



# EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

February 21, 2023, 4:00 p.m.  
Eagle Mountain City Council Chambers  
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Chris Trusty, City Engineer; Kimberly Ruesch, Finance Director; Jeff Weber, Fleet and Facilities/Operations Director; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Brad Hickman, Parks and Recreation Director; Chas Glenn, Administrative Assistant; Mack Straw, Public Utilities Manager; Tyler Maffitt, Communications Manager; Elizabeth Fewkes, Recording Secretary; Michele Graves, Library Director; Angela Valenzuela, Human Resource Manager; and Embret Fossum, UFA Battalion Chief.

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

### 1. CITY ADMINISTRATOR INFORMATION ITEMS

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

##### Public Utilities

- Well #1 is currently under repair to fix the water surcharging into the City's oil line.
- Staff is researching electrical equipment to be able to draw more water from Well #3.
- The Water Department is gathering information for the Consumer Confidence Report meeting with the State.

##### Engineering

- Masonry is being installed on the Cory Wride booster pump station. The contractor is also working on the Pony Express booster station.
- Well #8 is currently being drilled. Completion is planned for mid-March after well development and test pumping.
- The bid award for Well #7 is anticipated to be on the March 21 City Council agenda.
- Staff completed the White Hills Well 24-hour test pump last Friday.

- The Eagle Mountain Boulevard/Pony Express Boulevard traffic signal and roundabout removal project has been sent out to bid along with a traffic signal at Majors Street. The bid award is anticipated to be presented to the City Council on March 21.
- The bid award for the Mid Valley Road project, widening Mid Valley Road from Pony Express Parkway to the west end of the Overland development, is anticipated to be presented on March 21.
- Bid documents for the signal designs for the Woodhaven Boulevard and Stonebridge Lane traffic signals are being reviewed. Once final designs are approved, a bid request will go out; it will also include the Pony Express Boulevard left turn onto northbound Ranches Parkway.
- City staff is currently working on the final review of an update to the Transportation Impact Fee Analysis. The City anticipates presenting this to the City Council on March 21.
- An updated draft of the City's Storm Drain Impact Fees Facility Plan is currently under review by staff. It is anticipated that this process should be completed by the end of March and an update to the impact fee ordinance is likely to be presented to City Council this May.

#### Communications

- Requests for proposals are anticipated for review in mid-March for the City's Comprehensive Marketing Plan. Work is currently underway to research viability, cost estimates, and implementation timelines.
- A proposed code amendment for EMMC 12.30 is expected to come before the Council in March. Standards and practices will adjust the way Eagle Mountain City protects itself and its residents in matters of free speech and expression during community events.

#### Facilities, Fleet, and Emergency Management

- The Community Development Building mezzanine delivery has been delayed until Friday, March 24. Installation is scheduled for Saturday the 25.
- HVAC upgrades for the well houses have started and will be complete by or before the end of March.
- The Teen CERT program is in place; classes are at City Hall on Mondays, and eight students are attending.
- Upgrades to the Sewer Building have started. The walls have been framed and electrical work is underway.
- The Sheriff's and Recorder's Office remodels are in the design phase.
- The concrete pad for the 6,000-gallon fuel tank has been engineered and will be poured when the weather permits.

#### Parks, Recreation, Events, and Cemetery

- Walden Park Observatory: Staff is still waiting for additional information for this project before moving forward with the bidding process. Staff will update the City Council about potential options for this project.
- Smith Ranch Community Park: The bid for this project is posted and a mandatory pre-bid meeting was held last Thursday. Bids are due March 1, and the agreement is anticipated to be on the March 7 City Council agenda. Staff has also applied for an additional grant in the amount of \$200,000 specifically for the skatepark portion of the park project.

### Streets and Storm Water

- The Streets Department has completed the removal of the center island and repaved the asphalt for the traffic light at Mustang Way and Wride Memorial Highway.
- The volunteer sandbag project was successful. Approximately 100 volunteers filled about 4,000 sandbags. Rockwell Charter High School had 25 students that filled approximately 1,200 sandbags and Ranches Academy School had 100 students that filled approximately 1,000 sandbags.

### Community Development

- Fifteen single-family residential permits have been issued so far in February.
- One commercial permit has been issued this month for Prime Nails.
- A certificate of occupancy was issued in February for The Place at Parkway, a mixed-use building in the Ranches, which includes Inspire Sports, Vital Vet, and 14 residential apartments.
- Planning is currently drafting about 12 different Municipal Code amendments that will soon be discussed with the Planning Commission with additional amendments planned for presentation to the Planning Commission and City Council throughout the year.

Mayor Westmoreland stated that due to delays with the electrical work, the opening of the Unified Fire Authority fire stations will be delayed until July. During the current Legislative session, SB75 which moves tax revenue to the actual sand and gravel extraction site passed; however, some cities are advocating for the Governor to veto the bill. The City intends to lobby the Governor to sign the bill as it benefits the City.

#### 1.B. UPDATE - Communities that Care, Caryn Nielsen

Caryn Nielsen with Communities that Care presented an update on their efforts. In partnership with the United Way's EveryDay Strong campaign, they are focusing on meeting the needs of children to help them thrive. They evaluated the free and reduced lunch programs in the 14 elementary schools in their district as financial strains increase other burdens on families, and they discovered that one of the elementary schools has one-third of the students on reduced lunch programs. The 2021 Student Health and Risk Prevention (SHARP) survey data for sixth graders at that elementary school found high rates of students reporting poor family management (78%), family conflict (49.9%), attitudes favorable to antisocial behavior on a parental level (47.2%) and peer/individual level (55.2%), and a low commitment to school (58.4%). The students also showed decreases in parents communicating expectations of no alcohol use, family meals, teacher praise, and rewards for school involvement. Reports of self-harm increased by 18% to 34%. They formulated a two-year plan to begin with the fourth graders in an effort to prevent potential future issues and to track the SHARP survey data for those students.

The proposed strategies to be implemented in 2023 to 2025 include the following:

- Providing students take-home kits with family activities and Alpine School District mental health universal screener events at schools.
- Providing parents yearly EveryDay Strong Parent Night, tips in take-home kits, and resources at school events.
- Providing staff yearly social development strategy training.

Projected short- and long-term outcomes include the following:

- Decreased poor family management and family conflict risk factors.
- Increased family attachment, family opportunities, family rewards, and school attachment.
- Residual effects of sibling increase in protective factors and decrease in risk factors, decrease in low commitment to school, increased school attachment, and decreased depressive symptoms.

#### 1.C. UPDATE - 2nd Quarter Budget Status

Finance Director Kimberly Ruesch presented the item. City-wide, current-year revenue is still projected to cover current-year expenditures. The General Fund major revenues are on target to meet or exceed budgeted amounts with the exception of building-related revenue. Building-related revenue continued to decline during quarter two to a low in November, but appears to be improving. Assuming that building trends continue, it is unlikely that the City will have similar excess funding to allocate to Capital Projects as in previous years. Overall, funds are in the amounts expected for this time of the year. Most of the sales tax (75%) for the City comes from the State pool based upon population. Sales tax is a stable form of revenue for the City.

*The meeting was recessed from 4:41 p.m. to 5:00 p.m. due to technical difficulties.*

#### 1.D. PRESENTATION - Letters on Mountains for Cedar Valley High School Letters Location

Cedar Valley High School Student Council President Paige Smith presented the item. The proposed location for a CV symbol representing Cedar Valley High School is a City-owned piece of land in and above Glenmar Ranch, towards the top of the hillside on a flat plane roughly facing the school. The proposed dimensions of the symbol are 30 feet tall and approximately 50 feet across. The symbol would be concrete, possibly with white or red colorant mixed in rather than paint that could chip and peel. The symbol would be placed and poured by hand as a service opportunity for school sports teams and organizations. A concrete mixer and concrete bags would be brought up the hillside using the existing trail.

Student traffic would be very minimal and would not interfere with wildlife migration seasons. Wildlife migrations are from November to March and July to August. Chaperoned school activities would occur during homecoming week in mid to late September and Senior Sunset at the end of May.

The Eagle Mountain Nature and Wildlife Alliance expressed the following concerns:

- High risk of constant littering and vandalism.
- Direct and indirect harm to the wildlife in the area.
- The pavilion and other amenities being installed in that area will have an increased threat of vandalism and/or permanent damage.
- Sensitive nesting areas in the original location.

Student research resulted in findings of minimal to no vandalism at other schools' symbol locations.

The Mayor and Councilmembers expressed the following concerns:

- A future school not being able to have a symbol on a mountainside for their school;
- The appropriateness of the location;
- Quality control;
- Engineering to prevent symbol sliding and breakage; and
- Wildlife and fencing conflicts.

Councilmember Love noted that the City Council had been sent articles about vandalism and resident objections to placing school symbols on mountains. However, cities have also received complaints when such symbols were removed because they had become a part of the community.

Cedar Valley High School Student Council Advisor Charlotte Ducos said she is unsure why the Bureau of Land Management (BLM) does not allow schools to install symbols on their property. Nevertheless, symbols that have been installed without permission on BLM land have been allowed to remain. Residents already use the existing trail. Due to the steepness of the trail, she does not think that the symbol would increase general traffic to the area. The trail to access the location is on BLM land. A small amount of road base would make accessing the site easier but it would not be necessary. She said although some schools, including those not located by a mountainside, are unable to have a symbol, she feels that students should not be denied the opportunity because not everyone has it. The sites under consideration for a second high school would not be in direct view of the mountain. She wished that they had also been sent the articles about experiences in other cities so that they would have had the opportunity to respond to them. She requested feedback from the Council to gauge support and opposition before preparing an official request. The concrete company would be onsite to manage the pouring of the concrete. Using colored, rather than painted concrete would reduce wear and maintenance.

Councilmember Gray stated that he feels the symbol would represent the City rather than only the high school. He concurred with not wanting to withhold the opportunity from one school because not every school has the opportunity. He has no objection to the concept but is unsure if the location is appropriate.

Wildlife Biologist/Environmental Planner Todd Black explained the BLM parcel with an existing trail to access the site is slated to be given to the School and Institutional Trust Lands Administration as a part of a Bears Ears Monument trade. Should the trade go through, the land could be developed in the future. The land was donated by Mariann Smith specifically for wildlife and he does not feel this use is in harmony with that purpose; additionally, wildlife fencing is planned for the area. There will be a trail system through the wildlife corridor that will be closed during migration season.

Councilmember Burnham suggested that Cedar Valley High School consider painting the Eagle Mountain Boulevard water tower.

## 2. AGENDA REVIEW

## 9. AGREEMENTS

9.A. Offsite Sewer Reimbursement Agreement - Oquirrh Mountain Ranch

10. BID AWARDS

10.A. Small Area Plan: Commercial Core - Downtown Redevelopment Services

10.B. Small Area Plan: Gateway Park - Downtown Redevelopment Services

10.C. Small Area Plan: Mid-Valley/Downtown - Downtown Redevelopment Services

Economic Development Director Evan Berrett explained that the plans are meant to complement the existing General Plan and will utilize information from the Economic Development Master Plan to determine the best use of these areas. These areas will shape the image, identity, and future opportunities for Eagle Mountain City. Planning will allow the City time for engagement and feedback solicitation from the public, the Council, and property owners and to capitalize on the unique features of the individual areas. The purpose of the plans as outlined in the request for proposals was to better understand the economic opportunities in these areas, to ensure these areas develop in ways to maximize the opportunities, and to better connect to the overall general plans of the City.

The plans will:

- Assess the highest and best use in the districts for City and the property owners;
- Plan for transportation connections and corridors;
- Recommend appropriate and best land use types;
- Recommend architectural standards and features to encourage high-quality development;
- Recommend timing and phasing of district areas based on transportation corridors, the real estate market, utilities, and other factors; and
- Unite key stakeholders to a common vision and plan.

Discussion ensued regarding the following:

- Impact of the plans on City zoning;
- Concern that the pictures provided in the submission materials are not in harmony with the City's identity;
- Objection to allowing mixed-use buildings due to only the residential portion being built in other such developments in the City;
- The timeline for the process includes several meetings with the City Council during the first months of the timeline that will allow for input and feedback from the Council, residents, and landowners;
- Apprehension that the plans will focus on maximizing profit over consideration of impact to residents;
- Land rights conflicts in telling landowners how to develop their property;
- Benefits of planning for cohesion and compatibility; and
- Reassurance from the language in the bid that the process will be thorough and that the company represents both large and small cities.

Mr. Berrett explained that the plans will provide data-driven information and options for City consideration rather than focusing on certain kinds of businesses. The proposal from Downtown Redevelopment Services was more favorable due to engagement with the public and City Council.

Applicant representative Kelly Gillman with CRSA said they pulled photos from several different communities that have undergone this process. The proposal will include several types of communities with different revenue and expense models and the City Council will adopt the option best for the City.

## 15. ORDINANCES/PUBLIC HEARINGS

### 15.A. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 17.25 Residential Zones.

Senior Planner David Stroud explained that several months ago, he spoke with a resident about City restrictions for accessory structures on lots over an acre and discovered that currently, the City has no limitations which could result in a resident filling their yard with structures. He brought forth an amendment to determine if the Council feels that the number and/or size of accessory structures should be limited on large lots. Staff suggests a limitation of 10 to 15% of the lot size rather than limitations based upon the size of the primary dwelling, as currently required for lots equal to or less than a half-acre. He included multifamily units on the chart to provide consideration of detached garages or carports but does not have data on the general sizes of those structures. The standards would apply to new construction. The square footage limitations would be for a cumulative total of all accessory structures.

Councilmember Gray suggested making the limitation based upon required open space rather than the square footage of the accessory structures. Where the City has not had issues with the allowance, he feels it is over legislation to add restrictions.

Discussion ensued regarding the potential for issues with accessory buildings used for commercial purposes.

### 15.B. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 15.10 Improvement and Design Standards and Chapter 15.70 General Specifications for Electrical Service.

Mr. Stroud explained that the purpose of the amendment is to resolve a conflict between the standards for streetlight spacing in different sections of Municipal Code and would not preclude exemption requests for rural developments.

## 3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the work session at 6:13 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; Marcus Draper, City Attorney; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; and Fionnuala Kofoed, Director of Administrative Services/City Recorder.

CITY STAFF PRESENT ELECTRONICALLY: David Stroud, Senior Planner; Evan Berrett, Economic Development Director; Brad Hickman, Parks and Recreation Director; Chris Trusty, City Engineer; Kimberly Ruesch, Finance Director; Mack Straw, Public Utilities Manager; Tyler Maffitt, Communications Manager; Elizabeth Fewkes, Recording Secretary; and Embret Fossum, UFA Battalion Chief.

#### 4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:03 p.m.

#### 5. PLEDGE OF ALLEGIANCE

Councilmember Curtis led the Pledge of Allegiance.

#### 6. INFORMATION ITEMS/UPCOMING EVENTS

- The City's annual Easter Egg Hunt will take place on April 1 at Cory Wride Memorial Park. The event will begin at 10:00 a.m. sharp. This year's event will implement improved safety measures and will include new age groups to expand this event. To learn more, please visit the City's events page on its website.
- Residents who do not use social media to stay in touch with the City are encouraged to sign up for the City's text notification system. Weekly, the City sends updates on news, important information, and sign-ups for recreational sports. Learn more at [eaglemountaincity.com](http://eaglemountaincity.com).
- Eagle Mountain residents who use the Android operating system on their mobile devices now have access to the new City App. This app allows residents to report issues and follow along as the City completes submitted issues. Find the City app on the Apple Store and Google Play.
- Eagle Mountain motorists are encouraged to drive safely this evening and tomorrow. The National Weather Service has issued a Winter Storm Warning forecasting between 6 and 12 inches in the valleys today and Wednesday. Please drive carefully while our Streets crews work to remove snow from our local roadways.

#### 7. PUBLIC COMMENTS

*Mayor Westmoreland opened public comment at 7:06 p.m.*

Chad Cummings said he desired to bring to the City's attention a safety issue at Silver Lake Elementary School due to traffic infractions while children and the crossing guard are in the crosswalk and requested mitigation to prevent an accident.

Alanna Zebley and Kimberly Peaden submitted comment forms regarding safety concerns at Silver Lake Elementary School and SilverLake Parkway.

*Mayor Westmoreland closed public comment at 7:20 p.m.*

## 8. CITY COUNCIL/MAYOR'S ITEMS

### Councilmember Curtis

None.

### Councilmember Burnham

Councilmember Burnham thanked the meeting participants for attending the meeting.

### Councilmember Love

Councilmember Love expressed appreciation to the meeting participants and City crews for clearing the roads.

### Councilmember Wright

Councilmember Wright expressed gratitude to the residents that have allowed him to serve in this capacity and to learn and for the issues the public has brought to his attention that have allowed him to be a better citizen and representative.

### Councilmember Gray

Councilmember Gray echoed appreciation to staff and the efforts of the Cedar Valley High School Student Council. He requested residents to be patient and assured them that staff is clearing roads as quickly as possible.

### Mayor Westmoreland

Mayor Westmoreland announced that Jeff Ruth is the new American Legion Post 111 Commander. He apologized to residents for the technical issues in broadcasting the meeting.

## CONSENT AGENDA

### 9. AGREEMENTS

9.A. Offsite Sewer Reimbursement Agreement - Oquirrh Mountain Ranch

### 10. BID AWARDS

10.A. Small Area Plan: Commercial Core - Downtown Redevelopment Services

10.B. Small Area Plan: Gateway Park - Downtown Redevelopment Services

10.C. Small Area Plan: Mid-Valley/Downtown - Downtown Redevelopment Services

### 11. MINUTES

11.A. January 24, 2023 Minutes - Special City Council Meeting

11.B. February 7, 2023 Minutes - Regular City Council Meeting

**MOTION:** *Councilmember Burnham moved to approve the consent agenda. The motion died for lack of a second.*

**MOTION:** *Councilmember Gray moved to approve the consent agenda removing items 10.A., 10.B, and 10.C. and placing them as scheduled items. Councilmember Curtis seconded the motion.*

| <i>Those Voting Yes</i>                          | <i>Those Voting No</i>                            | <i>Those Abstaining</i>                | <i>Those Absent</i>                    |
|--------------------------------------------------|---------------------------------------------------|----------------------------------------|----------------------------------------|
| <input type="checkbox"/> Donna Burnham           | <input checked="" type="checkbox"/> Donna Burnham | <input type="checkbox"/> Donna Burnham | <input type="checkbox"/> Donna Burnham |
| <input checked="" type="checkbox"/> Colby Curtis | <input type="checkbox"/> Colby Curtis             | <input type="checkbox"/> Colby Curtis  | <input type="checkbox"/> Colby Curtis  |
| <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"/> Carolyn Love | <input type="checkbox"/> Carolyn Love             | <input type="checkbox"/> Carolyn Love  | <input type="checkbox"/> Carolyn Love  |
| <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 4:1.*

### **SCHEDULED ITEMS**

#### **10. BID AWARDS**

10.A. Small Area Plan: Commercial Core - Downtown Redevelopment Services

10.B. Small Area Plan: Gateway Park - Downtown Redevelopment Services

10.C. Small Area Plan: Mid-Valley/Downtown - Downtown Redevelopment Services

*Items 10.A., 10.B, and 10.C. were discussed concurrently.*

Councilmembers expressed concern about the cost of the project, uncertainty regarding the results of the plans, and the possibility of the landowners rejecting the findings and recommendations of the small area plans.

Councilmember Curtis clarified that his concerns center on the goals of the plan and the possibility of receiving recommendations contrary to his vision for the City. He objects to any plan that considers housing or mixed-use units because other areas planned as mixed-use areas in the City have ended up being developed as housing without the planned commercial uses. He would prefer the City create the plans rather than contractors.

Discussion ensued regarding the following:

- Whether approving only one of the three plans would increase costs;
- The Council having approved the allocation of funds in the budget for this purpose;

- The benefits of planning the three areas concurrently including cohesion;
- Consequences of not planning these areas, instances, such as hospitals and nursing homes, when mixed-use housing might be appropriate;
- The return on investment of the plan; and
- The City opting to fully fund the plans to maintain full influence and autonomy even though developers have offered to pay a portion.

City Administrator Paul Jerome noted the urgency in planning Gateway Park as the development is already underway and the area has unique challenges in need of consideration.

Assistant City Administrator/Community Development Director Steve Mumford cautioned, from a planning perspective, against allowing critical areas in the City that are important economically and culturally to develop through the free market. The landowners of two of the areas have expressed willingness to master plan the areas with the City.

Applicant representative Ben Levenger said the plan is formulated within the parameters set by the City. They want to determine what is needed in the City and why those elements are needed to form a financially sustainable plan. Their plans include design guidelines for each area based on information provided by the City Council and the public.

#### 10.A. Small Area Plan: Commercial Core - Downtown Redevelopment Services

**MOTION:** *Councilmember Wright moved to approve a small area plan: Commercial Core – Downtown Redevelopment Services bid award for \$41,515. Councilmember Burnham seconded the motion.*

| <i>Those Voting Yes</i>                                  | <i>Those Voting No</i>                                  | <i>Those Abstaining</i>                       | <i>Those Absent</i>                           |
|----------------------------------------------------------|---------------------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| <input checked="" type="checkbox"/> <i>Donna Burnham</i> | <input type="checkbox"/> <i>Donna Burnham</i>           | <input type="checkbox"/> <i>Donna Burnham</i> | <input type="checkbox"/> <i>Donna Burnham</i> |
| <input type="checkbox"/> <i>Colby Curtis</i>             | <input checked="" type="checkbox"/> <i>Colby Curtis</i> | <input type="checkbox"/> <i>Colby Curtis</i>  | <input type="checkbox"/> <i>Colby Curtis</i>  |
| <input checked="" type="checkbox"/> <i>Jared Gray</i>    | <input type="checkbox"/> <i>Jared Gray</i>              | <input type="checkbox"/> <i>Jared Gray</i>    | <input type="checkbox"/> <i>Jared Gray</i>    |
| <input checked="" type="checkbox"/> <i>Carolyn Love</i>  | <input type="checkbox"/> <i>Carolyn Love</i>            | <input type="checkbox"/> <i>Carolyn Love</i>  | <input type="checkbox"/> <i>Carolyn Love</i>  |
| <input checked="" type="checkbox"/> <i>Brett Wright</i>  | <input type="checkbox"/> <i>Brett Wright</i>            | <input type="checkbox"/> <i>Brett Wright</i>  | <input type="checkbox"/> <i>Brett Wright</i>  |

*The motion passed with a vote of 4:1.*

#### 10.B. Small Area Plan: Gateway Park - Downtown Redevelopment Services

**MOTION:** *Councilmember Wright moved to approve a small area plan: Gateway Park – Downtown Redevelopment Services bid award for \$41,515. Councilmember Love seconded the motion.*

| <i>Those Voting Yes</i>                                  | <i>Those Voting No</i>                                  | <i>Those Abstaining</i>                       | <i>Those Absent</i>                           |
|----------------------------------------------------------|---------------------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| <input checked="" type="checkbox"/> <i>Donna Burnham</i> | <input type="checkbox"/> <i>Donna Burnham</i>           | <input type="checkbox"/> <i>Donna Burnham</i> | <input type="checkbox"/> <i>Donna Burnham</i> |
| <input type="checkbox"/> <i>Colby Curtis</i>             | <input checked="" type="checkbox"/> <i>Colby Curtis</i> | <input type="checkbox"/> <i>Colby Curtis</i>  | <input type="checkbox"/> <i>Colby Curtis</i>  |
| <input checked="" type="checkbox"/> <i>Jared Gray</i>    | <input type="checkbox"/> <i>Jared Gray</i>              | <input type="checkbox"/> <i>Jared Gray</i>    | <input type="checkbox"/> <i>Jared Gray</i>    |

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|--------------------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> Carolyn Love | <input type="checkbox"/> Carolyn Love | <input type="checkbox"/> Carolyn Love | <input type="checkbox"/> Carolyn Love |
| <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 4:1.*

10.C. Small Area Plan: Mid-Valley/Downtown - Downtown Redevelopment Services

**MOTION:** *Councilmember Wright moved to approve a small area plan: Mid-Valley/Downtown – Downtown Redevelopment Services bid award for \$41,515. Councilmember Burnham seconded the motion.*

| <i>Those Voting Yes</i>                           | <i>Those Voting No</i>                           | <i>Those Abstaining</i>                | <i>Those Absent</i>                    |
|---------------------------------------------------|--------------------------------------------------|----------------------------------------|----------------------------------------|
| <input checked="" type="checkbox"/> Donna Burnham | <input type="checkbox"/> Donna Burnham           | <input type="checkbox"/> Donna Burnham | <input type="checkbox"/> Donna Burnham |
| <input type="checkbox"/> Colby Curtis             | <input checked="" type="checkbox"/> Colby Curtis | <input type="checkbox"/> Colby Curtis  | <input type="checkbox"/> Colby Curtis  |
| <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"/> Carolyn Love  | <input type="checkbox"/> Carolyn Love            | <input type="checkbox"/> Carolyn Love  | <input type="checkbox"/> Carolyn Love  |
| <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 4:1.*

## 12. LOWER HIDDEN VALLEY

12.A. [ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the First Amendment to the Lower Hidden Valley Master Development Plan.](#)

12.B. RESOLUTION - A Resolution of Eagle Mountain City, Utah, Approving the First Amendment to the Lower Hidden Valley Master Development Agreement.

*Items 12.A. and 12.B. were presented and discussed concurrently.*

Planning Manager Robert Hobbs presented the item. The existing Master Development Agreement (MDA) granted permission to the developer of the Lower Hidden Valley area to build 1,256 residential dwellings on 205.10 acres and assigned the same with Residential zoning. In conjunction with that agreement, the City approved a Master Development Plan (MDP) for the land. Perry Land Investments LLC now wishes to amend the MDA and MDP to allow reconfiguration of the project, and has worked with the City to accommodate the inclusion of the wildlife corridor and mountain bike trail space. On January 10, 2023, the project was recommended for denial by the Planning Commission. On February 7, the City Council voted to table the item to allow staff to negotiate with the applicant regarding the project – particularly the fate of a portion of the 38.44 acres owned by the City. The latest proposal largely imitates what was originally approved in 2010 for the Lower Hidden Valley development, with some modifications, including only seeking the acquisition of eight of the City's 38.44 acres of land.

Following the Council's action on February 7, City staff and members of the applicant's team met to discuss how the proposed amendments to the MDA and MDP might be modified to be made acceptable to the City and developer. The current application now seeks approval with modifications as follows:

1. Wildlife Corridor Provision. Remove approximately 1.5 acres with approximately 19-20 multiple-family units at 13 dwelling units per acre from Parcel R2 to accommodate the wildlife corridor, designate the area then as open space/wildlife corridor on the master plan map, and dedicate that 1.5 acres to the City with the recording of the first plat in that area.
2. Land Shift. Add the remaining piece of Parcel R2 on the side adjacent to Parcel R3.
3. Creed Trail and Hillside Area Provision. Remove approximately 2 to 3 acres from the northern portion of Parcel R6 (at the top of the hill) with approximately 8 to 12 lots at four dwelling units per acre to accommodate the Creed Trail and preserve more of the hillside/ridge in that area. The final acreage and configuration of which shall be determined during the final plat review.
4. Future Road Alignment. Shift the alignment of the stub road, with future connection to Pony Express Parkway, that heads west to the north so it aligns with the City's updated Master Transportation Plan.
5. City Property Conveyance. The City will give Perry Homes up to eight acres on the southwest side of the City's parcel at a unit-for-unit rate. Thus, if the applicant were to remove 19 multi-family units and 8 single-family dwelling lots from a given location, then they can plan for 27 lots of single-family dwelling and cluster homes to be placed in that location. Taking units from a denser area and then inserting that same number of units into the area proposed to be acquired from the City, but in a more spread-out form is the expected result.

Staff recommends that the City Council consider approving the current proposal of a Master Development Plan Amendment, contingent upon:

1. A separate agreement or contract for the exchange of up to 8 acres of City-owned property for 3.5 to 4.5 acres of applicant's property, as shown in the exhibits associated with the master plan and agreement amendments, shall be executed.
2. That the amendment to the MDA be modified to reflect the existing Parks and Open Space Plan from 2011, rather than a modified plan.
3. That the amendment to the MDA must also be adopted with changes as required by the City.

Councilmember Curtis stated that he would like to include the recommendations and the list of the five modifications agreed upon by staff and the applicant as conditions in the motion for approval. His remaining concerns center on language in the agreement.

Perry Homes President Jeff Taylor said they feel reverting to the original plan with a few changes is the best way to address the requests to accommodate the wildlife corridor and their wishes. He expressed concern with staff comments regarding density transfers as they need the flexibility to move units as needed to retain their vested unit counts with the understanding that the Council will approve preliminary plats. They would like the design guidelines to be controlled by the MDA. He confirmed that the phasing map will need to be amended to account for density transfer.

Discussion ensued regarding the following:

- The location of the wildlife corridor;
- Relocations of roads within the project and relation to and connections with the adjacent properties;
- Legislation preventing cities from regulating single-family home design standards;
- Whether single-family design standards would be impacted by the amendment;
- Support of allowing density transfer to relocate higher-density product closer to transportation corridors but concerns with impacts on unit types, setbacks, and lot size reduction of permitting unlimited density transfers;
- Density transfer parameters and limitations to resolve concerns; and
- Which exhibits will be approved with the amendment.

City Attorney Marcus Draper clarified that the original MDA includes vesting for density and zoning but not design standards.

Mr. Mumford stated that the exhibits from the original 2011 MDA will be used except for amendments to show the property exchange and road changes. He explained that during the original approval, it was recognized that some of the areas in the plan slated for homes would not be developable due to terrain limitations. Full-density transfer would allow all those units to be relocated to buildable areas.

*Mayor Westmoreland opened the public hearing at 9:15 p.m.*

Bettina Cameron, speaking on behalf of the Eagle Mountain Nature and Wildlife Alliance, said they hope that a compromise can be reached and made recommendations regarding allowing the developer to have the flexibility to resolve concerns.

*Mayor Westmoreland closed the public hearing at 9:20 p.m.*

Discussion resumed regarding options to resolve concerns with density transfers resulting in a decrease in detached single-family units.

Mr. Mumford stated that a previous developer completed a portion of Hidden Valley Parkway and the original MDA required the widening of a portion of the road and dedication to the City. The developer inquired if the widening of the road was justified by the impacts of this project or whether it qualifies for impact fee funding. Should the Council decide to require the widening of the road to four lanes, the timing could be determined by a traffic study.

Councilmember Curtis requested the requirement that the developer be responsible for the widening of Hidden Valley Parkway as per the original agreement, and the removal of language referencing amended exhibits, Section 4 Design Guidelines, and Section 5 Improved Open Space and Trails.

Discussion clarified that language regarding maximum density had been relocated rather than removed from the MDA.

Mr. Taylor said he was amenable to requiring the number of approved single-family units to be built and widening the road, as long as there is flexibility to relocate units and a 10% maximum density transfer for each pod, and if the road improvements are not required at the beginning of the project.

Discussion ensued regarding previous bonus density standards requiring \$2,000 per acre amenity reimbursement and the property exchange acreage and wildlife corridor land.

Staff, Council, and the applicant reviewed and verified the list of the Council's desired changes to the MDA to be included in the motion for approval.

Councilmember Wright noted the staff recommendation to add language requiring a road to be installed through the City's parcel from Hidden Valley Parkway prior to any final plat approval, when required by Unified Fire Authority; the Council determined to include the requirement.

Councilmember Burnham stated that the involved parties worked hard on this project and staff and Councilmembers received criticism saying they did not care about the bike trails. Preserving the bike trails represents a lost opportunity of \$2,500,000 to \$5,000,000. She hopes the residents recognize that the Council does care about the bike trails and that the money could have been used elsewhere.

Councilmember Curtis echoed Councilmember Burnham's sentiments and said he feels like the project resulted in a compromise that is beneficial to both the City and the developer.

**MOTION:** *Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, approving the first amendment to the Lower Hidden Valley Master Development Plan with the following conditions:*

- 1. Approximately 1.5 acres with approximately 19-20 multiple-family units at 13 dwelling units per acre, shall be removed from Parcel R2 to accommodate the wildlife corridor. The areas shall be designated as open space/wildlife corridor on the master plan map and the dedication of the 1.5 acres to the City shall coincide with the recording of the first plat in that area;*
- 2. The remaining piece of Parcel R2 shall be added to the adjacent Parcel R3;*
- 3. Approximately 2-3 acres shall be removed from the northern portion of Parcel R6, at the top of the hill, with approximately 8 to 12 lots at four dwelling units per acre to accommodate the Creed Trail and preserve more of the hillside/ridge in that area. The final acreage and configuration shall be determined during the final plat review;*
- 4. The alignment of the stub road shall be shifted to connect to Pony Express Parkway in accordance with the City's updated Master Transportation Plan;*
- 5. The City shall sell Perry Homes up to eight acres on the southwest side of the City's parcel at a unit-for-unit rate. Thus, if the applicant were to remove 19 multifamily units and 8 single-family dwelling lots from a given location, then they can plan for 27 lots of single-family dwelling and cluster*

*homes to be placed in that location. Taking units from a denser area and then inserting that same number of units into the area proposed to be acquired from the City, but in a more spread-out form is the expected result.*

- 6. A separate agreement or contract for the exchange of up to 8 acres of City-owned property for 3.5 to 4.5 acres of applicant's property, as shown in the exhibits associated with the master plan and agreement amendments, shall be executed;*
- 7. The Master Development Agreement amendment shall be modified to reflect the existing Parks and Open Space Plan from 2011, rather than a modified plan; and*
- 8. The Master Development Agreement Amendment, as proposed, must also be adopted with changes as required by the City.*

*Councilmember Burnham seconded the motion.*

**AMENDED MOTION:** *Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, approving the first amendment to the Lower Hidden Valley Master Development Plan with the following conditions:*

- 1. Approximately 1.5 acres with approximately 19-20 multiple-family units at 13 dwelling units per acre, shall be removed from Parcel R2 to accommodate the wildlife corridor. The areas shall be designated as open space/wildlife corridor on the master plan map and the dedication of the 1.5 acres to the City shall coincide with the recording of the first plat in that area;*
- 2. The remaining piece of Parcel R2 shall be added to the adjacent Parcel R3;*
- 3. Approximately 2-3 acres shall be removed from the northern portion of Parcel R6, at the top of the hill, with approximately 8 to 12 lots at four dwelling units per acre to accommodate the Creed Trail and preserve more of the hillside/ridge in that area. The final acreage and configuration shall be determined during the final plat review;*
- 4. The alignment of the stub road shall be shifted to connect to Pony Express Parkway in accordance with the City's updated Master Transportation Plan;*
- 5. The City shall sell Perry Homes up to eight acres on the southwest side of the City's parcel at a unit-for-unit rate. Thus, if the applicant were to remove 19 multifamily units and 8 single-family dwelling lots from a given location, then they can plan for 27 lots of single-family dwelling and cluster homes to be placed in that location. Taking units from a denser area and then inserting that same number of units into the area proposed to be acquired from the City, but in a more spread-out form is the expected result.*
- 6. A separate agreement or contract for the exchange of up to 8 acres of City-owned property for 3.5 to 4.5 acres of applicant's property, as shown in the exhibits associated with the master plan and agreement amendments, shall be executed;*
- 7. The Master Development Agreement amendment shall be modified to reflect the existing Parks and Open Space Plan from 2011, rather than a modified plan;*

8. *The Master Development Agreement Amendment, as proposed, must also be adopted with changes as required by the City; and*
  9. *The approval shall include the Newly Proposed Lower Hidden Valley Master Plan, Open Space Plan and Land Exchange Exhibit identifying the parcel being sold by the City and shall exclude previous exhibits.*
- Councilmember Burnham seconded the motion.*

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

- 12.B. RESOLUTION - A Resolution of Eagle Mountain City, Utah, Approving the First Amendment to the Lower Hidden Valley Master Development Agreement.

**MOTION:** *Councilmember Gray moved to approve a resolution of Eagle Mountain City, Utah, approving the First Amendment to the Lower Hidden Valley Master Development Agreement with the following conditions:*

1. *Section 2.3 regarding density transfer shall be modified as follows:*
  - *Unit transfer from a single pod shall not exceed 10%,*
  - *The 398 total number of approved single-family units, 127 traditional, 271 cluster, and the additional 19 to 20 units in the exchange area shall not be decreased;*
  - *Single-family units moved from an area shall be relocated to another pod in the development;*
2. *Section 16.2 shall be amended:*
  - *To allow the timing of the four-lane widening on Hidden Valley Parkway to be based upon traffic studies,*
  - *The requirement for a collector road through the City's parcel shall be amended to include a traffic study "or when required by Unified Fire Authority;"*
3. *References to "amended exhibits" shall be removed and existing exhibits shall be used with minor modifications for the land exchange and road layout change;*
4. *Section 9 regarding Community Improvements shall be retained in the agreement;*
5. *Section 5 Improved Open Space and Trails shall be removed; and*
6. *Section 4 Design Guidelines shall revert to the original text while still allowing that the design guidelines shall control in case of conflict between City ordinances and design guidelines.*

*Councilmember Burnham seconded the motion.*

**AMENDED MOTION:** *Councilmember Gray moved to approve a resolution of Eagle Mountain City, Utah, approving the First Amendment to the Lower Hidden Valley Master Development Agreement with the following conditions:*

- 1. Section 2.3 regarding density transfer shall be modified as follows:*
    - Unit transfer to a single pod shall not exceed 10%,*
    - The 398 total number of approved single-family units, 127 traditional, 271 cluster, and the additional 19 to 20 units in the exchange area shall not be decreased;*
    - Single-family units moved from an area shall be relocated to another pod in the development;*
  - 2. Section 16.2 shall be amended:*
    - To allow the timing of the four-lane widening on Hidden Valley Parkway to be based upon traffic studies,*
    - The requirement for a collector road through the City's parcel shall be amended to include a traffic study "or when required by Unified Fire Authority;"*
  - 3. References to "amended exhibits" shall be removed and existing exhibits shall be used with minor modifications for the land exchange and road layout change;*
  - 4. Section 9 regarding Community Improvements shall be retained in the agreement;*
  - 5. Section 5 Improved Open Space and Trails shall be removed;*
  - 6. Section 4 Design Guidelines shall revert to the original text while still allowing that the design guidelines shall control in case of conflict between City ordinances and design guidelines; and*
  - 7. The applicant shall have limited flexibility in adjusting phase and pod lines.*
- Councilmember Burnham seconded the motion.*

Mr. Draper stated that he will send the revised agreement to the Councilmembers and the applicant to verify the changes were implemented as intended and approved prior to the document being signed by the Mayor.

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

*The meeting was recessed from 10:27 p.m. to 10:36 p.m.*

### **13. PORTERS CROSSING TOWN CENTER**

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

*This item was removed at the applicant's request and will not be discussed during the meeting.*

14. POLE CANYON

- 14.A. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the First Amendment to the Pole Canyon Master Development Plan (AKA Firefly).

*This item was removed at the applicant's request and will not be discussed during the meeting.*

15. ORDINANCES/PUBLIC HEARINGS

- 15.A. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 17.25 Residential Zones.

Councilmember Gray expressed concern that the proposed standards are too restrictive. He would prefer open space requirements rather than limiting the square footage of accessory structures.

Discussion ensued regarding the burden to residents and staff in calculating an open space requirement and whether to require an open space minimum or an accessory structure square footage maximum.

*Mayor Westmoreland opened the public hearing at 10:42 p.m.*

Bettina Cameron requested the standards clarify that a square footage maximum is based upon a cumulative total of all accessory structures. She is concerned that the size of structures that would be allowed will be too lenient of a standard and advocated for being proactive by enacting restrictions before potential issues arise.

Councilmember Love suggested requiring both a maximum, cumulative area for the accessory structures based upon a percentage size of the lot and an open space square footage minimum.

**MOTION:** *Councilmember Gray moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Chapter 17.25 Residential Zones directing staff to add an open space minimum to the standard recommendation to the amendment and to provide options for consideration of accessory structure size limitations and risks of omitting the requirement. Councilmember Curtis seconded the motion.*

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

- 15.B. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 15.10 Improvement and Design Standards and Chapter 15.70 General Specifications for Electrical Service.

Councilmember Curtis verified that rural areas would still be allowed to request streetlight standard exemptions.

*Mayor Westmoreland opened the public hearing at 10:54 p.m. As there were no comments, he closed the hearing.*

**MOTION:** *Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Chapter 15.10 Improvement and Design Standards and Chapter 15.70 General Specifications for Electrical Service. Councilmember Gray seconded the motion.*

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

## 16. CITY COUNCIL/MAYOR'S BUSINESS

### Councilmember Love

Councilmember Love advocated for the City to take steps in addition to filling sandbags to prepare for potential spring flooding due to runoff.

Mr. Jerome stated that staff is monitoring the ponds and washes and addressing areas as needed.

### Councilmember Curtis

Councilmember Curtis inquired regarding the legislative priorities task list.

Director of Administrative Services/City Recorder Fionnuala Kofoed explained that the task list will be the purview of the Director of Legislative Affairs and will be included on the agenda once the position is filled.

Councilmember Curtis said he was amenable to waiting and allowing the Director of Legislative Affairs to be responsible for implementation of the list.

## 17. CITY COUNCIL BOARD LIAISON REPORTS

### Councilmember Love

None.

### Councilmember Curtis

Councilmember Curtis announced that Alpine School District had implemented a remote learning day for February 22 due to weather and road conditions.

### Councilmember Burnham

Councilmember Burnham recognized the Youth Council for volunteering at Lifting Hands International Utah Warehouse in American Fork on President's Day.

### Councilmember Wright

None.

### Councilmember Gray

None.

## 18. COMMUNICATION ITEMS

18.A. Financial Report

18.B. Upcoming Agenda Items

## 19. ADJOURNMENT

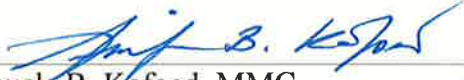
**MOTION:**        *Councilmember Gray moved to adjourn at 11:02 p.m. Councilmember Curtis seconded the motion.*

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

The meeting was adjourned at 11:02 p.m.

Approved by the City Council on March 7, 2023.

  
Fionnuala B. Kofoed, MMC  
City Recorder

