exception is approved.

Mr. Cook explained if the exception is granted, the City would not necessarily assume liability, but Council would be waiving requirements in Municipal Code. He confirmed that property owners can install fencing, but that would increase the potential of multiple fence types along the highway.

Mr. Allred said the landowners prefer vinyl fencing over cedar post fencing. Councilmember Gricius stated the area will regularly have high winds. Discussion ensued regarding fence materials, durability, and maintenance responsibilities.

Council agreed to remove the item from the consent agenda for further discussion.

16. <u>ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Third Amendment to the Fiscal Year 2018-2019 Annual Budget.</u>

Assistant City Administrator/Finance Director Paul Jerome explained there are three General Fund increases in the proposed amendment. One of the increases is to allow the City to hire a lobbyist. The City is working with Mountainland Association of Governments (MAG) and Saratoga Springs to designate Pony Express Parkway as a State road. This would allow future widening or infrastructure changes to be made using State funds. In MAG's 2040 plan, Pony Express Parkway is slated to extend to I-15 or to Vineyard Connector Road. MAG recommended Saratoga Springs and Eagle Mountain hire a lobbyist to present the designation proposal to the State. The budget amendment of $12,500 covers half of the anticipated cost of the lobbyist, with Saratoga Springs covering the remaining $12,500.

Mr. Jerome said the second General Fund amendment is for an additional $3,000 to be budgeted towards security cameras for City Hall. This is due to staff receiving more definite estimates for the cameras.

Mr. Jerome explained the final amendment of $20,000 is for Office 365 subscriptions, and to increase the contracted hours of the City's IT firm from 40 to 45 hours per week. The increase in contracted hours for the IT firm will not be long-term, but enables the contractor to complete outstanding projects while maintaining service for City staff.

Mr. Jerome said the St. Andrews reimbursement agreement is for the road widening and park relocation costs that the developer assumed. The developer will be reimbursed through impact fees. He explained this project is in the Capital Facilities Plan, so staff will present future budget amendments for impact fees, as well.

Mr. Jerome explained the amendment for streetlight installations is to correct an audit finding. Developers are required to pay for streetlights, and the City recorded funds received for streetlights as liabilities. The auditor explained the line items needed to be recorded as expenses, as the streetlights are City infrastructure. The final amendment is similar to the streetlight installation amendment. Facebook is paying for City infrastructure on their site, so the amendment adjusts the record from a liability to an expense.

Councilmember Burnham asked if Saratoga Springs' goals regarding the lobbyist align with those of Eagle Mountain. She stated the State designation is very beneficial for Eagle Mountain, but Pony Express Parkway is already widened in Saratoga Springs, and does not want the State road designation to end at Redwood Road in Saratoga Springs and not continue on to Eagle Mountain.

Councilmember Curtis stated there have been issues in the past that arose from Saratoga Springs and Eagle Mountain goals not aligning on MAG projects. He expressed concern that Eagle Mountain could potentially fund a lobbyist to benefit Saratoga Springs' interests only. Mr. Jerome explained he has spoken with Saratoga Springs City Manager Mark Christensen and MAG Director of Regional Planning Shawn Seager, and the desire of both entities is to extend Pony Express Parkway. Mayor Westmoreland said a reason MAG would like Pony Express Parkway designated as a State road is that the widening project would utilize a quarter of MAG's budget.

Mr. Jerome clarified if the amendment is approved and Saratoga Springs decides against hiring the lobbyist, Eagle Mountain will not move forward with obtaining a lobbyist. Councilmember Curtis asked if a memorandum of understanding could be drafted between the cities to ensure the goals are clearly stated. City Administrator Ifo Pili said City staff would be communicating directly with the lobbyist and will set clear expectations; a single point-person would not be assigned for all entities.

17. An Ordinance of Eagle Mountain City, Utah, Amending Municipal Code Chapter 17.38 for the Commercial Storage Zone.

Mr. Jensen explained the applicant-proposed amendment would allow additional moving trailers outside of walls at storage facilities throughout the City. The proposal allows for more flexibility in determining the total number of trailers allowed. The Planning Commission recommended denial with a vote of 4:1. If approved, the applicant will submit an application to increase the number of trailers allowed at his storage facility.

Councilmember Burnham asked how "available space" is defined. She asked, if companies have more than the required number of parking stalls for the business operation, could the extra stalls potentially be filled with moving vehicles? Mr. Jensen said the moving vehicle parking remains a conditional use and will still require Planning Commission review and approval. He stated businesses with more parking stalls than required by Municipal Code could potentially apply to utilize all additional stalls for moving vehicles.

Mr. Jensen advised Council to review the item as a City-wide amendment, not as one specifically for the applicant's storage facility. Councilmember Clark asked if the applicant's email to Council was accurate regarding the zoning of the applicant's property. Mr. Jensen stated the email was inaccurate and clarified the site is in the Commercial zone, not the Industrial zone. He also clarified that the Municipal Code was written and adopted at the same time, not added to the applicant's property at a later date, as stated in the email.

Mr. Jensen stated staff did change the proposed amendment regarding the approval authority. The applicant's proposed approval authority was the Planning Director, and staff changed that to the Planning Commission, to keep the approval authority as it currently stands.

18. An Ordinance of Eagle Mountain City, Utah, Amending Municipal Code Chapter 17.10 for Kitchens and Chapter 17.72 for Commercial and Multifamily Design Standards.

A. Definitions

Mr. Jensen said staff is proposing to remove "wet bar" from the kitchen definition, and to create a definition for wet bar. This allows homeowners to install wet bars in homes that have two kitchens, as currently more than two kitchens are not allowed per Municipal Code.

B. Commercial and Multifamily Design Standards

Mr. Jensen explained the design standard amendment was requested by the Fire Chief. The amendment would require a man door to be installed off the alley for homes with service drives, and requires the units to be addressed off the alleyway. This amendment will apply to future development only.

19. An Ordinance of Eagle Mountain City, Utah, Amending Municipal Code Chapter 1.20 for Elections, Chapter 3.20 for Purchasing and Chapter 10.10 for Parking.

Ms. Kofoed stated the amendment regarding elections is to change the date of the Primary election; the Primary election was previously held in June and now is held in August. She explained the purchasing policy currently requires all sealed bids be advertised in the newspaper. The proposed amendment regarding purchasing removes the requirement of newspaper advertisement in order to be in compliance with State statute, which requires the City to advertise through SciQuest. She said the City currently uses SciQuest for bid advertising.

Mr. Jerome said some items in the Parking Municipal Code amendment reference items and transportation services that are not currently developed in the City, but will likely be developed in the future. Section A.1. of the proposed amendment lists nine places where vehicles cannot stop, stand, or park. The Council and staff clarified that item A.1.(i) references double parking. Section A.2. lists eight places vehicles cannot stand or park.

Councilmember Gricius stated homeowners should be able to block their own driveways, and asked if wording could be added to note residents can park in front of their own driveways. Councilmember Reaves said he liked the restriction. If his neighbor blocks his own driveway, it impedes Councilmember Reaves' ability to back out of his own driveway.

The Council discussed the distance from intersections where parking would be prohibited. Mr. Jerome clarified the 30-foot prohibited parking areas begin at the corner of intersections. Streets and Storm Drain Manager Zac Hilton said the parking restrictions will apply to roundabouts, as those are considered intersections.

Mr. Jerome stated the proposed amendment is for safety, and making the Municipal Code more robust will also assist City snowplow drivers in safely clearing streets of snow. Sections E and F relate to possible restrictions on parking on one side of roadways. Mr. Jerome stated staff added "may be restricted" to allow the City to decide if streets with a width less than 28 feet, or 36 feet with vehicle average daily trips exceeding 6,000, will be restricted or not.

Councilmember Curtis asked if HOAs can paint curbs red in prohibited parking areas such as the 30-foot distance from intersections. Mr. Jerome said allowing that may cause continuity issues between neighborhoods, and expressed concerns regarding HOA's maintenance of curb painting.

Councilmember Burnham clarified with staff that residents will receive a notice before any fines are assessed. Mr. Pili said the City does not want to assess fines or use notices as a source of revenue; the intent is to ensure safety for residents.

Councilmember Clark expressed concerns about parking being prohibited within 30 feet of intersections, and stated many areas in the City will not have parking in front of residences, if the amendment is implemented.

Councilmember Reaves stated construction zones are not covered in the amendment, and asked staff if language could be added that addresses construction equipment on City roads. Staff clarified that construction equipment will need to follow the parking regulations as written. Councilmember Reaves asked staff to distribute this section of the Code to developers and builders.

Discussion ensued regarding parking regulations at "T" intersections. Mr. Jerome stated the street going straight would not have parking restrictions; the road that stops and must turn either right or left is where parking restrictions would be placed.

Councilmember Curtis stated his concerns regarding the wording on the parallel parking section. He said the way it is written will prevent people from turning wheels towards curbs when parking downhill. Mr. Jerome said he will edit the wording to clarify that vehicles are to park parallel to, and within twelve inches of the right-hand curb, or as close as practicable to the right edge of the right-hand shoulder.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: ***Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Gricius seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.***

The meeting was adjourned at 6:07 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Evan Berrett, Management Analyst; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, Planner; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief; Eric McDowell, Chief Deputy.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:11 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Westmoreland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Eagle Mountain Symphony Orchestra** – The Eagle Mountain Symphony Orchestra is holding rehearsals on Friday evenings at 7:00 p.m. at Faith Community Church, 3535 Ranches Parkway. They will be playing Vaughn Williams, Haydn, and The Greatest Showman. Email eaglemountainsymphony@gmail.com if you are interested in joining the orchestra.
- **Miss Eagle Mountain and Outstanding Teen Pageant Orientation** -- An orientation meeting for those interested in participating in the Miss Eagle Mountain and Eagle Mountain's Outstanding Teen pageant will be held Thursday, January 17, 2019 at Garden Near the Green at 7:00 p.m. The meeting is open to all young women ages 13-24 who live, work, or attend school in Eagle Mountain, Cedar Fort or Fairfield. The Miss Eagle Mountain & Outstanding Teen Scholarship Pageants are preliminaries to the Miss Utah and Miss America Organizations.
- **Christmas Tree Disposal** – Eagle Mountain residents may drop off live Christmas trees, stripped of all decorations, in the asphalt parking area at the Pony Express Park rodeo grounds at 4447 Major St. through January 19, 2019.
- **Utah Valley Visioning Workshops** -- Utah County is projected to double in population by 2050 and add approximately one million people by 2065. The implications of this growth for our quality of life—and our future economy—depend on us taking proactive steps to create the future Utah County residents want. With this in mind, Envision Utah has launched Valley Visioning, which will bring Utah County stakeholders and residents together to form a common vision for the future. They are also holding a series of public workshops to get more hands-on feedback and information from community members throughout the County. A workshop will be held in Eagle Mountain on Wednesday, January 23, 2019 at Pony Express Elementary from 6:00 to 8:00 p.m. The workshop will include instant polling questions, interactive mapping activities, and refreshments. All residents are invited and highly encouraged to come voice their desires, concerns, and opinions.
- **City Offices & Library Closures** – The City offices and Library will be closed Monday, January 21, 2019, in observance of the Martin Luther King, Jr. holiday.
- **City Notifications** – We encourage residents to sign up for City notifications to be aware of public safety emergencies and stay informed about City news and events. Register at www.emcity.org/notifyme. Notifications can be received by email and/or text.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:17 p.m.

Adam Ferre spoke in regards to the commercial development in City Center. He said without a master development agreement, the site is being developed piecemeal. A retention pond was built behind his property, but a full wall has not been constructed. The lights from vehicles in the commercial area shine into the adjacent homes; a consistent wall is necessary for buffering.

Carla Smith spoke as a representative from the Mountain Trails Elementary School Community Council. She requested the City restrict parking on the east side of Wood Road in front of the school during pick up and drop off times.

Assistant City Administrator/Finance Director Paul Jerome stated with the presented amendment on parking, the City can prohibit parking where deemed necessary. Councilmember Reaves asked if the school is involved in restricting parent parking on the road. Ms. Smith said the school encourages parents to park elsewhere during pick up and drop off times.

Mayor Westmoreland closed public comment at 7:28 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis
Councilmember Curtis said the Valley Visioning workshop on January 23, 2019 is important due to the possibility that outside entities may attend in order to direct future plans of the City. He encouraged residents to attend to share their views on how the City should be developed.

Councilmember Burnham
Councilmember Burnham shared that some of her family members and friends were able to catch cancer early due to screenings. She encouraged residents to obtain cancer screenings.

Councilmember Reaves
Councilmember Reaves welcomed those in attendance and expressed appreciation for the Sheriff's Office and Fire Department. He said the Martin Luther King, Jr. holiday is also a national day of service. He encouraged residents to visit www.justserve.org to find local service projects.

Councilmember Clark
Councilmember Clark stated the importance of attending the Valley Visioning workshops. She said the Eagle Mountain Community Theater is performing Shakespeare's Twelfth Night at Frontier Middle school on February 14-16, 2019. She informed residents that a pre-legislative session town hall meeting will be held on January 26, 2019 at 10:00 a.m. at the North Saratoga Springs fire station. This is open to all residents of Eagle Mountain and Saratoga Springs. She also encouraged residents to run for public office if they have the passion and time to do so, as it is a great way to make an impact and contribute to the community.

Councilmember Gricius
Councilmember Gricius stated she agreed with the other Councilmembers' comments.

Mayor Westmoreland
Mayor Westmoreland said he will ensure residents have the ability to speak on the public hearing agenda items.

9. CEMETERY BOARD APPOINTMENT

A. Steve Conger – 3-year term

MOTION: ***Councilmember Gricius moved to appoint Steve Conger to the Cemetery Board for a three-year term ending December 31, 2021. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.***

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Conger.

CONSENT AGENDA

10. FY 2018 AUDIT – Acceptance of the FY 2018 Financial Audit

11. BOND RELEASES

A. Sage Park Phase A, Plat 1 & Sewer Off-sites – Into Warranty
B. Evans Ranch K-3 – Into Warranty
C. SilverLake 8 – Out of Warranty
D. The Village at Porter's Crossing Plats 1 & 2 – Out of Warranty

12. BID AWARDS

A. Steeplechase Lift Station Project – FX Construction

13. MINUTES

A. December 4, 2018 – Regular City Council Meeting

MOTION: ***Councilmember Burnham moved to approve the Consent Agenda, removing items 14A, 14B, and 15A for discussion. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

14. PRELIMINARY PLAT & SITE PLAN

A. Scenic Mountain Preliminary Plat & Site Plan

This item was discussed after Item 20.

Councilmember Curtis stated much discussion took place during the previous approval process for Scenic Mountain and, at that time, the Council was concerned that if UDOT purchased less land than originally planned for, the density would increase in the project.

Dylan Young with Fieldstone Homes stated when the master development agreement was approved in 2016, Fieldstone Homes was unsure of the amount of land UDOT would be purchasing. He explained they added verbiage to the master development agreement to ensure it addressed situations such the one being discussed. Councilmember Curtis stated the business deal between UDOT and Fieldstone was a private transaction and should not be used to adjust the plan with the City.

Mr. Young said during the Planning Commission meeting when this item was being discussed, one of the Commissioners stated that he did not want to address the master development agreement. Mr. Young felt the Commission needed to take the agreement into account, as it is an approved planning document. He said the master development agreement allows for the movement of units in planning areas, and they are not requesting anything not permitted in the agreement.

Councilmember Curtis said the Council's intent was for the agreement to ensure the movement of units stays within the same uses.

Mr. Cook stated there are two separate issues in the master development agreement under discussion. His opinion is that the agreement allows for slight modifications of uses within each planning area. He believes that part of the agreement was included to accommodate flexibility of unit types within each planning area. The second section of the agreement addressing UDOT's land purchase states if more land is purchased than originally planned for, the density in that area would be decreased proportionally.

Mr. Young disagreed with Mr. Cook's interpretation and said the agreement allows for overall density up to 10.15 dwelling units per acre throughout the project. He believes they are permitted to move units between planning areas, as long as the overall density does not exceed 10.15 dwelling units per acre. Mr. Cook said his opinion is modifications are allowed within planning areas, as long as the uses are similar. The intent was to allow the developer flexibility, as it was not known what product types were going to be built in each planning area.

Councilmember Clark stated flexibility does not have to fall to the City or its residents. She said if flexibility is needed due to UDOT's purchase, Fieldstone should adjust their plans. Mr. Young said he felt Fieldstone did adjust the plan, as they were approved for 86 single-family units, but only have 80 units. He stated the current request does not give Fieldstone additional units in the overall plan.

Councilmember Curtis stated density transfer is not something he is comfortable approving. Councilmember Clark said the plan can be tabled, delaying the project, or the Council can approve the plan with 35 units and let the developer begin building houses.

Mr. Young said the plan is not feasible with only 35 units and requested the Council table the plan instead of approving it with fewer units. He reiterated his belief that the master development agreement was specifically worded to address this situation and allows for his request.

Councilmember Reaves stated the developer made money on the transaction with UDOT and is now asking for more concessions from the City. Mr. Young stated Fieldstone is only requesting to be evaluated based on the master development agreement and the City's Municipal Code.

Councilmember Clark asked Mr. Cook to clarify the two separate issues in the master development agreement regarding unit transfers. Mr. Cook explained the agreement states if a portion of the townhome parcel is taken by UDOT, the vested number of residential units for the townhome parcel will be reduced in the same proportion as the acreage of the townhome parcel taken. The other section under discussion states the developer may modify the planning areas to accommodate a relatively similar use and mix; this could mean modifying within the planning areas, or modifying between planning areas. Mr. Cook said his interpretation is that it allows for modification within planning areas.

Mr. Young reiterated his understanding that the sections of the agreement under discussion are not separate issues; they both specifically relate to UDOT's land purchase.

Councilmember Clark stated townhomes and single-family homes are not relatively similar uses. Councilmember Burnham asked if staff considered the uses similar. Planner Tayler Jensen explained cluster homes are like townhomes but they have separate walls. He said cluster homes are typically considered Tier 3, and stated the uses are similar.

Mayor Westmoreland was excused at 9:03 p.m. Mayor Pro Tempore Gricius conducted the meeting in Mayor Westmoreland's absence.

Mr. Young explained Fieldstone Homes was concerned the master development plan and master development agreement dictated details that were not confirmed, so they included language allowing the changes in the item under discussion. He said the developer's belief is cluster homes and townhomes are similar uses, and they are not asking for an overall increase in density.

Mr. Cook stated he has not been able to fully discuss the concerns with staff or the applicant, and if the Council tables the item, he can work with them to clarify interpretations.

MOTION: ***Councilmember Burnham moved to table the Scenic Mountain Preliminary Plat & Site Plan to the next scheduled City Council meeting. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves. The motion passed with a unanimous vote.***

B. Arctic Circle Site Plan

Planning Manager Michael Hadley showed the location and elevations of the building, and said the plan meets landscaping requirements and complies with the dark sky ordinance. He explained the applicant is aware the project will need to go through the final plat process, and said the Planning Commission unanimously recommended approval.

Councilmember Clark said the Council is supportive of the business, but wants to ensure the original landowner who still owns property in the project knows the buffering wall needs to be completed. Mr. Cook noted all site plans require fencing or other buffering between commercial and residential areas. He stated his opinion that the business should prevent headlights from shining into nearby homes, and the best option to mitigate that concern is to complete the wall. Councilmember Clark asked how the City can require the applicant to place a wall on property that is not theirs. Mr. Cook stated hedges could be placed along the Arctic Circle property, but the best and easiest solution is to complete the wall.

Applicant Joey Totorica stated it is not their place to install a wall 300 to 400 feet from their property. He said headlights from cars leaving the drive-through may reach the homes, but no other lights would be. He understands the homeowners' concerns, but the wall will be on another landowner's property.

Mr. Cook said he does not want to hold up the project, but visual buffering should be required. The problem is the result of one developer developing the site without a master site plan.

Councilmember Clark expressed frustration that Pizza Hut was not required to add any buffering to shield headlights, and stated she wanted a solution for the residents. Councilmember Curtis said the responsibility of the wall falls to the developer.

Mr. Hadley showed the Council the lot layout and explained the drive-through traffic headlights will shine into the church building, not homes. Mr. Joey Totorica, the applicant, said since the headlights will not be pointing into homes, the Council should not table the item, nor should unfair conditions of approval be placed upon him.

Another of the applicants, Mr. Joe Totorica, expressed frustration that this project may be required to finish the wall, when the other businesses on the site were not required to do so. Councilmember Burnham explained the Council does not want to place an unfair burden on Arctic Circle.

Mr. Cook said the wall will be required when the lot adjacent to existing homes is developed, but understands the Council's desire to have the wall built prior to that lot being developed.

Adam Ferre expressed frustration that the wall has not been completed and that the project does not have a master site plan.

Councilmember Reaves expressed his desire to find a solution that mitigates residents' concerns. Mr. Cook said the challenge is that there are now multiple property owners and it would be difficult to have the original property owner complete a master site plan at this point. He said the City does not want to delay the project, but also does not want to create a poor situation for nearby homeowners.

Mr. Hadley said the landowner's argument against building the wall is that the final plan for each lot is unknown; therefore, they do not know what the final design of the wall will be. Mr. Jensen explained staff made multiple attempts to have the landowner complete a master site plan, but were unsuccessful.

Councilmember Curtis asked if the City can legally allow Arctic Circle to begin construction, while prohibiting future development until the wall is completed. Mr. Cook stated a wall will be required for buffering when the remaining empty lot is either developed or subdivided,.

Discussion ensued regarding the retention pond location and conditions of approval for a business in 2016.

Mr. Cook reiterated that the wall will be completed once the remaining lot is developed. He said staff can work with the landowner to have the wall completed before development happens, as it will be required eventually. The Municipal Code's intent regarding buffering is to ensure customer traffic headlights do not shine into residential developments.

Community Development Director Steve Mumford stated the traffic lights from Arctic Circle customers will not affect the nearby homes. He said it would be reasonable to include a condition stating if staff finds that lights from the project are impacting homes, temporary buffering would be required at that time. Ms. Kofoed stated that could be a condition of the business license approval.

Mr. Mumford explained staff has a meeting scheduled with the landowner regarding a different topic, and they can discuss the wall at that time. He offered to bring a discussion item to a future City Council meeting that shows a simplified version of a site plan which includes the wall, sidewalks, streetlights, and any other master site plan items that staff and the landowner agree upon.

Mr. Mumford said the applicant is required to put in a five-foot sidewalk, and the applicant has paid for the streetlights; Black and McDonald will install the lights.

Discussion ensued regarding streetlight placement requirements for the applicant's lot, and requirements for streetlight placement throughout the City.

Councilmember Curtis directed staff to inform the landowner that the Council would like to speak with them at a later meeting, and asked staff to bring the agreed-upon site plan to a future meeting.

MOTION: ***Councilmember Burnham moved to approve the Arctic Circle site plan with the following conditions:***

1. ***The applicant will improve the sidewalk, curb and gutter along Ira Hodges Scenic Parkway, and will improve the trail on the north side of the property along Eagle Mountain Boulevard to the entrance of the City Center commercial development;***
2. ***The applicant will install a streetlight, working with the Planning Director to determine its location, unless the other developer agrees to place a streetlight on the other side;***
3. ***If staff finds the lights from this project are impacting neighboring homes, a buffer will be required or their business license will be impacted; and***
4. ***A final plat will be approved and recorded to create the lot.***

Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves. The motion passed with a unanimous vote.

15. ALTERNATIVE FENCING PROPOSAL
    A. Lake View Estates

Mayor Pro Tempore Gricius stated the applicant requested that the Council remove the requirement to install a fence, due to the elevation change and distance between the homes and the projected freeway. If the Council chooses to require the fence, the applicant requests approval to install a white vinyl fence, instead of the required cedar post fence.

Councilmember Burnham stated she is inclined to allow an alternate fence, but it would need to be a durable, metal reinforced vinyl fence. Councilmember Curtis stated he does not want to waive the fence requirement, and he prefers Trex over vinyl, until the reinforced vinyl fence has proven to be durable.

Mr. Jensen recommended denying the waiver to the fence requirement, as the alternative fence proposal was to not have a fence. He said he can speak with the applicant and direct him to bring back an application with a fence alternative.

MOTION: ***Councilmember Burnham moved to deny the Lake View Estates alternative fencing proposal. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves. The motion passed with a unanimous vote.***

PUBLIC HEARING

16. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Third Amendment to the Fiscal Year 2018-2019 Annual Budget.

This item was discussed after the Consent Agenda.

Mr. Jerome stated the three items in the General Fund amendment are contracting a lobbyist to assist in the request to designate Pony Express Parkway as a State road, a change in cost for security cameras for City Hall, and an increase in IT costs.

In the Capital Projects amendments, there is a reimbursement agreement for the St. Andrews Drive construction, and an increase of $5,000 for the City entrance/wayfinding signage design.

Mr. Jerome explained the other two items in the amendment were paid for by developers, but needed to be included in the City budget as expenses, rather than as liabilities. Those items are streetlight installation and improvements to City infrastructure at the Facebook site.

Mayor Westmoreland opened the public hearing at 7:41 p.m. As there were no comments, he closed the hearing.

MOTION: ***Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, adopting the Third Amendment to the Fiscal Year 2018-2019 Annual Budget. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.***

PUBLIC HEARING

17. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Municipal Code Chapter 17.38 for the Commercial Storage Zone.

Mr. Jensen stated the applicant-proposed amendment is to allow additional moving trailers to be stored in front of walls at storage facilities. The Planning Commission recommended denial with a vote of 4:1, as they believed the current limitation of six vehicles is appropriate.

Mayor Westmoreland opened the public hearing at 7:43 p.m.

Scott Weber, an owner of Sunset Storage, stated they have proposed this amendment because his business has space for additional vehicles. He explained the amendment will only affect two businesses in the City, and businesses will not park the vehicles in such a way as to impede traffic, or in a way that will not be visually appealing. He said he wants to park the trailers in the front of the business as it is a liability to have customers pick up trailers in the back of the facility. He noted Saratoga Springs does not have an ordinance similar to Eagle Mountain's regarding moving vehicle parking limitations.

Councilmember Clark disagreed with Mr. Weber's statement regarding businesses not parking in a way that impedes traffic or is visually unappealing, as businesses do park that way. She said the Council needs to consider how the amendment will affect the entire City, not just Mr. Weber's property.

Mayor Westmoreland closed the public hearing at 7:48 p.m.

Councilmember Curtis asked if the amendment would only apply to storage facilities, and said he has encountered moving and storage facilities with too many vehicles parked in front of the business. He expressed concern that the Council will be required to use discretion to determine how many vehicles are allowed at Mr. Weber's facility, and again for Mr. Weber's competitor in the City; this involves the Council in private business operations.

Mr. Jensen clarified for the Council that the amendment would apply to moving and storage businesses, which are a conditional use in the Commercial Storage zone.

Councilmember Clark asked how many parking stalls are required for this specific site, and how parking stall requirements are determined. Mr. Jensen said a parking table lists how many stalls are required, and the requirement is determined by business type. Fourteen parking stalls were included in Sunset Storage's site plan.

Councilmember Clark said she is not comfortable with a discretionary number. She stated in order to approve the amendment, it needs to state a set amount of stalls with a specific formula that applies to all businesses within the Commercial Storage zone.

Councilmember Reaves asked if Sunset Storage's parking lot is ever filled to capacity. Mr. Weber stated the only time parking is an issue is when they open their parking lot to the adjacent elementary school for special functions.

Councilmember Curtis asked if a screening fence or wall was an option for Sunset Storage, as that would not require an amendment to the Municipal Code. Mr. Weber said fencing would be cost prohibitive.

Councilmember Clark asked Mr. Weber if not receiving approval for additional vehicle storage would prohibit business operations, and if he could park the trailers in the back, behind the existing wall. Mr. Weber said there is not room in the back, and if there was room, a liability issue is created when renters go behind the wall. He said if he does not receive approval, he will no longer rent trailers and the business and tax base will go to Saratoga Springs and American Fork.

Councilmember Burnham asked for the distance between the road and the end of the trailers as they are currently parked. Mr. Weber said the parking area is 230 feet long and can fit fifteen trailers. He stated the trailers are not in designated parking stalls, but they have been using the area for parking since they began renting moving trailers.

Councilmember Clark asked how the City would enforce conditions placed by the Council. Ms. Kofoed stated conditions of approval are included in business license approvals, and are regulated through feedback from residents. Mr. Cook explained conditional use permits can be revoked if the conditions of approval are no longer being met.

Councilmember Gricius asked why the Planning Commission recommended denial. Mr. Jensen stated the Planning Commission felt that six trailers stored outside of the wall was sufficient.

Councilmember Curtis expressed concern that storage facilities in Eagle Mountain may look similar to a U-Haul business in West Valley. Mr. Weber stated the West Valley business is not a storage facility; it is a commercial location for U-Haul.

Councilmember Gricius asked if a vegetation screen was an option for Sunset Storage, in order for the parking to meet current Municipal Code. Mr. Weber stated there is not room for a fence or screen, as it would be located in the area where he is currently parking trailers.

Councilmember Curtis expressed concern regarding giving the Planning Commission discretion in determining the number of trailers allowed. He stated their role is to review items based on the application of Municipal Code; the Code needs to state a specific number. Councilmember Clark agreed that the amendment needs to state a specific number of trailers allowed.

The Council discussed screening options and ways to determine a number of trailers allowed. They agreed that the amendment presented needed to include a process that determines a set number of trailers permitted.

MOTION: ***Councilmember Gricius moved to table an ordinance of Eagle Mountain City, Utah, amending Municipal Code Chapter 17.38 for the Commercial Storage Zone until staff and the applicant create an amendment with an improved process to determine a specific number of trailers allowed. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.***

PUBLIC HEARING

18. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Municipal Code Chapter 17.10 for Definitions and Chapter 17.72 for Commercial and Multifamily Design Standards.
    A. Definitions
    B. Commercial and Multifamily Design Standards

This item was discussed after Item 15B.

Mr. Jensen stated the staff-proposed amendment to Chapter 17.10 of the Municipal Code allows a dwelling to have two kitchens and a wet bar. Wet bars are currently considered kitchens in the Municipal Code. It is staff's opinion that a wet bar is not a kitchen, and should not count as a kitchen. This amendment also adds a definition for Wet Bar.

At the Fire Marshal's request, staff is proposing an amendment to Chapter 17.72 to assist in emergency service response times. For emergency purposes, homes must be addressed to a man door, which causes confusion in alley-loaded units where the most direct access is through a service drive, but addresses must come from the front of a unit. This code will require man-doors on rear-entry units so they may be addressed by the alley address.

Mayor Pro Tempore Gricius opened the public hearing at 10:03 p.m. As there were no comments, she closed the hearing.

MOTION: ***Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, amending Municipal Code Chapter 17.10 for Definitions and Chapter 17.72 for Commercial and Multifamily Design Standards. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.***

19. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Municipal Code Chapter 1.20 for Elections, Chapter 3.20 for Purchasing and Chapter 10.10 for Parking.
    A. Chapter 1.20 Elections
    B. Chapter 3.20 Purchasing
    C. Chapter 10.10 Parking

Mr. Jerome confirmed section 2.(vii) would not prohibit parking along the straight side of a "T" intersection. He stated section B has been clarified and no longer references vehicle wheels being parallel to curbs.

MOTION: ***Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah, amending Municipal Code Chapter 1.20 for Elections, Chapter 3.20 for Purchasing and Chapter 10.10 for Parking. Councilmember Curtis seconded the motion.***

Councilmember Curtis asked staff to administratively manage painting curbs red and parking signage. Councilmember Reaves asked if construction equipment language was added. Mr. Jerome said construction language was not added; however, staff will distribute the new Municipal Code to developers in the area, as construction vehicles will be required to follow the rules outlined in the parking ordinance.

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.

20. AGREEMENT – Limitless Event Agreement between CBRS, LLC and Eagle Mountain City.

This item was discussed after Item 17.

Economic Development Director Aaron Sanborn stated in 2018, CBRS, LLC planned and managed the Limitless Supercar Shootout at Cory Wride Memorial Park and along Eagle Mountain Boulevard, and they would like to continue holding the event. He explained the current agreement did not state the City will provide fire and police services, but staff would like to add that clause.

Councilmember Burnham asked why indemnification was removed from the contract. Mr. Cook stated CBRS, LLC requested mutual indemnification, but in his opinion, it was better not to indemnify either party. He stated the agreement shows the City is not a partner of the event, but rather a sponsor, and said the insurance requirement will be utilized for liability coverage for the City.

Councilmember Clark asked why the City would pay for the fire and police service for this event, as some organizations are required to cover those costs, and if the City would absorb the cost of the manpower hours. She stated she did not want the City to commit to costs that may go up in the future.

Mr. Cook explained if the City had to pay hard costs, a 10-8-2 public hearing is required. The contract does not cover out-of-pocket expenses to the City. He recommended stating the City may provide those services, as long as the scope of the service fits within the contracts the City has with the Utah County Sheriff's Office and Unified Fire Authority.

Chief Deputy Eric McDowell said the deputies at last year's event were those already assigned in the area, and Volunteers in Police Service (VIPS) personnel were utilized. He said there are costs associated with shutting down roads for an event this size, but last year's staffing was absorbed within the annual contract.

Rob Shelton, the event organizer, said last year's event went well. He said he would like indemnification included in the agreement, but understands Mr. Cook's point of view. He stated the proceeds from the non-profit event go to the Make-A-Wish foundation.

MOTION: ***Councilmember Clark moved to approve the Limitless Event agreement between CBRS, LLC and Eagle Mountain City. Councilmember Reaves seconded the motion.***

AMENDED MOTION: ***Councilmember Clark moved to approve the Limitless Event agreement between CBRS, LLC and Eagle Mountain City, with the amendment that the City may offer law enforcement and fire services. Councilmember Reaves seconded the motion.***

Mr. Shelton asked that the contract include a time limit for notification if the City does not elect to provide law enforcement and fire services. Mr. Cook stated they could add a six-month notification requirement in the agreement. Mr. Shelton explained a clause in the agreement allows either side to terminate based on hardship, with a nine-month notice., and that clause could be utilized for notification.

Mr. Cook clarified that if the Council wishes to have the City provide safety services, the agreement needs to state the City will provide law enforcement and fire services, as long as it does not create a hard cost to the City.

AMENDED MOTION: ***Councilmember Clark moved to approve the Limitless Event agreement between CBRS, LLC and Eagle Mountain City, with an addition that the City will provide law enforcement and fire services, as long as it does not create a hard cost to the City, and the City will inform CBRS, LLC by December 31 if unable to provide said services. Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius and Benjamin Reaves. The motion passed with a unanimous vote.***

21. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Clark

Councilmember Clark said she went to the Small Business Meet-Up hosted by Six Sisters Deli and Grille, Eagle Mountain City, and the Eagle Mountain Chamber of Commerce, and was pleased with the turnout; there were 25 to 35 business owners in attendance.

Councilmember Curtis
Councilmember Curtis asked Ms. Kofoed to supply contact information to the Council for the new liaison assignments.

Councilmember Burnham
No comment.

Councilmember Reaves
No comment.

Mayor Pro Tempore Gricius
No comment.

22. CITY COUNCIL BOARD LIAISON REPORTS

Liaison Assignments:

Councilmember Burnham – Planning Commission, Pony Express Events, and Chamber of Commerce

Councilmember Gricius – Planning Commission, Utah League of Cities and Towns, Utah County Sheriff's Office, and Unified Fire Authority

Councilmember Curtis – Senior Citizens Advisory Council and Mountainland Association of Governments

Councilmember Clark – Youth Council, Military and Veterans Advisory Board, Eagle Mountain Arts Alliance, and Emergency Preparedness

Councilmember Reaves – Parks and Recreation Advisory Board, Cemetery Advisory Board, and Library Board

Ms. Kofoed stated she can get contact info to Councilmembers, as needed.

23. COMMUNICATION ITEMS
    A. Upcoming Agenda Items
    B. Financial Report

24. ADJOURNMENT

MOTION: ***Councilmember Burnham moved to adjourn the meeting at 10:17 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Stephanie Gricius, and Benjamin Reaves. The motion passed with a unanimous vote.***

Approved by the City Council on February 5, 2019.

Fionnuala B. Kofoed, MMC
City Recorder