



EAGLE MOUNTAIN CITY SPECIAL CITY COUNCIL MEETING MINUTES

July 5, 2023, 5:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:00 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; Fionnuala B. Kofoed, Assistant City Administrator/City Recorder; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Robert Hobbs, Planning Manager; and Lianne Pengra, Chief Deputy Recorder.

CITY STAFF PRESENT ELECTRONICALLY: Cliff Strachan, Director of Legislative Affairs; and Chris Trusty, City Engineer.

1. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 5:05 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Westmoreland led the Pledge of Allegiance.

3. POLE CANYON/FIREFLY

- 3.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the First Amendment to the Pole Canyon (AKA Firefly) Master Development Plan.
- 3.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Amended and Restated Pole Canyon Master Development Agreement, Now Known as Firefly.

Items 3.A. and 3.B. were presented and discussed concurrently.

Planning Manager Robert Hobbs presented a chart of land use allowances in the Community Plan compared to existing land use allowances in Municipal Code.

Discussion reviewed Councilmember concerns with details in the Community Plan (CP) and Amended and Restated Master Development Agreement (ARMDA).

Applicant representatives Nate Shipp, Chase Andrizzi, David Vitek, and Bruce Baird discussed the master development plan and agreement with the City Council and resolved to include the following changes:

- CP 3-02 – Remove rooftop green space in #7 and outdoor storage in #8 from counting towards Parks, Trails, and Open Space (PTOS) requirements.
- CP 3-06 – Add, “The amounts in the table above shall be increased annually by the consumer price index for Utah as calculated by the Governor’s office of budget,” to clarify that the amounts will be adjusted for inflation.
- ARMDA 4.10 – Amend wording in the last sentence to, “Notwithstanding, Master Developer shall use commercially reasonable efforts to not develop multi-family units at a significantly higher rate to single-family units.”
- ARMDA 4.3.2 – Clarify that units that are displaced by commercial development in n planning areas (NPAs) are not transferred to another NPA and are deducted from the total unit count in the project.
- ARMDA 11.2.2 – Add section 11.2.2.1 with a timeline for community parks and regional parks. The developer should use commercially reasonable means based on the project and phases and not unduly delay these parks.
- ARMDA 13 – Change the deadline to purchase property for the school site to whichever is later December 31, 2025, or 12 months after the 500th certificate of occupancy is issued for the project.
- ARMDA 13.2 – Change interest to accrue starting 18 months after the date of purchase.
- CP 5.12 – Clarify that the signs will not be used for offsite sales but will be used for development purposes.
- CP 5-04 and CP 4-03 – remove the language concerning accessory dwelling units.

MOTION:

Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving the First Amendment to the Pole Canyon Master Development Plan, now known as Firefly, with the following changes to the extent that they are included in the master development plan:

1. *CP 3-02 – Remove rooftop green space in #7 and outdoor storage in #8 from counting towards Parks, Trails, and Open Space (PTOS) requirements.*
2. *CP 3-06 – Add, “The amounts in the table above shall be increased annually by the consumer price index for Utah as calculated by the Governor’s office of budget,” to clarify that the amounts will be adjusted for inflation.*
3. *ARMDA 4.10 – Amend wording in the last sentence to, “Notwithstanding, Master Developer shall use commercially reasonable efforts to not develop multi-family units at a significantly higher rate to single-family units.”*
4. *ARMDA 4.3.2 – Clarify that units that are displaced by commercial development in neighborhood planning areas (NPAs) are not transferred to another NPA and are deducted from the total unit count in the project.*
5. *ARMDA 11.2.2 – Add section 11.2.2.1 with a timeline for community parks and regional parks. The developer should use commercially*

reasonable means based on the project and phases and not unduly delay these parks.

6. *ARMDA 13 – Change the deadline to purchase property for the school site to whichever is later December 31, 2025, or 12 months after the 500th certificate of occupancy is issued for the project.*
7. *ARMDA 13.2 – Change interest to accrue starting 18 months after the date of purchase.*
8. *CP 5.12 – Clarify that the signs will not be used for offsite sales but will be used for development purposes.*
9. *CP 5-04 and CP 4-03 – Remove the language concerning accessory dwelling units.*

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 4 to 1.

MOTION:

Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving the Pole Canyon, now known as Firefly, Amended and Restated Master Development Agreement with the following changes:

1. *CP 3-02 – Remove rooftop green space in #7 and outdoor storage in #8 from counting towards Parks, Trails, and Open Space (PTOS) requirements.*
2. *CP 3-06 – Add, “The amounts in the table above shall be increased annually by the consumer price index for Utah as calculated by the Governor’s office of budget,” to clarify that the amounts will be adjusted for inflation.*
3. *ARMDA 4.10 – Amend wording in the last sentence to, “Notwithstanding, Master Developer shall use commercially reasonable efforts to not develop multi-family units at a significantly higher rate to single-family units.”*
4. *ARMDA 4.3.2 – Clarify that units that are displaced by commercial development in neighborhood planning areas (NPAs) are not transferred to another NPA and are deducted from the total unit count in the project.*
5. *ARMDA 11.2.2 – Add section 11.2.2.1 with a timeline for community parks and regional parks. The developer should use commercially reasonable means based on the project and phases and not unduly delay these parks.*

6. *ARMDA 13 – Change the deadline to purchase property for the school site to whichever is later December 31, 2025, or 12 months after the 500th certificate of occupancy is issued for the project.*
7. *ARMDA 13.2 – Change interest to accrue starting 18 months after the date of purchase.*
8. *CP 5.12 – Clarify that the signs will not be used for offsite sales but will be used for development purposes.*
9. *CP 5-04 and CP 4-03 – Remove the language concerning accessory dwelling units.*

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 vote of 4 to 1.

- 3.C. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Providing for the Creation of the Firefly Public Infrastructure Districts Numbers 1 through 10 as Independent Districts; Authorizing and Approving a Governing Document and Interlocal Agreement; Approving of an Annexation Area; Appointing Board of Trustees; Authorizing Other Documents in Connection Therewith; and Related Matters.

MOTION: *Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, approving a resolution of Eagle Mountain City, Utah, providing for the creation of the Firefly Public Infrastructure Districts Numbers 1 through 10 as Independent Districts; authorizing and approving a Governing Document and Interlocal Agreement; approving of an Annexation Area; appointing Board of Trustees; authorizing other documents in connection therewith; and related matters. 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 4 to 1.

- 3.D. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving an Amendment to the Interlocal Cooperation Agreement between Eagle Mountain City and Pole Canyon Local District.

MOTION: *Councilmember Curtis moved to approve a resolution of Eagle Mountain City, Utah, approving an amendment to the Interlocal Cooperation Agreement between Eagle Mountain City and Pole Canyon Local District. 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 unanimously.

4. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn at 7:18 p.m. 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.

The meeting was adjourned at 7:18 p.m.

Approved by the City Council on July 18, 2023.


Fionnuala B. Kofoed, MMC
City Recorder

