



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

June 16, 2020, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – ELECTRONIC MEETING VIA LIFESIZE

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

CITY STAFF PRESENT ELECTRONICALLY: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Fionnuala Kofoed, City Recorder; Jeremy Cook, City Attorney; Elizabeth Fewkes, Recording Secretary; Steve Mumford, Assistant City Administrator/Community Development Director; Michael Hadley, Planning Manager; Pete Kane, Long-Range Planning Manager; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Jessa Porter, Planner; and Brad Hickman, Parks and Recreation Director; and Angela Valenzuela, Human Resource Manager.

1. CITY ADMINISTRATOR INFORMATION ITEMS

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

1.A. PRESENTATION – Parks & Open Space Master Plan Update, by MHTN Architects

Parks and Recreation Director Brad Hickman introduced the representatives from MHTN Architects.

Ryan Wallace Community Planner with MHTN Architects, explained that a Parks and Open Space Master Plan update was necessary to provide new direction, as the City has seen significant growth. He stated they will present a draft of the plan in July and explained the project schedule. The vision statement for the Parks and Open Space Master Plan is, “Eagle Mountain’s parks, trails and open space are unique and exceptional community assets and essential civic infrastructure. They contribute to the health, recreational, social, ecological, and aesthetic well-being of our City.”

MHTN representative Amanda Dillon explained how MHTN Architects determined locations in need of future park development and presented the community survey results. She explained their methods usually include in-person contact to assess community needs; this method was not utilized due to social distancing guidelines. The electronic survey was distributed to Eagle Mountain residents through social media and the City website. The survey had 1,041 resident participants and indicated resident interest and passion in the Parks and Open Space Master Plan. The survey reported that 93 percent of residents utilize City parks, park facilities, trails and natural open space. Residents indicated the most utilized amenities within the City are the trail systems, outdoor playgrounds, splashpads, small neighborhoods parks, and bike paths. The top five most desired

amenities are a recreational pond or swimming pool, a recreation center, dog-walking parks, a nature center, and fishing areas. Residents indicated a preference for more support facilities such as restrooms and drinking fountains, especially at trail heads.

Ms. Dillon stated the key finding from focus interviews with staff, Councilmembers, and residents were that the City should emphasize development of regional and community parks, prioritizing trail connectivity is important, and that the City has a unique opportunity and responsibility to protect wildlife corridors and preserve open space.

MHTN Architects representative Vince Olcott explained the 2009 Parks and Open Space Master Plan previously proposed a level of service (LOS) of 0.5 acres per 1,000 residents for local parks, 1.75 acres for neighborhood parks, 2 acres for community parks, and 5 to 10 acres for regional parks, totaling 9.25 system-wide acres per 1,000 residents. The current LOS per 1,000 residents is 0.7 acres for local parks, 1.86 acres for neighborhood parks, 0.9 acres for community parks, and 4.4 acres for regional parks, totaling 7.85 system-wide acres per 1,000 residents. MHTN Architects recommends a LOS per 1,000 residents of 0.25 acres for local parks, 1.75 acres for neighborhood parks, 2 acres for community parks, and 4.5 acres for regional parks, totaling 8.5 system-wide acres per 1,000 residents. The system-wide acres total is equal or higher than in other Utah cities of similar size. The recommended LOS would reduce the under-utilized local and neighborhood parks, increase community parks, and maintain regional parks.

Discussion ensued regarding the need to consider existing and projected population density clusters when determining park locations, trail system eligibility for inclusion in the impact fee calculation, the potential installation of a trail system along the top of Tickville Wash, incorporation of trails into the Bureau of Land Management (BLM) property, and the underutilization of pocket parks.

Mr. Hickman clarified that the intent is not to remove existing parks; efforts have been focused on inventorying existing parks and open space assets with the intent of presenting the information to the Council to determine desired future plans and policies.

Assistant City Administrator/Community Development Director Steve Mumford stated the trails consultant for this project suggested creating a Natural Trails Master Plan to determine easements that should be acquired, trails that need to be moved due to development, and connections with BLM lands in order to preserve the trail systems.

2. AGENDA REVIEW

11. MINUTES

11.A. June 2, 2020 – Regular City Council Meeting

City Recorder Fionnuala Kofoed stated resident Bettina Cameron had requested an addition to the minutes documenting the discussion regarding Eagle Mountain Municipal Code Chapter 17.35 Commercial Zones during the work session to include that Mr. Mumford removed the language

which allowed the piping of the wash and added that natural washes shall be preserved and deeded to the City whenever possible for trails and open space.

Councilmember Clark requested the addition of language to the Pole Canyon extraction permit work session discussion to clarify and emphasize the Mayor's and Council's concerns, and that firm direction was given to the applicant regarding strict adherence to and the enforcement of Stormwater Pollution Prevention Plan dust control and mitigation requirements.

Councilmember Gray expressed concern regarding the City Council attempting to impose requirements on the project not within the Council's purview. He stated the Pole Canyon extraction permit is a discussion item and is subject to staff-level approval not requiring City Council input or vote.

12. RESOLUTIONS

12.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Policies and Procedures Manual and Adopting a Fraud Prevention Policy as Appendix B.

Councilmember Gray requested that the Eagle Mountain City Policies and Procedures Manual portion be removed from the consent agenda for further discussion, leaving the time-sensitive Fraud Prevention Policy as a consent item.

Assistant City Administrator/Finance Director Paul Jerome stated June 30, 2020 is the deadline for implementing the Fraud Prevention Policy.

Ms. Kofoed stated the revision to update the Eagle Mountain City Policies and Procedures Manual is a lengthy process that will be completed in sections and verified the approval of Appendix B may be separated from the approval of the manual revisions. The Fraud Prevention Policy will be approved as Appendix B in the Policies and Procedures Manual and later incorporated into the document; any conflicting verbiage will be removed from the manual.

Human Resource Manager Angela Valenzuela said Councilmember Gray had expressed concerns regarding the proposed changes to the Policies and Procedures Manual. She is not opposed to delaying approval in order to provide additional time to address any questions from the Council.

Councilmember Gray stated his concerns regarding specific language that could be misinterpreted to double or triple pay employees and requested more time to work with staff to amend the language.

Councilmember Curtis stated his preference for additional time to review the policy manual.

14. ORDINANCES

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting Final Budget Amendments for Fiscal Year 2019-2020.

Mr. Jerome explained that State statute requires the City to amend its budget to appropriate funds for increased expenses. The proposed ordinance is the final budget amendment for Fiscal Year 2019-2020 and includes increases in the General Government, Enterprise, Capital Projects and Impact Fee funds. The pass card system for City Hall was originally included in the FY 2018-2019 budget and the project has been transferred to the 2019-2020 budget. The compensation study cost increased by \$15,000, and the cost of utility billing printing and mailing increased by \$10,000 due to City growth; however, more residents are using online billing which will likely reduce the rate of future mailing cost increases. Increases to the Capital Projects Fund include \$16,500 for the Hummer Trail, which will be covered by the Safe Routes to School Grant, and a \$55,000 increase to the Valley View Park restroom, which will be covered by the fund balance reserve. Developer impact fee reimbursements increased by \$100,000 due to City growth.

14.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain Fiscal Year 2020-2021 Budget and Certified Tax Rate.

Mr. Jerome stated the funds within the General Fund budget have been reallocated, but the budget has not increased from the approved tentative budget. \$5,000 was moved from Paved Road Maintenance to fund the Council Chambers audio visual upgrade. The sales tax distribution from March was the highest the City has received, likely due to increased purchases in response to the COVID-19 pandemic. The Utah League of Cities and Towns assessments projected that Eagle Mountain's tax revenue will decrease less than any other cities analyzed. Mr. Jerome advocated for a cautious and a fiscally conservative approach due to the possibility of the potential economic impact of an increase in COVID-19 cases later in the year; he suggested reducing the sales tax projection by \$1,000,000 as a precaution.

Mr. Jerome explained the Certified Tax Rate process and fluctuation and stated the City's rate will decrease to 0.000769. He stated the City's proposed tax rate value is \$2,213,021,035 and presented a comparison of City property tax rates with past years. The tax rate is the lowest it has been, indicating a healthy economy.

14.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.37 Business Park Zone.

Mr. Mumford presented the item and explained that the proposed ordinance divides the Business Park into three zones: Light Manufacturing/Distribution (LMD), Medical/Educational Campus (MEC), and Office Professional (OP).

The proposed amendment has been changed from the amendment presented during the June 2, 2020 City Council Meeting. Public or Private Colleges/Universities are now permitted in OP zone with a footnote that states, "Large universities or colleges are generally not appropriate in this zone, as they may take up significant space. Satellite universities/colleges, however, that are smaller in scale, are appropriate." Hillside Development and Sensitive Lands verbiage has been amended to "Development near natural washes must include significant setbacks from the edge of

the wash to any structure, unless approved improvements to the wash allow for smaller setbacks. Utility corridors and natural washes shall be preserved and deeded to the City whenever possible for trails and open space or wildlife corridors.”

Councilmember Love thanked Mr. Mumford for the changes regarding satellite universities.

14.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.51 Warehouse Farming Overlay Zone.

Mr. Mumford presented the item and noted the Municipal Code Chapter number had been changed from what had been publicly noticed. The Planning Commission recommended approval of the Warehouse Farming Overlay Zone to the City Council on November 12, 2019. Staff received feedback from the Utah Department of Agriculture and Food Industrial Hemp and Medical Cannabis Program Manager. Discussion was held with the City Council on June 2, 2020.

The adoption of the Warehouse Farming Overlay Zone would allow for locational control. Rezoning would be required and application of the overly may cause disagreements with landowners. The adoption of warehouse farming as a special use in the Industrial and Agricultural Zones would not require rezoning. However, there would be less locational control and warehouse farming would be allowed in all agriculturally zoned areas.

Potential locations for warehouse farming include near the Wastewater Treatment Facility, mink and pig farms, Pole Canyon Industrial Park, South Business Park/Industrial Area, or future annexation areas west of the Regional Commercial area near Wride Memorial Highway. The potential negative impacts of warehouse farming are odors, theft/safety, aesthetics, excessive use of water, and/or light pollution.

Staff proposes the additional requirement that facilities utilize an air filtration and ventilation system or odor mitigation technology such as activated carbon filtration and electrostatic precipitation or negative ion generation to appropriately mitigate odors from impacting surrounding uses. The system shall prevent odors generated from the facility from escaping onto neighboring properties, such that the odor cannot be detected by a reasonable person of normal sensitivity at the property line.

Warehouse Farming Overlay Zone allowed uses included Cannabis Production Establishment or Cannabis Cultivation Facility and Warehouse Farm. Recommended setbacks standards are 1,000 feet from schools, religious buildings, daycares or preschools, parks; 600 feet from property zoned for residential uses; and 600 feet from the nearest dwelling unit. Architectural requirements include a contemporary appearance with clean lines and elements, vertical and horizontal articulation or modulation, and textures and materials to reduce the apparent scale of large building walls. Metal may be used along with other materials. The use is only allowed inside permanent structures and not allowed in shipping containers, unless located inside a larger permanent structure. The current recommendation is a 35 feet maximum height, if within fifty feet from a Residential Zone, and a maximum of 5 stories high, if more than fifty feet from a Residential Zone. The new recommendation is a maximum of 35 feet regardless of location. State Code currently caps

cultivators at 8 and all 8 cultivator licenses have been issued to cultivators located in other Utah cities. A provision permits the State to increase cultivator licenses to up to 15 licenses, if desired.

Councilmember Gray verified the 600-foot requirement was equal to the distance required for alcohol sales and expressed concern that a 600-foot distance from residential zones and dwelling units was insufficient.

Mr. Mumford explained the removal of open space from the language requiring a 1,000-foot buffer was due to the amount and variety of open space areas within the City.

Councilmember Clark advocated for strict odor regulations and verified that outdoor cannabis production was prohibited. She asked if the City Council could limit the number of cannabis warehouses within the City to one.

Councilmember Love concurred with Councilmember Gray regarding increasing the residential setbacks and stated odor mitigation would help address concerns. She verified that the warehouse farming overlay would be inappropriate for the Agricultural Rural Density Zones due to setback requirements and asked if the landowners could request the overlay for any Agricultural or Industrial Zoned property, even if the property was not located in an area where the City did not prefer the use.

Mr. Mumford stated the overlay verbiage could include prescriptive language denoting preferred and inappropriate locations within the City for this use, as has been indicated for other zones within the City.

City Attorney Jeremy Cook explained the State outlined minimum setback requirements.

Councilmember Clark concurred with the desire to increase the setback requirements, especially due to unpleasant odor concerns.

14.E. ORDINANCE – An Ordinance of Eagle Mountain, Utah, Amending Chapter 15.105.020 General Provisions of the Eagle Mountain Municipal Code for Flood Damage Prevention.

Ms. Kofoed explained that Federal Emergency Management Agency (FEMA) notified the City of the need to update the Flood Damage Prevention ordinance.

City Engineer Chris Trusty said the current ordinance states no flood studies have been conducted and the adoption of the ordinance will indicate a study has been conducted within Utah County, and no flood plains have been identified within the City.

15. MOTION

- 15.A. ANNEXATION – Acceptance of the Butterfield Annexation Petition for Further Review.

A petition for the Butterfield Annexation was submitted to the Recorder's Office on June 3, 2020. The annexation area is 204.69 acres and is located directly west of the Arrival subdivision, Utah County Parcels 58:044:0011 and 58:044:0012. The first action for consideration is the acceptance or denial of the petition by the City Council. This will begin the 30-day review period for certification, after which the annexation will be noticed to interested parties and may be approved by the City Council at a future meeting.

Ms. Kofoed explained annexations require immediate action to allow for further review before adoption, otherwise the annexation is deemed accepted by the City. She stated the applicant plans to develop 20 acres of the property, and the applicant provided an overlay depicting lot divisions for the desired development. The project is within the City's annexation boundary map and has been designated as Open Space and Parks on the General Plan Future Land Use map. Access to the area is dependent upon the development of the Arrival subdivision.

Ms. Kofoed explained the process regarding the annexations, including the certification requirement study, public notifications, and how objections are voiced and considered.

Councilmember Curtis inquired if the annexation petition could impact land value. Ms. Kofoed stated the land could be adopted as agricultural land and could have an impact on land value.

Applicant representative Kim Rindlisbacher stated the value of the property has already been determined and said the annexation request is not intended as an attempt to increase land value. He said they have banked water with the City, and the purpose of the development is to make use of the water rights.

Councilmember Gray asked if the annexation and development would impact the wildlife corridor. Ms. Kofoed explained the material provided is preliminary and during the certification process, staff will research the potential impacts of the annexation and will be better able to discuss and address Council concerns as additional information is obtained. She stated accepting the petition does not approve the proposed residential development.

Mr. Rindlisbacher stated they are trying to create added value to the property. They were not notified regarding the open space designation for the area but are amenable to allowing the majority of the property to remain open space. He explained City standards require a minimum of 160 acres of land be included in an annexation petition; in order to develop the 20 acres, the annexation needs to include the entire property. He stated he is meeting with the owners of the Arrival subdivision to determine access to the property and expressed frustration regarding having not been notified of the land being designated as open space on the General Plan.

Mr. Mumford explained that during the General Plan update process, the Planning Commission, City Council and staff discussed and examined land designated high priority or medium priority on the Camp Williams Army Compatible Use Buffer map and designated it as Parks or Open Space in order to implement the recommendations of Joint Land Use Study. He stated the City Council could approve other land uses in those areas, if desired.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. The meeting was adjourned at 6:30 p.m.

7:00 P.M. POLICY SESSION – ELECTRONIC MEETING VIA LIFESIZE

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

CITY STAFF PRESENT ELECTRONICALLY: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Fionnuala Kofoed, City Recorder; Jeremy Cook, City Attorney; Elizabeth Fewkes, Recording Secretary; Steve Mumford, Assistant City Administrator/Community Development Director; Michael Hadley, Planning Manager; Pete Kane, Long-Range Planning Manager; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Jessa Porter, Planner; Brad Hickman, Parks and Recreation Director; and Angela Valenzuela, Human Resource Manager.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:05 p.m.

5. PLEDGE OF ALLEGIANCE

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

Ms. Kofoed explained the procedural adjustments to the electronic meeting held via Lifesize and live streamed through Granicus and the proposed interim adjustments to practices relating to City Council Policy Meetings. She stated City Hall is open to the public for meeting attendance and that social distancing standards will be maintained. She explained the options to make public comment and public hearing comments in-person at City Hall or via phone or email.

Information items:

- **Road Closure:** In connection with the Limitless Supercar Shootout event on June 27, 2020, Eagle Mountain Boulevard will be closed to traffic from approximately 10:00 a.m. to 1:00 p.m. The event will not be open to the general public this year due to COVID-19 restrictions but will be streamed live on Facebook. More details to be announced.
- **Seniors Meal Pick Up:** Free meals for seniors are available for curbside pickup Monday through Thursday at the Senior Center. Visit the City website calendar for details.
- **Free Water Checks:** Utah State University offers free irrigation system checks at residences in Eagle Mountain, which may help you save money on your water bill. Sign up at www.emcity.org/waterchecks.

- 2020 Census: Door-to-Door Census takers will be in Eagle Mountain for the next few months. Census Takers will always present a badge with a U.S. Department of Commerce watermark and expiration date before collecting information. They will also have other Census-issued materials or items such as a bag or laptop and will never ask for banking or credit card information. If you would like to respond before Census takers visit your home, you can quickly and securely respond online at www.my2020census.gov.
- COVID-19 Yellow Phase: For guidelines in the yellow phase of COVID-19 response, please visit www.coronavirus.utah.gov.

For details about these and other upcoming events, please visit the City website at www.emcity.org/event. To receive city notifications, including emergency info, news, events, and traffic alerts, sign up at www.emcity.org/notifyme.

7. PUBLIC COMMENTS

Jason and Kerry Allen submitted an email comment to be shared with the City Council: My wife and I wanted to send a quick note about the recent Pony Express Days—Home Edition. We wanted to thank the staff that put this fun event on. They did such a great job adapting it to be done from home during these difficult times. The activities were fun, and the prizes were awesome. Our family loved being able to participate in the events and looked forward to them every day. Kudos to all involved!

8. CITY COUNCIL/MAYOR'S ITEMS

Mayor Westmoreland expressed appreciation to residents and staff for their adaptability and efforts to make the most of a difficult situation during the Pony Express Days at-home celebration.

Councilmember Gray

Councilmember Gray stated the rodeo was a success and that several event entities from other cities attended to see how Pony Express Events held the event in accordance with State social distancing guidelines. Many people expressed appreciation for the rodeo, especially those whose livelihood has been impacted by the cancelation of events due to the pandemic.

Councilmember Curtis

None.

Councilmember Clark

Councilmember Clark stated she attended the rodeo and commended Pony Express Events for all their hard work and expressed appreciation for the efforts to meet health guidelines. She thanked Communications and Community Relations Director Linda Peterson and Digital Communications Specialist John Zierow for their efforts to provide emergency and essential information to City residents. She also expressed appreciation to Streets and Storm Water Manager Zac Hilton and his team for their efforts to apply resurfacing treatments to City streets, the video explaining the

purpose of the treatments, and helping to resolve the resulting accessibility issues for residents with special needs.

Councilmember Burnham

Councilmember Burnham expressed appreciation to Pony Express Events for their efforts. She said Eagle Mountain City is a great City to live in and she is happy to be a part of it.

Councilmember Love

Councilmember Love also thanked staff and Pony Express Events. She expressed appreciation to the firefighters for their hard work and efforts in Saratoga Springs and Eagle Mountain to quickly extinguish the two wildfires on the previous Saturday and to protect residents and their homes.

Mayor Westmoreland

Mayor Westmoreland thank firefighters for their efforts and expressed appreciation for being a part of Unified Fire Authority and United Fire Service Area and the resulting benefits and resources to assist local firefighters.

CONSENT AGENDA

9. BOND RELEASES

- 9.A. Eagle Point Phase G, Plat 1 – Into Warranty
- 9.B. Harmony Phase A, Plat 2 – Into Warranty
- 9.C. Overland Phase C, Plat 1 – Into Warranty
- 9.D. Spring Ridge Church Lot – Into Warranty
- 9.E. Brandon Park Phase A, Plat 1 – Out of Warranty
- 9.F. Heatherwood Church Lot – Out of Warranty
- 9.G. Heatherwood Phase 3 – Out of Warranty
- 9.H. SilverLake Plat 16 – Out of Warranty

10. CHANGE ORDERS

- 10.A. Facebook Re-Use and Winter Storage Design and Construction Management Change Order #1 – Sunrise Engineering

11. MINUTES

- 11.A. June 2, 2020 – Regular City Council Meeting

12. RESOLUTIONS

- 12.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Policies and Procedures Manual and Adopting a Fraud Prevention Policy as Appendix B.
- 12.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule for Central Water Project Water Use Rates.

13. SITE PLANS & PLAT AMENDMENTS

- 13.A. AutoZone Site Plan & Recorded Plat Amendment

MOTION: *Councilmember Curtis moved to approve the consent agenda, removing the portions of item 12.A. relating to the Policies and Procedures Manual, including Exhibit A, and directing the Recorder's Office to change "expressed concerns regarding" at the top of page 3 in the June 2, 2020 minute to "directed that engineering address issues and expectations regarding." Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

14. ORDINANCES

- 14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting Final Budget Amendments for Fiscal Year 2019-2020.

Assistant City Administrator/Finance Director Paul Jerome reviewed the Final Budget Amendments for Fiscal Year 2019-2020 as presented during work session.

Mayor Westmoreland opened the public hearing at 7:27 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

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

- 14.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain Fiscal Year 2020-2021 Budget and Certified Tax Rate.

Mr. Jerome reviewed the Eagle Mountain Fiscal Year 2020-2021 Budget and Certified Tax Rate as presented during the work session.

Mayor Westmoreland opened the public hearing at 7:32 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah adopting the Eagle Mountain Fiscal Year 2020-2021 budget and certified tax rate. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

14.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.37 Business Park Zone.

Assistant City Administrator/Community Development Director Steve Mumford reviewed the item presented during work session. He expressed appreciation for resident involvement and efforts in preserving natural open space within the City.

Councilmember Gray expressed concern that a 50-foot setback could be insufficient in some instances. Mr. Mumford stated staff had previously considered a 100-foot setback; however, slope stability studies had recommended a 50-foot setback from the Tickville Wash in several areas and stated additional land may be allocated in order to install a trail system or the wildlife corridor.

City Attorney Jeremy Cook suggested amending the verbiage throughout Municipal Code to measure from the top of the bank instead of the edge of the wash.

Mayor Westmoreland opened the public hearing at 7:44 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah amending the Eagle Mountain Municipal Code Chapter 17.37 Business Park Zone. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

14.D. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.51 Warehouse Farming Overlay Zone.

Mr. Mumford reviewed the item presented during the work session and stated the Chapter number had been altered to fit appropriately within Municipal Code.

Mayor Westmoreland opened the public hearing at 7:54 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

Councilmember Love expressed her preference to table the item to allow additional time to examine setbacks lengths, standards, and permitted location language.

Mr. Mumford stated the public had been informed the City is in the process of determining where the zone is appropriate.

Mr. Cook stated a risk in delaying the item is that should the City receive an application for cannabis farming during the interim before the adoption of the ordinance, the use would be permitted in any area of the City. He said as no State licenses are currently available, receiving an application is unlikely and stated the City Council may prefer to delay the item to verify that included standards reflect their intentions.

Councilmember Love stated her preference to include more prescriptive language regarding the appropriate areas where the overlay will be approved and clarified her preference for an overlay zone as opposed to a zone.

Councilmember Curtis requested staff guidance regarding how to best specify the Council's desires in City standards. Mr. Mumford suggested language to address location concerns and to clarify the Council's prerogative to reject an application due to safety, health, or other reasons that merit denial.

Discussion ensued regarding warehouse farming and options to address Council and potential resident concerns.

Mr. Cook suggested identifying specific property within the City as permitted warehouse farming locations and stated the City Council has latitude in denying rezone applications.

Councilmember Burnham expressed concern that designating specific locations within the City could become problematic should other uses be developed on the properties resulting in the lack of a designated area for the use which would, by default, allow for the use anywhere within the City. Mr. Cook stated the building out of the designated areas for the overlay zone could result in the use being permitted in other areas; however, due to the higher water costs compared to other cities, Eagle Mountain is unlikely to attract warehouse farming.

Councilmember Curtis asked if the standards could limit the number of warehouse farming facilities allowed within the City.

Mr. Cook said the State standards are unclear on limiting the number of locations. The State must be notified should the City receive more than one cannabis application, and the State may be unlikely to approve more than one use within the City; however, State guidelines also note that the City is not allowed to limit the distance between cannabis production facilities. He recommended approving two locations within the City for production, one in an agricultural area and one in an

industrial area, in order to meet State requirements and said the overlay zone can include more prescriptive standards than a zone.

Councilmember Burnham verified that the Warehouse Farming Overlay Zone can be applied to other warehouse farming uses. Mr. Mumford stated the overlay may be applied to other warehouse farming uses; however, due to the high cost of warehouse farming and the availability of agricultural land, the City is unlikely to attract other warehouse farm uses and those uses could be included in another zone, if desired.

MOTION: *Councilmember Love moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.51 Warehouse Farming Overlay Zone. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

14.E. **ORDINANCE** – An Ordinance of Eagle Mountain, Utah, Amending Chapter 15.105.020 General Provisions of the Eagle Mountain Municipal Code for Flood Damage Prevention.

Ms. Kofoed reviewed the item presented during the work session. She explained the purpose was to identify flood plain areas should residents need to apply for flood insurance; no flood zones have been identified within Eagle Mountain City.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain, Utah, amending Chapter 15.105.020 General Provisions of the Eagle Mountain Municipal Code for Flood Damage Prevention. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

15. **MOTION**

15.A. **ANNEXATION** – Acceptance of the Butterfield Annexation Petition for Further Review.

Ms. Kofoed reviewed the item presented during work session and stated the acceptance of the annexation petition for further review permits staff to examine the petition to verify it meets all requirements. She explained the process of the annexation petition review and public notifications procedures prior to the City Council vote for approval or denial at a future meeting.

Councilmember Curtis clarified for the benefit of the public that acceptance of the Butterfield annexation petition does not approve the annexation or proposed land use.

MOTION: *Councilmember Curtis moved to accept the Butterfield annexation petition for further review. Councilmember Clark seconded the motion. Those voting*

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

16. CITY COUNCIL/MAYOR'S BUSINESS

None.

17. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Burnham

Councilmember Burnham requested the Mayor and Councilmembers inform her of any concerns regarding the results of the Utah Transit Authority transit study. She stated she has a meeting with the Library Advisory Board tomorrow.

Councilmember Curtis

Councilmember Curtis said he met with the Eagle Mountain Chamber of Commerce and the small business COVID-19 pandemic relief checks have been distributed. He expressed gratitude to Facebook for providing relief aid, and for Tyson Foods, Direct Communications, and other Eagle Mountain business for their charitable contributions to the City. The Eagle Mountain Arts Alliance is working on a small library project in conjunction with the Library.

Councilmember Clark

Councilmember Clark stated Emergency Manager Jeff Weber will conduct a remote emergency planning meeting on Thursday evening in conjunction with representatives from the Utah County Sheriff's Office, UFA, the ham radio group, emergency communications for the City, and the Community Emergency Response Team to plan the programming for the rest of the year. She said a ham radio group licensing program was held a few weeks ago. She stated UFA emailed a survey for the Councilmembers to complete.

Councilmember Love

Councilmember Love thanked the Planning Commission for their efforts in preparing the zone amendments and AutoZone applicants for their consideration of the City Council's concerns.

18. COMMUNICATION ITEMS

18.A. Financial Report

18.B. Upcoming Agenda Items

19. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn the meeting at 8:30 pm. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

The meeting was adjourned at 8:30 p.m.

Approved by the City Council on July 7, 2020.


Fionnuala B. Kofoed, MMC
City Recorder

