



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

March 16, 2021, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – VIA LIFESIZE ELECTRONIC MEETING

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Kimberly Ruesch, Finance Director; Tayler Jensen, Senior Planner; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Ross Fowlks, Fire Chief; Angela Valenzuela, Human Resource Manager; Evan Berrett, Assistant to the City Administrator; and Robert Ballif, Engineering Assistant.

Mayor Westmoreland called the meeting to order at 4:02 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATES – City Administrator Items

City Administrator Paul Jerome provided updates on the following current City projects:

- The Lone Tree Parkway and Pony Express Parkway traffic light has been awarded and the anticipated completion date is June 30, 2021.
- The Pony Express Parkway Phase 5 widening project bid award is scheduled on the consent agenda for this meeting with an estimated project completion date of October 31, 2021.
- The bid award for Airport Road should be completed in May 2021 with an estimated project completion date of October 31, 2021.
- A second appraisal is underway for land purchase for the sewer treatment plant expansion.
- The Pole Canyon sewer project has been delayed due to inclement weather in Texas and electrical issues. The updated completion estimate is May 2021.
- The west access to the Facebook data center is behind schedule due to weather delays and failures in need of correction that will be remedied along with the final lift installation in May 2021.
- Bids for the water and sewer administration building will soon be submitted and awarded in May 2021 with an anticipated completion date of May 2022.

- The current phase of the Wastewater Treatment Plant expansion is scheduled for completion in July 2021.
- The City is actively pursuing upgrade solutions for the White Hills well before increased seasonal, landscaping usage begins.
- An aerator needs to be purchased for approximately \$152,000 to provide oxygen to the cannibal sewer treatment system. The City is paying a rent-to-own monthly fee of \$16,000 to \$17,000 for the portable equipment that can be moved to various locations including City ponds. Should the City determine to purchase the equipment, the rental fees will be credited towards the purchase and deducted from the total cost. The money will be taken from the sewer fund and is not impact fee eligible.

1.B. DISCUSSION – Rental Dwelling Licensing

Assistant to the City Administrator Evan Berrett presented the item. Eagle Mountain City has approximately 944 rentals; 65% of those rentals are single-family homes and 14% are townhomes. Currently, Municipal Code requires a conditional use permit for an accessory apartment that expires upon the sale of the home. The standards only apply to accessory apartments and have limited capacity to identify unpermitted accessory apartments.

Requiring a rental dwelling license would help maintain up-to-date landlord contact information which facilitates the City contacting landlords directly regarding any issues and would assist in reducing the number of unauthorized rentals. Rental dwelling licensing would not restrict who can or cannot rent in the City, add restrictions on the eligibility of properties, and/or conflict with Utah House Bill 82.

The primary objectives of licensing are to provide contact information to assist Neighborhood Improvement Officers in resolving issues faster, to help landlords be aware of issues with their tenants or property, to enable Utility Billing staff to contact landlords when renters are unresponsive, to assist the City in the future by potentially requiring utility accounts to be in the name of the landlords to simplify utility billing, and to reduce the number of unpaid final balances. Other Utah cities have implemented rental dwelling licensing requirements resulting in positive impacts. Ogden City also incorporated a Good Landlord Program. Participation significantly reduces the license fee and includes training on laws and best practices; over 1,300 landlords have participated.

The proposed standards would apply to the landlords of one or more rentals and do not apply to renting to family members or vacation rentals. If the owner lives out-of-state, a local representative must be designated. The landlords will be required to renew the license annually without a renewal fee. The application collects basic contact and property information. Staff will implement the requested modifications discussed during the meeting and work with other groups such as the Utah Central Association of Realtors.

Mr. Jerome explained the agreement would allow the City to ensure the bills are tied to the owner of the property which would help in cases when renters fail to pay bills prior to moving and no active person is on the account which currently may result in utility disconnection and fees without the landlord's knowledge.

Councilmember Clark inquired if the proposed standards would create a registry rather than a license requirement due to the lack of a fee, if the license would decrease current issues or is only meant to expedite contacting landlords, and if the City will be holding landlords accountable for the health, safety, and welfare of tenants. She expressed concern with the City assuming the role of informing the landlord of civil issues.

City Attorney Jeremy Cook recommended implementing a license rather than a landlord registry as it implies a noncompliance fine and requirement standards in association with the license. It would also facilitate the addition of a license fee at a future date, if merited.

Mr. Berrett clarified that although the new standards may not reduce the number of infractions, they will increase the speed and efficiency of Neighborhood Improvement in resolving issues, particularly for cases on properties with out-of-state landlords. The intent is to better inform landlords of infractions. He clarified that the City will only be involved with contacting the landlord due to Municipal Code violations to try to resolve and deescalate situations quickly and efficiently. The option to allow renters to sign up for utilities will be implemented later.

Councilmember Curtis suggested exempting accessory dwelling units, due to the unlikelihood of issues on properties with homeowners living at the residence, and properties without yards, and recommended removing the language regarding a fee, due to concerns that a fee would discourage landlords from applying for a license and to reduce government bureaucracy.

Councilmember Gray expressed concerns regarding the mechanism to inform residents of the licensing process, which department would process the licensing, and requiring landlords to be responsible for the utilities due to the variability of utilities based upon use and conservation efforts of the renters.

Mr. Berrett explained that the City would research potential methods to inform the residents of the licensing requirement. The newly acquired Accela software will be utilized for rental licensing with a coordinated effort between the Planning and Utility Billing departments and billing software. In other cities, landlords have included an approximate utility cost in the rental fee based upon the size of the home and average usage.

Mr. Jerome stated that most of the City's utilities are fixed costs, other than water consumption, as power and gas are provided and billed by other entities. Having the utilities in the landlord's name would allow the bills to transition back to the landlord should the renter leave and close their account.

Councilmember Gray recommended charging a licensing fee due to the cost of the software and additional staff time.

Mr. Berrett stated that the intention is to reduce overall staff time and cost by reducing the time spent by Utility Billing and Neighborhood Improvement searching for landlord contact information. Landlords also should have the ability to update their information online, reducing data entry staff requirements.

Mr. Jerome explained the difficulties in collecting past due bills under the current system. He noted that staff is sometimes able to locate the new address for the resident with an outstanding balance at a previous address if the individual remains in Eagle Mountain, but the process is time and labor-intensive.

Councilmember Love suggested having a fee for the license that will be waived if the landlord participates in a good landlord program to incentivize background checks and best practices. She desires accessory dwelling units to be included in the program. If the name of the landlord is on the utilities, the landlord can better manage payments, which would be mutually beneficial.

Councilmember Curtis expressed concern in creating a program that residents will not utilize if there is an associated fee. He said that he would not pay a fee to participate in such a program if he rented out an accessory dwelling unit; however, he would provide his information if the program did not include a fee. He suggested that staff cross-reference the names of the individuals signing up for utilities with the name of the property owner listed in the county records to determine if a resident is a renter. Although he noted the validity of the concerns, he expressed concern with creating a program that might not function in the way intended.

Councilmember Clark advocated for consideration of the benefit of such a program to residents that have complained to the City regarding Municipal Code enforcement issues with neighboring properties that have caused negative impacts to those residents and to their property values.

1.C. DISCUSSION – Rezone Initiation – The Ranches and Eagle Mountain Properties

Assistant City Administrator/Community Development Director Steve Mumford presented the item to inform the Council and the public that the rezoning process has been initiated for undeveloped properties in the City with expired master development agreements that have not been rezoned in association with development. The City will contact property owners to discuss concerns or questions. The rezones will be noticed and approved by the City Council on future agendas in several phases. The zoning will be in harmony with the General Plan Future Land Use designation categories, allowing some variance when determined to be appropriate and desirable.

1.D. DISCUSSION – Hidden Hollow Phase C

Mr. Mumford introduced the item.

Applicant representative Ryan Bybee noted he had provided information to the City Council that had been included in the packet and in the interest of time asked the City Council if they had any questions or feedback.

Councilmember Gray expressed concern regarding the appraisal value for the City-owned property proposed to be sold to the applicant.

Mr. Bybee stated his willingness to do another appraisal, but clarified the cost included consideration of the difficulty of developing the specific lots. He requested a new appraisal happen quickly, if the Council determines it is necessary, to allow him to move forward with the project.

Councilmember Curtis concurred with Councilmember Gray. He feels the density is reasonable based on the current proposal. He dislikes alley-loaded products and approves of the front-loaded unit elevations.

Mr. Mumford stated the pool and clubhouse would be available for the 137 townhome residents and the pool size meets the requirements and compares well with other projects.

Councilmember Gray advocated for requiring a clubhouse to provide a place of gathering as he personally does not use swimming pools but would use a clubhouse. He stated the clubhouse would be a better benefit; however, he recognizes that pools tend to be more popular.

Councilmember Curtis stated that as the townhomes have not been sold yet, the homeowners can select to live in another area with a clubhouse if that is of importance to them.

Councilmember Clark said that one of her concerns is the proximity requirements for multifamily amenities and does not foresee an issue with this project. She suggested the City examine the multifamily requirements to determine if the City is in alignment with the demands of the market and desires of the residents.

Councilmember Love agreed with Councilmember Clark regarding evaluating multifamily amenity requirements and rear-loaded products. She advocated for amending Municipal Code to standards in line with requirements the City Council desires and believes should be enforced.

Mr. Mumford stated he believes that changes in the level of enforcement of the standards between phases have impacted the project. The Planning Commission's concern was due to conflict between areas of the project not in adherence to Municipal Code and their role in enforcing Municipal Code standards.

Councilmembers Clark and Love requested a Council discussion item regarding multifamily amenity and design standards to determine if the Council desires to direct staff to draft Municipal Code amendments.

Councilmember Love said she felt that it would be better for the applicant to provide a pool and a clubhouse instead of a pool with a changing room and bathroom due to the proximity of the residences to the pool.

Mr. Bybee stated he would do whichever option was desired by the City Council, as his primary desire is to move forward with the project as soon as possible.

Councilmember Burnham expressed her support for either plan proposed by the applicant and thanked the applicant for his work.

Mr. Bybee explained their project begins the groundwork to provide parking and other elements to a regional bike trail amenity.

Mr. Mumford stated that staff is working on a multifamily architectural standard amendment but pool and clubhouse standards would be a separate discussion.

Councilmember Curtis stated as he feels the front elevations are not garage-dominated, the elevations comply with Municipal Code standards. He recognized the difficulty of the Planning Commission in determining if a project meets Municipal Code standards if there are differences in the interpretation of the standards, such as what constitutes a garage-dominant product. He expressed his desire that the standards be clarified.

Mr. Bybee agreed with Councilmember Curtis and said he attempted to visually balance the front elevations to reduce the impact of the garage.

Mr. Mumford explained that the garage size standard in Municipal Code is a recent change that would apply to this project unless exempted by Council.

Mr. Bybee stated that the plat uses the same two designs as Phase B which includes two-car and three-car garages. A change in garage size would result in a \$50,000 expense to redesign the product. He requested approval under the previous standards to make possible the ability to contribute the money to the additional amenity features he has offered, rather than a redesign.

Councilmember Clark expressed her preference to enforce the garage size standard due to the length of time since the creation of the requirement and for the reasons the standard was created.

Councilmember Burnham advocated for a compromise considering the additional amenities and due to this being a part of an on-going development, while acknowledging Councilmember Clark's concerns.

Councilmember Love concurred with requiring the larger garage sizes as she did not feel it would be difficult to amend the designs to accommodate larger garages.

Mr. Bybee explained that increasing the garage increases the size of each unit in a six-plex building, which increases the overall size by twelve feet. This impacts the amount of property used by the unit and the open space. They have already made the adjustments to the single-family units in the project to increase the garage sizes.

Discussion ensued regarding the size of the garages.

Councilmember Gray supported enforcing the garage size requirements, especially in consideration of street parking issues in other townhome developments.

1.E. UPDATE – O'Reilly Auto Parts Site Plan

Senior Planner Tayler Jensen presented the item. The site plan proposal is for an O'Reilly Auto Parts to be located at 4266 Pony Express Parkway, southeast of Porters Crossing Parkway and Pony Express Parkway, adjacent to the recently approved Dollar Tree, and backs onto homes in the Oak Hollow subdivision.

Per EMMC 17.100.050(B), any commercial lot which abuts a residential use shall be effectively screened by a combination of a wall, fencing, and landscaping of acceptable design. EMMC 17.35.050(F) requires buffering or transitioning when built adjacent to residential uses, and EMMC 17.60.110(D) requires applicants to provide headlight screening. While a wall exists, due to following the natural grade, additional buffering is required roughly adjacent to where the O'Reilly access aisle enters the project.

Per 17.72.040(A), buildings shall be similar in style to adjacent buildings. The proposed building is similar in appearance to the Dollar Tree, but the color palette is much lighter than both the Dollar Tree and Eagle Vision.

Per EMMC 17.72.040(C), the primary roof form of a structure should help reduce the perceived scale of a building. All commercial buildings shall contain either sloping roofs with overhanging eaves or a decorative parapet and multiple roof planes and heights. Elevations should be amended to include a tower to increase the height of the parapet above the main entry and columns. Per EMMC 17.72.040(E), buildings shall incorporate a majority of the following details: reveals, canopies, awnings, popouts, columns, decorative trim and moldings, architectural lighting, ornamental cornices, decorative masonry pattern, decorative doors and windows, exposed timbers, and trellis. All sides of a building shall include the chosen details. Only four of the 12 have been used by the applicant; at least three additional architectural features shall be used on all four sides of the building. Per EMMC 17.72.040(G), a building's color palette should be similar to that of significant neighboring structures. The color palette should be amended to be similar to the colors used on the Eagle Vision and Dollar Tree buildings.

The parking standards require 25 to 37 stalls and 28 stalls are provided. EMMC 17.35.050(K) requires bicycle parking to be provided with all commercial locations and no bicycle parking is provided. The sign indicated on the site plan must follow EMMC 17.80.

The Planning Commission held a public hearing on the request on March 9, 2021, and voted 3 to 2 to recommend approval of the site plan to the City Council with the following conditions.

1. The applicant shall increase the height of the wall along the south of the property to provide effective screening between the project and the Oak Hollow homes;
2. At least three additional design elements designated in EMMC 17.72.040(E)(1) shall be added to all four elevations;
3. All parking lot lighting shall be no more than 17 feet above the pavement;
4. Color rendering or material/color details of the dumpster enclosure is provided to confirm compliance with Municipal Code; and
5. Bicycle parking shall be provided in compliance with EMMC 17.35.050(K) at a location to be identified between the applicant and staff.

The dissenting votes were by Commissioner Wells as she felt the other staff recommendations should be included and Commissioner Wright due to the other Municipal Code elements identified by staff that he felt should be encouraged to be included by the developer such as the roofline changes.

Mr. Jensen explained that the two main staff recommendations excluded from the Planning Commission recommendation were for the elevation to be amended to include a tower or higher roof section and to include a stacked stone section similar in color to the other buildings.

Councilmember Gray expressed concern that dirt had been added to the site that contributed to the grade difference between the commercial and residential areas and thought that it might have been dirt dumped by the residential development sites.

Mr. Jensen stated he was unsure if dirt had been added to the site. He explained that the commercial user is required to provide adequate screening along residential uses and have several options to fulfill the requirement. The applicant had offered to put in deciduous trees. The Planning Commission was concerned that deciduous trees would provide an insufficient screen.

City Engineer Chris Trusty verified that the O'Reilly's parking lot will slope towards the building to collect and drain stormwater. All the water from the hard surfaces will be caught within the storm drain system. He confirmed that the only water that might drain towards the homes would be from the area between the parking lot and the fence.

Councilmember Love noted that Municipal Code considers everyday circumstances. O'Reilly's is a different situation and increases the screening needs and requires the most effective screening possible due to the nature of the business servicing vehicles. She requested the applicant relocate the parking stalls to not face towards the homes.

Mr. Jensen noted that the parking relocation would also relocate the dumpster and would impact cross-connection with the future business to the east.

Councilmember Love expressed concern that the proposed configuration will cause similar issues for the residents south of the business parcels to the east and suggested moving the road farther south.

Councilmember Curtis said the traffic flow would be better if the parking south of the O'Reilly's was removed.

Mr. Trusty stated that the landscaping along the fence would have a grade two to three feet higher than the residential properties.

Discussion ensued regarding the grade variance between the site and the residential properties.

Councilmember Curtis noted that due to the grade difference, headlights will shine directly into the residents' homes. He stated that a significant and permanent screening solution needs to be devised.

Councilmember Gray stated that he has ideas of how to resolve the screening issues but thinks that determining a solution should be the purview and responsibility of the applicant.

Applicant representative Ryan Forsythe said they will be removing dirt from the site, which will reduce the grade; the final building will only be a foot above the natural grade. He stated he regrets that he was not aware of the grade variance and screening concerns when extending the fence previously at the City's request. He recognized the screening concerns; however, he believes the final product will be a less significant problem than currently anticipated.

Councilmember Clark noted that the current wall is functioning as a retaining wall and inquired if a retaining wall would be required for the project.

Mr. Trusty explained that a retaining wall had not been required because the grading plans submitted to the City shows a two-foot grade difference over 20 feet of land. If the grade has increased, the applicant will need to resubmit grading plans. He has not personally visited the site recently; however, there appeared to be extra material on the site. Perimeter fencing is not usually included in the inspections. He was surprised the fencing was installed to follow the natural grade.

Councilmember Clark requested Mr. Trusty evaluate the site and provide his recommendations and understanding to assist with their decision. She supports realigning the parking and rear drive-aisle and advocated for addressing the screening needs and concerns for the Oak Hollow residents adjacent to other commercial sites under development.

Mr. Jensen cited EMMC 17.100.050(B) "Any commercial lot which abuts a residential or agricultural use shall be effectively screened by a combination of a wall, fencing, and landscaping of acceptable design. Required walls or fences shall not be less than six feet in height, unless a wall or fence of a different height is approved by the City Council."

Mr. Forsythe noted that the parking along the south of the building is intended to accommodate delivery trucks and expressed his willingness to approach O'Reilly regarding relocating the parking. He reiterated the final grade of the site will be lower than the current site indicates and the fill dirt on the site is intended to be utilized on an adjacent commercial location for a future project.

Councilmember Love agreed that removing the parking would not be ideal for the delivery trucks but feels there is adequate parking available elsewhere that could be used by the delivery truck. She stated that there should be a six-foot buffer from the highest point of the lot, not the lowest.

Mr. Forsythe said that the lowest point is located adjacent to the Dollar Tree and not the O'Reilly parcel. He recognized the screening concerns. The residential developer should have adjusted the fence to accommodate the grade difference, now the burden has been transferred to the commercial development. He expressed concern regarding the impact to the residential lots of installing a retaining wall and a second screening wall and feels that in consideration of the final grade of the building that evergreen screening will be sufficient, especially considering they already paid to extend the fence to screen between the residential and commercial uses.

Councilmember Love mentioned that during the Planning Commission meeting, Commissioner Everett recommended raising the height of the existing wall to be level with the other sections to compensate for the drop in the natural grade. She noted that if a screening wall is required by Municipal Code, the applicant is responsible for the wall regardless of the recommended conditions of approval.

Mr. Forsythe said his understanding was the requirement allowed for a combination of walls and landscaping screening and explained the difficulties in constructing a retaining wall and a secondary wall, especially in consideration of the location of the underground detention basin. He offered to have City representatives visit the site once the dirt has been removed to be able to demonstrate the final grade of the project.

Councilmember Clark said she thinks the applicant should build a retaining wall where the grade changes and install a screening fence on the commercial property. She believes the residents would rather have their yards disturbed temporarily in order to have permanent effective screening. She clarified that the headlight screening requirement is three-and-a-half feet and the commercial and residential screening requirement is six feet. The existing wall is too low to fulfill the screening requirement.

Mayor Westmoreland directed staff to work with the applicant to find a solution to the screening concerns and to keep the City Council and him updated on the progress.

Councilmembers Curtis and Love concurred with the Planning Commission members that desired an increase in architectural details.

1.F. UPDATE – Pole Canyon NPA-11 Preliminary Plat

Mr. Mumford presented the item. The subject property is approximately 5.6 acres and is located adjacent to the White Hills subdivision; the property runs along the north sides of Jackson Street and Jefferson Avenue and the west side of Eisenhower Street. The property is subject to the Pole Canyon Annexation and Master Development Agreement (MDA). The MDA divided the Pole Canyon area into several planning areas consisting of neighborhood (residential), commercial, and business park/industrial uses. The property, identified as NPA-11, has vested rights for residential zoning for a total of 20 residential lots/units with a density of 3.36 units/acre and a 10,000 square feet minimum lot size.

A preliminary plat application was submitted in 2013 but was later withdrawn. A similar preliminary plat application was made in 2016; the Planning Commission held a public hearing on June 14, 2016, and made a positive recommendation and the application was placed on hold. Both times, the request was withdrawn or put on hold in order to complete infrastructure requirements.

The 20 residential lots range from 10,684 square feet to 13,940 square feet with an average lot size of 11,848 square feet. The smallest frontage width is 101.75 feet. The setbacks are based upon the Tier II residential requirements at the time of the MDA execution. Setback requirements for the Tier II system were 15 feet for the front of the unit, 22 feet for the garage front, 5 feet for the side,

and 10 feet for the garage side, and 20 feet for the rear. The setback requirements for the R2 zone are 25 feet for the front of the unit, 25 feet for the garage front, 8 feet for the side, and 10 feet for the garage side, and 20 feet for the rear.

The Future Land Use designation for the property in the General Plan is Neighborhood Residential One. Based on the proposed lot sizes and frontages, the equivalent current zoning would be R2. The Neighborhood Residential One land use includes the potential zoning districts of R1, R2, and R3.

Currently, the White Hills subdivision and the subject property have only one access onto Wride Memorial Highway via Wilson Avenue. EMMC 16.35.070 requires a second “separate and approved fire apparatus access road” based on the number of lots in this area. The applicant has proposed a 30-foot temporary access easement extending north from Adams Street to include a 20-foot-wide paved access road and restricting parking on both sides of the access road.

EMMC 15.10.390 requires streetlights in residential developments. The applicant has previously requested a waiver from the streetlighting requirement because the White Hills subdivision does not currently have streetlights and feels adding lights for this development will be out of character. EMMC 17.25.050(I) allows the Council to exempt streetlights from projects in the RA1, RA2, and RD1 zones with one-acre or larger lots.

The Planning Commission held a public hearing on the request on March 9, 2021, and voted unanimously to recommend approval of the preliminary plat with the following conditions:

1. That the temporary access road to the north will be constructed to the attached civil plans and as requested by United Fire Authority with a 30-foot-wide temporary access easement, 20-foot-wide paved access road within the easement, "No Parking" signs on both sides of the access road, and the road must be capable of supporting 65,000 pounds;
2. The applicant will record a temporary access easement on parcel 59:050:0052 to establish and build the temporary access road;
3. Streetlighting shall be installed in compliance with EMMC 15.10.390; and
4. No building permits in the area be granted until the sewer is completed.

Mr. Mumford explained that parts for the sewer system had been delayed and the estimated completion date for the sewer is currently early May 2021. Staff recently issued a building permit for one of the empty lots in the existing development that had been previously delayed due to the sewer. The previous directive was to withhold building permits until the beginning of sewer construction and to withhold occupancy permits until the sewer was completed. As a precaution, building permits were held longer than anticipated to prevent residents from being unable to occupy completed homes. The staff recommendation to the Planning Commission had been to hold certificates of occupancy until the completion of the sewer; however, the Commission determined to recommend holding building permits until the sewer is completed.

Mr. Mumford clarified that new State requirements regarding access roads prevent a municipality from withholding building permits until an access road is paved if the access road is capable of supporting emergency apparatuses; however, pavement can be required prior to home occupancy. The City Council may require the sewer completion prior to issuing building permits.

Councilmember Clark sympathized with the circumstances beyond the applicant's control that caused delays in the sewer installation but expressed concern that the City would lose their leverage to ensure the sewer installation occurred if they allowed building permits to be issued prior to the sewer completion.

Mayor Westmoreland clarified that both the water and sewer infrastructure are the City's responsibility.

Applicant representative Nate Shipp explained that they intend to build and pave the road within a few weeks of the road base installation, barring weather delays. Requiring road pavement could significantly delay the project due to seasonal weather impacts. He clarified that the requested lighting is along the existing road, not the new access road adjacent to the homes. He said that they had excluded streetlights in this location as there are not any streetlights on the adjacent homes. He has received resident comments both for and against streetlights.

Councilmember Gray stated his preference to withhold certificates of occupancy instead of building permits for the project until the sewer is complete, as residents would not be allowed to occupy the homes without a functional and adequate sewer system, regardless of the conditions of approval.

Councilmember Curtis expressed concern that the City is more likely to receive resident complaints due to withholding certificates of occupancy than withholding building permits.

Mr. Mumford clarified that the temporary access is required to remain in place until the permanent access is provided.

Mr. Shipp explained that utilities need to be installed under the proposed location for the permanent road and the access road will be utilized until the permanent road can be installed. Then the access road will be removed and replaced with additional homes. The 20 lots in this proposal were included in the previous sewer bond and they have been paying fees to help fund the upgrade. This development is not a part of the current sewer district; however, this project will assist in rectifying issues within the other sewer district. The City approached them about enlarging their sewer line to accommodate adjacent properties. After several delays, they have completed the infrastructure and are waiting on parts necessary to finish the sewer project.

Mr. Trusty stated that the Tyson Foods site required the upsizing of the sewer capacity and redesign partway through the project.

Councilmember Curtis summarized that the delays in the project were not due to unwillingness or lack of corporation of the applicant, but were due to changing needs of a rapidly growing City not associated with this project.

Councilmember Clark advocated for the installation of streetlights due to future expansion in the area rather than adding the lights later when the need arises.

Councilmember Burnham stated she agreed with requiring the streetlights to prevent the City from needing to add lighting later. She said certificates of occupancy should be held until sewer completion. She recommended adjourning the meeting and reconvening work session after the Redevelopment Agency Board Meeting.

Discussion ensued and the Council determined to postpone item 1.G. until a future meeting, delay the discussion regarding the consent agenda until policy session, and to adjourn the meeting.

1.G. UPDATE – Prairie Gate Business Campus Recorded Plat Amendment

This item was removed from the agenda at the request of the Mayor and City Council due to time constraints.

2. AGENDA REVIEW

This item was removed from the agenda at the request of the Mayor and City Council due to time constraints.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:41 p.m.

7:00 P.M. POLICY SESSION (directly following RDA meeting) – VIA LIFESIZE ELECTRONIC MEETING

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Kimberly Ruesch, Finance Director; Tayler Jensen, Senior Planner; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Ross Fowlks, Fire Chief; Angela Valenzuela, Human Resource Manager; Evan Berrett, Assistant to the City Administrator; and Robert Ballif, Engineering Assistant.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:46 p.m.

5. PLEDGE OF ALLEGIANCE

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

This item was discussed after item 8.

- An Easter Egg Drive-up giveaway will be held on Saturday, March 20, 2021, from 12:00 p.m. to 2:00 p.m. at Wride Memorial Park. For details, visit the City website.
- Pony Express Days will be held June 2 to 5. Events will include a carnival, parade, fireworks, and movie in the park. Details to be announced soon. The Pony Express Events Demolition Derby will be held on June 5, 2021, and the Professional Rodeo Cowboys Association rodeo will be held June 10 to 12.
- You may sign up for text or email alerts from the Utah County Health Department regarding COVID-19 vaccine availability by texting UCHEALTH to 888777 to receive notification of when appointments are available and who is eligible. If you have a question or need help registering for your appointment, call the COVID-19 hotline at 1-800-456-7707. The hotline has language and translation services in more than 100 languages, including Spanish.

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

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:47 p.m.

Mike Innocenti submitted the following comment:

The passage of HB82 was very concerning to me. It was disappointing to see the state taking away a city's ability to address renting based on a city's unique needs and situations. It was good to see that there were some exceptions added to the bill that permit cities to implement a few restrictions on the renting of internal dwelling units. I feel that Eagle Mountain City should include these exceptions were possible in the Eagle Mountain City code to protect our family community. As you are aware, crime and drugs are already an issue in our city, and I do not want to see it get worse as our city continues to expand and grow.

This article outlines the impact of renting on the City of West Jordan and how it led them to implement a good landlord program (essentially landlord training as part of a business license to rent their home). City of West Jordan | Good Landlord Program. <https://www.westjordan.utah.gov/good-landlord-program>

Here is a quote from the article:

“According to a study, rental dwellings comprise a higher percentage of calls for public safety services. The average number of calls per unit to renter-occupied single-family dwellings is 78% higher than the average number of calls to owner-occupied single-family dwellings.”

Additionally, here is an example of a tenant who was renting a basement apartment (which was a huge problem in the prior city I lived in). New tenant arrested in large drug bust | KSL.com <https://www.ksl.com/article/46314499/new-tenant-arrested-in-large-drug-bust>

In the prior city we lived in, we had a swat raid right down from our house due to a renter selling drugs. We were also awakened at 3am by police spotlights trying to track down someone trying to get drugs. And right across from the city park, where all the kids played, there was a major drug bust in the accessory apartment behind a home. The teenager that babysat my children said that our town was known as a great place to sell drugs. You can rent a basement apartment and then sell drugs to the wealthy kids in other parts of the city. Just Google how Lone Peak High School struggles with suicides. Our last Ward lost at least one child each year we lived there to suicide. The tipping point was when our neighbor on our cul-de-sac rented their basement out. Every night the renter would go to the top of the cemetery and meet people at 9pm. Very suspicious. He also scared all the kids, and we were afraid to have the kids play out front.

Typically, people who rent cannot qualify to rent a home on their own or within an apartment complex due to concerns such as not passing a background check or credit check. I would say the typical homeowner doesn't do a deep background check on potential renters and is much more lenient than a professional rental company.

Please know that I am not against families renting to other bonafide family members such as a child or for limited circumstances such as when homeowners go on missions or are deployed in the armed services. The concern is around bringing renters into this area that do not have a vested interest in our family-oriented communities.

Thank you for your time and consideration on this important topic.

Best Regards, Mike

Diana Anderson stated she is representing her family and her neighbors. She submitted a public comment during the Planning Commission meeting regarding the site plan for O'Reilly's Auto Parts. She desires to address a few of the items discussed during the City Council work session. She emphasized that due to the location of her home in relation to the building and drive aisle, landscape buffering would be insufficient. She beseeched the City Council to uphold the Municipal Code requirement for a six-foot high wall. Although the applicant stated that the final site would be two feet above grade, the current screening would still only be four feet high, which is lower than the six-foot requirement. She is also concerned with water drainage. She quoted the applicant's statement in the Planning Commission requesting the Commission move the application forward as he would prefer to spend the money to address the screening wall rather than on amended applications. She expressed frustration that the applicant now appears hesitant to address the wall and had suggested that landscaping would be adequate. She and her neighbors desire a permanent solution even if installation temporarily impacts their backyards. She said that her family can currently see the street-level of Pony Express Parkway and the site will still be visible above the current fence even with a reduced grade difference of the final site.

Mayor Westmoreland closed public comment at 7:55 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Recognitions

Youth Councilmember Salem Shimakonis recognized Carl Huynh, Brayden Hunt, and Remy Bradshaw as outstanding citizens for their service and efforts gifting 1,081 flowers to each of the female staff and students at Cedar Valley High School on Valentine's Day.

Councilmember Love recognized Monica Rogers, owner of Six Sisters Deli and Grille. She commended Ms. Rogers for selling fairly-priced pantry staples when people were struggling to obtain items during pandemic shortages, providing free sack lunches when schools were closed, providing lunches to the seniors and staff at Cedar Valley High School when training her food truck crew, partnering with Pony Express Events to provide food for the Mascot Miracle program, fundraising efforts, discounting meals for first responders, military, and missionaries for The Church of Jesus Christ of Latter-day Saints, allowing her employees holiday time with family, accommodating dietary restrictions, and partnering with the golf course grill, and catering golf events.

Councilmember Burnham

Councilmember Burnham expressed appreciation to Ms. Rodgers and the youth recipients.

Councilmember Clark

Councilmember Clark thanked Ms. Rodgers and the youth Ms. Shimakonis recognized. She expressed gratitude for the resident attendees and their participation in local government, especially in consideration of the difficulties during the past year. She thanked the residents, staff, and Councilmembers for making Eagle Mountain a great place to live.

Councilmember Curtis

Councilmember Curtis added his appreciation to the sentiments shared by the other Councilmembers. He recognized City Administrator Paul Jerome and Economic Development Director Aaron Sanborn for their time and efforts with the Sweetwater Industrial Park Community Reinvestment Area #2 project to improve the agreement on behalf of the City and the residents. He believes the project will be a benefit to the community.

Councilmember Gray

Councilmember Gray echoed the appreciation expressed by the Councilmembers to the recipients, staff, and residents. He thanked Ms. Anderson for bringing the screening issue between the Oak Hollow subdivision and O'Reilly's Auto Parts to the attention of the City. He appreciates resident assistance and involvement in facilitating Council decisions.

Councilmember Love

Councilmember Love expressed her support of and agreement with the statements of the other Councilmembers.

9. APPOINTMENTS

9.A. Youth City Council

1. Camrie Campos – Completing the term through June 30, 2021

MOTION: *Councilmember Gray moved to appoint Camrie Campos to the Youth City Council, completing the term through June 30, 2021. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

CONSENT AGENDA

10. BID AWARDS

- 10.A. Design Services for Smith Ranch Community Park – MHTN Architects
- 10.B. Pony Express Widening Phase 5 – Kenny Seng Construction

11. BOND RELEASES

- 11.A. J & J Ranch – Into Warranty
- 11.B. Lone Tree Phase F, Plat 1 – Into Warranty
- 11.C. SilverLake Plat 18 – Into Warranty
- 11.D. SilverLake Plat 21 – Into Warranty
- 11.E. SilverLake Plat 22 – Into Warranty
- 11.F. SilverLake Plat 23 – Into Warranty
- 11.G. SilverLake Plat 24 – Into Warranty
- 11.H. SilverLake Plat 25 – Into Warranty
- 11.I. SilverLake Plat 26 – Into Warranty

12. CHANGE ORDERS

- 12.A. Cory B. Wride Memorial Park Phase 2 Project Change Order #1 – Kenny Seng Construction

13. MINUTES

- 13.A. March 2, 2021 – Regular City Council Meeting

14. RESOLUTIONS

- 14.A. RESOLUTION – Resolution of Eagle Mountain City, Utah, Approving a Utah County Interlocal Agreement for 2021 Municipal Election Administration.
- 14.B. RESOLUTION – Resolution of Eagle Mountain City, Utah, Appointing Kenneth A. Brown, Jr. to the Position of Administrative Law Judge and Approving a Legal Services Agreement.

MOTION: *Councilmember Love moved to approve the consent agenda. Councilmember Burnham seconded the motion.*

Ms. Kofoed verified that each plat is required to have a subdivision bond, and the bond must be in place prior to the recordation of the plat. Some plats do not have landscape bonds if the requirements were fulfilled prior to plat recordation.

Councilmember Curtis inquired if a previous issue with a gap in a fence was a part of these bonds and if the issue had been resolved. Mr. Mumford stated he had been in contact with the developer regarding the fencing issues. He explained that the bonds on this agenda are subdivision improvement bonds.

Parks and Recreation Director Brad Hickman explained that the funds have been secured for every plat. Staff will ensure the repairs have been completed prior to releasing the applicable landscape bond and these bond releases are separate from landscape bonds.

Ms. Kofoed stated she understood that the City Council did not desire to use rank choice voting for the upcoming election and should the Council determine to implement that voting method, State notification and further action is required.

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

SCHEDULED ITEMS

15. THE PINNACLES

- 15.A. PUBLIC HEARING/ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan and Rezoning Certain Lands Known as The Pinnacles.

This item was removed from the agenda at the request of the applicant.

- 15.B. PUBLIC HEARING/ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Master Development Plan for The Pinnacles.

This item was removed from the agenda at the request of the applicant.

16. ORDINANCE/PUBLIC HEARING

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the Fourth Amendment to the Fiscal Year 2020-2021 Budget.

Finance Director Kimberly Ruesch presented the item. The fourth amendment to the fiscal year 2020-2021 budget will increase the General Fund budget by \$379,708. The increase accounts for additional funding in the amount of \$264,000 for road surface treatments related to the bid award approved by the Council at the March 2, 2021 meeting. An additional \$100,000 has also been added to the budget for the Transportation Master Plan study, of which \$25,000 will be funded with a grant. The remaining increase of \$14,708 is requested to cover the cost of protective supplies related to the COVID-19 pandemic that can be funded with proceeds of the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding received by the City.

Mayor Westmoreland opened the public hearing at 8:28 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving the Fourth Amendment to the Fiscal Year 2020-2021 Budget. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

17. SWEETWATER INDUSTRIAL PARK

17.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Sweetwater Industrial Park Community Reinvestment Area #2 Project Area Plan, as Approved by the Redevelopment Agency of Eagle Mountain, as the Official Community Reinvestment Project Area Plan for the Project Area and Directing that Notice of the Adoption be Given as Required by Statute.

Items 17.A. and 17.B. were presented and discussed concurrently.

Economic Development Director Aaron Sanborn presented the item and explained that during the Redevelopment Agency (RDA) meeting held earlier in the evening, the Board had adopted the plan and the budget for this project. In accordance with State statute, approval by the City Council is also required for the plan.

The interlocal agreement allows for a portion of the taxes generated by the project to be given to the RDA to carry out the budget in accordance with prescribed terms. Section 6 of the interlocal cooperation agreement needs to be amended from 75% to reflect the updated tax increment of 67.5%, as approved in the budget.

Councilmember Burnham thanked the Mayor, staff, and the other parties that participated in the negotiations that resulted in securing a lower tax increment. She notified Project Freemont that she desires that they continue to negotiate in good faith on a development agreement that is beneficial and works for the City.

Councilmember Curtis echoed Councilmember Burnham's sentiments.

Mr. Sanborn confirmed that if the project does not move forward as stipulated in the agreement, the agreement will not be in effect.

City Attorney Jeremy Cook clarified that the agreement is specific to this property and a data center project. The property will likely be owned by a subsidiary of a parent company; however, the partnership will maintain the specific criteria linked to the agreement. He outlined the future steps of the project including other agreements, some of which require additional public hearings.

Mr. Sanborn stated that the project requires approval by each of the individual tax entities that are party to the interlocal agreement.

MOTION: *Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, adopting the Sweetwater Industrial Park Community Reinvestment Area #2 Project Area Plan, as approved by the Redevelopment Agency of Eagle Mountain, as the Official Community Reinvestment Project Area Plan for the Project Area and directing that notice of the adoption be given as required by Statute. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

17.B. RESOLUTION – Resolution of Eagle Mountain City, Utah, Approving an Interlocal Cooperation Agreement between the Eagle Mountain Redevelopment Agency and Eagle Mountain City for the Collection and Remittance of Incremental Property Taxes Collected from Property within the Sweetwater Industrial Park Community Reinvestment Area #2.

Mr. Sandborn explained the initial request for the agreement was for 100% of the personal property tax and 75% of the real property tax values for the project area. During negotiations with the company, the City advocated for a reduction of the real property tax percentage from 75% to 67.5%, allowing the taxing entities to retain the funds rather than waiting for reimbursement through the funding mechanism, resulting in a net benefit to all taxing entities. Even factoring in the administrative refund component, the new terms result in a joint benefit to taxing entities of \$103,000 and allows the RDA to retain funds to meet expenses, reducing the amount received by the partner company by approximately \$400,000. The terms assist the City in meeting the cost associated with industrial development within the City.

Councilmember Curtis stated he compared this project to Facebook and noted that even though this project has smaller phases, that the total funds are significantly lower than what was awarded to the Facebook project.

MOTION: *Councilmember Gray moved to approve a resolution of Eagle Mountain City, Utah, approving an Interlocal Cooperation Agreement between the Eagle Mountain Redevelopment Agency and Eagle Mountain City for the collection and remittance of incremental property taxes collected from property within the Sweetwater Industrial Park Community Reinvestment Area #2 with the change to Section 6 that the tax increment shall be changed from 75% to 67.5%. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

18. PRESENTATION

18.A. PRESENTATION – 2021-2022 FY Preliminary Budget

Ms. Ruesch presented the item. The budget is a financial plan of how Eagle Mountain City will spend funds the City receives during the budget year. The budget planning taking place now will cover the period of July 1, 2021 through June 30, 2022 and is referred to as Fiscal Year 2022. The purpose of the budget is to align Eagle Mountain City's resources with its organizational goals. Citizens provide input, the City Council establishes a vision and sets policy, and the budget officer prepares the budget.

Government funds have a short-term outlook and are primary sourced through taxes. User fees do not generally cover the cost of services, and the Funds are required to have a balanced budget. Government funds include the General Fund, Special Revenue, and Capital Project Fund.

Enterprise Funds function like a private business and are primarily sourced through user fees. The user fees cover the cost of the operations and infrastructure repair and replacement and have long-term outlooks. A balanced budget is not required. Enterprise Fund categories include Water, Sewer, Solid Waste, Stormwater, and Internal Service Funds.

The Operating Budget includes the day-to-day operations of the City including personnel, materials, supplies, and services. Capital outlay includes one-time purchases related to the operations of the City such as vehicle purchases. The Capital Budget covers new infrastructure needs such as water storage tanks or new roads. These projects are primarily growth driven and include repair and replacement costs for existing infrastructure such as the replacement of playground equipment at an existing park.

Accounting standards dictate that the City maintain a separate set of balance sheet accounts and revenue/expense accounts by Fund. Interfund Transfers are needed to distribute costs for departments that provide services to multiple Funds of the City. For example, the Human Resource department is accounted for within the General Fund, but also provides services for departments in other Funds such as Water and Sewer.

The proposed timeline for the 2021-2022 FY Budget:

- March 16, 2021 – Operating Budget Overview
- April 2, 2021 – Capital Projects and One-Time Funding

- April 20, 2021 – Review Draft Tentative Budget
- May 2, 2021 – Acceptance of Tentative Budget
- June 1, 2021 – Public Hearing
- June 15, 2021 – Adoption of Budget

Assumptions for the FY 2022 budget include a sales tax growth of 3%, issuing 1,120 residential building permits, utility sales growth of 7%, and an estimated population served of 48,500. The sales tax is a conservative estimate and is expected to be higher. The population estimate reflects residents likely to move into their homes in 2022, and does not include all the building permits issued during the year.

Personnel impacts of the budget include the maintenance of the current benefit structure, a medical premium increase of 2.3%, Utah Retirement System changes that have yet to be determined, merit increases of 3%, and new hires equal to 10.461 full-time employee equivalents. The City's dental and vision benefits are guaranteed the same rate through July 1, 2022.

Mr. Jerome clarified that the City conducts third-party compensation studies. Raise amounts are awarded based upon merit and the findings of the compensation study. City staff does not receive cost-of-living adjustments. The 3% fund allocation is a placeholder to reserve funds to provide the wage increases determined to be appropriate.

Ms. Ruesch explained the compensation study helps determine if wages should be adjusted in accordance with the market indications for the City to maintain competitive pay for positions.

The budget includes funds for replacement vehicles, new employee vehicles, and vehicle leases of \$747,358.

The Sheriff's Department expense considerations include a 4% increase in position costs per their contract, body camera equipment, additional overtime funding, one full-time day sergeant, and two full-time patrol officers. Body camera usage is a County-wide requirement not at the discretion of the City.

The preliminary operating expenses needed to maintain existing service levels of the City total \$33,745,751. The personnel costs are for City growth that has already occurred to maintain current service levels, rather than a preparation for anticipated growth. The proposed General Fund Revenue total of \$19,756,140 projects more growth than apparent due to the over \$2,000,000 one-time funding from the CARES Act in the current budget.

Ms. Ruesch explained that the City Council will prioritize and determine the one-time funding items, Capital projects to fund, and will decide if excess revenue should be transferred to the Capital Project Fund to fund infrastructure expansion.

Councilmember Gray expressed concern regarding the total funds reserved for personnel merit increases and the oversight of those funds.

Mr. Jerome stated that large salary increases or promotions will result in a budget amendment requiring Council approval. The Mayor has the authority to authorize small wage increases.

Councilmember Gray said he felt that holding 3% from the total budget for merit increases was absurd and decreases the interest that could be earned from the money. He advocated for not having a salary increase fund for personnel.

Mr. Jerome explained that the merit increase reserve fund is based upon 3% of total personnel salaries, excluding benefits, rather than 3% of the total General Fund. The reserve allows the City to compensate employees based upon the findings of the compensation study. The City has previously provided cost-of-living increases but no longer provides those. The City will be conducting another compensation study soon. He feels a reserve fund assists the City in providing appropriate wage increases.

Councilmember Gray noted that compensation studies can find that employees are under-compensated but may also find that in some cases, an employee is not worth what they are being paid. He advocated for all raises to be merit-based regardless of industry-standard wages. It was his opinion that some City employees may be substandard and undeserving of the industry standard.

Mr. Jerome clarified that the compensation study is used as a tool by the supervisors to determine the appropriate merit-based salary in consideration of the statistics of the City in comparison to conditions in other cities.

Councilmember Gray expressed concern with increasing wages in years with decreased revenue.

Mayor Westmoreland verified that the budget was reduced due to the pandemic.

Mr. Jerome explained that during The Great Recession, the City underwent a four-year salary freeze as the City experienced a drop in revenue and building permits. Property tax revenue increases and decreases independently and opposite of the economic conditions to allow municipalities to continue to provide necessary services to residents. The City budget was reduced due to the pandemic and those items were restored once the economic impact was determined to be less severe than expected. He noted the City experiences attrition when an employee retires or leaves the City due to a better offer and the replacement employee might not have the same experience and expertise as the departing employee, which is consequently reflected in their salary. The full merit increase reserve might not be utilized each year due to attrition and other factors.

Ms. Ruesch noted that the City is conservative in spending and does not spend all available funds within a budget category if the spending is not warranted; the merit increase reserve will be allocated under the same fiscal conservation.

Mr. Jerome advocated for reserving funds and for budgeting to preserve funds for anticipated needs to prevent spending on one-time expenses, resulting in insufficient funds to finance unexpected costs. Not including a placeholder increases the risk of spending funds in inappropriate areas.

Councilmember Curtis recognized Councilmember Gray's concerns but noted that City funding has been allocated this way for years. He requested staff assist the Council in understanding the purpose and philosophy of the City's budgetary strategies to clarify City budget methodology.

Mr. Jerome noted that the rapidity of the City's growth increases personnel burden. He expressed concern at being overly conservative at the expense of the morale and wellbeing of employees. He desires to balance government growth with the genuine need for additional help for the employees while preserving reserve funds for economic downturns to prevent employee layoffs.

Councilmember Curtis concurred with Mr. Jerome's desire to balance being fiscally conservative and preparing for economic recession with genuine personnel needs.

Mayor Westmoreland reemphasized the need for balance and the importance of determining the appropriate number of employees to serve the City. He is amazed at the amount of additional work department have absorbed without additional staff. The City has reached the point that additional staff is necessary to meet deadlines and obligations.

Councilmember Curtis requested a future discussion to clarify staffing needs.

Mr. Jerome recognized that the addition of 10 full-time equivalents is a drastic increase; however, it underrepresents the true current staffing needs of the City. In 2012, external auditors told Mr. Jerome the City needed more accounting personnel and the recommendation occurred nine years prior to hiring an additional accountant. An additional Neighborhood Improvement Officer is a second position the City needs. Staff strives to fill real needs and provide real value. He commended department heads for their efforts. When a department head asks for additional assistance, he can trust there is a real need. The City can increase the reserve fund to 35% due to recent legislative changes; however, increasing the fund will require sacrifices in other areas. The City could determine to increase the fund incrementally rather than all at once.

Councilmember Curtis expressed his appreciation for having emergency funds. He stated he would like to increase the fund, but in a method and timeframe that is appropriate.

Mr. Jerome concurred that the department heads are conservative and responsible in their requests. He noted that the City does not incentivize department heads to spend unnecessary money by reducing the following year's budget if funds are not spent in accordance with the City's fiscal conservation principles.

19. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Burnham

None.

Councilmember Love

None.

Councilmember Gray

Councilmember Gray reiterated his stance that all raises should be merit-based. He expressed his desire to revisit Mr. Jerome's contract and believes that Mr. Jerome deserves a raise to compensate for his excellent performance, especially in consideration of current difficult circumstances caused by the pandemic. He offered his condolences to Saratoga Spring resident Robert Healey's family for their loss.

Councilmember Curtis

Councilmember Curtis concurred that Mr. Jerome has proven his value to the City and supports a salary raise. He commended Mr. Jerome for facilitating Council understanding of City issues, outside perspectives, and organizations.

Councilmember Clark

Councilmember Clark noted that the Council will meet with Alpine School District and requested to hold a regional meeting with other cities to discuss regional issues and mutual concerns. She is excited to be able to begin holding in-person City events again soon.

Mayor Westmoreland

Mayor Westmoreland stated that he has been in discussions with the leadership of other cities regarding a joint meeting.

Mr. Mumford confirmed that a joint meeting is planned for the City Council and Planning Commission for March 30, 2021. The City Council can request items to be added to the agenda. The City Council and Planning Commission have been invited to tour the Overland clubhouse.

20. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Clark

A ham radio license test will be held Saturday, March 27, 2021. The Federal Communications Commission will be raising the certification cost soon. She encouraged residents interested in certification to utilize online resources to study for the upcoming examination to become licensed before the price increase. The City will install a repeater on County land to extend the range of the ham radios in the City in efforts to increase emergency communication preparation. An emergency board might need to be established due to repeater licensing requirements. The Parks and Recreation Advisory Board held two meetings in a row with a quorum. She is excited about the variety of backgrounds, talents, and abilities of the board members. The members reviewed the parks and recreation plans for the City and visited the parks and were impressed with Parks and Recreation Director Brad Hickman's turf management.

Councilmember Curtis

None.

Councilmember Burnham

Councilmember Burnham said the Senior Citizen Advisory Board has a board member vacancy. They are a great group to work with and she encouraged interested residents to apply.

Councilmember Love

Councilmember Love said the Cemetery Advisory Board is planning a Memorial Day observance. The Eagle Mountain Chamber of Commerce is working to promote local businesses. The Chamber board members toured the Tyson facility, which will be a great addition to the City. Eagle Mountain Counseling has an upcoming groundbreaking and Jo'Land Fun and Games has a ribbon cutting ceremony scheduled.

Councilmember Gray

Councilmember Gray expressed appreciation to the Youth Council. He is excited for Pony Express Days and the associated events such as the demolition derby and rodeo. He inquired regarding the selection of the Grand Marshal.

Mayor Westmoreland

Mayor Westmoreland met with a gentleman that would like to present a concept to the Cemetery Advisory Board, Military and Veterans Advisory Board, and the Parks and Recreation Advisory Board. He said that there is still a lot of work on the Freemont project and expressed his appreciation to the staff, especially the department heads, for their time and efforts on the project.

Ms. Kofoed said that the Alpine School District joint meeting is scheduled for April 29, 2021, at 7:30 a.m. She requested the Council inform her of any items they would like included on the agenda. She will follow up regarding the selection of the Grand Marshal.

Mayor Westmoreland announced that Communications Director Linda Peterson has accepted a position with Draper City. He wished her well and expressed gratitude to her for all that she has done for the City to keep residents informed and for promoting a positive image of the City.

The Councilmembers recognized and thanked Ms. Peterson for the work she has done for the City.

Ms. Peterson thanked everyone for their kind words. She said it has been an honor and privilege working for Eagle Mountain City and watching the City grow over the past 15 years.

21. COMMUNICATION ITEMS

21.A. Financial Report

21.B. Upcoming Agenda Items

22. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn the meeting at 10:27 p.m. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

The meeting was adjourned at 10:27 p.m.

Approved by the City Council on April 6, 2021.


Fionnuala B. Kofoed, MMC
City Recorder

