



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

February 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; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities/Operations Director; Tyler Maffitt, Communications Manager; Eric McDowell, Chief Deputy Sheriff; and Evan Berrett, Assistant to the City Administrator.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Brad Hickman, Parks and Recreation Director; Angela Valenzuela, Human Resource Manager; Michele Graves, Library Director; and Embret Fossum, UFA Battalion Chief.

Mayor Westmoreland called the meeting to order at 4:10 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

General

- Eagle Mountain is continuing to increase the capability of the City website and communications. The search bar functionality is being upgraded and the website provider will soon have it fully enabled.

Community Development

- Building Permits have been approved and/or issued recently for O'Reilly Auto Parts, Lakeside Gymnastics, Available Storage Phase 2, Summit Spa and Float, T-Mobile Tower Upgrade, and The Place at Parkway.
- Certificates of Occupancy have been issued recently for LBI Sat and the Brylee Farms Clubhouse.
- Work will begin on the Tickville Wash slopes in the SilverLake area. Representatives from several City departments have walked the wash with a wildlife consultant and a local bird expert and the developer will be preserving some important nesting habitat, providing new habitat by providing several new owl nesting boxes and tree plantings, improving the safety of the slopes, and redirecting the wash channel in several locations. The improvements will

include the use of some concrete pieces and rip rap (large rocks) to provide stabilization. A wildlife consultant/monitor will be on-site during the slope construction activities, ensuring the safety of the wildlife.

- The City has an open employment opportunity for an additional Planner.

Library

- The library will resume offering the Kids on the Move and Story Time programs and will modify as needed based on the number of participants.
- The total number of registered library users is 16,123.
- New user registrations from July 2021 to January 2022 were 1,163.

Economic Development

- Economic Development Master Plan: The current plan was compiled in 2009 by BYU MPA students. Due to the growth of the City, an updated plan to guide our efforts for the next 5 to 10 years is needed. Better City, Zions Public Finance, and Louis Young Robertson and Burningham responded to the City's request for proposals. Staff interviewed the three firms and has selected Zions Public Finance, Inc. to consult with the City for the new Economic Development Master Plan. The process will include workshops with the City Council as well as key stakeholders. The total contract amount is anticipated to be \$29,900, which is within the budgeted amount approved by the City Council for the Fiscal Year 2022 Budget of \$85,000 for economic development-related planning.
- Affordable Housing Plan: Due to the creation of several large community reinvestment areas in Eagle Mountain City, the Eagle Mountain Redevelopment Agency will receive funds that must be allocated towards housing. To best utilize these funds to the benefit of the City, staff felt it was wise to hire a consultant to research potential fund uses, gauge their effectiveness, and make recommendations on possible uses, based on allowable uses the City feels appropriate to use. Two firms responded to the request for proposals, Zions Public Finance and LYRB. After interviews, LYRB was selected to consult with the City in the creation of the affordable housing plan. The process will include workshops with the City Council as well as key stakeholders to collaborate on the plan. The total contract amount is anticipated to be \$14,880, which is within the budgeted amount approved by the City Council for the Fiscal Year 2022 Budget of \$85,000 for economic development-related planning.

Facilities/Fleet

- The City is examining solutions for employee workspaces issues; construction trailers, remodeling, and/or leasing space are all being explored.

Water

- The repair work on Tank 5 has been finished.
- Well 5 repairs are underway but have experienced challenges and obstacles.
- The City is working with Widdison, the well service repair company, to schedule a partial repair for Well 1.
- Progress is being made with Springbrook integration of Sensus and AMI meter reading system.
- Orders delay times for meters for new construction have shortened but continue.
- Work on the Consumer Confidence Report is ongoing.

Wastewater

- The City is finalizing logistics of the effluent disposal plan for construction use and is purchasing equipment to facilitate installation. This plan has been approved by the State.
- The wastewater office remodel is underway.
- Lone Tree lift station pump two has been rebuilt and the City is procuring bids to replace the section line.
- A biologist and engineering firm are assisting the City with investigating and resolving the Thiothrix bug issue.
- The fan press has been delayed due to shortages on gaskets; the City is waiting on an update from the manufacturer.
- Staff is working on a better polymer solution and have been running samples to improve dewatering.

Engineering

- Bobby Wren Blvd Traffic Light installation is expected to be completed by end of February.

Streets

- The streets and stormwater departments are currently working to increase the capacity and to install a concrete overflow tower on the stormwater detention pond in Arrival that flooded in August.
- Beginning at 8:00 p.m. tonight, Rocky Mountain Power will be closing one lane of the eastbound traffic on Pony Express Parkway in front of the 7-Eleven that is under construction; east of the Pony Express Parkway and Porters Crossing Parkway intersection. The work is required for a high voltage power box and will be finished before the morning commute.

1.B. PRESENTATION – IT Service Delivery Analysis

Economic Development Director Aaron Sanborn presented the item. At the October 5, 2021, City Council meeting, the Council approved an amendment to the current contract with Executech to transition to a service desk model. As a condition of approval, the Council directed staff to conduct an analysis into how to best provide information technology (IT) services to staff. The results of the study determined that the personnel costs for an in-house IT department, consisting of a manager and technician, would be between \$196,435 and \$274,190 annually. This model would increase the IT budget by approximately \$87,000 to \$165,000. The IT needs of Eagle Mountain City are not complicated enough to justify the need for this increase to a full IT department; however, hiring several part-time employees in selected areas could help to alleviate the pain points that some staff are experiencing.

Based upon the information collected, Mr. Sanborn recommended the following actions:

- Continuing with the current service delivery model of contraction for IT services;
- Exploring hiring a full-time employee who is focused on website development and maintenance and who could take on additional IT tasks if needed;
- Exploring hiring a part-time employee in the Library to take care of their specialized IT needs;

- Posting a request for proposals for contracted IT services to ensure the City is receiving the best pricing and service with consideration for cyber security; and
- Reexamining an in-house IT department in the event an internal police department is required, or if additional hours are needed on the current contract.

Mayor Westmoreland stated that based upon the findings presented, a hybrid approach might be the best solution for the City.

Mr. Sanborn stated that with the previous contract, the City was 15 to 20 hours over the contracted hours for service desk assistance. The current utilization of 30 hours per month was the amount anticipated based upon the City's IT needs. As the City grows, the number of service desk hours is expected to increase; however, he does not foresee the City exceeding the services in the near future. The contract with Executech is considered month to month, but the City examines the terms annually.

Councilmember Love expressed support of the scalability of the current system and the ability of the IT support staff to remotely address most issues.

Councilmember Curtis stated his support for Mr. Sanborn's recommendations for the next steps.

1.C. UPDATE – Upcoming Planning Items

Senior Planner Tayler Jensen presented the item. Upcoming Planning items include the 211-lot preliminary plat for Founder's Square Phase A (previously known as Ault Farms), a rezone request to the Regional Technology and Industry Overlay Zone for the Eagle Mountain Data Campus development with a concept plan for a potential data center, and a site plan for a Wendy's restaurant and a pad site review for three retail buildings and one drive-through restaurant located within the Marketplace project in City Center.

2. AGENDA REVIEW

9. BID AWARDS

9.B. BID AWARD – 2021 CDB Yard Improvement Project - B Logic Construction

Fleet and Facilities/Operations Director Jeff Weber presented the item. He explained the bid award is for an 80-foot by 80-foot steel parking structure with concrete flooring located at the Community Development Building to house snowplows and other equipment. A larger expense is running utilities to the building. The plan was for the full yard; however, the cost was prohibitive as the price has increased by 30% since the purchase of the building. The cost covers the construction of the building, the concrete, and utilities. The \$25,000 winter conditions provision in the contract is to account for precipitation that prevents pouring concrete or requires concrete blankets to protect the site. The cost will only be included if needed due to weather conditions.

City Engineer Chris Trusty explained that Schedule A is for the site work and Schedule B is for erecting the building and each cost includes the mobilization, bonding, and permitting costs for the associated portion of the project.

11. PRELIMINARY PLATS & SITE PLANS

11.A. PRELIMINARY PLAT – Pinnacles Phase A

Councilmember Love inquired whether the access alignment issues have been addressed.

Mr. Jensen explained that the number of units in the project match the numbers in the approved master development agreement and the accesses have been aligned. Parcel C is a sewer easement in favor of the City for a lift station.

12. ORDINANCES/PUBLIC HEARINGS

12.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 6.10 Animal Zoning Regulations.

Mr. Jensen presented the item. The amendment removes the references to the Airpark Zone; amends the residential livestock requirements table by adding a column for 1 to 1.99 acres, reduces the number of pigs and buffalo allowed; excludes counting offspring towards the table maximums until they are weaned, weaned animals under a year are calculated as one-half an adult animal, and any exceptions to the standards, including miniature breeds, would be addressed through a conditional use permit.

Councilmember Love explained that the pigs and buffalo had been removed because the setback requirements do not allow those animals to be housed on lots under three acres. The 150-foot setback was reduced to 100-feet to be more feasible, and the fenced animal area was made consistent with the requirements for other large animals.

Councilmember Burnham expressed concern that the number of residents not compliant with the standards is a possible indication that the standards needed further consideration.

Councilmember Curtis agreed with compliance concerns, especially with the lack of adherence to the setback fencing requirements and with having standards not generally adhered to that limit property utilization or that are in conflict such as with the table including pigs and buffalo as allowed on lots with insufficient acreage to meet the setback standards. He expressed concern with taking away property rights while recognizing the need to mitigate negative impacts from conflicting uses.

Councilmember Love said that she has been hesitant to amend setbacks due to concerns from residents who are unable to fully utilize their properties because of neighbors with animals. However, due to the realities of how properties are being used and the location of existing fences,

adjusting the setbacks might be a necessity. She recommended the City post a notice indicating the Council's intention to adjust setback requirements.

Discussion ensued regarding requiring feeding areas to be placed in locations that encourage animal congregation away from the property line and possibly basing the setback from the animal feeding and sheltering areas.

Councilmember Wright stated that he has determined that the City desires to maintain animal rights without expanding or reducing them and feels the best course is the clarification of desired standards.

Discussion ensued regarding potentially tabling the item to amend the setback standards and to allow residents to provide input on setback standards.

12.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits Regarding Individual Monument Signs.

Mr. Jensen presented the item. The applicant-proposed amendment would allow individual monument signs to be placed up to 7.5 feet into the public right-of-way and would reduce the requirement for a two-foot pedestal/base to one foot.

Councilmember Curtis stated that he would be willing to consider the change for a specific project rather than amending the standards. He would only be in favor of permitting a sign in the right-of-way if there are extenuating circumstances rather than creating a mechanism for any business to apply to have a sign in the right-of-way.

Councilmember Burnham explained that the request is specific to a 7-Eleven sign and that the Planning Commission agreed with Councilmember Curtis.

Councilmember Wright noted that during the Planning Commission discussion, it was determined that the recent sign standard change would permit their standard-sized signs to be placed on a two-foot base voiding the need for the pedestal reduction to one-foot. He agreed with Councilmember Curtis regarding signs in the right-of-way.

Councilmember Love concurred that the increase in sign height with the recent Municipal Code amendment will allow the applicant to use their standard sign.

Assistant City Administrator/Community Development Steve Mumford clarified that community entrance signs are permitted in the right-of-way with approval of the City Council.

Mr. Jensen stated that most businesses request a sign in the right-of-way and, per current standards, staff denies the requests.

Discussion ensued regarding language and mechanisms to allow requests for right-of-way signage for extenuating circumstances while discouraging requests that would be denied.

Mr. Jensen explained the reason for this request to locate the sign in the right-of-way is due to obstructions from berms and electrical boxes and visibility concerns due to the sign being set back from the road.

13. RESOLUTIONS

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

Mayor Westmoreland recommended the Council table the item to provide sufficient time and consideration of the item. He stated that although the item does not have a public hearing, public comments regarding the item will be entertained during policy session public comment.

Councilmember Curtis concurred with tabling the item.

Assistant to the City Administrator Evan Berrett explained the cost benefits of conservation including reducing the demand on the system and infrastructure and the need for additional water purchases. He is unaware of any other city in Utah that gives lower rates to larger properties. He reviewed the water usage by lot size and the tendency for large-lot owners to install turf on only a portion of their property.

Discussion ensued regarding whether to have rates based upon lot size, water usage comparisons between a single large lot and the same acreage divided into smaller lots, promoting lower water usage through encouraging large lot developments, and proportionally encouraging conservation by residents.

Mayor Westmoreland noted that there are other ways to incentivize water reduction, such as through waterwise landscape. He desires the City to be responsible with water while having the cost to the residents equal the cost incurred by the City to provide water. The City strives to keep water rates as low as possible and supports agricultural uses. He is against controlling or dictating residents' water usage.

Councilmember Burnham recognized the benefits of promoting water conservation to keep costs low; nevertheless, she expressed concern for families with tight budgets. She requested the Council consider having the base rate include 10,000 gallons of water.

Mr. Berrett explained that other cities view a survival rate of water as a service that should be provided and include 3,000 to 10,000 gallons with the base rate cost. Rates will depend on how aggressive the City desires to be in increasing the reserve fund balance.

Councilmember Curtis expressed concern with the subsidization burden to other residents should a minimum amount of water be included with the base rate.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:13 p.m.

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

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

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; 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; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities/Operations Director; Tyler Maffitt, Communications Manager; and Embret Fossum, UFA Battalion Chief.

4. CALL TO ORDER

Mayor Pro Tempore Love called the meeting to order at 7:07 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Curtis led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Eagle Mountain City is now providing information on the City website pertaining to proposed changes to water rates, sewer rates, and stormwater rates. Residents can learn more by visiting eaglemountaincity.com/rate-change-information/.
- Eagle Mountain is remembering the life of Sgt. Cory B. Wride, who died in the line of duty on January 30, 2014. The City remembers his sacrifice and honors his service with remembrance. We are thinking of him and his family.
- Residents should be aware of Free Fare February. The Utah Transit Authority (UTA) is offering free service on their Bus, TRAX, FrontRunner, S-Line Streetcar, Ski Bus, and UTA On Demand services.
- February marks Black History Month. This annual observance, running through the end of this month, encourages Americans to learn more about the history of African Americans and recognizes the contributions and sacrifices of Black Americans throughout the history of the United States and the world.

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

7. PUBLIC COMMENTS

Mayor Pro Tempore Love opened public comment at 7:10 p.m.

Peggy Hunziker spoke regarding concerns with White Hills sewer services and submitted a letter to the Council.

Bruno Hunziker said due to the elevation of their home, their water pressure is lower than required. He expressed concern with the utility rate increases due to inflation and other rising costs. He expressed frustration with the construction delays with the White Hills sewer system and parks.

Bettina Cameron stated that Cedar Pass Ranch residents pay for sewer even though they are not connected to the sewer system. She said that Cedar Pass Ranch residents were required to surrender their water rights in order to build in the City and that in return, they were given reduced water rates. To support agriculture and livestock, she feels the larger lots should have lower rates.

City Administrator Paul Jerome clarified that the rate study began prior to the election and was communicated in public meetings. A storage tank will be installed in White Hills which should assist with water pressure issues.

Public Utilities Manager Mack Straw stated that the water pressure in White Hills currently exceeds the State requirements.

Councilmember Curtis noted that the utility rates need to increase out of necessity because they have not increased in 20 years.

Councilmember Burnham explained that the sewer rates will be equalized across the City which will reduce the sewer costs for White Hills residents.

Mayor Pro Tempore Love closed public comment at 7:24 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis

None.

Councilmember Burnham

Councilmember Burnham thanked the public for their attendance and involvement. She will have the resident recognition calendar prepared in time for the next meeting.

Mayor Pro Tempore Love

Mayor Pro Tempore Love thanked the residents for attending the meeting. She beseeched the residents to have patience with the Council as they strive to balance property rights and animal rights.

Councilmember Wright

Councilmember Wright welcomed the public. He recognized the Sheriff's Department for the work they do to protect and serve residents as well as their and their families' sacrifice. He recognizes the eighth anniversary of the loss of Sergeant Cory B. Wride. A five-week Ham radio class will be offered by Be Ready Eagle Mountain beginning on March 3rd. More information can be found on the Be Ready Eagle Mountain Facebook page.

Councilmember Gray

Councilmember Gray expressed his appreciation to the Sheriff's Department for protecting and serving the public and recognized Sergeant Wride.

CONSENT AGENDA

9. BID AWARDS

9.A. BID AWARD – 2022 Eagle Mountain Crack Seal Project – Superior Asphalt

9.B. BID AWARD – 2021 CDB Yard Improvement Project – B Logic Construction

10. MINUTES

10.A. January 18, 2022 – Regular City Council Meeting

11. PRELIMINARY PLATS & SITE PLANS

11.A. PRELIMINARY PLAT – Pinnacles Phase A

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

SCHEDULED ITEMS

12. ORDINANCES/PUBLIC HEARINGS

12.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 6.10 Animal Zoning Regulations.

Senior Planner Tayler Jensen reviewed the item as presented during work session.

Mayor Pro Tempore Love reviewed what was presented during the work session and recommended tabling the item to allow additional time to address setbacks.

Councilmember Gray stated that he would prefer to keep pigs as an allowed use in lots under three acres and adjust the setback standards to accommodate them; the current setbacks are not being adhered to and are not realistic. Building setbacks in other areas in Municipal Code should be retained.

Councilmember Curtis expressed concern with setback requirements that prohibit people from fully utilizing their property and said it would be more appropriate for setbacks to be based upon the animal shelter or feeding area.

Councilmember Wright said that although he is personally neutral on animal issues, he desires to protect and preserve animal rights, including pigs and buffalo on smaller lots. He feels the setback standards are unclear and confusing and need to be clarified and amended to allow full use of the property to prevent infringing on property rights. He is hopeful that conflicts can be addressed through the nuisance code. Offspring and miniature animal counts and the definition of miniature animals also need to be addressed. He expressed concern in counting miniatures as a half-animal due to the variance in the size of miniature breeds and stated miniatures should be required to be half the size of a regular animal to be counted as half a full-sized animal.

Councilmember Burnham agreed with Councilmember Wright. The square footage requirement for animals should be examined as they differ from animal housing recommendations. The standards have always been meant to be cumulative and were addressed with the fencing requirements; however, fencing requirements need to be practical and reasonable.

Discussion ensued regarding whether the available fenced area per animal should be changed to the available area per animal.

Mayor Pro Tempore Love opened the public hearing at 7:50 p.m.

Susan Morandy, David Curneal, Woodruff Berry, Jim Smith, Brent Strong, Kelli Riem, Jody Hooley, Weston Berry, Sam Potter, Rob Pearlson, and Sheldon Wells spoke in favor of protecting residents' animal rights.

Bettina Cameron encouraged the City to research setbacks and animal programs in other cities and to make conditional permits easier to apply for to address unique situations as she feels it is the City's responsibility to resolve animal issues through clear, enforceable standards when neighbors are unable to resolve conflicts.

John Hubbard requested the City address the cumulative impact of animals and setbacks, and to balance residents' rights through nuisance enforcement. He expressed concern with allowing animals that are not yet weaned to count as half an animal.

Erin Wells submitted an email concerning the current setbacks standards with suggestions for potential setback amendments.

Mayor Pro Tempore Love closed the public hearing at 8:19 p.m.

Mayor Pro Tempore Love recommended tabling the item and assigning two Councilmembers to work with staff to amend the standards.

The Councilmembers discussed concerns and determined to consider the following changes and other amendments as deemed appropriate at a future meeting:

- Table 6.10.090 - Residential Zone Livestock Requirements to read:
 - Max number allowed on lots columns:
 - Column #1 – to allow 2 pigs on 1/2 to .99 acre lots.
 - Column #2 – to allow 2 buffalo and 4 pigs on lots 1 - 1.99 acre lots.
 - Column #3 – to remain as represented in the redline presented in the packet.
 - Column #4 – be adjusted to read 3 acres or more in the header.
 - Available fenced area per animal column – be amended to replace “s.f.” in the Cattle, Donkey, Llama, Emu/Ostrich, Sheep/Goat, and Pig (all kinds) rows with “s.f. per animal,” with the intention to make further adjustments to the column during the next meeting.
 - Setback from residence or other periodically inhabited building column – to remain as presented in the packet with the intention for the standards to be amended during the next meeting.
 - Minimum Lot Size column – the buffalo row amended to one acre and the pigs (all kinds) row amended to ½ acre.
- Remove the redline verbiage “including miniature breeds, etc.,” from the asterisk footnote.
- Add language that allows for animals that are clearly ½ size or smaller than an average representative of each animal type as determined by a reasonable person to be permitted to count as a ½ animal unit as shown in table 16.10.090, including offspring.
- Remove “An animal’s offspring shall not be counted against the maximum number of animals until weaned. Upon completing of weaning an animal’s offspring shall be considered ½ of a unit until they are 1 year old,” from EMMC 16.10.090 Definitions.
- Amend the double-asterisk footnote to read “2 Horses/Mules allowed on ½ acre + properties *within* the Equine Overlay Zone.”
- All other redline and numerical changes as recommended by staff.

MOTION: *Councilmember Wright moved to table an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Chapter 6.10 Animal Zoning Regulations with direction to staff to make changes as discussed and bring the item to a future meeting. 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.*

Mayor Pro Tempore Love assigned Councilmembers Wright and Burnham to work with staff on the amendments to be discussed during a future meeting.

12.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits Regarding Individual Monument Signs.

Mr. Jensen reviewed the item as presented during work session. The Planning Commission recommended denial of the proposed Municipal Code change with a vote of 5 to 0.

Discussion ensued regarding a potential future amendment to create a mechanism to request exemptions to sign standards in extenuating circumstances.

Assistant City Administrator/Community Development Director Steve Mumford cited EMMC 17.80.060(C), “Unless authorized by specific written agreement with the city, no sign shall be placed in or extend over any public right-of-way except traffic control signs, signs described in this chapter, city events or notices and public notices placed by public agencies.” He stated the text implies that an applicant could have an agreement with the City to permit a sign in the right-of-way. The City has allowed signs in the right-of-way previously; however, Municipal Code excludes criteria for requests for right-of-way signage. Staff can draft standards to provide a mechanism for applications.

Mayor Pro Tempore Love opened the public hearing at 9:19 p.m. As there were no comments, she closed the hearing.

Applicant representative Michelle Hoffman said the request is due to obstacles that would obstruct a sign placed on their property and impede visibility.

Discussion ensued regarding drafting possible agreement structure standards requiring Council approval, the qualifying criteria to request right-of-way signage, and current right-of-way signage.

MOTION: *Councilmember Burnham moved to deny an ordinance of Eagle Mountain City, Utah approving an amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits regarding individual monument signs. 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.*

13. RESOLUTIONS

13.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 item. The proposed changes are being brought to the City Council at this time due to the state of the water fund. Staff estimates that with no changes, the water fund balance will be depleted by Fiscal Year (FY) 2024. The current rates were set in 2010 and the tiers make little to no impact for 96% of residents. U.S. water and wastewater rates increase 4.9% on average each year. As the City expands and ages, the growing cost to maintain infrastructure outpaces the new revenues from additional customers. The cost of water also increases over time, and operational costs increase due to inflation, among other reasons.

Mr. Berrett noted that current tiers greatly overestimate actual water use and do not encourage conservation. Eagle Mountain is one of two test cities for the Utah State University LiDar Imagery used to classify landscapes and determine actual water needs for properties compared to usage. The data collected indicated that many Eagle Mountain residents are watering their lawns nearly three times as much as they need to be. Utah Code 73-10-32.5 requires water rate structures with the intent to improve water conservation.

Because the City did not implement a 1.5% annual increase to meet rising costs, residents will now see a larger increase. Projected increased operational costs and the costs of obtaining water will require future rate increases every three years at a minimum. Two water rate solutions ultimately received in-depth analysis. The first solution was to modify the rates but maintain the tier structure resulting in an average increase to rates of approximately 25% with 3% annual increases until FY 2032. The second solution is to modify both the rates and the tier structures, resulting in an average increase to rates of approximately 28% with a 3% annual increase until FY 2032. Each solution would maintain the separate residential rates for lots smaller or larger than 0.5 acre. The second solution modifies the tier structures for each customer class to match the actual usage better, increases conservation incentives, and recovers the fund balance faster. Either option results in an immediate increase in usage rate and a base rate increase of \$5.50, decreasing in FY 2026 by \$2.00. Commercial and institutional uses would also have tier rate adjustments to better reflect usage to be more effective with conservation. Industrial rates will be increased to a set uniform rate which is common for other cities with various industries including data centers, depending upon the amount of conservation pressure desired by the Council.

Discussion ensued regarding the following items:

- The necessity to raise water rates;
- The impact of the water reserve fund on the City's ability to bond;
- The plans to regularly review the rates to ensure they are appropriate and sufficient;
- State water conservation requirements;
- The amount of conservation incentivization the Council feels is appropriate for residential and nonresidential uses;
- The inability of the City to address water issues through slowing residential growth with consideration of the housing shortage;
- Offering lower rates for larger lots to encourage large lot development and water usage reduction per acre; and
- Ensuring that rates are proportional to prevent users from subsidizing the rates of other types of use.

Mayor Pro Tempore Love expressed her support for the rate and tier modification with a 4% increase due to considerations of the water fund reserve.

Councilmembers Wright, Gray, and Curtis expressed their preference for the rate modification option maintaining the current tier system as long as it will not negatively impact the City's ability to bond.

Councilmember Curtis stated that residents can contact Utah State University for guidance on the proper amount of water needed for their lawns. Mr. Berrett said the library has lawn water kits available for residents to check their watering level needs.

Mr. Berrett explained that the sewer rates are still in review and will be presented at a future meeting. The Storm Water fund has struggled for some time. Fund transfers from Solid Waste have been insufficient to keep the fund stable, and transfers will soon no longer be a possibility. To achieve sufficient ongoing revenue to meet fund balance goals, the stormwater rate would need to increase from \$5.00 to \$8.25 per equivalent residential unit, a 65% increase. Raising the rate as indicated would hold the fund balance steady for five to six fiscal years; around FY 2028 the fund balance would begin to grow and potentially meet the reserve fund balance need. The Solid Waste fund does not currently need to be altered. However, expenses will exceed revenues around FY 2030, and rates will likely need to be changed at that time.

MOTION: *Councilmember Wright moved to table a resolution of Eagle Mountain, City, Utah, amending the Consolidated Fee Schedule for water, sewer, and stormwater rates. 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.*

14. CITY COUNCIL/MAYOR'S BUSINESS

None.

15. CITY COUNCIL BOARD LIAISON REPORTS

Mayor Pro Tempore Love

Mayor Pro Tempore Love announced that the Eagle Mountain Chamber of Commerce has an opening for a director. The Cemetery Advisory Board has a vacancy.

Councilmember Curtis

Councilmember Curtis requested the Park and Recreation Department and Advisory Board evaluate the City's soccer contract to ensure the program is meeting resident needs and to explore other options.

Councilmember Wright

Councilmember Wright noted the Parks and Recreation Advisory Board is currently evaluating the City's soccer program. He said the Parks and Recreation Advisory Board has two vacant positions.

Councilmember Gray

Councilmember Gray noted that the Youth Council visited the capital for a State legislative session. He commended the Parks and Recreation Advisory Board for their efforts involving the dog park.

Councilmember Burnham

Councilmember Burnham noted the Senior Citizen Advisory Board has a vacancy.

16. COMMUNICATION ITEMS

16.A. Financial Report

16.B. Upcoming Agenda Items

17. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn the meeting at 10:31 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 10:31 p.m.

Approved by the City Council on February 15, 2022.



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

