



# EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

March 1, 2022, 4:00 p.m.  
Eagle Mountain City Council Chambers  
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities/Operations Director; Tyler Maffitt, Communications Manager; Embret Fossum, UFA Battalion Chief; Eric McDowell, Chief Deputy Sheriff; and Evan Berrett, Assistant to the City Administrator.

CITY STAFF PRESENT ELECTRONICALLY: Aaron Sanborn, Economic Development Director; Kimberly Ruesch, Finance Director; Mack Straw, Public Utilities Manager; Angela Valenzuela, Human Resource Manager; Michele Graves, Library Director; and Chas Glenn, Administrative Assistant.

Mayor Westmoreland called the meeting to order at 4:09 p.m.

### 1. CITY ADMINISTRATOR INFORMATION ITEMS

#### 1.A. UPDATE – City Administrator Items

##### Engineering

- The water impact fee analysis is tentatively scheduled to be presented at the April 5, 2022 City Council meeting. The wastewater impact fee analysis will be completed and presented shortly after.
- The Master Transportation Plan should be presented no later than April 5, 2022.
- A materials bid for the Eagle Mountain Boulevard widening project will be on the agenda for the March 15, 2022 City Council meeting.
- The City will be issuing requests for design proposals for Mid Valley Road.
- The Airport Road project will be delayed.

##### Water

- The City internally hired a new Water Department supervisor.
- The repairs for Well #5 are underway and part delays have impacted completion.
- Manual meter reads for utility billing are in progress.
- Conversations of repairs for Well #1 are ongoing with no updates available at this time.

- The City is reviewing cyber security practices for the water and sewer systems.

#### Wastewater

- Office flooring is being installed at the sewer building and renovations should be finished by next week.
- The fan press has new polymer; however, it is too soon to know if the fix was successful.
- A new programmable logic controller was installed in the headworks.

#### Parks and Recreation

- A landscaping maintenance contract for a new provider is on the agenda for a vote of approval during the meeting.
- Walden Park Observatory: A memorandum of understanding has been issued for the construction documents. The City is working with the University of Utah to determine the appropriate type of building structure to house the telescopes. The construction timeline will be forthcoming.
- Disc Golf course at Pioneer Park: Will be operational after volunteers install the equipment.
- Smith Ranch Community Park: Staff is working with MHTN Architects to finalize construction documents for the park by the end of the month. The documents will be presented for feedback from Council and community stakeholders prior to obtaining requests for bids for the project.

#### Community Development

- The City issued a building permit for the Tagg N Go carwash.
- Certificates of Occupancy were issued for Redemption Hill Church and Elevate Gymnastics.
- In February, the Planning Department issued 156 residential building, 41 basement, 23 solar, and 21 other miscellaneous permits.

#### **1.B. DISCUSSION – Campus Drive Solutions – Hales Engineering**

Ryan Hales and Joseph Browning with Hales Engineering presented the item. After analysis of planned future improvements, road expansions, peak hour traffic, development, and increasing turning queue lengths, several options were eliminated. To mitigate traffic congestions through 2029 until the anticipated frontage road system construction anticipated for 2030 and the freeway expansion in 2040, they recommend a High-T intersection for Ranches Parkway and Wride Memorial Highway with southbound traffic running continuously and a right-in, right-out only on west Campus Drive. Motorists desiring to make a left-hand turn from the Maverik gas station would need to take the future north to south road connecting to Stonebridge Lane where a traffic light will be installed.

City Engineer Chris Trusty said representatives from Utah Department of Transportation appear to be amendable to the plans. He is unsure of the expected cost; nonetheless, the project will be impact fee-eligible.

Discussion ensued regarding traffic flow, business access, and restricting parking and other considerations to ensure the future road connecting Maverick to Stonebridge Lane is sufficient to handle the anticipated traffic.

## 2. AGENDA REVIEW

### 10. APPOINTMENTS

#### 10.A. Cemetery Advisory Board

#### 10.B. Parks and Recreation Advisory Board

Councilmember Gray inquired if Municipal Code allows for the combining of an expiring and upcoming term, or if there is a limitation to the number of months or years of an existing term that can be combined with a future term for advisory board appointments.

Director of Administrative Services/City Recorder Fionnuala Kofoed explained that although Municipal Code excludes standards for combining the completion of an existing term year with a term beginning the following year for advisory board appointments, the City has allowed the terms to be approved simultaneously in the past to prevent a reappointment for the same individual for the position within a short period. The Council may choose to require a reappointment process if desired. Planning Commission terms have been managed differently as they fall under State Statute.

Mayor Westmoreland noted that the Council could vote against the appointment or alter the motion to reflect the amenable term of appointment desired. He recommended only approving a combined term in cases where the existing term is less than a year.

Discussion ensued clarifying Municipal Code and legal requirements for advisory board appointments and the desires of the Council regarding combining advisory board partial and future terms.

### 11. BID AWARDS

#### 11.A. Eagle Mountain Boulevard Widening Independent Cost Estimating – Innovative Contracting and Engineering

Councilmember Gray thanked Mr. Trusty and expressed his appreciation for the method this contract implements, which results in savings due to checks and balances.

### 13. CHANGE ORDERS

#### 13.A. 2021 New Well Design Change Order #2 – Jones and DeMille

Mr. Trusty verified that the amounts of the original project and the change order were correct as presented and that Facebook will pay the cost. The City intends to use CMU materials for the

building. The building will be located on the south boundary of the park and a boundary survey is being conducted to ensure the building is constructed entirely on City property.

Parks and Recreation Director Brad Hickman explained the secondary water source systems in relation to the building. Other buildings in the area are also made of CMU.

Discussion ensued regarding options to upsize the building to utilize it for storage or other purposes.

## 14. MINUTES

### 14.A. February 15, 2022 – Regular City Council Meeting

Ms. Kofoed explained that the statement, “Staff’s recommended conditions one and two, regarding the trail and buffer, were removed from the approval,” was added to page 14 after the motion to approve the preliminary plat for Rush Creek to clarify the conditions were excluded from the approval.

Councilmember Gray asked staff to verify that the masonry wall would still be required even though it was not specified in the motion.

Councilmember Wright requested “per animal” be added to the third sub-bullet on page 14, as it was the intent of the Council for the requirement to be for each animal.

## 15. FIRE STATION 253

### 15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Rezone to the Public Facilities Zone for Fire Station 253.

### 15.B. MOTION – Fire Station 253 Site Plan

Senior Planner Tayler Jensen presented the item. The application is for a rezone of 1.75 acres of City-owned property north of Wride Memorial Park on Mid Valley Road from Agriculture to the PF Zone and a site plan for a new location for Fire Station 253. The plans incorporate the community room requested by the Council. The Planning Commission recommended approval of the site plan with a unanimous vote with the condition that a six-foot masonry wall be constructed along the west property line.

Councilmember Gray inquired if the City retains ownership of the land and if an agreement secures the appraisal value calculations and other terms for purchase of the fire station should the City dissolve partnership with Unified Fire Authority (UFA).

Discussion ensued clarifying that if the City were to de-annex out of the Unified Fires Service Area (UFSA), the City would need to purchase the fire stations from UFA but not the land, that the agreement with UFA includes termination terms for withdrawal from the service area, and that

the members of the communities within the UFSA contribute funds to pay for the bond to provide buildings and apparatus for all the cities in the district.

## 16. ORDINANCES

### 16.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 7.05 Parks, Trails and Special Events.

Mr. Hickman presented the item. The ordinance defines and clarifies rules and regulations specific to dog park use within the City. These rules were brought forward by the Parks and Recreation Advisory Board. The rules have been reviewed by legal authorities and other parties. The intent of requiring a 16-year-old or older dog handler is to ensure the individual is able and mature enough to control a larger dog. The rules are intended for all dog parks in the City and signage will indicate areas where these rules will be enforced. His understanding of the voice control requirement is to discourage residents from bringing dogs, particularly aggressive dogs, to the park until they will respond to commands.

Councilmember Burnham confirmed with staff that the rules allow for youth under 16 years to interact or play with the dogs at the park as long as an adult is providing supervision.

Ms. Kofoed noted the requirement for an individual to assume responsibility for the dog as a term of dog park usage.

Parks and Recreation Board Member Michael Johnson defined voice control as the canine recognizing its name, coming when called, and responding to basic commands such as sit and stay. A resident trainer will donate her time to provide basic training courses at the dog park on a limited basis to mitigate negative interactions at the dog park.

### 16.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 2.27 Board Appointment Process.

Councilmember Curtis stated the purpose of the amendment is to resolve concerns and clarify the desires of the Council regarding appointment processes as discussed during the November 16, 2021 City Council meeting.

Ms. Kofoed noted that staff requirements are generally located in the policies and procedures manual rather than Municipal Code. She said it would be helpful to identify which staff appointments require the Council notifications as stipulated in the amendment and suggested removing the word “etc.” as it is unclear. Should the Planning Commission be included, additional amendments to other chapters of Municipal Code would be required. She asked if the intent of the notifications allowed for staff and the Mayor to select applicants from applications previously provided to the Council. She expressed concern about losing qualified applicants, for staff positions that require the advice and consent of the Council, due to potential delays caused by the proposed notification timeframes requirements.

Discussion ensued regarding the following topics:

- Whether to require the Council to be provided all applications received or only the application for the individual selected by the Mayor;
- Allowing vacancies to be filled by an individual that applied for a previous vacancy or to require the position to be reposted;
- The ability for residents to submit applications for boards via the City website at any time regardless of a current vacancy;
- Improving consistency and communication in the appointment process;
- Communicating application status with residents;
- Which employee positions are desired to undergo the new appointment process;
- Whether the amendment reduces the powers of the Mayor and grants powers to the Council;
- The need for a unanimous Council vote or a majority vote with the approval of the Mayor to pass the amendment because it alters the powers of the mayor granted under State Code;
- The definition of advice and consent and the practice at a State and Federal level;
- The differences between the roles and authority of various boards and committees;
- The intent of some of the Councilmembers for the process to also apply to the Planning Commission appointment process;
- Concern that codifying the process limits flexibility and becomes onerous;
- The desire to provide private feedback to the Mayor regarding potential appointments prior to the name of the individual being announced to the public;
- The aim to protect individuals willing to volunteer their time to serve the City from the public embarrassment of having Councilmembers vote against their appointment; and
- Concerns with individual conversations amongst the Council resulting in decisions on appointments occurring outside of a public meeting and without public notification, being a violation of the Open and Public Meetings Act.

City Attorney Jeremy Cook stated that as the amendment would reduce the powers of the Mayor as granted by State Code, the amendment would require a unanimous vote by the Council or a majority vote with the approval of the Mayor. When he drafted the previous changes requested by the Council, he intentionally stipulated the changes were for advisory boards as other boards, such as the Employee Appeal Board and Redevelopment Agency, that are included in this section of Municipal Code would not fall within this process. The Planning Commission is different from an advisory committee, as the Commission has more authority and is governed by State Statute. He advised to address the Planning Commission separately with an amendment to the applicable section of Municipal Code and to remove reappointments for staff members and the Employee Advisory Board. He was in favor of protecting individuals willing to volunteer to serve on advisory boards and committees from embarrassment and feels the changes requested and previously approved for those positions are not significant.

Councilmember Burnham clarified that she had been opposed to the previous amendment to the mayoral approval process and that had she been aware at the time that a unanimous vote was required, she would have voted against approval as she believes it impedes the intent of advice and consent as defined by the Federal government. She feels strongly the amendment takes rights from the mayor.

Councilmember Curtis clarified his intent is to require adequate time to provide feedback to the Mayor regarding potential appointees prior to public notification.

Councilmember Love stated the purpose of this amendment is to clarify what was previously passed recognizing there has been debate whether the Planning Commission was included in those changes as the Planning Commission is addressed in another section of Municipal Code. She had believed that the approved changes would apply to new appointments and reappointments. She desires to receive private notice regarding appointments including the Planning Commission and reappointments. She feels the request to be able to provide private feedback to the Mayor prior to the announcement of the potential nominees is in the best interest of the residents in cases where Councilmembers have concerns with an appointment to discuss those concerns privately rather than publicly.

Mayor Westmoreland stated he is perplexed by the request to change the process of advice and consent that has been defined and practiced by government for hundreds of years and views the request as a desire to alter the form of government and governing principles. He feels it is an encroachment and is concerned regarding the end goal.

Mr. Jerome clarified the Mayor could still bring forward an applicant that Councilmembers had informed him privately that they intend to vote against.

### **3. ADJOURN TO A CLOSED EXECUTIVE SESSION**

**MOTION:** *Councilmember Burnham moved to adjourn to a closed session for the purpose of discussing reasonably imminent litigation, the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, annotated. Councilmember Wright seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:26 p.m.

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

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

**CITY STAFF PRESENT:** Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Embret Fossum, UFA Battalion Chief; Eric McDowell, Chief Deputy Sheriff; and Evan Berrett, Assistant to the City Administrator.

**CITY STAFF PRESENT ELECTRONICALLY:** Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; and Jeff Weber, Fleet and Facilities/Operations Director.

#### 4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:20 p.m.

#### 5. PLEDGE OF ALLEGIANCE

Councilmember Gray led the Pledge of Allegiance.

#### 6. INFORMATION ITEMS/UPCOMING EVENTS

- Eagle Mountain residents interested in learning more about road projects, new businesses, and residential development are encouraged to visit the Resident Portal at [eaglemountaincity.com](http://eaglemountaincity.com). The new “What’s Happening?” button will help residents identify what’s coming, and better assess when each project will be completed.
- Eagle Mountain City will soon be going mobile. Look for the release of the City’s new mobile app next week. It will provide residents’ most popular services in one place to make reporting issues and contacting the City easy.

To receive City notifications, including emergency info, news events, and traffic alerts, sign up at [emcity.org/notifyme](http://emcity.org/notifyme).

#### 7. PUBLIC COMMENTS

*Mayor Westmoreland opened public comment at 7:21 p.m.*

Stephanie Gricius announced the Republican Caucus will be held on Tuesday, March 8, 2022, at 7:00 p.m. A precinct-finder tool is available on social media to find your caucus location.

*Mayor Westmoreland closed public comment at 7:22 p.m.*

#### 8. CITY COUNCIL/MAYOR'S ITEMS

##### Councilmember Curtis

Councilmember Curtis announced The American Legion is hosting a blood drive on April 1<sup>st</sup> at the Senior Citizen Center and more information will be forthcoming.

##### Councilmember Burnham

Councilmember Burnham thanked the in-person and virtual meeting participants.

##### Councilmember Love

Councilmember Love welcomed the public and thanked Councilmember Wright for including those involved in the Ukraine conflict in his prayer.

##### Councilmember Gray

Councilmember Gray acknowledged the impact of the turmoil in the world and encouraged residents to work together to resolve conflicts. He welcomed the public and appreciates their patience as the Council resolves issues.

#### Councilmember Wright

Councilmember Wright thanked staff for their efforts to organize and facilitate the annual visioning conference. Be Ready Eagle Mountain will offer a weekly Ham Radio class from March 3<sup>rd</sup> to April 7<sup>th</sup> at City Hall from 7:00 to 9:00 p.m. An emergency communication operation drill is scheduled for March 8<sup>th</sup> at the Community Development Building from 8:00 to 9:00 p.m. A CERT certification training will be conducted at City Hall on April 23<sup>rd</sup> and 30<sup>th</sup> from 8:00 a.m. to 5:00 p.m.

Councilmember Wright recognized and presented a challenge coin to Mark Davenport for his artistic achievements and contributions.

### 9. RECOGNITION

#### 9.A. Brett Wright – Planning Commission

Mayor Westmoreland recognized and thanked Councilmember Brett Wright for his service on the Planning Commission and presented him with a plaque.

### 10. APPOINTMENTS

#### 10.A. Cemetery Advisory Board

**MOTION:** *Councilmember Gray moved to appoint Carl Canlas to the Cemetery Advisory Board completing a four-year term through 2023. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

#### 10.B. Parks and Recreation Advisory Board

**MOTION:** *Councilmember Wright moved to appoint Adam Clark to the Parks and Recreation Advisory Board, completing a three-year term through 2022 and serving a three-year term ending in 2025. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

Director of Administrative Services/City Fionnuala Kofoed administered the oath of office to Adam Clark.

### CONSENT AGENDA

### 11. BID AWARDS

11.A. Eagle Mountain Boulevard Widening Independent Cost Estimating – Innovative Contracting and Engineering

11.B. Landscape & Maintenance Services – Brightview Landscape Services Inc.

11.C. White Hills Well Test Pumping – Wittison Turbine Services

12. BOND RELEASES

12.A. Antelope Meadows Phase B, Plat 1 – Into Warranty

12.B. Skyline Ridge Phase 2, Plat 5 – Into Warranty

12.C. Evans Ranch Phase C, Plat 1 – Out of Warranty

12.D. Scenic Mountain Phase A, Plat 3 – Out of Warranty

12.E. Scenic Mountain Phase B, Plat 1 – Out of Warranty

13. CHANGE ORDERS

13.A. 2021 New Well Design Change Order #2 – Jones and DeMille

14. MINUTES

14.A. February 15, 2022 – Regular City Council Meeting

**MOTION:** *Councilmember Curtis moved to approve the consent agenda. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

**SCHEDULED ITEMS**

15. FIRE STATION 253

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Rezone to the Public Facilities Zone for Fire Station 253.

15.B. MOTION – Fire Station 253 Site Plan

*Items 15.A. and 15.B. were presented and discussed together following item 17.B.*

Mr. Jensen reviewed the item as presented during work session.

Mayor Westmoreland opened the public hearing at 9:22 p.m. As there were no comments, he closed the hearing.

**MOTION:** *Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah, approving a rezone to the Public Facilities Zone for Fire Station 253. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Wright moved to approve the site plan for Fire Station 253 with the condition a six-foot masonry wall shall be constructed along the western property line. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

## 16. ORDINANCES

### 16.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 7.05 Parks, Trails and Special Events.

**MOTION:** *Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Chapter 7.05 Parks, Trails, and Special Events. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

### 16.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 2.27 Board Appointment Process.

The Council determined to table the item and assign Councilmembers to work with the Mayor, City Recorder, and City Attorney to amend and clarify the language of the standards to return for consideration at a future meeting. Councilmembers Gray and Love volunteered for the assignment.

Ms. Kofoed noted that current Municipal Code standards require an item requested by two or more Councilmembers be placed on the next meeting agenda limiting the time to prepare and draft a complex item.

**MOTION:** *Councilmember Curtis moved to table an ordinance of Eagle Mountain, Utah, amending Eagle Mountain Municipal Code Chapter 2.27 Board Appointment Process. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

## 17. RESOLUTIONS

## 17.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule for Water, Sewer, and Storm Water Rates.

Assistant to the City Administrator Evan Berrett presented the water rate change options. The City Council was provided a follow-up analysis at the February 1, 2022 City Council meeting. Following the presentation, staff reworked the Option 2 tiers to reduce the conservation pressure and created a third option that uses Option 2's tiers but introduces a certain volume of water granted to residents through their base rate. Sewer rates were also further analyzed in consultation with third-party advisors to ensure that the rates were properly reflective of the actual demand on the budget by customer type. Having heard concerns about the appropriate amount of conservation pressure to apply through the rates, new rate tiers were tested that would result in 81% of all water billed at properties under 0.5 acres into the first tier and 83% of all water billed at properties 0.5 acres and over into the first tier.

These new tiers would result in rate tiers that are more effective than our current tiers without being too financially burdensome. Properties under 0.5 acres would likely only see about a \$1.50/month difference between the current rate tiers and the new proposed tiers. Properties over 0.5 acres would see about a \$2.50/month difference in their monthly bill due to their higher-on-average use. Additionally, a third option was created that provides a certain amount of water within the base rate, known as a lifeline rate. Each proposal would include a 4% annual rate increase. Proposal 1 is the least impactful on residents, maintains the same tiers, and has the smallest increase in the usage rate. Proposal 2 has smaller tiers and has a larger increase in the usage rate. Proposal 3 has a larger base rate increase to offset the 3,000 to 6,000 gallons included in the base rate and tier rates similar to Proposal 2 beginning after the included lifeline water amount. With the current and new proposals, Eagle Mountain City still offers lower rates and less restrictive tiers than most other Utah cities.

Mayor Westmoreland explained that the rate increase is not a conservation effort. The City is attempting to provide water services at the lowest, sustainable rate to meet rising costs and has tools available to assist residents with evaluating water needs and ways to reduce water usage. Economic development assists with offsetting some of the expense for residents.

Councilmember Love said she feels the City needs to take conservation seriously for the benefit of the State and due to ongoing drought conditions. She noted that the State requires the City to implement a tier system to promote conservation. Residents can mitigate the impact of the rate increase and save money through conservation especially due to statistics that indicate many people are overwatering their lawns twice as much as necessary.

Councilmember Burnham expressed concern that Proposal 1 has insufficient tiers perimeters to meet State requirements. The other tier options provide residents more opportunity to mitigate their increases through conservation. She supports Proposal 3 due to the lifeline amount of water included to help residents with limited income and the likelihood that the tiers meet State requirements. However, she is willing to entertain other options.

Councilmember Wright stated he is against compelling behavior through penalties and thinks the base rate increase each year will cause residents to reevaluate their water usage. He would rather promote conservation through education.

Councilmember Gray expressed his preference for Proposal 1 as it provides the most opportunity for overall savings to residents.

Councilmember Curtis stated he is in favor of Proposal 1 as more strict tiers will not encourage conservation and he does not want the rate system to penalize residents for water usage.

Discussion ensued regarding the following:

- Average water usage;
- The differences between the three proposal options;
- Whether the base rate increase provides adequate conservation incentive to allow for less restrictive tiers;
- Livestock and agriculture considerations; and
- Climate and soil composition water need versus resident usage.

Mr. Berrett explained that the amount of water provided for free in Proposal 3 exceeds the increase in the base rate for some residents. Proposals 2 and 3 have more potential for a greater monetary reward from conservation. Conservation results in greater savings to communities due to decreased costs in infrastructure needs.

Mr. Berrett presented the sewer and storm rate recommended changes. He explained that the City is already in the negative for sewer with an anticipated negative fund balance by 2028 should no changes be implemented. The proposal combines service areas so that all residents pay the same rate. As the City grows, expenses will continue to increase and the system will need continued investment, as revenues will not be able to keep up due to the system continuing to age and inflation continuing to rise. As a result, rates must increase annually. After internal review and consultation with third-party experts, staff found that costs to service industrial customers are more than 30% less than residential/commercial customers. The proposed rate for general users is \$45.75 a month. The industrial user rate would be \$32.03 per month per equivalent residential unit (ERU). The largest industrial user has approximately 1,200 ERUs resulting in a \$40,000 monthly bill. All users would see a 2.5% annual increase. Stormwater expenses currently exceed revenues. Fund transfers from Solid Waste have been insufficient to keep the fund stable, and transfers will soon no longer be a possibility. The recommendation is an increase from \$5.00 to \$8.25 per ERU with no further annual rate increase necessary currently.

Mr. Berrett explained that the City Engineer calculates ERUs based upon average lot usage. Third-party consultants assisted with determining the appropriate ERUs for industrial users. Differences in methodologies to calculate industrial rates and circumstances impede direct rate comparisons between cities.

Mr. Jerome noted that industrial users frequently pretreat their wastewater which reduces treatment costs and the City has the ability to reuse some industrial water for secondary water systems.

Industrial users also have fewer sewer connections to maintain results in lower administrative and ancillary costs.

Discussion ensued regarding when to make the new rates effective and the date for the annual increases to water and sewer rates.

**MOTION:** *Councilmember Wright moved to approve a resolution of Eagle Mountain, City, Utah amending the Consolidated Fee Schedule for Water, Sewer, and Storm Water Rates with water rate Proposal 1 to be put into effect the billing cycle after April 30, 2022. Councilmember Curtis seconded the motion. Those voting aye: Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. Those voting nay: Donna Burnham. The motion carried with a vote of 4:1.*

**17.B. RESOLUTION - A Resolution of Eagle Mountain City, Utah, Approving the First Amendment to the Eagle Heights Village Master Development Agreement and Conditional Approval of Partial Assignment.**

*This item was discussed after item 18.A. and prior to item 15.A.*

Mr. Jensen presented the item. The proposal is to amend the Eagle Heights Village Master Development Agreement (MDA) to allow for the construction and sale of single-family dwellings instead of the duplexes within the Eagle Heights Village Development Phases 3 to 5. The master development plan, preliminary plat, conditional use permit, and site plan were approved May 21, 2019. The MDA was approved on July 17, 2019. Current economics of construction prevent constructing this project as the originally planned affordable housing. Nothing in the MDA requires affordable housing, and no exceptions to Municipal Code were granted due to the affordable nature of the original proposal. In the preferred proposal, the applicant has not proposed changes to the improved open space, and/or amenities.

Per the applicant's request, Mr. Jensen presented several options for the project:

- The applicant's preferred option would allow the division of the duplex lots into single-family dwelling lots, increasing the number of lots but retaining the approved 284 dwelling units and the project density.
- Sell phases 3-5 to a home builder to be developed as market-rate duplex units, with the same elevations. This option would not require an MDA amendment.
- Sell phase 3-5 to a home builder and sell the units as semi-detached units (twin homes) with zero lot lines between the homes (a different owner of each half of the twin home). This option may require an MDA Amendment.
- The applicant is willing to consider other options that may be preferred by the City Council.

Eagle Heights Village was approved as a Tier III Residential Development. The duplex lot frontages vary from 102 feet to over 120 feet. If split, the lots would have frontages between 51 feet and 60 feet. The project likely could be re-platted so all lots are a minimum of 55 feet wide. If the 1,200 square foot clubhouse is required, it may not serve more than 250 units. Tier III standards required a pool for more than 150 multifamily units; one pool cannot serve more than 250 units. The MDA approved a larger pool rather than two pools to serve the 284 units. Current

standards require a pool in all MF1 and MF2 developments without a specified unit count. The required park amenities and clubhouse have been partially or fully completed. The Planning Commission was presented only the applicant's preferred option at the February 8, 2022 meeting and voted 4 to 0, with one absentee, to recommend denial.

Mr. Cook verified the MDA does not include a requirement to entertain dividing the lots for the development.

Applicant representative Kirt Peterson confirmed the community planter boxes have been completed and they have not had injury issues with similar boxes in other communities. They added a sports court when they relocated the pool. He specializes in affordable housing developments throughout the State. They apply for tax credits for each phase of the project that cover 60 to 80 units about a year prior to construction. After receiving tax credits for Phase 4, the impacts of the pandemic increased the costs of construction materials rendering them unable to develop the units at the rental prices agreed upon. He will lose approximately \$250,000 in fees due to the unfeasibility of completing the project. The holes in the project are for soil remediation to remove, test, and compact collapsible soil. He was unable to respond regarding the continuation of advertising the pool in the rental agreement as he had believed it had been removed from the materials. They would be unable to sell each half of the duplex to individual buyers without the zero-lot-line approval. Built as approved, the duplexes would be sold to several investors to rent to individuals. Fieldstone has expressed interest in building single-family home elevations approved in other areas in the City. The development could only be feasible economically if the City waived impact and building permits fees which has been done by other cities to provide affordable housing options.

Assistant City Administrator/Community Development Director Steve Mumford explained the City is not required to provide a certain number of affordable housing units but rather the State requires strategies.

Discussion ensued clarifying the need to be able to divide the property with a zero-lot-line to split the property in order to sell each side of the 1,200 to 1,400-square foot duplexes as individual units to two owners.

Jason Harris, with Fieldstone Homes a developer interested in purchasing the remaining phases of the project, said they conducted an analysis of the project and would be able to sell the duplex homes at market value. He had suggested constructing single-family homes within the same lot lines as the duplexes to Mr. Peterson as another option for the project.

Discussion ensued regarding the following:

- Housing affordability and current market prices and conditions;
- Options to provide the pool planned for the current duplex residents;
- Desired requirements and unit types to require for the remainder of the project;
- Preference to require the project to adhere to current Municipal Code standards should a single-family product be permitted; and
- The impact to the timeframe for the project should the application be denied.

Mr. Peterson noted that none of their other affordable housing projects include pools and their preference would be to have the pool serve the later phases in the project. They are one of the few developers in the State to offer an affordable housing option with two-car garages and yards and this is their most amenity-rich development.

The Council discussed potential and preferred options for the project and the multifamily unit pool requirement.

Councilmember Wright said he is open to considering either a duplex sold to individual owners or single-family homes and desires for the masonry wall to be finished. He suggested a variety of product types ranging from RC to R3 or R2 along the border to transition to other units.

Councilmember Curtis said he is in favor of requiring the development to be constructed as stipulated in the MDA or to require any changes to the plat or units to be required to adhere to current Municipal Code standards.

Councilmember Love said her preference would be to offer either a more affordable project or to require single-family homes built to current standards as a transition to other homes in the area.

Councilmember Burnham stated although she disagrees with the location of the project, she feels the homes are nice and fill a need in the community. She knows there is a waiting list for the project and is saddened that the remainder of the project will not be completed as affordable housing. She suggested tabling the item and requesting for the applicant to return with more details regarding the possible options.

Councilmember Gray noted that this area of the City is designated for Foothill Resident housing with an average of half-acre lots. As such, he would prefer units that meet the R2 standards; however, he would consider a mix of housing unit types.

Mr. Peterson said he is willing to develop the remainder of the project as desired by the Council and requested for the item to be tabled to allow time to draft a proposal incorporating the feedback provided.

**MOTION:**            *Councilmember Burnham moved to table a resolution of Eagle Mountain City, Utah, approving the first amendment to the Eagle Heights Village Master Development Agreement and conditional approval of partial assignment. Councilmember Wright seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

## 18.    ANNEXATION

### 18.A.   MOTION – Acceptance of the Gardner Farms Annexation Petition for Further Review.

*This item was discussed prior to item 15.A.*

Ms. Kofoed presented the item. A petition for the Gardner Farms Annexation was submitted to the Recorder's Office on February 14, 2022. The annexation is approximately 161 acres and is located west of Eagle Mountain Boulevard, Utah County Parcel 58:049:0016. The first action for consideration is the acceptance or denial of the petition by the City Council. This will begin the review period for certification, after which the annexation will be noticed to interested parties and may be approved by the City Council at a future meeting. The land would be annexed as Agriculture and would require a rezone should other zoning be desired. This vote is only to consider the annexation and the vote to annex the parcel will occur at a future date.

Assistant City Administrator/Community Development Director Steve Mumford verified the land is designated for Employment Center/Campus uses on the General Plan.

**MOTION:**        *Councilmember Wright moved to approve the acceptance of the Gardner Farms annexation petition for further review. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

#### 19. MOTION

##### 19.A. MOTION – Consideration of a Request to Extend the Hours of a Baseball Tournament to an Overnight Event.

Parks and Recreation Director Brad Hickman presented the item. Bob Osler, President of Eagle Mountain Baseball has requested the City Council allow the Heat Stroker Tournament to run overnight. The tournament is scheduled from July 7<sup>th</sup> through July 10<sup>th</sup>. If all team spaces are filled, the games would run from 7:00 p.m. to 7:00 a.m. Thursday and Friday evenings with the championship game scheduled for Saturday. The championship game would end by 2:00 a.m. on Sunday, July 10<sup>th</sup>. The public assembly curfew is the item for consideration in this motion. The applicant's request is to allow an exemption to the Municipal Code curfew standards for these specific days to allow for the play of a baseball tournament past 2:00 a.m.

Mr. Hickman stated that a Parks and Recreation Department employee and a member of the Sheriff's Department would likely be needed onsite during the event. Events have the potential to be economic drivers; however, most businesses would be closed during the majority of the event. Several other entities have expressed interest in holding tournaments and events after hours. He requested for the Council to consider the parameters and precedence for allowing exemptions for late-night events.

Councilmember Gray requested for the additional cost of providing staff during overnight hours to be factored into the terms of the agreement.

Councilmember Curtis inquired if noise and light nuisances to residents would be mitigated.

Mr. Hickman explained that the lights are not dimmable but are aimed and adjusted for the field and needs of play. All games would be played at Wride Memorial Park.

Mr. Ostler stated the players' fees would be covered for these tournaments, allowing the league to send teams to play without charging additional funds to participate. Playing overnight allows players to play in cooler evening temperatures during summer months. The tournament will be for players aged 9 to 14-year-old. Other cities have approved the tournament. Teams will sign up for the tournament independent of the schedule for the regular season. Each player will be limited to two spectators and music and announcements will be omitted to reduce noise. They are willing to cover additional City staffing costs for the event.

Chief Deputy Sheriff Eric McDowell said he will evaluate the plan to determine if a sheriff is warranted and assumes the department would likely only be contacted in the case of noise issues associated with the tournament.

Discussion ensued regarding the distance from the field lights to the nearest home.

Ms. Kofoed clarified the applicant will be responsible for any additional cost to the City and for insurance.

City Attorney Jeremy Cook explained that the City has a codified process to determine and charge the appropriate fee for events. Staff is working on an amendment to EMMC 12.30.020 to be presented during a future meeting.

**MOTION:** *Councilmember Love moved to approve a request to extend the hours of a baseball tournament to an overnight event. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

## 20. CITY COUNCIL/MAYOR'S BUSINESS

## 21. CITY COUNCIL BOARD LIAISON REPORTS

Mayor Westmoreland announced the Councilmember liaison assignments for 2022:

- Councilmember Curtis – Senior Citizen Advisory Council and Planning Commission.
- Councilmember Burnham – Economic Development Board, Eagle Mountain Arts Alliance, and Pony Express Events.
- Councilmember Love – Mayor Pro Tempore, Utah League of Cities and Towns, and the American Legion Post ##.
- Councilmember Wright – Parks and Recreation Advisory Board and Youth Council.
- Councilmember Gray – Cemetery Advisory Board, Library Advisory Board, and Development Review Committee.

Donna said a vacancy exists on the senior council.

## 22. COMMUNICATION ITEMS

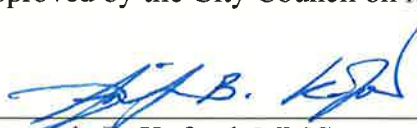
22.A. Upcoming Planning Items

23. ADJOURNMENT

**MOTION:** *Councilmember Gray moved to adjourn the meeting at 10:56 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.*

The meeting was adjourned at 10:56 p.m.

Approved by the City Council on March 15, 2022.

  
Fionnuala B. Kofoed, MMC  
Director of Administrative Services/City Recorder

