



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

July 18, 2023, 3:00 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, Carolyn Love, and Brett Wright. Councilmember Curtis was excused.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Cliff Strachan, Director of Legislative Affairs; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Lianne Pengra, Chief Deputy Recorder; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities/Operations Director; Brad Hickman, Parks and Recreation Director; Eric McDowell, Chief Deputy Sheriff; Terrence Dela Pena, Finance/Management Analyst; and Natalie Winterton, Grants Coordinator/Management Analyst.

CITY STAFF PRESENT ELECTRONICALLY: Angela Valenzuela, Human Resource Manager; Chas Glenn, Administrative Assistant; Elizabeth Fewkes, Recording Secretary; Michele Graves, Library Director; and Embret Fossum, Unified Fire Authority Battalion Chief.

Mayor Westmoreland called the meeting to order at 3:07 p.m.

I. CITY ADMINISTRATOR INFORMATION ITEMS

I.A. DISCUSSION – City Administrator Items

Communications

- An Artificial Intelligence Policy for the Employee Handbook will come before the Council at the August 1st meeting.
- A request for proposals award is coming before the Council for a new City website in about a month.
- Responsiveness Data:
 - Resident Portal/OneView – More than 200 reports closed in the last 90 days.
 - The City received 2,908 comments on City Hall's Facebook and Instagram and responded to about 30% of them, which amounts to 872 responses in the past 90 days. That does not include responses on the Eagle Mountain City Citizens Facebook Page which is not run by the City.
 - The City has responded to 195 new Facebook Inbox inquiries in the past 90 days.
 - Twitter required 25 responses in the past 90 days.

- The City Hall front desk phone calls – 6400 in the past 90 days. That does not include department-specific phone calls.

Streets and Storm Water

- Lake Mountain Road will be closed to through traffic between Pony Express Parkway and Eagle Mountain Boulevard to install mag chloride on the dirt portion of the road to reduce dust and increase the durability of the road.
- The Streets Department is preparing to build a paved trailway on Airport Road to provide a safe school route from the Overland subdivision to the new Desert Sky Elementary School.
- Staff is working with Flagship Homes to widen Tiffany Lane from Pony Express Parkway to Lake Mountain Road. This will improve traffic access to the new John Hancock Charter School.

Engineering

- Flagship Homes has been preparing the crane pad for placing the culvert sections for the road crossing at Silver Creek Way. Efforts have been hampered by wet conditions with the flowing wash.
- Oak Hollow will be working to extend the left turn lane from Pony Express eastbound to northbound Ranches Parkway beginning Tuesday, July 25th. The intent is to complete the work prior to school resuming.
- Newman is currently working on the widening project at Mid Valley Road. They will be paving the section the first week of school. The contractor has been asked to coordinate with the school. They do not expect to have any closures for this project.
- After drilling Well 8 down to 800 feet, the contractor has been reaming the hole out to the full bore size. They expect to complete the project by the end of this week after which they will pump test. They expect to start on Well 8 by the end of August.
- The water main on the Cedar Pass waterline is nearing completion. The contractor is expecting to begin utility connections next week.

Parks, Recreation, Events, and Cemetery

- Staff is waiting for the review of construction documents on the Walden Park Observatory. Once the reviewed plans are received, staff will work with the architect to make modifications and then complete the project.
- Mass grading has been completed on the Smith Ranch park project. Several large sumps were installed in the park. The contractor will start to install storm drain lines and setting subgrade and base for curb and gutter and parking lot.
- Staff is getting documents prepared for an off-street trail presentation to the Council. One of the interns that has been involved in this project has taken a full-time job with another employer. It is anticipated staff will get this to City Council by the end of August.

Facilities, Fleet, and Emergency Management

- Upgrades to the Sewer Building are complete.
- Sheriff's and Recorder's office remodel – Waiting for the doors to be delivered. Furniture is scheduled to be delivered on the first of September.
- Dave Ulibarri is teaching another Stop The Bleed training for City staff in August.
- The hand railing for the Senior Building has been ordered.

Community Development

- Through July 17, 2023, the City has issued 53 new residential permits, 41 single-family and multifamily.
- Commercial permits were issued for the SilverLake Church and Ramen Hero.
- Certificates of Occupancy were issued for Unified Fire Authority Station 253 and Peppy Paws and a temporary Certificate of Occupancy was issued for Prime Nails.
- Dustin Blackburn was promoted to Assistant Building Official. He now supervises the Building Division and the Neighborhood Improvement Division. Kade Hillstead is the new Lead Building Inspector.

Public Utilities

- Tanks #4 and #6, on the north side of the City, are experiencing issues with filling. The pumps cannot keep up with the high consumption rate. The City is looking into removing the booster portion from the Well 9 project and plans on getting the booster station out to bid to have it installed before the next irrigation season.
- Reuse should be operational in two weeks once Kenny Seng has completed the filtration project.
- The State came out last week and completed an inspection of the Wastewater Treatment Plant and the City is waiting to hear if any issues were found.

1.B. DISCUSSION – Comprehensive Marketing Plan Update (Emotional Map) – REDKOR Brand Campaigns.

This item was presented and discussed following item 17.B. during the agenda review.

Rushford Lee with Redkor presented the item and explained that during the research stage, they work with stakeholder groups to determine attributes, benefits, emotions, and values that define Eagle Mountain as a City. The attributes defining Eagle Mountain City include a vibrant, unified community; preserving nature, history, and outdoor spaces for all to enjoy; and visionary leadership that is actively engaged. Those attributes lead to shared beliefs among the City and many residents as follows:

- Eagle Mountain wants to create a thriving city that is deeply connected to nature and history, while still being future minded. The community will be made up of mostly young professionals and families. Creativity, art, love of nature, self-expression and active lifestyle and community engagement are all shared values here.
- Eagle Mountain is committed to growing responsibly and sustainably so as to balance economic opportunities with their stewardship of the natural environment around them. This combination of visionary leadership and responsible preservation of nature will create a city residents are proud to live in.
- Eagle Mountain believes that people will be attracted to the growing city because of high quality jobs and businesses in the area, affordable housing, a wide variety of outdoor recreational and community activities, and a thoughtful city design that facilitates strong community connections.

Eagle Mountain is determined to create a well-designed city that fosters a strong community with a deep connection to nature. We are more than just a high growth City, we are a destination for natural beauty and outdoor recreation.

Approximately 200 residents have been surveyed and two more rounds of surveys will be conducted. The residents' responses will be blended into the Eagle Mountain Emotion Map to create messaging, marketing, and brand logos.

The Councilmembers expressed support for the direction of the plan and discussed defining or removing the term sustainably.

2. AGENDA REVIEW

11. BID AWARDS

11.A. 2 MG Tank Design – Sunrise Engineering

Councilmember Wright requested adjusting the award from a two-million-gallon water tank to a four-million-gallon tank and amending the budget accordingly.

City Engineer Chris Trusty explained that the bids were for post-tension tanks. Post-tension and prestress tanks have less seepage than conventional tanks. The design costs are the same regardless of tank size and Sunrise Engineering stated that they are willing to alter the plan to design a larger tank. The City would save money in the future by building a larger tank. The total cost of the project and whether a budget amendment will be needed will in part depend on the location of the tank and if the City needs to purchase land. The cost of a two-million-gallon tank is \$1.9 million compared to \$3.4 million for a four-million-gallon.

The Council supported upsizing the design to a four-million-gallon water tank.

15. PRELIMINARY PLATS AND SITE PLANS

15.A. PRELIMINARY PLAT – Parkway Fields Phase D

15.B. PRELIMINARY PLAT – Parkway Fields Phase E

Staff verified that changes to 15.A. and 15.B. have addressed their comments about the purple pipe requirement and have adjusted the lot sizes to conform to the applicable zoning.

16. RESOLUTIONS

16.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Modified Third Amendment to the Porter's Crossing Town Center Master Development Agreement.

Councilmember Love requested the item be removed from the consent agenda and placed as a regularly scheduled item.

17. EAGLE MOUNTAIN RETAIL

17.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the General Plan Future Land Use Map and Rezoning Certain Lands Known As Eagle Mountain Retail.

17.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Eagle Mountain Retail Development Agreement with Armstrong Commercial Services.

Items 17.A. and 17.B. were presented and discussed concurrently.

Senior Planner David Stroud said a strip of open space has been placed along the west property line to conform to buffering requirements. He suggested that the Council treat the application as a master site plan approval and default the approval of the site plan to the Planning Commission. The proposed ordinance amends the General Plan Land Use Map from Neighborhood Residential One and Community Commercial to Regional Commercial and Parks and Open Space and rezones the subject parcel from Agriculture and Commercial to Commercial Regional and Open Space-I to permit big box development. The subject property is located at the northwest intersection of Wride Memorial Highway and Spring Run Parkway. This is the proposed location for a Walmart Supercenter. He presented the site plan, diagrams for the retaining wall and six-to-eight-foot screening wall for the west property line, and building elevations.

Councilmember Love expressed concerns with the size of the secondary entrances and requested they be larger to improve the visual appeal of the building. She noted that the staff report indicated that the signage does not meet Municipal Code and inquired regarding the lighting. She approves of the landscaping presented and desires to ensure the plan is developed accordingly and asked for no overnight parking signs to be posted in the parking lot.

Councilmember Wright said he is in favor of the changes but expressed concern with the architectural designs of the side of the building with the grocery pickup area.

Councilmember Gray stated that he would like to require fencing along the open space as a condition of the rezone.

Applicant representative Caleb Beck with ARCO Murray said they compiled the feedback from the City and residents and adjusted the elevations accordingly by adding decorative elements such as awnings, timber framing, brick veneers, and siding to match the aesthetic in the neighboring house designs and other buildings in Eagle Mountain. Augmenting the size of the secondary entrances for the vision and pharmacy areas would negatively impact the internal functionality of the store. The convenience store at the gas station and side elevations will look like an extension of the main building and have similar architectural elements. They removed the signs from the approval to alter them to meet Municipal Code. They have agreed in the development agreement to ensure that illumination does not leave the site to comply with lighting standards. The waterwise

landscaping plan meets or exceeds City requirements. Walmart is strict about adhering to the no overnight parking enforcement.

Applicant representative John Owens said the design elements can be further adapted during the site plan application process if the Council has concerns.

Mr. Beck previewed a portion of a presentation detailing how Walmart representatives responded to and resolved concerns raised by the City and residents.

Discussion ensued regarding the following:

- Potentially adding more design elements to balance the appearance of the doors, improve the aesthetics of the pickup area, and give variance to the roofline;
- Ingress and egress for the site;
- The number of parking spaces falling between the minimum required and the maximum allowed;
- The development agreement includes the requirement for a screening fence along the open space buffer;
- Signage directing traffic flow on the site;
- Setting store hours from 6:00 a.m. and 11:00 p.m.;
- Signage and prohibition of overnight occupants;
- Lighting standards;
- Protecting resident privacy through limited security surveillance to exclude the area west of the property limits;
- Traffic flow concerns and stacking lane lengths; and
- Approving the store signs in a future application.

18. EAGLE MOUNTAIN BENCHES

18.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the General Plan Future Land Use Map from Agriculture/Rural Density 1 to Agriculture/Rural Density 2, and Rezoning Certain Lands Known as Eagle Mountain Benches from RA2 and AG to RD1.

18.B. MOTION/PUBLIC HEARING – Request for the Waiver of the Master Development Approval Requirement for Eagle Mountain Benches.

Items 18.A. and 18.B. were presented and discussed concurrently following item 1.B.

Planning Manager Robert Hobbs presented the item. The proposed ordinance amends the Eagle Mountain City General Plan Future Land Use Map and rezones approximately 102 acres of property on Utah County Parcel Numbers 59:006:0042, 59:006:0046, 59:006:0047, 59:006:0054, and 59:006:0055. The applications also include a request to waive the Master Development requirements found in EMMC 16.10 Master Developments. This item was remanded back to the Planning Commission at the May 16, 2023 City Council meeting to consider all the applicants' land and to provide a recommendation regarding the minimum average lot size. The Planning Commission has returned a recommendation that the entirety of the property be rezoned from

Residential to RDI, setting the minimum building lot size at one acre, with no minimum building lot average and the recommendation that no property that is within the utility easement to be included in a residential lot.

Discussion ensued regarding possible reasons, including the other utility easements on the property, for requiring a half-acre building envelope in the 2018 approval as building within the power corridor was prohibited to allow for a future regional trail and due to Rocky Mountain Power (RMP) building restrictions within the easement.

Councilmember Burnham expressed concern about rendering a large amount of the property unbuildable.

City Attorney Marcus Draper confirmed that there could be taking implications despite the easements on the property.

Discussion ensued regarding options to address concerns with building within the power corridor, possibly requesting a reduced width of land for a regional trail narrower than 400 feet but greater than the suggested 15 feet, and placing a future, foot and bike regional trail or equestrian trail on the unbuildable areas that would assist with RMP access requirements that also limit building and fencing of the power corridor.

Applicant representative Dan Landen said they support the recommendations in the staff report.

Deputy City Administrator/Community Development Director Steve Mumford confirmed that the Planning Commission recommendation did not include the 150-foot buffer.

Mr. Hobbs said that the transition standards render the 150-foot buffer unnecessary and that transition exemptions have been granted for other developments.

19. ORDINANCES/PUBLIC HEARINGS

- 19.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 17.75 Standards for Special Uses, and Sections 17.20.050 Conditional Uses (Agriculture Zone), 17.35.030 Land Use Table (Commercial Zones), and 17.40.040 Conditional Uses (Industrial Zone) Regarding Automobile Sales, Kennels, Racetracks, and Communication Facility Generators.
- 19.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.10 Definitions, Chapter 17.38 Commercial Storage Zone, and Chapter 17.40 Industrial Zone, Regarding Caretaker Dwellings.
- 19.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.25 Residential Zones, 17.72 Commercial and Multifamily Design Standards,

and 17.55 Off-street Parking Regarding Alleys and Service Drives, Fire Department-related Access Standards, and ADA Parking Standards.

19.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Enacting Eagle Mountain Municipal Code Chapter 16.56 Vacation of Rights-of-Way.

19.E. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Section 17.60.120 General Fencing Provisions, Regarding Golf Course Netting.

Councilmember Wright requested to bring items 19.A., 19.B., 19.C., 19.D., and 19.E. back as work session items at a future meeting for more thorough discussion and consideration.

City Attorney Marcus Draper recommended the items return to a work and policy session concurrently to be able to continue the public hearings.

20. RESOLUTIONS

20.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, approving an Interlocal Cooperation Agreement between the Redevelopment Agency of Eagle Mountain City, Utah, and Eagle Mountain City for the Collection and Remittance of Incremental Property Taxes Collected from Property Within the Sweetwater Industrial Park Community Reinvestment Area #3.

20.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the QTS Eagle Mountain I, LLC Development Agreement.

Items 20.A. and 20.B. were presented and discussed concurrently.

Economic Development Director Evan Berrett presented the item. QTS has purchased 100 acres of land and is currently acquiring an additional 100 acres. The annual property tax currently collected is \$1,280. The site lies within Eagle Mountain's Regional Technology and Industry Overlay Zone. Other data centers will likely be located around the area. The project covers approximately 490 acres. The area will be reduced to 200 acres QTS will be constructed on. The property is sold and developed by The Ritchie Group. Meta and Google sites are directly east of this property. QTS is a collocation data center company that builds and maintains data centers across the country and in Europe and prioritizes low environmental impact by designing and building data centers that do not use water to cool. The initial six buildings will have a total square footage of 2,382,000. The total investment by QTS will be \$1.3 billion in real property and \$0.7 billion in personal property. The development will create 500 temporary construction jobs and 150 permanent jobs and will require 100-acre feet of water. Mr. Berrett reviewed the high demand for and the benefits of data centers.

The Alpine School District, Utah County, Unified Fire Service Area (UFSA), and Central Utah Water Conservancy District (CUWCD) all have approved interlocal agreements. The base year

value is \$13,355.671 with a tax increment financing (TIF) period of 20 years per phase for a maximum of 40 years without a cap. Six phases are currently planned with the possibility of 12 phases. The completion of the building triggers each phase. The increment incentive is 61% of real property and 74% of personal property. Eagle Mountain will continue to step down incentives as other data center projects come. Meta had 80% real property and 100% personal property and Google had 67.5% real property and 100% personal property increment incentives. An average annual tax revenue to the City of approximately \$35,000 will be collected during the incentive phase, per phase, with an average annual, per phase tax revenue of \$98,000 after the incentive period. Other notable revenues include an average annual Affordable Housing Fund contribution per phase of \$103,000, an average annual redevelopment agency (RDA) administration per phase of \$25,000, and an average annual municipal energy tax (MET) of \$1,101,000.

The Development Agreement terms include:

- Construction Timeline: Commits to beginning the first phase within three years of the agreement. Anticipate construction no later than the third quarter of 2024.
- Road Improvements: Extending Virtual Drive to the southern boundary of the property. A new road known as Hyperscale Way will be extending west along the northern boundary of the property.
- Sewer Improvements: Design and construction of a sewer lift station and force main.
- Future Change: Infrastructure improvements are the responsibility of QTS until a development agreement is approved with The Ritchie Group who will then take responsibility.

The purpose of the agreement is to implement the Project Area Plan, unifying all interlocal agreements and all terms and conditions that dictate how funds are to be managed. Utah County requires \$10,000 annually to cover administrative costs. The RDA will be covering this through our 2.5% collected from QTS. The term of the agreement is until expiration of the last increment period.

Mr. Berrett explained that the exclusion of the cap helps to incentivize and support economic development. He advises against a cap but defers to the judgment of the Council if they desire to add one.

Applicant representative Chris Kapper, QTS Direct of Development, addressed concerns with the noise level of the cooling equipment and said they plan to use chillers and to conduct a noise study to measure and mitigate noise pollution. Other studies have found that peak levels reach 62 decibels; however, these buildings will not usually operate at full capacity and will generally generate between 50 to 55 decibels. Generators will be tested for 15 minutes a month to verify they are operating correctly. The company that leases space from them is responsible for the system integration at the rack and QTS is responsible for maintaining the environment through service level agreements. Mechanics and system operators will be employed to work onsite.

21. ORDINANCES

- 21.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Section 2.16.030 Hiring and Employment Terms to Remove Reference to a Six-Month Severance Stipulation.

Mr. Draper explained the action repeals language limiting severance pay to six months to allow the City to be able to adapt the timeframe to meet market-level standards.

Councilmember Gray stated that he opposes removing the six-month severance stipulation.

22. AGREEMENTS

- 22.A. AGREEMENT – Approving an Amended and Restated Agreement between Eagle Mountain City and Paul Jerome for City Administrator Services Amended and Restated Agreement for City Administrator Services.

Mayor Westmoreland explained that the City Administrator contract needs to be updated to be in line with modern industry standards for the position in consideration of both current and future City Administrators.

Discussion ensued clarifying terms in the current contract and the purpose of the changes including offering comparable provisions as other cities of similar size and removing contractual ambiguity regarding the expectations for both the City and the City Administrator.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn to a closed session for the purpose of discussing the character and professional competency of an individual pursuant to Section 52-4-205(1) of the Utah Code, annotated. 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.

The meeting was adjourned at 5:37 p.m.

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

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

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Cliff Strachan, Director of Legislative Affairs; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Lianne Pengra; Chief Deputy Recorder; Chris Trusty, City Engineer; Zac Hilton, Streets and Storm Drain Manager; Brad Hickman, Parks and Recreation Director; and Eric McDowell, Chief Deputy Sheriff.

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

4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:09 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Wright led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

None.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:11 p.m.

Andrea Leatham inquired regarding the timing of improvements to the Spring Mountain Drive park and requested a crosswalk and a speed monitoring sign on Spring Mountain Drive to improve safety for the bus stop at the roundabout.

David Lamb requested lighting to be installed for the school path behind a church in the Spring Run neighborhood.

Mayor Westmoreland closed public comment at 7:18 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Love

Councilmember Love expressed appreciation to residents for the time, efforts, and materials they have contributed and for looking out for the wellbeing of the City.

Councilmember Burnham

Councilmember Burnham supported and echoed the comments from the other Councilmembers. She encouraged residents to apply to fill the Youth Council Advisors vacancy.

Mayor Westmoreland

Mayor Westmoreland read a letter from Camp Williams offering to support City efforts by seeking to “continue to purchase Conservation Easements in our authorized priority areas; assist with habitat restoration projects for Mule Deer utilizing the Natural Resource Conservation Service’s (NRCS) Regional Conservation Partnership Program (RCPP); and installing perimeter fencing around Camp Williams in specified locations that will also help the Mule Deer navigate safely to city’s designated migration corridor,” and said the City appreciates the letter of partnership. He recommended residents, staff, individuals running for office, and the City Council read a book recommended to him by Director of Legislative Affairs Cliff Strachan – 13 Ways to Kill Your Community by Doug Griffiths.

Councilmember Wright

Councilmember Wright welcomed the meeting participants and thanked the residents for their civic engagement and input that has yielded better results on projects. He recognized and expressed gratitude for the \$88 million that Camp Williams and the Federal Government have contributed to protecting wildlife areas.

City Administrator Paul Jerome recognized Economic Development Director Evan Berrett and the City Interns for their efforts to promote economic development in the City including organizing a recent golf tournament.

9. APPOINTMENTS

9.A. Planning Commission

MOTION: *Councilmember Wright moved to confirm the appointment of Robert Fox to the Planning Commission completing a three-year term through December 2023 and filling a new three-year term through December 2026. 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.

MOTION: *Councilmember Wright moved to confirm the appointment of Jimmy Eaton as a Planning Commission Alternate completing a term through December 2024. 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 Mr. Fox and Mr. Eaton.

CONSENT AGENDA

11. BID AWARDS

11.A. 2 MG Tank Design – Sunrise Engineering

11.B. Well #5 Upgrade Design – Jones and DeMille Engineering

12. BOND RELEASES

12.A. Hidden Hollow Phase B, Plat 2 – Into Warranty

12.B. Parkway Fields Phase A, Plat 1 – Into Warranty

12.C. Parkway Fields Phase B, Plat 1 – Into Warranty

12.D. SilverLake Plat 34 – Into Warranty

12.E. Arrival Phase B, Plat 5 – Out of Warranty

12.F. Arrival Phase B, Plat 7 – Out of Warranty

12.G. Arrival Phase B, Plat 8 – Out of Warranty

12.H. Brandon Park Phase A, Plat 15 – Out of Warranty

12.I. Harmony Phase A, Plat 3 – Out of Warranty

12.J. Harmony Phase A, Plat 5 – Out of Warranty

- 12.K. Sage Park Phase A, Plat 5 – Out of Warranty
- 12.L. Sage Park Phase A, Plat 6 – Out of Warranty
- 13. CHANGE ORDERS
 - 13.A. 2023 Pony Express Paving Project Change Order #1 – Geneva Rock
- 14. MINUTES
 - 14.A. June 20, 2023 Minutes – Regular City Council Meeting
 - 14.B. July 5, 2023 Minutes – Special City Council Meeting
- 15. PRELIMINARY PLATS AND SITE PLANS
 - 15.A. PRELIMINARY PLAT – Parkway Fields Phase D
 - 15.B. PRELIMINARY PLAT – Parkway Fields Phase E
- 16. RESOLUTIONS
 - 16.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Modified Third Amendment to the Porter's Crossing Town Center Master Development Agreement.

MOTION: *Councilmember Burnham moved to approve the consent agenda removing item 16.A. and placing it as a scheduled item and changing the two-million-gallon water tank to a four-million-gallon water tank in item 11.A. 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 Wright moved to set an adjournment time of 10:15 p.m. for the meeting. 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.

16. RESOLUTIONS

16.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Modified Third Amendment to the Porter's Crossing Town Center Master Development Agreement.

Councilmember Love cited 9B.1., “The buildings shall be designed in accordance with the Architectural Standards as allowed in Eagle Mountain Municipal Code Section 17.72.040 or in the Developers discretion, the Architectural Standards represented in Exhibits 4, 5, and the video presented at the May 16, 2023 City Council meeting,” and expressed concern with the ambiguity of the standards being agreed to in this and similar sections in the agreement.

Deputy City Administrator/Community Development Director Steve Mumford explained that the reason for the inclusion of the cited sentence was to allow for a flat roof and garden patio which are not allowed in the current multifamily design standards.

Discussion ensued regarding the request for a flat roof.

Councilmember Burnham requested to change “apartment(s)” in 9B.1 and 9B.3 to “multifamily units.” City Attorney Marcus Draper cautioned that amending the wording to multifamily units would change the entitlement to allow all types of multifamily units. After discussion, the Council determined to amend the wording to “apartments or condominium units.”

Councilmember Burnham said the applicant has requested to change a sentence in the final paragraph of 8B.1, “As such, the City will recalculate, pursuant to the Second Amendment, the amount of open space, improvements and amenities required for the new developments as set forth in this Third Amendment in Pods 1, 2, 9, 10, 15a and 15b and apply the unused portion, effective as of the day of this amendment, of the in lieu fee against the new open space, improvements and amenities requirements of the new development,” removing the word “portion” and replacing it with “points” to coincide with the verbiage in the previous paragraphs; and clarifying in 9B.4 that the trail fulfills the sidewalk requirement as had been stipulated in a previous version of the document.

Applicant representative Khosrow Semnani agreed to bring the elevations back for Council review if the Council allowed for a flat roof and is in favor of allowing either apartments or condominiums because it would allow him to be able to adjust to market demands. He requested the open space in Pod 15b that is to be dedicated to the City be credited towards the open space requirement for the project.

Mr. Mumford verified that counting the dedication of the open space in Pod 15b towards the open space requirement would be a change to the agreement and is not the standard practice of the City. The development should meet the open space requirements without receiving additional points for the land in 15b. The applicant will receive credit for the improvement of the asphalt trail in Pod 15b and the property under the trail but not the unimproved open space adjacent to the trail. The option for early dedication is to allow the City to improve the trails in the project with reimbursement by the applicant should the City desire the trails earlier than the applicant is able to complete them and to permit the City to adjust the location of the trails if merited.

Councilmembers Love and Wright opposed counting the unimproved open space in 15b towards the improved open space requirement.

MOTION: *Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, approving the Modified Third Amendment to the Porter's Crossing Town Center Master Development Agreement with the following modifications:*

- 1. Allow staff to negotiate the exact location of the trail as needed;*
 - 2. 9B.1. – Adjust the wording in the last sentence to allow for flat roofs and patio gardens but not entitle all architectural standards;*
 - 3. 9B.1 and 9B.3 - Amend “apartment building(s)” to “apartment building(s) or condominium units;”*
 - 4. 8B.1 – Change “portion” to “points,” in the last paragraph; and*
 - 5. 9B.4 – Restore the language that allows the trail to count as the sidewalk.*
- 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.

SCHEDULED ITEMS

17. EAGLE MOUNTAIN RETAIL

- 17.A. ORDINANCE/PUBLIC HEARING** – An Ordinance of Eagle Mountain City, Utah, Amending the General Plan Future Land Use Map and Rezoning Certain Lands Known As Eagle Mountain Retail.

Items 17.A. and 17.B. were presented and discussed together.

Senior Planner David Stroud reviewed the item as presented during work session.

Councilmember Love stated that she feels the requested changes are substantial enough to merit site plan review by the City Council.

Applicant representative Caleb Beck with ARCO Murray and Josh Katzer with Armstrong Capital Development presented the changes to the project and agreement in response to their proposed Municipal Code amendment being denied at the April 18, 2023 City Council meeting. They outlined their revised request for a rezone approval, development agreement approval, and master site plan approval and addressed concerns raised by the Council, staff, and residents regarding the reason for locating the store at this site; adequate traffic and access; buffering with screening and landscaping; site design elements, building materials and aesthetics; and Walmart operational items.

Mr. Katzer reviewed polling results for a survey of Eagle Mountain residents that garnered mostly favorable responses of 79% or more agreeing or strongly agreeing to questions gauging interest in additional retail and tax revenue for the City.

Councilmember Gray joined the meeting electronically at 8:15 p.m.

Discussion ensued regarding traffic flow and movement.

Mayor Westmoreland opened the public hearing at 8:40 p.m.

Jeff Ruth spoke in favor of the item producing more tax revenue for the City.

Maria Perez asked questions about the development including survey results and number of homes.

Glen Allred said he owns property immediately adjacent to the west of the site and that the applicants have worked with him and his neighbors and have resolved their concerns.

Mel Cox spoke in favor of the project and the resulting tax revenue.

Rob Carlson spoke against the project due to traffic and safety concerns and requested a traffic study and gate or other traffic mitigation.

Elizabeth Marinos requested language addressing architectural design standards to be included in the development agreement. She thinks the roofline needs additional articulation and that more architectural details should be added per Eagle Mountain Municipal Code 17.72.040(E).

Jimmy Eaton spoke against the proposed location of the store.

Mayor Westmoreland closed the public hearing at 8:57 p.m.

Discussion clarified the elements of and the difference between the master site plan and the final site plan and the desired changes to the architectural details of the buildings.

Mr. Draper confirmed that the Council could stipulate that only the architectural elements of the site plan required additional review.

Councilmember Love requested the developer create a short, right-turn pocket on the southbound road turning into the Walmart parking lot, to remove all reference to signs and for signage to be approved in a separate application, and for signage prohibiting overnight parking to be posted in the parking lot.

The applicant representatives agreed to make the discussed changes.

MOTION: *Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, amending the General Plan Land Use Map from Neighborhood Residential One and Community Commercial to Regional Commercial and Parks and Open Space and rezoning certain lands known as Eagle Mountain Retail from Agriculture and Commercial to Commercial Regional and Open Space-Improve contingent upon approval of a development agreement for the property. Councilmember Wright seconded the motion.*

Discussion confirmed that the development agreement requires a wall along the open space.

Mr. Draper recommended making the approval contingent upon the approval and execution of the development agreement.

AMENDED MOTION: *Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, amending the General Plan Land Use Map from Neighborhood Residential One and Community Commercial to Regional Commercial and Parks and Open Space and rezoning certain lands known as Eagle Mountain Retail from Agriculture and Commercial to Commercial Regional and Open Space-Improve contingent upon the approval and execution of a development agreement for the property. 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.

17.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Eagle Mountain Retail Development Agreement with Armstrong Commercial Services.

MOTION:

Councilmember Love moved to approve a resolution of Eagle Mountain City, Utah, approving the Eagle Mountain Retail Development Agreement with Armstrong Commercial Services with the following conditions:

- 1. A site plan shall be brought to the City Council for approval that incorporates the discussed modifications including adding timber elements on the east and south sides of the building and the additional buildings on the property; creating more pronounced roofline modulation; and complying with EMMC 17.72.040 to include the majority of the required elements;*
- 2. A short right-hand turn pocket shall be added on southbound Spring Run;*
- 3. Any reference or approval of signs shall be brought back in a separate application; and*
- 4. Signage shall be installed in the parking lot prohibiting overnight parking.*

Councilmember Wright seconded the motion.

AMENDED MOTION: *Councilmember Love moved to approve a resolution of Eagle Mountain City, Utah, approving the Eagle Mountain Retail Development Agreement with Armstrong Commercial Services with the following conditions:*

- 1. A site plan shall be brought to the City Council for approval that incorporates the discussed modifications including adding timber elements on the east and south sides of the building and the additional buildings on the property; creating more pronounced roofline modulation; and complying with EMMC 17.72.040 to include the majority of the required elements;*
- 2. A short right-hand turn pocket shall be added on southbound Spring Run;*
- 3. Any reference or approval of signs shall be brought back in a separate application;*
- 4. Signage shall be installed in the parking lot prohibiting overnight parking; and*
- 5. The master site plan shall be approved as a part of the development agreement with the exception of the elevations and the standard preliminary plat and site plan procedures shall be followed.*

Councilmember Wright seconded the motion.

Those Voting Yes

☒ *Donna Burnham*
☐ *Colby Curtis*
☒ *Jared Gray*
☒ *Carolyn Love*
☒ *Brett Wright*

Those Voting No

☐ *Donna Burnham*
☐ *Colby Curtis*
☐ *Jared Gray*
☐ *Carolyn Love*
☐ *Brett Wright*

Those Abstaining

☐ *Donna Burnham*
☐ *Colby Curtis*
☐ *Jared Gray*
☐ *Carolyn Love*
☐ *Brett Wright*

Those Absent

☐ *Donna Burnham*
☒ *Colby Curtis*
☐ *Jared Gray*
☐ *Carolyn Love*
☐ *Brett Wright*

The motion passed with a unanimous vote.

Mayor Westmoreland recessed the meeting from 9:10 to 9:17 p.m.

18. EAGLE MOUNTAIN BENCHES

18.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the General Plan Future Land Use Map from Agriculture/Rural Density 1 to Agriculture/Rural Density 2, and Rezoning Certain Lands Known as Eagle Mountain Benches from RA2 and AG to RD1.

Planning Manager Robert Hobbs reviewed the item as presented during the work session.

Mayor Westmoreland opened the public hearing at 9:23 p.m.

Greg Jeppson and Bettina Cameron spoke against amending the General Plan to permit one-acre lots.

Jody Hooley submitted a letter against the item.

Laura Kesler and Dean Kesler spoke in favor of the item.

The following residents submitted emails in support of the item: Jamie Adams, Jeff Adams, Teah Barkle, Theresa Castro, Pamela Dallon, Glen Davis, Maren Davis, Jennifer Dinning, Kim Garner, Camille Hammond, Kyle Hansen, Amy Hart, Julie Helquist, Abby Isaacson, Greg Kaufman, Daniel Landon, Derrick Luera, David Sanchez, Ginger Shaw, Phillip Shaw, Jason Taylor, Darcey Williams, Randy Peck, and Diane Peck.

Councilmember Wright cited portions of the minutes from the June 13, 2023 Planning Commission meeting, “Deputy City Administrator/Community Development Director Steve Mumford stated that the current approval for a one-acre lot minimum on the property west of the powerline corridor combined with the 2.5-acre lot minimum on the property east of the powerline corridor would result in an average lot size for the entire project of approximately 1.76 acres... Commissioner Pengra said that while he acknowledges and has compassion for the challenges faced by and impacts of the land use decision on the applicants, the situation has not changed since the previous approvals by the City for the property and he feels that zoning is appropriate. The Planning Commission is tasked with making recommendations based on existent standards in Municipal Code.” He said that although he has a tremendous amount of empathy for the Scotts, he is in favor of upholding the 2018 decision. However, he would be willing to remove the 150-foot buffer, as the 2 ½ acre lots would provide adequate transitioning.

Councilmember Love echoed the sympathy expressed regarding the Scotts’ situation; however, she feels that a compromise has already been offered by allowing one-acre lots west of the powerline corridor and 2 ½ acre lots east of the powerline corridor. She noted the shortage of large lots available in the City compared to an abundance of smaller lots. The General Plan of the City designates this area for larger lots and if they were to allow smaller lots in this area, those lots would be lost rather than developed elsewhere. However, she would be willing to remove the 150-

foot buffer and to reduce the width of the powerline corridor area dedication for the trail. She recommended tabling the item to allow the applicant to amend the request.

Councilmember Burnham supported Councilmember Love's suggestions.

Discussion ensued regarding the existing and desired zoning for the property.

MOTION: *Councilmember Wright moved to table an ordinance of Eagle Mountain City, Utah, approving an amendment to the General Plan Future Land Use Map from Agriculture/Rural Density 1 to Agriculture/Rural Density 2, and rezoning Certain Lands Known as Eagle Mountain Benches from RA2 and AG to RD1 and continue the public hearing. 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.

18.B. MOTION/PUBLIC HEARING – Request for the Waiver of the Master Development Approval Requirement for Eagle Mountain Benches.

Mayor Westmoreland opened the public hearing at 9:51 p.m.

MOTION: *Councilmember Burnham moved to table a request for the waiver of the master development approval requirement for Eagle Mountain Benches and continue the public hearing. Councilmember Love 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.

19. ORDINANCES/PUBLIC HEARINGS

19.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah,

Amending Eagle Mountain Municipal Code Chapter 17.75 Standards for Special Uses, and Sections 17.20.050 Conditional Uses (Agriculture Zone), 17.35.030 Land Use Table (Commercial Zones), and 17.40.040 Conditional Uses (Industrial Zone) Regarding Automobile Sales, Kennels, Racetracks, and Communication Facility Generators.

- 19.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.10 Definitions, Chapter 17.38 Commercial Storage Zone, and Chapter 17.40 Industrial Zone, Regarding Caretaker Dwellings.
- 19.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.25 Residential Zones, 17.72 Commercial and Multifamily Design Standards, and 17.55 Off-street Parking Regarding Alleys and Service Drives, Fire Department-related Access Standards, and ADA Parking Standards.
- 19.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Enacting Eagle Mountain Municipal Code Chapter 16.56 Vacation of Rights-of-Way.
- 19.E. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Section 17.60.120 General Fencing Provisions, Regarding Golf Course Netting.

MOTION: *Councilmember Love moved to table item 19.A. – an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Chapter 17.75 Standards for Special Uses, and Sections 17.20.050 Conditional Uses (Agriculture Zone), 17.35.030 Land Use Table (Commercial Zones), and 17.40.040 Conditional Uses (Industrial Zone) Regarding Automobile Sales, Kennels, Racetracks, and Communication Facility Generators; item 19.B. – an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.10 Definitions, Chapter 17.38 Commercial Storage Zone, and Chapter 17.40 Industrial Zone, Regarding Caretaker Dwellings; item 19.C. – an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.25 Residential Zones, 17.72 Commercial and Multifamily Design Standards, and 17.55 Off-street Parking Regarding Alleys and Service Drives, Fire Department-related Access Standards, and ADA Parking Standards; item 19.D. – an ordinance of Eagle Mountain City, Utah, enacting Eagle Mountain Municipal Code Chapter 16.56 Vacation of Rights-of-Way; and item 19.E. – an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Section 17.60.120 General Fencing Provisions, Regarding Golf Course Netting; and continue the public hearings. 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.

20. RESOLUTIONS

- 20.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, approving an Interlocal Cooperation Agreement between the Redevelopment Agency of Eagle Mountain City, Utah, and Eagle Mountain City for the Collection and Remittance of Incremental Property Taxes Collected from Property Within the Sweetwater Industrial Park Community Reinvestment Area #3.

Economic Development Director Evan Berrett stated that the noise generated by the cooling system, measured within 25 feet from the location, would fall below the maximum allowed 65-decibel level. He clarified that the annual average tax revenue of \$98,000 per phase would be paid annually. The municipal energy tax will be received throughout the incentive periods and after as well.

MOTION: *Councilmember Wright moved to approve a resolution of Eagle Mountain City, Utah, approving an Interlocal Cooperation Agreement between the Redevelopment Agency of Eagle Mountain City, Utah, and Eagle Mountain City for the Collection and Remittance of Incremental Property Taxes Collected from Property within the Sweetwater Industrial Park Community Reinvestment Area #3. Councilmember Love 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.

- 20.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the QTS Eagle Mountain I, LLC Development Agreement.

MOTION: *Councilmember Wright moved to approve a resolution of Eagle Mountain City, Utah, approving the QTS Eagle Mountain I, LLC Development Agreement. 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.

21. ORDINANCES

21.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Section 2.16.030 Hiring and Employment Terms to Remove Reference to a Six-Month Severance Stipulation.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Section 2.16.030 Hiring and Employment Terms to remove reference to a six-month severance stipulation. 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.

22. AGREEMENTS

22.A. AGREEMENT – Approving an Amended and Restated Agreement between Eagle Mountain City and Paul Jerome for City Administrator Services Amended and Restated Agreement for City Administrator Services.

Discussion ensued detailing the changes to the contract proposed during the closed session including a three-month rather than a six-month period in which a City Administrator cannot be terminated following a municipal election where a new mayor or councilmembers are elected, the employee shall be paid a six-month salary lump sum after termination with monthly salary payments for up to a year until the individual is employed elsewhere, Consolidated Omnibus

Budget Reconciliation Act (COBRA) health benefits will be paid on a monthly basis, and the current administrator's salary shall remain the same.

MOTION: *Councilmember Burnham moved to approve an Amended and Restated Agreement between Eagle Mountain City and Paul Jerome for City Administrator Services Amended and Restated Agreement for City Administrator Services with the following modifications:*

- 1. 6 – Shall be amended to, “Employee shall serve at the pleasure of the City Council and may be terminated with or without cause in accordance with the Code, provided that the City Council may not terminate employee without cause within the period of January 1st and March 31st following any municipal election in which there is a new Mayor or member of Council who takes office;”*
- 2. 7 – Shall be amended to, “In the event that Employee is terminated, City shall pay a payment equal to 6 months salary at Employee’s then rate of pay in a lump sum within 15 days of termination. If after six months, Employee has not yet secured employment after reasonable efforts to do so, Employee shall receive an additional monthly severance payment equal to one month’s salary at Employee’s then rate of pay until the earlier of the following: 1- Six monthly payments, or 2-Employee secures full time employment. City shall also pay Consolidated Omnibus Budget Reconciliation Act (COBRA) benefits for health, dental, vision, and life insurance until the earlier of the following: 1-Employee secures full-time employment, or 2-Twelve months elapse. In the event that Employee is terminated because of a criminal conviction of a felony or for malfeasance in office, City shall not be obligated to pay these severance payments;” and*
- 3. The employee shall receive a salary of \$154,500 subject to future negotiations.*

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 vote of 3:1.

23. LEGISLATIVE ITEMS

23.A. UPDATE – Legislative Priorities List

Director of Legislative Affairs Cliff Strachan said staff is planning a Strategic Goals retreat for September or October and plans to invite State Legislators. Resident survey information will be available for discussion and incorporation. He invited the Council to submit desired agenda items.

Councilmember Wright stated that he would like to review the City's zoning map at the soonest availability. He is proud of the Strategic Goals and Vision formulated by the City Council and requested to have them posted where they can be viewed and referenced by the Council and the public.

Mr. Mumford assured the Council that the zoning map is Planning's top priority and that they have meetings regarding it each week with the GIS team. Their goal is to create a digital, interactive map. He hopes to have the first layer of the map completed in July.

24. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Burnham

Councilmember Burnham reiterated the need for Youth Council Advisors.

Councilmember Gray

None.

Councilmember Love

None.

Councilmember Wright

Councilmember Wright said he desires to communicate to the public the benefits available through the Promise to Address Comprehensive Toxins (PACT) Act of 2022 to assist veterans in meeting the August 9, 2023 deadline to qualify for retroactive benefits.

25. CITY COUNCIL/MAYOR'S BUSINESS

26. COMMUNICATION ITEMS

26.A. Upcoming Agenda Items

27. ADJOURNMENT

MOTION: *Councilmember Love moved to adjourn at 10:10 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>
☒ <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 10:10 p.m.

Approved by the City Council on August 1, 2023.


Lianne Pengra, CMC
Chief Deputy Recorder

