EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

October 17, 2023, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION

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

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Donna Burnham.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Tyler Maffitt, Communications Manager; Terrence Dela Pena, Finance/Management Analyst; Brandon Larsen; Community Development Director; Brandon Larsen, Planning Director; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; Steven Lehmitz, Planner; Jody Bates, Chief Deputy Recorder; Zac Hilton, Streets and Storm Drain Manager/Parks and Recreation Manager; Brad Hickman, Public Works Director; Embret Fossum, Unified Fire Authority Battalion Chief; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Cliff Strachan, Director of Legislative Affairs; Kimberly Ruesch, Finance Director; Angela Valenzuela, Human Resource Manager; Chas Glenn, Administrative Assistant; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Jeff Weber, Fleet and Facilities/Operations Director; and Michele Graves, Library Director.

Mayor Westmoreland called the meeting to order at 4:09 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

Communications

- Councilmembers have been invited to review the City's new branding in the coming weeks. Staff anticipates bringing a proposal to accept the new City branding in the near future.
- Staff had selected a firm to redesign the City's website. This process is anticipated to take four to six months to complete once approved. A bid award is expected to come forward later this year.

Economic Development

- Recently Opened Businesses: Taqueria 27, Swig, and Utah Valley Pediatrics.

- Other businesses opening soon include Wing Stop and Burt Brothers. Businesses likely to open within the next two to three months include Jersey Mikes, Chipotle, Noodles & Co., and America First Credit Union.
- Despite some difficult economic times, Eagle Mountain is attracting interest from businesses large and small. The Eagle Mountain Chamber has also experienced tremendous growth, seeing a 400% increase in membership over the past 18 months, up to nearly 300.

Engineering

- Mid Valley Road has been paved and will be striped tomorrow. The road extension project is currently out for bid.
- Grimshaw continues drilling operations at Well 7 and has reached a depth of 100 feet.
- The start-up operations have been completed for the Pony Express and Corey Wride booster pumps.
- Test pumping began on Well 8 but there were issues with the pump. The development will be finished, and test pumping will be completed once the new pump arrives.
- Steel is onsite for the installation of the three traffic signals. They will start with Woodhaven Boulevard, then Majors Street, and finish at Stonebridge Lane.
- The Old Airport Road and Wride Memorial Highway intersection has been submitted to the Utah Department of Transportation (UDOT) for review and comment. The city should have 90% design drawings available for review by the end of the week.
- Contractors for the Alpine School District will be starting on the offsite sewer connection for the new middle school within the next couple of weeks.
- The Cedar Pass waterline has had issues passing bacteria tests.
- Staff will present a revised alignment and road classification for the Mid Valley Road connection into Saratoga Springs at the October 24th Planning Commission.

Facilities, Fleet, Emergency Management

- Dave Ulibarri is teaching a Community Emergency Response Team (CERT) training course for high school students.
- The Sewer Office building shingle replacement will start next week.
- The blinds in the library have been replaced.
- A soda fountain machine has been installed in the Sewer Office.
- Facilities parking lots crack seal is scheduled to be done this month.

Parks, Recreation, Events, and Cemetery

- Smith Ranch Community Park – The contractor is installing underground utilities and electrical. The ship date for the restroom is anticipated for the middle of December. Staff are working to finalize an electrical easement with Alpine School District.

Streets and Stormwater

- The Storm Water Department has started working on improvements to a detention pond on Vande Way in the Arrival subdivision. This will increase the pond capacity and increase the overflow capacity into Tickville Wash on heavy rainfall storms which will reduce the risk of back pressure into the stormwater system that has taken place this summer during heavy storms.

Public Utilities

- Staff successfully ran our Automatic Meter Reading (AMI) system and were able to pull 7,675 meter reads with a click of a button. This should reduce mobile collecting times by a day and a half.
- Staff successfully ran the secondary system through Corey Wride Park.

Community Development

- During the first half of October, the City issued 19 single-family residential permits, a commercial permit for Meta, certificates of occupancy for KNP Shell and Swig, and temporary certificates of occupancy for Utah Valley Pediatrics and Taqueria 27.
- Neighborhood Improvement will be planning some neighborhood cleanups, providing dumpsters, and working with residents to improve their neighborhoods. Notify staff of any neighborhoods that can benefit from the cleanups.
- Staff continued to make progress on the zoning map. Once it is completed, it will be brought forward for adoption by the Planning Commission and City Council as the official zoning map.
- The city is working to fix deficiencies in the Moderate Income Housing Report prior to resubmittal.

1.B. DISCUSSION – Timpanogos Special Service District Reorganization

Timpanogos Special Service District (TSSD) Board Chairman Sullivan Love stated that they desire to become an independent special district separate from the County as they feel it gives more power to the individual cities.

Attorney Mark Bell with Hayes, Godfrey, and Bell explained the difference between a special service district and a service district and the history of the TSSD. The County has advised the cities within the boundaries of TSSD of the County's determination that it will be in the best interests of the County and the cities for TSSD to become fully independent from the County and to be reorganized as a special district. The Administrative Control Board (ACB) agrees with the County's determination. Complications have arisen with the County operating on a fiscal year and the special service districts operating on a calendar year. Financial advantages of being a special district include that the underwriters for bonds will no longer include the County's financials in determining interest rates for bonds. Under the Special Districts Acts, there is a distinction between an included municipality and other municipalities whose boundaries are not entirely included within the jurisdictional boundaries of the special service district. Each included municipality has its City Council appoint a member to the Special District Board. The change would result in a nine-member board, excluding Eagle Mountain and Vineyard cities which only have a portion of their city within the jurisdictional boundaries.

Mr. Bell stated that although he recognizes Eagle Mountain's concerns with not being included on the board, during the history of TSSD, there has never been an occasion when the Eagle Mountain board member has voted against an action proposed by TSSD. Although all cities have board members, only the four original cities Alpine, American Fork, Lehi, and Pleasant Grove are guaranteed seats on the current TSSD board. He has discussed options with Eagle Mountain City

Attorney Marcus Draper including creating Eagle Mountain and Vineyard districts within the Special District with board vacancy appointments made by the County Commissioner or enacting State legislation to allow nonincluded cities that have as many or more residents serviced by the district as the included cities to have a seat on the board. He has not had the opportunity to reach out to the member cities regarding the requested letters of support for Eagle Mountain board membership but believes he can obtain the letters of support from the mayors if it will impact Eagle Mountain voting in affirmative for the reorganization to a Special District. He hopes that Eagle Mountain will be willing to take on trust and assurance that they will do everything they can to make the legislation happen.

TSSD Board Member David Bunker and City Manager for American Fork City reiterated that only the four original cities are guaranteed board members with TSSD. He explained that the other members are appointed by the County, the benefits of the change, and the potential for the County to change its mind should the reorganization be delayed. Even today the County could remove Eagle Mountain and place whomever they want on the board. He felt it is a stronger position to make the change to the district than to work on changing legislation.

Councilmember Curtis expressed frustration that Eagle Mountain's requests and proposed solutions have not been acted upon by TSSD representatives. He desires assurance of representation for both Eagle Mountain and Vineyard.

Councilmember Burnham recommended delaying the reorganization of the district until legislation is passed guaranteeing representation.

Councilmember Wright stated that he recognized how the change benefits TSSD; however, he is not a representative of TSSD. He represents Eagle Mountain City and does not see how this change benefits its residents. He agreed with Councilmember Burnham's suggestion to wait until the legislation has been passed before reorganizing TSSD while recognizing the risk that the County could change its mind in that time. He felt that there has been no effort made to secure reassurances for Eagle Mountain.

Discussion ensued concerning Councilmember concerns with Eagle Mountain not being guaranteed to have a seat on the board and whether to delay making the changes until legislation can be passed, letters of support from member cities and the County are obtained, or another avenue is found to ensure representation for Eagle Mountain and Vineyard cities.

1.C. DISCUSSION – City Trails Database

Public Works Director Brad Hickman presented the item stating despite all the trails within Eagle Mountain City, the only one officially recognized is the Pony Express Trail. The city has three bike/ATV/two-track trails with use agreements with the school and Institutional Trust Lands Administration (SITLA) but does not do anything to mark, classify, or maintain the trails. All other trails (excluding sidewalks, asphalt trails, and the bike park) are not authorized city trails and are not officially sanctioned or maintained. The city does not have a current trail map and has not installed signage, assigned use designation, or established use agreements with the landowners for the trails. Some trail apps have information regarding City trails but some of that data is inaccurate.

During the summer of 2023, City GIS interns:

- Digitally mapped with current imagery all trails, including sidewalks and asphalt, within Eagle Mountain City boundaries.
- Entered the data into a GIS database including information regarding land ownership, trail names, trail lengths, and conflicts.
- Traveled all the trails to QA/QC (quality assurance and quality control) and assessed them to determine maintenance issues and concerns, connectivity, and accuracy issues.

The timeline moving forward:

- October 2023 – Present the information to the Planning Commission and City Council for discussion and comments.
- January 2024 – Invite user group discussions and comments.
- April 2024 – Implement an Off-Street Trails Master Plan.
- May 2021 – Present the plan to the Planning Commission and City Council for official, final approval.
- July 2024 – Trails plan funding and budgeting annual maintenance.

GIS Intern Andrew Knowlton presented the trail mapping data he assisted in gathering and compiling of the city trail networks. He indicated there are 83 miles of trails which are located on City-owned property and 137 miles of the trails that are located on private property. The city has use agreements for some of the trails on SITLA land.

Councilmember Curtis requested staff to explore purchasing the land to finish the trail known as Jake the Snake.

Mr. Hickman explained the challenges in securing land for trails that cross properties with multiple landowners. Staff will meet with stakeholders and community groups to determine which trails to seek land procurements for and which trails to combine or remove in conjunction with creating a Trails Master Plan.

2. AGENDA REVIEW

10. AGREEMENTS

10.A. Professional Services Agreement (Cartegraph – Asset Management) – OpenGov

Councilmember Wright requested to have this item removed from the consent agenda and placed as a scheduled item for further discussion and consideration.

10.C. Water Tank Reimbursement Agreement - Oquirrh Wood Ranch, LLC

Items 10.B. and 10.C. were discussed concurrently.

Councilmember Curtis expressed concern with the city making enhancements benefitting Firefly where the city will not be receiving impact fees from residents living in the development.

City Administrator Paul Jerome explained that only partial sourcing from the well is being reserved for Firefly. Rather than receiving sourcing and storage impact fee reimbursement for the well improvements, the developer is paying for the water sourcing for the part of their development serviced by the well with upgrades they are making to increase the capacity of the well.

City Attorney Marcus Draper clarified that the city had put out a request for proposals for the well and the developer offered to pay for the well upgrades, including the money already spent on the project, to increase well flow from 1,400 gallons per minute (GPM) to 4,400 GPM in exchange for 3,000 GPM of the water being reserved to service the residents in Firefly.

City Engineer Chris Trusty stated that the city does not differentiate between water for different projects in the city.

Mr. Jerome stated that in addition to not needing to pay the cost upfront for the upgrades, once the well is completed, the city will be able to use the water until the Firefly development requires the water which will allow the deferment of constructing additional water sources to service the community as a whole as the City's needs for water have increased. As the City grows, a minimum of one water source in the north and one water source in the south service area will be needed year-round.

Applicant representative Chase Andrizzi confirmed that DAI prefers to install the infrastructure and allow the city the use the water until it is needed for their development rather than reimbursing Eagle Mountain the cost of the upgrade because they are able to complete the improvements faster and at a lower cost while meeting city standards.

Discussion clarified the developer's water rights obligations. Both the city and DAI will need to install additional water tanks in the future to meet population growth in the area for both Firefly and other developments. DAI would need to alter its agreement with the city and pay for additional storage should their use of the tank water exceed their allotted two million gallons.

Mr. Trusty said the tank will mostly service residents in the City Center; however, the elevation of the tank should assist with water pressure issues experienced by White Hills residents. It will be more economical to reimburse DAI to increase the size of the planned two-million-gallon tank rather than for the city to purchase a separate tank.

13. SAGE VALLEY PLAT AMENDED

13.A. ORDINANCE/PUBLIC HEARING – Sage Valley Subdivision Plat A – Rezone

13.B. PUBLIC HEARING/MOTION – Sage Valley Subdivision Plat A – Recorded Plat Amendment

Councilmember Wright stated that he is having difficulty understanding how the proposal would meet the RD2 Zone, particularly the ¾ acre lot average standard. He is unsure about the logic of including property in a different zoning designation to help these lots meet the average lot size requirement. Councilmember Curtis concurred.

Mr. Draper referenced footnote 7 in the EMMC Residential Development Standards Table, "The minimum average lot size is calculated across an entire preliminary plat or large neighborhood and is verified by the approval authority of a preliminary plat," to explain that lot size average requirements are geared towards the initial approval. The Municipal Code excludes an average lot size standard specific to plat amendments. Standards could be created and codified to address the ambiguity.

Planner Steven Lehmitz explained that the current zoning for the property is Residential. The RD2 Zone was suggested because Sage Valley will likely be rezoned to the RD2 Zone when the zoning is updated to meet current designations unless the city determines to zone the one-acre lots on the west independent of the half-acre lots.

Discussion clarified septic system requirements in relation to lot sizes.

Councilmember Wright advocated for RD1 as the appropriate zoning for the property due to the size of the surrounding lots and his desire to protect large lots by guarding against creating conflicting and noncongruent uses.

Mr. Lehmitz explained that the staff report indicated that seven other properties in Sage Valley could potentially meet the standards, including setbacks and frontages, to be able to subdivide their lots in congruence with RD2 standards. He has since received updated information regarding Old Airport Road that suggested the number of lots in Sage Valley that could qualify for subdivision could be greater than seven.

Discussion ensued regarding factors that would allow for or limit the ability to subdivide lots in Sage Valley other than frontage width and which lots could potentially qualify to be divided under RD2 zoning standards.

Councilmember Burnham stated although she is a strong proponent for property rights, she is struggling with allowing the subdivision of large lots due to what has happened in other cities and the fact that Eagle Mountain is still a growing city, still building one-acre lots.

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Section 17.76.070 Solar Energy Devices (Panels or Collectors)

Mr. Lehmitz verified that Wildlife Biologist/Environmental Planner Todd Black had reviewed the recommendations made by the Eagle Mountain Nature and Wildlife Alliance submitted to the city in an email. Because netting is required to meet industry standards, Mr. Black was not concerned about low-quality netting endangering birds or other wildlife.

14.B. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Title 17 - Chapters 17.10, 17.25, 17.72 and 17.55 by adding definitions for alley and service drives (17.10), adding fire department related access standards for single-family homes (17.25) and rear-loaded multi-family structures (17.72), adding service drive standards (17.55), and revising ADA parking standards (17.55).

Councilmember Love expressed concern with EMMC 17.55.040(3) requiring developers to contact the fire department due to the possibility of inconsistency in responses. She stated that outside of the meeting she had discussed with Planning Manager Robert Hobbs replacing the verbiage with a set standard with four diagrams to allow the developer to select the option best suited for their development to provide adequate turnaround for fire department equipment.

15. ORDINANCES

15.A. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code to Repeal and Replace Chapter 3.20 Purchasing Policy.

Councilmember Curtis noted that the City Council had received a document from staff with preferred wording that differs from the packet materials.

Councilmember Love requested to add, "or ten percent of the original amount," to EMMC 3.20.030(H)(5), "The city council must approve change orders to a contract when the total amount of all such change orders exceeds seventy-five thousand dollars ($75,000.00)". She prefers for purchases for large amounts to come before the City Council to allow placeholders in the budget for instances when the City does not have all the details for future projects, the possibilities of changes between the time of the approval and the time of the purchase, and because the current budget was reviewed under the understanding that large purchases over $40,000 would require additional approval by the Council.

Purchasing Agent Melissa Yates explained that additional City Council review of large purchase hinders purchases and the completion of projects. Supply challenges caused by the pandemic combined with delays in purchasing can cause the city to miss the opportunity to purchase product, particularly vehicles. Accordingly, she worked to identify the types of purchases where the Council desires to exercise further oversight to create an exceptions list.

Mayor Westmoreland noted the difficulty in creating an exceptions list for purchase review rather than a set dollar amount due to the variance in the opinion of past, current, and future Councilmember areas of concern. He inquired if it would be better to identify the purchase review categories through policy rather than Municipal Code to facilitate alterations and customization of the list.

Discussion ensued regarding concerns with understanding the intent, provisions, and ramifications of every item during budget approval, potential procedure changes to identify items requiring City Council review through budget specificity and communication, and the removal of ambiguity for medium and large purchases to ensure appropriate City Council oversight while reducing purchasing burdens and inefficiencies for staff.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the work session at 6:29 p.m.

7:00 P.M. POLICY SESSION

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

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Donna Burnham and Jared Gray.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Brandon Larsen; Community Development Director; Brandon Larsen, Planning Director; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; Steven Lehmitz, Planner; Jody Bates, Chief Deputy Recorder; Zac Hilton, Streets and Storm Drain Manager/Parks and Recreation Manager; Brad Hickman, Public Works Director; Embret Fossum, Unified Fire Authority Battalion Chief; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Cliff Strachan, Director of Legislative Affairs; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; and Jeff Weber, Fleet and Facilities/Operations Director.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Councilmember Curtis led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The Tooele Army Depot has stopped its open detonations for the year. Residents can anticipate a return of munitions disposals in April 2024.

- Join Eagle Mountain City and the Eagle Mountain Nature and Wildlife Alliance on Wednesday, October 18th at Walden Park for Stargazing 101. Dr. Joe Jensen, professor of physics at Utah Valley University will lead a stargazing activity. Those in attendance are encouraged to bring their telescopes for a fun night of stargazing.
- Eagle Mountain residents are encouraged to end lawn watering for the year. Thank you to those who participated in the City's water conservation recommendations this year.
- Residents can obtain CPR training throughout the month of October with our program offering "Shocktoberfest." Sign up and learn more using Eagle Mountain City social media.
- Residents who do not use social media to stay in touch with the city are encouraged to sign up for the City's text notification system. Weekly, the city sends updates on news, important information, and sign-ups for recreational sports. Learn more at eaglemountaincity.com.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:20. As there were no comments, he closed public comments.

8. CITY COUNCIL/MAYOR'S ITEMS

<u>Councilmember Burnham</u>
Councilmember Burnham expressed gratitude for her ability to attend remotely and expressed appreciation to the meeting attendees.

<u>Councilmember Love</u>
Councilmember Love thanked the citizens, first responders, and staff for their involvement in the community and all they do to make the city great.

<u>Councilmember Wright</u>
Councilmember Wright echoed the sentiments expressed by Councilmembers Burnham and Love. He praised City Administrator Paul Jerome for his willingness, effort, and excellence in fulfilling his duties and communicating with the individual Councilmembers.

<u>Councilmember Curtis</u>
Councilmember Curtis recognized Mr. Jerome for bridging the perceived and actual gaps between staff and the City Council. He expressed appreciation for the time and energy invested by his fellow Councilmembers and the grace they have offered him when disagreements have arisen.

9. MOTION

9.A. MOTION – Approval of the Nomination by the Eagle Mountain Youth Council for Kayson Welch, with a term to expire in June 2024

MOTION: ***Councilmember Burnham moved to approve the nomination by the Eagle Mountain Youth Council for Kayson Welch, with a term to expire in June 2024. Councilmember Wright seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☒ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

CONSENT AGENDA

10. AGREEMENTS

10.A. Professional Services Agreement (Cartegraph – Asset Management) – OpenGov

10.B. White Hills Well Upgrade Agreement – Oquirrh Wood Ranch, LLC

10.C. Water Tank Reimbursement Agreement - Oquirrh Wood Ranch, LLC

11. BOND RELEASES

11.A. Harmony Phase A, Plat 4.1 – Into Warranty

11.B. Harmony Phase A, Plat 6 – Into Warranty

11.C. Harmony Phase A, Plat 7 – Into Warranty

12. MINUTES

12.A. October 3, 2023 Minutes – Regular City Council Meeting

MOTION: ***Councilmember Curtis moved to approve the consent agenda removing item 10.A. and placing it as a regularly scheduled item. Councilmember Love seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☒ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

SCHEDULED ITEMS

10. AGREEMENTS

10.A. Professional Services Agreement (Cartegraph – Asset Management) – OpenGov

Councilmember Wright stated that although he feels this agreement is in the best interest of the city and has been a proponent of it, he desires to have a broader understanding of what the city is trying to accomplish, plans for implementation, and the benefit and impact to other departments of this software purchase.

Staff explained that failures with current software require either finding a resolution with the current company or utilizing other software. After the current company was unable to find viable solutions, the city sought other options. OpenGov software would provide capabilities the city lacks, permit the utilization of GIS data during application review, assist staff with keeping up with growth, and offer residents more tools such as online submittals. Selecting software through OpenGov for multiple departments was arbitrary rather than intentional or a part of a wider implementation plan.

Public Works Director Brad Hickman explained that although the software costs more than was budgeted for, it will benefit all Public Works rather than only one department. OpenGov software provides the features desired by the city and the simplicity of the programs increases the likelihood of it being fully utilized by staff. OpenGov offers other software the city could consider purchasing; however, this purchase neither requires nor commits Eagle Mountain to using their other products.

Councilmember Curtis requested that the contract include a remediation clause to protect the City and provide options for redress should the software not function as promised or OpenGov fails to meet deadlines or deliverables.

City Attorney Marcus Draper clarified that the three-year agreement can only be terminated early due to a material breach of contract.

MOTION: ***Councilmember Curtis moved to approve a Professional Services Agreement (Cartegraph – Asset Management) – OpenGov. Councilmember Love seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☒ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

13. SAGE VALLEY PLAT AMENDED

13.A. ORDINANCE/PUBLIC HEARING – Sage Valley Subdivision Plat A – Rezone

Planner Steven Lehmitz presented the item. Near the end of July, staff was contacted by the applicants with questions about how to pursue dividing their 1.45-acre lot number 16 in Sage Valley Plat A to create an additional lot. The applicants expressed that this change would fit within their neighborhood as many of the lots are smaller. It was found that Sage Valley was zoned Residential and developed through the Sage Valley Master Development Agreement (MDA), entered into on July 6, 1999. The MDA vested 67 units across the development and Plat A, with 21 lots, was developed with one-acre minimum lots. On September 6, 2005, the MDA was amended, increasing the total vested units to 98, meaning an additional 77 lots could be developed. Sage Valley Plat B platted all 77 of those lots, with ½-acre minimum lot sizes. Sage Valley Plat B Phase 2 combined lots 36 and 37 to create one two-acre lot. The RD2 Zone requires a ¾-acre minimum average lot size.

Mayor Westmoreland opened the public hearing at 7:53 p.m.

Applicant Todd Panter said they had been residents for twenty years and in the past have opposed lot subdivision. They have the unique circumstance of being the largest lot in their neighborhood and would not be making the request if Sage Valley Plat B had one-acre lots. They have explored all their options and feel this is the best thing for the neighborhood. Thirteen of the owners of the 20 one-acre lots, excluding themselves, have signed a petition in favor of their request. He indicated lot 16 is already stubbed for utilities and a meter. He believes that the developer had originally intended for two lots on the property.

Leslie Austin and Bettina Cameron spoke against the proposal, and Susan Hartwell and Gail Black submitted emails against the proposal due to concerns about creating precedence resulting in the subdivision of other large lots in the City.

Mayor Westmoreland closed the public hearing at 8:01 p.m.

Councilmember Wright stated that although he feels it is a reasonable request, he is unsure if the resulting lots would meet Municipal Code standards and the average lot size requirements and is sensitive to the existing nature of the community. He recognizes the possibility of the subdivision of large lots in the city even though it is not in line with his desires. Nevertheless, he is hesitant to begin the process of spot zoning especially where he believes the majority of the neighbors are willing to support the Panters as opposed to desiring to change the neighborhood to RD2 zoning. Accordingly, he is unable to find himself in favor of this petition.

Councilmember Burnham stated that although she wants to be able to approve the request, she does not feel that she can.

Councilmember Love said she feels the same as Councilmember Burnham in her desire to be able to support the request. However, she is also sensitive to other people purchasing lots with the understanding the neighborhood would remain one-acre lots. She assumes that the reason the lot might have been planned as two properties then combined into one lot was to meet the one-acre lot size minimum. Due to State allowances for Accessory Dwelling Units (ADUs), she suspects that the density of the neighborhood will increase without the subdivision of lots.

Councilmember Curtis stated that he finds himself in agreement with his fellow Councilmembers.

MOTION: ***Councilmember Love moved to deny a rezone for Sage Valley Subdivision Plat A. Councilmember Curtis seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☒ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

13.B. PUBLIC HEARING/MOTION – Sage Valley Subdivision Plat A – Recorded Plat Amendment

Due to the denial of item 13.A., the plat amendment request is not valid and was not presented or discussed during the meeting.

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Section 17.76.070 Solar Energy Devices (Panels or Collectors)

Wildlife Biologist/Environmental Planner Todd Black presented the item. The proposed ordinance amends EMMC 17.76.070 Solar Panel Protection, in order to discourage or prevent birds from nesting and roosting under the panels. To resolve concerns expressed by the Eagle Mountain Nature and Wildlife Alliance, he recommended alternative language to what was proposed in the staff report to amend EMMC 17.76.070(B)(4) to ensure that wildlife-safe netting materials are used "Collectors on rooftops shall have a *solar* skirt/netting installed around the entire panel array *per industry standards* and maintained in good repair"..

Discussion ensued comparing the price for residents to pay for netting installation by the solar company compared to residents installing appropriate, industry-standard netting themselves with consideration of the cost of loss of service and repair or replacement of solar panels damaged by pigeons.

Mayor Westmoreland opened the public hearing at 8:16 p.m.

Marian Burningham submitted an email and Bettina Cameron spoke on behalf of the Eagle Mountain Nature and Wildlife Alliance requesting an amendment to the verbiage of the standards to require specific netting materials due to concerns some materials could cause harm to birds and other wildlife.

Mayor Westmoreland closed the public hearing at 8:19 p.m.

Councilmember Curtis supported adding wording to ensure appropriate materials are used without being too prescriptive to allow residents some flexibility and to prevent needing to amend standards if a suitable material was unintentionally omitted.

Councilmember Love concurred with Councilmember Curtis and feels that adding "per industry standards" should resolve concerns about inappropriate materials being used while permitting options for residents.

MOTION: ***Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Section 17.76.070 Solar Energy Devices (Panels or Collectors) as presented in the meeting with the change to EMMC 17.76.070(B)(4), "Collectors on rooftops shall have a solar skirt/netting installed around the entire panel array per industry standards and maintained in good repair. These must be attached below the panels and above the roof to prevent birds from getting under the panel and nesting and/or roosting." Councilmember Wright seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☒ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

14.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Title 17 - Chapters 17.10, 17.25, 17.72 and 17.55 by adding definitions for alley and service drives (17.10), adding fire department related access standards for single family homes (17.25) and rear-loaded multi-family structures (17.72), adding service drive standards (17.55), and revising ADA parking standards (17.55).

Planning Manager Robert Hobbs reviewed the proposed amendments.

Mayor Westmoreland opened the public hearing at 8:26 p.m. As there were no comments, he closed the hearing.

MOTION: ***Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Title 17 - Chapters 17.10, 17.25, 17.72, and 17.55 by adding definitions for alley and service drives (17.10), adding fire department related access standards for single-family homes (17.25) and rear-loaded multi-family structures (17.72), adding service drive standards (17.55), and revising ADA parking standards (17.55) with the following changes:***

1. ***Replace the language under EMMC 17.55.040(3) with "Service Drives Exceeding 150'. Service drives exceeding 150' in length shall have a fire department turnaround at the 150' mark. The configuration of the turnaround shall match one of the four diagrams below (unless approved otherwise by the Fire Department), shall be configured to support 75,000 pounds GVW, shall not exceed 10% in grade, and shall be surfaced per Fire Department requirements unless superseded by the city;" and***
2. ***Add the four diagrams illustrating the acceptable turnarounds as indicated in EMMC 17.55.040(3).***

Councilmember Curtis seconded the motion.

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☒ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

15. ORDINANCES

15.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code to Repeal and Replace Chapter 3.20 Purchasing Policy.

Councilmember Gray joined the meeting virtually at 8:30 p.m.

Purchasing Agent Melissa Yates presented the item and explained the purpose of the purchasing policy. Purchasing code value limits have not been updated since 2012 with change order amounts remaining the same since 2002. Consumer prices and inflation rates have reduced the buying power of the dollar while product prices have increased exponentially. Population growth requires more infrastructure, and Eagle Mountain needs purchasing power to support growth.
Growth in City employees, tasks, and infrastructure requires updated and refined purchasing policies and procedures. The City needs policies that speed up the purchasing process and allow

flexibility so projects can be completed at the speed at which the City is growing. Purchasing policies need to be kept up to date and in alignment with State Code.

The proposed Purchasing Policy:

- Provides concise and clear instructions for purchasing, reformatted for ease of use.
- Accommodates consumer price and inflation rates by adjusting the value limits.
- Adjusts value limits and processes allowing staff timely and efficient purchasing power for goods and services.
- Updates the change order process and change order value limits.
- Allows City Council to award contingency amounts for a project.
- Allows staff to make a purchase once it is approved in the budget (with exceptions), significantly reducing the processing time and allowing quicker project start times.
- Allows more flexibility in selecting a bid that fits the needs of Eagle Mountain City.
- Is in alignment with the State Code.

Ms. Yates stated that she added "or ten (10) percent of the original amount," to EMMC 3.20.303(H)(5) as requested by Councilmember Love during the work session discussion of the item.

Councilmember Wright noted the differences in opinion between Councilmembers on the item and the imperfections of the Council's request for certain items to require additional Council approval that might cause difficulties for staff. In his perspective, the exceptions are still needed at this juncture in time. He suggested a trial period with the exceptions. Afterwards, staff can report on issues that arise and adjustments can be considered accordingly. He said Councilmember Love had pointed out to him before the meeting that the existing budget was not evaluated in conjunction with the proposed standards.

Ms. Yates proposed providing the City Council with a detailed printout of the existing budget and communicating which areas would be impacted by the changes. The current system requires approval by the City Administrator for larger purchases.

Councilmember Love recommended requiring items in the large purchase category to be approved by the City Council until July 1, 2024. Alternatively, instead of exceptions requiring City Council approval, the standards could require all larger purchases to be reviewed except for specified categories like vehicles and similar items that could be impeded by approval delays.

Councilmember Curtis stated that while he agrees with Councilmember Love's concerns, he is unsure if the Council needs to approve all large purchases such as vehicle procurement to prevent long, onerous agendas while still ensuring the appropriate checks and balances through City Council review of certain items.

Discussion explored items in the current budget that would require City Council approval under the existing standards and clarifying which items would require review under the current and proposed procurement policies.

Councilmember Gray stated that he wants staff to be able to function efficiently on a day-to-day basis to be able to perform the duties of the city. Nevertheless, he wants the City Council to be involved in and offer input on actions that affect policy and/or to allow staff to bring items forward that might not require approval but that they desire input on prior to further action.

Councilmember Burnham said that although she is amenable to the staff's request to remove the exceptions, she would be comfortable with retaining the exceptions to support the concerns of her fellow Councilmembers.

Mayor Westmoreland expressed concern with the appropriate location to standardize the exceptions due to the variance in the opinion of Councilmembers, on the present and future City Councils, regarding which purchases should require review. As such, he is hesitant to have the exceptions codified in Municipal Code standards and would prefer to have them listed in a more central area that is easier to change and does not require altering multiple documents.

Mr. Jerome clarified that listing the exceptions in the Policies and Procedures would also require a formal amendment in a City Council meeting. Only an internal control would allow for a staff-level change rather than the full amendment process. He desires to remove ambiguity for staff to clearly know which items require further approval.

Ms. Yates noted that many purchases are impeded and endangered by delays, and it would be exceptionally tedious for each department to determine and separate items to require City Council approval.

Discussion ensued regarding the following:

- The ability to evaluate future budgets with consideration of the procurement standards and to amend the standards to adjust the exceptions as merited.
- Clarification of the types of items the City Council desires to approve individually; and
- Whether to include in the standards that large items in the current budget require review or to have staff pledge to bring those items back without codifying the requirement.

MOTION: ***Councilmember Wright moved to adopt an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code to repeal and replace Chapter 3.20 Purchasing Policy as follows:***

1. ***With the wording contained in the packet rather than the preferred wording requested by staff in an email to the City Council.***
2. ***Allow staff to make non-substantive formatting changes.***
3. ***With instruction to staff to review the current budget to identify items of concern to be brought back to the City Council for discussion; and***
4. ***Change EMMC 3.20.030(H)(5) to, "The city council must approve change orders to a contract when the total amount of all such change orders exceeds seventy-five thousand dollars ($75,000.00) or ten (10) percent of the original amount provided the overall projected budget is not exceeded; however, a budget amendment may be approved by the city council to allow for an increase in the budget."***

Councilmember Curtis seconded the motion.

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☒ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***
☐ ***Carolyn Love***	☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***
☐ ***Tom Westmoreland***	☒ ***Tom Westmoreland***	☐ ***Tom Westmoreland***	☐ ***Tom Westmoreland***

The motion passed with a vote of 4:2. *(motion failed, see following discussion regarding the vote)*

Mayor Westmoreland clarified that he voted against the proposal because although he recognizes the need to update the procurement standards, he feels the standards require additional refinement prior to approval of the changes.

Councilmember Gray left the meeting at 9:18 p.m.

The following portion of the discussion and subsequent motions occurred following item 18.

Mr. Draper clarified that per State statute, adopting an ordinance impacting the duties and responsibilities of the mayor requires a vote of the majority of the Councilmembers and the Mayor or all Councilmembers except the Mayor. As such, due to the Mayor and Councilmember Love voting against the item, the *motion failed.* He explained that as the Chief Executive Officer, one of the mayor's functions is to approve certain contracts under the procurement code. Even though it has an indirect impact on his authority, out of an abundance of caution, the mayor should be included in the vote on the ordinance. His interpretation is that the unanimous vote requirement is intended to indicate the quorum of all Councilmembers present.

Councilmember Love stated that as she does not desire to delay the item, she is willing to reconsider her vote.

MOTION TO RECONSIDER: ***Councilmember Curtis moved to reconsider item 15.A. Councilmember Wright seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☒ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

MOTION: ***Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code to repeal and replace Chapter 3.20 Purchasing Policy as follows:***

1. ***With the wording contained in the packet rather than the preferred wording requested by staff in an email to the City Council;***
2. ***Allow staff to make non-substantive formatting changes;***
3. ***With instruction to staff to review the current budget to identify items of concern to be brought back to the City Council for discussion; and***
4. ***Change EMMC 3.20.030(H)(5) to, "The city council must approve change orders to a contract when the total amount of all such change orders exceeds seventy-five thousand dollars ($75,000.00) or ten (10) percent of the original amount provided the overall projected budget is not exceeded; however, a budget amendment may be approved by the city council to allow for an increase in the budget."***

Councilmember Wright seconded the motion.

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☒ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***
☐ ***Tom Westmoreland***	☒ ***Tom Westmoreland***	☐ ***Tom Westmoreland***	☐ ***Tom Westmoreland***

The motion passed with a vote of 4:1.

16. LEGISLATIVE ITEMS

16.A. UPDATE – Legislative Priorities List

Director of Legislative Affairs Cliff Strachan updated the City Council regarding additions to and progress made on the Legislative Priorities List.

Councilmember Curtis proposed to add a review of EMMC 17.25.040 superscript 7 to the legislative priorities list to clarify that although new developments take into account the entire plat to determine lot size averages, plat amendments are required to meet the standards for individual lots. Councilmembers Love, Wright, and Burnham supported the request.

17. CITY COUNCIL/MAYOR'S BUSINESS

18. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Burnham

Councilmember Burnham thanked the City Council for approving the new Youth Councilmember appointment. The Youth Council has requested a discussion at their next meeting on November

8th with the Planning Department and a developer regarding the development process. The city is still seeking Youth Council advisors.

Councilmember Love
None.

Councilmember Wright
Councilmember Wright invited the Mayor and Councilmembers to participate in the American Legion Post 111 Veteran's Day Breakfast, on November 11, 2023, at the Overland Barn. Volunteers should arrive at 6:00 a.m. and plan to serve until 11:00 a.m. Breakfast will be served to veterans from 8:00 a.m. to 10:00 a.m.

Mayor Westmoreland
Mayor Westmoreland said that American Legion Post 111 is putting together a proposal to work with the city regarding a new facility.

Councilmember Curtis
Councilmember Curtis encouraged residents to vote in the upcoming Municipal Election.

19. COMMUNICATION ITEMS

19.A. Upcoming Agenda Items

20. ADJOURNMENT

MOTION: ***Councilmember Wright moved to adjourn at 9:38 p.m. Councilmember Curtis seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***	☐ ***Donna Burnham***
☒ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***	☐ ***Colby Curtis***
☐ ***Jared Gray***	☐ ***Jared Gray***	☐ ***Jared Gray***	☒ ***Jared Gray***
☒ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***	☐ ***Carolyn Love***
☒ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***	☐ ***Brett Wright***

The motion passed with a unanimous vote.

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

Approved by the City Council on November 7, 2023.

CORPORATE SEAL EAGLE MOUNTAIN EST. 1996 STATE OF UTAH

Fionnuala B. Kofoed, MMC
City Recorder