EAGLE MOUNTAIN

CITY COUNCIL MEETING MINUTES

June 6, 2023, 4:00 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 Pro Tempore Brett Wright, Councilmembers Donna Burnham, Colby Curtis, Jared Gray, and Carolyn Love. Mayor Tom Westmoreland was excused.

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; Chas Glenn, Administrative Assistant; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Jed Shum, Planner; Fionnuala Kofoed, Assistant City Administrator/City Recorder; 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; Embret Fossum, Unified Fire Authority Battalion Chief; B.J. Eccles; Sergeant; Terrence Dela Pena, Finance/Management Analyst; and Natalie Winterton, Grants Coordinator/Management Analyst.

CITY STAFF PRESENT ELECTRONICALLY: Steven Lehmitz, Planner; Elizabeth Fewkes, Recording Secretary; and Michele Graves, Library Director.

Mayor Pro Tempore Wright called the meeting to order at 4:09 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

Engineering

- Well 8 – Drilling is down to 740 feet with a goal final depth of 800 feet. Well drilling should be completed within the next week and then the well will be ready to be test pumped.
- The CT's are still behind schedule for the Pony Express pump station. The contractor is concerned they might be delayed until August but is trying to find alternatives. The Cory Wride booster station will have a final walkthrough on June 19 and should be ready to be turned over to the City.
- Staff is still tracking the construction of the Tickville crossing in SilverLake. Culverts are ordered and expected later this month.
- The Mid Valley Road design for an extension to Eagle Mountain Boulevard is about 90% complete. The City should be able to get legal descriptions and order appraisals within the next two weeks.
- Design proposals for the tertiary treatment and algae control are due Thursday and will be presented to the City Council on June 20 for a bid award.

- Proposals for the design of a 2-million-gallon tank are due next Tuesday with an expected presentation to the City Council for a bid award at the next meeting.
- City staff will be issuing a bid to upgrade the pump and motor for Well 5 which will be presented to the City Council for an award on July 18.
- City staff have been working to update the impact fee analysis for Transportation, Wastewater, and Storm Drain and these will likely be presented to City Council in June, possibly July.

Economic Development

- The first public input opportunity to view the small area plans will be taking place tomorrow, June 7, from 5:00 p.m. – 8:00 p.m. at City Hall. The public will be invited to share thoughts on potential zoning scenarios and typologies.
- Crumble's grand opening has been pushed back to June 23 at 2:00 p.m. due to contractor delays.
- Eagle Mountain City was received very well at the International Council of Shopping Centers' annual global real estate convention, resulting in strong prospects and new conversations with several major businesses and development firms interested in locating in Eagle Mountain.

Parks, Recreation, Events, and Cemetery

- The Parks and Streets Departments have coordinated work to get an asphalt overlay installed on the trail system along both sides of Ranches Parkway. The project is complete at this point with two sections of the trail left to pave which will be completed in the next fiscal year.
- The contractor has set up Storm Water Pollution Prevention Plan (SWPPP) and onsite staging for Smith Ranch Park. They will begin to mass-grade the site next week. After the mass grade is complete, they will begin the site utilities and infrastructure.
- Staff has continued working on a project with the interns to map and digitize all trails, sidewalks, and off-street trails in the community. Staff are planning for an update at the next City Council meeting.
- Last week, the Memorial Day and Pony Express Days events were great. The City appreciates all those who attended and participated.

Community Development

- In May, 65 single-family residential, 22 multifamily residential, 36 basement, and 32 solar permits were issued.
- Since May 17, 2023, 84 residential permits are in for review.
- A commercial permit was issued for Utah Valley Pediatrics.
- Pre-Construction meetings are scheduled this week for Utah Valley Pediatrics and Taco Bell.
- An advertisement for a Planning Director was posted and will remain open until filled.
- The Mountainland Association of Government (MAG) Regional Planning Committee (mayors throughout the county) approved the new Regional Transportation Plan last Thursday. Old Airport Road is our priority project, and staff and the mayor will be working with the Utah Department of Transportation (UDOT) and others to see if there are any ways that we can phase the Cedar Valley Freeway in a way that makes it happen earlier. Eagle Mountain needs a unified message to the state from all cities in the county that the transportation needs are much greater than the funding that is anticipated to be allocated to our County. Staff, elected

officials, and the lobbyist are working to convey the need for more funding to the State Legislature.
- A wildlife corridor tour has been scheduled for later this month with State and Federal Legislators, in partnership with our local wildlife partners.
- The City has launched an "Adopt a Deer" campaign in order to raise money for additional GPS monitors for mule deer. Any resident or business can participate. Donors will have regular access to deer GPS data.

<u>Public Utilities</u>
- The column pipe was delayed by one week for Well 5, so the completion date has been moved to next week.
- The temporary generator in White Hills will enable both wells to run simultaneously.
- Staff has started on the PRV bypass on Tiffany Lane to utilize the White Hills wells. The material begins arriving next week. This work should be complete by the end of June. This should give us an additional 2,000 GPM and will be a temporary solution to prevent failures until Well 7 and 8 are running.
- The City is currently using Well 1, Well 3, the golf course well, and CWP water.
- The Water Department is still dealing with shortages on meter smart points. No updates have been given by the supplier.
- The City started the reuse system to test the new Omniad filters Thursday. Currently, algae is an issue in the pond. Staff are looking into temporary ways to treat the algae using copper sulfate.
- SL-Rat acoustic inspection of the sewer system is almost completed for the City Center.

<u>Streets and Storm Water</u>
- The Pony Express paving project begins tomorrow with lowering the manhole covers in preparation for the roto-milling. The night closures on Pony Express will take place on Friday and Saturday night from 7:00 p.m. to 7:00 a.m. between Eagle Mountain Boulevard and Spring Water Way. Daytime work will begin on Monday, without street closures, and will last for 2 ½ to 3 weeks.
- West Canyon Wash is the only wash still flowing and staff continues to monitor it daily.

<u>Facilities, Fleet, and Emergency Management</u>
- Upgrades to the sewer building are about 90% complete.
- Construction crews are working on the doors and windows for the Sheriff's and Recorder's Office remodels.

1.B. DISCUSSION – Water Conservation Planning

Economic Development Director Evan Berrett presented the item and reviewed the City's history with the Central Utah Water Conservancy District (CUWCD). Staff has coordinated with CUWCD staff on the required language in the Central Water Project (CWP) water supply agreement for landscape ordinances for new developments within the City. Eagle Mountain City requested 3,000-acre feet per year of the remaining 6,594-acre feet of the CWP water and was allotted an additional 2,000-acre feet per year.

Mr. Berrett reviewed the timeline of events related to Eagle Mountain's water conservation planning and the proposed next steps. Staff is exploring options to solve issues the City faces including high growth requiring more water than the City has rights to by 2050, pressure by the State of Utah to accommodate residential and industrial demand, and the inherent difficulty in adoption and enforcement of water conservation efforts. A broader water conservation plan was drafted prior to the landscape standards being brought to City Council. Prior to the meeting on May 2, 2023, the draft plan had only been presented to Public Works to collect feedback on the feasibility of certain strategies. In September 2022, the Council provided feedback that would help to improve this plan, but staff has not been able to implement it yet.

Mr. Berrett introduce The 50/50 Plan to reduce the projected 2050 increase in water usage by 50% (12,000-acre feet) which shares the responsibility of meeting the goal between the City and other users in Eagle Mountain. The City's efforts reduce half of the 50% projected increase, and the residents' efforts reduce demand by the remaining half through a "Correct, Collect, and Convert" strategy backed by research, calculations, and performance measures:

- Correct: 4.8% reduction through water loss prevention, 5% water rate modification, and 6% water waste reduction.
- Collect: 15.6% reduction through rainwater harvesting (0.2%), reuse water (15%), and well efficiencies (0.4%).
- Convert: 14% reduction through water-efficient landscaping requirements, 4.33% water-efficient landscaping conversion assistance, and 0.25% improvements to medians, rights-of-way, and other City property.

Eagle Mountain took a different approach to landscaping standard details than most cities in several ways:

- Implementing the standards as part of a broader water conservation plan;
- Separating standards and applying them to different parts of existing Municipal Code;
- Removing Localscapes recommendations;
- Accounting for homes with small backyards by allowing more grass in front and side yards; and
- Including restrictions on non-functional turf to apply more water conservation responsibility on non-residential property owners.

Councilmember Love expressed concern with patios in the backyard of a residence taking up the allowable turf area and not allowing additional turf in other areas of the yard.

Mr. Berrett stated that he intends to research the impacts of features such as patios, driveways, and decks on the overall amount of grass to balance the functionality of the lot with water conservation. Staff will gather feedback from the Council as the standards are drafted between now and January. The standards only apply to front and side yards, with the focus being on reducing turf that is installed primarily for aesthetics. Staff did extensive analysis on how this would impact properties and where residents would want to see the most assistance with water conservation. Additional requirements such as smart controllers, irrigation types, etc. are already being done by home builders.

City Administrator Paul Jerome clarified that the new standards would apply to all new construction using water from both the new and existing contracts.

Mayor Pro Tempore Wright cited landscaping requirements listed in an email sent by the CUWCD and clarified the requirements with CUWCD respresentatives. He supports requiring water-wise equipment, appliances, and irrigation and mulch in new construction; however, he would like to discuss some of the other requirements, such as the square footage of allowable grass, with the District.

CUWCD Deputy General Manager KC Shaw said that they are willing to work with Eagle Mountain on these concerns as they have with other issues in the past to come to a mutual understanding. They have already restructured the agreement with the City three times to their detriment in the best interest of the public and are willing to assume the risk on the new contract. There is flexibility in the standards and each city has adopted customized standards.

Councilmember Gray advocated for securing additional water for the City due to the importance of the commodity; nevertheless, he agrees with the preference for incentives rather than penalties and feels that the requirements being placed on the new contract renege on the terms of the existing contract.

Councilmember Curtis stated that he would support requirements if they were only for the water in the new contract and the existing 1,000-acre feet that will be combined with it for the Firefly Development. He is opposed to forbidding park strips and types of grass.

Mr. Jerome clarified that the decision for the requirements was made by the Central Utah Water Board. The current contract would remain the same should the Council decide not to adopt the standards necessary to secure the additional 2,000-acre feet.

1.C. DISCUSSION/UPDATE – Porter's Crossing Town Center

Deputy City Administrator/Community Development Director Steve Mumford explained that following the City Council's recent approval of the Porter's Crossing Town Center Master Development Plan and Agreement, including a rezone and General Plan amendment, the applicant is updating their exhibits and agreement and wants to verify that the following updates meet the intent of the Council's approval:

- Designation and relocation of the public parking along the connector road in Pod 15A;
- Relocation of the improved open space from Pod 15B to Pod 15A;
- Modification of the trail connecting through the project from the south side to the north side of Pod 9 that will connect to a future park to the southeast;
- Addition of a retention pond in Pod 15B;
- The north-to-south road on the east of Pod 10 and west of Pods 15A and 15B will be constructed with a road-base shoulder, 32 feet of asphalt, and swales on each side;
- Inclusion of the parking areas for the multifamily in the MF2 zone; and
- Request for an exception to the masonry wall requirement to allow them to complete the sections of vinyl fencing as many of the properties already have fences and due to concerns with issues with installing the footings for a masonry wall in the gas line easement.

He reviewed the changes to the verbiage in the third amendment to the Porter's Crossing Town Center Master Development Agreement.

Applicant representative Khosrow Semnani explained the reason they desire to zone the parking differently is due to dedicating the open space to the City and to clarify that the parking is not a part of the dedication. Originally, the north-to-south road was meant to be a private road only serving this development and was later negotiated to a different standard to serve other residents.

City Attorney Marcus Draper clarified that the north-to-south road will be built to the City's standards with the exception to have a trail in lieu of sidewalks and a catch slope and swale, as needed. The motion of approval for the project did not address or alter the road standards in the agreement.

Mayor Pro Tempore Wright expressed concern with the change in the location of the trail, the changes to the road standards, and the request to remove the masonry wall.

Councilmember Burnham stated her only concern is with the exclusion of the masonry wall.

Councilmember Love said that in consideration of the other exceptions the City has made for the development, she believes that it is not asking too much for the road to be built to City standards and objects to more parking being added to the utility corridor.

Mr. Mumford explained the public parking was moved to reduce the number of places the trail crosses parking lots.

Mr. Semnani stated the proposed trail would be in more secluded portions of the development and would connect to trails on the plats for 6A and 6B, recorded in 2018. The public parking was separated from the private parking and moved to the area being dedicated to the City to facilitate maintenance. The number of parking stalls has not changed.

Councilmember Gray stated that although he does not feel the fence meets the terms of the approval, he is willing to have a discussion about changing the requirement at a future meeting. He feels the City should work with the applicant on the road standards because the road benefits the City as it will serve residents living outside of this development and it was not included in any of the previous plans.

The Council raised objections to approving alternations to the agreement during a work session discussion as they feel some of the items do not meet the intent of the original approval and required those items to undergo the full approval process.

Mr. Mumford requested the Council confirm if the presented zoning map and Paragraph 5B in the agreement meet the intent of the approval.

Mayor Pro Tempore Wright said they need to have further discussions with staff to ensure the item returns and is approved in an appropriate and legal fashion. He is not in favor of approving the proposed zoning map due to the relocation of the public parking in the utility corridor.

2. RECOGNITION

2.A. Dave Ulibarri – Utah State Emergency Management Academy Certification

Mayor Pro Tempore Wright recognized and presented Dave Ulibarri with a certificate from the Federal Emergency Management Agency for completing his National Emergency Management Basic Academy Certification and establishing a teen Community Emergency Response Team course.

3. AGENDA REVIEW

13. MINUTES

13.A. May 16, 2023 Minutes – Regular City Council Meeting

Mayor Pro Tempore Wright stated that he has requested clarifications to the minutes. The Recorder's Office Council has been provided with an updated draft of the minutes.

14. PRELIMINARY PLATS & SITE PLANS

14.A. PRELIMINARY PLAT – Eagle Mountain Data Center Campus

Senior Planner David Stroud presented the item. Eagle Mountain Data Center is requesting preliminary plat approval to create 11 lots and a City-owned lot for a pump station. The plat contains 490 acres with lots that range from 5 acres to 98 acres. The City lot is 0.06 acres. The data center property is currently in the Regional Technology and Industry Overlay Zone and would normally be approved by staff in a preliminary plat that would be contained in a development agreement. However, the agreement is not yet approved by the City Council, so the standard process of preliminary plat approval from the City Council via the Planning Commission is required.

The City Council determined to retain the item to be approved on the consent agenda because their concerns with the project, such as noise generation and design standards, will be addressed during other approvals for the project.

14.B. PRELIMINARY PLAT & SITE PLAN – Parkway Fields Phase C

Planning Manager Robert Hobbs explained that the applicant has requested to propose an alternative option to the City Council than the options discussed during the May 2, 2023 meeting.

The City Council determined to remove the item from the consent agenda and place it as a scheduled item to allow for further discussion.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Pro Tempore Wright adjourned the work session at 6:19 p.m.

7:00 P.M. POLICY SESSION

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

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; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Jed Shum, Planner; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Lianne Pengra, Chief Deputy Recorder; Chris Trusty, City Engineer; Embret Fossum, Unified Fire Authority Battalion Chief; and B.J. Eccles; Sergeant.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; and Brad Hickman, Parks and Recreation Director.

5. CALL TO ORDER

Mayor Pro Tempore Wright called the policy session to order at 7:06 p.m.

6. PLEDGE OF ALLEGIANCE

Councilmember Curtis led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Eagle Mountain City would like to thank residents, businesses, and staff for participating in Pony Express Days. This year's event was another success. The City looks forward to hosting an even better Pony Express Days next year.
- Residents are encouraged to attend this year's PRCA Rodeo. The rodeo will run July 8 to 10 at 7:00 p.m. at the rodeo grounds.
- Eagle Mountain residents are invited to provide early feedback on special planning efforts being undertaken for three future major commercial districts on June 7 from 5:00 p.m. to 8:00 p.m. at City Hall. The public will be presented with zoning scenarios for each of these areas and be asked to share their initial thoughts. Help plan Eagle Mountain's future.
- 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.

8. PUBLIC COMMENTS

Mayor Pro Tempore Wright opened public comment at 7:09 p.m. As there were no comments, he closed the hearing.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Gray
Councilmember Gray expressed appreciation to the people who supported the Memorial Day, Pony Express Days, and Youth Council dance events. He recognized the Pony Express Days Grand Marshals Harry and Vicki Draper and invited residents to attend the rodeo. He expressed appreciation to the individuals running for City Council.

Councilmember Burnham
Councilmember Burnham thanked the residents participating in the meeting in-person and online and recognized the success of Pony Express Days and the efforts and dedication of staff and the Youth Council. She said that road rage is never excusable and finds people excusing the behavior in online comments by blaming it on traffic appalling, especially when the accident occurred when heavy traffic was not an issue. She beseeched residents to control their anger to prevent additional tragedies.

Mayor Pro Tempore Wright
Mayor Pro Tempore Wright expressed gratitude to the meeting participants, Events Department staff, and others for providing the Pony Express Days celebrations. He encouraged residents to do better with controlling their anger and recognized the Sheriff's Department and first responders for being ready, willing, and able to assist with emergencies.

Councilmember Love
Councilmember Love echoed appreciation for the Pony Express Days events and first responders. She thanked the individuals running for City Council and offered to answer candidates' questions. She recognized Chris Sullivan and presented him with a Challenge Coin for providing encouragement and kindness to others by running with a sign that says, "I believe in you," after being inspired by another Eagle Mountain resident, Benjamin Lyne.

10. INTRODUCTIONS AND OATH OF OFFICE

10.A. Youth Council

Councilmember Burnham announced and congratulated Youth Mayor Ericsson Ansah-Antwi and Youth Councilmembers Kennseth (KJ) Call, Sedona Montano, Gabbi Pengra, Taya Watson, and Ed Vanisi. She reminded residents that all youth can participate in Youth Council activities.

Assistant City Administrator/City Recorder Fionnuala Kofoed administered the oath of office to Gabbi Pengra and Taya Watson. The Youth Mayor and other Youth Councilmembers were unable to attend and will have the oath administered at a later date.

CONSENT AGENDA

11. BID AWARDS

    11.A. Walden Park Road Extension – Newman Construction

12. BOND RELEASES

    12.A. Available Self Storage – Out of Warranty

    12.B. Skyline Ridge Phase 2, Plat 4 – Out of Warranty

    12.C. Skyline Ridge Phase 2, Plat 5 – Out of Warranty

    12.D. Spring Run Phase C, Plat 1 – Out of Warranty

13. MINUTES

    13.A. May 16, 2023 Minutes – Regular City Council Meeting

14. PRELIMINARY PLATS & SITE PLANS

    14.A. PRELIMINARY PLAT – Eagle Mountain Data Center Campus

    14.B. PRELIMINARY PLAT & SITE PLAN – Parkway Fields Phase C

MOTION: ***Councilmember Love moved to approve the consent agenda, removing item 14.B. and placing it as a scheduled item. 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.

SCHEDULED ITEMS

14.B. PRELIMINARY PLAT & SITE PLAN – Parkway Fields Phase C

Planning Manager Robert Hobbs presented the preliminary plat and site plan with 235 townhouse units on 31.28 acres of land within Parkway Fields Phase C. The Council previously tabled the item to give the applicant time to revise Plat C to only include the northern half of the plat in reaction to phasing requirements imposed by the development agreement.

Applicant representative Nate Hutchinson said they have finished approximately 350 single-family lots and have another 200 single-family lots in Harmony and 250 single-family lots SilverLake developments available. Housing unaffordability is at historic levels and does not appear to be subsiding. They are not asking for additional townhome units and have submitted all of Phases C and D to the City for preliminary plat approvals. They would like to be able to work on the townhomes to be able to offer a different product type. Their preference would be to be able to build the townhomes without the condition of reaching 70% of the project, especially considering that they sold half of the lots to the builder Lennar, which will expedite the construction of the project. They have and continue to strive to be good partners with the City. They are in the process of designing Phase F but have encountered challenges with utilities. The agreement with Lennar excludes Phase F. They desire to offer a variety of product to buyers and believe there is a market for the larger lot product in Phase F. The amenities will be completed for the townhomes prior to the first certificate of occupancy.

Applicant representative Bronson Tatton explained that the portion of the project being sold to Lennar includes half of the townhomes on both the north and south sides of the road. Seventy percent of the lots proposed in the compromise include Phases A, B, C, and D. Phases E, F, and G entail the remaining 30% of the project. The proposed revised phasing plan combines the townhomes from Phases B3, C3, F2, and G1 into a new Phase C. Since a year and a half ago when the master plan was approved, 322, or 18.9%, of the lots have been recorded, 123/7.2% are at the construction stage, 751/44% are in for approvals, and 511/29.9% remain. Phase F could be included in the conditions of developing the townhomes if desired.

Councilmember Gray stated that he is in favor of approving all the townhomes without a required percentage of completed units for single-family homes, as he feels the request is reasonable and believes the single-family units will be completed as approved.

Councilmember Curtis expressed concern with tracking the 70% requirement and the potential for future requests for additional changes or circumstantial challenges impacting the completion of the project as approved.

Councilmember Burnham said although she recognizes Councilmember Curtis' concerns, but because the single-family homes are in the process of being built, she is not as worried about the remainder of the project being developed as planned.

Mayor Pro Tempore Wright said as he thinks the request is reasonable, he would be in favor of allowing the changes if the items on page two of the narrative with proposed changes submitted to the City by Flagship, and the Planning Commission's recommendation are included as conditions of approval.

Discussion considered that the number of homes in process would already meet a 70% completion percentage once the 751 lots submitted have been approved and the benefits and challenges of the requirement.

MOTION: ***Councilmember Love moved to approve the preliminary plat and site plan for Parkway Fields Phase C approving all the townhomes to be built when they can be platted with the condition that the applicant shall cause all townhouse buildings' two exterior siding material types cover at least 30% of all sides (ends) of each building. Councilmember Gray 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 vote of 3 to 2.

15. ORDINANCES/PUBLIC HEARINGS

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Fiscal Year 2023-2024 Annual Budget. ***DISCUSSION ITEM ONLY***

Finance Director Kimberly Ruesch presented the item. A portion of sales tax is withheld to support homeless shelters. Affordable housing dollars collected from the Redevelopment Agency projects are eligible to be contributed to the fund in lieu of the sales tax dollars. The maximum contribution is $275,000 or 2.55% of the local option tax, whichever amount is lower. The City is currently contributing about $112,000. An additional personnel request has come forward for a full-time Executive Assistant for around $90,000, including wages and benefits. The budget currently has a 3% placeholder for performance-based wage increases and staff has requested to raise this to 6%, equaling an additional $300,000. Except for the stormwater and wastewater positions previously discussed, expected revenue would support the additional staff position and wage increases.

City Administrator Paul Jerome explained that currently, one employee serves as an assistant for the Mayor, City Administrator, Deputy City Administrator, and Assistant City Administrator. The new employee would serve as the Mayor's assistant and Administration would have a separate assistant.

Councilmembers Gray and Curtis said they are in favor of using the affordable housing funds for homeless shelter contributions. Mayor Pro Tempore Wright concurred with using the funds this year given the option to change the allocation in the future.

Councilmembers Burnham and Love are against allocating the funds until after the City's Affordable Housing Plan is completed to determine if the funds could be better utilized in Eagle Mountain.

Discussion ensued regarding tax and revenue growth in relation to population increases and inflationary impacts.

Ms. Ruesch confirmed that a wage study is in process and the result will be available in the fall. The City has experienced staff turnover and has been unable to replace those employees due to the low wages. Bringing in new employees at higher wages results in necessary equity adjustments for existing employees. The City is trying to formulate a plan to determine market-driven wage ranges. In her time with the City, she has not experienced employees being paid in excess of market level but she has seen employees being paid below market level.

Mayor Pro Tempore Wright spoke in favor of rewarding excellence in employees and thinks the 6% placeholder is reasonable, timely, and needed.

Councilmember Burnham said she is in favor of the 6% placeholder for wage increases.

Councilmember Gray explained that he supports the 6% placeholder, as long as there are funds available to support it.

Councilmember Curtis advocated for targeted, rather than across-the-board, wage increases while recognizing that inflation has the greatest impact on entry-level employees. He suggested adding a placeholder in the budget for water conservation incentives.

Mayor Pro Tempore Wright opened the public hearing at 8:36 p.m. As there were no comments, he closed the hearing.

15.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands Known as TripleTail to the Regional Technology and Industry Overlay Zone.

Senior Planner David Stroud presented the item. The applicant requests the City amend the zoning map to place the Regional Technology and Industry (RTI) Overlay zone on approximately 670 acres comprised of two locations. The first location is along the east side of the future south extension of Pony Express Parkway; the second location is along the south side of 4000 North and east of Tyson Foods and the Pole Canyon Industrial area. The two proposed RTI areas are adjacent to existing RTI overlay zone properties. The land use map identifies this property as Business Park/Light Industry and Regional Commercial. The requested zone of the RTI Overlay is compatible with the Business Park/Light Industry land use. The Planning Commission recommends approval of the rezone with a vote of 5 to 0.

Discussion considered the proximity of the two sites to residential uses and the underlying zoning of the parcels.

Applicant representative Jessica Bennett with Tract reviewed their presentation in the packet materials. She explained they install infrastructure, water, and roads to attract development to the location. She addressed the questions asked by the Council during the May 16 discussion. A hybrid solution on these parcels in Eagle Mountain would require only 0.1-acre AFA/Acre (acre-foot annually of water per acre of land) totaling 40 to 60 AFA for cooling. They intend to purchase 60 AFA from the City based on the rate schedule. Any Tract end user wishing to use more water than the allotment would have to negotiate their own water supply directly with the City. There is little to no water used for cooling except in the summer months, and storage will be utilized to minimize impacts on infrastructure. She spoke with her team regarding creating a plan to minimize lighting to ensure compliance with the dark sky ordinance.

Applicant representative technical engineer Coury Morris explained that in comparison, residential uses for 0.26-acre lots on 670 acres would use approximately 1,500 AFA.

Discussion ensued regarding water usage and comparisons with water-cooled data centers and other uses and setbacks and transitioning requirements.

Mayor Pro Tempore Wright expressed concerns about noise generated by the data centers impacting residents.

Ms. Bennett explained they avoid developing in residential areas and the cooling equipment in their master-planned development points inward to the buildings and face away from neighborhoods to reduce noise, and they are low noise generating. Setbacks, landscaping, and screening can further assist with reducing noise.

Staff verified the setback and screening requirements for the RTI Overlay Zone.

Mayor Pro Tempore Wright opened the public hearing at 8:55 p.m. As there were no comments, he closed the hearing.

Councilmember Curtis stated that he has objections to the RTI Overlay Zone approval process. His main issues in the past have centered around incentives attached to other projects. Water and diversification concerns give him pause, but he would rather see nonresidential uses developed on the 670 acres.

Discussion clarified that the proposed second site is outside of the Firefly development and considered potential use conflicts.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, rezoning certain lands known as TripleTail to the Regional Technology and Industry Overlay Zone. Councilmember Love 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.

15.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain, Utah, Amending the Eagle Mountain Municipal Code Section 17.25.040 Residential Development Standards to Clarify Minimum Setbacks and Set Maximum Footprint Coverage of Accessory Structures.

Mr. Stroud presented the item. Eagle Mountain Municipal Code permits accessory structures in residential zones; however, the current standard can be somewhat penalizing in some zones for a larger lot with a smaller footprint home. The area is present to have a large accessory building but if the home is not large, the accessory building is further limited, even though the lot can support a larger structure. The standards should have included footnote 3, "Setbacks shall only apply to structures that require a city building permit or approval. No structure which cannot be removed shall be constructed across an easement. Up to a 10 percent variation in setbacks may be approved by the planning director and building official if the variation is deemed appropriate due to an issue with slope, unique lot configuration, or other unique circumstance. Guidance regarding allowed projections into setbacks is outlined in EMMC 17.25.060." The proposed change would limit the percentage of lot coverage of an accessory building or buildings to 10 percent in the following zones: FR, R1, R2, R3, and RC, and adds footnote 4, "Maximum footprint coverage is the total coverage on the lot of all accessory structures." The minimum lot size of these zones ranges from 10,890 square feet to 4,500 square feet. Zones from RD2 (21,780 s.f.) and above will have no restriction. A review of codes in other cities shows similar percentages.

Discussion ensued regarding the size of the allowed structure being further limited by setback requirements and utility easements; whether to have standards for the MF1, RA1, RA2, and RD1 zones; and the lack of a limit to the number of accessory structures.

Mayor Pro Tempore Wright opened the public hearing at 9:11 p.m. As there were no comments, he closed the hearing.

MOTION: ***Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Section 17.25.040 Residential Development Standards to clarify minimum setbacks and set maximum footprint coverage of accessory structures. Mayor Pro Tempore 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.

16. MOTION/PUBLIC HEARING

16.A. MOTION/PUBLIC HEARING – Disposal of Significant Real Property Identified as a Portion of Utah County Parcel Number 58:040:0547.

Assistant City Administrator/City Recorder Fionnuala Kofoed presented the item. The requested disposal of approximately 0.04 acres of real property, identified as a portion of Utah County Parcel No 58:040:0547 is public open space that was recently deeded to the City as a requirement of the Evans Ranch Master Development Agreement. In accordance with EMMC 3.30, the City Council must hold a public hearing to consider the disposition of City-owned property that is considered "significant." If the City Council determines that the disposal may be appropriate, the Council shall decide the best method to dispose of the property to maximize the value to the City. Should the property be sold, the Council would need to determine the party responsible for the costs of sidewalk and park strip improvements.

Ms. Kofoed explained that Utah Code 10-9a-508 Exactions states that if a municipality plans to dispose of surplus real property that was acquired as an exaction and has been owned by the municipality for less than 15 years, the municipality shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the municipality. While the developer has no interest in the disposal of approximately 0.04 acres of property, there would be interest if the City considered future disposal of any additional parcels that were recently deeded to the City in that location. The increase in lot size bumps the water requirement from 0.12-acre feet to 0.20-acre feet. The City Council shall determine the best method to dispose of the property to maximize the value to the City, such as retaining a real estate professional to market and sell the property, auctioning the property, or direct sale to the applicant.

Staff is examining options to improve the area and could use some of the funds remaining in the Oak Hollow parks and open space amenities fee-in-lieu. The dedication of this parcel and other lands to the City as a part of the Evans Ranch development was delayed due to the condition of the property. The property was accepted by the City once it had been cleared of garbage and debris. Wildlife Biologist/Environmental Planner Todd Black has expressed concerns with the ramifications and precedence that would be set with approving the purchase of this parcel.

Discussion considered the viability of a park in this area in conjunction with a trail system along the wash.

Applicant Riley Forkner said they have lived in this location for five years. Neighbors and builders have used the parcel as a dump site. They desire to purchase the land to be able to put up a swing set for their children. Other neighbors have encroached on the City property, but they desire to follow the correct procedure. ATVs and other activities make for an unsafe environment for their children to be able to use the space as it is. They would be amenable to having the land improved as park space.

Mayor Pro Tempore Wright opened the public hearing at 9:28 p.m. As there were no comments, he closed the hearing.

Ms. Kofoed confirmed that in the past, the City has required that all impacted homeowners purchase the full contiguous property rather than dispose of individual sections of the property.

Councilmember Love advocated for the trails system and park; however, as she feels the requested parcel would not be of great benefit or significance because of its location, she would like to see if there is a way to honor his request.

Mayor Pro Tempore Wright stated his hesitations to approve the disposal because the dedication was part of an agreement and would open additional property to disposal requests. He sees the value of the property for park space and would like the City to consider improvements for the area.

Councilmember Curtis expressed concern about setting a precedent that results in the neighbors requesting additional land or the developer desiring the land. He is in favor of the trails and parks and inquired if the improvements would be impact fee-eligible.

Mr. Mumford said that one of his employees put together a park plan that includes this area for his master's degree program, which will be presented at a future meeting. That plan includes a parking lot, picnic table, and pavilion in this area. Mr. Black is mapping the City-owned parcels. He would like to modify Municipal Code to add intended use criteria, such as the deer migration corridor and park space, when designating City-owned property as significant or insignificant.

Discussion ensued regarding the requirements for parks to be impact fee-eligible.

Later in the meeting, Mr. Draper clarified that the City's impact fee analysis lists regional parks and community parks that are designed to serve more than two neighborhoods typically covering 10 to 20 acres; however, the City has community parks as small as 4.4 acres.

MOTION: ***Councilmember Gray moved to deny the disposal of significant real property identified as a portion of Utah County Parcel Number 58:040:0547. Mayor Pro Tempore 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. LEGISLATIVE ITEMS

17.A. Legislative Priorities List

Director of Legislative Affairs Clifford Strachan updated the Council on the status of items on the legislative priorities list. He has completed research on second class city requirements and asked the Council their preferred method to identify and address completed items.

The City Council considered the process for ongoing and completed items and approved marking the second class city requirements as complete.

Councilmember Curtis recommended adding specific criteria to Municipal Code standards to clarify requirements and circumstances under which exceptions would be considered.

Mr. Mumford explained that the Planning Department is working on small corrections to Municipal Code that they have identified but also desire to prioritize changes requested by the Council.

Councilmember Curtis and Mayor Pro Tempore Wright requested that discussion items be added to this section of the agenda regarding potential sections of Municipal Code being placed under review prior to Planning staff drafting the changes, in order to provide direction.

Mr. Mumford expressed concern about bypassing the Planning Commission in the process but said staff can reach out to the Council in instances where the standards are vague or unclear. Staff intends to seek feedback on complex items such as multifamily and commercial design standards for direction before Commission review. Potential code amendments are approved to be placed on the agenda by the Mayor.

Mr. Strachan noted that there are varying preferences regarding desired amendments and stated the importance of recognizing the particular roles assigned to each party. He advised the Council to staff to bring forth their best ideas, information, and practices, and make adjustments as the Council directs, but to not cut off the ideas before they come.

Mayor Pro Tempore Wright stated that in light of the directives from the State, he has concerns with the nuances and flexibilities in Municipal Code, particularly with Title 16. As much as he respects the Planning Commission, they are not professional planners and it is at the purview of the Council to determine the review authority. He is nervous to grant broad discretion in some cases and advocated reviewing applicable instances in Titles 16 and 17.

Councilmember Curtis concurred and said he desires to give feedback on areas where the Council has discretion.

Mr. Jerome explained that staff can misunderstand when Councilmembers are stating an opinion versus when they are providing direction. Administrator Items are intended to allow the Council to provide direction to staff as a body in a public setting. Staff will make changes as directed by the Council during their review, regardless of the staff recommendation. He beseeched staff and the Council to trust in the process and to respect each other's roles.

Discussion resolved miscommunications with previous items and explored the importance of recognizing varying perspectives of staff and elected officials.

Mr. Mumford explained the upcoming review of discretionary changes to Title 16 for Council consideration, and stated the City has until February 2024 to complete the changes.

18. CITY COUNCIL/MAYOR'S BUSINESS

None.

19. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Burnham
Councilmember Burnham said the Youth Council meets the second Wednesday of the month. The transition from the current to the newly elected representatives will occur at their next meeting. The City is still in need of Youth Council advisors.

Councilmember Curtis
Councilmember Curtis reminded residents the rodeo will be July 8-10 at 7:00 p.m. at the rodeo grounds. He thanked the Cemetery Advisory Board for the Memorial Day program.

Councilmember Gray
None.

Councilmember Love
Councilmember Love said the Library Advisory Board has activities for younger children and for teens planned for the summer.

Mayor Pro Tempore Wright
Mayor Pro Tempore Wright recognized the American Legion's activities and participation in other City events. They are raising funds by selling water at the derby and rodeo. The Senior Citizen Advisory Council is holding a Christmas In June event catered by R&R Barbeque on June 26th. Those interested in attending need to rsvp by emailing jroberts@emcity.org.

20. COMMUNICATION ITEMS

20.A. Upcoming Agenda Item

21. ADJOURNMENT

MOTION: ***Councilmember Gray moved to adjourn at 10:24 p.m. 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.

The meeting was adjourned at 10:24 p.m.

Approved by the City Council on June 20, 2023.

Loreen Johnson

For: Fionnuála B. Kofoed, MMC
City Recorder