



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

May 2, 2023, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Cliff Strachan, Director of Legislative Affairs; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Jed Shum, Planner; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Chris Trusty, City Engineer; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities/Operations Director; Michele Graves, Library Director; Embret Fossum, Unified Fire Authority Battalion Chief; B.J. Eccles, Sergeant; Natalie Winterton, Grants Coordinator/Management Analyst; and Terrence Dela Pena, Finance/Management Analyst.

CITY STAFF PRESENT ELECTRONICALLY: Angela Valenzuela, Human Resource Manager; Chas Glenn, Administrative Assistant; Elizabeth Fewkes, Recording Secretary; Mack Straw, Public Utilities Manager; and Brad Hickman, Parks and Recreation Director.

Mayor Westmoreland called the meeting to order at 4:05 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

Community Development

- In April, 64 total new residential building permits were issued – 47 single-family and 17 multifamily.
- Commercial permits were issued for an LDS chapel in Overland, an LDS Church addition in Heatherwood, Roxberry, Subway, Peppy Paws, and SC Fitness.
- Planning staff is working on several Municipal Code amendments.

Public Utilities

- Well #1 is currently operational but has coliform bacteria. The count is at 17 compared to over 1,000 when the issue occurred last year. Staff is hopeful that today's test will come back with a passing result tomorrow and allow the well to be used. The temperature of the water is 83.7 degrees and is normally in the seventies, which is contributing to the problem.
- Well #2 is ready for the irrigation season.
- Well #3 was put into service today at 2:30 p.m.

- Well #5 is under repair and will hopefully be running by June 2.
- The golf course well is up and running.
- The City increased our flows from the Central Utah Water Conservancy District (CUWCD) to 5,500 gallons per minute.
- The City encourages residents to follow the state guidelines for spring watering. The recommendation is only to water once a week, starting May 5. Information is available at <https://conservewater.utah.gov/weekly-lawn-watering-guide/>.

Parks, Recreation, Events, and Cemetery

- Staff was successful in receiving a Utah Outdoor Recreation Grant (UORG) in the amount of \$200,000 for skatepark construction in Smith Ranch Community Park.
- Staff has been working on a project with interns to map and digitize all trails, sidewalks, and off-street trails in the community. It is anticipated that staff will have an update in June at the City Council meeting.

Communications

- Plans are now underway to begin upgrading the City's website. This is a sub-project of the City's Comprehensive Marketing Plan. Additional details will be available in the coming months.
- An improved look to the City's newsletter will be launched in June. New approaches to delivering content in an easier-to-read format will be part of this change.

Facilities, Fleet, and Emergency Management

- Upgrades to the sewer building are moving forward.
- Sheriff's and Recorder's office remodel – Construction has started and is on schedule to be completed by July 1st.
- The City is soliciting bids to place a handrail along the sidewalk at the Senior Center.

Streets and Storm Water

- Oaks Springs Wash has not had any water flowing in it for over a week. Belle Street will be reopened today.
- The Tickville Wash has decreased to low flows.
- West Canyon Wash began flowing last Sunday and will likely continue to flow until most of the snowpack is gone from West Canyon.
- Pole Canyon Wash has not started flowing at this point.
- All washes are being monitored daily.

Engineering

- Silver Creek Way – Flagship submitted designs for the culvert last week. The City should have those plans turned around by next week in anticipation of the culvert being placed starting at the end of this month
- Well 8 – Work on Well 8 is ongoing.
- The two booster stations are approximately 85% complete. They are waiting for the CT panels to complete the electrical. The City will likely begin the irrigation season at Corey Wride Memorial Park using culinary water. The booster should be operational by mid-June and put into use.

- Eagle Mountain Boulevard re-striping has been postponed from this week due to possible rain on Thursday. It is anticipated that the striping will be removed on the north end Wednesday of next week and restriped Thursday.

1.B. PRESENTATION – Standards & Practices

Communications Manager Tyler Maffit presented the item and spoke regarding the importance of having set standards to protect against potential legal issues while protecting first amendment rights at community events. Currently, Municipal Code lacks standards by which the City can determine event or product appropriateness nor sets guidelines for free speech activities. Eagle Mountain City can be held liable for revoking participating or licensing over offensive or harmful material without the backing of Municipal Code or policy.

The proposed standards:

- Add definitions;
- Clarify and update existing sections of code;
- Designate time, place, and manner restrictions for free speech activities within Eagle Mountain City limits;
- Regulate unregistered free speech activities within Eagle Mountain City limits;
- Update standards and practices for City events on public or private property and non-political activities for events renting public space; and
- Homogenize the process for issuing permits and revoking events or vendor licenses.

The new standards require registrations for certain free speech activities with the City Recorder, designate time, place, and manner of the requirements within Eagle Mountain City limits, and define contests and appeals if registration is denied. Registered free speech activities will be given preference to unregistered activities. Unregistered activities shall not interfere with registered activities; time, place, and manner restrictions shall still apply, and event organizers shall be liable for reimbursement for the costs of City services. The standards also prohibit offensive, immoral, violent, and illegal behaviors and products and services that are misleading.

Discussion ensued regarding the definition of misleading information, situations in which an unregistered activity would be directed to another location to protect public health and safety, and verifying within the standards where the City Council or Mayor/designee shall serve as the approval or appeal authority.

1.C. DISCUSSION – Axio #1 Auto Sales and Eagle Plaza/Beto's Concept Plans

Senior Planner David Stroud and Planner Steven Lehmitz presented the concept plans to be located on adjacent plots on the southeast corner of Wride Memorial Highway and Ranches Parkway.

Mr. Stroud explained that the adjacent properties were being presented together for Council feedback because the same issues impact both locations.

Planner Steven Lehmitz presented the Axio #1 concept plan for an automobile sales lot proposed at 3677 E. Campus Drive. The lot is zoned commercial and is 1.34 acres. The proposed building

is 5,077 square feet. The recorded plat for this property and the Commercial Community zone lists the front setback as a minimum of 10 feet and a maximum of 25 feet. The proposed structure is outside of that setback range. The City Council can approve alternative setbacks per EMMC 17.35.040. Four buildings exist on Campus Drive with front setbacks that range from 50 feet to 140 feet. The applicant has proposed a right-in, right-out access on Ranches Parkway.

Mr. Stroud presented a concept plan for a building with a Beto's restaurant with a drive-through and three other tenant spaces and a separate pad site to the east. Last year, the Planning Commission recommended denial of the item based solely upon traffic concerns. The primary purpose of this review is to receive the Council's feedback regarding the setback requests.

Councilmember Burnham stated that she would be willing to consider the setbacks as they would be in harmony with other businesses on Campus Drive.

Discussion considered the following:

- The impact of the development on the City-owned land and the monument;
- Whether the landscape island adjacent to the south on Campus Drive will be removed;
- The additional right-of-way that will be needed for sidewalk and park strips; and
- The impact of the planned high-t intersection on the properties including accesses and elevation and stacking and traffic flow concerns.

Councilmember Wright requested data or research, as required by Municipal Code, to verify that the setbacks are necessary for the success of the business as the information provided appears to be solely to provide parking between the business and the street which is specifically prohibited in the standards.

Applicant representatives David Runnells explained that the main purpose of the building location is for visibility from Wride Memorial Highway necessitated by the grade of the site.

Applicant Travis Johnson recounted his history with the company and his philosophies and reasoning behind the plans for this location.

The applicants presented a rendering of a similar building. This location will be patterned after a Starbucks in Draper with an open, café-style layout. Signage will depend upon what is allowed by the City.

1.D. UPDATE - Comcast Infrastructure Concerns

Comcast Government Affairs Manager Joe Silverzweig explained their network architecture and design that connects the headend to nodes and then to customers via hybrid fiber-coaxial cables. They install one power pedestal for about every 300 homes and single amplifiers for every 150 homes in public areas next to other similar infrastructure. The tap pedestals have two connections and are installed at every other home above ground to protect against environmental conditions and to prevent them from filling with dirt and debris causing damage and connectivity issues. Power runs throughout the network over coaxial cables with copper cores which per The National Electrical Safety Commission rules are required to be installed parallel to the power pedestal to

remain grounded to protect against power surges that can send electricity back up the line which can cause damage to electronics or fires in residents' homes. Tap pedestals are installed throughout Utah.

City Administration Paul Jerome said the Engineering Department is allocating about 40 hours of staff time on Comcast's behalf, excluding the time other City staff, the Mayor, and the Council have spent receiving and responding to complaints from the public. He clarified that the City has no obligation to Comcast and that the efforts by staff are for the benefit of residents.

Councilmember Curtis cautioned he and other residents are highly unlikely to use the service based on their negative experiences with the company thus far.

Staff and Councilmembers addressed their frustrations and resident complaints regarding Comcast including:

- Lack of or untimely notification of installations;
- Notification tags excluding time and date rather than providing the information two weeks in advance;
- Residents being treated rudely, dismissively, and without consideration by the installation team;
- Pedestals being placed in locations that prohibit residents from completing planned yard improvements;
- Unreasonable circumstances created by poor communication of processes, limitations, and reasons for pedestal location placements;
- Lack of clarity of the resources for residents to be able to contact Comcast with grievances;
- Operations continuing in a problematic manner after the City informed Mr. Silverzweig of the issues;
- Low-quality re-landscaping and repair work after damage caused by installations; and
- Comcast representatives doubting and dismissing rather than remedying reports of sprinkler damage and covering up damaged sprinkler lines without repairing them.

Mr. Silverzweig confirmed that he has a meeting scheduled with business leadership on May 4th to discuss possibly switching to in-ground equipment. He said that he will relay the concerns to their business partners performing the equipment installations. Blue Stakes marking services are contracted through the State and Comcast has little influence over their services.

Councilmember Wright said he is not requesting, he is demanding change and that a process be outlined, that it be communicated effectively to the residents, that the City understands the process, and that the City and residents be provided efficient means of contacting Comcast for resolutions when the procedures are not followed.

Mr. Silverzweig stated that he would like to be made aware immediately and directly of issues. Residents may contact him directly at 385-235-0746 and Joseph_Silverzweig@comcast.com. Answers to general questions can be found on a website created specifically for Eagle Mountain – <https://utah.comcast.com/eagle-mountain/>. He outlined his plans to improve communication via door tags, lawn signs with QR codes, and a dedicated escalations process. In the next few weeks,

they will be adding a follow-up sprinkler contractor to make same-day repairs, a separate escalated remediation, and pedestal location clarifications.

2. AGENDA REVIEW

9. BID AWARDS

9.A. Comprehensive Marketing Plan – REDKOR Brands, LLC

Mr. Maffit noted that the consultant has indicated that the number of survey participants should be higher than the figure listed in the report. Survey participants will be solicited over City communication channels and messaging platforms. The plan targets the interests of residents, economic development, better staff retention and attraction, and the perception of the City by neighboring communities and at the State level. Data on the effectiveness of the rebranding effort will be collected and evaluated.

Councilmember Wright requested that the vision adopted by the City Council and the strategic goals be incorporated.

Mr. Maffit confirmed that the firm has been supplied with the strategic plan and mission statement to use for guidance.

Councilmember Gray expressed concern with the funds being allocated to the Comprehensive Marketing Plan and City rebranding. He questioned if that money could be more beneficial to residents if spent on other projects. He clarified that he is in favor of changes within the City to better the morale of employees, improve retention, and reduce hiring costs.

Discussion evaluated the benefits and purpose of rebranding in consideration of growth and changes in contrast with the cost. The Council determined to move forward with the project anticipating that the findings and recommendations of the Comprehensive Marketing Plan will assist the Council in determining whether to move forward with rebranding.

10. MINUTES

11.A. April 18, 2023 Minutes – Regular City Council Meeting

11. PRELIMINARY PLATS & SITE PLANS

12.A. PRELIMINARY PLAT – Lone Tree Phase F, Plat 3

Councilmembers Wright and Love requested to remove the item from the consent agenda to discuss whether the land intended for the wildlife corridor will be preserved through dedication or an easement.

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

Councilmembers Wright, Love, and Curtis requested to remove the item from the consent agenda to discuss concerns with the phasing plan.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn to a closed session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, annotated. 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>
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☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

The meeting was adjourned at 6:14 p.m.

7:00 P.M. POLICY SESSION

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Cliff Strachan, Director of Legislative Affairs; Kimberly Ruesch, Finance Director; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Jed Shum, Planner; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Chris Trusty, City Engineer; Michele Graves, Library Director; Embret Fossum, Unified Fire Authority Battalion Chief; B.J. Eccles; Sergeant; Natalie Winterton, Grants Coordinator/Management Analyst; and Terrence Dela Pena, Finance/Management Analyst.

CITY STAFF PRESENT ELECTRONICALLY: Tyler Maffitt, Communications Manager; Elizabeth Fewkes, Recording Secretary; Zac Hilton, Streets and Storm Drain Manager; and Brad Hickman, Parks and Recreation Director.

4. CALL TO ORDER

Mayor Pro Tempore Wright called the policy session to order at 7:25 p.m.

He excused Mayor Westmoreland and City Administrator Paul Jerome and said they will be joining the meeting following the memorial commemorating the tragic loss of Odin Ratliff and Hunter Jackson one year ago.

He invited the Youth Mayor and Councilmembers to join the City Councilmembers on the dais.

5. PLEDGE OF ALLEGIANCE

Councilmember Love led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Eagle Mountain City would like to thank residents for their participation in the spring community clean-up dumpsters. This event reported strong participation, allowing the City to extend the offering. Dumpsters will once again be offered in September of this year.
- Pony Express Days will take place May 31 – June 3. Purchases will be made available soon.
- Sandbag resources are being provided through Eagle Mountain City until flooding risks subside in the community. Interested residents can retrieve as many as 30 sandbags per household at City Hall or the Community Development building. Sand is available at White Hills Park, the Rodeo Grounds, North Ranch Park, and Silverlake Park.
- Homeowners are encouraged to wait before watering their lawns for the year. Help the City achieve its water conservation goals while better managing our water utility systems. Wait to water until temperatures are consistently warmer.
- Residents who do not use social media to stay in touch with the City are encouraged to sign up for the City's text notification system. Weekly, the City sends updates on news, important information, and sign-ups for recreational sports. Learn more at eaglemountaincity.com.

7. PUBLIC COMMENTS

Mayor Pro Tempore Wright opened public comment at 7:29 p.m.

Jeff Ruth advocated for the City to hold Comcast accountable and wished that above-ground pedestals could be prohibited. He also informed the Council that two individuals have offered to pay for the suicide prevention banners for the baseball fields.

Bettina Cameron, speaking on behalf of the Nature and Wildlife Alliance, in regard to Lone Tree Phase F, Parcel A requested for the land to be dedicated to the City with deed restrictions including that Eagle Mountain City cannot sell or develop the land, the dedicated property will remain native open space in perpetuity for wildlife habitat and migration, and no above-ground structures shall be allowed except for information signs, park benches, and wildlife fencing. Expressing her own opinion, she asked for the City to waive the fee in lieu in trade for the land dedication.

Mayor Pro Tempore Wright closed public comment at 7:34 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis

Councilmember Curtis announced the Cemetery Advisory Board is planning the upcoming Memorial Day program at 10:00 a.m. at the Pony Express Memorial Cemetery.

Councilmember Burnham

Councilmember Burnham thanked the meeting participants, especially the Youth Council. Youth Councils elections will be held Tuesday, May 9th. Voting will be available at Frontier Middle School, Cedar Valley High School, and Westlake High School during lunch and at City Hall. The election is open to youth residents of Eagle Mountain, Cedar Fort, and Fairfield. The City is also looking for Youth Council advisors.

Councilmember Love

Councilmember Love welcomed the Youth Council and meeting participants.

Councilmember Gray

Councilmember Gray recognized the new City employees in attendance and congratulated employees recently promoted. He encouraged residents to be cautious due to runoff dangers and to report any issues. Pony Express Days is coming up at the end of the month and the Rodeo Royalty will be presented at the next City Council meeting.

Mayor Pro Tempore Wright

Mayor Pro Tempore Wright welcomed the Director of Legislative Affairs Cliff Strachan. He expressed appreciation to Assistant City Administrator/City Recorder Fionnuala Kofoed and Eagle Mountain employees for their efforts.

CONSENT AGENDA

9. BID AWARDS

9.A. Comprehensive Marketing Plan – REDKOR Brands, LLC

9.B. Intersection Improvements Project – Oak Hollow Electric Company

10. BOND RELEASES

10.A. Sweetwater Industrial Phase A, Plat 2 – Into Warranty

11. MINUTES

11.A. April 18, 2023 Minutes – Regular City Council Meeting

12. PRELIMINARY PLATS & SITE PLANS

12.A. PRELIMINARY PLAT – Lone Tree Phase F, Plat 3

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

MOTION: *Councilmember Curtis moved to approve the consent agenda removing items 12.A. and 12.B. and placing them as scheduled items and the minutes as amended. Councilmember Burnham seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

SCHEDULED ITEMS

12. PRELIMINARY PLATS & SITE PLANS

12.A. PRELIMINARY PLAT – Lone Tree Phase F, Plat 3

Senior Planner David Stroud presented the item. Lone Tree F3 preliminary plat was reviewed by the City Council on January 17, 2023, but was continued to a future meeting to allow the applicant to work with staff to draft the language for the wildlife corridor easement and the details surrounding the requirements of the easement on lot 313 and 314 and consider adjusting the plan to accommodate the 30-lot maximum on dead end streets. The total number of lots remains the same but a phasing plan is included to identify the last two lots as Phase 4, which cannot be platted until connection through Circle 5 Ranch to Pony Express Parkway is made. Phases 1-3 include 20 proposed lots on the new portion of Walnut Drive. With the 10 lots already platted and built upon on Walnut Drive, the total number of lots on Walnut Drive does not exceed 30, as required by Fire Code. The applicant has set aside open space in the form of a conservation easement as previously submitted. The applicant is willing to dedicate to the City, or for it to remain as a conservation easement, according to the desires of the City Council. Dedication to the City is an option without the need to enforce any easement restrictions at the rear of private property lots. The City then has full control of the property and future use.

Councilmember Burnham stated she is in favor of the dedication, rather than the conservation easement, and waiver of the fee and lieu in consideration of the land value.

Applicant representative Brian Haskell said their preference is an easement; however, they are amenable to the dedication. The circles on the plan represent temporary turnarounds to facilitate development of the plat in phases.

MOTION: *Councilmember Burnham moved to approve the preliminary plat for Lone Tree Phase F, Plat 3 with the following conditions:*

1. The correction of any outstanding redlines, if any;

2. *A plan for the connectivity of Rosewood Drive with the adjacent property in Circle 5 Ranch shall be in place;*
3. *Phase 4, lots 321 and 322, shall not be approved and recorded until connection through Circle 5 Ranch to Pony Express Parkway is constructed and a plat note indicating such shall be included on the final plat documents;*
4. *The applicant shall dedicate the open space area at the northeast corner of the property of 14,410 square feet to Eagle Mountain City which shall fulfill the open space fee in lieu requirements.*

Councilmember Curtis seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

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

Planning Manager Robert Hobbs presented a request for approval of the site plan and Preliminary Plat C associated with 235 townhome units on 31.28 acres of land within the Parkway Fields Master Planned Development. The Planning Commission tabled the item to address architectural design issues that have since been resolved to provide 10 of 18 elements bringing the elevations into compliance with the exception of the exterior siding materials which the Commission addressed in the following recommended condition of approval, “Applicant shall cause that all townhouse buildings’ two exterior siding material types cover at least 30% all sides (ends) of each building.”

Applicant representative Cameron Spencer said they delayed resubmitting the application after being tabled by the Planning Commission because some of the townhomes were too tall and the design revisions took longer than anticipated. They plan to make additional changes to the side elevations. The request to change the phasing plan would allow them to make all the improvements along Tiffany Lane and the associated landscape, linear parks, open space, and clubhouse amenities. Developing only the townhomes in Phase B3 would result in those homes being disturbed when they complete the remainder of the townhomes. Completing the townhome portion of Phase C3 will assist with looping the waterlines to provide the required water pressure levels for all Phase C. The proposed schedule would improve ingress and egress and the overall feel of the community.

Councilmember Curtis said moving from Phase B to Phase F is a major change. The purpose of the original phasing was to ensure the City is provided an adequate number of single-family homes and he is concerned that the request is for only the multifamily portion of the phases. He thinks it

would be a mistake to move forward with multifamily without assurances that the single-family portion will be built, especially considering the possibility of future amendments. Nevertheless, he would be willing to entertain allowing the townhomes in Phase C3 to be built consecutively with Phase B3.

Councilmember Love expressed support for the compromise to allow Phase C3 to be developed with B3 but not the townhomes in F2 and G1.

Mayor Pro Tempore Wright said his greatest concern is securing the development of the lots in Phase E as it is one of the more unique areas of this development. He is sympathetic to the challenges in the housing market and recognizes the reason for the request, Nevertheless, he is worried about the impact to the diversity of product type and the long-range implications.

Mr. Spencer said the total number of townhomes in the request is 225. Once B2 is finished, they will have completed 330 single-family lots in the development prior to the townhomes. The development agreement allows but does not require permitting the residents in the single-family homes access to the pool and clubhouse.

Discussion confirmed that the timing of the completion of the pool and clubhouse would occur in conjunction with the earlier phases of townhome development.

Mayor Westmoreland and City Administrator Paul Jerome arrived at 8:15 p.m.

Councilmember Gray stated that although he agrees with the concerns of other Councilmembers, he understands the reasoning for the request and sees valid points on both sides.

Councilmember Burnham said she appreciates the context provided by the applicant regarding the number of single-family homes already under construction.

Discussion ensued verifying the requirements and plans for Tiffany Lane improvements and the impacts of completing the waterline connections throughout Phase C.

City Attorney Marcus Draper explained that the City Council would need to have an amended application return with a request for only B3 and C3, as they are unable to only approve a portion of an item.

MOTION: *Councilmember Love moved to table the preliminary plat and site plan for Parkway Fields Phase C instructing the applicant to return with only the northern half of Tiffany Lane and half the number of townhouses as currently platted. Councilmember Curtis seconded the motion.*

AMENDED MOTION: *Councilmember Love moved to table the preliminary plat and site plan for Parkway Fields Phase, C instructing the applicant to return with an amended request that removes the southern half-width of Tiffany Lane and the property south of Tiffany Lane, described as Phases F2 and G1 on the Phasing Map. The remaining portion of the amended plan shall only include*

half of the townhomes in the current application. Councilmember Curtis seconded the motion.

Discussion confirmed that the proposed road identified as Tiffany Boulevard in the application connects to the existing Tiffany Lane to the west.

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☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a vote of 3:2.

13. RUSH CREEK

13.A. MOTION/PUBLIC HEARING – Request for the Waiver of the Master Development Approval Requirement for the Rush Creek Subdivision.

Items 13.A. and 13.B. were presented and discussed concurrently.

Senior Planner David Stroud presented the item. The applicant requests the City amend the zoning map from Agriculture to Light Manufacturing/Distribution (LMD). The request encompasses approximately 162 acres and is located along Eagle Mountain Boulevard and northwest of Cedar Valley High School. The applicant has submitted a concept plan of the potential use as multiple LMD lots. EMMC 16.10.020 states that projects in excess of 50 acres require master development approval. However, EMMC 16.10.050 does provide an option to waive the master development plan requirement. The applicant had initially considered commercial development of the site and now desires additional LMD uses after the success of a portion of his property adjacent to this area previously rezone to that use.

Mr. Stroud stated that he spoke with Utah Department of Transportation (UDOT) representatives as this location is being considered for the site of a portion of the future Cedar Valley Freeway. The UDOT property acquisition representative did not state a preference for the zoning of the land as they wished not to be involved in the rezone process of the property at this time.

Councilmember Curtis expressed concern with the request for the LMD Zone in an area designated as Employment Center/Campus on the General Plan.

Applicant representative Dan Ford said that the LMD Zone is an allowable zone within the Employment Center/Campus designation. They desire flexibility in the LMD zone. Some of the lots will likely be combined to accommodate users' needs which is the primary reason for requesting a waiver of the master development agreement. He feels the development qualifies for three of the four waiver criteria. Their original application for retail and residential uses was

denied. The retention ponds indicated on the concept plan are sufficient for the drainage needs. The lots near the anticipated location of the future freeway will be offered at a premium to attract retail users that will benefit from the proximity to a major roadway. When he spoke with UDOT, the representatives said they were not concerned about a rezone, especially for a project in the distant future. The plan accommodates more than sufficient right-of-way in consideration of the freeway.

The Council addressed buffering and connectivity concerns between the site, the Lakeview Academy site, and the adjacent parcels.

City Administrator Paul Jerome stated that Senate Bill 2, passed during the previous legislative session, allocated funds for right-of-way acquisition for the Cedar Valley Freeway for primary targets, and this land is one of those areas.

Deputy City Administrator/Community Development Director Steve Mumford explained that the City is in discussions with UDOT and Mountainland Association of Governments (MAG) to begin a planning study for the freeway to finalize the alignment and then purchase and preserve land. He identified the appropriate zones permitted in City zoning standards. He cited EMMC 17.37.020, "This zone is generally most appropriate in areas designated as Business Park/Light Industry on the city's future land use map, but it may also be considered for approval in other areas at the discretion of the approval authority, depending on the surrounding land uses and other circumstances," to clarify it is the discretion of the Council to determine whether the zone is appropriate and how much land to allow with LMD zoning in land designated as Employment Center/Campus.

Mayor Westmoreland opened the public hearing at 8:59 p.m. As there were no comments, he closed the hearing.

Discussion considered the benefits and impacts of the rezone on the land value which will increase the cost for UDOT to purchase right-of-way should the future freeway be constructed as currently contemplated at an unknown future date.

MOTION: *Councilmember Wright moved to approve a request for the waiver of the Master Development approval requirement for the Rush Creek Subdivision. 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.

13.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands Known as Rush Creek.

Mayor Westmoreland opened the public hearing at 9:20 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah, approving the rezone of approximately 162 acres from the Agriculture zone to the Light Manufacturing/Distribution zone generally at 5800 North Eagle Mountain Boulevard, comprised of a portion of Utah County Parcel Numbers 59:034:0010 and 59:034:0168. 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.

Councilmember Curtis explained that his decision to approve the item was due to the deference and integrity shown by Mr. Ford in his dealings with the City. Councilmember Wright concurred.

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands Known as TripleTail.

This item was removed from the agenda at the applicant's request and was not discussed at the meeting.

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

Finance Director Kimberly Ruesch presented the third amendment to the fiscal year 2022-2023 budget which will increase the budget by \$990,166 and reflects changes to the General Fund, Sewer Fund, Fleet Fund, and Debt Service Fund – \$464,000 of the increased spending will be funded by developer contributions. The remaining expenses will be covered by revenues received during the year.

Mayor Westmoreland opened the public hearing at 9:26 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving the Third Amendment to the Fiscal Year 2022-2023 Annual Budget. Councilmember Wright seconded the motion.*

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

The motion passed with a unanimous vote.

Mayor Westmoreland recessed the meeting from 9:27 p.m. to 9:35 p.m.

- 14.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 7.10 Tree Planting and Care; 16.35 Development Standards for Required Public Facilities; 17.10 Definitions; 17.25 Residential Zones; and 17.60 Landscaping, Buffering, Fencing and Transitioning.

Grants Coordinator/Management Analyst Natalie Winterton and Finance/Management Analyst Terrence Dela Pena presented the item. The purpose of the amendments is to address critical water issues in the State of Utah and the Western United States, the City's duty to provide for the health, safety, and welfare of the citizens to call Eagle Mountain City home for generations with current resources. The Central Utah Water Conservancy District (CUWCD) has said that certain requirements must be met to continue in a working relationship with them. This is the start of a multi-pronged effort to conserve water in the City. The water conservation action plan begins with legislation then conservation and education and incentives.

Benefits of the program:

- Builders: Qualify for rebates from the State of Utah for installing more water-wise landscapes.
- Residents: Qualify for Flip the Strip and other State relandscaping rebates and will have water-efficient landscape and lower water costs.
- City: Qualifies for continued business with the CUWCD and additional grants.

Staff reviewed the proposed amendments to Eagle Mountain Municipal Code after feedback during the September 6, 2022 City Council meeting that included changing the landscape requirement for developers from one year to nine months, applying the standards to only new builds, small wording improvements, and other adjustments to the standards-based upon CUWCD requirements.

Mayor Westmoreland opened the public hearing at 9:53 p.m. As there were no comments, he closed the hearing.

Mr. Jerome explained that the requirements from the CUWCD only apply to the additional 2,000-acre feet of water awarded to the City based upon Nathan Shipp's request for the Firefly development. The agreement is contingent upon whether or not the City adopts these water conservation standards. He sent the materials to Ms. Winterton and Mr. Pena and they adjusted their report to incorporate the information provided by CUWCD. The City needs an additional 9,000-acre feet of water to be able to fully build out its land area. The City is working with Google to not use their full water allocation and is seeking to partner with low-water use businesses and could approved standards to reduce the amount of water allocation for new lots. Generally speaking, single-family detached lot owners are overusing water for landscaping care.

Councilmember Wright requested information about the number of residents inquiring about water rebate programs. Although he is in favor of water conservation, he refuses to adopt mandates and policies for the City he represents under duress, unless that policy is imposed upon him by a legislative body with the authority to compel his action. He expressed frustration that the changes made in the proposed amendments do not reflect the direction given by the Council at the September 6, 2022 meeting and that the Council was not consulted regarding the proposal prior to the public meeting. He advocated for denial of the item and to direct the Director of Legislative Affairs to draft a proposal the Council would be willing to embrace.

Councilmember Burnham reiterated the importance of water to the City and the residents. She noted that the Council had objected to previous standards but did not provide alternative suggestions on how to address water conservation.

Councilmember Curtis cited the feedback given by the City Council in the minutes of the September 6 meeting and stated that he felt their feedback had been ignored.

Mr. Jerome clarified that the directive given to staff changed when the City entered negotiations for the additional 2,000-acre feet of water and that the agreement is dependent upon the City's approval of the standards presented by the end of June.

Economic Development Director Evan Berrett explained that staff had been working on the incentive-based methods as directed by the City Council prior to the new water agreement then changed course to expedite a proposal based upon the CUWCD requirements.

Discussion ensued regarding concerns and frustrations with the required CUWCD standards.

Mr. Draper explained that every contract in Utah has a clause dealing with good faith and fair dealing. Refusal to comply or negotiate could be viewed as a failure to meet that aspect of the agreement.

Mr. Jerome clarified that the water conservation requirements were not known to the City at the time of entering into the agreement.

Councilmember Wright said he would be amenable to adopting the standards for the lots the 2,000-acre of CUWCD water will be allocated to but not for all properties in the City.

Discussion ensued regarding whether to withdraw from the agreement, draft alternate standards and negotiate the requirements, and/or have the standards only apply to the 2,000-acre feet of CUWCD water and 1,000-acre of City water allocated to the Firefly development.

Director of Legislative Affairs Cliff Strachan explained that the State Legislature has placed water conservation requirements on the water districts that the districts are required to impose on cities.

MOTION: *Councilmember Gray moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapters 7.10 Tree Planting and Care; 16.35 Development Standards for Required Public Facilities; 17.10 Definitions; 17.25 Residential Zones; and 17.60 Landscaping, Buffering, Fencing and Transitioning. 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.

- 14.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the Future Land Use Map of the General Plan, Rezoning Certain Lands Known as Porter's Crossing Town Center, and Approving the Fourth Amendment to the Porter's Crossing Town Center Master Development Plan.

This item was removed from the agenda at the applicant's request and was not discussed at the meeting.

15. ORDINANCES

- 15.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapters 13.20 Water and Sewer.

Ms. Winterton presented the item. Recently, the Consolidated Fee Schedule has been updated as it relates to water billing and discontinuance of service processes. Staff found Municipal Code to be inconsistent with the updated fee schedule, best practices, and available technology. Updating the standards will help the City to save time and money by incorporating electronic notices and statements into practice.

Councilmember Love requested to remove, “during periods when the water meters are read,” from 13.20.060 because bills are sent but water meters are not read monthly.

Ms. Ruesch explained the billing and shut-off cycles. Government programs are available to assist residents with special needs and considerations.

MOTION: *Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Chapters 13.20 Water and Sewer removing, “during periods when the water meters are read,” from 13.20.060. Councilmember Wright seconded the motion.*

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

The motion passed with a unanimous vote.

16. RESOLUTIONS

16.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2023-2024 and Setting a Public Hearing for the Final Budget on June 6, 2023.

Ms. Ruesch presented the item. The proposed resolution adopts the Eagle Mountain City Tentative Budget for Fiscal Year 2023-2024 and sets a Public Hearing on June 6, 2023 for the Final Budget. She explained that items can roll over from a previous year, outlined items being added to the budget including ten full-time employee equivalents, and listed the Capital Improvement Plan projects for 2024.

Upcoming key budget dates:

- May 9 – Budget Work Meeting at 4:30 p.m.
- May 31 – Pony Express Days – Public Outreach at Nolan Park
- June 6 – Public Hearing 7:00 p.m.
- June 20 – Public Hearing and Budget Adoption 7:00 p.m.

MOTION: *Councilmember Love moved to approve a resolution of Eagle Mountain City, Utah, adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2023-2024 and setting a public hearing for the Final Budget on June 6, 2023. 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>

☒ 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. CITY COUNCIL/MAYOR'S BUSINESS

Mayor Westmoreland

Mayor Westmoreland informed the Council that Mountain Point would be holding a name change ceremony to Holy Cross at 2:00 p.m. on May 3. He is unable to attend.

Councilmember Wright volunteered to attend on the Mayor's behalf.

18. LEGISLATIVE PRIORITIES LIST

Mr. Strachan said he has been working on the objectives and goals in the Strategic Plan and is awaiting further directives from the Council regarding their priorities.

Councilmember Burnham requested an examination of buffering standards as they have resulted in costs rather than benefits to the City.

Councilmember Wright asked for a review of Title 16 Subdivisions in relation to SB 174 altering the approval authority for some applications to establish boundaries and the creation of a zoning map.

The Council decided to submit their priority lists to Mr. Strachan to allow him to compile the full list for the Councilmembers to rank.

19. CITY COUNCIL BOARD LIAISON REPORTS

Mayor Westmoreland

None.

Councilmember Burnham

None.

Councilmember Curtis

None.

Councilmember Gray

None.

Councilmember Love

None.

Councilmember Wright

Councilmember Wright encouraged eligible residents to view the events hosted by the Senior Citizen Advisory Board listed on the City website.

20. COMMUNICATION ITEMS

20.A. Financial Report

20.B. Upcoming Agenda Items

21. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn at 10:59 p.m. Councilmember Love seconded the motion.*

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

The motion passed with a unanimous vote.

The meeting was adjourned at 10:59 p.m.

Approved by the City Council on May 16, 2023.


Fionnuala B. Kofoed, MMC
City Recorder

