



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

June 20, 2023, 3:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Cliff Strachan, Director of Legislative Affairs; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Jed Shum, 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; B.J. Eccles, Sergeant; 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 3:06 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. DISCUSSION – Affordable Housing Master Plan - Lewis, Young, Robertson, and Burningham

This item was presented and discussed following item 1.B.

Fred Philpot with Lewis, Young, Robertson, and Burningham presented the Council with a draft version of the Eagle Mountain City Affordable Housing Plan. He detailed the City's historical and expected population growth, resident incomes, home values, housing type distribution, and affordability of homes.

Mr. Philpot explained the General Plan's foundational strategies, which include ensuring that affordable housing grows proportionally with normal development, supporting affordable housing options that address the needs of low to moderate-income households, providing the opportunity for affordable homeownership by offering a range of housing types, and providing desirable affordable housing options that integrate well into surrounding neighborhoods.

Councilmembers Wright and Curtis desired to review the data before making further comments.

Councilmember Wright stated that the entire State of Utah is struggling to provide product within the \$245,000 to \$350,000 price range. He suggested looking for ways to partner with developers to build the vested units in the City.

Mayor Westmoreland requested additional historical data and context for comparison with the current market.

Mr. Philpot clarified that his focus is on affordability within Eagle Mountain rather than comparison with other cities. He explained that land value, growth, and scarcity in the West have caused issues as they have outpaced income, making affordability more challenging for all cities in the State, including Eagle Mountain. Demand is causing home evaluation to rise more than the increased cost of construction. Housing supply and demand imbalance also impact mobility for current owners looking to purchase a home.

Councilmember Love said that she thinks that Eagle Mountain is in a unique situation because so many residents own homes and it illustrates that many residents were able to purchase homes when the units were affordable and the current issues are market driven.

Discussion ensued regarding considerations of vested units in housing statistics, the definition of affordable housing, the abilities and limitations of the City to resolve market issues, and possible strategies to assist with housing affordability issues through density transfers or using affordable housing funds to help residents buy down interest rates.

1.B. UPDATE – City Administrator Items

This item was presented and discussed prior to item 1.A.

The City will be using the 2021 Firework Restrictions Map for the July 4th and 24th holidays.

Economic Development

- Public input for the small area plans thus far has been strong. The in-person event was well-attended, and the matching survey received dozens of responses. Downtown Redevelopment Services and staff will be using public input and stakeholder discussions to select a single map to work from going forward into the next steps.
- Crumbl, unfortunately, had to delay their opening again to June 30th.
- Retail demand is high right now. The City is hosting several development groups and retailers for meetings and tours. Prospects are strong for significant retail plans later this year.
- The QTS project has been stalled due to ongoing discussions with Alpine School District regarding the school site in the Pole Canyon/Firefly development.

Parks, Recreation, Events, and Cemetery

- Staff has pushed the update on the off-street trails plan to a meeting in July or the earliest agenda it allows.

Engineering

- The precast culvert sections for the Tickville Crossing at Silver Creek Way will be delivered on July 1, and the contractor will be onsite to begin installation. Staff is concerned with the ability to place the culvert sections while the wash is still flowing and will coordinate the construction to ensure proper installation.
- City staff met with representatives from Flagship, RK Builders, and John Hancock School to address concerns with school traffic accessing the school site. Flagship anticipates completing the full build-out of Tiffany Lane by October of this year, if not sooner. If they are unable to complete this full section prior to the beginning of the school year on August 15, they will pave at least an additional 4 feet of asphalt to provide a minimum of 24 feet of asphalt until they can complete the road section. Flagship also offered to provide some concrete barriers and additional traffic mitigation if needed.
- Proposals for the design of a two-million-gallon tank were extended by two weeks as the City reconsiders the parcel best suited for the tank.
- Steel for the traffic signals for Woodhaven, Stonebridge, and Majors Street is still two to three months out. The contractor does not expect to begin work on these improvements until likely August.
- Construction is expected to begin on the Cedar Pass waterline replacement the first week in July.
- Construction on the widening of Mid Valley Road between Corey Wride Park and the junior high is expected to begin the first or second week in July. It has been discussed with the contractor that no interruptions to school traffic will be allowed.

Facilities, Fleet, and Emergency Management

- Upgrades to the sewer building are about 90% complete. The flooring is being installed on June 21.
- The Sheriff's and Recorder's Office remodel walkthrough and punch list are scheduled for June 29.
- All new and replacement vehicles for Fiscal Year 2023 have arrived.
- Emergency Coordinator Dave Ulibarri is teaching a Stop The Bleed training for City staff on July 11 through July 13.

Streets and Storm Water

- The Pony Express Paving Project has been roto-milled and repaved. The contractor will begin raising manhole covers and pouring concrete collars tomorrow. The restriping is scheduled for Saturday to complete the project.
- The spray-applied seal coats have begun this week which include daily road closures in residential areas. This work is anticipated to take three weeks to complete.

Public Utilities

- Well #5 is still on track to be finished by the end of the week. There was a delay due to the rewinding of the motor.
- The bypass tapping sleeves have not shipped yet; they should arrive next week.
- Well #2 still is not running. Thursday, all wells were turned off.

- The White Hills well will need some work on the column pipe due to the test pumping that was done. The City is waiting to learn what needs to be repaired.

Community Development

- Through June 18, 2023, 45 new residential permits have been issued – 36 single-family and 9 multifamily.
- Commercial permits have been issued for Wingstop, Taco Bell, Utah Valley Pediatrics, and for an Alpine Credit Union remodel.
- A Certificate of Occupancy was issued for Crumbl on June 16.
- A variety of public sites were planted with a seed mix of wildflowers, native grasses, and other drought-tolerant native plants during the fall/winter. Staff will send out invites to the Council soon to tour four to five of these sites and see the progress in the next couple of weeks.
- Alpine School District's middle school plans have been received and are in review, for a site north of Wride Memorial Highway and south of the Arrival neighborhood.
- The City is working with the SilverLake Village Homeowner's Association (HOA) to acquire property on the banks and tops of the Tickville Wash that is currently owned by the HOA.

Randy Larsen with Gilmore and Bell answered questions from staff and City Council regarding Public Improvement Districts (PIDs) and Local Area Districts (LADs).

2. AGENDA REVIEW

CONSENT AGENDA

9. AGREEMENTS

9.B. Water Supply Agreement – Central Utah Water Conservancy District CWP Water Supply Agreement FY 2023A – DRAFT

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

Councilmember Love expressed concern that Exhibits A and C were missing from the materials.

City Attorney Marcus Draper stated that the applicant did not give a reason for the exhibits being excluded. However, the City Council could condition the approval on the take-down schedule, Exhibit A, being provided. He will research the contents of the missing Exhibit C and report back.

10. BID AWARDS

10.A. Tertiary Treatment and Algae Control Design – JWO Engineering JWO Fee Proposal

City Engineer Chris Trusty confirmed that this project will be partially funded with grants.

12. CHANGE ORDERS

12.A. Well 8 Drilling Change Order #1 – Grimshaw Drilling LLC
Test Pumping Estimate

Discussion confirmed what was included in the bid package and cost comparisons.

SCHEDULED ITEMS

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah,
Adopting the Fiscal Year 2023-2024 Budget and the Certified Tax Rate.

This item was presented and discussed after item 14.B.

Finance Director Kimberly explained that the changes include the removal of a full-time employee position and the removal of a part-time employee from utility billing to allow a full-time employee in the Water Department. Capital Project increases include the addition of \$55,000 for a sidewalk extension, \$90,000 for a cooperative agreement with the Division of Wildlife Resources for wildlife corridor fencing, \$30,000 for paving a Safe Routes to School trail in Overland, and \$200,000 for the medians for the realignment project at Pony Express Parkway and Ranches Parkway. She presented the history of the certified tax rate and explained the portion collected by the City. The new rate for 2023 is half a mill, or 0.000524%.

Mr. Jerome clarified that the News Writer position was removed and the scope of the duties for the Executive Assistant may change.

14.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah,
Adopting the Fourth and Final Amendment to the Fiscal Year 2022-2023 Annual
Budget.

This item was presented and discussed prior to item 14.A.

Ms. Ruesch presented the item and explained the following changes to the budget since the last review by the City Council:

- Payroll costs have been redistributed across funds but are still in line with the original budget amounts;
- Increases in the General Fund account for the fraud incident until the insurance is resolved and funds received will be added to the budget;
- \$400,000 was added to account for an item related to a special improvements district development agreement;
- Streets Department includes new installation of streetlights;
- Three capital projects were accounted for in the overall project budget;
- An increase of \$1 million in the Water Fund for operating spending for materials, supplies, and water purchases from Central Utah Water and a project funded by the bond; and

- Sewer Fund includes payments to the Timpanogos Special Service District for sewer treatments and increases related to the Tertiary Treatment and Algae Control Design.

15. POLE CANYON/FIREFLY

Items 15.A., 15.B., and 15.C. were presented and discussed concurrently.

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

Planning Manager Robert Hobbs presented the request for approval to modify both a Master Development Plan (MDP) and associated Master Development Agreement (MDA) pertaining to 2,764.51 acres of land zoned Residential in the Pole Canyon development area to allow re-configuration of a previously approved project layout that included 9,659 residential dwelling units. He reviewed the history of the project, approvals, densities, designs, and land use designations.

Summary of Updates to the Firefly Plan Community Plan:

- Decrease in the overall number of units by 869 from 9,659 to 8,790.
- Modified boundaries and unit count of Neighborhood Planning Areas (NPAs).
- A minimum of 356 acres of open space (double the open space required in the existing MDA).
- Added commitment to upgrade White Hills Park in Phase 1 of the project.
- Total parks, trails, and open space spending of \$79,110,000 (2.4 times greater than the city standard level of approximately \$32.4 million).
- Removed shared drive lots from the plan.
- Limit homesites with 5-foot/5-foot setbacks to a total of 900 units.
- Maximum number of apartments/condominiums per building of 48 units.
- Maximum multifamily building height of 55 feet and four stories.
- Neighborhood commercial permitted in NPAs 9 and 12, conditional use in all other NPAs.
- Datacenter use permitted in CPA (commercial planning area) 3.

Summary of the changes to the Amended and Restated Master Development Agreement (ARMDA):

- Reduction of 869 units

- Commercial as a permitted use in NPA 9 and 12 with no loss of units. Commercial in other NPAs processed as a conditional use with a loss of 4.1 units/acre for everything but vertical mixed-use.
- The requirement that the developer moves forward with reasonable diligence or risk default
- Future property acquired by Master Developer may be added to ARMDA as Industrial or Commercial only. The developer needs to come back to the City Council in order to add residential uses.
- Data Center Property may withdraw from the ARMDA if the owner enters into a new development agreement with the City.
- The term of the agreement is 25 years with the first period being until December 31, 2033; the second period until December 31, 2043; and the third period until December 31, 2048. If the Master Developer is in default at the end of any of those periods, then the ARMDA terminates.
- The Master Developer will utilize secondary water for irrigation in Community Parks.
- The Master Developer will sell a ten-acre site within the project to the City that the City can use to satisfy its obligation to the Alpine School District.
- City and Master Developer will meet at a special work session every two years to review the progress of the project and to discuss any changes that either side feels should be considered for an amendment to the ARMDA.

Financing Mechanism:

- The City approves the creation of 10 independent districts that are authorized to fund public infrastructure within the project.
- The 10 districts are initially very small (0.10 acres) but can expand their boundaries to account for phasing within the project.
- The bond proceeds generated by the districts would finance public infrastructure (roads, sewer, stormwater, culinary/secondary water, and parks). All public infrastructure will be built according to City standards and dedicated to the City or another public entity.
- Districts would be organized to repay the bonds in a manner that limits the amount left on the homeowner to a maximum of \$65 per month (\$780 per year). Master Developer is responsible for paying off the balance of the debt.

Councilmember Gray clarified, in response to residents' concerns regarding his relationship with the applicant, that he has property in Riverton that Mr. Shipp has expressed interest in purchasing and he is open to considering all offers and has no current contract with Mr. Shipp.

Applicant representative Nate Shipp presented the vision for the Firefly project. His partners have indicated that they need to begin construction at the end of June. If the Firefly project is not approved, they will need to begin construction based on the approved Pole Canyon plans. In order to comply with current Municipal Code standards, the Pole Canyon project would have 66% multifamily units. The goal of Firefly is to encourage residents to spend time outdoors, and the purpose of the PID is for the project to support itself without putting the burden on residents living outside of Firefly. Their plan is that the PID, LAD, and homeowners' association (HOA) fees combined will not exceed \$110 a month. Pole Canyon phasing would begin with multifamily. The phasing of Firefly would include the one-acre equestrian lots and about half of the parks and open space.

Councilmember Gray stated his concerns regarding documents being labeled as conceptual. He advocated for safeguards to ensure the project is developed as imagined and to resolve contradictions between elements of the agreement impacting density and agreed-upon standards.

Councilmember Love noted the efforts of the Council working with the applicants to adjust the unit types, quantities, and standards. Although she feels the project has improved, she's hesitant to approve the plan without detailing the unit type and varieties in the agreement.

Councilmember Curtis expressed concern with the lack of specificity in the plan potentially resulting in unit types and densities contrary to the proposal and rooftop greenery being counted towards the amenity requirements.

Discussion ensued regarding the City Council's concerns about the agreement excluding unit types, the number of units, and amenities; the reasons the applicants had excluded unit counts and detailed amenities; and possible unit counts and amenity specifics the applicants could agree to stipulate in the agreement.

Councilmember Burnham cautioned that requiring specific unit types and numbers could become problematic should development standards change in the future.

Applicant representative Jared Westhoff explained the sacrifices being made by the developer and the challenges they are facing by offering to exceed parks and open space requirements in the Firefly project, the impact on the construction deadline of delaying the approval, and their contributions to the City above requirements in previous projects.

Councilmember Love expressed hesitation to approve the project without allowing the City Attorney sufficient time to implement the changes in the legal agreement outside of the meeting.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn to a closed executive session for the purpose of discussing reasonably imminent litigation; the purchase, lease, or exchange of real property; or the character, professional competence, or physical or mental health 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 6:34 p.m.

7:00 P.M. POLICY SESSION

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Marcus Draper, City Attorney; Cliff Strachan, Director of Legislative Affairs; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Lianne Pengra, Chief Deputy Recorder; Chris Trusty, City Engineer; 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: Evan Berrett, Economic Development Director; Elizabeth Fewkes, Recording Secretary; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; and Embret Fossum, Unified Fire Authority Battalion Chief.

4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 8:17 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Love led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Eagle Mountain City would like to invite residents to attend our Movie in the Park. It will take place on Friday, June 23 at 9:30 p.m. at Silverlake Amphitheater. Free popcorn and WeICE to the first 150 in attendance.
- Eagle Mountain City will be using the 2021 fireworks restriction map for the July 4th and July 24th holidays. This map is less restrictive than the 2022 map during the State's extreme drought conditions. Find the map on the City's social media soon.
- Eagle Mountain encourages residents to attend the next Wildlife and Nature Education class. The course will take place at 7:00 p.m. tomorrow at Eagle Mountain City Hall and will cover the fear of snakes.
- Residents who do not use social media to stay in touch with the City are encouraged to sign up for the City's text notification system. Weekly, the City sends updates on news, important information, and sign-ups for recreational sports. Learn more at eaglemountaincity.com.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 8:21 p.m.

LouAnn Newton submitted an email to the City regarding speed bumps.

Bruno Hunsaker inquired about the money lost in the cyber-attack ten months ago. He beseeched the City Council and businesses to pressure the State to provide more funds to the Utah Department of Transportation and Mountainland Association for Governments for road networks to address growth impacting the City.

Mayor Westmoreland closed public comment at 8:27 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham thanked the residents for their participation and apologized for the delayed meeting start due to the closed session.

Councilmember Gray

Councilmember Gray expressed appreciation for those that helped the Pony Express Days and Rodeo events to be a success.

Councilmember Curtis

None.

Councilmember Wright

Councilmember Wright welcomed the meeting participants. He recognized and thanked Flagship Homes for agreeing to complete Tiffany Lane before the charter school opens.

Councilmember Love

Councilmember Love echoed the appreciation for the public attending and apologies for the late start. She recognized Benjamin Lyne for encouraging and inspiring residents by running with a sign that says, "I believe in you," and presented him with a City challenge coin.

Mr. Lyne announced that he will be hosting a Signs Up to Lift Up event at Wride Memorial Park on July 1st from 10:00 a.m. to 12:00 p.m. and invited residents to come stand or sit with signs of encouragement that they can bring with them or make at the event.

Mayor Westmoreland

Mayor Westmoreland recognized the growth in the City rodeo and the quality of the animals.

CONSENT AGENDA

9. AGREEMENTS

- 9.A. Parkway Fields Well 8 Property Purchase Agreement – BCP Development
Parkway Fields Well Site Purchase Contract

9.B. Water Supply Agreement – Central Utah Water Conservancy District
CWP Water Supply Agreement FY 2023A – DRAFT

10. BID AWARDS

10.A. Tertiary Treatment and Algae Control Design – JWO Engineering
JWO Fee Proposal

11. BOND RELEASES

11.A. SilverLake Plat 33 – Into Warranty

12. CHANGE ORDERS

12.A. Well 8 Drilling Change Order #1 – Grimshaw Drilling LLC
Test Pumping Estimate

MOTION: *Councilmember Wright moved to approve the consent agenda removing item 9.B. and placing it as a scheduled item. Councilmember Curtis seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

SCHEDULED ITEMS

9.B. Water Supply Agreement - Central Utah Water Conservancy District
CWP Water Supply Agreement FY 2023A – DRAFT

This item was presented and discussed following item 18.A.

City Administrator Paul Jerome stated that the materials requested during the work session were provided to the Council – Exhibit A outlines the takedown schedule and Exhibit C explains the discount for paying ahead of schedule.

Councilmember Curtis raised objections to the stipulation to ban park strips. Councilmember Love concurred.

Mr. Jerome clarified that it prohibits grass in park strips under 8 feet in width.

Councilmember Burnham noted that the State desires to eliminate non-functional turf.

Discussion ensued regarding whether to remove 9(b), “(i) elimination of non-functional turf for public strips narrower than 8 feet at its narrowest point along new public roads platted or approved by the Purchaser subsequent to the Effective Date; and (ii) provide for the adoption of Localscapes or similar elements as determined by CWP’s suggested landscape ordinance,” from the agreement; the ability to address concerns when drafting water conservation standards for the City; and the allowance to provide alternative standards with quantitative analysis verifying that the proposed alternative ordinances will prove at least as effective as the suggested landscape ordinance.

MOTION: *Councilmember Burnham moved to approve a water supply agreement, as presented in the packet, for the Central Utah Water Conservancy District CWP Water Supply Agreement FY 2023 A. Councilmember Wright seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Fiscal Year 2023-2024 Budget and the Certified Tax Rate.

Mayor Westmoreland opened the public hearing at 8:42 p.m. As there were no comments, he closed the hearing.

Finance Director Kimberly Ruesch reviewed the item as presented during work session.

MOTION: *Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, adopting the Fiscal Year 2023-2024 Budget and the Certified Tax Rate as presented in the packet for a total budget of \$93,379,091 which includes adding \$55,000 for a sidewalk extension, \$90,000 for wildlife corridor fencing, \$30,000 for paving a Safe Routes to School trail in Overland, and \$200,000 for the medians for the realignment project at Pony Express Parkway and Ranches Parkway. Councilmember Wright seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

- 14.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Fourth and Final Amendment to the Fiscal Year 2022-2023 Annual Budget.

Mayor Westmoreland opened the public hearing at 8:46 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, adopting the Fourth and Final Amendment to the Fiscal Year 2022-2023 Annual Budget. 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.

15. POLE CANYON/FIREFLY

Items 15.A., and 15.B., were presented and discussed concurrently.

- 15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the First Amendment to the Pole Canyon (AKA Firefly) Master Development Plan.

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

Applicant representative Nate Shipp with Oquirrh Mountain Ranch, LLC presented the vision for the Firefly development and the changes that have been made from the Pole Canyon plan with 9,659 total vested units, which resulted in the Pole Canyon project containing 66% multifamily units.

Applicant representative Bruce Baird with DAI proposed unit verbiage to add items to the agreement to mitigate Council concerns raised during the work session regarding vested unit counts. The changes include adding a definition “Table of Use Distribution,” and a corresponding table that will be attached as Exhibit N, and will be referenced in Section 4.3.1.1, “The number and type of Maximum RDUs shall be distributed throughout the Project as specified in Exhibit N,” of the ARMDA. Exhibit N Table of Use Distribution sets a base number and a 15% increase maximum for unit types including Standard C, Alley Load, Cottage, Townhomes, Condominium, and Apartments. The table stipulates a total maximum number of 8,790 for all unit types which will result in the reduction of a unit from one category to compensate for any increase in the number of another unit type.

Councilmember Burnham noted that the maximum number of multifamily units permitted in the new plan is significantly less than the 66% in the Pole Canyon plan.

The applicants confirmed that the various unit types will be clearly defined in the Community Plan (CP) 4-02 Single Family Standards and CP 4-10 Multifamily Standards and they will be developed in a proportional manner and reported every two years in the required update to the City Council. The apartment buildings will have a maximum of 48 units to a building; however, they might develop smaller buildings to offer variety. They committed to changing the Table of Use Distribution to allow a maximum of 400 apartment units. Phase 1 contains over half of the open space amenities including the construction of Community Park A, Regional Park C mountain bike trails, and White Hills Neighborhood Park and 125 acres of equestrian lots. All the park amenities in Phase 1, including the mountain bike trails, will be open to all residents. The pickleball courts in Community Park A will have bleacher seating and space for additional courts should the City elect to hold tournaments.

Applicant representative Jared Westhoff explained that they designed the location of the arenas and houses in the equestrian lots to help buffer between the existing and future lots.

Mayor Westmoreland explained that six years ago, he and staff began working with landowners to preserve open space in the City and utilize opportunities unavailable to built-out cities. The parties involved with this project fully embraced the Eagle Mountain vision to the benefit of all residents. The applicants have also been willing to incorporate commercial and industrial uses.

Mayor Westmoreland opened the public hearing at 9:27 p.m.

Kevin Wilson, Adam Clark, Dave Myers, Elizabeth Lebrecht, and Alex Vastardis spoke in favor of the development.

Janessa Kofoed submitted an email in favor of the project.

Marian Burningham submitted an email against the project.

Mayor Westmoreland closed the public hearing at 9:38 p.m.

Jim Smith, landowner within the Firefly project, expressed support for open space transitions rather than a fence between the properties.

Councilmember Wright stated that although he recognizes that the Firefly project will result in a better outcome, he is concerned with latitude in the agreement that allows for deviation from the plan as presented. As such, he is unable to approve the plan as proposed and desires to tighten the language in the agreement.

Discussion clarified the taxation permitted and the advantages and disadvantages of a public improvement district (PID) and a local area district (LAD). State law and other regulations prohibit double taxation. The PID will allow the applicants to fund the infrastructure upfront and construct it all at once. The LAD holds the ownership of the private amenities and the HOA will maintain the amenities. The PID would be financially responsible and liable should the HOA dissolve and the LAD helps protect against defaults.

Discussion ensued regarding the following:

- Buffering between the lots and possibly using a fence to assist with meeting transition standard requirements and the applicants' preference to maintain open space transitions between the lots;
- The development agreement has standards differing from Municipal Code, including buffering and lot size transitioning for residential but not commercial uses;
- Whether ARMDA Section 4.10 Phasing, "Notwithstanding, Master Developer shall make commercially reasonable efforts based upon current market conditions to develop a mix of residential unit types so as to provide future residents of the City with multiple housing options;" adequately resolves proportionality concerns and "reasonable efforts" used as a term in legal documents;
- Safeguards against losing the amenities should the property transfer not go through with Boy Scouts of America (BSA) as stated in ARMDA Section 4.11.1, and the BSA indicating a willingness to transfer the land as they are unable to improve it as planned;
- Clarifying the terms of Section 4.3.2;
- Section 43, "Conflicts. The City's Vested Laws shall apply to each Development Application except as the City's Vested Laws are modified by this ARMDA (including all exhibits thereto)" and the modified buffering standards committed to in the Community Plan Technical Documents Exhibit K;
- Road cross sections in the Community Plan, as shown on the Roadway Exhibit and Street Sections, differ from Municipal Code standards for smaller roads by allowing the same amount of asphalt with five-foot wide park strips rather than six feet; however, the arterial roads have the same right-of-way as the City's requirements;
- The adjacencies of the commercial and industrial areas;
- Exhibit E Customized Approval Process;
- Ensuring a designated employee is only able to approve minor modifications to the parks, trails, and open space plan;
- Shared drive housing lots being erroneously left in the verbiage of the plan after the applicants agreed to remove them;

- The upsize provision in the contract allowing for reimbursement agreements for infrastructure augmentation such as the four-million-gallon water storage tank accounted for in the City's budget;
- The measurement of building heights differing from the methods outlined in Municipal Code;
- The allowance for 20% density transfer;
- Clarification that the City could deny requests for changes despite the stipulation, "Upon a request by the applicant, these standards may be adjusted by the Planning Commission (or the applicable approving body of the City) upon Site Plan or Subdivision Application," in the Community Plan would guarantee approval of the requests;
- CP 4-15 Parking allowing, "For condominiums or apartments that are part of a mixed-use project, parking may be shared and the total number of shared parking spaces required for the mixed-use project may be reduced, at Master Developer's discretion, by up to 25% of the overall minimum parking requirement," and the overall project exceeding the City's parking standards;
- CP 4-26 allowing modified sign standards and concerns by the City Attorney that permitting signs standards specific to this development different from those for other developers and businesses causing First Amendment problems;
- Note 2 on CP 3-09 Parks, Trails, and Open Space Exhibit, "The PTOS depicted in this Exhibit are conceptual and intended to depict potential PTOS in the amounts/types/distributions contemplated in this Community Plan;" and
- Explaining that the ARMDA allows for onsite processing of existing materials. Section 1.2.34 Mining Activities protects against a prior owner exercising previous mineral rights to conduct mining activities on the property.

Applicant representatives Nate Shipp, David Vitek, Bruce Baird, Jared Westhoff, and Chase Andrizzi addressed City Council concerns and agreed to make the following changes:

- A commitment that the fees for the LAD and the PID shall not exceed a weighted average of \$65 per month per unit, recognizing that a separate agreement with the LAD will be needed;
- Working with staff to amend the wording in ARMDA Section 4.10 Phasing, "Notwithstanding, Master Developer shall make commercially reasonable efforts based upon current market conditions to develop a mix of residential unit types so as to provide future residents of the City with multiple housing options;" to protect against multifamily units being built in a greater quantity disproportionate to single-family units;
- New annexations shall be required to meet the transitioning and buffering requirements for commercial and industrial uses if adjacent to residential zoning;
- Pools shall be built for the 400 apartment units;
- Exhibit E shall be removed;
- Specifying that only minor parks, trails, and open space be allowed to be a staff-level approval;
- Remove shared drive housing lots;
- Measuring building height using the method in Eagle Mountain City Municipal Code; and
- Amending CP 4-26 to address legal concerns.

Mayor Westmoreland recessed the meeting from 11:04 p.m. to 11:22 p.m.

Discussion considered potential compensation plans should the developer donate ten acres of land to the Alpine School District, land assessment values, and utility infrastructure.

The applicants requested a Special Meeting to approve the changes requested by the City Council, due to the next meeting not scheduled until July 18. This will allow them to begin construction this season rather than losing another year on the project.

The City agreed to hold a Special Meeting on Wednesday, July 5, 2023, at 5:00 p.m.

Mr. Draper expressed concern with the creation of a zone through an exhibit in an ARMDA. As concerns with the sunset clause in the current RTI zoning are the reason for the clause, he recommended removing the sunset clause in a future code amendment, acknowledging that the RTI can still be repealed.

The applicants said they are amenable to removing the specified zoning should the City remove the sunset clause from the RTI Overlay standards.

Councilmember Wright verified with the applicants that Exhibit N: Table of Use Distribution will be added to the agreement.

MOTION: *Councilmember Love moved to table an ordinance of Eagle Mountain City, Utah, approving the First Amendment to the Pole Canyon (AKA Firefly) Master Development Plan instructing staff to work with the developer to make the necessary changes so that it can be brought back at a future meeting. Councilmember Curtis seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

15.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Amended and Restated Pole Canyon Master Development Agreement, Now Known as Firefly.

MOTION: *Councilmember Burnham moved to table a resolution of Eagle Mountain City, Utah, approving the Amended and Restated Pole Canyon Master Development Agreement, now known as Firefly, until the next meeting. 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.

15.C. RESOLUTION/PUBLIC HEARING – 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 Burnham verified with the applicants that they were agreeable to including a document on a different colored paper for residents to sign during the home purchase process, notifying them of the public infrastructure district and associated fees.

Mr. Draper explained the history of PIDs and financing, taxing, and bonding limitations. The applicants could bond up to half a million dollars and can tax up to 6 mills across all ten districts with a PID fee of up to \$65 per month per residential unit. The City has the discretion of whether to allow the PID and the terms.

Discussion verified the procurement language in the document.

Applicant representative Chase Andrizzi stated that they intend to use the PID as a funding mechanism and residential users will be charged a maximum, weighted average of \$65 per month for the PID and the LAD. The 6 mill rate would be applicable to commercial users or investment properties for business use. State law limits the term to 40 years. However, most bonds have a period of 20 to 30 years. Once the initial debt has been paid, additional debt cannot be issued.

Discussion ensued regarding the following:

- Allowable and intended periods for the bonds and repayment;
- The ability to consolidate or refinance the bonds in the future;
- Callable bonds and interest rates;
- Section 5.01 and 5.02 limitations addressing concerns Randy Larsen mentioned during the work session discussion regarding The Special Districts Act in Utah Code Title 17B;
- Section 5.02(C) Privately Placed Debt Limitation; and
- Timing and specificity of improvements.

Mayor Westmoreland opened the public hearing at 12:18 p.m. As there were no comments, he closed the hearing.

Discussion considered whether to approve the PID subject to the approval of the ARMDA or to table the item and place the PID on the agenda of the July 5, 2023 Special City Council Meeting with the other items for the project.

MOTION: *Councilmember Gray moved to table 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 to the Special City Council Meeting on July 5, 2023. 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.

16. ORDINANCES/PUBLIC HEARINGS

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Wastewater Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same; and Other Related Matters.

This item was presented and discussed after item 15.B.

Fred Philpot with Lewis, Young, Robertson, and Burningham explained the process of reviewing and determining the revised impact fee schedule, resulting in the recommendation of \$622 per ERC (equivalent residential connection) for the north service area and \$4,665 per ERC for the south and west service areas. The Brandon Park Reimbursement Agreement adds \$103.06 per ERC and the Monte Vista Reimbursement Agreement adds \$77.99 per ERC. The total wastewater impact fee includes the number of ERCs multiplied by the impact fee per ERC plus the applicable reimbursement fees. The City Council may adopt, modify, or reject proposed impact fees and must wait 90 days prior to the implementation of any increases.

Mayor Westmoreland opened the public hearing at 11:56 p.m.

Nate Shipp verified with staff that the update includes the Pole Canyon area of the City.

Mayor Westmoreland closed the public hearing at 11:56 p.m.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, adopting an updated Impact Fee Enactment for a Wastewater Impact Fee; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same; and other related matters. Councilmember Curtis seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

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

Mayor Westmoreland opened the public hearing at 12:26 a.m.

MOTION: *Councilmember Burnham moved to table an ordinance of Eagle Mountain City, Utah, enacting Eagle Mountain Municipal Code Chapter 16.56 Vacation of Rights-of Way and continue the public hearing to the next regularly scheduled public hearing. Councilmember Gray 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.

16.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.

Mayor Westmoreland opened the public hearing at 12:27 a.m.

MOTION: *Councilmember Curtis moved to table 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 and continue the public hearing to the next regularly scheduled meeting. Councilmember Gray 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.

- 16.D. 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.

Mayor Westmoreland opened the public hearing at 12:28 a.m.

MOTION: *Councilmember Gray moved to table 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 and continue the public hearing to the next regularly scheduled meeting. 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.

- 16.E. 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.

Mayor Westmoreland opened the public hearing at 12:29 a.m.

MOTION: *Councilmember Wright moved to table 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 and continue the public hearing to the next regularly scheduled City Council meeting. Councilmember Gray 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.

17. ORDINANCES

17.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.

Item 17.A. was tabled in the same motion as item 18.A.

18. AGREEMENT

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

MOTION: *Councilmember Curtis moved to table 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 and an Amended and Restated Agreement between Eagle Mountain City and Paul Jerome for City Administrator Services. Councilmember Gray seconded the motion.*

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

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

The motion passed with a unanimous vote.

19. LEGISLATIVE ITEMS

19.A. Legislative Priorities List

19.B. 2023 Municipal Election Dates

Director of Legislative Affairs Cliff Strachan explained that the State Legislature has changed Municipal Election dates and the new dates conflict with regularly scheduled City Council meetings.

Discussion considered potential meeting dates.

MOTION: *Councilmember Love moved to modify the Regularly Scheduled City Council Meetings for 2023 by adding a meeting on August 15th and removing a meeting from September 5th and adding a meeting on November 7th and removing a meeting on November 21st. 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. CITY COUNCIL BOARD LIAISON REPORTS

21. CITY COUNCIL/MAYOR'S BUSINESS

22. COMMUNICATION ITEMS

22.A. Financial Report

22.B. Fiscal Year 2023 Fraud Risk Assessment

22.C. Upcoming Agenda Items

23. ADJOURNMENT

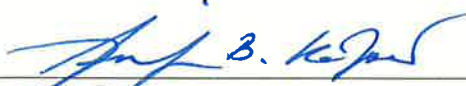
MOTION: *Councilmember Gray moved to adjourn at 12:52 a.m. Councilmember Curtis seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

The meeting was adjourned at 12:52 a.m.

Approved by the City Council on July 18, 2023.


Fionndala B. Kofoed, MMC
City Recorder

