EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

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

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

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

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

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Lianne Pengra, Chief Deputy Recorder; Chris Trusty, City Engineer; Jeremy Cook, City Attorney; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Brad Hickman, Parks and Recreation Director; Tyler Maffitt, Communications Manager; Embret Fossum, UFA Battalion Chief; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Aaron Sanborn, Economic Development Director; Angela Valenzuela, Human Resources Manager; Jeff Weber, Fleet and Facilities/Operations Director, and Michele Graves, Library Director.

Mayor Westmoreland called the meeting to order at 4:08 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

City Administrator Paul Jerome provided the following update to the City Council:

General

- Water Rate Study: The presentation of the results of the utility rate study is scheduled for the January 18, 2022 City Council meeting to address concerns and determine a timeline for adoption. The City has not increased water rates in 20 years.
- The State Auditor's Office extended the submission deadline for the Annual Financial Statement report for fiscal year 2021 to January 31, 22, for all entities. The auditor presentation will likely be at the first meeting in February.
- The City is in the process of conducting a cost of services study across housing types specifically for Eagle Mountain. Previously, the City has utilized data from surrounding cities.

Community Development

- In December 2021, 204 new residential building permits were issued and commercial building permits were issued for the Elevate Gymnastics addition and Redemption Hill Church.
- The Community Development Director is preparing a 2021 growth report update.
- An updated Citywide Zoning Map is in process.

Economic Development

- Interviews were held with potential consultants to draft the City's Affordable Housing Plan and an Economic Development Master Plan; a recommendation will be forthcoming.

Information Technology

- The results of the study comparing the service levels and cost between continuing contracting services with an in-house IT department will soon be presented.

Facilities/Fleet

- The Facilities Department continues to create more workspace for our employees including exploring construction trailers, renovations, and purchase of other facilities.

Water

- The Well #1 pump is failing and needs to be replaced along with fixing the issues with the pump column. This will only be a temporary fix and the City is exploring other solutions including digging a new well due to maintenance difficulties with Well #1 due to its location under power lines. In the interim, Well #1 will be used intermittently to fill the tanks City-wide.
- Well #5 has a broken wellhead. Repairs will occur in a several-step process.

Wastewater

- A new auger has been ordered for the headworks and is scheduled to ship on January 11^{th}.
- The new rapid infiltration basins have been working well and City effluent ponds are lower than they have been for years.

Parks

- Pony Express Park Dog Park Area: the fencing has been ordered and should arrive mid-January with installation scheduled for the beginning of February. The Parks and Recreation Board has developed rules for the dog park and has submitted the suggestions to staff for review.
- The Landscape Maintenance Contract is up for rebid. Staff will post and solicit requests for proposals from landscape firms. The Council can expect an agreement to be on the February 15^{th} or March 1^{st} City Council meeting agenda.
- Walden Park Observatory: Staff is working on an official agreement from Utah Valley University to donate funding for the building portion of an observatory in Walden Park. Along with the funding for the observatory structure, they will be donating the use of a couple of telescopes. Once the agreement is approved staff will move forward with documents to build the structure and complete the community amenity.
- Pioneer Park Disc Golf Course: Staff has submitted an order for supplies to offer an 18-hole disc golf course in Pioneer Park. Once the materials are received, City staff will assemble and install the parts. This will also be another great amenity to the community.

- Smith Ranch Community Park: Staff has been working with MHTN Architects on construction documents for the park with a completion date for the document anticipated by March 1, 2022. The City will then be able to distribute the documents and receive bids to start construction and development of this park.

Events
- Thank you to the Events Department for the Christmas Village event. It was well attended and as always, very well organized by our staff!

Engineering
- Bobby Wren Traffic Light installation has been delayed due to moving the trail. Horrocks Engineering will submit findings regarding any necessary relocation of utilities. The completion is now expected the end of February. Motorists are requested to exercise caution at the stop sign at the intersection with Pony Express Parkway.
- The request for proposals for the widening of Eagle Mountain Boulevard is active and submissions will be presented to Council in the near future.
- Plans continue for the installation of Well #7 near Well #3.

Streets
- Thank you to the Streets Department staff for all their hard work with the recent snowstorms.

1.B. DISCUSSION – Landlord Licensing

Assistant to the City Administrator Evan Berrett presented the item. He explained the reasoning behind implementing a landlord licensing program, as well as the process staff went through to determine the best way to enact the program in the City. The proposed program combines both incentives and performance-based licensing, which staff believes will improve the relationship between the City and landlords. It will change the approach from reactive monitoring of rental properties utilizing penalties to a proactive support utilizing rewards.

Councilmember Love asked for clarification regarding license suspensions in relation to law enforcement visitations and violations, especially considering time constraints with the eviction process. Mr. Berrett explained the communication process between staff and landlords and stated he will review the section to ensure there are no unintended consequences.

Councilmember Wright stated that as a landlord, he has concerns with the program and asked what problems currently exist that the landlord license program will solve. He advocated for solutions that do not include codifying additional ordinances, that are similar to the methods used with other homeowners, and that focus on the individuals with violations. Mr. Berrett explained that the program will ensure that the Neighborhood Improvement Department will have contact information for property owners, and will assist staff in involving the property owners in resolving concerns and violations. He requested the record reflect that none of his rental properties are located within Eagle Mountain City, in order to clarify that he does not have a conflict of interest with the proposed program.

Discussion ensued regarding current issues the City is facing with rental properties, the objectives of the proposed program including primarily to obtain landlord contact information for out-of-state rental property owners and to create a better relationship and facilitate communication between the landlords and the City, and potentially devising a method to solve existing issues rather than codifying additional ordinances.

1.C. UPDATE – Upcoming Planning Items

Senior Planner Tayler Jensen presented the following upcoming Planning-related items: Eagle Quest East Master Development Plan, Preliminary Plat, Rezone, and General Plan Amendment; Eagle Ridge General Plan Amendment, Rezone, and Preliminary Plat; Triumph General Plan Amendment, Rezone, Master Development Plan, and Preliminary Plat; and the RTI Overlay Zone Development Code Amendment.

Discussion ensued regarding previous feedback given to the Eagle Quest applicant regarding the applicant-proposed relocation of Old Airport Road.

1.D. DISCUSSION – Lone Tree 3

Mr. Jensen explained the history of this project including the removal of 17 lots within the 300 series during the approval of the preliminary plat. This concept, for the previously excluded portion of the development, has increased the number of lots to 22 and shows an access road that was approved with the plat for the future Circle 5 Ranch development.

Councilmember Curtis asked for clarification as his understanding was that during the May 7, 2019 discussion, the Council had approved the plat with the cul-de-sac, transferring density from the east side of the project to the west portion, and prohibited blasting.

Mr. Jensen explained that as the project has no vesting for the 300 series lots, the developer desired to present this concept to the City. The Planning Commission discussion included the suggestion for Foothill Residential zoning for the area.

Applicant Brian Haskell explained that he removed 17 lots from the approved preliminary plat due to road design concerns and potential blasting. He stated the concept plan is being presented to obtain feedback from the City Council. They have already presented to the Planning Commission and have made edits based on feedback received during that meeting. As Circle 5 Ranch is not currently being developed and the slope of the potential road is significant, they prefer their proposed road for safety and emergency access. He confirmed there is no current vesting for this property because it had been removed from the previous approval. He stated they agreed to exclude blasting in the approved areas. They desire to meet Municipal Code but have not committed to not blast in this area; however, he acknowledged that blasting may not be an option. Although there is more density than the original plan, the proposal meets current City standards and the preliminary plat will include grade analysis to verify buildability.

Councilmember Curtis expressed concern about the developability of the lots due to the terrain. He read a portion of the May 7, 2019 City Council meeting minutes regarding density transfer.

Discussion ensued regarding the number of lots in the original approval.

Councilmember Burnham inquired regarding the feasibility of building the approved road connection to the Circle 5 Ranch development should homes be built in that location. Mr. Haskell stated that lots 314 and 315 are larger to accommodate the right-of-way for the road and provide construction needs should the Council determine that the access should be preserved. Mr. Jensen confirmed that if Circle 5 Ranch is built differently from the current approved preliminary plat, the developer would need to go through the process to obtain approval of a new preliminary plat.

Councilmember Wright stated that should the Circle 5 Ranch area develop, due to the terrain, he hopes that the developer would consider altering the preliminary plat and as such, he would be in favor of allowing the exclusion of the access. The other Councilmembers concurred.

Councilmember Wright asked the applicant to ensure lot size transitioning standards are followed.

The Council and staff discussed road connections within Lone Tree 3 and Circle 5 Ranch as well as potential changes to the Circle 5 Ranch plans.

2. AGENDA REVIEW

12. MINUTES

12.A. December 7, 2021 – Regular City Council Meeting

Councilmember Curtis requested to table the minutes to the next City Council meeting to allow additional time for him to review them and to clarify his intent as it related to the board appointment process.

13. PRELIMINARY PLATS & SITE PLANS

13.B. SITE PLAN – Atlas Tower – Sunset Flats

Councilmember Burnham asked for the item to be placed as a scheduled item during policy session to discuss the proposed silo design.

13.C. MASTER SITE PLAN – Ranches Crossing

Councilmembers requested for the item to be removed from the consent agenda and place as a scheduled item to discuss and determine which of the master site plan options to approve.

14. RESOLUTIONS

14.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Supporting the Utah Broadband Access Grant Application to Construct a Fiber Optic Network in White Hills to Provide Expanded Access to High-Speed

Broadband Internet Access Service to Eagle Mountain City Residents and Businesses.

Director of Administrative Services/City Recorder Fionnuala Kofoed confirmed that the grant is not exclusive to Direct Communications and is available to all internet service providers. Any service provider with a franchise agreement may install infrastructure within the City's utility easement.

15. ORDINANCES/PUBLIC HEARINGS

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits Regarding Monument Signs.

Mr. Jensen explained the applicant-proposed amendment requesting changes to monument signs to allow for taller signs and to allow combined monument signs at each drive access to a street. The applicant is requesting to increase the permitted maximum height of combined monument signs from 10 to 20 feet, individual monument signs from five to six feet, and design elements on individual monument signs from 6 ½ to 8 feet. The amendment will not impact the square footage of copy area available on the signs.

The Planning Commission voted 4 to 0, with one commissioner absent, to recommend approval of the following changes to EMMC 17.80:

1. EMMC 17.80.070(B) be amended to allow a combined monument sign at each drive access onto a street.;
2. EMMC 17.80.070(C) be amended to increase the maximum height for an individual monument sign up to 6 feet;
3. EMMC 17.80.070(C) be amended to allow design elements on induvial monument signs to be up to 8 feet; and
4. References to the Airpark Zone shall be removed from EMMC 17.80, and numbers shall be adjusted accordingly.

Councilmember Gray stated his preference for signs similar to those in Park City and to maintain standards that promote continuity in City signage.

Councilmember Burnham confirmed with staff that the monument sign at the Ridley's grocery store was not granted an exception to the height limitation.

Councilmember Curtis concurred with the desire to retain design similarities and harmony with City signage especially in light of the City declining previous requests for signage design exemptions. He supports the Planning Commission recommendations, except for allowing monument signs at each drive access as he believes one is sufficient.

Councilmember Love stated a 20-foot sign adjacent to a 20-foot building would not be conspicuous. She would be willing to allow higher signs than currently permitted that are immediately adjacent to taller buildings, as long as the signs are shorter than and proportional to the building.

Community Development Director Steve Mumford clarified that community entrance signs have different requirements than commercial monument signs. Although the City can retain the current standards, signage is important to many tenants and the City is likely to continue receiving requests for taller signage.

15.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits Regarding Flagpole Heights.

Mr. Jensen presented an overview of the proposed change. The proposed changes clarify that all residential dwelling units may have a flagpole, allow flagpoles up to 80 feet in non-residential zones and a conditional use permit request for flagpoles over 80 feet, designate that the National Flag shall be the primary flag on a flagpole, and define the maximum size of flags. The Planning Commission recommended approval with a 4 to 0 vote, with one absentee, of the proposed changes as presented in the packet.

Councilmember Gray said the request for 80-foot commercial flagpoles has been to the City Council multiple times and has been denied each time. Although he is in favor of permitting residents to have flagpoles, he is unsure why flagpole standards keep returning to the Council. Mr. Jensen explained the previous flag requests have been for model home signs in the residential zone. The current request is for flagpole sizes within commercial zones. The City Council requested staff assess flagpole heights when reviewing the Macey's site plan, as a large flag is a signature branding for their buildings.

Councilmember Gray advocated against permitting 80-foot flagpoles in any area of the City as he feels it is excessive considering the building height limit of 35-feet and believes 40 to 50 feet tall would be more appropriate.

Mr. Jensen clarified that commercial standards allow for 50-foot-tall buildings.

Councilmember Love recalled that previous discussions indicated Macey’s groceries stores install a flagpole at least 80 feet tall and she would be amenable to considering a conditional use permit for Macey’s; however, she is against conditional use permit requests for flagpole taller than 80 feet due to the increase in the size of the flag and the resulting noise. She noted the ambiguity in the intention of the standards requiring the National Flag to be the primary flag considering that the United States flag may not be included in addition to other flags. Her research found that a flag one-third the height of the flagpole, is not the recommended standard and suggested permitting a conditional use permit request for larger flags if proportionate to the recommended flag size in relation to the height of their flagpole.

Councilmember Curtis said for comparison, the flagpole at the Pony Express Memorial Cemetery is 40 feet tall. He expressed concern about allowing flagpoles to increase in height in the future that change the nature of the community. He requested prohibiting commercial users from displaying political and other statement flags that can create division in the community.

Mr. Jensen explained that the one-third ratio for the flag in relation to the flagpole had been taken from Colonial Flag standard recommendations. He clarified that recommendations for changes are in response to requests and suggestions from the Council and Planning Commission.

15.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.75 Standards for Special Uses, 17.20 Agriculture Zone, 17.35 Commercial Zone, 17.37 Business Park Zone, 17.40 Industrial Zone, and 17.23 Open Space Zones, Relating to Indoor and Outdoor Shooting Ranges.

Mr. Jensen explained the outdoor shooting ranges are only proposed to be permitted in the Open Space and Industrial zones, and on lots over five acres in the Agriculture Zone.

Councilmember Curtis suggested that outdoor shooting ranges only be permitted within an overlay zone in the Agriculture zone rather than allowed as a special use.

Councilmember Love requested that main structures be required to meet commercial designs standards and for design exemptions to only apply to outbuildings. She suggested adding a distance requirement between outdoor shooting ranges and residential units.

Councilmember Wright advocated for careful contemplation of the use in the Agricultural Zone, and limiting the use in residential applications, as it is the zone where issues and concerns are more likely to arise.

15.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 6.10 Animal Zone Regulations.

Mr. Jensen explained the ordinance was reviewed on November 16, 2021. Staff is presenting the ordinance to confirm that the adopted language is as the City Council intended.

Councilmember Gray stated that his understanding was that animal rights are not granted to half-acre properties unless the Equestrian Overlay has been applied to the property. Mr. Jensen clarified that prior to the amendment, livestock animals were permitted on half-acre lots other than horses, which required the application of the overlay.

Councilmember Love stated the change to "an animal shelter or structure" on Table 6.10.090 was not intended and the footnote should remain with the setback measurement from "the available fenced animal area."

Councilmember Gray conceded that the change to the setbacks had not been included in the motion; however, he feels that the change to the setbacks is crucial to allow animals on one-acre lots and needs to be addressed.

Councilmember Curtis agreed with Councilmember Love that the intent was not to include the change to the setbacks.

Councilmember Burnham stated the footnote change needs to be revisited, but it was not included in the motion to approve the ordinance due to the complexity of the setback requirements to determine the appropriate standards.

Councilmember Love advocated for further contemplation and deliberation to properly address both the needs and concerns of residents with livestock and the impacted residents on adjacent properties prior to determining the setback standards.

Mayor Westmoreland asked the Council if they would like to table the item. Councilmember Love suggested discussing the item during the policy session in order to give direction to staff on drafting a replacement ordinance to be voted upon during a future meeting. She clarified her intention is to retain and scale the previous livestock standards for lot sizes between one and three acres; however, she desires to reconsider counting miniature and adolescent animals as one-half a full-size adult in light of nuances and the need for an in-depth examination.

Councilmember Gray said he feels it is possible to address minor corrections during the policy session and approve the ordinance, rather than tabling the item to a future meeting.

16. MOTION

16.A. MOTION – Request for Waiver of Streetlight Requirements in the Deer Haven Development

Mr. Jensen explained that EMMC 15.10.390 requires streetlights to be installed on residential streets at a minimum spacing of 250 feet, and a maximum spacing of 350 feet on alternating sides of the street. EMMC 16.30.080 allows subdivisions under Agricultural, RA1, RA2, RD1, RD2, or FR zone designations to request waivers to requirements to install curbs, gutters, sidewalks, water and sewer utilities, and streetlights. Deer Haven is zoned Agriculture and RD1; under this designation, the applicant is requesting a waiver to the requirement to install streetlights. The Planning staff recommendation is to require streetlights to improve the safety of neighborhoods, especially at intersections. Nevertheless, it is the purview of the Council to permit an exemption as had been allowed with other developments.

Councilmember Love confirmed with staff that Lone Tree, the adjoining subdivision to the south, has streetlights. Cedar Pass Ranch, the subdivision to the east, does not have streetlights; however, Cedar Pass Ranch and Deer Haven have no road connections.

Councilmember Wright stated if Municipal Code allows applicants to request the waiver within this zone, and the City Council does not want to approve the waiver request, what are the areas within the City the Council considers appropriate for the exemption.

Discussion ensued regarding the location of Deer Haven within the Agricultural/Rural Density One General Plan designation intended for a minimum lot size of 2.5 acres, the rationale for allowing streetlight waivers including deferring a portion of the infrastructure costs, possibly requiring a reduced number of streetlights at intersections or other areas needed for safety, and cost considerations for providing a single streetlight.

Mr. Jensen clarified that approximately four streetlights would be required for the development.

City Engineer Chris Trusty said the applicant can put in a single streetlight without a large expenditure as the developer will pull the electric service from the supply lines that need to be in place for future homes.

Councilmember Wright stated his homeowner's association removed a streetlight that was in front of his home. While the area is much darker, it contributes to the rural feel of the larger-lot development. He desires to assess the applicant's reasons for requesting the waiver.

Mr. Mumford noted that the City now requires dark sky compliant streetlights.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:17 p.m.

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

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

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Lianne Pengra, Chief Deputy Recorder; Jeremy Cook, City Attorney; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Aaron Sanborn, Economic Development Director; Chris Trusty, City Engineer; Jeff Weber, Fleet and Facilities/Operations Director, Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Tyler Maffitt, Communications Manager; and Embret Fossum, UFA Battalion Chief.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:13 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Love led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Residents are encouraged to check out the new Rumor Stop feature on the City website. This is a great way for residents to get answers to some of those persistent questions about Eagle Mountain. Submit rumors you have heard and receive a timely response. You can find Rumor Stop by visiting eaglemountaincity.com/rumor.

To receive City notifications, including emergency info, news events, and traffic alerts, sign up at emcity.org/notifyme.

7. PUBLIC COMMENTS

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

Jeff Ruth noted issues he has experienced with rental properties in his neighborhood and expressed support for the landlord licensing program to assist with contacting and working with property owners to address problems in the City.

Bettina Cameron expressed support for the streetlight waiver request for the Deer Haven development due to the proximity to the wildlife corridor.

Kevin Burningham spoke in support of the streetlight waiver request for the Deer Haven development and against permitting blasting in the Lone Tree 3 development.

Alexis Hicks and Matt Hicks submitted electronic comments in opposition to the Tagg-N-Go Car Wash.

Dave Shippen submitted a written comment regarding Eagle Quest.

Mayor Westmoreland closed public comment at 7:27 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

<u>Councilmember Gray</u>
Councilmember Gray thanked the public for participating. He thanked Councilmember Clark for her service and welcomed Councilmember Wright.

<u>Councilmember Wright</u>
Councilmember Wright welcomed the public and stated it is humbling and an honor to serve the City. He thanked the City's senior staff and recognized their efforts and knowledge.

Councilmember Love

Councilmember Love also expressed appreciation to City staff and thanked the public in attendance. She welcomed Councilmember Wright and congratulated Councilmember Burnham and Mayor Westmoreland on their reelection.

Councilmember Burnham

Councilmember Burnham welcomed those in attendance and thanked the public for their participation. She said Councilmember Wright is a good fit for the City Council and welcomed him.

Councilmember Curtis

Councilmember Curtis welcomed Councilmember Wright, thanked Councilmember Clark for her service, and congratulated Councilmember Burnham and Mayor Westmoreland on their reelection.

Mayor Westmoreland

Mayor Westmoreland expressed excitement about the City's prospects in the new year. He stated City Council meetings are not town halls; rather, they are legal proceedings. He requested those in attendance to be respectful and refrain from applause and speaking out of turn. He said he will communicate with the Councilmembers regarding new board liaison assignments in the future and directed Councilmembers to continue meeting with the boards they were assigned to.

9. APPOINTMENTS

9.A. Cemetery Advisory Board

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

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

9.B. Library Advisory Board

MOTION: ***Councilmember Curtis moved to appoint Angelina Arnold to the Library Advisory Board for a three-year term. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Curtis moved to appoint Sally Blaser to the Library Advisory Board for a three-year term. Councilmember Wright seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Curtis moved to appoint Shelly Way to the Library Advisory Board for a three-year term. Councilmember Wright seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

9.C. Planning Commission

MOTION: ***Councilmember Burnham moved to appoint Jason Allen to the Planning Commission, completing the term through December 2022. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Jared Gray, and Carolyn Love. Those voting nay: Brett Wright. The motion carried with a vote of 4:1.***

Councilmember Wright stated his nay vote was because Mr. Allen lacks the land use experience that he would prefer the City utilize. He requested the City consider appointing Alternate Planning Commissioners in order to begin training potential future Commissioners.

9.D. Senior Citizens Advisory Board

MOTION: ***Councilmember Burnham moved to appoint Joye Roberts to the Senior Citizens Advisory Board for a four-year term. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

Director of Administrative Services/City Recorder Fionnuala Kofoed administered the Oath of Office to the appointed individuals in attendance.

CONSENT AGENDA

10. AGREEMENTS

10.A. Direct Communications Franchise Agreement

11. BOND RELEASES

11.A. Brandon Park Phase A, Plat 14 – Into Warranty

12. MINUTES

12.A. December 7, 2021 – Regular City Council Meeting

13. PRELIMINARY PLATS & SITE PLANS

13.A. SITE PLAN – Antelope Meadows Pool and Clubhouse

13.B. SITE PLAN – Atlas Tower - Sunset Flats

13.C. MASTER SITE PLAN – Ranches Crossing

13.D. SITE PLAN – Salt City Fitness

14. RESOLUTIONS

14.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting Voter Participation Areas.

14.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Supporting the Utah Broadband Access Grant Application to Construct a Fiber Optic Network in White Hills to Provide Expanded Access to High-Speed Broadband Internet Access Service to Eagle Mountain City Residents and Businesses.

MOTION: ***Councilmember Curtis moved to approve the consent agenda, tabling item 12.A. to the next scheduled City Council meeting and removing items 13.B. and 13.C. and placing them as scheduled items. Councilmember Wright seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

13. PRELIMINARY PLATS & SITE PLANS

13.B. SITE PLAN – Atlas Tower – Sunset Flats

Senior Planner Tayler Jensen presented the item. The application is for an 80-foot wireless cell tower designed as a silo on a 2,500-square-foot property north of the Rocky Mountain Power substation west of Lake Mountain Road between two powerline corridors. The applicant has indicated they intend to paint the tower in a beige color palette but are willing to paint the tower any color the City wishes.

The Planning Commission recommended approval of the Atlas Tower – Sunset Flats Site Plan to the City Council with the following Conditions:

1. A six-foot privacy fence shall replace the chain link fence in accordance with EMMC 17.75.091(A)(2);
2. The applicant shall submit copies of all federal permits prior to a building permit being issued;
3. Generators for emergency use or testing shall be permitted; and
4. The applicant shall provide a rendering of how the silo will be painted to blend into the environment.

Councilmember Curtis suggested the building look similar to the powerlines rather than a silo.

Applicant representative Carri Wullner stated they are amenable to a monopole design to be more cohesive with the powerlines and the cost would be less than the silo design. The builder will determine the most durable and appropriate materials and paint.

Councilmember Love requested an example of what a monopole would look like. Ms. Wullner said it would be a single pole with six to eight antennas per carrier with up to three or four sets of antennas at different levels on the pole. A silo would be approximately 10 to 20 feet in diameter and would conceal the antennas. A monopole would be approximately two feet in diameter with triangular antennas.

Applicant representative Mike Powers explained the design standards for the towers are to both accommodate for the geology on the ground to ensure a strong foundation and the above-ground environmental issues in the area, such as wind, regardless of tower-style and type. Safety measures vary by tower type. The silos are conical with interior platforms with latches and ladders. The monopoles may have foot pegs and will have a safety cable. Monopoles are usually sky-colored, galvanized steel or painted to blend in with their background. He recommended galvanized steel as the option best suited for this area of Eagle Mountain.

Councilmember Curtis expressed support for a galvanized steel monopole.

Councilmembers Love and Curtis expressed support of requiring conditions 1, 2, and 3 recommended by the Planning Commission.

MOTION: ***Councilmember Curtis moved to approve the Atlas Tower - Sunset Flats site plan with the following conditions:***

1. ***A six-foot privacy fence shall replace the chain link fence in accordance with EMMC 17.75.091(A)(2);***
2. ***The applicant shall submit copies of all federal permits prior to a building permit being issued;***
3. ***Generators for emergency use or testing shall be permitted; and***
4. ***Directing the applicant to install a galvanized steel monopole as represented in the email sent to staff rather than the proposed silo design.***

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

13.C. MASTER SITE PLAN – Ranches Crossing

Mr. Jensen presented the item. This application is for a master site plan for five commercial pad sites located at the northeast intersection of Ranches Crossing and Pony Express Parkway. A six-foot masonry wall will be constructed between the project and the Rock Creek Townhomes. The Planning Commission recommended approval without guidelines in order for the project to follow the requisite design standards at the time of the approval of the individual site plans.

A traffic study shows a Level of Service of F at the intersection of Rock Creek Road and Ranches Parkway. The applicant's proposal creates two new road accesses: Access Y which accesses

Ranches Parkway to the west, and Access Z which completes Clear Rock Road, providing it as a full access onto Pony Express Parkway. Both of these accesses are included as recommended mitigations which include that Access Y along Ranches Parkway should be built with a southbound left-turn deceleration with a minimum of 50 feet for stacking. This is a new access point and the center landscaped median will need to be modified if it is to be installed. Access Z would be built to align with the existing access to the south and include an eastbound left-turn deceleration lane with a minimum of 50 feet for stacking. There is currently a left turn pocket on Pony Express to accommodate the eastbound left-turn movement.

Mr. Jensen stated City staff and the applicant received a number of comments from residents in the neighboring residential development concerned about commercial traffic entering their neighborhoods via Clear Rock Road as it is connected to Pony Express Parkway and Ruby Lane. The applicant has provided an alternative plan which continues the six-foot masonry wall across Clear Rock Road and along the east side of the parcel, cutting off access to Ruby Lane. This proposal would prevent Clear Rock Road from being connected as intended and would only provide access into the commercial area from Pony Express Parkway.

Staff believes that Clear Rock Road should connect to Pony Express Parkway and Ruby Lane as it increases connectivity in the area, provides for better emergency access, and as the connections have long been anticipated and planned.

The Planning Commission voted 3 to 1, with one absentee, to recommend approval of the master site plan with the following conditions.

1. The proposed lot plan shall be excluded from the approval;
2. Clear Rock Road shall connect to Ruby Lane;
3. Access X on Rock Creek Road shall be provided; and
4. The applicant-proposed design standards are excluded from the approval and the site plans shall adhere to current Municipal Code design standards at the time of approval.

Discussion ensued regarding the proposed access options with consideration for fire department apparatus access and turn radius requirements, masonry screening, safety, and connectivity.

Councilmember Love recommended sidewalk connectivity regardless of drive accesses.

Mayor Westmoreland stated an emergency access gate could be installed, if necessary for connectivity.

Discussion ensued regarding emergency access routes.

Councilmember Wright stated that the project will meet the connectivity score for the residential development without the additional access.

Mr. Jensen explained that the Fire Marshal indicated that as long as an adequate turn radius for fire apparatus was provided, the Ruby Lane access could be excluded.

Applicant representative Brian Haskell stated they would be willing to consider extending the masonry wall across the proposed access to Ruby Lane. However, the residents were more concerned with increased traffic on Clear Rock Road than the connection to Ruby Lane. A hammerhead turnaround is already located on Ruby Lane to provide turn radius for emergency vehicles. They desire to address resident concerns and are amenable to the option deemed most appropriate by the Council.

Councilmember Wright confirmed with staff that the applicant would be responsible for the installation of the left-hand declaration and turning lane access onto Ranches Parkway.

Councilmember Curtis asked if City staff would consider adjusting the entire median in conjunction with the applicant's removal of a section of the median. City Engineer Chris Trusty agreed that as construction begins, it would be appropriate to redesign the medians along other areas of Ranches Parkway.

MOTION: ***Councilmember Burnham moved to approve the master site plan for Ranches Crossing with the following conditions:***

1. ***The proposed concept/lot plan shall be excluded from the approval;***
2. ***Access X on Rock Creek Road shall be provided;***
3. ***The applicant-proposed design standards are excluded from the approval and the site plans shall adhere to current Municipal Code design standards at the time of approval;***
4. ***The masonry wall shall continue along Clear Rock Road in front of the townhomes on Ruby Lane;***
5. ***Staff shall explore cost-saving options to collaborate with the applicant on the median design; and***
6. ***Ruby Lane shall not connect to Clear Rock Road.***

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

SCHEDULED ITEMS

15. ORDINANCES/PUBLIC HEARINGS

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits Regarding Monument Signs.

Mayor Westmoreland recessed the meeting from 9:25 to 9:38 p.m.

This item was discussed after item 15.D.

Mayor Westmoreland stated the applicant is not in attendance and requested the item be tabled.

MOTION: ***Councilmember Wright moved to table an ordinance of Eagle Mountain City, Utah, approving an amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits Regarding Monument Signs. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Carolyn Love, and Brett Wright. Councilmember Gray abstained due to technical difficulties. The motion carried with a vote of 4:0.***

15.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits Regarding Flagpole Heights.

Councilmember Love asked if flagpoles taller than 35 feet in commercial areas would be required to fly the National Flag as the primary flag with the State or corporate flags as secondary and if statement flags should be prohibited.

Mayor Westmoreland opened the public hearing at 9:42 p.m. As there were no comments, he closed the hearing.

Councilmember Curtis asked if the flags can be limited to US, State, City, and corporate flags due to his concerns with statement flags.

Discussion ensued regarding corporate flags and the flagpole height. The Council determined to not include corporate flags as a permitted flag, to stipulate flagpoles can be "up to" a maximum height of 80 feet, and to remove the option to apply for a conditional use permit for flagpoles taller than 80 feet.

Councilmember Gray expressed concerns regarding 80-foot-tall flagpoles.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving an amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits regarding flagpole heights with the following changes:***

1. ***Amending EMMC 17.80.120(Q)(2)(a) to "Non-residential developments may install flagpoles up to eighty feet (80') in height;***
2. ***Removing EMMC 17.80.120(Q)(2)(b); and***
3. ***Replacing the removed verbiage in EMMC 17.80.120(Q)(2)(b) with "Secondary flags are limited to the State and City flag," and***
4. ***Amending EMMC 17.80.120(Q)(3) Size. to "The size of the flag shall not exceed the structural integrity of the pole."***

Councilmember Wright seconded the motion. Those voting aye: Donna Burnham, Carolyn Love, and Brett Wright. Those voting nay: Colby Curtis and Jared Gray. The motion carried with a vote of 3:2.

Councilmember Curtis clarified his only objection to the amendment is the permitted height of commercial flagpoles.

15.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.75 Standards for Special Uses, 17.20 Agriculture Zone, 17.35 Commercial Zone, 17.37 Business Park Zone, 17.40 Industrial Zone, and 17.23 Open Space Zones, Relating to Indoor and Outdoor Shooting Ranges.

Mr. Jensen explained the proposed amendment creates standards related to indoor and outdoor shooting ranges. He stated staff worked with individuals who own and operate shooting ranges and utilized the Planning Commission's firearm expertise in drafting these standards. It was presented to the Planning Commission at two meetings. Indoor shooting ranges are proposed to be special uses in the Commercial Community, Commercial Regional, Business Park, and Industrial zones. Outdoor shooting ranges are proposed to be special uses in the Open Space-Natural, Agriculture, and Industrial zones.

Councilmember Burnham expressed concerns regarding allowing shooting ranges on five-acre lots within the Agriculture zone, due to the possibility of residential areas with Agricultural zoning and five-acre lots.

Jim Smith with Wasatch Wing and Clay suggested that shooting ranges on Agriculture property be required to obtain a conditional use permit and stated an outdoor range would not likely be approved in a residential area. Industry noise and safety standards and liability would pose further difficulties that would discourage shooting ranges in residential areas. An air rifle range, however, might be appropriate. He clarified that a Federal Firearms License is required for the sale of firearms but not the operation of a shooting range.

Mr. Jensen stated special uses typically require a site plan which requires a public hearing at a Planning Commission meeting as well as City Council approval. The applicant would need to provide an adequate safety plan, as well.

Councilmember Curtis expressed concerns about inadvertently allowing shooting ranges in undesired and inappropriate locations. He also advocated for requiring design standards for outbuildings and permitting the City Council discretion to waive certain commercial design standards as appropriate.

Councilmember Wright stated he interprets that standard as meant for commercial applications and the Council should disallow commercial businesses in residential areas. The concerns regarding five-acre lots in Agricultural areas are likely unmerited because the City would not approve a special use for a shooting range in a residential area.

Mr. Cook recommended adding EMMC 17.75.073(B)(7), "Outdoor shooting ranges shall not be located on a lot or parcel that includes a residence."

Discussion ensued regarding the ability of the City to grant exemptions for residences such as caretaker facilities.

Mr. Jensen verified that Municipal Code definitions denote that shooting ranges are commercial uses open to the general public upon payment of a fee. He explained the reason for permitting shooting ranges in the OS-N zone is to permit businesses such as Wasatch Wing and Clay to continue operation if annexed into the City as OS-N property.

City Administrator Paul Jerome explained most OS-N parcels that remain in the ownership of a private entity are likely unbuildable land.

Mr. Cook explained shooting ranges would not be permitted in an area within a conservation easement as it will not qualify as an allowed use.

Mayor Westmoreland opened the public hearing at 10:12 p.m.

Bettina Cameron expressed concern with the possibility of shooting ranges within vacant lots in Cedar Pass Ranch due to safety concerns and the danger for equestrian activities as horse trails are located throughout the subdivision. She requested the ranges not be permitted in Agriculture subdivisions. She said Shane Hill with the Division of Wildlife Resources said the half-mile distance requirement from the wildlife corridor should be sufficient and he suggested limiting operating hours during wildlife migration seasons.

Teri Newfang and Larry Christensen submitted written comment opposing the proposed ordinance.

Ms. Kofoed relayed a question from Commissioner Gray regarding exploding targets.

Councilmember Curtis expressed support of prohibiting all exploding targets. Councilmember Wright agreed with that prohibition due to the dangers posed.

Mr. Smith said there are exploding targets on drones that detonate in the air that are not a fire threat. Fire danger depends on the type of exploding target. He recommended allowing the shooting range operators to determine what they would like to permit and what liability they desire to assume. He is amenable to the exemptions of shooting table/rests, shelters, and check-in buildings from commercial design standards to be at the discretion of the Council.

Mr. Jensen explained that staff and the Planning Commission defined the prohibited targets as exploding incendiary targets, such as Tannerite.

Discussion ensued regarding the definition and intention of incendiary.

Mayor Westmoreland closed the public hearing at 10:26 p.m.

Councilmember Gray stated he is willing to permit some exploding targets in specific cases in a controlled environment.

Councilmember Curtis asked about the potential of a shooting range on the Butterfield Annexation property as a large portion of the land is zoned OS-N. Ms. Kofoed stated the owner is not planning on turning over ownership of that property to the City, but it is not buildable land. Mr. Jensen said staff is willing to remove OS-N as an allowed zone for shooting ranges as Wasatch Wing and Clay could be granted legal, non-conforming status should their property be annexed into the City.

Councilmember Love stated the discussed changes are significant enough that she would prefer to direct staff to rewrite the amendment and bring the item to a future City Council meeting.

Councilmember Curtis confirmed the discussed changes include prohibiting ranges on any parcel with a residence, prohibiting ranges in agriculture subdivisions, allowing the City Council to exempt structures from commercial design standards, and determining the minimum distance permitted from the wildlife corridor and operating hour restrictions during migration season.

Councilmember Gray stated Mr. Smith's email to Council noted deer and antelope cross the Wasatch Wing and Clay ranges and the range operations do not affect migration. Councilmember Love noted the difference between local wildlife and migratory wildlife and said the migratory wildlife may not be accustomed to shooting range operations.

Mayor Westmoreland advocated for balancing and mitigating wildlife and use conflicts.

Councilmember Love confirmed the following changes for staff: amend EMMC 17.75.073(B)(5) to state design standards may be exempted at the City Council's discretion, add EMMC 17.75.073(B)(7) stating shooting ranges are not allowed on a parcel that includes a residence, change the minimum distance from the wildlife corridor from one-quarter mile to one-half mile, limit range operation hours during migration season, prohibit the ranges within Agriculture subdivisions, and prohibit ranges within the OS-N Zone.

Discussion ensued regarding concerns with limiting the hours of operation for shooting ranges during the wildlife migration season and the impact of the proposed one-half mile minimum distance from the wildlife corridor.

Councilmember Gray stated the prohibition of ranges on lots with a residence could prohibit ranges on 100-acre parcels that happen to have a residence. He expressed frustration that the item may be tabled again in consideration of the time investment of the residents in attendance for the purpose of the item. Councilmember Burnham explained that lots over ten acres with a residence could be subdivided to accommodate a shooting range.

Councilmembers Curtis and Love noted the changes are significant and the item should be tabled in order to be rewritten with apologies to the interested parties. Councilmember Curtis requested the item be placed early on a future agenda.

MOTION: ***Councilmember Love moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.75 Standards for Special Uses, 17.20 Agriculture Zone, 17.35 Commercial Zone, 17.37 Business Park Zone, 17.40 Industrial Zone, and 17.23 Open Space Zones, Relating to Indoor and Outdoor Shooting Ranges***

and instruct staff to amend the draft ordinance as follows and place the item early on a future agenda:

1. ***EMMC 17.75.073(B)(5) shall be amended to state design standards may be exempted at the City Council's discretion;***
2. ***Add that shooting ranges are not allowed on a parcel that includes a residence as EMMC 17.75.073(B)(7);***
3. ***Add verbiage to prohibit shooting ranges within Agriculture subdivisions; and***
4. ***Add verbiage to prohibit ranges within the OS-N Zone.***

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

Councilmember Gray noted further discussion regarding exploding targets standards should be included when the item returns.

Discussion ensued clarifying that the future discussion can include any additional changes as desired by the Council and is not limited to the amendments included in the motion.

Mayor Westmoreland confirmed that Councilmember Gray will not be in attendance in person at the next meeting and requested Councilmembers Curtis and Wright to dedicate additional time to working with staff on the amendments to the proposed ordinance.

15.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 6.10 Animal Zone Regulations.

This item was discussed after item 13.C.

Mr. Jensen explained the ordinance was reviewed and approved on November 16, 2021. Staff is bringing the item to the Council to confirm that the language was adopted as the City Council intended.

Councilmember Love stated this chapter should revert to the codified standards that were in Municipal Code prior to the November 16, 2021 City Council meeting and the item should be tabled to a future meeting.

Councilmember Curtis stated his intention was not to change the setback requirements to be measured from the animal shelters or structures to a residence or building on an adjacent lot; however, he is open to further discussion and consideration of setback standards and requested example graphics to assist the Council with determining the impact of the various options. He expressed concern with the definition and application of the miniature animals and enforcement of the standards.

Councilmember Love concurred that the setback standards were not intended to be amended. She believes additional research is required before the Council adopts changes to setbacks. She recalled the intention had been to count both miniature and adolescent animals as half of a full-sized adult; nevertheless, after further consideration, she regrets that decision. She contended conditional use permits are a better mechanism to address miniature animals.

Councilmember Burnham stated as miniature animals are a specific breed type, she has fewer concerns regarding standards specific to miniature breeds. However, she has concerns regarding adolescent animals and feels additional research is merited. She expressed concern that if the setback is based on fenced area, one-acre lots may not be large enough to house any animals.

Councilmember Wright agreed that miniature animals, setback requirements, and fenced square footage per animal need to be addressed. He said the fenced square footage per animal requirement was put in place to address the cumulative total of animals on lots. He requested maps and exhibits to be included in the upcoming discussion.

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

Mike Boyd stated residents who would like a large number of animals should go through the conditional use permit process. He explained situations in the Cedar Pass Ranch neighborhood that are contributing to and exasperating animal rights conflicts and feels that the decision of the Council should be based upon the desires of the majority of residents. He expressed appreciation to the Council for reconsidering the ordinance.

Councilmember Burnham clarified that this ordinance affects more than just Cedar Pass Ranch and other areas in the City need to be factored into the decision.

John Hubbard expressed appreciation that the item is being reconsidered. He noted negative experiences he has experienced due to animals in his neighborhood and stated the updated ordinance allows too many animals. He alleged Councilmember Gray's animal knowledge shared during the previous meeting and his influence with the Council are problematic due to a potential conflict of interest. He expressed concern regarding difficulty with enforcement of the standards, home-based businesses operations, and safety hazards should shooting ranges be permitted in their neighborhood.

Kelly Riem said something needs to be documented in Municipal Code regarding fowl allowances.

Discussion ensued regarding allowances and Municipal Code standards addressing fowl.

Bettina Cameron said Cedar Pass Ranch residents have experienced duress and she was upset that the Council joked about conflicts of interest during the Atlas Tower discussion. She stated Councilmember Gray has a conflict of interest regarding his livestock business. There are real issues with livestock in her neighborhood. The conditional use permit process can address additional animals over the previously approved animal ordinance. She noted difficulties in determining adolescent designations and the size of miniature cattle varieties and advocated against basing setbacks upon animal enclosures due to the impact on neighboring properties and nuisance issues. She asked City Attorney Jeremy Cook for clarification regarding conflict of interest disclosure requirements and expressed concerns with undue Councilmember influence outside of the public meeting.

Councilmember Gray stated he houses livestock in areas outside of Eagle Mountain City.

Mr. Cook stated he does not believe Councilmember Gray has a conflict of interest simply because he owns animals. All Councilmembers will have an interest in the items they vote on that affect the City. Regarding his influence on fellow Councilmembers, that is the process of the discussion; Councilmembers express their positions and attempt to obtain support from other Councilmembers.

Councilmember Curtis asked for clarification regarding what constitutes a conflict of interest in relation to home business and financial benefits.

Discussion ensued regarding conflicts of interest. Councilmember Burnham gave the example of a councilmember having a first-person interest in an item he/she is voting on.

Ms. Kofoed said if an individual is operating a business within the City and the business does not impact the neighborhood, they can apply for a business license exemption.

Councilmember Gray explained the selling and purchasing process of animals associated with his hobby activities.

John Painter said a neighbor recently built a barn in the neighbor's front yard and there has not been a negative impact to him. Nevertheless, there are a few new residents in his subdivision who are attempting to push the limits on what is allowed, resulting in nuisances to others.

Mayor Westmoreland continued the public hearing to the meeting in which the item returns to the Council.

MOTION: ***Councilmember Curtis moved to table the item with the understanding that while this amendment is in the process, the City will operate under the Municipal Code standards in place prior to the November 16, 2021 City Council meeting. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

Mayor Westmoreland stated that while all Councilmembers should be involved in this Municipal Code amendment, he would like to specifically ask Councilmembers Love and Burnham to commit extra time to the amendment refinement process, without excluding the other Councilmembers.

16. MOTION

16.A. MOTION – Request for Waiver of Streetlight Requirements in the Deer Haven Development

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

Councilmember Curtis asked if the Council would consider increasing the lighting requirements in more densely populated areas, scalable with the lot sizes, with a future amendment.

MOTION: ***Councilmember Curtis moved to approve the request for waiver of streetlight requirements in the Deer Haven development. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Carolyn Love, and Brett Wright. Councilmember Gray abstained. The motion carried with a vote of 4:0.***

17. CITY COUNCIL/MAYOR'S BUSINESS

None.

18. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Burnham
Councilmember Burnham said the Senior Citizen Advisory Council has a vacancy.

Councilmember Love
None.

Councilmember Wright
None.

Councilmember Gray
None.

Councilmember Curtis
None.

Mayor Westmoreland
Mayor Westmoreland stated Tyler Shimakonis has requested a second set of Youth Council Advisors be appointed. He will be reaching out to Council regarding liaison assignments for 2022.

19. COMMUNICATION ITEMS

19.A. Upcoming Agenda Items

20. ADJOURNMENT

MOTION: ***Councilmember Wright moved to adjourn the meeting at 10:59 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Jared Gray, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

The meeting was adjourned at 10:59 p.m.

Approved by the City Council on January 18, 2021.

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

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