



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

August 15, 2023, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Cliff Strachan, Director of Legislative Affairs; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Fionnuala Kofoed, Assistant City Administrator/City 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; Eric McDowell, Chief Deputy Sheriff; B.J. Eccles, Sergeant; Terrence Dela Pena, Finance/Management Analyst; Natalie Winterton, Grants Coordinator/Management Analyst; and Emily Osborn, Master of Public Administration Intern.

CITY STAFF PRESENT ELECTRONICALLY: Angela Valenzuela, Human Resource Manager; Chas Glenn, Administrative Assistant; Elizabeth Fewkes, Recording Secretary; and Michele Graves, Library Director.

Mayor Westmoreland called the meeting to order at 4:05 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

Economic Development

- Retail establishments have expressed interest in the new Porter's Crossing Town Center commercial area, the Ranches Crossing commercial area, and the Fieldstone Homes Eagle Mountain Boulevard commercial area.
- Vitalogy's Grand Opening will be on August 17th at 4:00 p.m. The Wholly Macro Grand Opening is scheduled for August 31st at 4:00 p.m. Other recently opened businesses include Peppy Paws, Subway (City Center), and Prime Nails.
- Staff presented recommended modifications to Municipal Code specific to hotel development to the Planning Commission. Revisions are underway and will be presented again to the Planning Commission in the coming weeks.

Engineering

- Backfilling is continuing this week at the Tickville Crossing at Silver Creek Way. Storm drain is being installed through the backfilling process and it will likely take three weeks for completion.
- Paving at the Ranches Parkway and Pony Express Parkway intersection is now complete. Striping will take place today and the intersection is expected to be fully open prior to tomorrow.
- The Mid Valley Road widening project is continuing. The existing pedestrian crossing and existing drive lanes will remain open through construction. The crews are currently installing storm drain with paving planned the week of September 28.
- The City has legal descriptions for the Mid Valley Road west extension to the Eagle Mountain Boulevard project to be used to generate appraisals for right-of-way acquisition. The 95% completion design package is currently being reviewed by City staff.
- Well 8 – the top 200 feet is being grouted this week prior to test pumping.
- Well 7 – Grimshaw should be mobilized to the site within the next couple of weeks.
- The Pony Express booster pump is waiting for an electric meter to be placed by Rocky Mountain Power.
- The design for the Old Airport Road north section has a completed preliminary alignment which is currently being reviewed by staff and will be forwarded to the City Council. The City is working to secure right-of-way for the project.
- City staff has been working with the Alpine School District on a sewer design for the new middle school north of Wride Memorial Highway. The school district will be upsizing the sewer based on the City master plan which will allow the City to connect the Lone Tree lift station to this line. The sewer line will need to be installed prior to the Old Airport Road project.
- Design work has begun for a bypass for the Lone Tree lift station which will allow flows from the lift station and new flows from the surrounding area to be routed to Old Airport Road and into the City's treatment facility. Existing landowners have already been contacted for needed easements for this project.
- The Ranches Parkway North free right turn lane design has been submitted to the Utah Department of Transportation (UDOT) for review. The City's consultants have received preliminary comments and will be waiting for final comments by the end of this week. The request by the City is for a deviation on shoulder widths to match the existing conditions, but UDOT has some concerns with that. The City will be required to submit a right-of-way encroachment permit to UDOT.
- The Ranches High "T" intersection design is at 50% completion.
- The White Hills Well upgrade 90% bid package has been submitted to the City for review. Once all comments have been addressed the project will go out to bid.
- The base for the sidewalk and curb at the Walden Park street project has been installed. Crews will be installing storm drain through next week.

Streets and Stormwater

- City staff monitored the traffic today for the first day of school at John Hancock Charter School. There was significant backing in the morning and afternoon on Lake Mountain Road. Construction on Tiffany Lane is expected to be finished by Wednesday afternoon and open to school traffic by Thursday morning. This will provide two access points; however, with no

busing, there are still concerns about high traffic flows. City staff will continue to monitor traffic after Tiffany Lane is opened. Staff have been communicating with and will continue to communicate with the charter school staff about possible traffic flow improvements around the school itself.

- With Alpine School District Schools beginning tomorrow, the City will be monitoring all other schools in the City for the next week or two.

Parks, Recreation, Events, and Cemetery

- Staff have received redline plans for Walden Park Observatory and the building permit. Staff will put together a request for proposal (RFP) for the project to determine the actual cost of the project. Donations will cover the cost of the project and fee-in-lieu funds are available to use for the park if desired by the Council.
- Currently at Smith Ranch Park the contractor is installing underground utilities and electrical. The landscape company has begun work on installing an irrigation line within the park. Also, there has been progress on curbing the parking lot on the east end of the park off Porter's Crossing Parkway.
- Staff has scheduled a presentation for the off-street trails plan as a discussion item at the September 19, 2023, City Council Meeting.

Public Utilities

- Total Dissolved Solids (TDS) Monitors are being installed at Well Houses 1, 2, and 3.
- The average TDS for the month of July was 545 ppm (parts per million).
- The leak at Cedar Pass Road was due to a failed service saddle.
- The Leak at Hidden Valley Parkway was due to a failed tapping saddle.
- SL-Rat, the sonar inspection for the waste water lines, is close to wrapping up.
- The generator at White Hills is in the process of being returned.

Community Development

- In August, 39 new, single-family residential permits were issued and 63 are in for review.
- Commercial permits were issued for Jersey Mike's, Swig, Mountain America Credit Union, and Walden Park Observatory.
- Certificates of Occupancy were issued for Clipperz Barbershop and the Clubhouse in the Eagle Point Townhomes.
- The City is nearing a decision on a preferred candidate for the Planning Director position. Mayor Westmoreland will be contacting the Council in the near future to allow adequate time for review prior to approval/appointment.

Deputy City Administrator/Community Development Director Steve Mumford provided an update on the progress of the City zoning map.

1.B. DISCUSSION – REDKOR Branding Survey

Rushford Lee with Redkor reported that since the previous meeting with the City Council, they have researched the benefits and attributes of the City attractive to and the emotions that are driving City constituents. Residents tend towards positive feelings about Eagle Mountain, with 74% giving positive responses for "Refer a Friend." That said, 26% expressed concerns.

The results of their findings included:

- Features and attributes that resonate the most: Proactive infrastructure, small town feel with first-rate amenities, nature, and outdoor recreation were at the top of the list.
- The benefits of living in the City that resonate most: A safe and peaceful community was the most important. Manageable living expenses came second.
- Emotions they feel because they live in the city: A connection to nature and a feeling of security resonated most.
- Why they would or would not refer a friend to the City: There were several positive comments about the friendly community, open spaces, rural feel, and nature nearby. Yet, many expressed frustration at cramped housing, rapid growth, and traffic/roadway issues. Potentially improved open spaces with additional parks, trails, and recreational areas can balance out small yards and limited personal space for many residents.
- What would make current residents want to stay long term in Eagle Mountain: Fixing traffic issues while maintaining a small-town feel are top priorities for many. Business growth, infrastructure, outdoor recreation, and a connection to nature are also important aspects for keeping residents long-term.
- What idea Eagle Mountain should focus on for the City brand: Most suggested access to natural beauty and the great outdoors and or a balance between growth, progress, and a small-town atmosphere.
- What City leaders should prioritize: Among the given options, nature preservation and recreational programs are top suggested priorities for City leaders to focus on.

1.C. DISCUSSION – Public Art Code

Grants Coordinator/Management Analyst Natalie Winterton presented the item. Public art is artwork located in a public place on land or in a building owned by Eagle Mountain City. Public art shall encompass the broadest possible range of expression, media, and materials. The purpose of the proposed standard for public art is to set standards to ensure and govern impartiality, consistency, legality, maintenance, and deaccession. The location of art should be emphasized on gathering places, accessible to the public, balanced distribution, and consider safety and ease of maintenance. She reviewed procedures and selection criteria for art obtention, gifts and loans, memorials, management, and deaccession.

Councilmember Curtis confirmed with staff that all art requires Council approval and expressed concern with political art creating division among residents. He recommended adding the ability of the City to have discretionary power to deny public art that is divisive. He requested to remove the City Administrator from EMMC 12.35.050(B)(2)(e), “The proposed site for the memorial is related to its purpose as designated in a master plan or other approval of the City Council or City Administrator as a particularly appropriate site,” to protect the City Administrator from any political fallout for the decision.

Mayor Westmoreland stated that he supports art; however, he desires to space art throughout the community so that it does not replace open spaces.

Councilmember Love expressed concern with EMMC 12.35.010(O), “PUBLIC ART means artwork located in a public place on land or in a building owned by Eagle Mountain City. Public

art shall encompass the broadest possible range of expression, media, and materials,” being used against the City Council to allow all types of art and desires to have the ability to reject art that is objectionable or political.

Councilmember Wright noted that art has the ability to become a landmark and statement piece that people identify a City by that can bring beauty and be an asset. He supports easy-to-maintain pieces that represent the community and agrees with avoiding political statements. He advised including insurance requirements, liability, and theft considerations for art items on loan in the standards.

Ms. Winterton explained that terms addressing insurance, liability, and theft would be established in a contract prior to accepting artwork on loan.

Director of Legislative Affairs Cliff Strachan noted that some cities have a Public Arts Board that reviews applications and makes recommendations and obtains maintenance funding. Art that has met with public objections initially in other cities has later been embraced by the community and become iconic. Some individuals are likely to dislike any proposed art due to variances in personal preferences. Artwork requirements should focus on whether the art is tasteful or intentionally objectionable or controversial in nature.

Discussion ensued exploring verbiage amendments to address the concerns raised by the Council.

1.D. UPDATE – Resident Survey Results

City Intern Emily Osborn presented the results of the resident survey held from June 22 to July 21, which received 1,227 submissions. Themes surrounding the reason residents most like living in Eagle Mountain included small town/rural feel, open space, recreation, and cost of housing. The most desired changes are roads/traffic management, infrastructure keeping up with growth, and larger homes/lower density. She reviewed the resident ranking of elected officials and City staff. Residents expressed difficulty in navigating the City website, the feeling they need to use Facebook to get information, and requests for more functionality in calendaring, construction, and planning maps. Data was collected considering resident opinion on existing and continuing implementation of the City’s strategic goals: diverse economic growth, robust infrastructure networks, unique reputational evolution, proactive generational planning, interactive environmental stewardship, and dynamic service enhancement.

1.E. DISCUSSION – 2023 Water Rate Study

Finance/Management Analyst Terrence Dela Pena presented the water rate study objectives, water rate analysis, summary of operations, and operational efficiency data. Data was gathered from May 2022 to April 2023. Contracted water from the Central Utah Water Conservancy District, debt service, inter-fund transaction, and depreciation were added as new line items in the rate calculations.

Cost increases include:

- \$295,712 (42.86%) – personnel turnover,

- \$47,818 – overtime due to water breaks and repairs,
- \$106,232.38 – Well 1 repairs,
- \$316,643.50 – Well 5 repairs,
- \$152,648.53 – Golf Course Well,
- \$78,000 (\$6,500 per month) – White Hills Well upgrade generator, and
- \$701,760 – using the take-down schedule and allocating purchase water as an expense.

The City has a deficit in covering operating expenses using the base and consumption rates. If the City continues increasing the water rate by 4% annually, the fund balance will be negative by Fiscal Year 2027. Staff recommends setting a base rate in conjunction with the water meter size and adjusting base rates on meter equivalent ratios based on water capacity as recommended by the American Water Works Association. The consumption rate will increase by 14% in Year 1 and 12% in Years 2 through 4. With the new base rate, the City fund balance will meet the 50% threshold and start to increase by 2030. The starting base rate will remain at \$25.50. The consumption rate will increase by 14%. Residents would see between a \$3.75 to \$15.35 increase on their monthly bill during the summer months depending upon water usage.

Additionally, staff recommends:

1. Examining water rate structure as part of the budget development process as water rates have a short life span.
2. Ensure the City is getting paid for every gallon produced or purchased. Continue conducting water audits to identify and minimize unpaid gallons to control costs and boost revenue.
3. Maximize the useful life of assets. Using asset management can help us see the big picture and how to plan and finance carefully for our water system.
4. Educate the public about how our water system works and the cost of providing this service.

City Administrator Paul Jerome explained changes to the Consolidated Fee Schedule and how the City charges developers for water.

Discussion explored the following:

- Increased charges to developers for new water purchases;
- The inability of the City to back-charge developers for operations, maintenance, and repair expenses;
- Fund balance status and decline;
- Steps needed to prevent a negative fund balance; and
- Drilling a new well instead of overhauling Well 1 allowed funding to be sourced from impact fees resulting in a temporary excess in the fund balance that will be depleted by 2027 should the City continue increasing the water rate by 4% annually.

Councilmember Curtis inquired if the City could be less aggressive with the rate increases in consideration of current economic financial hardship to residents.

Mr. Jerome explained that staff were sensitive to economic challenges in their recommendation; nevertheless, the City must consider the needs of both the water and sewer systems. When bonding, the City usually pledges both funds as revenue or uses one as collateral for the other. Unforeseen

repair costs could impact the fund balance. This trajectory will assist the City in being responsive in maintaining and repairing the system as it ages. Should costs be lower than anticipated, the City could adjust or pause rate increases.

Councilmember Love noted that the increases did not result in a high-cost difference for most households.

Councilmember Wright requested for the Council to be given a periodic status report to make adjustments to the rates as merited.

1.F. DISCUSSION – Repeal of RTI Zone's Sunset Date

City Attorney Marcus Draper explained, per EMMC 17.48.110, the Regional Technology and Industry Overlay (RTI) will automatically be repealed on May 31, 2025, unless the City Council either extends the deadline through an amendment to Municipal Code or repeals the section. A business that intends to utilize the RTI Overlay Zone in its future plans feels the automatic repeal date will be a deterrent for the economic development of the parcel. They have requested the removal of the repeal date to prevent them ending up with a nonconforming use with contractual rights which they feel would make their property less marketable. The City Council still retains the authority to repeal the RTI Overlay at any time they desire.

Councilmember Burnham explained that the City has repealed other overlays that became problematic once the issues arose.

Councilmember Curtis expressed concern with the level of transparency with the RTI Overlay Zone. Setting a review date would ensure Council oversight especially as the RTI Overlay was intended to spur initial economic growth but not to be zoning available in perpetuity.

Discussion ensued regarding the impact of the repeal of the RTI Overlay on properties approved with the zoning, rights retained through grandfathered status and development agreements, and applicant concerns with the impact on marketability of their project if the overlay is repealed resulting in a nonconforming use and rights.

Mr. Jerome recommended repealing the Sunset Date and retaining a review date.

City Attorney Marcus Draper explained that the applicant is also concerned with the potential impacts on the project of a scheduled review date.

Discussion considered the benefits and concerns with the RTI Overlay Zone, the sunset clause, and mandatory review; and possibly amending Municipal Code to clarify a repeal of the overlay would only impact new projects and land with the overlay would retain all the current rights.

1.G. Discussion – Golf Course Netting

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. The construction of homes adjacent to a golf course will always lead to a conflict between structures and errant golf balls. Several factors come into play to create such conflict. Among these are the proximity of the structure to the golf course, the layout of the course, and the skill of the golfer. Standard policy with golf courses is the golfer, not the course owner, is the responsible party for any private property damage. Municipalities with golf course netting standards are very limited.

Mr. Stroud proposed the addition of the following standards to Eagle Mountain Municipal Code 17.60.120 General Fencing Provisions, noting that the Planning Commission had suggested the removal of 17.60.120(K)(8) during the work session review of the standards during a previous meeting:

K. Golf Course Netting. Netting along a golf course to reduce conflict of golf balls and personal property or residents may be constructed with the following standards:

1. Maximum height shall be 75 feet in commercial zones and 50 feet in residential zones.
2. Netting shall have the ability to be removed or lowered during the non-playable winter months.
3. Issuance of a building permit prior to construction.
4. Shall not be located in a Public Utility Easement.
5. Shall be maintained in a safe condition.
6. Permitted on property when next to a golf course and placed within 20 feet of the common property line of the golf course and the adjacent property.
7. May extend 50 feet along a side property line as measured from the rear property netting location.
8. Property owners shall carry sufficient insurance coverage in the case of the structure falling over due to, but not limited to, vandalism, act of nature, or deterioration. Proof of insurance shall be submitted at the time of the building permit application.

Resident Darren Gillespie explained that approximately 1,500 golf balls enter their property each year. The balls that land in the parking lot come over the Direct Communication building at a trajectory not protected by the net along the back of their property.

Mr. Draper verified that if the netting is permitted in Municipal Code, Mr. Gillespie would need to obtain an agreement with the owner of the property where he desires to erect nets to protect his property.

1.H. DISCUSSION – Solar Panel Protection

Due to time limitations, this item was not discussed during the meeting.

2. AGENDA REVIEW

Due to time limitations, this item was not discussed during the meeting.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn to a closed executive session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, annotated. Councilmember 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>
☒ <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 meeting was adjourned at 6:31 p.m.

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Marcus Draper, City Attorney; Cliff Strachan, Director of Legislative Affairs; Kimberly Ruesch, Finance Director; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Lianne Pengra, Chief Deputy Recorder; Chris Trusty, City Engineer; Zac Hilton, Streets and Storm Drain Manager/Parks and Recreation Manager; Eric McDowell, Chief Deputy Sheriff; and Natalie Winterton, Grants Coordinator/Management Analyst.

CITY STAFF PRESENT ELECTRONICALLY: Tyler Maffitt, Communications Manager; Mack Straw, Public Utilities Manager; Brad Hickman, Public Works Director; Embret Fossum, Unified Fire Authority Battalion Chief; and Elizabeth Fewkes, Recording Secretary.

4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:37 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Wright led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Eagle Mountain City invites residents to our next Movie in the Park. The City will be showing “National Treasure” on Friday, August 18th at 9:00 p.m. at Silverlake Amphitheater. Free popcorn will be available while supplies last.
- Eagle Mountain City would like to wish local students good luck with back-to-school activities.
- The City is still looking to hire crossing guards for the 2023-2024 school year. Residents interested in becoming crossing guards are encouraged to visit City social media to apply now.
- Tooele Army Depot south range will continue to conduct open detonations through October of this year. For information on blasting schedules, please check Eagle Mountain City's 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 7:39 p.m.

Joyce Hasting with Care About Childcare at Utah Valley University, a resource and referral agency for the State of Utah, and Andrew Jones, a parent of a child receiving childcare at A to Z Building Blocks, spoke in favor of the addition site plan.

Darrin Gillespie presented a graphic to demonstrate the safety hazards and property damage they have experienced from golf balls being hit at their building and into the parking lot in relation to Eagle Mountain City considering adopting standards for golf ball netting.

Mayor Westmoreland closed public comment at 7:49 p.m.

8. CITY COUNCIL/MAYOR’S ITEMS

Councilmember Gray

Councilmember Gray expressed appreciation to and respect for the residents and staff and encouraged them to speak their minds even if they disagree with the Council.

Councilmember Burnham

Councilmember Burnham stated that she appreciates the willingness of residents to participate in the process through all methods.

Councilmember Love

Councilmember Love echoed the appreciation to staff for the quality of their research and presentations that assist them with solving the issues the City is facing. She thanked residents for attending to speak on items that are important to themselves or in support of others.

Councilmember Wright

Councilmember Wright welcomed the meeting participants and thanked the Eagle Mountain Nature and Wildlife Alliance for the community event they organized last weekend. He is grateful for the efforts the citizens make to improve the community.

Councilmember Curtis

Councilmember Curtis thanked everyone for attending.

Mayor Westmoreland

Mayor Westmoreland shared that 13 Ways to Kill Your Community by Doug Griffiths, a book he has recommended that staff, elected officials, and the public read, discusses the importance of water to the success of the City. Eagle Mountain strives to prioritize water needs.

CONSENT AGENDA

9. AGREEMENTS

- 9.A. 9.A 2024 Ford F-250 Truck – Ken Garff Ford (State Contract)
- 9.B. First Amendment to the Donation Agreement between Oquirrh Wood Ranch LLC, Boy Scouts of America, and Eagle Mountain City.
- 9.C. Lobbyist Services Agreement – Legislative Executive Consulting, LLC

10. BOND RELEASES

- 10.A. Overland Village 2 Phase A, Plat 1 – Into Warranty
- 10.B. Scenic Mountain Phase C, Plat 3 – Into Warranty
- 10.C. Overland Phase C, Plat 2 – Out of Warranty
- 10.D. Overland Phase C, Plat 3 – Out of Warranty
- 10.E. Overland Phase C, Plat 4 – Out of Warranty
- 10.F. Spring Run Phase B, Plat 4 – Out of Warranty
- 10.G. Spring Run Phase B, Plat 5 – Out of Warranty
- 10.H. Spring Run Phase C, Plat 2 – Out of Warranty

11. MINUTES

- 11.A. August 1, 2023 Minutes – Regular City Council Meeting

12. PRELIMINARY PLATS & SITE PLANS

12.A. SITE PLAN – A to Z Building Blocks Addition

12.B. SITE PLAN – Eagle Mountain Pet Care

13. RESOLUTIONS

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Accepting Entitlement Status for the Community Development Block Grant Program.

13.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Consenting to the Appointment of Jayme Blakesley to the Employee Appeal Board for a Two-year Term, Through July 2025.

MOTION: *Councilmember Burnham moved to approve the consent agenda removing items 9.B., 9.C., 12.A., 12.B., and 13.A. and placing them as scheduled items. 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>
☒ <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.

Assistant City Administrator/City Recorder Fionnuala Kofoed administered the oath of office to Jayme Blakesley appointee to the Employee Appeal Board.

MOTION: *Councilmember Wright moved to adjourn the meeting at or before 10:30 p.m. 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>
☒ <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

- 9.B. First Amendment to the Donation Agreement between Oquirrh Wood Ranch LLC, Boy Scouts of America, and Eagle Mountain City.

City Attorney Marcus Draper explained that in the Amended and Restated Master Development Agreement (ARMDA) there are provisions in relation to this property that if the City transfers the land to the developer, 100 acres will be developed as open space. If the land is not transferred to the developer, the 100 acres will be reduced from their open space requirements. The land had been donated to the Boy Scouts of America (BSA) by Oquirrh Wood Ranch (OWR) and the land has never been owned by the City. Rather than a set timeframe for the development of this land, the ARMDA conditions the amount of money spent on open space and amenities improvements to the number of units allowed to be built during the development of the project.

Mayor Westmoreland explained that the BSA is unable to utilize the land for a camp, and the funds from the land will assist with supporting other Boy Scout camps.

Applicant representative Chase Andrizzi cited a portion of the ARMDA regarding the City and the master developer anticipating entering into an agreement with BSA. They made commitments concerning improving the open space if the land reverted to them. They intend to continue cutting trails on the property. The BSA has agreed to return the land to OWR in exchange for payment of \$250,000 for the investments BSA has made in attempting to fulfill their obligations to improve the land while respecting the City's reversionary interest in the property. He has discussed with Mr. Draper the addition of a reversionary interest in the deed from BSA to OWR that states that if OWR fails to improve the land and fulfill their obligations in the agreement within a 20-year period the land will be returned to the City.

Discussion delineated the terms of the agreement.

City Administrator Paul Jerome stated that he has requested for the 15-acre campground area within the property to be increased without interfering with any of the other amenities.

Mr. Andrizzi stated that they are willing to explore ways to potentially augment the campground area; however, that would be a part of the ARMDA rather than this agreement, and they desire to keep negotiations for this agreement separate from the ARMDA. Community Plan 3-05 addresses the BSA property in Regional Park C and provides additional details.

Discussion clarified the changes needed to this and other agreements to include a revisionary clause.

Applicant representative David Vitek presented a plan to add additional group campsites, if community demands merit more, but the campsites would use funds allocated elsewhere and result in the removal of other amenities in the current plan.

MOTION: *Councilmember Love moved to approve the First Amendment to the Donation Agreement between Oquirrh Wood Ranch LLC, Boy Scouts of America, and*

Eagle Mountain City with the condition that the parties meet and make amendments to the agreement that state that the property will be deeded to Eagle Mountain City in 20 years if the property has not been approved and deeded to the City before that time. Councilmember Curtis seconded the motion.

AMENDED MOTION: *Councilmember Love moved to approve the First Amendment to the Donation Agreement between Oquirrh Wood Ranch LLC, Boy Scouts of America, and Eagle Mountain City with the conditions:*

- 1. That the parties meet and make amendments to the agreement that state that the property will revert to Eagle Mountain City in 20 years if the property has not been improved and deeded to the City before that time; and*
- 2. If the developer defaults on the development agreement resulting in a termination of the Amended and Restated Master Development Agreement, the reversion shall occur prior to 20 years.*

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>
☒ <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.

9.C. Lobbyist Services Agreement – Legislative Executive Consulting, LLC

Mayor Westmoreland expressed concern with the inefficiency of reviewing items when the Council has already determined a course of action.

Councilmember Wright stated that he disagrees and feels that Exhibit A Section 4, “This Agreement shall be effective from August 15, 2023 through August 31, 2024. The parties may mutually agree, in writing, to extend the term hereof,” is problematic. He has no objection to the renewal of the contract nor the term dates but feels it is important to define who the parties are that are referenced.

Mr. Draper stated that he is uncomfortable with the term “parties,” because the City Council is a part of the City not a separate legal entity. Should the Council determine to require their approval, they could add the following to Exhibit A Section 4 “The Eagle Mountain Municipal Council must authorize any extension of the term of this agreement.” He explained that the amount of the contract had been approved by the City Council in conjunction with the budget approval with the understanding that the intended use of the funds in the budget approval was for the renewed agreement. The line is a little blurred in a six-member council form of government between administrative acts and the Council’s residuary executive powers. This is not a legislative act; the

legislative act was approving the budget. Nevertheless, it is within the purview of the City Council to add the clause requiring Council approval for contract renewals.

Councilmember Wright stated that there has been a lapse period between the expiration of the previous contract and the approval of this contract. He disagrees with Mr. Draper's assessment and desires for the agreement to require City Council approval.

MOTION: *Councilmember Wright moved to approve a Lobbyist Services Agreement – Legislative Executive Consulting, LLC adding to Exhibit A Section 4, "The Eagle Mountain Municipal Council must authorize any extension of the term of this agreement." Councilmember Curtis seconded the motion.*

Discussion expounded on Councilmember concerns about the contract approval process and clarified that the City has been pleased with the services provided by the consultant.

Mr. Jerome noted that he is in frequent contact with the consultant and that the consultant is amenable to providing quarterly presentations.

<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.

Councilmembers Gray and Curtis requested further division of budgetary items to allow the Council to better understand the specifics of fund allocation.

Staff verified that the approval of the contract amount had been included as an individual line item listed under professional and technical services in the legislative budget.

12.A. SITE PLAN – A to Z Building Blocks Addition

Discussion reviewed the criteria for allowing up to 50% shared parking, including a shared parking lease agreement which the applicant has provided, and a traffic study which the applicant has not provided. The shared parking lease agreement is required to be in perpetuity and the one provided allows for either party to terminate the agreement with a 30-day notice.

Councilmember Gray expressed concern about the impact of the approval should any of the uses change to businesses requiring more parking and asked if the concerns could be addressed through business licensing.

Assistant City Administrator/City Recorder Fionnuala Kofoed cited EMMC 5.05.220, "No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or act,

if the premises and building to be used for the purposes are not in compliance with the building, land use, fire, and development code requirements of the city. No such license or permit shall be issued for the conduct of any business or performance of any act that would involve a violation of the building code, fire code, or development code of the city.”

Mr. Draper explained that the Municipal Code section cited would prevent a business license from being issued if the business failed to comply with City standards including parking. For this application to meet the parking requirements, the applicant needs to have a shared parking agreement in perpetuity and provide a traffic study. Future uses would also be required to meet the parking requirements applicable to those uses independent of this approval.

MOTION: *Councilmember Burnham moved to table the site plan for A to Z Building Blocks Addition until the applicant can provide a traffic study and meet the parking lease agreement requirement. Councilmember Wright seconded the motion.*

The Councilmembers discussed their comfort levels with allowing 50% of the parking to be shared with consideration of the availability of street parking. They determined to withhold a decision until the traffic study was completed and evaluated.

<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.

12.B. SITE PLAN – Eagle Mountain Pet Care

Councilmember Burnham inquired about the buffering and fencing along the property boundaries.

Councilmember Love stated that she has an issue with the fencing and the driveway location’s proximity to the roundabout. She requested a drawing that displays the location of the access in relation to the roundabout.

City Engineer Chris Trusty agreed with concerns regarding the driveway access and indicated it would be preferable to have it located farther from the roundabout.

Planner Steven Lehmitz said the developer has ordered the decorative concrete-style fence and plans to install it along the north property line. Per the development agreement, the fence should have already been installed.

Mr. Mumford explained that the fence will be placed along the boundary of this property, rather than the City’s property line adjacent to the residential area, to allow the residents access to a future

City trail. He will provide information regarding the fencing materials to the Council for them to determine if it complies with City standards.

Discussion considered the measurement locations to evaluate if the measurement between the roundabout and driveway access meet the distance requirements found in EMMC 16.35.130(b).

Councilmember Wright noted that animals will only be allowed to be kept overnight for treatment purposes and the facility is not permitted to offer boarding. He requested a trellis or other door covering on the north and east elevations.

Mr. Lehmitz stated that fencing will screen the north elevation.

MOTION: *Councilmember Curtis moved to table the site plan for Eagle Mountain Pet Care. 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>
☒ <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.

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Accepting Entitlement Status for the Community Development Block Grant Program.

Grants Coordinator/Management Analyst Natalie Winterton presented the item and reviewed the City's history with the Community Development Block Grant (CDBG) Program. She explained the differences between having an independent City program and partnering with the County and the grant timeline. The City has a yearly option to withdraw from the program with no consequences financially or on future eligibility. Individuals that qualify for low-to-moderate income (LMI) programs earn 80% or less than the Area Median income and/or are elderly, severely disabled adults, homeless persons, illiterate adults, migrant farm workers, abused children, persons with AIDS, or battered spouses. The AMI in Eagle Mountain is \$73,594 (80% of \$91,993) and Utah County is \$66,314 (80% of \$82,893). Areas of the City where there are 51% or more LMI persons can benefit from the grant. The objectives of the grant are to benefit LMI persons, aid in the prevention or elimination of slums or blight, and meet a need having a particular urgency. CDBG funds can be used for senior centers, handicapped centers, parking facilities, crime awareness, housing counseling, fire station/equipment, youth services, energy efficiency improvements, tree planting, or water/sewer improvements. Applicable legislative priorities include Old Airport Road and Mid Valley Road improvements, a City-wide trail network plan, powerline corridor development, a Moderate Income Housing Plan regarding Mortgage Assistance Program, and a City food orchard.

Jessica DeLora with Mountainland Association of Government (MAG) stated that during her 15 years working with CDBG, there has never been a requirement for participants to make changes to Municipal Code or sustainability goals. The entitlement communities in Utah Valley work together. She offered for MAG to provide support and partner with Eagle Mountain in the setup process.

Mr. Jerome clarified that the City Council would retain their authority as the decision makers even if MAG were to manage the program on their behalf.

Director of Legislative Affairs Cliff Strachan noted that the City would need to meet budgeting revenue, expenditures of the funds, and recording requirements.

MOTION: *Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, accepting entitlement status for the Community Development Block Grant Program. Councilmember 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.

14. CLEVERLY COURT SUBDIVISION

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands Known as Cleverly Court to the Foothill Residential Zone.

Items 14.A. and 14.B. were presented and discussed concurrently.

Mr. Hobbs presented the item. In May, the City was contacted by one of the applicants about building a home on a 1.25-acre parcel of land, Utah County Assessor No. 59:007:0122, addressed as 4264 North Cedar Valley Drive, which adjoins Eagle Point J Subdivision at the northeast end of North Cedar Valley Drive. Ensuing discussions revealed the need for the applicants to begin the process of seeking a rezone from Agriculture to Foothills Residential (FR), and an associated preliminary plat application to facilitate the creation of a one-lot residential subdivision on the same property. An application package was subsequently received from the applicants to initiate that effort. The development review committee (DRC) review of the proposed one-lot plat has already been conducted.

Finding that the proposed rezone and associated preliminary plat comply, or substantially comply within acceptable limits, with Municipal Code policy recommendations and requirements, for the reasons stated in the staff report, staff suggests that the Planning Commission advance a favorable

recommendation to the City Council respecting the proposed rezone and preliminary plat approvals contingent upon:

1. Applicants and project conformance to corrections required by the DRC, including corrections of stated setbacks on plat to reflect Foothills Residential zoning inclusion of required utility easements, revision of callouts for front property line, and street centerline.

Staff recommends a second condition that the right-of-way in front of the proposed lot shall be 59 feet rather than 53 feet.

Mayor Westmoreland opened the public hearing at 9:31 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, rezoning certain lands known as Cleverly Court to the Foothill Residential Zone with the following conditions:*

1. *Applicants and project conformance to corrections required by the DRC, including corrections of stated setbacks on plat to reflect Foothills Residential zoning, the inclusion of required utility easements, revision of callouts for front property line, and street centerline; and*
2. *The right-of-way in front of the proposed lot shall be 59 feet rather than 53 feet.*

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>
☒ <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.

14.B. PRELIMINARY PLAT – Cleverly Court Subdivision

MOTION: *Councilmember Curtis moved to approve the preliminary plat for Cleverly Court Subdivision with the following conditions:*

1. *Applicants and project conformance to corrections required by the DRC, including corrections of stated setbacks on plat to reflect Foothills Residential zoning, the inclusion of required utility easements, revision of callouts for front property line, and street centerline; and*
2. *The right-of-way in front of the proposed lot shall be 59 feet rather than 53 feet.*

Councilmember Wright seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
-------------------------	------------------------	-------------------------	---------------------

☒ 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 recess the meeting at 9:33 p.m. Councilmember Wright seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ 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 recessed from 9:33 to 9:40 p.m.

15. ORDINANCE/PUBLIC HEARING

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Section 17.70.030 Accessory Dwelling Unit Standards.

Mr. Lehmitz stated that there have not been any changes to the application since the previous Council review. The passing of Senate Bill 174, during the most recent Utah State Legislative Session, amended USC 10-9a-530 to make it so municipalities could not restrict internal connectivity for attached ADUs. The purpose of this amendment is to better align Municipal Code with Utah State Code to clearly reflect that the City will continue to not require internal connections of attached ADUs.

Mayor Westmoreland opened the public hearing at 9:41 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Section 17.70.030 Accessory Dwelling Unit Standards. Councilmember Curtis seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ 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.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 17.75 Standards for Special Uses and Section 17.35.030 Land Use Table (Commercial Zones) Regarding Automobile Sales, Racetracks, and Communication Facility Generators.

Mr. Lehmitz reviewed changes to the proposal made to accommodate the changes requested by the City Council during the previous meeting. Links were added for each special use listed in 17.35.030 referencing the appropriate section in Chapter 17.75 Standards for Special Uses. In reviewing recent site plans for cell phone towers, exceptions were granted for generators. Now it is proposed that generators be allowed so far as they are in conformance with Municipal Code.

The Planning Commission recommends 5-0 that the City Council approve the request to amend Chapter 17.75 Standards for Special Uses and Section 17.35.030 Land Use Table (Commercial Zones) regarding automobile sales, racetracks, and communication facility generators with the following changes:

1. 17.75.073(C)(1): “They will not cause traffic hazards or undue traffic congestion. This includes all loading and unloading of vehicles, which should occur on-site or within a designated area offsite which prevents unsafe interaction with traffic;”
2. 17.75.073(C)(2): “Spray painting of vehicles shall not be conducted outside. Spray painting of parts shall occur inside fully enclosed building;”
3. 17.75.073(C)(4): “Temporary canopy tents shall not be permitted when the tents are visible from the street except for special events associated with the subject business. Such events shall not be permitted for more than three days;” and
4. 17.75.073(C)(7): “Automobiles being repaired shall be stored on-site behind a screened enclosure.”

Councilmember Love verified that generators would only be used for testing and emergencies.

Councilmember Wright requested to add a link to the applicable standards for Residential Juvenile Group Home; Residential Facility for Persons with a Disability; Residential Rehabilitation and Treatment Facility in the Commercial Community (CC) column on the EMMC 17.35.030 Land Use Table and to require a masonry fence as the screening material in EMMC 17.75.073(C)(7), “Automobiles being repaired shall be stored on-site behind a screened enclosure.”

Discussion ensued regarding appropriate screening materials and the definition of automobile repairs, storage, and enclosure.

Mayor Westmoreland opened the public hearing at 9:51 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Chapter 17.75 Standards for Special Uses and Section 17.35.030 Land Use Table (Commercial Zones) Regarding Automobile Sales, Racetracks, and Communication Facility Generators with the following changes:*

- 1. Add the hyperlink for the Residential Juvenile Group Home; Residential Facility for Persons with a Disability; Residential Rehabilitation and Treatment Facility in the Commercial Community (CC) column on the EMMC 17.35.030 Land Use Table; and*
- 2. Leave the S⁵ identification for special uses considered prohibited until special use standards are approved and adopted.*

Councilmember Love seconded the motion.

AMENDED MOTION: *Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Chapter 17.75 Standards for Special Uses and Section 17.35.030 Land Use Table (Commercial Zones) Regarding Automobile Sales, Racetracks, and Communication Facility Generators with the following changes:*

- 1. Add the hyperlink for the Residential Juvenile Group Home; Residential Facility for Persons with a Disability; Residential Rehabilitation and Treatment Facility in the Commercial Community (CC) column on the EMMC 17.35.030 Land Use Table;*
- 2. Leave the S⁵ identification for special uses considered prohibited until special use standards are approved and adopted;*
- 3. 17.75.073(C)(1): “They will not cause traffic hazards or undue traffic congestion. This includes all loading and unloading of vehicles, which should occur on-site or within a designated area offsite which prevents unsafe interaction with traffic;”*
- 4. 17.75.073(C)(2): “Spray painting of vehicles shall not be conducted outside. Spray painting of parts shall occur inside fully enclosed building;”*
- 5. 17.75.073(C)(4): “Temporary canopy tents shall not be permitted when the tents are visible from the street except for special events associated with the subject business. Such events shall not be permitted for more than three days;” and*
- 6. 17.75.073(C)(7): “Automobiles being repaired shall be stored on-site behind a screened enclosure.”*

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>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>

☒ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

15.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Sections 17.10.30 Definitions, 17.35.030 Land Use Table (Commercial Zones), 17.37.030 Land Use Table (Business Park Zones), 17.38.035 Special Uses (Commercial Storage zone), 17.40.040 Conditional Uses (Industrial Zone), and 17.75.046 Caretaker Dwelling, regarding Caretaker Dwellings and Self-Storage or Mini-Storage uses.

Mr. Stroud presented the item. At the direction of the City Council, staff has drafted code to permit the use of a caretaker dwelling in certain zones. Such use is typically associated with Self-Storage or Mini-Storage uses, although other uses may be appropriate. One additional use that was discussed with the City Council was that of a caretaker dwelling in conjunction with a mortuary use. Draft code is proposed to permit as a special use a caretaker dwelling associated with a mortuary in the Commercial Regional Zone, Commercial Community Zone, and the Light Manufacturing/Distribution Zone. It is also proposed to permit as a special use associated with self-storage or mini-storage in the Light Manufacturing/Distribution Zone. An additional change is to remove self-storage or mini-storage as a conditional use in the Industrial Zone. Self-storage or mini-storage will then remain as a conditional use in the Commercial Storage Zone and a permitted use in the Sweetwater Industrial Overlay Zone.

Mayor Westmoreland opened the public hearing at 9:56 p.m. As there were no comments, he closed the hearing.

Councilmember Wright requested a future discussion to review the uses in the Industrial Zone to convert conditional uses to permitted and special uses and to determine appropriate standards for the uses.

MOTION: *Councilmember Wright moved to approve a resolution of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Sections 17.10.30 Definitions, 17.35.030 Land Use Table (Commercial Zones), 17.37.030 Land Use Table (Business Park Zones), 17.38.035 Special Uses (Commercial Storage zone), 17.40.040 Conditional Uses (Industrial Zone), and 17.75.046 Caretaker Dwelling, regarding Caretaker Dwellings and Self-Storage or Mini-Storage uses. Councilmember Curtis seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ 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.

16. LEGISLATIVE ITEMS

16.A. UPDATE – Legislative Priorities List

Director of Legislative Affairs Cliff Strachan reviewed the changes and progress made on the Legislative Priorities List.

City Engineer Chris Trusty verified that Eagle Mountain has coordinated with Saratoga Springs to adjust the Transportation Master Plan to designate the future Hidden Valley Road as an expressway.

Discussion concluded to add the review of the uses in the Industrial Zones to the priorities list to be considered and voted on during the next City Council meeting.

Councilmember Burnham requested to be given editing capabilities rather than read-only on the document.

MOTION: *Councilmember Curtis moved that the City Council*

- 1. Prioritize as Secondary Priorities, in the order listed on the Legislative Priorities List, as it was presented today, the following proposed issues: 23.041 Shared Parking, 23.043 Adjust the Transportation Master Plan to designate Mid Valley Road as an expressway, 23.038 Moderate Income Housing Plan regarding Planned uses for RDA housing allocation funds, 23.040 Fencing Code, 23.042 Safe Routes for Schools as a calendar item, 23.036 Moderate Income Housing Plan regarding Impact Fees for ADUs, 23.037 Moderate Income Housing Plan regarding Transfer of Development Rights, and 23.025 Powerline Corridor Development.*
- 2. That other issues suggested at the August 1, 2023 meeting, remain in the Proposed section, namely: 23.035 Moderate Income Housing Plan regarding Mortgage Assistance Program, and 23.039 Moderate Income Housing Plan regarding Adopt land use ordinance re 10% moderate income housing dedication.*
- 3. That the following items be removed from the Legislative Priorities List: 23.022 Affordable Housing, 23.014 Public Utility Easement sizes, and 23.021 Track Strategic Objectives and Goals, 23.017 Calendar Items, and 23.020 Agendas.*

Councilmember Burnham seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ 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.

Mr. Strachan asked Councilmember Gray to further discuss his concerns regarding parking standards, business licensing, and budgetary item descriptions outside of the meeting to determine methods to resolve issues.

Mr. Jerome requested that the other impacted staff members and he be included in operational concerns to be able to assist with resolving issues.

Ms. Kofoed stated that she has a budget recap meeting scheduled for later this week to discuss areas where the City excelled and where improvements are needed.

17. CITY COUNCIL/MAYOR'S BUSINESS

None.

18. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Gray

Councilmember Gray said the Eagle Mountain Chamber of Commerce and the Planning Commission are doing an excellent job with their responsibilities. He invited Mayor Westmoreland to report to the City Council on aspects of his responsibilities of interest to the Council.

Councilmember Burnham

Councilmember Burnham requested assistance with temporary advisors to allow the Youth Council to be able to meet. A Youth Council Member vacancy will need to be filled in the near future.

Ms. Kofoed stated that staff has assisted with Youth Council meetings in the past by providing presentations regarding City responsibilities.

Councilmember Love

Councilmember Love said that the Parks and Recreation Advisory Board is reviewing trail design, construction, and maintenance and has requested the creation of a trail plan and standards. She verified that staff is working on a Master Trails Plan.

Councilmember Wright

Councilmember Wright said that American Legion Post 111 has asked for research regarding veterans' interment at the cemetery and to be able to place flag receptacles at the graves of Veterans to be able to display flags on Veteran's Day, Memorial Day, and the Fourth of July. The Seniors Citizen Advisory Council continues to excel in their service to the community.

Councilmember Curtis

Councilmember Curtis explained that the Cemetery Advisory Board continues to meet as needed and the Eagle Mountain Arts Alliance will meet next week.

Mayor Westmoreland

Mayor Westmoreland said the American Legion has contacted the City regarding land purchase to build a structure. Unified Fire Authority will visit over the next few months to discuss truth in taxation. Delays in the delivery of electrical equipment have postponed the ribbon cutting for the new fire stations.

19. COMMUNICATION ITEMS

19.A. Financial Update

19.B. Upcoming Agenda Items

20. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn at 10:30 p.m. 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>
☒ <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 meeting was adjourned at 10:30 p.m.

Approved by the City Council on September 19, 2023.


Fionnuala B. Kofoed, MMC
City Recorder

