



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

July 19, 2022, 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 Colby Curtis, Carolyn Love, and Brett Wright.

ELECTED OFFICIAL PRESENT ELECTRONICALLY: Councilmember Donna Burnham. Councilmember Jared Gray joined remotely at 5:45 p.m.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Chris Trusty, City Engineer; Kimberly Ruesch, Finance Director; Brad Hickman, Parks and Recreation Director; Jeff Weber, Fleet and Facilities/Operations Director; Zac Hilton, Streets and Storm Drain Manager; Steven Lehmitz, Planner; Jed Shum, Planner; Todd Black, Wildlife Biologist/Environmental Planner; Lianne Pengra, Chief Deputy Recorder; Jeremy Cook, City Attorney; Tyler Maffitt, Communications Manager; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Fionnuala Kofoed, Director of Administrative Services/City Recorder; Embret Fossum, UFA Battalion Chief; Aaron Sanborn, Economic Development Director; Angela Valenzuela, Human Resource Manager; and Chas Glenn, Administrative Assistant.

Mayor Westmoreland called the meeting to order at 4:14 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

Communications

- The resident portal and mobile app are being revised and updated. Implementation is expected in October.
- Initial concepts for an updated City marketing plan are in process.
- Targeted economic and developmental marketing per the direction of the City Council and in partnership with Zions Bank is underway.
- Public information and enforcement efforts to encourage traffic safety will begin next week.

Facilities, Fleet, and Emergency Management

- The concrete floor for the community development building equipment garage has been completed and the electrical system is being installed.
- The City Hall paint project is in process and the administrative area will be painted next.

- The Sewer Facility office remodel is 95% complete and is awaiting countertop delivery. WW Clyde is installing sewer and storm drain and subgrade on the southwest side of the sewer treatment plant.
- The UHF repeater is scheduled to be installed on August 1st on the tower on Unity Pass.

Public Utilities

- The repair on Well #1 has been finished. The water quality test was submitted this morning. Once a clean sample has been verified, the well will return to operation.
- Work continues on the Golf Course Well and is anticipated to be completed on the 25th.
- The repair of a water main break on Cedar Pass Road was hindered by a mechanical joint restraint failure. City crews worked into the late evening and watched the area overnight. A temporary solution is providing residents with water until the repair is complete.

Engineering

- The City will use a reduced diameter size for Well #7. If the diameter is unable to accommodate telemetry, an adjacent monitoring well can be utilized to ensure compliance.
- Bids for drilling Well #8, located near Well #1, are due at the end of August.
- Designs for the next phases of Mid Valley Road and Old Airport Road are expected next month.
- Concrete availability has improved slightly and staff is hopeful that the lefthand turn lane on Pony Express Parkway and northbound Ranches Parkway can be completed soon.

Parks and Recreation

- Construction documents for the Waldon Park Observatory are anticipated by October 1st. The observatory should be operational by spring 2023.
- Designs for Smith Ranch Park will be completed within the next few weeks.
- Drainage solutions for the bike park are being evaluated.

Community Development

- In June, 100 residential building permits were issued.
- A certificate of occupancy was issued for Available Storage.

Discussion ensued regarding a secondary road access for the White Hills subdivision and the associated frustrations. A gate has been installed to permit emergency access only in the interim to meet connectivity requirements for the issuance certificates of occupancy. The City is working with the Utah Department of Transportation to resolve road alignment issues and to provide acceleration and deceleration lanes for a public secondary access.

1.B. UPDATE – City Growth/Development

Assistant City Administrator/Community Development Director Steve Mumford presented an update on the previous fiscal year's growth in the City. Residential building permits dropped from 1609 in Fiscal Year 2021 to 1440 in Fiscal Year 2022. Last year, the trend beginning in 2020 for more development in the south service area than in the north continued. In FY 2022, 74% of permits were for single-family units and 26% were for multifamily units. He reviewed growth

statistics by month and for individual developments and listed businesses that opened or had building permits issued in FY 2022.

Mr. Mumford reported the results of the vested unit study as follows:

- Platted units, including existing homes: 17,080 units, of which 84% are single-family and 16% are multifamily.
 - Single-family homes, less than ¼ acre: 11,087 / 65%
 - Single-family homes, ¼ to 1 acre: 2,452 / 14%
 - Townhomes: 2,046 / 12%
 - Single-family homes, over 1 acre: 832 / 5%
 - Condominiums/apartments: 503 / 3%
 - Duplexes: 160 / 1%
- Vested units: 22,746 units, of which 79% are single-family and 21% are multifamily.
 - Single-family homes, less than ¼ acre: 14,005 / 62%
 - Single-family homes, ¼ to 1 acre: 3,768 / 16%
 - Townhomes 3,102 / 14%
 - Condominiums/apartments: 974 / 4%
 - Duplexes 632 / 3%
 - Single-family homes, over 1 acre: 265 / 1%
- Combined platted and vested units: 39,824 units, of which 81% are single-family and 19% are multifamily.
 - Single-family homes, less than ¼ acre: 25,092 / 63%
 - Single-family homes, ¼ to 1 acre: 6,220 / 15%
 - Townhomes: 5,148 / 13%
 - Condominiums/apartments: 1,477 / 4%
 - Single-family homes, over 1 acre: 1,097 / 3%
 - Duplexes: 792 / 2%

2. AGENDA REVIEW

9. AGREEMENTS

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

David Stewart with Legislative Executive Consulting, LLC introduced himself and spoke about his experience working for other entities. He explained his role and strategies as a lobbyist, legislative activities outside of the general session, and reporting expectations.

9.B. Franchise Agreement – Utah Broadband

Councilmember Love asked about a provision in the agreement that seems to indicate the agreement trumps any potential changes to Municipal Code.

Discussion clarified previous agreements contained the same provision regarding future City standards and the agreement can be amended to reflect applicable Municipal Code changes.

9.C. Master Infrastructure Agreement – Stadion, LLC

City Engineer Chris Trusty explained the agreement contains the terms of Meta’s pledge to reimburse the City approximately \$1,800,000 for the reuse filtration system and the Cory Wride Park Booster Pump Station to allow secondary water at the park, and treated wastewater for dust control at the datacenter site. Additionally, Meta will make road improvements and assist with City staffing for up to two years in exchange for the City prioritizing the resurfacing of Pony Express Parkway prior to December 2024; a portion of the cost of the project will be reimbursed by Google. He requested to amend the completion date for the booster pump from October 31, 2022, to December 31, 2022.

11. CHANGE ORDERS

11.A. Well #7 Site Prep Package Change Order #1 – VanCon, Inc.

Mr. Trusty stated during the construction process, solid rock was encountered which required additional excavation and increased the cost of the project.

13. RESOLUTIONS

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule for Central Water Project Water Purchases.

Mr. Jerome explained this amendment adjusts the consolidated fee schedule to reflect actual costs to the City. Staff and consultants are verifying the culinary water Impact Fee Facilities Plan and Impact Fee Analysis calculations and the Impact Fee Enactment Ordinance will return to the Council for approval at a future meeting once the figures are confirmed.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:24 p.m.

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

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

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Donna Burnham.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Chris Trusty, City Engineer; Kimberly Ruesch, Finance Director; Brad Hickman, Parks and Recreation Director; Jeremy Cook, City Attorney; Lianne Pengra, Chief Deputy Recorder, and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Fionnuala Kofoed, Director of Administrative Services/City Recorder; Embret Fossum, UFA Battalion Chief; Aaron Sanborn, Economic Development Director; Angela Valenzuela, Human Resource Manager; Chas Glenn, Administrative Assistant; Zac Hilton, Streets and Storm Drain Manager; Mack Straw, Public Utilities Manager; and Tyler Maffitt, Communications Manager.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Councilmember Wright led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- On Saturday, July 30th, Eagle Mountain City will hold its 2nd annual Summer Bash and Laser Show. This event will take place from 4:00 p.m. to 10:15 p.m. Please come out to Cory Wride Park to enjoy the bounce houses, patriotic kids' parade, pie eating contest, trash Panda Drum Group, and Laser Show. For more information on the event, please check our City website and social media pages.
- Residents are encouraged to water their lawns three times per week. Residents at odd-numbered addresses are encouraged to water Monday, Wednesday, and Friday. Even-numbered addresses are encouraged to water Tuesday, Thursday, and Saturday. Thank you for helping Eagle Mountain achieve its conservation goals.
- Eagle Mountain City is asking residents to re-familiarize themselves with the approved fireworks restrictions map as we approach the Pioneer Day holiday. Residents can learn more by visiting unifiedfire.org.

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

7. PUBLIC COMMENTS

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

Zac Huish thanked staff and the Council for their prioritization of and their efforts to secure funding for Old Airport Road. He spoke about resident efforts to improve the park in the Sage Park subdivision. He requested the City address concerns to restore the park by redesigning the sprinklers, xeriscaping portions of the park, adding a trail around the park, and installing two pickleball courts.

Tiffany Walden spoke regarding water conservation efforts in the City.

Mayor Westmoreland closed public comment at 7:34 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Gray

Councilmember Gray raised safety concerns with residents making U-turns on Wride Memorial Highway and asked if the City could request Utah Department of Transportation (UDOT) add signage to prevent U-turns.

Chief Deputy Sheriff Eric McDowell confirmed that State Code prohibits U-turns that impede the flow of traffic. They can assist with education and enforcement of the requirement.

City Engineer Chris Trusty stated that he is in contact with UDOT regarding the issue.

Councilmember Wright

Councilmember Wright concurred with Councilmember Gray's traffic safety concerns. He welcomed the meeting participants. He thanked first responders for their service to the community and encouraged residents to be mindful of safety during their Pioneer Day celebrations and to participate in the City Summer Bash and Laser Show event on July 30th.

Councilmember Love

Councilmember Love said her family enjoyed the Summer Bash and Laser Show last year and plans to attend again. It is a wonderful tradition for the City and invited residents to attend. She thanked the meeting participants.

Councilmember Curtis

Councilmember Curtis welcomed those in attendance.

Councilmember Burnham

Councilmember Burnham echoed encouragement for residents to attend the upcoming City event. She is grateful for staff efforts to provide events for the public and residents' safe celebrations during the Fourth of July. She hopes everyone will enjoy a safe Pioneer Days holiday.

Mayor Westmoreland

Mayor Westmoreland thanked Unified Fire Authority personnel for their attendance at the meeting. He is excited about a project Battalion Chief Fossum will present at the next City Council meeting. Redemption Hill Church will be providing a dinner for first responders on Thursday, July 21, 2022, at 6:00 p.m. and has invited City staff and elected officials to attend.

CONSENT AGENDA

9. AGREEMENTS

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

9.B. Franchise Agreement – Utah Broadband

9.C. Master Infrastructure Agreement – Stadion, LLC

10. BOND RELEASES

10.A. Overland Phase D, Plat 2 – Into Warranty

11. CHANGE ORDERS

11.A. Well #7 Site Prep Package Change Order #1 – VanCon, Inc. Change Order #1

12. MINUTES

12.A. July 5, 2022 Minutes – Regular City Council Meeting

13. RESOLUTIONS

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule for Central Water Project Water Purchases.

MOTION: *Councilmember Love moved to approve the consent agenda, removing items 9.A. and 9.C. and placing them as scheduled items. Councilmember Gray 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.

9. AGREEMENTS

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

Councilmember Gray stated that although he is confident in David Stewart’s abilities and expertise and recognizes the standard terms in lobbyist contracts, he is apprehensive about the lack of quantifiable metrics in the agreement.

City Attorney Jeremy Cook noted that he added a termination clause to allow the dissolution of the agreement should the services rendered be dissatisfactory. He recommended a minimum of one year to provide a sufficient period to evaluate the efficacy of the lobbying efforts.

City Administrator Paul Jerome explained that previous lobbyist services had been terminated by the City due to a lack of benefit. This contract includes monthly payments, a termination clause, and reporting obligations to enable the evaluation of the services.

Discussion ensued regarding the communication process with the lobbyist regarding City and Council priorities, reporting methods and frequency, and the reasons and expectations for hiring a lobbyist.

Director of Administrative Services/City Recorder Fionnuala Kofoed explained that the City Council may pass a resolution with directives regarding their legislative priorities to provide direction to Mr. Stewart.

Councilmember Love recommended inviting Mr. Stewart to attend the City Visioning Conference in August to hear City priorities. She suggested establishing a reporting model similar to Communities That Care, which entails a report at the beginning of the year to list objectives and mid-year and end-of-year progress reports. She desires a proactive rather than reactive approach. Councilmember Burnham supported Councilmember Love's recommendations.

Mr. Jerome recommended a tour of the City to familiarize Mr. Stewart with growth areas and future transportation plans.

Councilmember Curtis requested clarification regarding processes and how instructions will be communicated to Mr. Stewart to ensure that the Council can provide direction and receive feedback. He advocated for clear directives and accountability mechanisms, and the will and priorities of the Council be conveyed to Mr. Stewart, rather than vague visioning.

Councilmember Wright said he shares Councilmember Curtis' concerns about communication processes. He is in favor of Councilmember Love's suggestions and for the Council to have the ability pass a resolution with direction regarding lobbying efforts.

The body discussed the desired number of in-person meetings and written reports from Mr. Stewart.

Councilmember Burnham agreed with the benefits of the addition of reports and meeting expectations in the contract.

Mr. Jerome stated Mr. Stewart is amenable to the month-to-month contract and the termination clause. Mr. Stewart indicated that desires a long-term partnership and is confident in his ability to serve the City in addition to his other clients. Mr. Jerome recommended flexibility with the timing of the meetings and reports to maximize benefits and to adjust to legislative schedules.

MOTION: ***Councilmember Love moved to approve a lobbyist services agreement with Legislative Executive Consulting, LLC, adding in a requirement of at least four written reports a year and a minimum of two in-person or virtual meetings. 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.

9.C. Master Infrastructure Agreement – Stadion, LLC

MOTION: *Councilmember Wright moved to approve a Master Infrastructure Agreement with Stadion, LLC, changing the date to December 31, 2022, for the booster infiltration portion of the agreement. Councilmember Gray 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.

SCHEDULED ITEMS

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City Municipal Code Section 17.15.030 Planning Commission Organization.

City Attorney Jeremy Cook explained the item. The amendment adds an alternate Planning Commission member, establishes the term for the alternate position, and changes the appointment process to be the same as other advisory boards.

Mayor Westmoreland noted that previously an alternate Planning Commission position had not been successful and the amendment attempts to address the prior issues with the former position.

Mayor Westmoreland opened the public hearing at 8:44 p.m. As there were no comments, he closed the hearing.

Discussion ensued regarding ongoing noticing to build the applicant pool and to allow time for the elected officials to become familiar with the applicants.

Councilmember Burnham stated that her previous concerns with the amendment taking power from the Mayor had been resolved in conversations with the City Attorney. Although she would prefer policy changes over altering Municipal Code, she is amenable to the amendment and in favor of continually accepting applications.

Discussion ensued regarding the following:

- Clarification that the Council provides advice and consent regarding the recommended appointee and not the placement of the appointment on the agenda;
- Direction for a potential amendment to staff positions and the board appointment and application processes in EMMC 2.27;
- Permitting the Mayor to have the discretion to increase the involvement of Councilmembers in the board appointment process depending upon circumstances;
- The ability to appoint a different individual than the alternate to the Planning Commission when a vacancy arises;
- Direction to staff to adjust the Planning Commission's three-year terms to allow for two appointments each year.

MOTION: *Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain City Municipal Code Section 17.15.030 Planning Commission Organization with the correction to "Members" in item G. 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.

15. CITY COUNCIL/MAYOR'S BUSINESS

None.

16. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Curtis

Councilmember Curtis announced that the City has an opening for a Planning Commission alternate.

Councilmember Gray

None.

Councilmember Wright

Councilmember Wright said the Parks and Recreation Advisory Board are gathering information and interviewing residents to gauge the level of citizen engagement, knowledge, and satisfaction regarding City sports and recreation programs.

Councilmember Love

Councilmember Love shared that the American Legion is planning another blood drive for September 2. The Legion is working with Boy Scout Troops to establish a program to assist residents with the retirement of flags.

Councilmember Burnham

Councilmember Burnham said the Eagle Mountain City Chamber of Commerce is working on a sign location proposal. The organization is rapidly growing and thriving. She is in the process of working with the Parks and Recreation Director and Pony Express Events about lights and other potential improvements to the rodeo grounds.

Mayor Westmoreland

Mayor Westmoreland stated he will review applications from residents recently submitted for the previous Planning Commission vacancy and he welcomes additional applications or Council recommendations for the alternate member. He read a text from resident Jeff Ruth inquiring about the American Legion and/or Boy Scouts placing flags on graves or creating a field of flags at a school in remembrance of September 11.

17. COMMUNICATION ITEMS

17.A. Financial Report

17.B. Upcoming Planning Items

18. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn the meeting at 9:35 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 9:35 p.m.

Approved by the City Council on August 17, 2022.



Lianne Pengra, CMC
Chief Deputy Recorder

