



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

September 19, 2023, 3:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

3:30 P.M. BOARD OF CANVASSERS – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Council Members Donna Burnham, Colby Curtis, and Brett Wright. Board Members Jared Gray and Carolyn Love were excused.

CITY STAFF PRESENT: Fionnuala Kofoed, Assistant City Administrator/City Recorder, Marcus Draper, City Attorney; Tyler Maffit, Communications Director; Terrence Dela Pena, Finance/Management Analyst; Jordan Nielson, Water Operator; Lianne Pengra, Chief Deputy Recorder; and Jody Bates, Chief Deputy Recorder.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; and Elizabeth Fewkes, Recording Secretary.

1. CALL TO ORDER

Board Chair Westmoreland called the meeting to order at 3:40 p.m.

2. MOTION

Assistant City Administrator/City Recorder Fionnuala B. Kofoed presented the results of the Primary Election. The Utah County Elections Office has verified the ballots from the Primary Election with the following results:

- 23,069 ballots were mailed and a total of 3,212 were returned for a 13.92% return rate.
- 3 provisional ballots were issued but not counted due to incomplete information on the form.
- 85 ballots were returned but not counted due to missing signatures (7), signature discrepancies (29), empty envelopes (1), or returned past deadline (48).
- 40 residents voted in person in early voting and on Election Day.
- 9 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots were issued through Enhanced Voting and 3 were returned.

Council Candidates and votes cast:

- Craig Moris – 541
- Rich Wood – 1,668
- Craig Whiting – 1,206
- Angeline Washburn – 803
- Scott Ferre – 659
- Jared R Gray – 1,324
- Melissa Clark – 2,031

MOTION: *Board Member Curtis moved that the Board of Canvassers verify the results of the election by ratifying the results of the canvass; accept the report of the Election Official and certify the election results; and declare four-year City Council candidates Rich Wood, Craig Whiting, Angeline Washburn, Scott Ferre, Jared R Gray, and Melissa Clark eligible to be on the ballot and nominated for the General Municipal Election on November 21, 2023. Board Member Wright seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☒ <i>Jared Gray</i>
☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☒ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

3. ADJOURNMENT

MOTION: *Board Member Wright moved to adjourn at 3:46 p.m. Board Member Burnham seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☒ <i>Jared Gray</i>
☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☒ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

The Board of Canvassers was adjourned at 3:46 p.m.

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Cliff Strachan, Director of Legislative Affairs; Marcus Draper, City Attorney; Tyler Maffitt, Communications Manager; Angela Valenzuela, Human Resource Manager; Natalie Winterton, Grants Coordinator/Management Analyst; Terrence Dela Pena, Finance/Management Analyst; Jordan Nielson, Water Operator; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Jody Bates, Chief Deputy

Recorder; Lianne Pengra, Chief Deputy Recorder; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager/Parks and Recreation Manager; Brad Hickman, Public Works Director; Embret Fossum, Unified Fire Authority Battalion Chief; and Bailey Ensign, Digital Communications Specialist.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Chas Glenn, Administrative Assistant; Elizabeth Fewkes, Recording Secretary; and Jeff Weber, Fleet and Facilities/Operations Director.

Mayor Westmoreland called the work session to order at 4:01 p.m.

4. CITY ADMINISTRATOR INFORMATION ITEMS

4.A. UPDATE – City Administrator Items

This item was presented after item 4.B.

Human Resources

- The City completed the latest compensation study with the help of Mike Swallow and his team at Personnel System and Services. This is a detailed study with a bit of a different approach than the traditional pay bands that bundle similar jobs together and result in low bands that would make it difficult to offer competitive pay for many positions. This study moves away from the pay grade approach, changing it to market-based pay ranges unique to every Eagle Mountain job. This includes a numeric point system to help ensure equity, while also being highly responsive to the job market. There are currently about 50 public sector entities in the western part of the United States that are using this same system approach, many of these are along the Wasatch Front.

Communications

- Approval of a bid for a new City website is anticipated to come before the City Council in October.
- The logo, colors, and taglines for the City's branding exercise are currently in development. The Council will soon be approached for their thoughts and feedback on this proposed change.

Facilities, Fleet, and Emergency Management

- The Sheriff's and Recorder's office remodel is complete.
- Dave Ulibarri is teaching a CERT training course for high school students.
- The hand railing for the Senior Center is complete.
- Staff is working on getting bids for the Sewer Office Building shingle replacement.
- The City will be replacing the blinds in the library.

Engineering

- Paving at the Ranches Parkway and Pony Express Parkway intersection is now complete, including painting, and the intersection is fully open.

- Well 8 – the City is still waiting on test pumping; equipment has been unavailable; the City is seeking alternate bids.
- Well 7 – Grimshaw has begun drilling operations.
- The Pony Express booster pump is waiting for the electric meter to be placed by Rocky Mountain Power.
- The startup of Corey Wride and Pony Express Booster is scheduled for Wednesday, September 27th.

Parks, Recreation, Events, and Cemetery

- The contractor is installing underground utilities and electrical at Smith Ranch Park. Several of the irrigation lines have been installed and most of the concrete has been poured. The hope is to get the asphalt trails and parking lots installed in the next couple of weeks.
- Staff has pushed the off-street trail update until the October 3, 2023, City Council meeting as a discussion item.
- Staff have been working to complete the horseshoe pit at the Senior Center.

Public Utilities

- The City will be switching over to the reuse system next week to start the testing process of the filtration system.
- The Well #3 motor grounded out and needs to be rewound and repaired.
- After reviewing City water consumption, staff is looking at reducing the number of water sources, such as the number of wells in operation, as water needs are reduced during the fall and winter months. The Communications Department will continue to provide recommended watering schedules to assist residents with water conservation.

Streets and Stormwater

- Staff is working with Black and McDonald to start the streetlight project that will provide an additional 77 streetlights on Pony Express Parkway from Lake Mountain Road to Eagle Mountain Boulevard. The City anticipates a 4 to 8 month wait time for the delivery of the streetlight material.

Community Development

- Thus far in September, the City has issued 40 new residential permits, 34 single-family and 6 multifamily, and 49 permits are in review.
- A commercial permit was issued for Noodles & Company.
- Site plan applications have been received for: Walmart, QTS, and the next phase of the Meta project.
- A Planning Commissioner training is planned for next week's meeting on ethics, conflict of interest, and the Open and Public Meetings Act.

4.B. DISCUSSION – Solar Panel Protection

This item was presented and discussed prior to item 4.A.

Planner Steven Lehmitz stated that the item will require netting between the roof and solar panels for new installations within the City.

Councilmember Burnham explained that the reason for the netting is to prevent pigeons from roosting under the panels causing damage and being a nuisance in the City.

Councilmember Love supported the requirement as pigeons can also be bothersome to the neighbors of the individual with solar panels.

4.C. DISCUSSION – Wash Setback Distances

Planner Steven Lehmitz presented the item stating several sections of Eagle Mountain City Code discuss wash setback distances from natural washes. In both the commercial and residential zones under Generally Applicable Provisions 17.25.050/17.35.050(G), it states, “natural washes must include significant setbacks from the edge of the wash.” Under the Wildlife Overlay Zone 17.49.030 (C), a setback of 50-foot area on both sides of the wash is required. To standardize wash setback language in Municipal Code and to avoid using verbiage such as “significant,” City staff consulted with a hydrological engineering firm JWO to analyze wash flow data, wash slope, and soil type to determine a safe wash setback that would likely prevent loss of property and lessen concern for human health and safety issues along the washes in the future. The result of this analysis suggests a setback distance of 75 feet. The Planning Commission recommended changing the language in Municipal Code to residential zones and the Wildlife Overlay Zone but did not consider commercial zones, adding other language to other sections of code, and/or a new environment chapter of Municipal Code. Wildlife Biologist/Environmental Planner Todd Black recommends adding the 75-foot wash setback to the standards governing the Wildlife Overlay Zone, residential, and commercial properties. The City Council can determine if they desire to apply the wash setback standard to all zones within the City or to create a new environment chapter in Municipal Code.

Councilmember Love noted that the engineering report recommended setback distances varying from 50 to 100 feet depending on factors specific to different wash areas and measured the setback from the center of the wash where the proposed standards measure from the top edge of the wash. She inquired if it would be better to have a customized setback standard and to use the same system of measurement as the study. She desires for a trail network to be installed along the top of the wash to utilize land where structures are prohibited and to consider both safety precautions and land rights when determining the appropriate setback distance.

Councilmember Wright concurred with Councilmember Love in setting standards specific to the various types of washes. It can be difficult to determine the location of the top of the wash for the measurement and a greater than necessary setback standard would negatively impact the usage of the land by the property owner. The County permits septic systems within 50 feet of a waterway. He suggested first codifying the setback standard for the Wildlife Corridor Overlay and commercial areas then adding the requirement to undeveloped residential properties before developed residential properties. He supports the trail system but desires to balance protecting washes and property rights. Designating the trail as a regional park could assist with funding the project. In addition to the migration corridor, the wash stormwater system should be contemplated.

Councilmember Burnham agreed with concerns about taking private property from residents.

Mayor Westmoreland requested for the various factors impacting washes including the potential location for the trail network, safety engineering, the wildlife migration corridor, and personal property rights be considered in drafting standards.

Deputy City Administrator/Community Development Director Steve Mumford stated that staff can create a map of the various types of washes in the City. The engineering report can assist the City with determining and enforcing the appropriate significant setback as required in the current standards until this amendment can be finalized and enacted.

4.D. DISCUSSION – Water Conservation Code & Water Conservation Plan

Grants Coordinator/Management Analyst Natalie Winterton; Finance/Management Analyst Terrence Dela Pena; and Water Operator Jordan Nielson, presented the Eagle Mountain City Water Conservation Plan and Landscape Code Amendments. The City's main objective is to make sure that anyone who needs water rights in Eagle Mountain has the opportunity to obtain them. After meeting with each Councilmember, staff's takeaway is that the Council's goal is to take steps toward increased water efficiency. Staff recommendations reflect that sentiment. The guiding principles of the plan are conservation and management, to promote vegetation over rock, and the City to lead the way. Strategies include relandscaping City Hall as an example area, using drought-resistant turf on new and existing City properties, developing a native plant mix for City rights-of-way, developing a tree management plan, requiring smart timers on new developments supported by grant funding, conducting a water rights study and purple pipe study, education, and evaluation and change as merited. The Central Utah Water Conservancy District (CUWCD) proposed changes to Municipal Code are 35% turf max for residential front/side yards; 20% turf max for industrial, institutional, and multifamily; and 8 feet minimum turf width for park strips with at 30% vegetation. The City could enforce the standards prior to issuing a certificate of occupancy and focus efforts on education rather than intense enforcement. Over 200 residents have reached out to CUWCD since May 2023 to take advantage of their water conservation incentives, indicating public interest in adopting more water-efficient practices. By providing residents with the information and means to become more water efficient, staff believes the community will become more water efficient overall without the need for intense enforcement.

Discussion ensued regarding the following:

- Researching onsite reuse in conjunction with the purple pipe study or the Secondary Water Plan;
- Limited purple pipe options for water reuse because the City is not located in proximity to a body of water;
- Concern with reducing the water requirement resulting in additional units being constructed increasing rather than decreasing overall water usage;
- State water requirements and the State's ability to require an audit;
- Whether residents benefit from decreasing the requirement and potential unintended consequences;
- Amenity and City-owned property water usage;
- The City's goals for water conservation and management and Councilmembers objections to reducing water usage for the purpose of increasing unit counts;

- Water study results assisting the City with making decisions regarding economic development;
- Aquifer recharge systems and programs;
- An aquifer study to correlate City paper water rights to actual wet water availability;
- The methodology used to calculate the current City water residential allotment; and
- Clarification of the definitions and examples of front, side, and backyards and regulated and unregulated side yards.

5. AGENDA REVIEW

12. AGREEMENTS

12.B. CDBG Management Agreement – Mountainland Association of Governments

Councilmember Love requested and received clarification regarding the payment amounts.

16. PRELIMINARY PLATS & SITE PLANS

16.A. PRELIMINARY PLAT – Firefly NPA 8 Phase A

Councilmember Wright requested to have a road name changed to prevent confusion because the City already has an Inverness Lane.

Councilmember Love noted that the park area did not have any playground equipment.

Applicant David Vitek explained that an adjacent area in the next phase will have a Leap Frog Park that will have a play area for children aged 0 to 5. The park in this phase is designed for older children. The pump track and skateboard park are scheduled to begin construction on January 8, 2024. Their goal is to have the skateboard park, pump track, pickleball courts, and basketball courts completed and to have begun construction on the downhill flow trails before the Grand Opening scheduled on May 18, 2024.

16.B. SITE PLAN – A to Z Building Blocks Addition

This item was discussed prior to item 12.A.

Planner Steven Lehmitz explained the traffic study has been completed since the previous meeting. The child enrollment count was raised to 200 and 22 staff members which increases the required parking from 39 parking spaces to 42. The proposed number of onsite parking stalls is 20 which is below the requirement for under 50% shared parking. The applicant has expressed the willingness to add a parking stall but would prefer to be approved for the 20 stalls. The traffic study did not find the need for additional parking and the proposal should be sufficient for the needs of the daycare.

Applicant Jody Zabriskie explained that she increased the number of employees to 22 for the purposes of the traffic study to the maximum the number she thinks would be required in the future.

She could add an additional one to two parking spaces but she would need to reduce the size of the playground and would prefer to be able to provide the children with a larger play area.

Discussion confirmed that the elevations have been updated to include the Planning Commission's recommendations.

Councilmember Wright requested for the item to be removed from the consent agenda and placed as a scheduled item.

Councilmember Curtis advocated for the City to be as flexible as possible with standards for small businesses considering exemptions that have been granted to large corporations.

18. ORDINANCES/PUBLIC HEARINGS

18.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 17.48 Regional Technology and Industry Overlay Zone to Remove the Repeal Date of the Overlay Zone's Sunset Provision.

Councilmembers Curtis and Burnham requested for the consideration of this item during policy session to be after item 21.A.

18.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 17.60.140 General Fencing Provisions.

Councilmember Wright supported removing EMMC 17.60.120(K)(2), "Netting shall have the ability to be removed or lowered during the non-playable winter months," from the amendment as recommended by staff and suggested waiving the building permit fees for installing the netting for existing businesses and residents for six months to assist citizens that have been negatively affected by golf balls.

Senior Planner David Stroud explained that he recommended removing EMMC 17.60.120(K)(2), as he has been unable to verify the cost and difficulty in removing the nets during the offseason. The 50-foot limitation is to prevent netting from being installed toward the front of the property.

18.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Title 16 Subdivisions and Title 17 Zoning, Regarding Land Use Authority, Noticing Requirements, and Approval Processes.

Mr. Stroud explained that the amendment brings the City into compliance with State Code.

Discussion ensued regarding the preferred timing to address forthcoming land use authority changes per State requirements and which types of applications the City Council has the authority

to declare themselves to be the land use authority for the purpose of overturning a Planning Commission decision with which they disagree.

Councilmember Love requested that the City develop a system to monitor Planning Commission decisions.

Councilmember Curtis supported the creation of mechanisms to monitor the decisions of both the Planning Commission and the Development Review Committee.

Councilmember Wright asked to review instances in the Municipal Code where discretionary authority to grant standard exemptions is permitted.

20. MOTION

20.A. MOTION – Scarlet Ridge Estates Fencing Waiver Request

Staff explained that the applicant requested to remove this item from the agenda and intends to install the fencing as previously approved. The Council directed staff to communicate to the developer that they are amenable to permitting SimTek fencing as it was previously approved and desire uniform fencing on the north and east sides of the project.

6. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the work session at 6:10 p.m.

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Colby Curtis, and Carolyn Love, and Mayor Pro Tempore Brett Wright. Mayor Tom Westmoreland and Councilmember Jared Gray were excused.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Cliff Strachan, Director of Legislative Affairs; Marcus Draper, City Attorney; Kimberly Ruesch, Finance Director; Natalie Winterton, Grants Coordinator/Management Analyst; Terrence Dela Pena, Finance/Management Analyst; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Jody Bates, Chief Deputy Recorder; Lianne Pengra, Chief Deputy Recorder; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager/Parks and Recreation Manager; Brad Hickman, Public Works Director; and Embret Fossum, Unified Fire Authority Battalion Chief.

CITY STAFF PRESENT ELECTRONICALLY: Tyler Maffitt, Communications Manager; Elizabeth Fewkes, Recording Secretary; and Jeff Weber, Fleet and Facilities/Operations Director.

7. CALL TO ORDER

Mayor Pro Tempore Wright called the policy session to order at 7:06 p.m.

8. PLEDGE OF ALLEGIANCE

Councilmember Burnham led the Pledge of Allegiance.

9. INFORMATION ITEMS/UPCOMING EVENTS

- Eagle Mountain City invites residents to our next Movie in the Park. The City will be showing “Hocus Pocus” on Saturday, October 7th at 7:15 p.m. at Cory Wride Park. Free popcorn will be available while supplies last.
- Residents are also encouraged to join us for Halloween Town which takes place earlier in the day on October 7th. Trick-or-Treating, a petting zoo, and a Halloween Town Car Show will be available for enjoyment.
- Eagle Mountain City will host a milkweed planting event tomorrow September 20th at Nolen Park at 6:30 p.m. Help us provide both food and habitat to protect the local monarch butterfly population.
- Those still interested in taking advantage of the fall dumpsters can do so until September 20th at 12:00 p.m. at Cory Wride Memorial Park.
- 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.

10. PUBLIC COMMENTS

Mayor Pro Tempore Wright opened public comment at 7:09 p.m.

Jeff Ruth referenced an email he had sent the City Council concerning Municipal Code violations in his neighborhood. He requested City review of the standards for trailer parking on public streets to address the issues with residents occasionally moving the trailers a few feet to avoid a fine. He thanked City employees for jump-starting his vehicle when his battery died while he was visiting a local park.

Mayor Pro Tempore Wright closed public comment at 7:11 p.m.

11. CITY COUNCIL/MAYOR’S ITEMS

Councilmember Curtis

None.

Councilmember Love

Councilmember Love thanked the participants for their attendance at the meeting and their input on City matters. She expressed appreciation to the staff for their hard work.

Councilmember Burnham

Councilmember Burnham reported the first Youth Council meeting went well. All youth are welcome to participate. Meetings are held the second Wednesday of the month at 6:00 p.m. Mayor Westmoreland, Mayor Pro Tempore Wright, and she had a memorable experience participating in the grand openings and ribbon cuttings for the two new fire stations that are a great addition to the community.

Mayor Pro Tempore Wright

Mayor Pro Tempore Wright welcomed the meeting participants. He is grateful he was able to attend the fire stations' grand openings. He recognized the Chamber of Commerce and the Economic Development Director for their work to facilitate Shop Fest and thanked the Ranches Golf Course for allowing the use of golf carts for the event.

Assistant City Administrator/City Recorder Fionnuala Kofoed welcomed the new Chief Deputy Recorder Jody Bates to the staff and recognized Lianne Pengra and her family for their service to the City as Chief Deputy Recorder and a resident.

CONSENT AGENDA

12. AGREEMENTS

- 12.A. 926M Caterpillar Loader – Wheeler Machinery Company (State Contract)
- 12.B. CDBG Management Agreement – Mountainland Association of Governments
- 12.C. Partial Bond Release Agreement – ROC Fund Landfill Holdings, LLC
- 12.D. Professional Services Agreement (Permitting and Licensing Software) – OpenGov
- 12.E. Wildlife Migration Corridor Fence Phase 1 Cooperative Agreement – Utah Division of Wildlife Resources

13. BOND RELEASES

- 13.A. Deer Haven – Into Warranty
- 13.B. Simpson Hollow Plat 5 – Into Warranty
- 13.C. Antelope Meadows Phase B Plat 1 – Out of Warranty
- 13.D. SilverLake Plat 20 – Out of Warranty
- 13.E. Smith Property, Cedar View Lane – Out of Warranty

14. CHANGE ORDERS

- 14.A. Wastewater Treatment Plant Headworks Facility Change Order #3 – VanCon, Inc.

15. MINUTES

- 15.A. August 15, 2023 Minutes – Regular City Council Meeting

16. PRELIMINARY PLATS & SITE PLANS

- 16.A. PRELIMINARY PLAT – Firefly NPA 8 Phase A

- 16.B. SITE PLAN – A to Z Building Blocks Addition

- 16.C. SITE PLAN – Eagle Mountain Pet Care

17. RESOLUTIONS

- 17.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule for Water Rates.

- 17.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Appointing Brandon Larsen as the Eagle Mountain City Planning Director.

MOTION: *Councilmember Curtis moved to approve the consent agenda removing item 16.B. and placing it as a scheduled item and amending the verbiage for item 12.B. Section 3 Agreement Costs to “Years 2-5: Up to \$32,000 or 20% of the grant per year, whichever is less.”*
Councilmember Burnham seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☒ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

SCHEDULED ITEMS

- 16.B. SITE PLAN – A to Z Building Blocks Addition

MOTION: *Councilmember Curtis moved to approve the site plan for A to Z Building Blocks Addition with the following conditions:*

1. *One additional onsite parking stall shall be added; and*
2. *All outstanding redlines on the submitted plans shall be resolved with staff.*

Councilmember Burnham seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☒ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☐ <i>Brett Wright</i>	☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a vote of 3:1.

18. ORDINANCES/PUBLIC HEARINGS

- 18.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 17.48 Regional Technology and Industry Overlay Zone to Remove the Repeal Date of the Overlay Zone's Sunsetting Provision.

This item was presented and discussed following item 21.A.

City Attorney Marcus Draper presented the item. The proposed amendment removes EMMC 17.48.110 Repeal Date of the Regional Technology and Industry Overlay Zone at the request of a developer to make their development more marketable as the appeal date could be a deterrent. The approval of item 21.A. ensures the review of the overlay zones. The City Council still retains the right to repeal the zone at any time.

Mayor Pro Tempore Wright opened the public hearing at 7:29 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Chapter 17.48 Regional Technology and Industry Overlay Zone to remove the repeal date of the overlay zone's sunseting provision.*
Mayor Pro Tempore Wright seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☒ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

18.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 17.60.140 General Fencing Provisions.

Senior Planner David Stroud presented the item. The City has been approached by commercial and residential property owners wishing to construct netting on their property adjacent to the golf course. This is to protect personal property as well as reduce conflict between golf balls and people. Some property owners have already installed netting to provide a measure of protection but the City does not have a current ordinance to regulate such use.

Mr. Stroud continued to propose the addition of standards to Eagle Mountain Municipal Code 17.60.120 General Fencing Provisions.

The City Council determined to add a clause to waive the building permit fees until May 31, 2024.

Mayor Pro Tempore Wright opened the public hearing at 7:35 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Chapter 17.60.140 General Fencing Provisions with the following changes:*

- 1. Remove 17.60.120(K)(2), “Netting shall have the ability to be removed or lowered during the non-playable winter months;” and*
- 2. Add a provision that the City will waive the building permit fees for netting installation until May 31, 2024, and the waiver shall automatically be repealed after that date.*

Councilmember Curtis seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
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☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

18.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Title 16 Subdivisions and Title 17 Zoning, Regarding Land Use Authority, Noticing Requirements, and Approval Processes.

Senior Planner David Mr. Stroud presented the item stating the proposed ordinance amends various sections of Title 16 and Title 17 regarding land use authority, noticing requirements, and approval processes. The amendment brings Eagle Mountain Municipal Code into compliance with recent Utah State Code changes as detailed in SB 174 from the 2023 Utah Legislative Session.

Mayor Pro Tempore Wright opened the public hearing at 7:38 p.m. As there were no comments, he closed the hearing.

Councilmember Burnham stated that if any residents have concerns with any of the changes to please contact their State Legislators.

MOTION: *Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Title 16 Subdivisions and Title 17 Zoning, regarding land use authority, noticing requirements, and approval processes.*
 Councilmember Curtis seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
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☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

18.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the Amended and Restated Marketplace at Eagle Mountain Town Center Development Agreement.

Planner Steven Lehmitz presented the item. The item is in response to concerns surrounding the timing and location of the required installation of a wall on the north and west perimeters of the property prior to the issuing of building permits for several locations that have already been constructed and received certificates of occupancy. Proposed changes and items for review include a road width change from 53 feet to 60 feet; the creation of Area D which contains internal roads, retention areas, and external walls; the removal of the language regarding a land swap between the City and the developer; constructing landscaping along public roads with each site development; and amending the ten-year expiration from January 13, 2021 to six years from the date of approval.

The Council voiced concerns with the fencing location and timing.

Mayor Pro Tempore Wright opened the public hearing at 7:55 p.m. As there were no comments, he closed the hearing.

Applicant representative Forrest Gaskill explained they added Area D because they do not currently have businesses interested in that location. As such, they are unable to fund the full construction of the road and the wall at this time.

Councilmember Burnham stated that due to the progress being made on the project, she does not foresee an issue with the wall being installed in the future as economic development interest grows.

Councilmember Love expressed a willingness to be flexible with the timing until the appropriate location for the wall is finalized.

Councilmember Curtis stated that although not ideal, the current connectivity is acceptable. He is willing to delay the road and wall to allow Area A to finish developing. The relocation of the wall can be considered in conjunction with a rezone request as he is against permitting too much flexibility in the wall's location.

Mayor Pro Tempore Wright stated that he shares the same concerns with the wall location.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving the Amended and Restated Marketplace at Eagle Mountain Town Center Development Agreement with the condition that in Section 16, the term of the agreement shall be six years. Councilmember Love seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
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☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

18.E. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the First Amendment to the Fiscal Year 2023-2024 Annual Budget and Includes Increases to the General, Special Revenue, Enterprise, and Capital Project Funds.

Finance Director Kimberly Ruesch presented the item. The amended total of \$40,549,697 reflects \$40,066,597 in Fiscal Year (FY) 2023 project appropriations, a \$75,100 requested increase to FY 2023 projects, and \$408,000 for FY 2024 new items.

Mayor Pro Tempore Wright opened the public hearing at 8:09 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, adopting the First Amendment to the Fiscal Year 2023-2024 Annual Budget.*
Mayor Pro Tempore Wright seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

19. HARMONY SUBDIVISION

19.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Vacation of Public Right-of-Way in the Harmony Phase A, Plat 5 Subdivision.

Items 19.A. and 19.B. were presented and discussed concurrently.

Senior Planner David Stroud presented the item. The subject property is governed by the Harmony Development Agreement with the property identified and approved for multifamily units. Harmony is a master planned community encompassing 772 acres. The Harmony at City Center exhibit shows density locations and identifies the subject property as Multifamily Residential. There is no density specific to the multifamily areas and the development agreement states, "The multi-family areas are not vested with density, and any reference to the number of units on the Preliminary Plat is conceptual and informational only." Total Harmony multifamily acreage is 92.186 acres and 1,935 conceptual and not vested units.

Mr. Stroud continued to discuss the open space acreage, specific to the Harmony development, is required at 273 square feet per unit, or 1.42 acres, and 142 amenity points are required and 632 points are proposed. Architecture meets EMMC but clarification is needed regarding the garage doors. The agreement states, "...shall have 'carriage' style, or decorative, garage doors." The doors of the townhomes are, what has been with past projects, considered to be carriage style. The doors of the stacked units have windows at the top of each door, which can be considered decorative. The language of the code indicates that carriage style and decorative are independent styles of doors. The City Council can determine how to interpret the wording of the agreement. The architecture exhibit contains two elevations of the stacked units with one having a 3/12 pitch roof and the other as a flat roof. The current code prohibits the flat roof design. The applicant is required to build the sloped roof design but the flat roof has been included to show how the proposed building would appear if a flat roof was an option. The trend in architecture of this type of unit is flat-roof construction and the Council may want to entertain adding standards for flat-roof designs to the Municipal Code. The applicant has submitted a clubhouse plan with an 810-square-foot fitness room, 500 square feet of combined restrooms, and a 538-square-foot covered patio, which

equals 1,848 square feet. The Municipal Code also requires food serving areas, which the proposed clubhouse does not have. However, as Harmony is built out, other amenities and facilities will be constructed that will be accessible to Harmony residents.

Mr. Stroud reviewed the areas in the public right-of-way in need of vacation and explained the applicable traffic patterns.

Mr. Stoud stated the Planning Commission recommended approval to the City Council of the site plan for Harmony Multifamily with a unanimous vote and the following conditions:

1. The clubhouse shall provide a food servicing area;
2. The roofs shall be pitched;
3. There shall be carriage doors on the garages;
4. Fireline clarification in front of Buildings J and K shall be provided; and
5. The lighting shall meet Eagle Mountain Municipal Code standards.

Councilmember Love objected to counting the patio area as amenity square footage as it is only usable part of the year.

Applicant representative Bronson Tatton stated the patio can be enclosed to be able to be used year-round. He will consider ways to incorporate a food service area. They can work with the adjacent property owner regarding the timing of the perimeter masonry fencing installation. He asked to be able to install a rail fence between the front of the multifamily units and Walden Parkway. They are amenable to a vacation of the right-of-way south of Daniel Street in addition to the area east of Delta Street and will prepare the legal description in accordance with the decision of the Council.

Mayor Pro Tempore Wright opened the public hearing at 8:29 p.m. As there were no comments, he closed the hearing.

Discussion ensued regarding the flat-roof and pitched roof design options and the benefits of higher ceilings and roof-top amenities with the flat-roof design and considering amending Municipal Code to permit taller building heights limited to three stories.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving a vacation of public right-of-way in the Harmony Phase A, Plat 5 Subdivision with both areas being vacated as shown in the exhibit and a legal description of the areas shall be provided. Councilmember Love seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
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☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

19.B. SITE PLAN – Harmony Phase A, Plat MF1

MOTION: *Councilmember Burnham moved to approve the site plan for Harmony Phase A, Plat MF1 with the following conditions:*

- 1. The clubhouse shall provide a food servicing area;*
- 2. Fireline clarification in front of Buildings J and K shall be provided;*
- 3. The lighting shall meet Eagle Mountain Municipal Code standards;*
- 4. The entire square footage of the patio area shall be enclosed; and*
- 5. A six-foot masonry fence shall be constructed on the northern boundary between the single-family units and the eastern boundary between the commercial uses.*

Councilmember Curtis seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

20. MOTION

20.A. MOTION – Scarlet Ridge Estates Fencing Waiver Request

This item was removed from the agenda at the request of the applicant.

21. ORDINANCES

21.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 2.19 Director of Legislative Affairs Regarding the Duties of the Position.

This item was presented and discussed prior to item 18.A.

City Attorney Marcus Draper presented the item stating the proposed amendment adds the additional duty of tracking overlay zones and ensuring overlay zones are reviewed by the City Council at least once every four years.

MOTION: *Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 2.19*

*Director of Legislative Affairs Regarding the Duties of the Position.
Councilmember Love seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

22. LEGISLATIVE ITEMS

22.A. UPDATE – Legislative Priorities List

Director of Legislative Affairs Clifford Strachan updated the City Council on the progress of the Legislative Priorities list.

Staff and the City Council decided to be more specific in prioritization levels and to divide the list into short-term and long-term projects.

MOTION: *Councilmember Burnham moved to add parking and storage size requirements, condo height standards and rooftop amenities, and a standardized City background for virtual meeting participants to the Legislative Priorities List.
Mayor Pro Tempore Wright seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

23. CITY COUNCIL/MAYOR'S BUSINESS

City Engineer Chris Trusty presented a Transportation Project Update on the following projects:

- Light Signals on Woodhaven Boulevard, Majors Street, and Stonebridge Lane;
- Silver Creek Way;
- Mid Valley Widening;
- Mid Valley Extension;

- Old Airport Road;
- Ranches Parkway Free Right Turn and High T; and
- Mid Valley Road.

24. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Love

None.

Councilmember Curtis

None.

Councilmember Burnham

Councilmember Burnham stated the Youth Council will meet with up to three candidates to fill the Youth Council Member vacancy due to Gabbi Pengra moving.

Mayor Pro Tempore Wright

Mayor Pro Tempore Wright stated Ms. Kofoed is facilitating a joint meeting with the Cemetery Advisory Board and American Legion Post 111 regarding potential projects to honor veterans at the cemetery. The Senior Citizen Advisory Council will be holding an event for residents to meet the candidates in the Municipal Election.

25. COMMUNICATION ITEMS

25.A. Financial Update

25.B. Upcoming Agenda Items

26. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn at 9:34 p.m.*
 Councilmember Love seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
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☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

The meeting was adjourned at 9:34 p.m.

Approved by the City Council on October 3, 2023.



Fionnuala B. Kofoed, MMC
City Recorder