# EAGLE MOUNTAIN
# CITY COUNCIL MEETING MINUTES

June 21, 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 Pro Tempore Carolyn Love, Councilmembers Donna Burnham, Colby Curtis, Jared Gray, and Brett Wright. Mayor Tom Westmoreland was excused.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Steven Lehmitz, Planner; Jed Shum, Planner; Lianne Pengra, Chief Deputy Recorder; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Kimberly Ruesch, Finance Director; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities/Operations Director; B.J. Eccles, Sergeant; Evan Berrett, Assistant to the City Administrator; and Robert Ballif, Engineering Assistant.

CITY STAFF PRESENT ELECTRONICALLY: Tyler Maffitt, Communications Manager; Angela Valenzuela, Human Resource Manager; Michele Graves, Library Director; and Chas Glenn, Administrative Assistant.

Mayor Pro Tempore Love called the meeting to order at 4:06 p.m.

### 1. CITY ADMINISTRATOR INFORMATION ITEMS

#### 1.A. UPDATE – City Administrator Items

Public Utilities

- City Administrator Paul Jerome thanked residents on behalf of the City for refraining from watering last Friday due to reduced water flow caused by well maintenance. Zimmerman Construction is onsite treating Well #1. Mr. Jerome updated the Council later during the meeting that the well has tested negative for bacteria and will be operating soon.
- The power issue with the Golf Course well was resolved and it should be operational this week.
- Parts for Well #5 were delayed and should be installed by the end of next week.
- The City is accepting bids for the headworks project at the sewer treatment plant. The winning bid will be presented to Council at the July 5, 2022 meeting.

Engineering

- A pad site for Well #7 is being installed west of Hidden Hollow Elementary School on the south side of Pony Express Parkway.
- Staff is working with Flagship Homes to determine a site for Well #8.
- The generator was installed in White Hills last week enabling both wells to run simultaneously.

- Southbound Major Street will be closed this week for sewer pipe installation for the Eagle Mountain Boulevard widening project.
- Construction design work will begin this week for traffic signals at the intersections of Woodhaven Boulevard and Pony Express Parkway and Stonebridge Lane and Ranches Parkway.
- The design review for the Mid Valley Road extension is 70% complete.
- Design is underway for the culvert across the wash at Silver Creek Way, and the City is coordinating with Flagship Homes to complete their portion of the roadway.
- The water impact fee analysis (IFA) and impact fee facility plan (IFFP) will be on the July 5, 2022 agenda, followed by wastewater and transportation at the next consecutive meetings.

Streets and Storm Water

- The Streets Department will begin paving the Hidden Hollow trailhead parking lot tomorrow with completion scheduled for Thursday.
- The Arrival detention pond is scheduled to be completed today.
- The Division of Water Quality will audit the municipal stormwater system from June 28 to 30.

### 1.B. DISCUSSION – Economic Development Master Plan

The City Council, Economic Development Director Aaron Sanborn, and Heather Upshaw with Zions Public Finance discussed the following items regarding economic development vision and goals:

- Economic development needs in the City: a larger commercial tax base, more retail and healthcare facilities, a university satellite or trade school campus with an agricultural focus, veterinary services, RV and UTV sales and repairs, dine-in restaurants, high-tech agricultural, diversity of use types, mountain bike sales and services, a bowling alley, a movie theater, technology jobs, and balancing high-paying and blue-collar jobs;
- Retail development: planning retail near high-traffic areas, determining a commercial center along Eagle Mountain Boulevard, diminishing availability in the Ranches area of the City shifting focus to other areas, difficulties related to ambiguity with the final location of major transportation corridors, and finishing the Municipal Code amendment to create City nodes;
- Branding and identity to support the vision that the City is Utah's largest small town;
- Enhanced amenities to support the economy including mountain biking, equestrian activities, carnival, derby, rodeo, aquatic center, and miniature golf course;
- Walkable communities and integrated commercial and residential uses;
- Resident shopping habits inside and outside the City and attracting unique businesses to Eagle Mountain;
- Clarifying City statistics for commercial development and residents; and
- Creating separate branding for commercial and residential aspects.

Councilmember Burnham requested a Municipal Code amendment regarding City nodes be placed on an upcoming Planning Commission agenda.

### 1.C. DISCUSSION – Flex Homes

Kameron Spencer with Flagship Homes explained that the purpose of the flex home product is to allow the home to grow with the buyer and to provide a financially obtainable product, especially for first-time buyers.

Greg Magleby shared different styles of flex homes with two bedrooms and one bathroom with a full-sized kitchen, dining, and living space, which can be finished to include five bedrooms, three bathrooms, and a detached, two-car garage with an option for an accessory dwelling unit (ADU) in the basement. The front of the home remains the same with the expansion on the back side of the home. The plan addresses concrete, excavation, structural, roof, and landscaping challenges, which are the most common causes for renovations to fail. An owner's suite expansion can be built over the patio and a detached, two-car garage can be added over an existing concrete slab and footings.

Curt Magleby explained that the homes are intended to promote economic growth and economic stability for native Utahns by providing flex townhomes or single-family homes between $300,000 and $400,000. The ADU in the basement can be rented to assist with home affordability. The front landscaping is overseen by a homeowner's association (HOA). Four parking spots are included with each home and extra parking could be leased back to the HOA. The two-bedroom, one-and-a-half-bathroom detached townhome option has main-floor living and finishes with four bedrooms and three and a half bathrooms. They requested that the City allow the completion of garages to be delayed, ADU entrances on the front of a home for the townhome units, impact fees and building permit segmentation in phases, standard lot size exceptions, adjusted neighborhood park space requirements, shared driveways with zero lot lines, and parking stall rentals through the HOA. They are considering flex homes for the Harmony development. All units would have internal parking on alleyways and park space between units.

Discussion ensued regarding the following:

- Appreciation for assisting the residents with the expansions;
- The HOA's ability to require the units be owner-occupied;
- Clarification that flex homes are in the planning stages and have not been built in any community;
- Creating a master development agreement to allow a flex homes pilot program rather than amending Municipal Code; and
- Concerns with the plan changing in the future due to market fluctuations or residents selling rather than expanding their homes resulting in the City not collecting the full impact fees.

Councilmember Wright said although the idea is innovative, he will struggle to support the concept due to the impact fee and building permit timing, and the possibility of the homes never being expanded.

Councilmember Gray expressed concern with the request to build 44 flex homes to replace 38 units contemplated in the Harmony development.

The City Council indicated that they are willing to continue the conversation in a future meeting to determine if their concerns can be adequately resolved in order to allow the project to move forward.

## 2. AGENDA REVIEW

### 11. AGREEMENTS

#### 11.A. Digital 311 Service Platform Agreement – Rock Solid Technologies, Inc.

Councilmember Curtis requested the agreement include the discussed 24-hour customer support.

Andrew Kirk with Rock Solid Technologies, Inc. said a service level agreement including service hours, response time, and uptime outside of regularly scheduled maintenance can be added as an addendum to the agreement.

### 15. RESOLUTIONS

#### 15.C. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving a Fee Waiver for the Sweetwater Fire Station and Fire Station 253 Impact Fees.

Councilmember Curtis stated that he is in favor of granting the fee waiver for the fire station; however, future waivers for public uses would depending upon the impact of the specific use.

Discussion ensued regarding school impact fees, the terms of fire station sales and purchases, and subsidization between members of the Unified Fire Service Area (UFSA).

The City Council determined to remove the item from the consent agenda to allow staff time to research if other UFSA cities waive impact fees for fire stations.

### 16. ORDINANCES/PUBLIC HEARINGS

#### 16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Final Budget Amendments for Fiscal Year 2021-2022.

Finance Director Kimberly Ruesch presented the item. She reviewed the impact fee payments and transfers and explained that $600,000 is included as a placeholder to reimburse developer overpayment for streetlight installation. The transfer to Fund 47 reallocates funds from the General Fund in excess of State limitations to the Capital Projects Fund. She requested an additional $146,500 be added to the budget to cover the cost of issuing the 2022 series sales tax bond, which will be covered by the proceeds of the bond.

#### 16.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Fiscal Year 2022-2023 Budget totaling $121,380,554 and the Certified Tax Rate.

Ms. Ruesch presented the final budget and certified tax rate. An additional $7,500 is requested for information services to automate data entry processes to reduce labor costs. The City's total taxable value increased by almost two billion dollars over the past year, mostly due to the Meta development. As a result, the certified tax rate has been reduced. The new property tax is approximately $29 per year per $100,000 of value for a primary residence. Approximately ten years ago, rates generated around $98 in property tax per $100,000 of value. Ms. Ruesch explained the $1,000 increase for Information Services reflects an increase in the cost of social media archival services. The increase of $3,000 for text messaging service will allow the City to send shut-off notifications via text messages rather than door tags, as well as individualized messaging to specified groups of residents.

Discussion clarified the fleet size, usage, expenditures, transfers, and purchasing.

Ms. Ruesch confirmed that a placeholder for a half-year of salary and benefits has been included in the budget for the potential legislative position. The budget includes the wage for a dedicated city attorney and eventually, a new subcategory will be created for all legal costs.

## 3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Pro Tempore Love adjourned the work session at 6:31 p.m.

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Lianne Pengra, Chief Deputy Recorder; Jeremy Cook, City Attorney; Kimberly Ruesch, Finance Director; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; and B.J. Eccles, Sergeant.

CITY STAFF PRESENT ELECTRONICALLY: Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Jeff Weber, Fleet and Facilities/Operations Director; Tyler Maffitt, Communications Manager; and Chas Glenn, Administrative Assistant.

## 4. CALL TO ORDER

Mayor Pro Tempore Love called the policy session to order at 7:07 p.m.

## 5. PLEDGE OF ALLEGIANCE

Councilmember Wright led the Pledge of Allegiance.

## 6. INFORMATION ITEMS/UPCOMING EVENTS

- Residents are invited to attend a Movie in the Park this Friday at Silverlake Amphitheater. We will show “A Goofy Movie” starting at 9:00 p.m.

- Residents are encouraged to water their lawns twice per week. Residents with odd-numbered addresses are encouraged to choose from Monday, Wednesday, or Friday to water, and those with even-numbered addresses are encouraged to choose from Tuesday, Thursday or Saturday. Thank you for helping Eagle Mountain achieve its conservation goals.
- With the Independence Day and Pioneer Day holidays coming up, the City has posted a fireworks restriction map on its Facebook page. This interactive map will help residents identify where they are able to detonate fireworks in celebration.

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

## 7. PUBLIC COMMENTS

*Mayor Pro Tempore Love opened public comment at 7:11 p.m.*

Garrett Schmidt with the Browns Meadow development requested information regarding the master transportation plan and if the collector road is required for their development.

Assistant City Administrator/Community Development Director Steve Mumford explained the plan has been delayed awaiting the location of the future freeway and other Mountainland Association of Governments roadways. The plan is tentatively scheduled to be presented in August. He advised Mr. Schmidt to contact the City Engineer for assistance with his questions.

*Mayor Pro Tempore Love closed public comment at 7:15 p.m.*

## 8. CITY COUNCIL/MAYOR'S ITEMS

<u>Councilmember Curtis</u>
Councilmember Curtis requested the current draft of the master transportation plan be sent to the Council. He thanked residents that voluntarily complied with watering recommendations.

<u>Councilmember Burnham</u>
Councilmember Burnham expressed appreciation to residents for refraining from watering. She thanked the Neighborhood Improvement Officers for their responsiveness and assistance and encouraged residents to work with the officers if they receive a citation, as the City desires to rectify issues rather than be punitive.

<u>Councilmember Wright</u>
Councilmember Wright thanked the residents for participating in the meeting. He recognized the City Administrator for his leadership, especially with difficult tasks, and appreciates staff efforts to ensure the City has adequate water. He expressed appreciation for the 400 tons of asphalt City employees will install in the Hidden Hollow trailhead area saving citizens money and creating value for the City.

Councilmember Gray

Councilmember Gray expressed gratitude to the meeting participants and to residents for employing waterwise practices. He thanked the Events Department staff and said the rodeo and carnival were well attended.

Mayor Pro Tempore Love

Mayor Pro Tempore Love echoed the gratitude to residents for following watering guidelines. She thanked the Pony Express Events staff for facilitating the rodeo.

## 9. RECOGNITION

### 9.A. Myron and Sandra Ring - 2022 Pony Express Days Grand Marshals

Mayor Pro Tempore Love presented a plaque to Pony Express Days Grand Marshals Myron and Sandra Ring and thanked them for their service and contributions to the City.

## 10. APPOINTMENTS

### 10.A. Youth Council Advisors

*This item was discussed after item 17.C.*

**MOTION:** ***Councilmember Wright moved to appoint Mary King as a Youth Council Advisor for a one-year term through June 2023. Councilmember Curtis seconded the motion.***

| Those Voting Yes | Those Voting No | Those Abstaining | Those Absent |
|---|---|---|---|
| ☒ 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 appoint Matt King as a Youth Council Advisor for a one-year term through June 2023. Councilmember Curtis seconded the motion.***

| Those Voting Yes | Those Voting No | Those Abstaining | Those Absent |
|---|---|---|---|
| ☒ 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.***

Chief Deputy Recorder Lianne Pengra administered the oath of office to the Kings.

**CONSENT AGENDA**

11. AGREEMENTS

    11.A. Digital 311 Service Platform Agreement – Rock Solid Technologies, Inc.

12. BOND RELEASES

    12.A. Available Self Storage – Into Warranty

    12.B. Brylee Farms Phase A, Plat 4 – Into Warranty

    12.C. Eagle Heights Village Plat 2 – Into Warranty

    12.D. Sage Park Phase A, Plat 6 – Into Warranty

    12.E. Eagle Point Phase J, Plat 2 – Out of Warranty

    12.F. Harmony Phase A, Plat 2 – Out of Warranty

    12.G. SilverLake Plat 21 – Out of Warranty

    12.H. SilverLake Plat 22 – Out of Warranty

    12.I. SilverLake Plat 26 – Out of Warranty

13. CHANGE ORDERS

    13.A. 2021 White Hills Well Upgrades Change Order #2 – Bowen Collins and Associates

14. MINUTES

    14.A. June 7, 2022 Minutes – Regular City Council Meeting

15. RESOLUTIONS

    15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Name of Cedar View Lane.

    15.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving an Update to the Eagle Mountain Storm Water Management Program.

15.C. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving a Fee Waiver for the Sweetwater Fire Station and Fire Station 253 Impact Fees.

15.D. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Triumph Master Development Agreement.

**MOTION:** ***Councilmember Curtis moved to approve the consent agenda, removing item 15.C. and placing it as a scheduled item, and approving item 11.A. with the condition that a service level agreement including 24-hour, seven days a week services be included. Councilmember Wright seconded the motion.***

| *Those Voting Yes* | *Those Voting No* | *Those Abstaining* | *Those Absent* |
|---|---|---|---|
| ☒ ***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

15.C. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving a Fee Waiver for the Sweetwater Fire Station and Fire Station 253 Impact Fees.

City Administrator Paul Jerome explained that Tony Hill with Unified Fire Authority (UFA) informed him that Millcreek City asked for a waiver of UFA impact fees for their new City Hall. UFA granted the waiver and in return requested impact fee waivers for all new fire stations in Millcreek City, which the city has agreed to do. The request to Eagle Mountain is the first impact fee waiver request UFA has made. UFA intends to likewise waive impact fees for municipal facilities.

Discussion ensued regarding the impact fee amounts, the number of anticipated fire stations and City buildings, and subsidization between Unified Fire Service Area members.

**MOTION:** ***Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah approving a fee waiver for the Sweetwater Fire Station and Fire Station 253 impact fees. Councilmember Curtis seconded the motion.***

| *Those Voting Yes* | *Those Voting No* | *Those Abstaining* | *Those Absent* |
|---|---|---|---|
| ☒ ***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. ORDINANCES/PUBLIC HEARINGS

### 16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Final Budget Amendments for Fiscal Year 2021-2022.

Mayor Pro Tempore Love noted that $146,500 is being added to the budget to cover the cost of issuance of the 2022 series sales tax bond.

*Mayor Pro Tempore Love opened the public hearing at 7:40 p.m. As there were no comments, she closed the hearing.*

**MOTION:** ***Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah adopting the final budget amendments for fiscal year 2021-2022 adding $146,500 to the General Fund for the cost of issuing expense for the sale tax bond. Councilmember Burnham seconded the motion.***

| ***Those Voting Yes*** | ***Those Voting No*** | ***Those Abstaining*** | ***Those Absent*** |
|---|---|---|---|
| ☒ ***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.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Fiscal Year 2022-2023 Budget totaling $121,380,554 and the Certified Tax Rate.

Mayor Pro Tempore Love stated the final budget total of $122,302,191 which includes the additions discussed during work session.

Mr. Jerome requested direction from the Council regarding the proposed inflationary adjustment for staff and elected officials. Ms. Ruesch clarified that the adjustment is included in the proposed budget.

City Attorney Jeremy Cook confirmed that a Municipal Code amendment would need to be noticed and approved prior to enacting the inflationary adjustment for elected officials.

Ms. Ruesch explained that although projects are funded in the budget, State Code requires Council approval for certain items depending upon the cost and nature of the project.

Mr. Jerome stated that internal policies require Council approval for additional projects and bid awards.

*Mayor Pro Tempore Love opened the public hearing at 7:50 p.m. As there were no comments, she closed the hearing.*

**MOTION:** ***Mayor Pro Tempore Love moved to approve an ordinance of Eagle Mountain City, Utah adopting the fiscal year 2022-2023 budget totaling $122,302,191 and the certified tax rate. Councilmember Curtis seconded the motion.***

| ***Those Voting Yes*** | ***Those Voting No*** | ***Those Abstaining*** | ***Those Absent*** |
|---|---|---|---|
| ☒ ***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. ORDINANCES

### 17.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 15.10 Improvement and Design Standards, 15.15 Inspection, and 15.50 Storm Drains.

City Engineer Chris Trusty presented the item. He has been working with construction and utility staff to address issues that have arisen. He reviewed and explained the proposed changes and requested to add an additional change removing the first sentence in EMMC 15.10.175 and renaming the section Potholing. He verified that sewer lines are pressure tested before going out of warranty.

Discussion clarified that main lines are cameral inspected because they cannot be pressure tested after being connected without capping off the laterals.

**MOTION:** ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah amending the Eagle Mountain Municipal Code Chapters 15.10 Improvement and Design Standards, 15.15 Inspection, and 15.50 Storm Drains removing the first sentence in EMMC 15.10.175 and renaming the section Potholing. Councilmember Wright seconded the motion.***

| ***Those Voting Yes*** | ***Those Voting No*** | ***Those Abstaining*** | ***Those Absent*** |
|---|---|---|---|
| ☒ ***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. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City Municipal Code Chapter 13.75 Eagle Mountain City Storm Water Ordinance.

*This item was discussed after item 20.A.*

Mr. Cook presented the item. The proposed ordinance updates the City's stormwater ordinance to clarify procedures and requirements for stormwater management plans and long-term stormwater management agreements related to properties with personal stormwater facilities. The main change requires stormwater management plans be submitted with business license applications to ensure State compliance.

Councilmember Curtis recommended adding exemption criteria to the standards. Councilmember Wright concurred.

Mr. Cook explained that it is difficult to anticipate individual circumstances. The intent is to allow flexibility and evaluation of individual situations. Exemption criteria could be added to the chapter when the standards return to approve the consolidated fee schedule.

**MOTION:** ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amended the Eagle Mountain City Municipal Code Chapter 13.75 Eagle Mountain City Storm Water ordinance with the change to 13.75.100(A) removing "unless waived by the city engineer." Councilmember Curtis seconded the motion.***

Mr. Cook recommended amending the verbiage to "unless waived by the city engineer because the city engineer determines there will be no impact to the groundwater or City stormwater system."

**AMENDED MOTION:** ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amended the Eagle Mountain City Municipal Code Chapter 13.75 Eagle Mountain City Storm Water ordinance with the change to 13.75.100(A) changing "unless waived by the city engineer," to "unless waived by the city engineer because the city engineer determines there will be no impact to the groundwater or storm drain system." Councilmember Curtis seconded the motion.***

| *Those Voting Yes* | *Those Voting No* | *Those Abstaining* | *Those Absent* |
|---|---|---|---|
| ☒ ***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.C. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City Municipal Code Section 17.15.030 Planning Commission Organization.

Mr. Cook presented the item. He reviewed the proposed amendment to add an alternate Planning Commission member and the appointment process. The Planning Commission reviewed the amendment on June 14 and voted to recommend approval with changes to allow the alternate member to vote if a regular member is absent or if a regular member recuses themselves from an item, and a change to set a term of three years, or until appointed as a regular member of the Commission. The proposed amendment includes these recommended changes.

Mr. Cook explained he had drafted the standards to allow the alternate member to function in a training role until appointed. However, he supports the Planning Commission's suggestions as they better understand the needs and function of the Commission.

Mayor Pro Tempore Love concurred with the Planning Commission's recommendation for a set term for alternates with the option to reappoint individuals as alternate members.

Mr. Cook suggested changing "the alternate member shall serve a term of three years *or until* appointed as a regular member of the planning commission or removed in accordance with subsection G" to "the alternate member shall serve a term of three years *unless* appointed as a regular member of the planning commission or removed in accordance with subsection G" to clarify the intent is for the alternate to be appointed to the Commission during rather than after a three-year term.

Councilmember Gray suggested adjusting the Planning Commission appointment schedule to allow for two appointments each year.

Discussion ensued regarding the current terms of Planning Commissioners.

Councilmember Curtis said regarding the requirement to notify the Council of board appointees prior to public notification is most important for the Planning Commission. He suggested adding verbiage that Planning Commission appointments are considered board appointments for the purpose of posting and noticing and shall comply with all posting and noticing requirements in EMMC 2.27. He believes it is within the purview of the Council to legislate the appointment process.

Councilmember Burnham stated she has struggled with the requested amendments as she thinks it is prescribing to the Mayor how to make appointments, which is a role that statute delegates to the Mayor. The Council makes laws that would better function as processes due to difficulties created in codifying the requirements. She noted that 2.27 needs further clarification as to which City groups are included or excluded from the requirements.

Discussion ensued regarding whether Planning Commissioners can or should be considered board appointments as governed by EMMC 2.27.

Mayor Pro Tempore Love and Councilmember Wright both advocated for the posting and notification requirements to be codified rather than a process.

**MOTION:** ***Mayor Pro Tempore Love moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain City Municipal Code Section 17.15.030 Planning Commission Organization with direction to Mr. Cook to bring the item back to the next possible agenda with the following changes:***

1. ***Section C – Allow regular and alternate terms to be shortened or lengthened at the purview of the Council to stagger the appointments to fill two positions each year;***
2. ***Section C – The alternate member shall serve a term of three years unless appointed as a regular member of the Planning Commission or removed in accordance with subsection G; and***
3. ***Replace Section E with, "The Planning Commission appointments are considered board appointments for purposes of posting and noticing and shall comply with all posting and noticing requirements in EMMC 2.27 Board Appointment Process."***

***Councilmember Curtis seconded the motion.***

Councilmember Burnham noted that the Council will provide feedback and direction to staff regarding tabled items, but a motion to table an item typically does not have specific directions to staff within the motion. Mayor Pro Tempore Love withdrew her motion.

**MOTION:** ***Mayor Pro Tempore Love moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain City Municipal Code Section 17.15.030 Planning Commission Organization with direction to Mr. Cook to bring the item back with changes as presented based upon the discussion. Councilmember Curtis seconded the motion.***

Councilmember Burnham stated the second motion is the same as the withdrawn motion.

Councilmember Gray stated the motion should not include specific direction to staff as staff already has feedback from the meeting's discussion.

Discussion ensued regarding the motion and direction to Mr. Cook regarding options to present at a future meeting.

Mayor Pro Tempore Love withdrew her motion.

**MOTION:** ***Mayor Pro Tempore Love moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain City Municipal Code Section 17.15.030 Planning Commission Organization with direction to Mr. Cook to bring the item back with changes as presented based upon the discussion. Councilmember Curtis seconded the motion.***

| *Those Voting Yes* | *Those Voting No* | *Those Abstaining* | *Those Absent* |
|---|---|---|---|
| ☒ ***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. CITY COUNCIL/MAYOR'S BUSINESS

Mayor Pro Tempore Love

Mayor Pro Tempore Love requested to work with Mayor and staff to reevaluate utility billing policies. Councilmembers Curtis and Wright supported the request.

## 19. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Curtis

Councilmember Curtis expressed appreciation for the work, meaningful discussion, and variety of opinions expressed by the Planning Commission.

Councilmember Burnham

Councilmember Burnham thanked Pony Express Events for their amazing job with the rodeo. She will work with them to plan future collaboration with the City.

Mayor Pro Tempore Love

Mayor Pro Tempore Love said the American Legion held a fundraising event in conjunction with the rodeo and hosted a blood drive on June $10^{th}$.

Councilmember Wright

Councilmember Wright recognized the new Youth Council Advisors, Youth Mayor, and Youth Councilmembers and said he looks forward to working with them.

Councilmember Gray

None.

## 20. COMMUNICATION ITEMS

### 20.A. Fraud Risk Assessment

*This item was discussed prior to item 17.B.*

Ms. Ruesch presented the item. In 2020 the Office of the State Auditor implemented a program designed to help measure and reduce the risk of undetected fraud, abuse, and noncompliance in local governments of all types and sizes. The assessment assigns an overall risk level of undetected fraud based upon points earned for the implementation of the identified best practices. The assessment is not a replacement or duplication of the internal control assessment performed by an independent auditor as part of a financial statement audit. While they are both risk assessments, their methodologies and purposes are distinct. The assessment is performed internally each year and provided to the Council before the end of the fiscal year.

Mr. Jerome stated the internal audit function and audit committee are defined in City policies but need to be revitalized.

### 20.B. Upcoming Planning Items

## 21. ADJOURNMENT

**MOTION:** ***Councilmember Curtis moved to adjourn the meeting at 9:16 p.m. Councilmember Burnham seconded the motion.***

| *Those Voting Yes* | *Those Voting No* | *Those Abstaining* | *Those Absent* |
|---|---|---|---|
| ☒ ***Donna Burnham*** | ☐ ***Donna Burnham*** | ☐ ***Donna Burnham*** | ☐ ***Donna Burnham*** |
| ☒ ***Colby Curtis*** | ☐ ***Colby Curtis*** | ☐ ***Colby Curtis*** | ☐ ***Colby Curtis*** |
| ☒ ***Jared Gray*** | ☐ ***Jared Gray*** | ☐ ***Jared Gray*** | ☐ ***Jared Gray*** |
| ☒ ***Carolyn Love*** | ☐ ***Carolyn Love*** | ☐ ***Carolyn Love*** | ☐ ***Carolyn Love*** |
| ☒ ***Brett Wright*** | ☐ ***Brett Wright*** | ☐ ***Brett Wright*** | ☐ ***Brett Wright*** |

***The motion passed with a unanimous vote.***

The meeting was adjourned at 9:16 p.m.

Approved by the City Council on July 5, 2022.

Lianne Pengra, CMC
Chief Deputy Recorder

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