



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

May 17, 2022, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Robert Hobbs, Planning Manager; Senior Planner, Tayler Jensen; Todd Black, Wildlife Biologist/Environmental Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Chris Trusty, City Engineer; Jeremy Cook, City Attorney; Kimberly Ruesch, Finance Director; Brad Hickman, Parks and Recreation Director; Jeff Weber, Fleet and Facilities/Operations Director; Tyler Maffitt, Communications Manager; Angela Valenzuela, Human Resource Manager; Embret Fossum, UFA Battalion Chief; B.J. Eccles, Sergeant; Neighborhood Improvement Officer, David Draper; Neighborhood Improvement Officer, Dean Vliet; and Code Enforcement Officer, Jim Barney.

CITY STAFF PRESENT ELECTRONICALLY: Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Michele Graves, Library Director; and Chas Glenn, Administrative Assistant.

Mayor Pro Tempore Love called the meeting to order at 4:00 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

Water

- Well 5 is undergoing repair evaluation and Well 1 is being tested to determine the cause of unprecedented issues.
- Well 2 has come online earlier this year due to issues with Wells 1 and 5. Work is ongoing on the golf course well.
- The State is providing information to assist residents with water conservation. The City requests and appreciates residents' water conservation practices.

Engineering

- Kenny Seng will be widening the east leg of Bobby Wren Boulevard to accommodate the intersection with Pony Express Parkway. They plan on paving on Friday followed by striping. Construction at the intersection of Ranches Parkway and Pony Express Parkway will begin in approximately two weeks.
- The traffic light at Bobby Wren Boulevard was delayed due to confusion in the engineering contract resulting in inadequate conduit length. The conduit has been installed and Rocky

Mountain Power will expedite the work; however, no official timeline for activation is currently available.

- Construction will begin on widening Eagle Mountain Boulevard as soon as next week.
- Bid requests for booster pumps for Cory Wride Park and Unity Pass are due in time for a bid to be awarded at the June 7 City Council meeting.
- Site work will begin next week on the Unity Pass Well.

Parks

- Walden Park Observatory: Staff is working with a design engineer on the building structure that will hold the telescopes for the observatory and collaborating with Utah Valley University and Meta to ensure all needs are addressed for the observatory to be successful.
- Smith Ranch Community Park: Staff has completed most of the landscape and construction documents for the park and has met with residents to receive feedback on the skate park. Staff will be working with MHTN Architects and Spohn Ranch to incorporate elements for all types of users. Staff is also working with Big T Recreation on finalizing the playground and amenity elements.
- Bike Park: Staff has installed a water connection for the Lake Mountain Trail Association to keep the jump line appropriately cared for and maintained.
- Hidden Hollow Trailhead: Staff is coordinating with the developer to install the asphalt parking lot and fencing at the trailhead at Hidden Hollow.
- Pioneer Park: Parks and Recreation staff worked with residents to install 17 of the 18-disc golf cages for the City's first disc golf course. Staff will continue to work with individuals that are willing to help with the graphics layout on the signage for the course. The last hole will be installed as soon as a missing part is shipped.

Events

- The annual Memorial Day program will be held at Pony Express Memorial Cemetery on May 30 at 10:00 a.m.
- Pony Express Days will be from June 1 to 4. Family Fun Night will be held at Nolen Park on June 1. The carnival will be held at Cory Wride Memorial Park from June 2 through 4. The parade will be held on the same route as last year on June 4.
- Pony Express Events has a demolition derby that will be held on the evening of June 4 at the rodeo grounds.
- The City's insurance company has agreed to reimburse up to \$30,000 for a replacement field groomer due to fire damage caused by a tumbleweed caught in the engine.

1.B. UPDATE – Camp Williams ACUB & Sentinel Landscape

Camp Williams Garrison Commander Lieutenant Colonel Shane Day explained that Camp Williams' focus has shifted to large-scale combat operations with peer or near-peer adversaries. A main priority is modernization including field maneuverability and artillery training. Camp Williams is a key location for the National Guard and the Country's military. They desire to be good neighbors to the community while preserving their capability to perform their necessary trainings and functions. The Federal government has resources and programs to assist with increasing safety and mitigating the impact on surrounding communities.

Program Manager for West Traverse Sentinel Landscape and Army Compatible Use Buffer (ACUB) Manager Paul Raymond explained the Sentinel Landscapes Partnership is a coalition of federal agencies, state and local governments, and non-governmental organizations. They work with private landowners to advance sustainable land management practices around military installations and ranges to provide buffer areas to prevent encroachment. They are in the process of utilizing available funding to acquire key parcels within the buffer areas. Another goal of the program is the protection of habitat, wildlife, and recreation by providing bike trails and trailheads to increase citizen use and decrease poaching and trespassing. They desire to work with the City to address concerns and implement mutually beneficial solutions.

Councilmember Wright stated that he looks forward to working with Mr. Raymond and pledged his support.

1.C. DISCUSSION – Neighborhood Improvement

Assistant City Administrator/Community Development Director Steve Mumford presented the item. Property owners have extended private structures and improvements onto adjacent City property, essentially taking public property and using it for their own benefit for free.

Neighborhood Improvement Officer David Draper presented examples of encroachment issues in the City.

Mr. Mumford reviewed the following options to address encroachment:

- Sale of the property to residents or a license agreement for encroachment that restricts permanent improvements;
- Require more significant marking and posting of property lines by surveyors during development and construction;
- Require fencing to be installed by a developer along all public property, not just along collector and arterial roads;
- Consider improving some of these areas for public benefit;
- Reduce these types of public open space in the master plan and preliminary plat stage of the subdivision;
- Enforcement time frames.

Councilmember Curtis stated that regardless of whether the encroachment was accidental or intentional, it is stealing land and the situations need to be remedied by the residents utilizing City property. A time period of six months to a year could be allowed depending upon the scale of the project. He is against any improvements limiting public access to the property by other residents such as fencing and permanent structures, and he supports increasing marking requirements.

Councilmember Burnham concurred with Councilmember Curtis and feels some of the fences clearly extended into City property as they are not congruent with adjacent fence lines. Fencing City property with personal property takes the land from neighbors, especially along trails. She is concerned with storing vehicles and materials on City property. However, she is willing to entertain allowing landscaping improvements but not playground equipment due to liability issues.

Mayor Pro Tempore Love said she would be willing to entertain the sale of City property on a case-by-case basis to allow leniency when surveying was off by a small margin in areas that are not impactful to the City. Nevertheless, she agrees that it is the burden of the resident to determine property line boundaries. She is willing to entertain permitting landscaping, garden boxes, pavers, or sprinkler systems encroaching onto City land to allow weed mitigation and beautification. She is against allowing fencing as it causes safety issues and decreases the useability and aesthetics of City trails. A period of three months to one year should be sufficient for reparation. Better surveying would be beneficial to prevent future issues.

Councilmember Wright suggested the City offer surveying services in sensitive areas to assist with remedying encroachment. Other than landscaping improvements, he feels adherence to property lines should be enforced. His views take into consideration how the situation would be addressed if the City had encroached upon private property. He recommended requiring developers to place pins along areas adjacent to City land to clearly mark property lines.

Councilmember Gray expressed concern about the unintended consequences of permitting the use of City property for storage such as abandoned vehicles and materials. Should the City determine to allow encroachment, it should be governed by an agreement to facilitate tracking and enforcement. He advocated for requiring immediate remedy of situations causing safety issues.

City Attorney Jeremy Cook verified that private property owners are unable to claim or seize property from a government agency due to perception of ownership or other methods.

Director of Administrative Services/City Recorder Fionnuala Kofoed explained that the legal boundaries of the property fall under the purview of due diligence of the purchaser should a resident buy a home with existing encroachment issues. Punitive pricing, greater than the value of the property, has been set to disincentive the practice.

1.D. DISCUSSION – Master Transportation Plan by Horrocks Engineers, Inc.

Kevin Croshaw with Horrocks Engineers presented the item. He explained the spacing of different road classifications and stated a level of service (LOS) of D is optimal to meet future demands. The Impact Fee Facilities Plan (IFFP) focuses on projects to be completed within the next ten years.

City Engineer Chris Trusty stated that the City has contracted the drafting of the Impact Fee Analysis (IFA) to incorporate impact fees to assist with funding the projects. The projects will be phased and increased in width as additional capacity is merited.

Discussion ensued regarding project ranking and timing.

Councilmember Wright requested data be provided during a future discussion regarding the impact on other roadways should the City elect to advance the timetable on the east connection to Mountain View Corridor.

2. AGENDA REVIEW

11. AGREEMENTS

11.A. License Agreement – Bird Rides, Inc.

Mr. Mumford presented the item. A one-year temporary license agreement for Bird Rides, Inc. was approved in June 2021. He presented data on usage of the scooters in the City over the past 10 months and terms for a new three-year agreement. Either party may terminate this agreement at any time and without cause upon 30 days prior written notice. An administrative fee of \$0.10 per ride, to be paid quarterly to the City, is included in the agreement to cover time for contract review and the time spent by employees to relocate scooters left in problematic locations. The original deployment map has been removed from the updated agreement to allow Bird to place the scooters in the most utilized locations.

Councilmember Curtis expressed concern with the terms of the contract including an age restriction contrary to frequent use of the scooters by youth under the age of 18. He feels that electronic scooters and e-bikes should be permitted on trails.

Discussions clarified that the City has not received nuisance or speed complaints regarding the scooters. Although Bird places scooters at appropriate locations, users may leave the scooter in a problematic area. Staff verified that the age restriction is Bird's policy, not the City's.

12. BID AWARDS

12.A. Eagle Mountain Boulevard Widening Construction – WW Clyde

Mr. Trusty explained that a construction manager/general contractor procurement process was used for this project. To ensure the bid received from WW Clyde for construction services was competitive compared to similar projects, the City hired ICE as an outside consultant to review the proposal. Quantity changes, storm drain design alterations, and adjustments due to removing the water loops have increased the cost from \$9,034,844.75 to \$9,078,201.35, including storm drain and sewer line corrections and improvements. The City hopes to come in under budget for the overall project.

Mr. Trusty stated the contract includes a requirement for substantial completion by December 31, 2022, with the exception of additional paving in a few areas, and liquidated damages if the contractor fails to meet the deadline.

Councilmember Curtis requested Mr. Trusty provide him with the cost impact of adding bike lanes to the road.

Councilmember Gray suggested increasing the amount of the \$150 per day liquidated damage fee for missing deadlines.

Discussion ensued regarding balancing City and contractor risk and securing materials for the project.

15. RESOLUTIONS

15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule for New Asphalt Seal Coats, Road Closures, and Construction Water Fees.

Public Utilities Manager Mack Straw explained that construction water fees have increased significantly since 2017 when the fee schedule was last evaluated. The current water hydrant rental deposit does not cover the cost of a hydrant. The proposal recommends increasing the deposit from \$1,500 to \$3,000 and to update the water usage rate from \$0.80/kgal to \$1.08/kgal. A fee for non-monthly meter reads is included in the change, as well as a fine for non-permitted water connections.

Mr. Trusty explained the recommended fees for road closures of \$500 per week per lane for a collector road and \$1,000 per week per lane for an arterial road. The proposed amendment also includes a fine of \$2,500 per occurrence for non-permitted work in a City right-of-way.

Discussion ensued regarding fees based upon road lengths of 1,000 feet, a daily rather than weekly fee, and requiring a refundable deposit when issuing the road closure permit.

The Council determined to remove the item from the consent agenda for further discussion during policy session.

15.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving and Adopting Community-specific Arm Patches for Unified Fire Authority Firefighter Uniforms in Eagle Mountain.

Communications Manager Tyler Maffitt stated that Unified Fire Authority (UFA) contacted the City regarding arm patches representative of the individual communities UFA serves. Digital Communications Specialist Nick Ricci provided UFA Battalion Chief Embret Fossum and UFA with design options and the top three selected by UFA are presented for Council consideration. The option selected will be produced and used by UFA personnel serving in Eagle Mountain.

Chief Fossum said Option C is the most like UFA's current patch and he supports any of the design options. They will wear the UFA patch on their right shoulder and the jurisdiction patch on their left shoulder.

Councilmember Burnham expressed her preference for patch Option B. Councilmembers Wright and Gray supported her selection.

15.C. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Form of the Non-BQ Lease/Purchase Agreement with ZMFU II, Inc., Salt Lake City, Utah, and Authorizing the Execution and Delivery Thereof.

Finance Director Kimberly Ruesch presented the item. This is a five-year lease-purchase through Zions Public Finance for a 2022 Caterpillar Mini Excavator 304 that will be used by the Parks Department. This equipment was approved for acquisition as part of the 2021-2022 budget. Annual lease payments of \$14,339.48 will begin May 2023 with the final payment taking place May 2027. The interest rate of 4.5% through Zions was about a percentage lower than the dealer rate. Historically the City has financed rather than purchased similar equipment; however, the Council may elect to purchase the excavator with excess funds in the General Fund.

Councilmember Wright recommended purchasing the excavator to save approximately \$8,700 in interest. Mayor Pro Tempore Love concurred.

Parks and Recreation Director Brad Hickman explained that staff is presenting a lease rather than a purchase because it had been included in the previous year's budget as a lease agreement.

Discussion ensued regarding the need for a budget amendment should the Council elect to purchase the excavator and the benefits of purchasing or leasing equipment and vehicles with consideration of the total cost and replacement value.

The Council determined to remove the item from the agenda with the intention of amending the budget in a future meeting to allow the purchase rather than the lease of the excavator.

15.D. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Employee Policies and Procedures Manual for Bereavement Leave.

Human Resource Manager Angela Valenzuela presented the item. The proposed amendment changes Funeral Leave to Bereavement Leave and brings the City's bereavement leave policy in compliance with the recently passed Senate Bill 63, which requires municipalities to provide at least three days of bereavement leave to all employees, including part-time workers, following the miscarriage or stillbirth of a child.

Discussion ensued regarding which relatives to include as immediate family members and unpaid leave versus paid time off.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Pro Tempore Love adjourned the work session at 6:42 p.m.

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

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

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Robert Hobbs, Planning Manager; Senior Planner, Tayler Jensen;

Fionnuala Kofoed, Director of Administrative Services/City Recorder; Chris Trusty, City Engineer; Jeremy Cook, City Attorney; Kimberly Ruesch, Finance Director; Zac Hilton, Streets and Storm Drain Manager; Angela Valenzuela, Human Resource Manager; Embret Fossum, UFA Battalion Chief; and B.J. Eccles, Sergeant.

CITY STAFF PRESENT ELECTRONICALLY: Aaron Sanborn, Economic Development Director; Jeff Weber, Fleet and Facilities/Operations Director; Tyler Maffitt, Communications Manager; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Michele Graves, Library Director; and Chas Glenn, Administrative Assistant.

4. CALL TO ORDER

Mayor Pro Tempore Love called the policy session to order at 7:15 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Curtis led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Pony Express Days will take place June 1 through 4. To learn more, visit the redesigned City Events page on the Eagle Mountain City website.
- Eagle Mountain residents are asked to voluntarily reduce their lawn watering during the spring and summer months. Due to Utah's historic drought conditions, saving on water can not only help conserve the State's water resources but also save residents money. This week, we are recommending residents water once per week. Follow the City's digital signs or social media for updated information.
- Tooele Army Depot has communicated that the factors leading to large explosions in April should be curtailed during drier months later this year. If residents have concerns, they are encouraged to contact the Tooele Army Depot.
- The start of new HAM Radio classes will begin on May 26. For more information, please reference the City calendar, or contact the Emergency Management Department staff.

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

7. INTRODUCTION

7.A. 2022 Eagle Mountain Rodeo Royalty

Councilmember Gray stated Pony Express Events held their rodeo queen contest the previous week. He congratulated Queen Tristan Moulton, 1st Attendant Piper Maxwell, 2nd Attendant Kaycee Goodwin, Princess Rachel Whitehead, Princess 1st Attendant Hadley Warnick, and Princess 2nd Attendant Taytum Anderson

8. PUBLIC COMMENTS

Mayor Pro Tempore Love opened public comment at 7:22 p.m.

Tyler Shimakonis recognized the outgoing Youth Council members and participants and presented those in attendance with a certificate. In addition, he acknowledged and expressed appreciation to Garen Pabst, Adara Pabst, Emma Bird, Sedona Montano, Eliza Jensen, Lily Ratzlaff, and Davin Shimakonis for their assistance and participation in Youth Council meetings and events. Youth Council elections will be held Thursday and Friday at Cedar Valley and Rockwell High Schools and voting will be open at City Hall those evenings.

Gabe Rolfe, a student attending Lakeview Academy, sent a letter to the City Council in April and was inadvertently excluded from being mentioned with the others at that time.

Jill Jones submitted a written comment suggesting a small pool and fountain for a bird sanctuary be installed at the location of the old fire station near the Senior Citizens Center.

Jason Robinson spoke about storing trailers on his property and receiving notices from Neighborhood Improvement. He requested to be allowed to store trailers as they have been there for twenty years.

Jeff Marshall said he also has stored trailers on his property for 20 years and requested to be grandfathered into the standards at the time he moved to the City.

Assistant City Administrator/Community Development Director Steve Mumford stated that he has appointments scheduled with Mr. Robinson and Mr. Marshall to discuss the situation.

Mayor Pro Tempore Love closed public comment at 7:36 p.m.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis

Councilmember Curtis thanked the meeting participants for their attendance.

Councilmember Burnham

Councilmember Burnham thanked the residents for attending both in-person and virtually.

Mayor Pro Tempore Love

Mayor Pro Tempore Love expressed appreciation to resident participants and those following water conservation guidelines.

Councilmember Wright

Councilmember Wright shared that he visited the Unified Fire Authority (UFA) fire training school and expressed his admiration and gratitude for firefighters and paramedics in our community.

Councilmember Gray

Councilmember Gray expressed gratitude to Senior Planner Tayler Jensen, other past City employees, Neighborhood Improvement Officers, and Tyler and Jennifer Shimakonis for their service. He inquired if 15-year-olds are allowed to be employed by the City.

Human Resource Manager Angela Valenzuela said that due to restrictions on employing 15-year-olds, the City has elected to require employees to be a minimum of 16 years. She will provide Councilmember Gray with a list of available summer employment opportunities for youth.

10. APPOINTMENTS

10.A. Senior Citizens Advisory Council

MOTION: *Councilmember Curtis moved to appoint Sandra Ring to the Senior Citizens Advisory Council completing a four-year term through December 2025. 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.

CONSENT AGENDA

11. AGREEMENTS

11.A. License Agreement – Bird Rides, Inc.

12. BID AWARDS

12.A. Eagle Mountain Boulevard Widening Construction – WW Clyde

13. BOND RELEASES

13.A. Lone Tree Phase F, Plat 2 – Into Warranty

14. MINUTES

14.A. May 3, 2022 Minutes – Regular City Council Meeting

15. RESOLUTIONS

- 15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule for New Asphalt Seal Coats, Road Closures, and Construction Water Fees.
- 15.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving and Adopting Community-specific Arm Patches for Unified Fire Authority Firefighter Uniforms in Eagle Mountain.
- 15.C. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Form of the Non-BQ Lease/Purchase Agreement with ZMFU II, Inc., Salt Lake City, Utah, and Authorizing the Execution and Delivery Thereof. (REMOVED)
- 15.D. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Employee Policies and Procedures Manual for Bereavement Leave.

MOTION: *Councilmember Curtis moved to approve the consent agenda removing item 15.A. and placing it as a scheduled item, specifying Option B for item 15.B., removing item 15.C. from the agenda, and removing item 15.D. and placing it as a scheduled item. 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.

SCHEDULED ITEMS

- 15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule for New Asphalt Seal Coats, Road Closures, and Construction Water Fees.

City Engineer Chris Trusty stated that further research found that Orem, Riverton, and Spanish Fork require a \$1,000 minimum deposit and a rate based upon the length of the road closure. He recommended to implement a fee of \$250 per lane per 1,000 feet for a collector road, \$500 per lane per 1,000 feet for a minor arterial road, and \$1,000 per lane per 1,000 feet for a major arterial road, along with a \$1,000 deposit.

MOTION: *Councilmember Curtis moved to approve a resolution of Eagle Mountain City, Utah, amending the Consolidated Fee Schedule for New Asphalt Seal*

Coats, Road Closures, and Construction Water Fees with the following amendments:

- 1. The addition of a \$1,000 deposit;*
- 2. The minimum fee for closure of a collector road per 1,000 feet per lane shall be \$250 per day;*
- 3. The minimum fee for closure of a minor arterial road per 1,000 feet per lane shall be \$500 per day; and*
- 4. The minimum fee for closure of a major arterial per 1,000 feet per lane shall be \$1,000 per day.*

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.D. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Employee Policies and Procedures Manual for Bereavement Leave.

Mayor Pro Tempore Love and Councilmember Curtis recommended including stepchildren as immediate family members.

Discussion ensued regarding whether to include stepchildren and other additional family members as immediate family members qualifying for 40 hours of paid bereavement leave or to approve the amendment as drafted with deaths of other family members not included as immediate family granting 30 hours of paid bereavement leave with consideration of variance in the closeness of relationships on a personal basis, involvement with funeral planning, and concerns with cumulative time off and potential misuse of the policy.

MOTION: *Councilmember Curtis moved to approve a resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Employee Policies and Procedures Manual for Bereavement Leave moving stepchild to the first paragraph, immediate family category. 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, Annexing an Area of Approximately 161 Acres, Commonly Known as the Gardner Farms Annexation.

Director of Administrative Services/City Recorder Fionnuala Kofoed presented the item and explained the purpose and process of annexation. The proposed Gardner Farms annexation is 161.02 acres of land designated as Employment Center/Campus on the Future Land Use Map. The property would be zoned as Agriculture and would require a rezone when ready to develop. The proposed use falls within the land use designation; however, the applicant has indicated the intent is to wait to develop the land for eight to ten years. During the protest period, no objections were received by the City.

Mr. Trusty confirmed that additions to the Capital Facilities Plan will bring sewer close to the annexation area and development to the east has water in close proximity.

Mayor Pro Tempore Love opened the public hearing at 8:05 p.m. As there were no comments, she closed the hearing.

Applicant Chase Bryan said the eight-to-ten-year timeline is the estimation of when population and infrastructure would support interested parties at this location. They desire to annex now when the land is available and to ensure the property will be incorporated into the City to promote confidence and interest for compatible users.

Councilmember Wright said that although he would prefer the area to develop sooner, as he feels the City will eventually desire to incorporate property adjacent to Eagle Mountain Boulevard, he is in favor of the annexation.

Councilmember Curtis expressed concern regarding the acreage of the property because medical campuses are generally 70 acres or fewer. He feels that the remainder of the land could likely be requested for residential uses which he would not be in favor of approving.

Discussion ensued regarding use concerns and the ability of the Council to influence the use if the property is a part of the City.

MOTION: ***Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah, annexing an area of approximately 161 acres, commonly known as the Gardner Farms Annexation zoning the property as Agriculture. 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 carried with a vote of 4:1.

16.B. [ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.25 Residential Zones.](#)

Planning Manager Robert Hobbs presented the item.

State Code 10-9a-534 was amended last year, effective May 28, 2021, to prevent cities from imposing minimum garage sizes on single-family homes and two-family homes such as duplexes. Municipal Code currently requires all garages to be 22 feet by 22 feet.

He presented three potential amendments to City standards to come into compliance with State requirements:

- Option 1 – EMMC 17.25.050(C) Parking and Garage Dimensions. Projects shall comply with the off-street parking standards found in Chapter 17.55 EMMC, which includes standards for enclosed parking, covered parking, and visitor parking. The following requirements shall apply to all garages – except for those associated with detached single-family or two-family [duplex] dwellings: (1) minimum dimensions of two-car garages shall be 22 feet by 22 feet; (2) two-car garage door openings shall be a minimum of 16 feet wide by 8 feet tall; (3) single-car garages shall have a useable parking area [of] no less than 12 feet in width by 20 feet in depth; and (4) single-car garage door openings shall be a minimum of 9 feet wide by 8 feet tall.
- Option 2 – EMMC 17.25.050(C) Off-street Parking Residential. Projects shall comply with the off-street parking standards found in Chapter 17.55 EMMC.
- Option 3 – Repeal EMMC 17.25.050(C).

The Planning Commission voted unanimously to recommend that the Council adopt Option 1.

Mayor Pro Tempore Love opened the public hearing at 8:16 p.m. As there were no comments, she closed the hearing.

Councilmember Burnham verified with staff that Option 1 would retain size standards for townhomes and multifamily units and expressed concern that the State will pass another bill prohibiting garage size requirements for those units as well.

Councilmember Curtis stated his disappointment in the State Legislature for overriding legal, local land-use policies. Despite State requirements, he would have still approved the garage size standards previously because he believes it was the right decision and that people should be able to park in their garage. He recognized the right of the State Legislature to make that decision; however, he feels the decision was unethical.

Councilmember Gray concurred with Councilmember Curtis' disappointment in State representatives and feels that Eagle Mountain City was specifically targeted with the legislation as the City was the only one with the standard.

Councilmember Love supported retaining the garage size standards for multifamily units due to the reduced street parking allowed with more narrow frontages.

Discussion ensued regarding garage parking limitations.

MOTION: *Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.25 Residential Zones, adopting Option 1. 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 carried with a vote of 4:1.

[**16.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.48 Regional Technology and Industry Overlay Zone.**](#)

Mr. Mumford presented the item. The Regional Technology and Industry (RTI) Overlay Zone has been a valuable economic development tool for the City to attract and land some large technology and industrial businesses. The overlay was adopted with an automatic sunset date of May 31, 2022 with the intent to evaluate its effectiveness. The approval process in the RTI Overlay has been identified by major companies (Meta, Tyson, Google) as a key reason for them choosing Eagle Mountain for their business. The overlay zone has given Eagle Mountain an economic development edge over competing cities. Councilmembers Burnham, Wright, and Mayor Westmoreland worked with Staff to address Council's concerns with the standards. The updated proposal addresses the primary concerns expressed during the May 3, 2022 meeting – average wage, street standards, and truck traffic.

Discussion ensued regarding if the approval of the RTI Zone for a property would make the subsequent approvals administrative rather than legislative actions.

Mayor Pro Tempore Love opened the public hearing at 8:28 p.m.

Christine Mikell stated she is in the process of rezoning property to the RTI Overlay Zone and spoke in favor of the changes proposed in the amendment.

Mayor Pro Tempore Love closed the public hearing at 8:28 p.m.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.48 Regional Technology and Industry Overlay Zone. 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 carried with a vote of 4:1.

Councilmember Curtis stated that although he appreciates the work improving the standards, he is concerned with dark sky compliance during construction and the broadness of the allowances. He would prefer to have more specified and targeted economic development mechanisms.

16.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2022-2023 Annual Budget.
****DISCUSSION ITEM ONLY****

MOTION: *Councilmember Gray moved to discuss item 16.D. after item 17.A. 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.

This item was discussed after item 17.A.

Finance Director Kimberly Ruesch presented the item.

Discussion ensued regarding the following items:

- Increases to the tentative budget desired by the Council:
 - \$20,000 Facilities General Fund – City Facilities Master Plan,
 - \$140,697 Public Safety General Fund – Sheriff Contract,
 - \$526,684 Public Safety General Fund – Three Patrol Deputies,
 - \$7,186 Public Safety – An additional crossing location at Mountain Trails Elementary,
 - \$125,000 Capital Project Fund – Design and alignment connection from Lone Tree to Old Airport Road,
 - \$2,000,000 Capital Project Fund – A High T intersection along Ranches Parkway and a traffic signal at Stonebridge Lane;
- Decreases to the tentative budget desired by the Council:
 - \$70,183 Communications – Removal of the requested content marketing writer position;
- Possibly extending the use time and sharing vehicles to reduce costs with consideration of supply chain delays;
- Timing, right-of-way acquisition, and additional funding for the Lone Tree and Old Airport Road connection and prioritization in comparison to other projects;
- Including improvements to Pony Express Memorial Cemetery in the Parks and Recreation Master Plan;
- Planning for a new library as a part of the Facilities Master Plan;
- Determining an amount to allocate for future implementation of the Facilities Master Plan;
- A legislative assistant position;
- Retaining the requested three library positions to provide passport services and to meet understaffing and the demands of a growing City; and
- Possibly charging transfer and credit card transaction fees.

Mayor Pro Tempore Love opened the public hearing at 9:33 p.m. As there were no comments, she closed the hearing.

17. ORDINANCE

17.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 8.20 Fireworks.

City Attorney Jeremy Cook presented the item and reviewed the changes made at the request of the City Council.

MOTION: *Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 8.20 Fireworks. 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>

☒ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

18. CITY COUNCIL/MAYOR'S BUSINESS

19. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Curtis

Councilmember Curtis suggested appointing Planning Commission alternates. He requested a status update regarding the amendment to the City appointment process.

Mayor Pro Tempore Love and Councilmember Gray stated they are working on the amendment and will have individual conversations with Councilmembers to receive feedback.

Councilmember Burnham

Councilmember Burnham said she met with the Eagle Mountain Arts Alliance and is excited about their projects. The library box in Walden Park is getting wet due to its proximity to a sprinkler. She will discuss possible solutions with Parks and Recreation Director Brad Hickman. She supports appointing Planning Commission alternates both to serve as substitutes and as a training opportunity for future Commission members.

Councilmember Wright

Councilmember Wright said he has discussed Planning Commission alternates with the Mayor and staff and has been greeted by support. The City Attorney is researching the legalities of the process and an amendment will be presented to Council once available. The City has a vacancy for Youth Council advisors. Youth Council elections will be held on Thursday and Friday. The Parks and Recreation Department is working on a community questionnaire for feedback on Pony Express Days events projects and activities.

Mayor Pro Tempore Love

Mayor Pro Tempore Love announced that the American Legion is sponsoring a blood drive on June 10th at the Senior Citizen Center to assist with the ongoing blood shortage. Links to sign up to donate are available on the Eagle Mountain City Citizens Facebook page and at www.redcrossblood.org.

Councilmember Gray

Councilmember Gray expressed his appreciation for the rodeo queens attending the meeting and for their positive influence. He thanked the Events Department for their support with Pony Express Events and looks forward to the day when Pony Express Events is fully run by the City. Tickets are on sale for the Demolition Derby on June 4th at 7:00 p.m. and the rodeo on June 9th through 11th at 7:00 p.m. He announced a vending opportunity at Pony Express Events as the usual party will not be holding their fundraiser this year. He inquired regarding scholarship opportunities for the Youth Mayor and Rodeo Queens. He offered for Pony Express Events to sponsor an expanded

City scholarship program if amenable to the City. He requested information about summer employment openings for 14 and 15-year-olds.

Ms. Kofoed explained the Youth Council scholarship program and criteria.

Councilmember Curtis expressed his appreciation to Pony Express Events for the offer to sponsor a scholarship.

Mayor Pro Tempore Love suggested working with the high schools' Advanced Placement (AP) Government classes in the creation of scholarships.

20. COMMUNICATION ITEMS

20.A. Financial Report

20.B. Upcoming Agenda Items

21. ADJOURNMENT

MOTION: *Councilmember Wright moved to adjourn the meeting at 9:52 p.m.
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.

The meeting was adjourned at 9:52 p.m.

Approved by the City Council on June 7, 2022


Fionnuala B. Kofoed, MMC
City Recorder

