



## **EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES**

March 6, 2024 , 4:00 p.m.  
Eagle Mountain City Council Chambers  
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

### **4:00 P.M. WORK SESSION**

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Jared Gray, Rich Wood, and Brett Wright.

CITY STAFF PRESENT: Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Cliff Strachan, Director of Legislative Affairs; Marcus Draper, City Attorney; Tyler Maffitt, Communications Manager; Angela Valenzuela, Human Resource Manager; Chas Glenn, Administrative Assistant; Natalie Winterton, Grants Coordinator/Management Analyst; Terrence Dela Pena, Finance/Management Analyst; Brandon Larsen, Planning Director; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Senior Planner; Steven Lehmitz, Planner; Caden Lyon, Planner; Jody Bates, Chief Deputy Recorder; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager/Parks and Recreation Manager; Jeff Weber, Fleet and Facilities/Operations Director; Brad Hickman, Public Works Director; Embret Fossum, Unified Fire Authority Battalion Chief; Eric McDowell, Chief Deputy Sheriff; and B.J. Eccles; Sergeant.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Elizabeth Fewkes, Recording Secretary; and Michele Graves, Library Director.

Mayor Westmoreland called the meeting to order at 4:14 p.m.

#### **1. CITY ADMINISTRATOR INFORMATION ITEMS**

##### **1.A. DISCUSSION – Lower Hidden Valley Concept Plan**

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

Senior Planner Robert Hobbs explained that Perry Homes had submitted a concept plan for proposed changes to the previously adopted Lower Hidden Valley Master Development Plan. Staff informed Perry Homes that the changes were significant enough to require reapproval and provided comments on the plan. The applicant would also like feedback from the City Council regarding the updated plans.

Applicant representative Vice President of Land Entitlements and Acquisitions for Perry Homes Lynsi Neve presented refinements they made to the plan to protect the trails and open space. The relocation of the park places it in a more central location and will allow the preservation of open space and better use of the topography of the site. The updated plan has a significant reduction in density.

Deputy City Administrator/Community Development Director Steve Mumford explained that the approval required changes to the road network which impacted the location of some of the uses. The developer agreed to relocate units to preserve the wildlife corridor and crossing.

Discussion clarified what changes had been made between the approved and proposed plans and that the agreement allows for 20 units per building for the multifamily.

The City Council provided the following feedback:

- Concerns with trail connectivity and triplex access;
- Objections to roundabouts as they are frequently used incorrectly and impede snow removal;
- Advice to coordinate with the Utah Department of Transportation (UDOT) to plan connections to future highways or expressways;
- The wildlife corridor and bike trails in proximity to the homes in the project provide marketing opportunities for the developer;
- Ensure the plan meets standards, specifically grading and buildable slope requirements, unless allowed per the master development agreement;
- Request for a document with clear indication of the changes and differences between the new proposal and the previous approval when the item returns for approval;
- Support of the proposed open space uses and amenities for a variety of ages; and
- Recommendations to add water stations, wildlife information and signage on the trails, and petroglyph preservation and management.

#### 1.B. DISCUSSION – Cedar Valley Highway Study

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

UDOT (Utah Department of Transportation) Region 3 Planning Manager Eric Rasband explained in 2023, the Utah State Legislature appropriated an additional \$60 million allocation for corridor preservation for UDOT to purchase land for transportation corridors prior to the development of surrounding land. Funding is contingent upon a willing buyer and willing seller relationship with the landowner approaching UDOT for the sale. The program allows UDOT to purchase land for corridor projects up to 40 years in the future. A portion of the money was allocated to land purchase for the Cedar Valley Highway. They partnered with the Mountainland Association of Government (MAG) and property owners to conduct a study to identify the corridor for the highway, impacted land, and the effects on current City streets such as Pony Express Parkway. The Transportation Commission will review a request for funding during meetings next week, in May, and in June. The corridor cross-section will have a six-lane freeway, three lanes in each direction, with on-way frontage roads similar to the planned SR-73 Freeway, a 425-foot corridor width, an elevated freeway section, and trails on both sides. He presented two alignment options. They have been meeting with impacted property owners in Eagle Mountain. UDOT prefers and plans to move forward with Option 2, in part because they would be able to secure land for the corridor needed in the future at a good investment. Three other corridors were identified for allocation of a portion of the State funding but they have not been approached by property owners motivated to sell land for those corridors at this time.

Ivan Hooper with Avenue Consultants presented a traffic analysis of four potential traffic scenarios to understand the effects of each option on City streets by the year 2050. Of the options, the Eagle Mountain Boulevard alignment with a Midvalley Connection to the Mountain View Corridor alleviated the most traffic from Pony Express Parkway (west of Ranches Parkway) and Old Airport Road (south of Cory B. Wride Memorial Highway).

City Engineer Chris Trusty informed the City Council that UDOT plans to install traffic signals at Eagle Mountain Boulevard and Cory B. Wride Memorial Highway and Mount Saratoga Boulevard and SR-73.

Mr. Rasband stated traffic lights will be installed in 2025. They will partner with Eagle Mountain City to secure funding for the segment of Old Airport Road in front of the new middle school.

#### 1.C. DISCUSSION – Community Development Block Grant (CDBG)

Grants Coordinator/Management Analyst Natalie Winterton presented the item and reviewed the Community Development Block Grant (CDBG) program project planning process for the next five years and the four selection process options to choose projects for the following fiscal year. A committee could be created and utilized in the future but it would be difficult this year due to the upcoming deadlines. Project constraints include limited time and a limited budget of \$200,000. The amount the City receives is determined by a formula based on population and proportion of low- and moderate-income (LMI) persons and the amount of funding the Federal Government allocates to the program each year. Up to 50% of the funds can be rolled over to the following year.

Department heads suggested the following projects that would be feasible to complete this fiscal year:

- Seniors: Pave the Senior Center parking lot, purchase a new bus, or expand the Senior Center Building
- Americans with Disabilities Act (ADA): Funding ADA features for the website redesign
- LMI: Utility payment assistance

Ms. Winterton reviewed the Council project priorities from the previous meeting and indicated which categories would require a survey or other limiting factors making them unfeasible for the CDBG year starting on July 1, 2024.

Given the time constraints, Councilmembers Wood and Clark supported Option 2 with staff creating a list of potential projects, as staff better understand the needs of the City and the desires of the Council.

Assistant City Administrator/City Recorder Fionnuala Kofoed verified that a new bus would need to be specifically for senior usage to qualify for CDBG funding.

Discussion ensued regarding project suggestions and the benefits and challenges of allocating the funds to various projects.

#### 1.D. UPDATE – General Plan Timeline General Plan

Planning Director Brandon Larsen presented the item. He stated one of the primary focuses of the project is to update the Future Land Use and Transportation Map with more detail. He reviewed the planning context, community context, future framework, decision-making framework, and land use element of the General Plan. The General Plan entails a transportation element, water use and preservation element, economic element, housing element, moderate-income housing element, and open space. The General Plan encompasses environmental stewardship, plan implementation, best practices, annexation policy declaration, and additional appendices. The data and information in the plan need to be updated. As recently as 2022, Eagle Mountain was reclassified as a large city by the US Census Bureau with a population estimate of 54,149. Staff will begin with a statistically valid scientific survey, water element, and the future land use map. A General Plan working group will be

formed early to mid-summer as well as focus groups. The plan will be presented to the City Council in four segments to allow for a thorough review. The process should take 16 to 18 months with an anticipated completion date and adoption around August of 2025. A budget amendment will be forthcoming to cover consulting fees for the Future Land Use Map and Water Use and Preservation Element mandated per Utah Code, the scientific survey, and a part-time, long-range planner.

Deputy City Administrator/Community Development Director Steve Mumford verified that based on building permit data, staff believes that the actual population is closer to 65,500 residents and possibly as high as 70,000.

Councilmember Wood recommended involving farmers and ranchers in the process of creating an agricultural element in the plan and making the water element document visually appealing to aid comprehension.

Councilmember Clark suggested formulating a marketing plan for dispersion of the information to the residents and to promote economic development.

Discussion ensued regarding the growth and population of Eagle Mountain and surrounding cities, holding events at parks in the City to gather more resident input, and whether to hire a part-time planner to only assist with the General Plan update or a full-time long-range planner to assist with the General Plan update and small area planning.

## 2. AGENDA REVIEW

### 10. AGREEMENTS

#### 10.B. Purchase Agreement – WW Arena Equipment – The Days of '47 Rodeo, Salt Lake Inc.

Jim Smith with Pony Express Events reported on his inspection of used arena equipment from The Days of '47 Rodeo, Salt Lake City Inc. The City was able to negotiate a purchase price in the amount of \$62,500. The arena is in like-new condition and a similar new arena retails for around \$200,000. It is the same brand as the other rodeo equipment and the panels from both sets can be interconnected. The seller will provide an inventory list that they can check when they pick up the purchase to verify all pieces are accounted for and included. Replacement pieces are available for individual purchase. With the additional equipment, the city will be able to set up a warmup arena that will improve safety and functionality.

Assistant City Administrator/Recorder Fionnuala Kofoed stated she was unable to obtain an official appraisal of the cost of the equipment but recognized that the evaluation indicated significant cost savings. She received a copy of the original contract and verified that there were no contractual issues.

#### 10.C. Professional Service Agreement – Recruitment Consultants – Jason Walker and David Kitchen

*Councilmember Wood requested that the item be removed from the consent agenda and placed as a scheduled item.*

12. MINUTES

12.A. February 20, 2024 Minutes – Regular City Council Meeting

Councilmember Wright inquired about the invitation for a Councilmember to participate in the MAG and Wasatch Front Regional Council (WFRC) Fresh Look Transit Study mentioned in the City Administrator Items in the minutes.

Mr. Mumford explained that the City Engineer, the Mayor, and he met with MAG, UDOT, and Utah Transit Authority (UTA) representatives to begin initial discussions. The kickoff meeting for the committee will be held at the beginning of April.

14. SITE PLANS

14.B. SITE PLAN – Wendy's Ranches at 4302 Pony Express Parkway (Utah County Parcel #65:645:0004)

Councilmember Wood stated that Oak Hollow residents reached out to him about the adequacy of the headlight screening between the parking lot landscaping and the homes especially for raised trucks and agreed with their concerns.

City Engineer Chris Trusty stated that he had the same concern when reviewing the plan. The top back of curb elevation is at about 96.79 feet and the existing grade on the other side by the fence is about 96 feet. The elevation of the parking spaces will be lower than the grade of the adjacent homes by one-half to one foot. The garbage enclosure will also assist with screening headlights.

Discussion clarified that the elevation difference between the commercial and residential properties is not as significant and problematic as for other areas in Oak Hollow. Staff agreed to monitor the situation throughout the approval process to ensure adequate headlight screening through landscaping or other methods will be provided.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the work session at 6:15 p.m.

**7:00 P.M. POLICY SESSION**

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Jared Gray, Rich Wood, and Brett Wright.

CITY STAFF PRESENT: Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Cliff Strachan, Director of Legislative Affairs; Marcus Draper, City Attorney; Kimberly Ruesch, Finance Director; Brandon Larsen, Planning Director; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Senior Planner; Steven Lehmitz, Planner; Caden Lyon, Planner; Jody Bates, Chief Deputy Recorder; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager/Parks and Recreation Manager; Brad Hickman, Public Works Director; and B.J. Eccles; Sergeant.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary; and Embret Fossum, Unified Fire Authority Battalion Chief.

4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:09 p.m.

5. PLEDGE OF ALLEGIANCE

Toby Wisenburg from Boy Scouts of America Pack 111 led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

None.

7. PUBLIC COMMENTS

*Mayor Westmoreland opened public comment at 7:11 p.m. As there were no comments, he closed public comments.*

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Clark

Councilmember Clark thanked the scouts and residents for participating in the meeting and the first responders for their service. She appreciates the work and dedication of small business owners to provide commerce for the community.

Councilmember Burnham

Councilmember Burnham expressed appreciation to residents for their meeting attendance, participation, and willingness to serve. She enjoys speaking with residents and hearing their perspectives and concerns.

Councilmember Wood

Councilmember Wood thanked staff for assisting with tumbleweed removal and Toby Wisenburg for leading the Pledge of Allegiance.

Councilmember Wright

Councilmember Wright echoed the appreciation to the staff members for their public service in removing tumbleweeds, the assistance and patience of the residents, and the dedication of City staff working the weekend in a storm. He praised staff for frequently going above and beyond their responsibilities.

Councilmember Gray

Councilmember Gray recognized staff for removing tumbleweeds from private property as it is not a part of their regular duties. He thanked caucus organizers, participants, and delegates.

Mayor Westmoreland

Mayor Westmoreland welcomed meeting participants.

9. APPOINTMENTS

9.A. Library Board

**MOTION:**                    *Councilmember Clark moved to approve the appointment of Dillon Boss to the Library Advisory Board for a one-year term through December 2024. Councilmember Gray seconded the motion.*

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| <input checked="" type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright  |

*The motion passed with a unanimous vote.*

Assistant City Administrator/City Recorder Fionnuala Kofoed administered the Oath of Office to Dillon Boss.

#### **CONSENT AGENDA**

##### **10. AGREEMENTS**

- 10.A. Purchase Agreement – Land for Right-of-Way – LSC Real Estate
- 10.B. Purchase Agreement – WW Arena Equipment – The Days of '47 Rodeo, Salt Lake Inc.
- 10.C. Professional Service Agreement – Recruitment Consultants – Jason Walker and David Kitchen

##### **11. BOND RELEASES**

- 11.A. Harmony Phase A, Plat 9 – Into Warranty
- 11.B. Silverlake Plat 31 – Into Warranty

##### **12. MINUTES**

- 12.A. February 20, 2024 Minutes – Regular City Council Meeting

##### **13. RESOLUTIONS**

- 13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Appointing Kimberly Ruesch as the Eagle Mountain Interim City Treasurer
- 13.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah Appointing Paula Buck as the Eagle Mountain City Deputy Treasurer

- 13.C. RESOLUTION – A Resolution of Eagle Mountain City, Utah Altering Reporting Structure while Kimberly Ruesch serves as the Eagle Mountain Interim City Treasurer RES--Altering Reporting Structure

14. SITE PLANS

- 14.A. SITE PLAN – Eagle Vision Building Two at 4416 E. Pony Express Parkway (Utah County Parcel #38:674:0002)
- 14.B. SITE PLAN – Wendy's Ranches at 4302 Pony Express Parkway (Utah County Parcel #65:645:0004)

**MOTION:** *Councilmember Wood moved to approve the consent agenda removing items 10.C and 14.B and placing them as scheduled items. Councilmember Burnham seconded the motion.*

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| <input checked="" type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright          | <input type="checkbox"/> Brett Wright  |

*The motion passed with a vote of 4:0 with one abstention.*

Ms. Kofoed recognized Tara Freeman for her service to the City as Treasurer. She administered the Oath of Office to Kimberly Ruesch and Paula Buck.

**SCHEDULED ITEMS**

- 10.C. Professional Service Agreement – Recruitment Consultants – Jason Walker and David Kitchen

*This item was presented and discussed following item 14.B.*

Councilmember Wright stated that in his research for this item, he reviewed the International City/County Management Association (ICMA) Recruitment Guidelines for “Selecting a Local Government Administrator” which states on page one, “Selecting a chief administrator is perhaps the most important decision that elected local officials will make for their community.” He thinks that Eagle Mountain City is in a great place with the Deputy City Administrator and Assistant City Administrator and is in capable and able hands if the process takes many months. He requested to discuss whether the City Council desires to engage experts or to conduct the search for a City Administrator in-house. He cited from page four of the recruitment guidelines, “More often, however, the governing body will contract with a firm that specializes in providing executive search assistance. When using an executive search firm, the governing body plays an active role in the process. It develops the administrator profile, approves the selection of the applicants, interviews the candidates, and, of course, makes the final selection.” He recommended that staff and the Council become familiar with the document and use it as a template for devising a recruitment process.

Councilmember Wood supported Councilmember Wright's statements and recommendation to use the ICMA process. He suggested allowing time for staff and the other Councilmembers to review the guidelines and have the item return at a future meeting for further consideration.

Discussion ensued regarding the following:

- The contents of and the proposal to adopt the ICMA guidelines;
- The City's ability to elect using elements from the request for proposals (RFP) process to select a recruitment firm to increase fidelity and transparency even though it is not a requirement and would delay the process;
- The importance of unity in the decision rather than expedience;
- Concern with delays in hiring a City Administrator placing undue burden on and exhausting the Deputy and Assistant City Administrator;
- Hesitancy with limiting the selection of recruitment firms to local companies and challenges with out-of-state firms being unfamiliar with the needs and culture of the City;
- Staff having employed the ICMA guidelines in their recommendation of the three proposed firms while trying to customize the process to meet the needs of Eagle Mountain; and
- Councilmembers desire to clarify the recruitment process before considering individual recruitment firms.

The City Council decided to table the item and further discuss the desired recruitment process during item 19.

**MOTION:** *Councilmember Gray moved to table the professional service agreement for recruitment consultants Jason Walker and David Kitchen. Councilmember Clark seconded the motion.*

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*The motion passed with a unanimous vote.*

14.B. SITE PLAN – Wendy's Ranches at 4302 Pony Express Parkway (Utah County Parcel #65:645:0004)

*This item was presented and discussed prior to item 10.C.*

Planner Caden Lyon presented the site plan and an updated landscaping plan with two trees in front of the building rather than the initial five to better conform with the adjacent businesses on Pony Express Parkway. Staff has reviewed the application extensively and feels it meets screening and privacy requirements.

The City Council considered and approved the request to reduce the number of trees considering the landscaping of other businesses, visibility of the building and signage, and line of sight for motorists and discussed the screening provided by the proposed trees and shrubbery for the back parking lot.

**MOTION:** *Councilmember Wright moved to approve the site plan for the Wendy's Ranches 4302 Pony Express Parkway (Utah County Parcel #65:645:0004) with the following conditions:*

- 1. The applicant shall be permitted to alter the landscaping plan to provide two trees on the north side of the property;*
  - 2. The pedestrian crosswalk shall be sufficiently illuminated to comply with Eagle Mountain Municipal Code 17.75.069 to promote safer and more efficient on-site vehicular and pedestrian circulation; and*
  - 3. The lighting on the building shall be compliant with Eagle Mountain Municipal Code 17.56 Outdoor Lighting Standards.*
- Councilmember Gray seconded the motion.*

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| <input checked="" type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright  |

*The motion passed with a unanimous vote.*

15. PONY EXPRESS 27

- 15.A. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the General Plan from Community Commercial and Civic Uses/Schools to Neighborhood Residential Two

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

Planner Steven Lehmitz explained that nothing had changed since the presentation of the item at the February 20, 2024 meeting and verified the item was postponed for review until this meeting because the applicant was unable to attend the previous meeting.

Applicant representative Brian Haskell, speaking on behalf of the landowner, said since 2004 when they acquired the property, the owners have not had any parties express interest in commercial development of the parcel, and commercial zoning adjacent to a wildlife corridor seems incompatible. They have received interest in townhomes and multifamily projects which were not feasible due to topography and other constraints. The owner felt there has been zoning of the property without proper notification and felt they were not given formal notice of the expiration of the Ranches Master Plan. In April 2008, the landowner put forward a project with 190 units rather than the vested 290 units. He continued to state in 2023, the City imposed commercial zoning on the property including the Wildlife Corridor Overlay Zone without proper notification. They felt the overlay needed clarification and there were problems with the implementation of the corridor on their property as there is no easement or deed exception. Without further discussion, understanding, and negotiation, they felt the wildlife corridor could be considered a taking. The new proposal has 59 units without commercial use. The applicants encourage and urge the Council to accept their application to avoid them incurring further damages as they have previously voiced objection to the rezoning of their property in 2023.

City Attorney Marcus Draper clarified that in 2023, a process was initiated on this property to rezone it to Community Commercial that was tabled by the Planning Commission and not brought back. No rezoning of the property occurred. The property is currently zoned Village Core. As a sophisticated party, the applicant is responsible for knowing when their development agreements are expiring. His legal opinion is that the vesting of a specific number of units expired with the Ranches MDA. The wildlife corridor is not a taking as the ordinance provides for density transfer credits.

Mr. Larsen explained that Village Core zoning contemplates commercial and residential development and the property was rezoned Village Core Commercial in 2008.

Mr. Haskell stated that as the 2008 rezone included 190 residential units, he believes the intention was to allow residential uses.

Councilmember Burnham stated that as the application of the Wildlife Corridor Overlay Zone allows for negotiations, she feels it is inappropriate to call it a taking. The City understands that it is an ask and desires to work with applicants. She is not opposed to having commercial and residential but is opposed to only residential. The proposed number of units is too high for her comfort.

Applicant representative David Crockett provided company background about Pulte Homes and presented the concept plan for a single-family, detached product RC Zone development with a walkable neighborhood with hiking and mountain bike trails, and improved open space. They feel it is the highest and best use for the property as the site has terrain challenges to providing large, flat areas for commercial buildings and parking. They are amenable to a condition of approval for a connection to the wildlife corridor and to coordinate with staff to incorporate the standards once the Wildlife Corridor Overlay Zone has been finalized. They are no longer seeking to purchase City property as the lots on the City parcel would need to be removed to accommodate the wildlife crossing and replaced with a cul-de-sac.

Discussion ensued regarding the following:

- Needing a secondary access for more than 30 lots to meet fire and safety code requirements;
- The desire to retain commercial uses;
- Safety concerns with a proposed access on Pony Express Parkway on a blind corner, the additional traffic near the school, and the proximity of the house to a road that might need to expand in the future; and
- The viability and need for commercial in this area in the future as the area continues to be developed.

*Mayor Westmoreland opened the public hearing at 8:47 p.m.*

Jeff Ruth concurred with concerns expressed by the Councilmembers and spoke against permitting residential uses.

Bettina Cameron speaking on behalf of the Eagle Mountain Nature and Wildlife Alliance commented they do not intend for wildlife corridor preservation to be a taking from property owners. She appreciates Councilmember Burnham's clarification on the matter and suggested changes to the plan to prevent a taking. She advocated for the City to retain its property adjacent to the development as it is a part of the wildlife corridor.

Mayor Westmoreland closed the public hearing at 8:53 p.m.

**MOTION:** *Councilmember Wood moved to deny an ordinance of Eagle Mountain City, Utah, amending the General Plan Parcel Numbers 58:040:0326 and a portion of 58:040:0228 from Community Commercial and Civic Uses/Schools to Neighborhood Residential Two from Community Commercial and Civic Uses/Schools to Neighborhood Residential Two. Councilmember Gray seconded the motion.*

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*The motion passed with a unanimous vote.*

- 15.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Utah County Parcel #58:040:0326 and a portion of Parcel #58:040:0228 from Village Core Commercial and Community Open Space to RC

Mayor Westmoreland opened the public hearing at 8:56 p.m.

Bettina Cameron requested that the City Council require addressing the needs of the wildlife corridor as a condition should they elect to approve the item.

Mayor Westmoreland closed the public hearing at 8:57 p.m.

**MOTION:** *Councilmember Wood moved to deny an ordinance of Eagle Mountain City, Utah, rezoning Utah County Parcel #58:040:0326 and a portion of Parcel #58:040:0228 from Village Core Commercial and Community Open Space to RC. Councilmember Gray seconded the motion.*

| Those Voting Yes                                  | Those Voting No                        | Those Abstaining                       | Those Absent                           |
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*The motion passed with a unanimous vote.*

Councilmember Wright said that he would be open to considering mixed-use with residential and commercial combined in a single building. Councilmember Gray agreed. Councilmember Clark stated that mixed-use has been successful in a different area in the City and suggested that the applicant speak with the Economic Development Director about businesses looking to locate in Eagle Mountain.

Discussion ensued regarding traffic impacts and access requirements of commercial and mixed-use.

16. ORDINANCES/PUBLIC HEARINGS

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

*This item was presented and discussed following item 16.B.*

City Engineer Chris Trusty introduced Fred Philpot of LRB Public Finance Advisors who presented the item and reviewed the Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) process. The service area of the IFA is City-wide. The City has adopted an acceptable standard of a level of service (LOS) D for its street network and intersections. Buy-in related to existing reimbursement agreements is included in the analysis. The total construction year cost related to growth is \$46,523,248 based on an inflation rate of 4% annually. The City will utilize proceeds from the 2022 Sales Tax Bonds to fund or partially fund projects associated with Project 1 and Project 7 of the IFFP. The fee per trip was calculated to determine the IFA by land-use type. He presented a sample of transportation impact fees for various use types. The schedule allows for additional consideration for unique circumstances such as schools and allows developers to provide information that may suggest an alternative fee.

Mr. Trusty clarified that road improvements planned for the next five years are included in the analysis. The impact fee schedule is updated every two years to include new projects and can be updated more frequently. Impact fees are assessed with the application of a building permit and additional fees would be charged for renovations for a higher impact use.

Discussion clarified when the City is allowed to charge impact fees for new and use changes and the impacts of various uses.

*Mayor Westmoreland opened the public hearing at 10:39 p.m. As there were no comments, he closed the hearing.*

**MOTION:** *Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah, adopting an updated impact fee enactment for a Transportation Impact Fee; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same; and other related matters. Councilmember Wood seconded the motion.*

**Those Voting Yes**

☒ Donna Burnham  
☒ Melissa Clark  
☒ Jared Gray  
☒ Rich Wood  
☒ Brett Wright

**Those Voting No**

☐ Donna Burnham  
☐ Melissa Clark  
☐ Jared Gray  
☐ Rich Wood  
☐ Brett Wright

**Those Abstaining**

☐ Donna Burnham  
☐ Melissa Clark  
☐ Jared Gray  
☐ Rich Wood  
☐ Brett Wright

**Those Absent**

☐ Donna Burnham  
☐ Melissa Clark  
☐ Jared Gray  
☐ Rich Wood  
☐ Brett Wright

*The motion passed with a unanimous vote.*

16.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.49 Wildlife Corridor Overlay Zone

*This item was presented and discussed prior to item 16.A.*

Wildlife Biologist/Environmental Planner Todd Black presented the item. He stated the changes to Eagle Mountain Municipal Code Chapter 17.49 was done to add clarity, add additional wildlife overlay zones, and amend existing overlay zones since the prior review by the City Council. The standards were reviewed and recommended for approval by the Planning Commission. His intent is to have Wildlife Corridor Overlay Zones cover several types of corridors or uses in addition to the critical mule deer migration corridor. State and Federal agencies, not the City, impose and control restrictions for endangered species and their habitats. Once the City finalizes the distance, a hydrological engineer will determine and mark the wash setback for developments. The City will need to work with developers and the MDAs to make adjustments to the corridor alignment.

Councilmember Gray expressed concern that the fencing requirements impede the landowners' rights and usability of their property for agriculture and livestock and create safety and liability issues. He desires a method for the landowners to propose alternative fencing that will accommodate both wildlife and livestock.

The City Council discussed the standards and requested staff incorporate the following amendments to the standards prior to the adoption of the amendments at a future meeting:

- Amend the verbiage referencing the 2023 Transportation Master Plan to indicate the current Transportation Master Plan;
- Add the overlay to the special use standards table rather than issuing conditional use permits;
- Clarify the definition of "agricultural activities" as the current wording could be misinterpreted as a prohibition against the construction of barns, loafing sheds, greenhouses, or other buildings;
- Combine 17.49.020(A) and 17.49.020(B);
- Amend 17.49.060(G)(3) to allow the City Council to grant an exemption for an alternative fencing plan for agricultural uses on private property;
- Remove 17.49.080(3) Homeowners' Association from the standards;
- Delineate between pets and livestock in 17.49.080(G) and have the restrictions and permissions determined by the land use authority or follow the alternative animal management plan exception process as stipulated in 6.10.080; and
- Add language indicating that the City will mark the setback from the top of the wash and retain the information in a GIS database.

*Mayor Westmoreland opened the public hearing at 10:17 p.m.*

Bettina Cameron, speaking on behalf of Eagle Mountain Nature and Wildlife Alliance, elaborated on the community group's suggestions to staff and the Council for amendments to the standards.

**MOTION:** *Councilmember Gray moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.49 Wildlife Corridor Overlay Zone. Councilmember Burnham seconded the motion.*

| <b>Those Voting Yes</b>                                  | <b>Those Voting No</b>                        | <b>Those Abstaining</b>                       | <b>Those Absent</b>                           |
|----------------------------------------------------------|-----------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| <input checked="" type="checkbox"/> <b>Donna Burnham</b> | <input type="checkbox"/> <b>Donna Burnham</b> | <input type="checkbox"/> <b>Donna Burnham</b> | <input type="checkbox"/> <b>Donna Burnham</b> |
| <input checked="" type="checkbox"/> <b>Melissa Clark</b> | <input type="checkbox"/> <b>Melissa Clark</b> | <input type="checkbox"/> <b>Melissa Clark</b> | <input type="checkbox"/> <b>Melissa Clark</b> |
| <input checked="" type="checkbox"/> <b>Jared Gray</b>    | <input type="checkbox"/> <b>Jared Gray</b>    | <input type="checkbox"/> <b>Jared Gray</b>    | <input type="checkbox"/> <b>Jared Gray</b>    |
| <input checked="" type="checkbox"/> <b>Rich Wood</b>     | <input type="checkbox"/> <b>Rich Wood</b>     | <input type="checkbox"/> <b>Rich Wood</b>     | <input type="checkbox"/> <b>Rich Wood</b>     |
| <input checked="" type="checkbox"/> <b>Brett Wright</b>  | <input type="checkbox"/> <b>Brett Wright</b>  | <input type="checkbox"/> <b>Brett Wright</b>  | <input type="checkbox"/> <b>Brett Wright</b>  |

***The motion passed with a unanimous vote.***

## 17. ORDINANCES

- 17.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Sections 17.10.030 Definitions, 16.50.020 Purpose, 16.50.030 Application, and 16.50.040 Approval Process

Senior Planner Robert Hobbs presented the item. He stated the State's last legislative session included passage of House Bill #406. The bill introduced various edits to State law, including the allowance for a property line adjustment to be executed by survey in lieu of platting (via a plat amendment process) between a subdivision and an outlying parcel of ground. The amendment attached to this report introduces that allowance into Municipal Code in accordance with the State's action. Staff has revised the amendment's language by inserting a disclaimer as desired by the Council when this matter was last reviewed.

The Planning Commission, during their regularly scheduled public hearing of November 28, 2023, moved to recommend approval to the City Council of Eagle Mountain Municipal Code conditioned as follows:

1. 17.10.030 Definitions language be approved as presented;
2. 16.50 Lot Line Adjustments language be approved as presented;
3. Staff shall add language in the appropriate section of 16.50.030 regarding requiring a legal description of the lot line change prepared by a publicly licensed surveyor to be presented to the City Council;
4. 16.55.040 Approval Process and Exceptions language be approved with the changes that are presented in the staff report; and
5. Staff may bring section 16.50.030, which was not included in the staff report, to the Planning Commission for additional review if they feel it is necessary.

Councilmember Wood requested that the City devise a process to assist property owners with recognizing when a parcel has multiple zones.

Mr. Draper stated that a notice could be recorded with the property containing information about the zoning.

Councilmember Gray asked staff to amend 16.50.020 to add language clarifying the specific circumstances under which lot lines could be adjusted for adjacent properties.

Discussion ensued regarding the lot line adjustment process and the possibility for associated fees of related processes being onerous and the inability of the City to prohibit lot line adjustments that

cross into a different zone, but an application could be denied if the adjustment would cause the violation of another land use ordinance or regulation.

**MOTION:**        *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Sections 17.10.030 Definitions, 16.50.020 Purpose, 16.50.030 Application, and 16.50.040 Approval Process. Councilmember Wright seconded the motion.*

**AMENDED MOTION:**    *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Sections 17.10.030 Definitions, 16.50.020 Purpose, 16.50.030 Application, and 16.50.040 Approval Process directing staff to have a notice of the zoning recorded with the property information. Councilmember Wright seconded the motion.*

| Those Voting Yes                                  | Those Voting No                        | Those Abstaining                               | Those Absent                           |
|---------------------------------------------------|----------------------------------------|------------------------------------------------|----------------------------------------|
| <input checked="" type="checkbox"/> Donna Burnham | <input type="checkbox"/> Donna Burnham | <input type="checkbox"/> Donna Burnham         | <input type="checkbox"/> Donna Burnham |
| <input checked="" type="checkbox"/> Melissa Clark | <input type="checkbox"/> Melissa Clark | <input type="checkbox"/> Melissa Clark         | <input type="checkbox"/> Melissa Clark |
| <input type="checkbox"/> Jared Gray               | <input type="checkbox"/> Jared Gray    | <input checked="" type="checkbox"/> Jared Gray | <input type="checkbox"/> Jared Gray    |
| <input checked="" type="checkbox"/> Rich Wood     | <input type="checkbox"/> Rich Wood     | <input type="checkbox"/> Rich Wood             | <input type="checkbox"/> Rich Wood     |
| <input checked="" type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright          | <input type="checkbox"/> Brett Wright  |

*The motion passed with a vote of 4:0 with one abstention.*

**MOTION:**        *Councilmember Gray moved to recess the meeting at 10:57 p.m. Councilmember Clark seconded the motion.*

| Those Voting Yes                                  | Those Voting No                        | Those Abstaining                       | Those Absent                           |
|---------------------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|
| <input checked="" type="checkbox"/> Donna Burnham | <input type="checkbox"/> Donna Burnham | <input type="checkbox"/> Donna Burnham | <input type="checkbox"/> Donna Burnham |
| <input checked="" type="checkbox"/> Melissa Clark | <input type="checkbox"/> Melissa Clark | <input type="checkbox"/> Melissa Clark | <input type="checkbox"/> Melissa Clark |
| <input checked="" type="checkbox"/> Jared Gray    | <input type="checkbox"/> Jared Gray    | <input type="checkbox"/> Jared Gray    | <input type="checkbox"/> Jared Gray    |
| <input checked="" type="checkbox"/> Rich Wood     | <input type="checkbox"/> Rich Wood     | <input type="checkbox"/> Rich Wood     | <input type="checkbox"/> Rich Wood     |
| <input checked="" type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright  | <input type="checkbox"/> Brett Wright  |

*The motion passed with a unanimous vote.*

The meeting was recessed from 10:57 p.m. to 11:03 p.m.

18.        LEGISLATIVE ITEMS

16.A.     UPDATE – Legislative Priorities List

Director of Legislative Affairs Cliff Strachan updated the City Council on the status of the Legislative Priorities List.

16.B.     UPDATE – State Legislation

Mr. Stachan provided an overview of the bills that passed and failed during the Utah State Legislature 2024 General Session that concluded on Friday, March 1<sup>st</sup> that affect local government some of which may require changes to Municipal Code, City policies, or budget plans. The governor has not signed all the bills but has not indicated that he plans to veto any of them.

19. CITY COUNCIL/MAYOR'S BUSINESS

The City Council discussed an assignment for a Councilmember to attend the Fresh Look transit study on April 1<sup>st</sup> at 10:00 a.m. and how to move forward with determining a process and hiring a recruitment firm to help find a new City Administrator. They requested that the Mayor place the tabled item 10.C. Professional Service Agreement – Recruitment Consultants – Jason Walker and David Kitchen on the agenda of the next meeting.

Councilmember Gray asked to have a discussion about industrial standards due to a request by Dan Ford for a variance.

Discussion ensued regarding the difficulty in meeting the requirements to qualify for a variance.

20. CITY COUNCIL BOARD LIAISON REPORTS

21. COMMUNICATION ITEMS

21.A. Financial Update

21.B. Upcoming Agenda Items

22. ADJOURNMENT

**MOTION:** *Councilmember Gray moved to adjourn at 11:55 p.m. Councilmember Wood seconded the motion.*

**Those Voting Yes**

☒ Donna Burnham  
☒ Melissa Clark  
☒ Jared Gray  
☒ Rich Wood  
☒ Brett Wright

**Those Voting No**

☐ Donna Burnham  
☐ Melissa Clark  
☐ Jared Gray  
☐ Rich Wood  
☐ Brett Wright

**Those Abstaining**

☐ Donna Burnham  
☐ Melissa Clark  
☐ Jared Gray  
☐ Rich Wood  
☐ Brett Wright

**Those Absent**

☐ Donna Burnham  
☐ Melissa Clark  
☐ Jared Gray  
☐ Rich Wood  
☐ Brett Wright

*The motion passed with a unanimous vote.*

The meeting was adjourned at 11:55 p.m.

Approved by the City Council on March 19, 2024.

  
Fionnuala B. Kofoed, MMC  
City Recorder

